TSCA Title VI

Formaldehyde Emission Standards for Composite Wood Products

Reference Factsheet

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NOTE

EPA extended the compliance dates for various obligations under the Formaldehyde Rule on September 25, 2017. One deadline was further modified by court order on March 13, 2018. See Section 11 for the new compliance dates after the extension and the court order.
SECTION 1: REGULATED PRODUCTS

EPA’s TSCA Title VI Formaldehyde Emission Standards for Composite Wood Products (Formaldehyde Rule) regulate composite wood products, including:

- Hardwood plywood made with a veneer or composite core;
- Medium-density fiber board (MDF);\(^1\)
- Particleboard.

Laminated products are generally regulated under hardwood plywood. But certain laminated products are exempt from hardwood plywood and trigger unique obligations. See Section 4.

The Formaldehyde Rule regulates the following forms of products so long as they contain composite wood products:

- **Panel**: A thin (usually less than two inches thick), flat, usually rectangular piece of particleboard, MDF, or hardwood plywood.
- **Component part**: An object other than a panel that contains composite wood products and is used in the construction or assembly of a finished good.
- **Finished good**: An object other than a panel that contains composite wood products and is not a component part or used in the assembly of a finished good.

Note that component parts sold directly to consumers are considered finished goods.

SECTION 2: PRODUCT EXEMPTIONS

The products below are exempt from regulation under the Formaldehyde Rule:

- Finished goods previously sold or supplied to an end user in good faith (e.g., antiques or second hand furniture);
- Hardboard;
- Structural plywood;
- Structural panels;
- Structural composite lumber;
- Oriented strand board;
- Glued laminated lumber;
- Prefabricated wood I-joists;
- Finger-jointed lumber;
- Wood packaging (pallets, crates, spools, and dunnage);
- Composite wood products used inside of new vehicles (except for recreational vehicles), rail cars, boards, aerospace crafts, or aircrafts.

Products below are exempt from the emission standards provision (40 C.F.R. § 770.10) of the Formaldehyde Rule:

\(^1\) MDFs with thickness less than or equal to 8 millimeters are defined as “thin MDFs.” Regular and thin MDFs have different emission standards. See Section 5.
• Windows that contain less than five percent of composite wood products (by volume);
• Exterior doors and garage doors that contain less than three percent of composite wood products (by volume);
• Exterior doors and garage doors made from composite wood products with no-added formaldehyde-based (NAF) resins or ultra low-emitting formaldehyde (ULEF) resins.

Products below are not considered finished goods and EPA considers them not covered under the Formaldehyde Rule:

• Site-built buildings;
• Site-built real property improvements.

Some other limited exemptions are also available under the Formaldehyde Rule, which only discharge or modify certain obligations:

• Certain NAF and ULEF resin panels can be exempt from certification or regular testing requirements. These exemptions are discussed in Sections 5 and 10.
• Certain laminated products are exempt from regular panel producer obligations but are subject to separate recordkeeping requirements. These exemptions are discussed in Sections 4 and 6.
• Panels for testing have separate labeling languages. Meanwhile, certain finished goods and component parts can be exempt from the labeling requirements on a *de minimis* basis. These are discussed in Section 7.

**SECTION 3: AFFECTED ENTITIES**

The Formaldehyde Rule applies to two groups of entities: Accreditation and certification entities; and regulated entities subject to the substantive requirements.

Accreditation and certification entities include:

• Accreditation Bodies (Product ABs and Laboratory ABs);
• Third-party Certifiers (TPCs).

Regulated entities include:

• **Panel producers**: Manufacturers of composite wood panels.
• **Fabricators**: Manufacturers that incorporate composite wood panels into component parts or finished goods.
• **Importers**: Entities that import regulated panels, component parts or finished goods into the customs territory of the United States, including both the entities primarily liable for duty payments and such entities’ authorized agents.
• **Distributors**: Entities that receive regulated composite wood panels, component parts, or finished goods for resale or distribution in commerce (other than manufacturers or retailers).
• Retailers: Entities that sell, offers for sale, or supplies direct to consumers regulated composite wood panels, component parts, or finished goods.

