

Formaldehyde Emission Standards for Composite Wood Products  
Public Meeting Agenda and Technical Issues  
June 28, 2018, 1:00 p.m. to 4:00 p.m.  
U.S. EPA Headquarters  
1201 Constitution Avenue, N.W., Washington, DC 20004

**AGENDA**

- 1:00-1:10 Welcome and Goals of Today's Public Meeting  
*Tanya Hodge Mottley, Director, National Program Chemicals Division (NPCD)*
- 1:10-1:30 Introduction and Anticipated Process for Possible Proposed Rule Amendments on Technical Issues in the TSCA Title VI Formaldehyde Emission Standards for Composite Wood Products Final Rule.  
*Erik Winchester, NPCD*
- 1:30-3:00 Discussion of Topics for Potential Proposed Technical Amendments and Advance Questions. [*SEE TOPICS BELOW*]  
*Erik Winchester, Robert Courtnage, and Todd Coleman, NPCD*
- 3:00-3:45 Public Comments from In-person Attendees and Call-In Participants.  
\*Additional questions as time allows.  
\*\*Written comments must be submitted to docket: EPA-HQ-OPPT-2018-0174  
*Eva Cappuccilli, NPCD*
- 3:45-4:00 Wrap Up and General Timeline for Next Steps.  
*Erik Winchester, NPCD*
- 4:00 End of Public Meeting.

## **1:30-3:00 TECHNICAL ISSUES - Topics for Discussion:**

NOTE: The Agency will provide a short explanation of each issue listed below and seek feedback from attendees on each issue. The Agency will use all information provided by meeting attendees and through public comment to assess how the Agency might address each issue and if some may potentially be addressed in a future proposed rulemaking.

### 1) Experimental Resin Provisions

- Stakeholders requested guidance on the use of new resins in composite wood products and how to determine when a product transitions from research and development to a regulated panel.
- Stakeholders also requested that the agency provide more detailed information in the TSCA Title VI final rule regarding provisions for a mill using new resins for existing product types, and how the inclusion of data from testing those existing product types using new resins would affect the mill's running averages for quality control testing.
- Stakeholders suggested that the agency add provisions to TSCA Title VI (creating § 770.25 in Subpart C) for new resins in composite wood products to be sold, offered for sale, or distributed in commerce immediately.

### 2) Annual Correlations

- Stakeholders requested that the agency reconsider the requirement in § 770.20(d)(2), which requires a show of correlation between an ASTM 1333-14 chamber (or an equivalent ASTM D6007-14 chamber) and any other test method used for quarterly or quality control testing annually for the first three years, and every two years thereafter to continue certifying composite wood products.
- Stakeholders view the annual correlation requirement as unnecessary and overly burdensome because, if a correlation were ever invalid, then it would be immediately apparent to the TPC and/or panel producer conducting the required routine quality control testing.
- Stakeholders also noted the California Air Resources Board's (CARB) Airborne Toxic Control Measures (ATCM) program does not require annual correlation.
- CARB determined that an initial correlation test is adequate to ensure proper correlation and thus does not require annual correlations unless there is a significant change in operation at the mill, or when there is reason to believe the correlation is no longer valid.
- Stakeholders suggested that the agency be consistent with CARB by removing the annual correlation requirement in § 770.20(d)(2) and require only an initial showing of correlation to certify product.
- As well, a new correlation would be required thereafter whenever there is a significant change in equipment, procedure, or the qualifications of testing personnel; or likewise, whenever the TPC or panel producer has reason to believe that the correlation is no longer valid.

