

Calendar No. 352

111TH CONGRESS
2^D SESSION**S. 1660****[Report No. 111–169]**

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2009

Ms. KLOBUCHAR (for herself, Mr. CRAPO, Mr. RISCH, Mr. GREGG, Ms. LANDRIEU, Ms. MURKOWSKI, Mr. TESTER, Mrs. SHAHEEN, Mr. ISAKSON, Mr. VITTER, Mrs. FEINSTEIN, Mr. BEGICH, Mr. COCHRAN, Mr. BAYH, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CORKER, Mr. LIEBERMAN, Mr. DURBIN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 19, 2010

Reported by Mr. REID (for Mrs. BOXER), with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE**
5 **WOOD PRODUCTS.**

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

9 **“TITLE VI—FORMALDEHYDE**
10 **STANDARDS FOR COMPOSITE**
11 **WOOD PRODUCTS**

12 **“SEC. 601. FORMALDEHYDE STANDARDS.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) FINISHED GOOD.—

15 “(A) IN GENERAL.—The term ‘finished
16 good’ means any good or product (other than a
17 panel) containing—

18 “(i) hardwood plywood;

19 “(ii) particleboard; or

20 “(iii) medium-density fiberboard.

21 “(B) INCLUSIONS.—The term ‘finished
22 good’ includes—

23 “(i) manufactured housing; and

24 “(ii) recreational vehicles.

25 “(C) EXCLUSIONS.—The term ‘finished
26 good’ does not include—

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

3 “(ii) any finished good that has pre-
4 viously been sold or supplied to an indi-
5 vidual or entity that purchased or acquired
6 the finished good in good faith for pur-
7 poses other than resale, such as—

8 “(I) an antique; or

9 “(II) secondhand furniture.

10 “(2) HARDWOOD PLYWOOD.—

11 “(A) IN GENERAL.—The term ‘hardwood
12 plywood’ means a hardwood or decorative panel
13 that is—

14 “(i) intended for interior use; and

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

20 “(I) lumber core;

21 “(II) particleboard core;

22 “(III) medium-density fiberboard
23 core;

24 “(IV) hardboard core; or

1 “(V) any other special core or
2 special back material.

3 “(B) ~~EXCLUSIONS.~~—The term ‘hardwood
4 plywood’ does not include—

5 “(i) a laminated product;

6 “(ii) military-specified plywood;

7 “(iii) curved plywood; or

8 “(iv) any other product specified in—

9 “(I) the standard entitled ‘Vol-
10 untary Product Standard—Structural
11 Plywood’ and numbered PS 1–07 (or
12 a successor standard); or

13 “(H) the standard entitled ‘Vol-
14 untary Product Standard—Perform-
15 ance Standard for Wood-Based Struc-
16 tural-Use Panels’ and numbered PS
17 2–04 (or a successor standard).

18 “(3) ~~LAMINATED PRODUCT.~~—The term ‘lami-
19 nated product’ means a product—

20 “(A) in which a wood veneer is affixed
21 to—

22 “(i) a particleboard platform;

23 “(ii) a medium-density fiberboard
24 platform; or

25 “(iii) a veneer-core platform; and

1 “(B) that is—

2 “(i) a component part;

3 “(ii) used in the construction or as-
4 ssembly of a finished good; and

5 “(iii) produced by the manufacturer
6 or fabricator of the finished good in which
7 the product is incorporated.

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

14 “(5) NO-ADDED FORMALDEHYDE-BASED
15 RESIN.—

16 “(A) IN GENERAL.—The term ‘no-added
17 formaldehyde-based resin’ means a resin formu-
18 lated with no added formaldehyde as part of the
19 resin cross-linking structure that meets the per-
20 formance standard contained in section
21 93120.3(c) of title 17, California Code of Regu-
22 lations (as in effect on July 28, 2009).

23 “(B) INCLUSIONS.—The term ‘no-added
24 formaldehyde-based resin’ may include any
25 resin made from—

- 1 “(i) soy;
 2 “(ii) polyvinyl acetate; or
 3 “(iii) methylene diisocyanate.