Laminated product producers may assume fabricator and panel producer obligations (under different compliance timeframes). See Section 4.

In practice, a company may assume multiple roles. The company should analyze its obligations by each activity. The company may need to comply with different sets of obligations in certain scenarios depending on the specific activities it performs (e.g., recordkeeping).

SECTION 4: LAMINATED PRODUCT PRODUCERS

“Laminated product” refers to a product in which a wood or woody grass veneer is affixed to a particleboard, MDF, or veneer core or platform.

Laminated product producers are subject to the Formaldehyde Rule as both fabricators and panel producers (with differentiated obligations between exempt and non-exempt laminated products).

FABRICATOR OBLIGATIONS. All laminated product producers (regardless of the exemption status discussed below) are subject to general fabricator obligations. The compliance date is the same as for other fabricators, which is June 1, 2018.

PANEL PRODUCER OBLIGATIONS. Under the definition of “hardwood plywood,” laminated products are hardwood plywood unless exempt. Hardwood plywood is a panel under the Formaldehyde Rule; thus panel producer obligations generally apply to laminated products. The Rule provides two exemptions:

• Laminated products with either phenol-formaldehyde resins or NAF resins are by regulation exempt from the definition of “hardwood plywood”;
• Other formaldehyde-based resins, including urea formaldehyde, are not exempt under the regulation from “hardwood plywood.” But the Formaldehyde Rule allows rulemaking petitions for additional exemptions.

If neither exemption applies, a laminated product is not exempt from “hardwood plywood.” Regular panel producer obligations apply. See panel producer obligations in Sections 6, 7.

If either exemption applies, the laminated product is exempt from “hardwood plywood.” The producer of such a laminated product is not subject to the regular panel producer obligations, but must separately keep records that demonstrate exemption eligibility. Those records are subject to a three-year retention period.

In either situation, laminated product producers may comply with the obligations by March 22, 2024. See Section 11.
SECTION 5: EMISSION STANDARDS

Most composite wood products will be subject to the general emission standards, although certain products (with NAF or ULEF resins) have their own emission standards.

GENERAL EMISSION STANDARDS. The following emission standards apply to composite wood products in general:

- Hardwood plywood: 0.05 ppm;
- MDF: 0.11 ppm;
- Thin MDF: 0.13 ppm;
- Particleboard: 0.09 ppm.

CERTIFICATION / TESTING EXEMPTION EMISSION STANDARDS (NAF / ULEF). The following emission standards apply to composite wood products with NAF or ULEF resins that qualify for two-year exemptions from testing and certification.

No test result should be higher than:

- Hardwood plywood: 0.05 ppm;
- MDF: 0.06 ppm;
- Thin MDF: 0.06 ppm;
- Particleboard: 0.06 ppm.

Additionally, at least 90% of the monthly routine quality control testing data (three months for NAFs; six months for ULEFs) should show compliance with a 0.04 emission standard.

REDUCED TESTING EMISSION STANDARDS (ULEF). The following emission standards apply to composite wood products with ULEF resins that qualify for reduced testing.

No test result should be higher than:

- Hardwood plywood: 0.05 ppm;
- MDF: 0.09 ppm;
- Thin MDF: 0.11 ppm;
- Particleboard: 0.08 ppm.

Additionally, at least 90% of the monthly routine quality control testing data (six months) should demonstrate compliance with the following emission standards:

- MDF: 0.06 ppm;
- Thin MDF: 0.08 ppm;
- Particleboard: 0.05 ppm.
SECTION 6: RECORDKEEPING AND TRANSACTION-RELATED OBLIGATIONS

PANEL PRODUCERS. Panel Producers (including non-exempt laminated product producers after) must keep the following records for three years:

- Quarterly emissions testing;
- Ongoing quality control testing;
- Production records;
- Change in production;
- NAF / ULEF eligibility proof;
- Purchaser information;
- Transporter information;
- Disposition of non-complying lots.

