

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4805

To amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2010

Ms. MATSUI (for herself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Formaldehyde Stand-  
5       ards for Composite Wood Products Act”.

1 **SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE**  
 2 **WOOD PRODUCTS.**

3 (a) AMENDMENT.—The Toxic Substances Control  
 4 Act (15 U.S.C. 2601 et seq.) is amended by adding at  
 5 the end the following:

6 **“TITLE VI—FORMALDEHYDE**  
 7 **STANDARDS FOR COMPOSITE**  
 8 **WOOD PRODUCTS**

9 **“SEC. 601. FORMALDEHYDE STANDARDS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) FINISHED GOOD.—

12 “(A) IN GENERAL.—The term ‘finished  
 13 good’ means any good or product (other than a  
 14 panel) containing—

15 “(i) hardwood plywood;

16 “(ii) particleboard; or

17 “(iii) medium-density fiberboard.

18 “(B) EXCLUSIONS.—The term ‘finished  
 19 good’ does not include—

20 “(i) any component part or other part  
 21 used in the assembly of a finished good; or

22 “(ii) any finished good that has pre-  
 23 viously been sold or supplied to an indi-  
 24 vidual or entity that purchased or acquired  
 25 the finished good in good faith for pur-  
 26 poses other than resale, such as—

1 “(I) an antique; or

2 “(II) secondhand furniture.

3 “(2) **HARDBOARD.**—The term ‘hardboard’ has  
4 such meaning as the Administrator shall establish,  
5 by regulation, pursuant to subsection (d).

6 “(3) **HARDWOOD PLYWOOD.**—

7 “(A) **IN GENERAL.**—The term ‘hardwood  
8 plywood’ means a hardwood or decorative panel  
9 that is—

10 “(i) intended for interior use; and

11 “(ii) composed of (as determined  
12 under the standard numbered ANSI/  
13 HPVA HP-1-2004 (or a successor stand-  
14 ard)) an assembly of layers or plies of ve-  
15 neer, joined by an adhesive with—

16 “(I) lumber core;

17 “(II) particleboard core;

18 “(III) medium-density fiberboard  
19 core;

20 “(IV) hardboard core; or

21 “(V) any other special core or  
22 special back material.

23 “(B) **EXCLUSIONS.**—The term ‘hardwood  
24 plywood’ does not include—

25 “(i) military-specified plywood;

1 “(ii) curved plywood; or

2 “(iii) any other product specified in—

3 “(I) the standard entitled ‘Vol-  
4 untary Product Standard–Structural  
5 Plywood’ and numbered PS 1–07 (or  
6 a successor standard); or

7 “(II) the standard entitled ‘Vol-  
8 untary Product Standard–Perform-  
9 ance Standard for Wood-Based Struc-  
10 tural-Use Panels’ and numbered PS  
11 2–04 (or a successor standard).

12 “(C) LAMINATED PRODUCTS.—

13 “(i) RULEMAKING.—

14 “(I) IN GENERAL.—The Admin-  
15 istrator shall conduct a rulemaking  
16 process pursuant to subsection (d)  
17 that uses all available and relevant in-  
18 formation from State authorities (in-  
19 cluding the California Air Resources  
20 Board), industry, and other available  
21 sources of such information, and ana-  
22 lyzes that information to determine,  
23 at the discretion of the Administrator,  
24 whether the definition of the term  
25 ‘hardwood plywood’ should exempt en-

1                   engineered veneer or any laminated  
2                   product.

3                   “(II) MODIFICATION.—The Ad-  
4                   ministrator may modify any aspect of  
5                   the definition contained in clause (ii)  
6                   before including that definition in the  
7                   regulations promulgated pursuant to  
8                   subclause (I).

