



BULLETIN

FEB/MARCH 2018

Furniture Regulatory Updates

U.S.EPA Formaldehyde Regulation

Late in February the U.S.EPA settled a law suit by the Sierra Club which alleged that the extended time granted for compliance to TSCA Title VI 40 CFR 770 for emissions of formaldehyde from composite wood used in furniture and other products was not warranted. The court ruled against the

Sierra Club resulting in the current extension for compliance by the “manufactured-by” date to be the December 12,2018.Also for the emission standards, record keeping and labeling requirements.The “Manufactured- by” date also includes the “imported-by” date for imported composite wood products or Finished furniture goods containing these products.

Other compliance dates for; the provisions for laminated products,and the extension of the transition period during which the CARB(California Air Resources Board) Third Party Certifyers(TPC) may certify composite wood products under TSCA Title VI without an accreditation issued by a EPA TSCA Title VI Accreditation

Body,so long as the TPC remains approved by CARB is then recognized by EPA,and complies with all aspects of the *December 12,2016 final rule* are now also extended to the December 12,2018 date.

It should be noted that if EPA receives negative comments on this or other sections of the proposed rule then further delays or expedited dates could occur.

The provision to remove the prohibition on early labeling was approved and became effective on August 25,2017.This provision allows regulated entities to voluntarily label compliant products as soon as compliance is achieved this is still in effect as long as all provisions of the regulation are in full compliance.

Testing,Certification and Record

keeping requirements for all regulated entities is required and must be available to EPA inspectors upon request. Full chain of custody records by documentation is required to show compliance at all stages of the “movement of goods”, from the source mill to the fabricator to the distributor and finally to the retailer’s possession.

Composite wood products or finished furniture goods manufactured or imported before the manufactured by date are not subject to the regulation, however there must be associated records showing the composite wood panels or finished goods were in inventory or imported prior to the December 12, 2018 date.

Regulated entities are not permitted to sell any composite wood product or finished good containing composite

wood it they were stockpiled. Stockpiled meaning if a company had increased its inventory by more than 20% or when they purchased products at a higher, rate specifically to circumvent the emission standard.

We will continue to follow the monthly progression of this regulation until a final/final date is confirmed by U.S.EPA./CARB.

UPDATE!

After the above bulletin the U.S.EPA on **March 9, 2018** in a further ruling changed the December 12, 2018 “**manufactured by date**” to **JUNE 1, 2018**. So furniture manufactured after June

1,2018 must be compliant to the new Federal law for emissions of formaldehyde from composite wood products used in furniture (plywood, MDF and Particle board). Compliant to TSCA Title VI 40CFR 770.

LABELING EXAMPLES:

Fabricators must label the furniture item itself and the outside carton that contained the item.

Importers, distributors and retailers must leave intact labels on finished goods to

facilitate inspections by regulatory authorities.

The US EPA **Federal label** must include;

a)-the fabricators name,

B)-the date the finished good was produced and

C)- a statement that the finished goods are “TSCA Title VI compliant for Formaldehyde emissions”

The **Federal & California CARB** label must include:

A)- The company name, address,city,state,zip and

country.

B)-Date finished goods were produced Month & Year

C)-The Statement “TSCA Title VI Compliant for formaldehyde emissions”

D)-The statement “California #93120 Compliant for formaldehyde Phase Two”.

California Carb Labeling

we suggest in order to be comprehensive that both the US EPA and CARB compliant labeling be used to avoid

confusion since many retailers and consumers in California are accustomed to seeing the CARB phase two label.

Also Carb compliant products are considered to be TSCA Title VI compliant through March 22,2019.

We will follow this information on the two formaldehyde regulations through any additional changes as we proceed.

Best Regards,
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