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Title: Comments for consideration during the CARB public workshop regarding the proposed amendments to ARB's Airborne Toxic Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products" on Nov. 20th 2013

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Remarks by Georg Oberdorfer, CETPC secretary:
The enclosed comments address general issues of the TPC program which CETPC asks ARB to kindly take into consideration in the rule-making process.



Introduction

CETPC's history and aim

CETPC was established in 2009 as a self-governing, voluntary group of CARB-approved European Third Party Certifiers (TPCs) as a result of an initiative of Mr. Harald Schwab (WKI) with the aim to elaborate common positions for implementing the tasks and responsibilities of TPCs under the CARB ATCM on the basis of a regular exchange.

CETPC's members

Currently all 16 European CARB TPCs are members of CETPC. European CARB TPCs are unique in that they all have a strong focus on wood-based products and a long history in serving the wood composites industry in different countries. Many CETPC members accrued a wealth of experience in formaldehyde emission testing over a period of 3 or even 4 decades.

How CETPC operates

In addition to facilitating regular exchange among its members CETPC organizes and analyzes interlaboratory comparison tests to allow its members to benchmark and improve their testing services. CETPC also provides a platform for stakeholders (panel manufacturers, industry associations, retailers etc.) to discuss the CARB ATCM and relevant developments.

CETPC does not pursue any business interests. All financial expenses incurred by the individual members arising from their involvement in CETPC (e.g. time, travel costs, testing fees) are covered by the individual members themselves. CETPC focuses entirely on technical issues and no CETPC activities may be in conflict with antitrust regulations. CETPC operates on the basis of written "Rules of Procedure" which can be requested by interested parties from the CETPC secretary.

In conclusion

European CARB-approved TPCs established in 2009 a unique voluntary group which through experts and laboratory staff of its members has in total invested thousands of hours in manpower and some US \$ 200.000 in travel and testing expenses to correctly implement, harmonize and improve certification and testing under the CARB ATCM. CETPC and its members are committed to working with regulators and industry on the implementation of the TPC program under the CARB ATCM and TSCA Title VI.

Contact information

www.cetpc.org with general information and links to all CETPC members

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Motivation

CETPC appreciates the opportunity to contribute to this CARB workshop. CETPC strongly supports CARB and EPA in their efforts to build a uniform/compatible, reliable and globally applicable certification program which simultaneously satisfies the requirements of the CARB ATCM and TSCA Title VI. The comments given below as well as comments submitted by CETPC to EPA on EPA's draft TPC rule¹ are submitted by CETPC in a sincere effort to strengthen the proposed certification program. We hope to continue our intense and productive exchange with CARB and all parties involved.

1. Basis for the TPC program

In line with international conformity assessment systems we strongly advocate the mutual recognition agreements and arrangements of ILAC² and IAF³ as well as international consensus standards (e.g. principles of ISO 17067⁴) as a basis for the certification program.

2. Primary qualifications for TPCs

With respect to the qualifications which a prospective certifier has to demonstrate during the TPC approval process we are in support of the system established in the current CARB ATCM. Thus TPC qualifications should rest primarily on the following three pillars:

1. accreditation according to international consensus standards e.g. ISO 17025⁵ for laboratories and ISO 17065⁶ for TPCs
2. accreditation by an internationally recognized accreditation body (ABs) signatory to ILAC/IAF agreement/arrangement
3. experience and technical know-how in the field of wood composites

3. Administration of the approval process

With respect to the TPC approval process itself CETPC again supports the system established under the current ATCM. The approval process should be administrated directly by the respective government agency taking into consideration certificates and documents issued by ILAC/IAF ABs on the basis of ISO 17011⁷. The approval process should be entirely separate from an accreditation process both in wording as well as in the actual procedure. ILAC/IAF ABs are globally recognized to be competent and trustworthy in the field of accreditations and should not be required to seek recognition under the TPC program.

¹ CETPC comments on the EPA draft TPC rule can be downloaded at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2011-0380-0109>

² www.ilac.org/ilacarrangement.html

³ http://www.iaf.nu/articles/IAF_MLA/14

⁴ ISO/IEC 17067:2013 Conformity assessment -- Fundamentals of product certification and guidelines for product certification schemes

⁵ ISO/IEC 17025:2005 General requirements for the competence of testing and calibration laboratories

⁶ ISO/IEC 17065:2012 Conformity assessment -- Requirements for bodies certifying products, processes and services

⁷ ISO/IEC 17011:2005 Conformity assessment -- General requirements for accreditation bodies accrediting conformity assessment bodies



4. Administration of the TPC program

On the basis of the experience from working under the CARB ATCM for the past 5 years we would like to stress the importance of the administration of the TPC program directly by the respective government body. Thus also in the future all communication, reporting, instructions, bulletins, questions etc. should be exchanged directed between CARB (or the relevant body) and the TPCs. ABs should not be required to perform any administrative and/or oversight tasks under a modified ATCM. Direct communication between TPCs and the respective government body on certification issues is absolutely essential to enable TPCs to perform certification tasks in a correct, uniform and timely manner.

5. Specification of quality assurance requirements and requirements for TPCs

CETPC is of the opinion that the requirements regarding quality assurance and certification should be laid down in the amended CARB ATCM and the final EPA rule in detail. Very detailed guidelines which have to be applied by manufacturers and TPCs can be based on the annex 2 and 3 of the current CARB ATCM and on the extensive experience from the past 5 years of CARB certification which is at least in part captured in CARB's TPC bulletin, TPC guidelines and FAQs. While we appreciate the trust in the competence of TPCs to assess individual situations precise guidelines should be laid down for general matters whenever possible and whenever sensible in order to ensure a uniform, precise and fair implementation of the respective rule by all manufacturers, by all TPCs and in all regions of the world.

6. Emission test methods

CETPC strongly advocates efforts to improve formaldehyde emission test methods. The current emission test methods were written for testing raw boards at a time when in North America formaldehyde emission levels were high by today's standards. With respect to testing laminated products in particular it has to be pointed out that the standards are not designed or written for testing such products, e.g. to account for significant differences in emission rates from board edges and board surfaces. Also there is no (publicly available) data to assess the precision and bias of the current methods on the basis of today's composite wood products⁸. Therefore, joint efforts should be initiated to improve the chamber test methods to reliably and accurately determine the formaldehyde emission of composite wood products with low emission levels as required by the CARB ATCM and TSCA Title VI. Accurate and reliable emission testing methods are crucial for implementation of the aforementioned regulations. While the general public will certainly benefit from having composite wood products assessed with improved test methods, more accurate and reliable test methods will also help all parties involved to lower the risks of inadvertently violating TSCA Title VI or CARB ATCM limits.

Respectfully submitted

Georg Oberdorfer (CETPC Secretary)

⁸ The statements on repeatability and reproducibility in section 13 "Precision and Bias" of ASTM D 6007 are derived from tests performed in 1998 on 4 materials ranging in emission (average values) from 0,06 ppm to 0,23 ppm. The precision and bias statement of ASTM E 1333-2010 has not been modified since 1996. The statement is not based on sufficient data by today's ASTM standards. The repeatability is stated as 0,03 ppm and the reproducibility is stated as $\pm 6,3\%$ for panels ranging in formaldehyde chamber concentration in the air of 0,26 to 0,53 ppm.