

To: Jackson, Ryan[jackson.ryan@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Randall Gerard
Sent: Thur 8/31/2017 3:16:16 PM
Subject: RE: TSCA - wood action - VI

Hello there.

I know you are swamped but any thoughts on where this reg stands?

Thanks,

Randall

From: Randall Gerard
Sent: Friday, August 25, 2017 3:20 PM
To: jackson.ryan@epa.gov; lyons.troy@epa.gov
Subject: TSCA - wood action - VI

Hey guys,

How are you? I hope well. Sorry for the Friday afternoon email but needed to touch base on the very exciting world of composite wood products.

Wanted to flag a very specific but critical regulatory issue pending at EPA right now. If unaddressed, it has the potential to seriously impact the market for composite wood products from building materials to consumer goods. We could use some quick action here.

Here's the issue, late last year, EPA finalized new TSCA Title VI emissions standards for composite wood products. While pretty much all parties support the substance of those regulations, which will strengthen federal health protections and bring them in line with the state standards that manufacturers and importers already follow, some of the rule's technical provisions are creating unforeseen challenges for manufacturers, third party certifiers (TPC) and even EPA itself. I think there was only like 10 commenters on the regulations so it's not like it was a contentious rulemaking.

We understand that career staff and leadership at OCSPP are all aware of and in agreement on the issues. In fact, EPA has already addressed a critical problem by allowing for pre-certification prior to the compliance deadline. We appreciate that the agency is working on solutions to the other two problems and that things are on the right track

Given that these are rulemakings, we know that process and procedure may be creating only a slight delay, but much further delay will create serious problems for planning by both certifiers and manufacturers, importers and others with a compliance obligation.

This may be a little in the weeds, but the two main issues are:

- Extending the compliance date (currently December 2017), already under consideration as a proposed rule, and
- Allowing quarterly testing under the small chamber ASTM standard instead of only large-chamber or through large chamber. The CARB standard EPA's approach is based on already allows this and EPA's own rule include the small chamber method for quarterly testing but it seems to have been omitted in error from the quality control testing section of the rule.

Pretty much everyone from the agency to the regulated community to the third-party certifiers who will actually carry out the testing agree on the need for these changes. The real problem is timing.

Without certainty on both fronts, everyone is stuck planning around the current approach with only large-chamber testing allowed and a December compliance deadline.

Realistically manufacturers, certifiers and retailers need both issues resolved by the end of September, including a new compliance date no earlier than August 31, 2018 and a direct final rule on the small-chamber testing issues (precertification was done through direct final rule). This would allow for a realistic opportunity to achieving industry-wide compliance on time and avoid major disruptions to the supply chain and unnecessary harm to manufacturers, TPCs everyday customers who purchase composite wood products from flooring to furniture.

Can we discuss? Get an update? Jump on the phone? Folks are starting to get a little nervous about the time crunch if we don't see some formal action soon.

Like I said, we think things are moving in the right direction but there are some mechanics that need to be worked out so things become functionally possible. Time is the enemy.

Thanks for looking into this. Looking forward to catching up soon.

Have a good weekend.

Sincerely,

Randall

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