9                   “(ii) LAMINATED PRODUCT.—The  
10                  term ‘laminated product’ means a prod-  
11                  uct—

12                   “(I) in which a wood veneer is af-  
13                  fixed to—

14                   “(aa) a particleboard plat-  
15                  form;

16                   “(bb) a medium-density fi-  
17                  berboard platform; or

18                   “(cc) a veneer-core platform;  
19                  and

20                   “(II) that is—

21                   “(aa) a component part;

22                   “(bb) used in the construc-  
23                  tion or assembly of a finished  
24                  good; and

1                   “(cc) produced by the manu-  
2                   facturer or fabricator of the fin-  
3                   ished good in which the product  
4                   is incorporated.

5                   “(4) MANUFACTURED HOME.—The term ‘man-  
6                   ufactured home’ has the meaning given the term in  
7                   section 3280.2 of title 24, Code of Federal Regula-  
8                   tions (as in effect on the date of promulgation of  
9                   regulations pursuant to subsection 601 (d)).

10                  “(5) MEDIUM-DENSITY FIBERBOARD.—The  
11                  term ‘medium-density fiberboard’ means a panel  
12                  composed of cellulosic fibers made by dry forming  
13                  and pressing a resinated fiber mat (as determined  
14                  under the standard numbered ANSI A208.2–2009  
15                  (or a successor standard)).

16                  “(6) MODULAR HOME.—The term ‘modular  
17                  home’ means a home that is constructed in a factory  
18                  in 1 or more modules—

19                         “(A) each of which meet applicable State  
20                         and local building codes of the area in which  
21                         the home will be located; and

22                         “(B) that are transported to the home  
23                         building site, installed on foundations, and com-  
24                         pleted.

1           “(7)     NO-ADDED     FORMALDEHYDE-BASED  
2     RESIN.—

3           “(A) IN GENERAL.—The term ‘no-added  
4     formaldehyde-based resin’ means a resin formu-  
5     lated with no added formaldehyde as part of the  
6     resin cross-linking structure that meets the per-  
7     formance standard contained in section  
8     93120.3(c) of title 17, California Code of Regu-  
9     lations (as in effect on July 28, 2009).

10          “(B) INCLUSIONS.—The term ‘no-added  
11     formaldehyde-based resin’ may include any  
12     resin made from—

13                 “(i) soy;

14                 “(ii) polyvinyl acetate; or

15                 “(iii) methylene diisocyanate.

16          “(8) PARTICLEBOARD.—

17                 “(A) IN GENERAL.—The term  
18     ‘particleboard’ means a panel composed of cel-  
19     lulosic material in the form of discrete particles  
20     (as distinguished from fibers, flakes, or  
21     strands) that are pressed together with resin  
22     (as determined under the standard numbered  
23     ANSI A208.1–2009 (or a successor standard)).

24                 “(B) EXCLUSIONS.—The term  
25     ‘particleboard’ does not include any product

1 specified in the standard entitled ‘Voluntary  
2 Product Standard–Performance Standard for  
3 Wood-Based Structural-Use Panels’ and num-  
4 bered PS 2–04 (or a successor standard).

5 “(9) RECREATIONAL VEHICLE.—The term ‘rec-  
6 reational vehicle’ has the meaning given the term in  
7 section 3282.8 of title 24, Code of Federal Regula-  
8 tions (as in effect on the date of promulgation of  
9 regulations pursuant to subsection 601 (d)).

10 “(10) ULTRA LOW-EMITTING FORMALDEHYDE  
11 RESIN.—

12 “(A) IN GENERAL.—The term ‘ultra low-  
13 emitting formaldehyde resin’ means a resin for-  
14 mulated using a process the average formalde-  
15 hyde emissions of which are consistently below  
16 the phase 2 emission standards contained in the  
17 airborne toxic control measure for composite  
18 wood products described in section 93120.3(d)  
19 of title 17, California Code of Regulations (as  
20 in effect on July 28, 2009).

21 “(B) INCLUSIONS.—The term ‘ultra low-  
22 emitting formaldehyde resin’ may include—

23 “(i) melamine-urea-formaldehyde  
24 resin;

25 “(ii) phenol formaldehyde resin; and



1 “(iii) resorcinol formaldehyde resin.

