

# SPC&B Update

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EPA Will Require Importers of Composite Wood and Composite Wood Articles to Certify Compliance with TSCA Formaldehyde Emissions Standard

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## EPA Set to Require Certification, Labeling, and Recordkeeping of Composite Wood Products

In accordance with the Formaldehyde Standards for Composite Wood Products Act, which was enacted on July 7, 2010, and became Title VI of the Toxic Substances Control Act (TSCA), the Environmental Protection Agency (EPA) has issued a final rule designed to limit formaldehyde emissions from composite wood products sold, manufactured, or imported in the United States. Formaldehyde is found in the adhesives used in a wide range of composite wood products. The rule probably will be published in the *Federal Register* this week.

In addition to the third party testing and labeling requirements to be imposed upon composite wood panel producers (effective one year from the publication of the final rule in the *Federal Register*), the rule also requires importers of composite wood panels **and finished products made of composite wood** to certify that they are in compliance with TSCA Title VI, starting two years from the date the rule is published. Importers must maintain bills of lading, invoices, or comparable documents that contain a written statement from the supplier that the composite wood products, components, or finished goods are TSCA Title VI compliant or were produced before the one-year effective date and must ensure that certain specified additional records are made available to the EPA within 30 days of a request.

While there is a significant grace period before full implementation of the new requirements, importers of composite wood products should start taking steps now to ensure compliance.

For more detailed information on the TSCA Title VI requirements, please contact Gail T. Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com), Alli Baron at [abaron@spcblaw.com](mailto:abaron@spcblaw.com), Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com), or Ken Paley at [kpaley@spcblaw.com](mailto:kpaley@spcblaw.com), or call us at 212-425-0055.

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