Non-exempt laminated product producers also need to comply with fabricator recordkeeping obligations, starting from the compliance date for fabricators (i.e., no seven-year period).

EXEMPT LAMINATED PRODUCT PRODUCERS. Laminators whose products qualify for exemption from hardwood plywood must keep the following records for three years from the “panel producer” obligation compliance date for laminators (i.e., with the seven-year period):

- Resin trade name, resin manufacturer contact information, resin supplier contact information, resin purchase records;
- Panel producer contact information, panel purchase records;
- If panels are produced in-house, TPC certification records;
- If resins are produced in-house, phenol-formaldehyde or NAF records.

Exempt laminated product producers also need to comply with fabricator recordkeeping obligations, starting from the compliance date for fabricators (i.e. no seven-year period).

FABRICATORS, DISTRIBUTORS, RETAILERS. These entities must take “reasonable precautions.” They should obtain the following records from their suppliers and maintain them for three years:

- Bills of lading, invoices or comparable documents that include a written statement from the supplier that the composite word products, component parts, or finished goods are TSCA Title VI compliant or that the composite wood products were produced before June 1, 2018.

Cabinet manufacturers need to keep those records. They also need to include their own statement of Title VI compliance in their bills of lading, invoice, or comparable documents for the finished products that they produce. (See Section 7).

IMPORTERS. Importers must take “reasonable precautions.” They should obtain the following records and maintain them for three years:
• Bills of lading, invoices or comparable documents that include a written statement from the supplier that the composite word products, component parts, or finished goods are TSCA Title VI compliant or that the composite wood products were produced before June 1, 2018.

In addition, importers must make available the following information to EPA within 30 days upon request.

• Panel producer identification information and date of production of composite wood products;
• Supplier identification information (if different) and date of purchase of composite wood products (may be panels, component parts, or finished goods).

Importers must also file TSCA import certification. Customs and Border Protection (CBP) administers import certification regulations, which can be found at 19 C.F.R. §§ 12.118 through 12.127.

SECTION 7: LABELING

The Formaldehyde Rule prescribes labeling requirements for panels and finished goods.

PANELS. Panel producers are responsible for labeling panels. Labels for panels should include:

• Panel producer’s name (or panel producer number for identity protection);
• Lot number;
• Number of the EPA TSCA Title VI Third Party Certifier;
• Statement that the product is TSCA Title VI certified. Note: Until March 22, 2019, panels may be labeled as compliant with CARB Phase II emissions standards if the panels have been certified by a TPC recognized by EPA.

The label may be by individual panel or by bundle. If panels are not individually labeled, panel producers, importers, distributors, fabricators, or retailers must have a method sufficient to identify the panel suppliers and link the information on the label to products upon customer request (e.g., color-coded edge marking).

Panels made from NAF or ULEF resins may be labeled as such in addition to other required information. NAF / ULEF labeling is optional.

Panels imported into or transported across the U.S. for testing must be labeled “For TSCA Title VI testing only, not for sale in the United States.” These panels may be re-labeled after demonstration of compliance.

FINISHED GOODS. Fabricators are responsible for labeling finished goods. Labels for finished goods should include:

• Fabricator’s name (may also be the name of a responsible downstream fabricator, importer,
distributor, or retailer, if with written consent from that entity).

- Date of production of the finished good (month/year)
- Statement that the finished good is TSCA Title VI compliant. Note: Until March 22, 2019, fabricated products may be labeled as compliant with CARB Phase II emissions standards if the panels from which they were made have been certified by a TPC recognized by EPA.

