



July 26, 2017

Mr. Erik Winchester  
National Program Chemicals Division (NPCD)  
Office of Pollution Prevention and Toxics (OPPT)  
C/O Document Control Office (7407M)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

RE: Formaldehyde Emission Standards for Composite Wood Products; Labeling Relief – Docket No. EPA-HQ-OPPT-2017-0243-0002; FRL-9963-05

Dear Mr. Winchester:

We are writing for the American Home Furnishings Alliance, the International Wood Products Association, the Kitchen Cabinet Manufacturers Association, the National Retail Federation, the National Wood Flooring Association, the Recreation Vehicle Industry Association, and the Retail Industry Leaders Association to provide comments to the Environmental Protection Agency on the [Formaldehyde Emission Standards for Composite Wood Products; Labeling Relief](#), 82 Fed. Reg. 31922 (July 11, 2017).

## **I. Our Associations Support the Direct Final Rule on Labeling Relief**

Eliminating §770.45(f) of the Formaldehyde Emission Standards for Composite Wood Products is a prudent step that will allow U.S. companies and the customers they serve to avoid costly delays as they source composite wood products that meet the requirements of this new regulation.

While at first glance it may appear that the final rule requires a rather simple change over to new *TSCA Title VI Compliant* labels, in fact the precipitate change in labeling – prohibited on March 21, 2018 (if the Proposed Rule on Compliance Date Extension takes effect) and required on March 22, 2018 – would cause untold confusion in the marketplace and unnecessary burdens for panel producers, fabricators, distributors and retailers who seek to roll-out new TSCA-compliant SKUs and manage their inventories to address potential seasonal disruptions, while voluntarily and legitimately complying with the new regulation *prior to* the effective date.

There is no statutory requirement for the regulation's early labeling prohibition. The statute directs EPA to promulgate regulations regarding labeling, but addresses timing of the labeling in the following language:

*(B) IMPLEMENTING REGULATIONS – the regulations promulgated under this subsection shall – (II) not require any labeling or testing of composite wood products or finished goods containing regulated composite wood products manufactured before the designated date of manufacturer.*

The statutory language is very logical. Regulated entities should not be required to label before the underlying regulations take effect. However, the statutory prohibition on the EPA not requiring such labeling has morphed into a regulatory prohibition on manufacturers from labeling. This was not contemplated by the Congress and is not supported by a close reading of the Statute.

## **II. Our Associations Support EPA Action to Extend Compliance Timeline**

We are also grateful that the Direct Final Rule references EPA's continuing action to extend the regulation's compliance timeline. EPA must finalize this action at the earliest opportunity to provide regulatory certainty to affected U.S. businesses and allow them to manufacture and source compliant composite wood panels and finished goods containing composite wood panels in a manner that avoids costly supply chain disruption.

Thank you for this opportunity to share our perspective on this matter. Please contact Joe O'Donnell, Senior Manager of Government and Public Affairs at the International Wood Products Association, by e-mail at [joe@iwpawood.org](mailto:joe@iwpawood.org) if you have questions or need additional information.

Respectfully submitted,

American Home Furnishings Alliance  
International Wood Products Association  
Kitchen Cabinet Manufacturers Association  
National Retail Federation  
National Wood Flooring Association  
Recreation Vehicle Industry Association  
Retail Industry Leaders Association