

111TH CONGRESS
1ST SESSION

S. 1660

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 and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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) INCLUSIONS.—The term ‘finished
 19 good’ includes—

20 “(i) manufactured housing; and

21 “(ii) recreational vehicles.

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

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

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

6 “(I) an antique; or

7 “(II) secondhand furniture.

8 “(2) HARDWOOD PLYWOOD.—

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

12 “(i) intended for interior use; and

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

18 “(I) lumber core;

19 “(II) particleboard core;

20 “(III) medium-density fiberboard
 21 core;

22 “(IV) hardboard core; or

23 “(V) any other special core or
 24 special back material.

1 “(B) EXCLUSIONS.—The term ‘hardwood
2 plywood’ does not include—

3 “(i) a laminated product;

4 “(ii) military-specified plywood;

5 “(iii) curved plywood; or

6 “(iv) any other product specified in—

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

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

16 “(3) LAMINATED PRODUCT.—The term ‘lami-
17 nated product’ means a product—

18 “(A) in which a wood veneer is affixed
19 to—

20 “(i) a particleboard platform;

21 “(ii) a medium-density fiberboard
22 platform; or

23 “(iii) a veneer-core platform; and

24 “(B) that is—

25 “(i) a component part;

1 “(ii) used in the construction or as-
2 sembly of a finished good; and

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

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

12 “(5) NO-ADDED FORMALDEHYDE-BASED
13 RESIN.—

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

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

24 “(i) soy;

25 “(ii) polyvinyl acetate; or

1 “(iii) methylene diisocyanate.

2 “(6) PARTICLEBOARD.—

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

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

16 “(7) ULTRA LOW-EMITTING FORMALDEHYDE
17 RESIN.—

18 “(A) IN GENERAL.—The term ‘ultra low-
19 emitting formaldehyde resin’ means a resin for-
20 mulated using a process the average formalde-
21 hyde emissions of which are consistently below
22 the phase 2 emission standards contained in the
23 airborne toxic control measure for composite
24 wood products described in section 93120.3(d)

1 of title 17, California Code of Regulations (as
2 in effect on July 28, 2009).

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

5 “(i) melamine-urea-formaldehyde
6 resin;

7 “(ii) phenol formaldehyde resin; and

8 “(iii) resorcinol formaldehyde resin.

9 “(b) REQUIREMENT.—

10 “(1) IN GENERAL.—Except as provided in sub-
11 section (d), effective beginning on the date that is
12 180 days after the date of enactment of this section,
13 the formaldehyde emission standard contained in
14 table 1 of section 93120.2(a) of title 17, California
15 Code of Regulations (relating to an airborne toxic
16 control measure to reduce formaldehyde emissions
17 from composite wood products) (as in effect on July
18 28, 2009), shall apply to hardwood plywood, me-
19 dium-density fiberboard, and particleboard sold, sup-
20 plied, offered for sale, or manufactured in the
21 United States.

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

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