

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Document**

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AIRBORNE
TOXIC CONTROL MEASURE TO REDUCE FORMALDEHYDE EMISSIONS FROM
COMPOSITE WOOD PRODUCTS**

Public Hearing Date: April 26, 2007
Public Availability Date: January 31, 2008
Deadline for Public Comments: February 15, 2008

At its April 26, 2007, public hearing, the Air Resources Board (the Board or ARB) approved the adoption of sections 93120 to 93120.12, title 17, California Code of Regulations (CCR), which establishes an Airborne Toxic Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products.

At the hearing, the Board approved modifications to the regulations originally proposed in the Staff Report released on March 9, 2007, in response to comments received since the Staff Report was published. At the time of the hearing, modified regulatory language had not been developed for three suggested modifications. Since the hearing, staff has discussed these and other modifications with affected stakeholders. These modifications, including the modifications approved by the Board at the hearing, are summarized below:

Summary of Proposed Modifications

1. Compliance testing flexibility for ultra-low-emitting formaldehyde (ULEF) resins has been added. Section 93120.3 has been revised so that manufacturers of composite wood products with ULEF resins that can demonstrate consistent average emissions below Phase 2 standards will not be required to conduct emission tests of their products as frequently as otherwise required. Section 93120.7 and Appendix 2 of the ATCM have been modified to clarify labeling and testing requirements associated with ULEF resin use.
2. More specificity and flexibility has been added to the quality assurance requirements for manufacturers contained in Appendix 2 of the ATCM.
3. More specificity and clarity has been added to the requirements for third party certifiers contained in Appendix 3 of the ATCM.
4. Producers of architectural plywood and fabricators that apply a laminate to a composite wood product that complies with the applicable emission standards

are proposed to be considered collectively as fabricators of “laminated products.” These fabricators only need to comply with the requirements of section 93120.7 by verifying that they use complying core materials. In section 93120.1, the definition of architectural plywood has been deleted and a definition of “laminated products” has been added.

5. In section 93120.1, a number of definitions have been added or modified.
6. In section 93120.1(a)(8), the definition of “composite wood products” has been modified to clarify which products do not fall under the definition of “composite wood products” and to include “composite wood products” used inside of new recreational vehicles.
7. In section 93120.2(a), the Phase 2 implementation date for hardwood plywood with a veneer core (HWPW-VC) has been changed from January 1, 2011 to January 1, 2010. The sell-through dates in Appendix 1 of section 93120.12 have been modified to be consistent with this change.
8. In section 93120.3, large portions of the text are shown in ~~strikeout~~ due to re-ordering of subsections in that section. The subsections, along with new language that has also been added, are marked in underline as additions later in the section.
9. In section 93120.3(c), specificity has been added to the special provisions for manufacturers of composite wood products that use no-added formaldehyde based resins, including the information required to apply for approval to use such resins and emissions performance criteria.
10. In section 93120.3(g), additional recordkeeping requirements were added for manufacturers that use no-added formaldehyde based resins or ULEF resins.
11. In section 93120.4, criteria was added to allow third party certifiers to re-apply to continue to be an approved certifier.
12. In section 93120.7, exemptions have been added for local governments and school districts; and for water resistant exterior doors and garage doors that contain composite wood products. Requirements were clarified for fabricators that manufacture composite wood products for use by the fabricator in making finished goods.
13. In section 93120.7(d), additional product labeling requirements have been added for fabricators.
14. In section 93120.9, additional language has been added to allow the use of a secondary test method by third party certifiers in developing correlations with quality control test methods used by composite wood product manufacturers.

Also, the section was modified to allow ARB to use the secondary test method for enforcement purposes.

15. In section 93120.12, Appendix 1, the sell-through dates were changed for manufacturers of raw boards from one month to three months, for importers of raw boards from five months to three months, and for fabricators of finished goods from twelve months to eighteen months.
16. In addition to the modifications described above, various modifications to the regulatory text have been made to improve clarity.

In the interest of completeness, staff has also added to the rulemaking record and invites comments on an additional document identified in Attachment 2. This document is an analysis prepared by ARB staff entitled:

Supplemental Analysis Supporting the Test for Demonstrating Equivalence between Primary and Secondary Methods for Measuring Formaldehyde Emissions from Composite Wood Products, January 2008.

This document is available online at the ARB's internet site at:

<http://www.arb.ca.gov/toxics/compwood/compwood.htm>

The Board Resolution 07-14 approving sections 93120-93120.12, as modified, is available online at the following ARB internet site:

<http://www.arb.ca.gov/regact/2007/compwood07/compwood07.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 93120-93120.12, title 17, CCR, after making them available to the public for comment for a period of at least 15 days. The modified text of the proposed regulation is attached as "Attachment 1." The Board directed the Executive Officer to then adopt the modified regulation, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the modifications approved by the Board and may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resource Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Attachments