### 3) Equivalence on Like-size or Similar Model Chambers

- Stakeholders requested that the agency amend the TSCA Title VI rule at § 770.20(d) to align with CARB’s ATCM regulation, which allows a TPC to use its ASTM E1333-14 chamber (i.e., apparatus) to demonstrate equivalence with any of the TPC’s ASTM D6007-14 apparatus and allow that equivalence to apply to multiple apparatuses (within the same TPC lab) of similar size and construction.
- Stakeholders noted that some TPC’s operate dozens of like size and construction chambers, and that demonstrating equivalence between each chamber would be a significant cost burden and provides little additional assurance regarding the quality and comparability of the test data.
- CARB determined that demonstrating equivalence between one ASTM E1333-14 chamber and a TPC’s ASTM D6007-14 test chamber can apply to all of the TPC’s ASTM D6007-14 test chambers or apparatuses of similar size and construction; they purposely allow use of this approach as it reduces testing burden on the TPC while having no negative impact on the validity of data between test methods.
- Stakeholders suggested the agency revise § 770.20(d) to allow equivalence shown between one ASTM E1333-14 chamber and a TPC’s ASTM D6007-14 test chamber to apply to all of the TPC’s ASTM D6007-14 test chambers of similar size and construction.
- Stakeholders also suggested the agency revise § 770.20(d) to allow correlation between one ASTM E1333-14 (or an equivalent ASTM D-6007-14) chamber and any mill quality control method chamber or apparatus as provided in § 770.20(b) chamber to apply to all of that mill’s quality control method chamber or apparatus of a similar size and construction.

#### 4) Averaging of Emissions Test Results

- Stakeholders requested that the agency amend the non-complying lot definition, § 770.20(c), and § 770.20(d) in the final rule as this section does not address the CARB approved and industry employed method of “averaging” of sample results.
- In non-complying lot retesting, CARB allows three separate panels to be selected from three separate bundles and separately tested, and then those values averaged to ensure the mean is below the quality control limit.
- In quarterly testing and demonstration of equivalence or correlation, CARB allows for averaging three separate chamber test results (using nine specimens representing evenly distributed portions of the entire panel; which, are tested in groups of three specimens to give three test results which are averaged into one data point for the entire panel) to account for variability in formaldehyde emissions from any the panel.
- Stakeholders suggested that the agency amend the non-complying lot definition, § 770.20(c), and § 770.20(d) to allow for averaging of test results the same way as allowed by CARB in order to provide regulatory consistency with how emission standards are tested under both the CARB and EPA programs.

#### 5) Testing Emission Ranges

- Stakeholders requested that the agency consider allowing separate emission ranges for when a when TPC is demonstrating equivalence between an ASTM E 1333-14 chamber and an ASTM D6007-14 chamber in order to certify products.

- The TSCA Title VI final rule does not explicitly require separate ranges be tested for the demonstration of equivalence.
- CARB's ATCM requires TPCs to demonstrate equivalence across two separate emission ranges with a minimum of five sample sets per range (ten total) and that the range tested spans the full range of expected emissions for the products being certified by the TPC for the mill.
- CARB additionally allows TPCs to test and demonstrate equivalence at one emission level if the product being certified is expected to have little to no variability in its emissions (e.g., no-added formaldehyde (NAF) and ultra-low emitting formaldehyde (ULEF) products).
- Stakeholders suggested that the agency add a regulatory range for low, middle, and upper ranges to § 770.20(d)(1) and § 770.20(d)(1)(i)(C), as well as amend the equivalence determination calculation at § 770.20(d)(1)(iii) to accommodate testing emission ranges, which would align with CARB's ATCM.

6) Allow for Determining Equivalence Only if Mill Uses their TSCA Title VI TPC for All Testing

- Stakeholders noted that certain panel producers use the TPC for all required testing, meaning both the quarterly and quality control testing, and in this scenario when the TPC is using the ASTM D6007-14 test chamber (that has been shown to be equivalent to the ASTM E1333-14 chamber) for both quarterly and quality control testing the requirement in § 770.20(d)(2)(i)-(ii) to correlate does not make sense (i.e., the test chamber would be correlated to itself).
- Stakeholders suggested that the agency add provisions in § 770.20(d)(2)(i) to allow a TPC to use an ASTM D6007-14 chamber (that has been shown to be equivalent to the ASTM E1333-14 chamber) to conduct quality control tests for the panel producer without establishing a correlation.

