



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 Fabricators September 2008

As the January 1, 2009 effective date of the CARB regulation draws near, fabricators who use composite wood products may have questions about their obligations and liabilities. This document provides a summary of the actions fabricators 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 fabricator as any entity that uses composite wood products to make finished goods. Fabricators include those entities producing component parts for downstream use by other fabricators and those companies producing finished goods. Under the sell through provisions of the rule, fabricators have until July 1, 2010 to exhaust their inventory of non-compliant panels made prior to January 1, 2009 and may sell finished goods made with non-compliant panels in California until that date.

When purchasing compliant panels or finished goods, fabricators must take “reasonable prudent precautions” to ensure that the products they are buying actually comply with the rule and are labeled appropriately. At a minimum, this means they must instruct each of their suppliers that the products the supplier sells must comply with the regulation and obtain written documentation from each supplier demonstrating that compliance.

Beyond that, however, fabricators are required to keep records 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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If a fabricator is making intermediate component parts for use by another company in the production of finished goods, each individual component part does not have to be individually labeled as complying with the regulation. Instead, the fabricator can apply a label to the palletized or unitized bundle of component parts. The label must include the fabricator's name, the date the parts were produced, and a marking to denote that the products were made with composite wood products that comply with the applicable Phase 1 or Phase 2 emission limits or were made from composite wood products made with NAF or ULEF resins. In addition, fabricators are required to provide a statement of compliance on the invoice or bill of lading accompanying the goods that states that the goods comply with the applicable Phase 1 or Phase 2 emission limits in the rule or were made with NAF or ULEF resins.

If the fabricator is manufacturing finished goods, they must label every finished good (or every box containing a finished good) with the fabricator's name, the date the finished good was produced, and a marking to denote that the product was made with composite wood products that comply with the applicable Phase 1 or Phase 2 emission limits or that all of the composite wood products used in the finished good were made with NAF or ULEF resins. The labels must be readily visible to consumers. In addition, fabricators are required to provide a statement of compliance on the invoice or bill of lading accompanying the finished goods that states that the goods comply with the applicable Phase 1 or Phase 2 emission limits in the rule or that all of the composite wood products used in the finished goods were made with NAF or ULEF resins.

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

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>