4 ~~“(6) PARTICLEBOARD.—~~

5 ~~“(A) IN GENERAL.—The term~~
 6 ~~‘particleboard’ means a panel composed of cel-~~
 7 ~~lulosic material in the form of discrete particles~~
 8 ~~(as distinguished from fibers, flakes, or~~
 9 ~~strands) that are pressed together with resin~~
 10 ~~(as determined under the standard numbered~~
 11 ~~ANSI A208.1–2009 (or a successor standard)).~~

12 ~~“(B) EXCLUSIONS.—The term~~
 13 ~~‘particleboard’ does not include any product~~
 14 ~~specified in the standard entitled ‘Voluntary~~
 15 ~~Product Standard–Performance Standard for~~
 16 ~~Wood-Based Structural-Use Panels’ and num-~~
 17 ~~bered PS 2–04 (or a successor standard)).~~

18 ~~“(7) ULTRA LOW-EMITTING FORMALDEHYDE~~
 19 ~~RESIN.—~~

20 ~~“(A) IN GENERAL.—The term ‘ultra low-~~
 21 ~~emitting formaldehyde resin’ means a resin for-~~
 22 ~~mulated using a process the average formalde-~~
 23 ~~hyde emissions of which are consistently below~~
 24 ~~the phase 2 emission standards contained in the~~
 25 ~~airborne toxic control measure for composite~~

wood products described in section 93120.3(d) of title 17, California Code of Regulations (as in effect on July 28, 2009).

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

“(i) melamine-urea-formaldehyde resin;

“(ii) phenol formaldehyde resin; and

“(iii) resorcinol formaldehyde resin.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in subsection (d), effective beginning on the date that is 180 days after the date of enactment of this section, the formaldehyde emission standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (relating to an airborne toxic control measure to reduce formaldehyde emissions from composite wood products) (as in effect on July 28, 2009), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

“(2) APPLICABILITY.—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood

1 plywood, medium-density fiberboard, or
 2 particleboard is—

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

4 “(B) incorporated into a finished good.

5 “(c) EXEMPTIONS.—The formaldehyde emission
 6 standard referred to in subsection (b)(1) shall not apply
 7 to—

8 “(1) hardboard;

9 “(2) structural plywood, as specified in the
 10 standard entitled ‘Voluntary Product Standard—
 11 Structural Plywood’ and numbered PS 1–07 (or a
 12 successor standard);

13 “(3) structural panels, as specified in the stand-
 14 ard entitled ‘Voluntary Product Standard—Perform-
 15 ance Standard for Wood-Based Structural-Use Pan-
 16 els’ and numbered PS 2–04 (or a successor stand-
 17 ard);

18 “(4) structural composite lumber, as specified
 19 in the standard entitled ‘Standard Specification for
 20 Evaluation of Structural Composite Lumber Prod-
 21 ucts’ and numbered ASTM D 5456–06 (or a suc-
 22 cessor standard);

23 “(5) oriented strand board;

24 “(6) glued laminated lumber, as specified in the
 25 standard entitled ‘Structural Glued Laminated Tim-

1 ber’ and numbered ANSI A190.1–2002 (or a suc-
 2 cessor standard);

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

8 “(8) finger-jointed lumber;

9 “(9) wood packaging (including pallets, crates,
 10 spools, and dunnage); or

11 “(10) composite wood products used inside new
 12 vehicles (as defined in section 430 of the California
 13 Vehicle Code) (excluding recreational vehicles), rail
 14 cars, boats, aerospace craft, or aircraft.

15 “(d) REGULATIONS.—

16 “(1) IN GENERAL.—Not later than January 1,
 17 2011, the Administrator shall promulgate regula-
 18 tions to implement the formaldehyde emission stand-
 19 ard required under subsection (b) in a manner that
 20 ensures that compliance with the standard is equiva-
 21 lent to compliance with the standard contained in
 22 table 1 of section 93120.2(a) of title 17, California
 23 Code of Regulations (as in effect on July 28, 2009).

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

4 ~~“(A) labeling;~~

5 ~~“(B) chain of custody requirements;~~

6 ~~“(C) sell-through provisions;~~

7 ~~“(D) ultra low-emitting formaldehyde res-~~
 8 ~~ins;~~

9 ~~“(E) no-added formaldehyde-based resins;~~

10 ~~“(F) finished goods;~~

11 ~~“(G) third-party testing and certification;~~

12 ~~“(H) auditing and reporting of third-party~~
 13 ~~certifiers;~~

14 ~~“(I) recordkeeping; and~~

15 ~~“(J) enforcement.~~

16 ~~“(3) IMPORT REGULATIONS.—Not later than~~
 17 ~~July 1, 2011, the Administrator, in coordination~~
 18 ~~with the Commissioner of Customs and Border Pro-~~
 19 ~~tection and other appropriate Federal departments~~
 20 ~~and agencies, shall revise regulations promulgated~~
 21 ~~pursuant to section 13 as the Administrator deter-~~
 22 ~~mines to be necessary to ensure compliance with this~~
 23 ~~section.~~

24 ~~“(4) MODIFICATION OF STANDARDS.—The Ad-~~
 25 ~~ministrator may modify, by regulation, any reference~~

1 to an industry standard contained in this subsection
 2 if the standard is subsequently updated.

