

Formaldehyde Emission Standards for Composite Wood Products – Updates –

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Agenda

- TSCA Title VI Background
- Compliance Timeline
- Status of the Proposed Rule on Technical Issues (final soon)
- TSCA Section 13 Import Certification
- Resources
- Questions & Answers



TSCA Title VI Background

- TSCA Title VI requires that composite wood products be tested and certified, ensuring only compliant products enter the product supply chain.
- Composite wood products must be certified to meet emissions standards by an EPA-recognized third-party certifier (i.e., EPA TSCA Title VI TPC).
- The three composite wood products affected under TSCA Title VI are:
 - Hardwood Plywood
 - Medium-Density Fiberboard (MDF), including thin MDF
 - Particleboard
- The regulation also applies to component parts and finished goods fabricated using composite wood products.
- The regulation also includes recordkeeping, reporting, and labeling provisions.
- The final rule is available in the Federal Register under 40 CFR Part 770 and posted online at <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=d679100be7cffabbef056d61862c3fa9&mc=true&n=pt40.34.770&r=PART&ty=HTML>.



TSCA Title VI Compliance Timeline

- The final rule became effective on May 22, 2017.
- As of June 1, 2018, composite wood products (manufactured in or imported into the U.S.) had to be certified as compliant with emission standards by a CARB approved and EPA-recognized Third-Party Certifier (TPC).
- Until March 22, 2019, regulated products were allowed to be labelled as compliant with the TSCA Title VI or CARB ATCM Phase II emission standards.
- After March 22, 2019, products must be labeled as TSCA Title VI compliant.
- Beginning March 22, 2019, TSCA Section 13 import certification is required upon import into the customs territory of the U.S.
- Beginning March 22, 2024, non-exempt laminated products become hardwood plywood and must comply with panel producer requirements.



Proposed Rule on Technical Issues

- November 1, 2018 - Notice of Proposed Rulemaking: *Technical Issues - Formaldehyde Emission Standards for Composite Wood*; <https://www.federalregister.gov/documents/2018/11/01/2018-23592/technical-issues-formaldehyde-emission-standards-for-composite-wood-products>
- EPA proposed to address several technical issues and clarify some implementation questions raised since final rule publication.
- Most commenters supported the rule as proposed.
- Goal is to publish a final rule soon.



Proposed Rule on Technical Issues

- Proposed/Final Rule addresses the following Technical and Other Issues:
 - Annual Correlations Between TPC's Chamber and the Mill QC Chamber
 - Equivalence on Like Size or Similar Model Chambers at TPC Lab and Mill
 - Averaging of Emission Test Results from Quarterly Testing
 - Testing Emission Ranges (Aligning with CARB)
 - Allowing for Equivalence Only if Mill uses TPC to Conduct all Testing
 - Updating Correlational Coefficients and "r" Value Alternatives
 - Notification of Exceedance of Quality Control Limit
 - NAF and ULEF Exemption Testing Requirements
 - Updating to the ISO 17025-2017 and 17011-2017 Standards
 - Updating Text in the Non-Complying Lot Provisions (issue previously addressed in an FAQ)
 - Clarifying that labels on compliant products are required at time of import into the U.S.



TSCA Section 13 Import Certification Statement

- TSCA Section 13 Import Certification began [March 22, 2019](#)
- Certification occurs during the import filing process within CBP's Automated Commercial Environment (ACE).
- TSCA Section 13 import certification statement: *"I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder"*.
- The TSCA Title VI import certification does not apply to chemicals otherwise regulated under TSCA which may be present in those imported composite wood product articles.
- TSCA Title VI does not have a negative certification statement. If TSCA Title VI does not apply to your shipment, use a disclaim code "A" in ACE.