The label may be on every finished good or on every box or bundle containing finished goods. If finished goods are not individually labeled, importers, distributors, or retailers must retain a copy of the label, be able to identify the products associated with that label, and make the label information available upon customer request.

Finished goods made with NAF resins and ULEF resins may be labeled as such in addition to other required information. Finished goods with combinations of NAF resins, ULEF resins, and compliant composite wood products can be labeled as such if accurate. NAF / ULEF labeling is optional.

Finished goods and component parts sold directly to end users are exempt from labeling requirements (de minimis exemption), if the composite wood product content therein does not exceed 144 square inches based on the surface area of the largest face:

- Not applicable to products used for larger surfaces, finished goods, or component parts.
- Only discharging the labeling obligation. Relevant entities are still subject to other obligations under the Formaldehyde rule.

All labels may be applied as stamp, tag, or sticker. Barcodes are permissible, but cannot be the sole labels. EPA requires that all non-text labels be accompanied with TSCA Title VI information printed on the label in English text.

**EARLY LABELING PROHIBITION NOW DELETED.** The Formaldehyde Rule originally prohibited voluntary labeling of panels and finished goods manufactured before the regulatory “manufactured-by” date (June 1, 2018). EPA subsequently deleted that provision in a direct final rule that took effect on August 25, 2017. 82 Fed. Reg. 31922 (July 11, 2017).

**LABELING LANGUAGE.** EPA has been silent on what language companies should use for the purpose of TSCA Title VI compliance statement on the labels. EPA, however, has been clear that any labeling language should not suggest that all composite wood products in a finished good are TSCA Title VI compliant unless that would be accurate.

On March 22, 2018, CARB issued a notice stating that it would accept products labeled as being compliant with the U.S. EPA TSCA Title VI regulation as being compliant with Phase II of CARB’s formaldehyde emission standards (i.e., CARB Phase II). It also posted a table comparing the CARB Phase II and EPA formaldehyde requirements. Fabricators may rely on this notice to use “TSCA Title VI compliant” language to satisfy CARB Phase II standards with respect to the panels that such language covers.

Fabricators should check their compliance status. In particular, because fabricators rely on panel producers’ certification of panel compliance to represent the compliance status of the finished goods, fabricators should check with producers on the status of panel compliance.
addition, fabricators should also confirm with the panel producers or the suppliers on the approval (under CARB Phase II) and the recognition (by EPA under TSCA Title VI) status of the third-party certifiers that certify the panels.

Labeling will differ as time moves forward from the period before the manufactured-by date (before June 1, 2018), to the CARB Phase II transition period (between June 1, 2018 and March 22, 2019), and to the post-transition period (after March 22, 2019).

For the following discussion:

• “TSCA panels” refers to panels certified by an EPA TSCA Title VI TPC.
• “CARB Phase II-TSCA panels” refers to panels certified by a CARB Phase II-approved TPC recognized by EPA to certify panels for TSCA Title VI purposes.
• “CARB Phase II panels” refers to panels certified by a CARB Phase II-approved TPC not recognized by EPA to certify panels for TSCA Title VI purposes.
• “Other panels” refers to panels that are neither TSCA panels, CARB Phase II-TSCA panels, nor CARB Phase II panels.

1. **Before the manufactured-by date (before June 1, 2018):**

Fabricators may use any or any combination of the following for manufacturing component parts or finished goods ("permissible panels").

- TSCA panels
- CARB Phase II-TSCA panels
- CARB Phase II panels
- Other panels

All of these kinds of panels may be used during this period.