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

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

~~“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD
 PRODUCTS~~

~~“Sec. 601. Formaldehyde standards.”.~~

11 **SEC. 3. REPORTS TO CONGRESS.**

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

19 (1) the status of the measures carried out or
 20 planned to be carried out pursuant to title VI of the
 21 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 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE**
 8 **WOOD PRODUCTS.**

9 (a) *AMENDMENT.*—*The Toxic Substances Control Act*
 10 *(15 U.S.C. 2601 et seq.) is amended by adding at the end*
 11 *the following:*

12 **“TITLE VI—FORMALDEHYDE**
 13 **STANDARDS FOR COMPOSITE**
 14 **WOOD PRODUCTS**

15 **“SEC. 601. FORMALDEHYDE STANDARDS.**

16 “(a) *DEFINITIONS.*—*In this section:*

17 “(1) *FINISHED GOOD.*—

18 “(A) *IN GENERAL.*—*The term ‘finished*
 19 *good’ means any good or product (other than a*
 20 *panel) containing—*

21 “(i) *hardwood plywood;*

22 “(ii) *particleboard; or*

23 “(iii) *medium-density fiberboard.*

24 “(B) *EXCLUSIONS.*—*The term ‘finished*
 25 *good’ does not include—*

1 “(i) *any component part or other part*
 2 *used in the assembly of a finished good; or*

3 “(ii) *any finished good that has pre-*
 4 *viously been sold or supplied to an indi-*
 5 *vidual or entity that purchased or acquired*
 6 *the finished good in good faith for purposes*
 7 *other than resale, such as—*

8 “(I) *an antique; or*

9 “(II) *secondhand furniture.*

10 “(2) *HARDBOARD.—The term ‘hardboard’ means*
 11 *a composite panel composed of cellulosic fibers manu-*
 12 *factured with a wet process using—*

13 “(A) *no resins; or*

14 “(B) *resins that have no added formalde-*
 15 *hyde.*

16 “(3) *HARDWOOD PLYWOOD.—*

17 “(A) *IN GENERAL.—The term ‘hardwood*
 18 *plywood’ means a hardwood or decorative panel*
 19 *that is—*

20 “(i) *intended for interior use; and*

21 “(ii) *composed of (as determined under*
 22 *the standard numbered ANSI/HPVA HP-*
 23 *1–2004 (or a successor standard)) an as-*
 24 *sembly of layers or plies of veneer, joined by*
 25 *an adhesive with—*

- 1 “(I) *lumber core*;
 2 “(II) *particleboard core*;
 3 “(III) *medium-density fiberboard*
 4 *core*;
 5 “(IV) *hardboard core*; or
 6 “(V) *any other special core or spe-*
 7 *cial back material*.

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

- 10 “(i) *military-specified plywood*;
 11 “(ii) *curved plywood*; or
 12 “(iii) *any other product specified in—*
 13 “(I) *the standard entitled ‘Vol-*
 14 *untary Product Standard—Structural*
 15 *Plywood’ and numbered PS 1–07 (or a*
 16 *successor standard)*; or
 17 “(II) *the standard entitled ‘Vol-*
 18 *untary Product Standard—Performance*
 19 *Standard for Wood-Based Structural-*
 20 *Use Panels’ and numbered PS 2–04*
 21 *(or a successor standard)*.

22 “(C) *LAMINATED PRODUCTS.—*

- 23 “(i) *IN GENERAL.—The Administrator*
 24 *shall conduct a rulemaking process pursu-*
 25 *ant to subsection (d) that uses all available*

1 *and relevant information from State au-*
 2 *thorities (including the California Air Re-*
 3 *sources Board), industry, and other avail-*
 4 *able sources of such information, and ana-*
 5 *lyzes such information to determine, at the*
 6 *discretion of the Administrator, whether the*
 7 *definition of hardwood plywood should ex-*
 8 *empt any laminated product. The Adminis-*
 9 *trator may also modify any aspect of the*
 10 *definition contained in clause (ii) before in-*
 11 *cluding it in such regulations.*

12 “(ii) *LAMINATED PRODUCT.*—*The term*
 13 *‘laminated product’ means a product—*