2 “(b) REQUIREMENT.—

3 “(1) IN GENERAL.—Except as provided in an  
4 applicable sell-through regulation promulgated pur-  
5 suant to subsection (d), effective beginning on the  
6 date that is 180 days after the date of promulgation  
7 of those regulations, the formaldehyde emission  
8 standard contained in table 1 of section 93120.2(a)  
9 of title 17, California Code of Regulations (relating  
10 to an airborne toxic control measure to reduce form-  
11 aldehyde emissions from composite wood products)  
12 (as in effect on July 28, 2009), shall apply to hard-  
13 wood plywood, medium-density fiberboard, and  
14 particleboard sold, supplied, offered for sale, or man-  
15 ufactured in the United States.

16 “(2) APPLICABILITY.—The formaldehyde emis-  
17 sion standard referred to in paragraph (1) shall  
18 apply regardless of whether an applicable hardwood  
19 plywood, medium-density fiberboard, or  
20 particleboard is—

21 “(A) in the form of an unfinished panel; or

22 “(B) incorporated into a finished good.

23 “(c) EXEMPTIONS.—The formaldehyde emission  
24 standard referred to in subsection (b)(1) shall not apply  
25 to—

1           “(1) hardboard;

2           “(2) structural plywood, as specified in the  
3 standard entitled ‘Voluntary Product Standard–  
4 Structural Plywood’ and numbered PS 1–07 (or a  
5 successor standard);

6           “(3) structural panels, as specified in the stand-  
7 ard entitled ‘Voluntary Product Standard–Perform-  
8 ance Standard for Wood-Based Structural-Use Pan-  
9 els’ and numbered PS 2–04 (or a successor stand-  
10 ard);

11           “(4) structural composite lumber, as specified  
12 in the standard entitled ‘Standard Specification for  
13 Evaluation of Structural Composite Lumber Prod-  
14 ucts’ and numbered ASTM D 5456–06 (or a suc-  
15 cessor standard);

16           “(5) oriented strand board;

17           “(6) glued laminated lumber, as specified in the  
18 standard entitled ‘Structural Glued Laminated Tim-  
19 ber’ and numbered ANSI A190.1–2002 (or a suc-  
20 cessor standard);

21           “(7) prefabricated wood I-joists, as specified in  
22 the standard entitled ‘Standard Specification for Es-  
23 tablishing and Monitoring Structural Capacities of  
24 Prefabricated Wood I-Joists’ and numbered ASTM  
25 D 5055–05 (or a successor standard);

1 “(8) finger-jointed lumber;

2 “(9) wood packaging (including pallets, crates,  
3 spools, and dunnage);

4 “(10) composite wood products used inside new  
5 vehicles (as defined in section 430 of the California  
6 Vehicle Code) (excluding recreational vehicles), rail  
7 cars, boats, aerospace craft, or aircraft;

8 “(11) windows that contain composite wood  
9 products, if the window product contains less than  
10 5 percent by volume of hardwood plywood,  
11 particleboard, or medium-density fiberboard, com-  
12 bined, in relation to the total volume of the finished  
13 window product; or

14 “(12) exterior doors and garage doors that con-  
15 tain composite wood products, if—

16 “(A) the doors are made from composite  
17 wood products manufactured with no-added  
18 formaldehyde-based resins or ultra low-emitting  
19 formaldehyde resins; or

20 “(B) the doors contain less than 3 percent  
21 by volume of hardwood plywood, particleboard,  
22 or medium-density fiberboard, combined, in re-  
23 lation to the total volume of the finished exte-  
24 rior door or garage door.

25 “(d) REGULATIONS.—

1           “(1) IN GENERAL.—Not later than January 1,  
2           2012, the Administrator shall promulgate regula-  
3           tions to implement the formaldehyde emission stand-  
4           ard required under subsection (b) in a manner that  
5           ensures that compliance with the standard is equiva-  
6           lent to compliance with the standard contained in  
7           table 1 of section 93120.2(a) of title 17, California  
8           Code of Regulations (as in effect on July 28, 2009).