**Recommended labeling language (before June 1, 2018):**

- If the component parts or the finished goods contain only TSCA panels, CARB Phase II-TSCA panels, or a combination of TSCA panels and CARB Phase II-TSCA panels (but do not contain CARB Phase II or other panels), label: “TSCA Title VI compliant.”
- If the component parts or the finished goods contain only CARB Phase II or other panels (but do not contain TSCA panels, CARB Phase II-TSCA panels, or a combination of TSCA panels and CARB Phase II-TSCA panels), label: “Made from panels manufactured or imported before June 1, 2018” or “Not subject to TSCA Title VI.”
- If the component parts or the finished goods contain CARB Phase II or other panels, as well as TSCA panels, CARB Phase II-TSCA panels, or a combination of TSCA panels and CARB Phase II-TSCA panels, label: “Made from panels that are TSCA Title VI compliant and panels manufactured or imported before June 1, 2018” or “Made from panels that are TSCA Title VI compliant and panels not subject to TSCA Title VI.”

Note: If the panel is certified before June 1 by an EPA-recognized TPC, panels and finished goods made from such panels may be labeled as “TSCA Title VI compliant” in reliance on the early
labeled relief rule.

2. **During the CARB Phase II-transition period (between June 1, 2018 and March 22, 2019)**

Section 770.15(e) allows CARB Phase II-TSCA panels to be considered as TSCA Title VI compliant and certified during the transition period between June 1, 2018 and March 22, 2019. In other words, during this period, a panel certified under the CARB Phase II program can meet the TSCA Title VI requirements if:

   a) The panel is certified as compliant with CARB Phase II by a CARB Phase II-approved TPC; and
   b) That TPC is recognized by EPA.

Section 770.2(d)(4) provides that panels manufactured or imported before June 1, 2018, may be used to fabricate component parts or finished goods (subject to the stockpiling prohibition) at any time after that date. This likely will help fabricators transition smoothly past June 1, 2018.

Therefore, during this period, fabricators may use any or any combination of the following for manufacturing component parts or finished goods.

- All panels (including TSCA panels, CARB Phase II-TSCA panels, CARB panels, and other panels) manufactured or imported before June 1, 2018
- TSCA panels manufactured or imported on or after June 1, 2018
- CARB Phase II-TSCA panels manufactured or imported on or after June 1, 2018

Fabricators may **NOT** use any of the following for manufacturing component parts or finished goods, either by themselves or in combination with other panels:

- CARB Phase II panels manufactured or imported on or after June 1, 2018
- Other panels manufactured or imported on or after June 1, 2018

**Recommended labeling language (between June 1, 2018 and March 22, 2019):**

- If the component parts or the finished goods contain only TSCA panels, CARB Phase II-TSCA panels, or a combination of TSCA panels and CARB Phase II-TSCA panels, but do not contain CARB panels or other panels manufactured or imported before June 1, 2018, label: “**TSCA Title VI compliant.”**
- If the component parts or the finished goods contain only CARB panels or other panels manufactured or imported before June 1, 2018, but do not contain any panel manufactured or imported on or after June 1, 2018, label: “Made from panels were manufactured or imported before June 1, 2018” or “Not subject to TSCA Title VI.”
- If the component parts or the finished goods contain any panel manufactured or imported before June 1, 2018, as well as TSCA panels, CARB Phase II-TSCA panels, or a combination of TSCA panels and CARB Phase II-TSCA panels, manufactured or imported on or after June 1, 2018, label: “Made from panels that are TSCA Title VI compliant and panels manufactured...
or imported before June 1, 2018” or “Made from panels that are TSCA Title VI compliant and panels not subject to TSCA Title VI.”

3. **After the CARB Phase II-transition period (after March 22, 2019):**

Fabricators may use any or any combination of the following for manufacturing component parts or finished goods:

- All panels (including TSCA panels, CARB Phase II-TSCA panels, CARB panels, and other panels) manufactured or imported before June 1, 2018
- TSCA panels manufactured or imported on or after June 1, 2018

One question for this period is whether CARB Phase II-TSCA panels manufactured or imported on or before March 22, 2019 may nevertheless be used to manufacture finished goods after March 22, 2019. In a response to KCMA’s inquiry, EPA advises that:

Panels labeled as CARB ATCM Phase II-compliant received by a fabricator in the United States by March 22, 2019 may be fabricated into component parts or finished goods until the stock of those CARB ATCM Phase II-compliant only panels is depleted. Component parts (if sold directly to consumers) or finished goods fabricated with those panels after March 22, 2019 must be labeled as TSCA Title VI compliant.