14 “(I) *in which a wood veneer is af-*
 15 *fixed to—*

16 “(aa) *a particleboard plat-*
 17 *form;*

18 “(bb) *a medium-density fi-*
 19 *berboard platform; or*

20 “(cc) *a veneer-core platform;*
 21 *and*

22 “(II) *that is—*

23 “(aa) *a component part;*

1 “(bb) *used in the construc-*
 2 *tion or assembly of a finished*
 3 *good; and*

4 “(cc) *produced by the manu-*
 5 *facturer or fabricator of the fin-*
 6 *ished good in which the product is*
 7 *incorporated.*

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

14 “(5) *NO-ADDED FORMALDEHYDE-BASED*
 15 *RESIN.—*

16 “(A) *IN GENERAL.—The term ‘no-added*
 17 *formaldehyde-based resin’ means a resin formu-*
 18 *lated with no added formaldehyde as part of the*
 19 *resin cross-linking structure that meets the per-*
 20 *formance standard contained in section*
 21 *93120.3(c) of title 17, California Code of Regula-*
 22 *tions (as in effect on July 28, 2009).*

23 “(B) *INCLUSIONS.—The term ‘no-added*
 24 *formaldehyde-based resin’ may include any resin*
 25 *made from—*

1 “(i) *soy*;

2 “(ii) *polyvinyl acetate*; or

3 “(iii) *methylene diisocyanate*.

4 “(6) *PARTICLEBOARD*.—

5 “(A) *IN GENERAL*.—The term
6 ‘particleboard’ means a panel composed of cellu-
7 losic material in the form of discrete particles
8 (as distinguished from fibers, flakes, or strands)
9 that are pressed together with resin (as deter-
10 mined under the standard numbered ANSI
11 A208.1–2009 (or a successor standard)).

12 “(B) *EXCLUSIONS*.—The term
13 ‘particleboard’ does not include any product
14 specified in the standard entitled ‘Voluntary
15 Product Standard–Performance Standard for
16 Wood-Based Structural-Use Panels’ and num-
17 bered PS 2–04 (or a successor standard).

18 “(7) *ULTRA LOW-EMITTING FORMALDEHYDE*
19 *RESIN*.—

20 “(A) *IN GENERAL*.—The term ‘ultra low-
21 emitting formaldehyde resin’ means a resin for-
22 mulated using a process the average formalde-
23 hyde emissions of which are consistently below
24 the phase 2 emission standards contained in the
25 airborne toxic control measure for composite

1 *wood products described in section 93120.3(d) of*
 2 *title 17, California Code of Regulations (as in ef-*
 3 *fect on July 28, 2009).*

4 *“(B) INCLUSIONS.—The term ‘ultra low-*
 5 *emitting formaldehyde resin’ may include—*

6 *“(i) melamine-urea-formaldehyde*
 7 *resin;*

8 *“(ii) phenol formaldehyde resin; and*

9 *“(iii) resorcinol formaldehyde resin.*

10 *“(b) REQUIREMENT.—*

11 *“(1) IN GENERAL.—Except as provided in an*
 12 *applicable sell-through regulation promulgated pursu-*
 13 *ant to subsection (d), effective beginning on the date*
 14 *that is 180 days after the date of promulgation of*
 15 *those regulations, the formaldehyde emission standard*
 16 *contained in table 1 of section 93120.2(a) of title 17,*
 17 *California Code of Regulations (relating to an air-*
 18 *borne toxic control measure to reduce formaldehyde*
 19 *emissions from composite wood products) (as in effect*
 20 *on July 28, 2009), shall apply to hardwood plywood,*
 21 *medium-density fiberboard, and particleboard sold,*
 22 *supplied, offered for sale, or manufactured in the*
 23 *United States.*

24 *“(2) APPLICABILITY.—The formaldehyde emis-*
 25 *sion standard referred to in paragraph (1) shall*

1 *apply regardless of whether an applicable hardwood*
 2 *plywood, medium-density fiberboard, or particleboard*
 3 *is—*

4 “(A) *in the form of an unfinished panel; or*
 5 “(B) *incorporated into a finished good.*

6 “(c) *EXEMPTIONS.—The formaldehyde emission stand-*
 7 *ard referred to in subsection (b)(1) shall not apply to—*

8 “(1) *hardboard;*

9 “(2) *structural plywood, as specified in the*
 10 *standard entitled ‘Voluntary Product Standard–*
 11 *Structural Plywood’ and numbered PS 1–07 (or a*
 12 *successor standard);*

