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March 16, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

RE: Mill Start-Up Provision Critically Needed for TSCA Title VI Regulation

Dear Administrator Pruitt,

The purpose of this letter is to request your assistance in addressing an issue regarding the Formaldehyde Emission Standards for Composite Wood Products regulation (the "Regulation"). The Regulation's failure to include provisions for start-up mills will have a significant impact on a new, state-of-the-art particleboard mill slated to begin production later this year in Grayling, MI.

Notably, this Grayling mill would be the first major particleboard mill built in the United States in over 20 years and will be by far the largest in North America upon completion. Not only will it will have a positive impact on northern Michigan's economy but it is also the kind of manufacturing growth we all want to see more of in this country.

In contrast to foreign producers of particleboard and medium density fiberboard (MDF), U.S. producers must be third-party certified under the Regulation before these wood products can be sold or shipped. Certification is a time-consuming process that involves obtaining data over the course of potentially several months. Existing mills have been operating under such a third-party certification regime for nearly ten years in compliance with California's formaldehyde emissions regulations, which are the same emissions limits now in place under the Regulation. As such, we understand from the industry that all existing mills are prepared and will most likely be in compliance by the approaching December 12, 2018 deadline.

New mills that begin production under the Regulation are, unfortunately, in a much different position. During the several months required to complete the testing and data collection to obtain certification, start-up mills like the one in Grayling would be prevented under the Regulation from selling any particleboard panels made prior to certification, even though these panels could be proven to meet the required emissions limits. This puts start-up mills in a position where they would have to absorb all costs of their initial production until they met the testing requirements for certification, which for a mill of Grayling's size would result in millions of dollars of lost product.


We understand the Composite Panel Association has put forward a reasonable proposal to address this issue in an October 17, 2017 letter to the EPA's Office of Chemical Safety and Pollution Prevention, and that your staff has been amenable to finding a workable solution based on the proposal. Any such proposed fix will need to be in place as soon as possible to give the Grayling mill time to prepare and execute on its compliance plan. Given the tight timeframe, we would strongly encourage EPA to publish guidance as soon as possible. This would help to provide the Grayling mill, as well as two other mills planned to begin production late this year in California and South Carolina, with the assurances they need to prepare for compliance and sell certified particleboard or MDF at start-up. If required, a formal amendment could be incorporated through rulemaking at a later date.

The Grayling mill is not seeking any waiver or deviation from the formaldehyde emissions requirements and strongly supports the Regulation. The industry has put forward a reasonable proposal to ensure compliance with emissions limits while also allowing for compliant production runs to be sold during the critical start-up period. We encourage your Agency to act as quickly as possible to draft formal start up mill guidance for the Formaldehyde Emission Standards for Composite Wood Products regulation. Doing so will allow the Grayling mill to move forward and compete in the global marketplace.


Sincerely,



Jack Bergman  
Member of Congress



Fred Upton  
Member of Congress



John Moolenaar  
Member of Congress



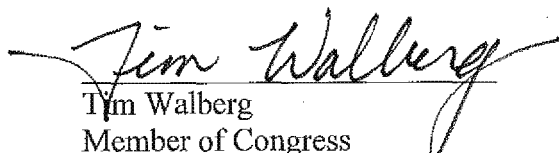
Brenda Lawrence  
Member of Congress



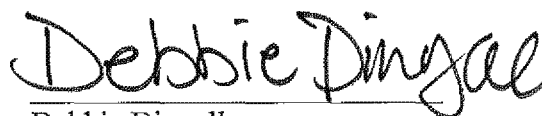
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Cc. Ryan Jackson, Chief of Staff, EPA Office of the Administrator  
Nancy Beck, Deputy Assistant Administrator, OCSPP, EPA