Fabricators may **NOT** use any of the following for manufacturing component parts or finished goods, either by themselves or in combination with other panels:

- CARB Phase II-TSCA panels manufactured or imported after March 22, 2019
- CARB Phase II and other panels manufactured or imported on or after June 1, 2018

**Recommended labeling language (after March 22, 2019):**

- If the component parts or the finished goods contain TSCA panels manufactured on or after June 1, 2018, but do not contain panels manufactured or imported before June 1, 2018, label: “TSCA Title VI compliant.”
- If the component parts or the finished goods only contain panels manufactured or imported before June 1, 2018, but do not contain TSCA panels manufactured or imported on or after June 1, 2018, label: “Made from panels that were manufactured or imported before June 1, 2018” or “Not subject to TSCA Title VI.”
- If the component parts or the finished goods contain a combination of panels manufactured or imported before June 1, 2018, as well as TSCA panels manufactured or imported on or after June 1, 2018, label: “Made from panels that are TSCA Title VI compliant and panels manufactured or imported before June 1, 2018” or “Made from panels that are TSCA Title VI compliant and panels not subject to TSCA Title VI.”

**SECTION 8: NON-COMPLYING LOT OBLIGATIONS**

Non-complying lots are not certified composite wood products. Generally, they may not be sold,
supplied, or offered for sale in the United States. Non-complying lots must be isolated from certified lots, and then either disposed of or treated and retested until shown compliant.

The Formaldehyde Rule allows distribution of panels before testing results become available. This necessitates a notification and disposition system to prevent later-discovered non-compliant panels from being further distributed in commerce. Panel producers and downstream entities (fabricators, importers, distributors, or retailers) have differentiated obligations.

**PANEL PRODUCERS.** A panel producer must take three actions:

- Notify, within 72 hours after the panel producer becomes aware of the failing test results, the fabricators, importers, distributors, and retailers that received the composite wood products;
- Either recall, or treat and retest *in situ*, the composite wood products;
- Notify the TPC about the final disposition of the lot within seven days of the disposition.

**FABRICATORS, IMPORTERS, DISTRIBUTORS, RETAILERS.** Under Section 770.22(f), downstream entities must notify their customers after such entities become aware that they have distributed composite wood products that belong to non-complying lots. The provision, however, was unclear on the compliance timeframe and the product type to which this obligation applies. An FAQ on June 7, 2017 from EPA clarified downstream entities’ obligations. Under the FAQ, the provision only applies to further distribution of panels, but not component parts or finished goods into which panels have been incorporated. In addition, the timeframe for compliance starts from the time the obliged downstream entity, instead of the original panel producer, becomes aware of the failing test result.

As a result:

- If a fabricator has incorporated non-complying panels into component parts or finished goods that it has distributed, the fabricator is not required to notify downstream entities in the supply;
- If a fabricator, importer, distributor, or retailer has distributed intact panels further in the supply chain, the company is required to notify the purchaser of the non-complying panel lot within 72 hours of the time that the company was initially made aware of the failing test result.

For panels that have not yet been further distributed:

- If a company still has the intact panels in its inventory, the company must work with the panel producer to isolate, treat, and retest the panels, as needed.

**SECTION 9: SELL-THROUGH AND STOCKPILING**

Composite wood products manufactured or imported before June 1, 2018 may be sold, supplied, offered for sale, or used to fabricate component parts or finished goods at any time. This date is called “manufactured-by date.”

