

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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US CARB UPDATES: PART 3 LABELING REQUIREMENTS FOR MANUFACTURERS, FABRICATORS IMPORTERS, DISTRIBUTORS AND RETAILERS

The Airborne Toxic Control Measure specifies the minimum information required for a label for composite wood products and finished goods containing composite wood products but does not specify the format, color, size, or font for the label. The recently published advisory clarified the labeling requirements for such products bound for California. The required information may be on a separate label or incorporated into other existing labels

In April 2007, the California Air Resources Board (CARB) approved an Airborne Toxic Control Measure (ATCM) to reduce formaldehyde (HCHO) emissions from composite wood products including hardwood plywood (HWPW), medium density fiberboard (MDF) and particleboard (PB) to be sold in California [Title 17, California Code of Regulations § 93120-93120.12]¹. The first effective date for labeling compliant composite wood products or finished good containing composite products is January 1, 2009². Non-compliant products to be sold during a sell-through period cannot be labeled as compliant.

The minimum information required for a label has been specified but the language does not specify any specific format. To further address the labeling requirements for different parties, the CARB recently published an advisory to clarify the labeling requirements for composite products and finished good containing composite wood products bound for California³. Highlights of the advisory are summarized below and Table 1.

¹ Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products, § 93120-93120.12, Title 17, California Code of Regulations
<http://www.arb.ca.gov/regact/2007/compwood07/fro-final.pdf>

² ATCM does have provisions that allow 18 months for retailers to clear noncompliant inventories of finished goods after January 1, 2009. Under the sell-through provisions, finished goods fabricated from composite wood products that were manufactured before each applicable effective date may legally be sold, supplied, or offered for sale in California for 18 months after the effective date. Thus, for the initial effective date of January 1, 2009, finished goods using composite wood products that were manufactured before January 1, 2009 could be fabricated after January 1, 2009 and sold by the fabricator or retailer until June 30, 2010
<http://www.arb.ca.gov/toxics/compwood/outreach/reporterrata.pdf>

³ Labeling Requirements for Manufacturers, Fabricators, Importers, Distributors and Retailers; Advisory Number 384 'To Composite Wood Products Industry', California Environmental Protection Agency, Air Resources Board, December 2008; <http://www.arb.ca.gov/toxics/compwood/outreach/labelingadv.pdf>

The logo for SGS, consisting of the letters 'SGS' in a bold, sans-serif font. A vertical line is positioned to the right of the letters, and a horizontal line is positioned below the letters, forming a partial frame.

Manufacturers

- Manufacturers are required to clearly label each panel or bundle [§ 93120.3 (e)]
- CARB strongly recommends to label each panel.
- Labels must include at least the following information:
 - Manufacturer's name,
 - Product lot number or batch number,
 - CARB assigned number for third party certifier [not required if products are made using no-added formaldehyde (NAF) and certain ultra-low emitting formaldehyde (ULEF) based resins],
 - Statement of compliance to denote composite wood product complies with requirements.
- CARB recommends the statement of compliance to contain at least the word 'California', and include § 93120, the applicable compliance Phase (P) [P1, P2] or NAF / ULEF. For example, statement of compliance may read 'California 93120 Phase 2 Compliant for Formaldehyde'
- It is acceptable for a company to replace an original manufacturer's label with a label listing their own company name in place of the 'manufacturer name' as long as all the other required label information is retained on the new label
- Alternatively, a company may contract with foreign or domestic manufacturers to make panels and label the panels using the company's name in place of the 'manufacturer name'. All other required information in § 93120.3(e) must also be on the label.
- Date (mm/dd/yyyy) of manufacture is recommended to be included on labels.
- Example
 - Company ABC
 - Lot number 2, 02/06/2009
 - California 93120 compliant for formaldehyde Phase 1
 - TPC-__

Fabricators

- Fabricators are required to clearly label all finished goods [§ 93120.7 (d)]
- CARB strongly recommends labeling both finished goods and the box the finished goods is contained in.
- Labels must contain at least the following information
 - Fabricator's name
 - Date of finished good was produced
 - Statement of compliance. Finished goods made of NAF / ULEF based resins shall be labeled as such