9           “(2) INCLUSIONS.—The regulations promul-  
10          gated pursuant to paragraph (1) shall include provi-  
11          sions relating to—

12                   “(A) labeling;

13                   “(B) chain of custody requirements;

14                   “(C) sell-through provisions;

15                   “(D) ultra low-emitting formaldehyde res-  
16          ins;

17                   “(E) no-added formaldehyde-based resins;

18                   “(F) finished goods;

19                   “(G) third-party testing and certification;

20                   “(H) auditing and reporting of third-party  
21          certifiers;

22                   “(I) recordkeeping;

23                   “(J) enforcement; and

24                   “(K) laminated products.

1           “(3) FINISHED GOODS REGULATORY IMPLE-  
2           MENTATION FOR RECREATIONAL VEHICLES, MANU-  
3           FACTURED HOMES, AND MODULAR HOMES.—With  
4           respect to finished goods containing regulated com-  
5           posite wood products—

6                   “(A) the effective date of sell-through reg-  
7                   ulations for recreational vehicles, manufactured  
8                   homes, and modular homes shall be based on a  
9                   designated date of manufacture of the finished  
10                  good, rather than date of sale of the finished  
11                  good; and

12                  “(B) any inventory of finished goods con-  
13                  taining regulated composite wood products and  
14                  manufactured before designated date of manu-  
15                  facture of the finished goods shall not be sub-  
16                  ject to the formaldehyde emissions standard re-  
17                  quired under subsection (b)(1).

18           “(4) IMPORT REGULATIONS.—Not later than  
19           July 1, 2012, the Administrator, in coordination  
20           with the Commissioner of Customs and Border Pro-  
21           tection and other appropriate Federal departments  
22           and agencies, shall revise regulations promulgated  
23           pursuant to section 13 as the Administrator deter-  
24           mines to be necessary to ensure compliance with this  
25           section.

1           “(5) MODIFICATION OF STANDARDS.—The Ad-  
2           ministrators may modify, by regulation, any reference  
3           to an industry standard contained in this subsection  
4           if the standard is subsequently updated.

5           “(e) PROHIBITED ACTS.—An individual or entity  
6           that violates any requirement under this section (including  
7           any regulation promulgated pursuant to subsection (d))  
8           shall be considered to have committed a prohibited act  
9           under section 15.”.

10          (b) CONFORMING AMENDMENT.—The table of con-  
11          tents of the Toxic Substances Control Act (15 U.S.C. prec.  
12          2601) is amended by adding at the end the following:

“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD  
PRODUCTS

“Sec. 601. Formaldehyde standards.”.

13       **SEC. 3. REPORTS TO CONGRESS.**

14          Not later than December 31, 2010, and annually  
15          thereafter through December 31, 2014, the Administrator  
16          of the Environmental Protection Agency shall submit to  
17          the Committee on Environment and Public Works of the  
18          Senate and the Committee on Energy and Commerce of  
19          the House of Representatives a report describing, with re-  
20          spect to the preceding calendar year—

21                (1) the status of the measures carried out or  
22                planned to be carried out pursuant to title VI of the  
23                Toxic Substances Control Act; and

1           (2) the extent to which relevant industries have  
2           achieved compliance with the requirements under  
3           that title.

4 **SEC. 4. MODIFICATION OF REGULATION.**

5           Not later than 180 days after the date of promulga-  
6           tion of regulations pursuant to section 601(d) of the Toxic  
7           Substances Control Act (as amended by section 2), the  
8           Secretary of Housing and Urban Development shall up-  
9           date the regulation contained in section 3280.308 of title  
10          24, Code of Federal Regulations (as in effect on the date  
11          of enactment of this Act), to ensure that the regulation  
12          reflects the standards established by section 601 of the  
13          Toxic Substances Control Act.

○