In other words, non-CARB Phase II and CARB Phase II panels can be sold and used to
fabricate component parts or finished goods at all time under TSCA Title VI, as long as these panels are manufactured in the United States, or imported into the United States, before June 1, 2018.

However, sale of stockpiled inventory of composite wood products (panels, component parts, or finished goods) is prohibited after June 1, 2018. “Stockpiling” means manufacturing or purchasing composite wood products between July 7, 2010 and June 12, 2017:

- At an average rate at least 20% greater than the average rate of manufacture or purchase during the 2009 calendar year; and
- For the purpose of circumventing the Formaldehyde Rule (including the emission standards).

EPA has the burden to demonstrate the intent of rule circumvention. Manufacturers or purchasers may rebut the allegation by claiming:

- A quantifiable immediate increase in customer demand or sales;
- A documented and planned business expansion;
- The manufacturer or purchaser was not in business at the beginning of calendar year 2009;
- An increase in production to meet increased demand resulting from an emergency event or natural disaster.

SECTION 10: CERTIFICATION AND TESTING

After June 1, 2018, only certified composite wood products (whether in forms of panels, component parts, or finished goods) can be sold, supplied, offered for sale, or manufactured or imported, unless exempt. This includes imported products (which also must be 100% in compliance), as “manufactured-by” date means “imported-by” date under the Formaldehyde Rule.

Panel producers should obtain certifications from EPA TSCA Title VI third-party certifiers (EPA TPCs). This includes, in a transition period ending on March 22, 2019, certain TPCs that have been certified under the California Air Resources Board’s composite wood products airborne toxic control measures Phase II program (CARB Phase II). Panel producers should submit applications with testing results and other materials, and TPCs should act on the applications within 90 days of receipt. Required application materials depend on whether panel producers have existing certifications from CARB Phase II-approved or TSCA Title VI TPC.

Producers of NAF resin panels and ULEF resin panels may apply for two-year exemptions from certification and testing requirements. Alternatively, producers of ULEF resin panels may apply for reduced testing (quarterly testing to be conducted every six months). Application materials and emission standards (see Section 5 above) are different from those for regular panels under these circumstances.

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2 Composite wood products manufactured or imported before June 1, 2018 can always be sold, supplied, offered for sale, or used to fabricate component parts or finished goods so long as such products are not stockpiled. Certification is not needed for such goods. See Section 9.

3 CARB Phase II-approved TPCs need to apply for EPA recognition to provide certification services, but during the transition period can do so without going through the TSCA Title VI accreditation process.
Each panel producer must have a written quality control manual, designate a quality control facility, and designate a person as quality control manager. Information should be submitted through the application for certification to the TPC.

EPA issued a final rule on February 7, 2018, to update the references to various voluntary consensus standards used for testing. In addition, the same rule allows that quality control test methods be correlated to either the ASTM E1333-14 (large chamber) test method or, upon a showing of equivalence, the ASTM D6007-14 (small chamber) test method. The new option of the small chamber method is an alignment with the CARB Phase II standards.

Composite wood products certified by a CARB Phase II-approved TPC that is EPA-recognized will be considered certified under TSCA Title VI until March 22, 2019 (the end of the transition period). Thereafter, the TPC must obtain additional recognition from EPA.

SECTION 11: EFFECTIVE AND COMPLIANCE DATES

The Formaldehyde Rule, originally promulgated on December 12, 2016, has four important implementation dates. EPA extended the compliance dates in a separate final rule on September 25, 2017. Part of this rule, related to the general obligation date (a proposed December 12, 2018 date), was then challenged in court. On March 13, 2018, the court issued an order to modify that date to June 1, 2018.

EPA published an announcement of the court order on the Federal Register on April 4, 2018.