TSCA Section 13 Import Certification

- EPA worked with Customs & Border Protection (CBP) to identify likely Harmonized Tariff Schedule Codes (HTS) for imported goods that may contain TSCA Title VI regulated composite wood products.
- HTS codes will aid importers in determining if their imported goods need to be certified as TSCA Title VI compliant.
 - Importer will enter the HTS code when filing in the Customs Automated Commercial Environment (electronic database).
 - Importer will then either certify (EP4 code) or enter a disclaim code “A” indicating the imported good is not subject to TSCA Title VI.
- CBP sent a Cargo Systems Messaging Service update February 22; updated the CBP and Trade Automated Interface Environment Requirements (CATAIR); sent an importer filing “tip sheet” February 26 (<https://www.cbp.gov/document/publications/ace-tips-filing-epa-tsca>).



How do I know if my imported article is regulated under TSCA Title VI and requires TSCA Section 13 Import Certification?

- The TSCA Title VI import certification applies to regulated composite wood products (i.e., panels of hardwood plywood veneer core and composite core, medium density fiberboard, thin-medium density fiberboard, and particleboard), component parts containing those composite wood products (e.g., parts to assemble a desk, etc.), and finished goods containing those composite wood products (e.g., picture frames, furniture, wooden toys, etc.).
- Regulated composite wood panels and finished goods will have a label on each piece, any bundle/box or packaging, identifying that the products are TSCA Title VI compliant.
Note: Labels must be left intact.
- Importers should work with their import broker or other import specialist to determine if their product is covered by a CBP flagged HTS code.
- Specific questions regarding the regulatory status of an imported article, and related required documentation, should be directed to the supplier of the imported good.



TSCA Title VI Importer Responsibilities

- Importers must retain for 3 years bills of lading, invoices, or comparable documents which include a written statement from the supplier that the composite wood products, component parts, or finished goods are TSCA Title VI compliant.
 - Beginning March 22, 2019, regulated products must be TSCA Title VI compliant because the CARB reciprocity period ended (CARB only labels are not acceptable).
- Beginning March 22, 2019, importers are responsible for providing a TSCA Section 13 import certification for regulated composite wood products, component parts, or finished goods containing such products that are imported into the customs territory of the U.S.
- Upon request from EPA, importers must make available to EPA within 30 calendar days records that document compliance, as outlined in 40 CFR section 770.30(b).
 - Records must identify the panel producer and the date the composite wood products were produced, and
 - Records identifying the supplier, if different, and the date the composite wood products, component parts, or finished goods were produced.



Most Common Fabricator Questions

- How must my finished goods be labeled?
 - Label each individual finished good, or every box/bundle/package
 - Can apply label as stamp, tag or sticker
 - Must be in English with: fabricator name (or downstream entity), production date (month/yr), statement “TSCA Title VI compliant”
- What is the de minimis amount of regulated composite wood product in my finished good and must it be labeled?
 - Does not exceed 144 sq in. of regulated composite wood product
 - Finished goods that meet de minimis requirement do not require a label, but all other 40 CFR section 770 requirements apply (e.g., must be made with compliant composite wood, recordkeeping, etc.)
- What records are required for finished goods?
 - Obtain bills of lading, invoices, or comparable documents from suppliers that contains a statement that the material is TSCA title VI compliant
 - Retain all records for 3 years



Compliance Assistance Resources

EPA Resources

- Agency's formaldehyde homepage - <https://www.epa.gov/formaldehyde>
- Frequently Asked Questions - <https://www.epa.gov/formaldehyde/resources-and-guidance-materials-translations-formaldehyde-emission-standards-composite#questionsandanswers>
- TSCA Hotline - tsca-hotline@epa.gov or 202-554-1404



Compliance Assistance Resources

CBP Resources

- CBP Filing Tips Sheet - <https://www.cbp.gov/document/publications/ace-tips-filing-epa-tsca>
- ACE/Section 13 Import Certification Webinars - <https://www.cbp.gov/trade/stakeholder-engagement/webinars>
- CATAIR - <https://www.cbp.gov/trade/ace/catair>
- Supplemental Guide (EPA) to the CATAIR - <https://www.cbp.gov/document/forms/epa-supplemental-catair-guidelines>



For More Information



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Visit EPA's website for information and updates:
<http://www.epa.gov/formaldehyde>.