13 “(3) *structural panels, as specified in the stand-*
 14 *ard entitled ‘Voluntary Product Standard–Perform-*
 15 *ance Standard for Wood-Based Structural-Use Pan-*
 16 *els’ and numbered PS 2–04 (or a successor standard);*

17 “(4) *structural composite lumber, as specified in*
 18 *the standard entitled ‘Standard Specification for*
 19 *Evaluation of Structural Composite Lumber Prod-*
 20 *ucts’ and numbered ASTM D 5456–06 (or a successor*
 21 *standard);*

22 “(5) *oriented strand board;*

23 “(6) *glued laminated lumber, as specified in the*
 24 *standard entitled ‘Structural Glued Laminated Tim-*

1 *ber’ and numbered ANSI A190.1–2002 (or a successor*
 2 *standard);*

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

8 *“(8) finger-jointed lumber;*

9 *“(9) wood packaging (including pallets, crates,*
 10 *spools, and dunnage); or*

11 *“(10) composite wood products used inside new*
 12 *vehicles (as defined in section 430 of the California*
 13 *Vehicle Code) (excluding recreational vehicles), rail*
 14 *cars, boats, aerospace craft, or aircraft.*

15 *“(d) REGULATIONS.—*

16 *“(1) IN GENERAL.—Not later than July 1, 2012,*
 17 *the Administrator shall promulgate regulations to im-*
 18 *plement the formaldehyde emission standard required*
 19 *under subsection (b) in a manner that ensures that*
 20 *compliance with the standard is equivalent to compli-*
 21 *ance with the standard contained in table 1 of section*
 22 *93120.2(a) of title 17, California Code of Regulations*
 23 *(as in effect on July 28, 2009).*

1 “(2) *INCLUSIONS.*—*The regulations promulgated*
 2 *pursuant to paragraph (1) shall include provisions*
 3 *relating to—*

4 “(A) *labeling;*

5 “(B) *chain of custody requirements;*

6 “(C) *sell-through provisions;*

7 “(D) *ultra low-emitting formaldehyde res-*
 8 *ins;*

9 “(E) *no-added formaldehyde-based resins;*

10 “(F) *finished goods;*

11 “(G) *third-party testing and certification;*

12 “(H) *auditing and reporting of third-party*
 13 *certifiers;*

14 “(I) *recordkeeping;*

15 “(J) *enforcement; and*

16 “(K) *laminated products.*

17 “(3) *IMPORT REGULATIONS.*—*Not later than*
 18 *July 1, 2012, the Administrator, in coordination with*
 19 *the Commissioner of Customs and Border Protection*
 20 *and other appropriate Federal departments and agen-*
 21 *cies, shall revise regulations promulgated pursuant to*
 22 *section 13 as the Administrator determines to be nec-*
 23 *essary to ensure compliance with this section.*

24 “(4) *MODIFICATION OF STANDARDS.*—*The Ad-*
 25 *ministrator may modify, by regulation, any reference*

1 to an industry standard contained in this subsection
2 if the standard is subsequently updated.

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

8 (b) *CONFORMING AMENDMENT.*—The table of contents
9 of the Toxic Substances Control Act (15 U.S.C. prec. 2601)
10 is amended by adding at the end the following:

“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD
PRODUCTS

“Sec. 601. Formaldehyde standards.”.

11 **SEC. 3. REPORTS TO CONGRESS.**

12 Not later than December 31, 2010, and annually there-
13 after through December 31, 2014, the Administrator of the
14 Environmental Protection Agency shall submit to the Com-
15 mittee on Environment and Public Works of the Senate and
16 the Committee on Energy and Commerce of the House of
17 Representatives a report describing, with respect to the pre-
18 ceding calendar year—

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

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

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

5 *Not later than 180 days after the date on which the*
6 *Administrator of the Environmental Protection Agency*
7 *promulgates regulations under section 601(d)(1) of the*
8 *Toxic Substances Control Act (as added by section 2(a)),*
9 *the Secretary of Housing and Urban Development shall up-*
10 *date the regulation contained in section 3280.308 of title*
11 *24, Code of Federal Regulations (as in effect on the date*
12 *of enactment of this Act), to ensure that the regulation re-*
13 *flects the standards established by section 601 of the Toxic*
14 *Substances Control Act (as so added).*

Calendar No. 352

11TH CONGRESS
2^D Session

S. 1660

[Report No. 111-169]

A BILL

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

APRIL 19, 2010

Reported with an amendment