7) Correlational Coefficients and "r" Value

- Stakeholders note that some composite wood products (i.e., NAF/ULEF) emit such low levels of formaldehyde that TPCs find it difficult to establish correlations with five data pairs because all of the measurements are clustered near-zero, or below the analytic method of detection.
- Stakeholders further note that when data are tightly clustered near zero the correlation will be too low to meet the "r" values in § 770.20(d)(2)(ii) there is no variability in the results so a linear regression line cannot be generated as required by § 770.20(d)(2)(i).
- Stakeholders note that they use the CARB-approved clustered method, point of origin, and threshold approach to develop values when certifying products under the CARB ATCM program in this situation; as provided by CARB here:  
[https://www.arb.ca.gov/toxics/compwood/tpc/tpc\\_clearinghouse.htm](https://www.arb.ca.gov/toxics/compwood/tpc/tpc_clearinghouse.htm).
- Stakeholders suggested that the agency amend § 770.20(d)(2)(i) to also allow for the use of clustered methods, point of origin, and threshold approach, as well as the linear regression to develop the value.

#### 8) Notification of Exceedance of Quality Control Limit (QCL)

- Stakeholders requested that the agency clarify § 770.7(c)(4)(v)(C), which contains contradictory information with respect to the notification requirement stating that notification is required after “more than two” exceedances of the QCL before later, in the same section, stating notification is needed after the TPC becomes aware of the “second” exceedance of the QCL.
- Stakeholders requested that the agency amend § 770.7(c)(4)(v)(C) to definitively state that notification is needed in the event of the third exceedance of the QCL.

#### 9) NAF and ULEF Exemption Testing Requirements

- Stakeholders note that the final rule requires five (NAF) and ten (ULEF) tests, respectively, to be included with an application submitted to EPA requesting a NAF/ULEF exemption and reduced testing whereas CARB requires a minimum of 13 (NAF) and 26 (ULEF) tests to be submitted.
- Stakeholders note that this will create confusion for mills who are planning to comply, or already complying, with NAF/ULEF exemptions under the TSCA Title VI and CARB ATCM programs.
- Stakeholders have requested that the agency amend § 770.17(a)(4) to require 13 tests (NAF) and § 770.18(a)(4) to require 26 tests (ULEF) to align with CARB’s testing requirements.

#### 10) Update to the ISO:17025-2017 Voluntary Consensus Standard

- Stakeholders noted that the ISO: 17025 voluntary consensus standard has been updated since the EPA published the TSCA Title VI final rule on December 12, 2016.
- EPA is aware of this update and plans to incorporate it into the final rule in the near future, which will require an amendment to the December 12, 2016 TSCA Title VI final rule.

#### 11) Mill Start-up and Restart Procedures

- Stakeholders have requested guidance on the starting-up a new mill or restarting of an existing mill which may not have a valid correlation between their quality control test method as provided in § 770.20(b) and their TPC’s ASTM E1333 chamber or equivalent ASTM D6007 chamber to certify composite wood products.
- The agency has acknowledged that although mill start-up and restart scenarios are not prohibited by the final rule, the final rule lacks regulatory text which provides a clear procedure for mill start-up or restart scenarios.
- Stakeholders have requested that the agency provide more detailed information on the limits of data being used to certify composite wood products for a mill start-up or restart scenario under the final rule.
- Stakeholders suggested that the agency amend the rule to add clarifying text for mill start-up and restart procedures under the EPA program.

#### 12) Additional Technical Issues

- Discuss additional technical issues identified by stakeholders (issues submitted to EPA in advance or today as time permits) that can help improve consistency with CARB’s

regulation, improve clarity in the rule, and help improve overall implementation of the rule.