The effective and compliance dates after the extension and the court decision are as follows:

- **May 22, 2017:** The Formaldehyde Rule becomes effective. ABs and TPCs may apply for EPA recognition under TSCA Title VI. Regulated entities are not directly affected by this date.
- **June 1, 2018:** Most regulated entity obligations (other than import certification and panel producer obligations for laminators) become effective; “manufactured-by” (or “imported-by”) date for most regulated composite wood products.
- **March 22, 2019:** Import certification requirement become effective. End date of the transition period for CARB Phase II certification. After this date, all composite wood products must be certified TSCA Title VI-compliant.
- **March 22, 2024:** Panel producer obligations, or the hardwood plywood exemption recordkeeping obligations, for laminated products become effective.

Below is a summary of compliance dates for major obligations, with references to different sections of this Reference Factsheet. Note that this is not a full list of applicable requirements under the Formaldehyde Rule. A rule of thumb is that most obligations will become effective by June 1, 2018:

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<td>4</td>
<td>Fabricators obligations (See above)</td>
<td>06/01/2018</td>
</tr>
<tr>
<td>4</td>
<td>Panel producer obligations (See above); or HWPW exemption recordkeeping obligations</td>
<td>03/22/2024</td>
</tr>
<tr>
<td><strong>Importers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Recordkeeping and transaction-related obligations</td>
<td>06/01/2018</td>
</tr>
<tr>
<td>6</td>
<td>Import certification</td>
<td>03/22/2019</td>
</tr>
<tr>
<td>7</td>
<td>Labeling (not individually labeled products)</td>
<td>06/01/2018</td>
</tr>
<tr>
<td>8</td>
<td>Non-complying lot obligations (for panels)</td>
<td>06/01/2018</td>
</tr>
<tr>
<td><strong>Distributors and Retailers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Recordkeeping and transaction-related obligations</td>
<td>06/01/2018</td>
</tr>
<tr>
<td>7</td>
<td>Labeling (not individually labeled products)</td>
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</tr>
<tr>
<td>8</td>
<td>Non-complying lot obligations (for panels)</td>
<td>06/01/2018</td>
</tr>
<tr>
<td><strong>CARB Phase II TPC Certification Transition</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>CARB Phase II TPC accreditation under TSCA Title VI</td>
<td>03/22/2019</td>
</tr>
<tr>
<td>10</td>
<td>Validity period for CARB Phase II panel certification</td>
<td>03/22/2019</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Manufactured-by date (sell-through / stockpiling)</td>
<td>06/01/2018</td>
</tr>
</tbody>
</table>

**SECTION 12: RESOURCES**

**EPA**
202-564-6450  
[www.epa.gov/formaldehyde](http://www.epa.gov/formaldehyde)

**CARB**
916-324-6997  
[www.arb.ca.gov/toxics/compwood/compwood.htm](http://www.arb.ca.gov/toxics/compwood/compwood.htm)

**KITCHEN CABINET MANUFACTURERS ASSOCIATION (KCMA)**
703-264-1690  
[www.kcma.org](http://www.kcma.org)

**REGULATORY AND REFERENCE DOCUMENTS**
• EPA TSCA Title VI final rule: 81 Fed. Reg. 89674 (Dec. 12, 2016).
• Regulated Stakeholder Frequently Asked Questions to Implement the Formaldehyde Standards for Composite Wood Products Act (EPA, June 7, 2016).
• CARB notice on TSCA Title VI labeling: Status of U.S. EPA Formaldehyde Regulation.
• CARB guidance on TSCA Title VI / CARB Phase II comparison: Comparison Table of Key U.S. EPA and CARB Phase II Requirements.

About KCMA

The Kitchen Cabinet Manufacturers Association (KCMA) is a non-profit organization founded in 1955 to represent companies who manufacture kitchen, bath, or other residential cabinets, and key industry suppliers. With a membership now more than 300 strong throughout North America, KCMA works to advance the industry through advocacy, setting standards, sponsoring research, and providing management tools and educational programs.

This Factsheet is designed to be a quick reference to the regulation. Consult the full text of the regulation and other guidance and your legal advisors on specific questions.