



**American  
Forest & Paper  
Association**



**AMERICAN WOOD COUNCIL**

March 9, 2018

Safer Consumer Products Branch  
Department of Toxic Substances Control  
P.O. Box 806, Sacramento, CA 95812-0806  
Submitted via CalSAFER Comment Portal

**Re: Comments on Draft Three Year Priority Product Work Plan (2018 – 2020)**

Dear Sir or Madam:

On behalf of the American Forest & Paper Association and the American Wood Council (AWC), we respectfully submit the following comments on the California Department of Toxic Substances Control (DTSC) draft Safer Consumer Products (SCP) Work Plan for 2018 to 2020. Our organizations also support the comments of the Wood Panel Industry Associations and the American Chemistry Council Formaldehyde Panel.

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, tissue and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - [\*Better Practices, Better Planet 2020\*](#). The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures over \$200 billion in products annually, and employs approximately 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 45 states.

AF&PA's sustainability initiative - *Better Practices, Better Planet 2020* - comprises one of the most extensive quantifiable sets of sustainability goals for a U.S. manufacturing industry and is the latest example of our members' proactive commitment to the long-term success of our industry, our communities and our environment. We have long been responsible stewards of our planet's resources. We are proud to report that our members have already achieved the greenhouse gas reduction and workplace safety goals. Our member companies have also collectively made significant progress in each of the following goals: increasing paper recovery for recycling; improving energy efficiency; promoting sustainable forestry practices; and reducing water use.

The American Wood Council (AWC) is the voice of North American wood products manufacturing, representing over 75 percent of an industry that provides approximately 400,000 men and women in the United States with family-wage jobs. AWC members make products that are essential to everyday life from a renewable resource that absorbs and sequesters carbon. Staff experts develop state-of-the-art engineering data, technology, and standards for wood products to assure their safe and efficient design, as well as provide information on wood design, green building, and environmental regulations.

### **The Work Plan Must Eliminate Regulatory Duplication**

The authorizing statute, Cal. Health & Safety Code §25257.1 is clear on the issue of regulatory duplication, in that:

- (a) This article does not limit and shall not be construed to limit the department's or any other department's or agency's existing authority over hazardous materials.
- (b) This article does not authorize the department to supersede the regulatory authority of any other department or agency.
- (c) The department shall not duplicate or adopt conflicting regulations for product categories already regulated or subject to pending regulation consistent with the purposes of this article.

If the potential health or environmental effect from the chemical in the product is regulated by another agency, by definition any action by the Department would be regulatory duplication, which is prohibited by the statute.

AF&PA/AWC is very concerned by the references in the Work Plan to incorporating formaldehyde emissions from composite panel products and finished goods into the "Furnishings and Décor" and "Building Products" categories, including the specific reference to composite wood products on page 16 of the Work Plan.

This would be a clear violation of regulatory duplication prohibition as it would duplicate regulation under the California's Air Resources Board (CARB) Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products ("ATCM"). The sole purpose of this regulation is to reduce formaldehyde emissions from composite wood. The ATCM is widely viewed as the most stringent formaldehyde production regulation in the world today. Further, in 2010, Congress passed the Formaldehyde Standards for Composite Wood Products Act, which establishes national formaldehyde emission standards for composite panel products based on California's

technology-based standards. This federal regulation will apply nationally starting this year.

The purpose of reducing formaldehyde exposure from these products is identical to the statutory and regulatory purpose of the SCP. The CARB rule is overseen by a system of third-party certifiers that monitor emission limitations through the establishment and review of production testing and on-site sampling at the mills.

The Health & Safety Code includes this common-sense approach to regulatory duplication to avoid unnecessary and wasteful duplication of effort by DTSC and regulatory burden on the industry when a product is already regulated for the same purpose by other state or federal authorities. That is exactly the issue with formaldehyde in wood products. Emission limits are in place and detailed implementing regulations have been promulgated at the state and federal levels.

For these reasons, we strongly urge DTSC to remove composite panel products and finished goods from the list of formaldehyde emissions Product Categories.

### **“Specialty Papers” Should be removed from the Work Plan**

In the “Consumable Office, School, and Business Supplies” section of the Work Plan, “Specialty Paper Products” appears as a product category. Later in the section, the Work Plan identifies specialty paper products as receipt papers or thermal papers coated with the candidate chemicals bisphenol A (BPA) and bisphenol S (BPS). It is not stated why DTSC includes receipt and thermal papers in the specialty papers definition. However, the paper industry does not include receipt and thermal papers in the specialty paper category and therefore this error must be remedied.

Generally, the characteristics of specialty papers include the following:

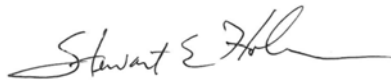
- Unique, differentiated product
- Small volumes
- Cost effective, yet high margins
- Usually for a specific product, with few producers and few customers
- Unique combination of features
- May include unique packaging characteristics or specific uses, such as wound care

Consequently, the listing of specialty papers as a product category has led to the unintended consequence of using a broad category of paper products to be represented by receipt and thermal papers that will only lead to time consuming and frustrating analysis by DTSC and the industry. The Work Plan should focus on the product categories that contain risks. DTSC adequately completed this task by including the germane information of product categories listed in Table 5 (Color developer in cash

register receipts/thermal papers). Furthermore, DTSC cites only one study, Bjornsdotter et al., 2017, to illustrate the potential risk of BPA in specific products. In this study, the authors are clear that the product analyzed was BPA-coated thermal paper. While DTSC only cited this one study there are many other studies in the literature that support this same conclusion that receipt and thermal papers are the concern and not specialty papers. Since the appropriate products, receipt and thermal papers, are already in the Work Plan, the goal of this program can be achieved without the inappropriate listing of specialty papers.

We appreciate the opportunity to comment on the draft Safer Consumer Products Work Plan. If you have any questions regarding our position on the Work Plan, please contact me at 202-463-2709 or [stewart\\_holm@afandpa.org](mailto:stewart_holm@afandpa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Stewart E. Holm", with a long horizontal flourish extending to the right.

Stewart E. Holm  
Chief Scientist