- CARB recommends the statement of compliance to contain the word 'California', and include 93120, the applicable compliance Phase (P) [P1, P2] or NAF / ULEF. For example, statement of compliance may read 'California 93120 Phase 2 Compliant for Formaldehyde',
- ATCM requires labels be applied as a stamp, tag, sticker or bar code,
- Date of fabrication should be in the format (mm/dd/yyyy),
- It is acceptable for a company to replace an original fabricator's label with a label listing their own company name in place of the 'fabricator name' as long as all of the other original required label information is retained on the new label. The company who appears on the label as the fabricator assumes responsibility for the product.
- Alternatively, a company may contract with foreign or domestic fabricators to make furniture or other finished goods and label the finished goods using the company's name in place of the 'fabricator name'. All other required information in § 93120.7 (d) must also be on the label.
- Finished goods containing boards that meet different conditions of compliance
 - ⇒ Label should indicate all applicable Phase 1, Phase 2, NAF or ULEF compliance

- **Example**

Company ABC

02/06/2009

California 93120 compliant for formaldehyde Phase 1

OR

California 93120 compliant for formaldehyde. Phase 1 and ULEF-based products

Exemption

- Labeling not required for components being shipped intra-company as long as they are exclusively use by fabricator.

Distributors and Importers

- Additional labeling not required unless composite wood products and / or finished goods are modified⁴.
- If modified, assumes role of a fabricator and label goods according to 93120.7 (d).
- If bundles are broken down, CARB strongly recommends labeling smaller units with same information as original manufacturer label. Each panel must be traceable to original manufacturer.
- Acceptable for an importer or distributor to replace an original label with a label listing their own company name in place of the manufacturer name or fabricator name as long as all of the other original required label information is retained on the new label. The company who appears as the manufacturer or fabricator assumes responsibility for the product.
- Alternatively, an importer or distributor may contract with foreign or domestic companies to make composite wood products and label those products using the importer's or distributor's name in place of the 'manufacturer name' or the 'fabricator name'. All other required information in sections 93120.3(e) and 93120.7(d), where applicable, must also be on the label.

**Retailers**

- No additional labeling requirements
- Existing labels should not be removed

⁴ Examples of modification: coating, cutting, laminating, gluing, heating, or bending. Breaking down bundles for individual sale not considered to be modification.

Table 1. Summary of labeling requirements for composite wood products and finished goods containing composite wood products for California

| Label | Party | | |
|-----------------------|---|---|---|
| | Manufacturer | Fabricator | Distributor / Importer / Retailer |
| Minimum information | Name Product lot number or batch number CARB assigned number for third party certifier Statement of compliance | Name Date finished goods produced Statement of compliance Finished goods made with NAF / ULEF based resins labeled as such | No additional labeling [Distributor / Importer requires labeling if modified] |
| Other Recommendations | Label each panel Contain the word 'California', 93120, and applicable compliance Phase or NAF/ULEF Date (mm/dd/yyyy) | Label both finish goods and box containing finished goods Contain the word 'California', 93120, and applicable compliance Phase or NAF/ULEF Label applied as a stamp, tag, sticker or bar code Date (mm/dd/yyyy) | |
| Example of label | Company ABC Lot number 2, 02/06/2009 California 93120 compliant for formaldehyde Phase 1 TPC-__ | Company ABC 02/06/2009 California 93120 compliant for formaldehyde Phase 1 <u>OR</u> California 93120 compliant for formaldehyde. Phase 1 and ULEF-based products | |

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for the emission of formaldehyde in composite wood products destined for California and International markets. Our laboratory in Hong Kong is approved by CARB to conduct third party certification services of composite wood products destined for California, and our laboratory in Guangzhou will be approved in the coming days⁵. For further information, please visit our website⁶ or contact your nearest SGS office.

⁵ <http://www.arb.ca.gov/toxics/compwood/listoftpcs.htm>

⁶ <http://www.hardlines.sgs.com/carb-composite-wood-products-consumerproducts>

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WHEN YOU NEED TO BE SURE

