



# COMPOSITE PANEL ASSOCIATION

*Advancing the wood-based panel and decorative surfacing industries*

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## **California Air Resources Board (CARB) Regulation on Formaldehyde Emissions from Composite Wood Products Responsibilities of Distributors September 2008**

As the January 1, 2009 effective date of the CARB regulation draws near, composite wood product distributors may have questions about their obligations and liabilities. This document provides a summary of the actions distributors must take to be in compliance with the rule.

Beginning January 1, 2009, any composite wood product *produced for sale or use in California* must be in compliance with the emission limits and all other provisions of the rule. Composite wood products include particleboard, MDF, and hardwood plywood, and the regulation also applies to the products made with those materials. Phase 1 emission limits take effect on January 1, 2009, whereas the more stringent Phase 2 limits take effect beginning January 1, 2010 for some products and later for others.

Panel manufacturers, distributors, fabricators, importers, and retailers each have specific obligations under the rule, though all parties share in the responsibility of maintaining a transparent chain of custody until CARB-compliant finished products reach the end consumer. Both Phase 1 and Phase 2 compliance deadlines include “sell through” periods that are distinct for each sector of the supply chain.

The regulation defines a distributor as any entity (other than a manufacturer or retailer) to which a composite wood product is sold or supplied for the purposes of resale or distribution in commerce. Under the sell through provisions of the rule, distributors have until June 1, 2009 to exhaust their inventory of non-compliant panels made prior to January 1, 2009 and may sell non-compliant panels in California until that date.

When purchasing compliant panels, distributors must take “reasonable prudent precautions” to ensure that the panels they are buying comply with the rule. At a minimum, this means they must instruct each of their suppliers that the products must comply with the regulation and obtain written documentation (specifically, the correctly labeled unit tag from a bundle of panels and the invoice or bill of lading from the panel manufacturer that includes a statement of compliance) from each supplier demonstrating that compliance.

Beyond that, however, distributors are required to keep records for each product purchased showing the date of purchase as well as the name of their supplier, and showing the precautions they have taken to ensure that the purchased products comply with the rule. These records must be kept for a minimum of two years.

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When selling panels to a customer, a distributor is required to provide a statement of compliance on the invoice or bill of lading that states that the panels comply with the applicable Phase 1 or Phase 2 emission limits in the rule or were made with NAF or ULEF resins. If the distributor is simply reselling a complete, unbroken unit of panels as provided by the panel manufacturer, the distributor must simply pass along the unaltered CARB compliant unit tag as provided by the panel manufacturer.

If the distributor sells a divided unit and/or combines panels from multiple units into a single shipment but has not otherwise modified the panels in any way, in addition to the statement of compliance on the invoice or bill of lading the distributor must also provide the customer with copies of the original unit tags from each of the original units as provided by the panel manufacturers. A simple photocopy of the original CARB compliant label will suffice for all the new units created in this manner.

If the panels sold by the distributor have been modified in any way (i.e. cut, drilled, shaped, laminated, etc.) then the distributor becomes a fabricator and must abide by the additional labeling requirements specified for fabricators.

More information:

If you are a distributor looking for CARB-compliant composite panels, you can find a list of composite panel manufacturers certified by CPA to meet the CARB requirements at this website: <http://www.pbmdf.com/index.asp?bid=1218>

For information about CARB-approved TPC agencies operating throughout the world, please visit the CARB website at:  
<http://www.arb.ca.gov/toxics/compwood/certifiers.htm>

For information on the CARB regulation and how to comply, please visit [www.CARBrule.org](http://www.CARBrule.org)

For a comprehensive listing of composite panels and decorative surfacing materials manufactured by CPA members, please see the 2008 CPA Buyer's Guide at:  
<http://www.pbmdf.com/index.asp?bid=1066&CatalogFormID=3&CatalogItemID=8236>