



May 14, 2024

Dr. Michal Freedhoff, Ph.D.  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

**RE: Formaldehyde: Draft Risk Evaluation Docket EPA–HQ–OPPT–2023–0613**

Dear Assistant Administrator Freedhoff:

The Decorative Hardwoods Association (DHA),<sup>1</sup> Hardwood Federation<sup>2</sup>, and National Wood Flooring Association (NWFA)<sup>3</sup> appreciate this opportunity to comment on EPA’s Formaldehyde Draft Risk Evaluation under the Toxic Substances Control Act. DHA and Hardwood Federation members manufacture hardwood plywood and engineered wood flooring from wood which naturally produces formaldehyde and use adhesives that may contain formaldehyde. Similarly, NWFA members manufacture and install engineered and solid wood flooring. So, both DHA and NWFA members are particularly interested in and effected by potential additional formaldehyde regulations and this risk evaluation. In fact, our products are already regulated for formaldehyde under TSCA Title VI that we have long supported.

**An Occupational Value that is Below or At Background Levels is Not Workable**

The proposed occupational exposure limit (“OEV”) of 11 parts per billion (“ppb”) is illogical, inappropriate and unworkable. It is illogical that workers would require protection from extremely low levels of formaldehyde in the workplace including potentially respirators but go

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<sup>1</sup> The Decorative Hardwoods Association represents over 75 North American manufactures of hardwood plywood, hardwood veneer, engineered wood floors and their suppliers and distributors.

<sup>2</sup> The Hardwood Federation is the largest DC-based hardwood industry trade association, representing thousands of hardwood businesses in every state in the U.S. and acting as the industry's advocacy voice. It is an umbrella organization representing the majority of trade associations engaged in the manufacturing, wholesaling, or distribution of North American hardwood lumber, veneer, plywood, flooring and related products.

<sup>3</sup> The National Wood Flooring Association (NWFA) is a 3,000-member international not-for-profit trade association. The NWFA represents all segments of the wood flooring industry including manufacturers of solid & engineered wood flooring, distributors, retailers, installers, and importers/exporters. The mission of the not-for-profit organization is to unify and strengthen the wood flooring community through technical standards, education, networking, and advocacy. NWFA accomplishes this through various programs and services, such as hands-on training, an annual Wood Flooring Expo, Hardwood Floors magazine, and technical standards and publications that are recognized worldwide.

home to similar or potentially higher levels of formaldehyde unprotected. It flies in the face of common sense and EPA's statements regarding naturally occurring background levels of formaldehyde. This value is also driven by dated studies that have been roundly criticized. Regulation to 11 ppb, or any number close to it, would be impossible for wood products producers given the naturally occurring formaldehyde in the ambient air, in wood itself, and the other product constituents, as well as equipment restraints. A proper application of TSCA's science standards would result in an OEV of 500 ppb. The Draft Risk Evaluation found that 0.5 ppm (500 ppb) is the NOAEC for inhalation exposures. Since no uncertainty factor is warranted for formaldehyde, and because the OEV should be based on acute exposures, it follows that the OEV should likewise be 500 ppb. In addition, EPA should note the European Commission has set a 300-ppb limit for occupational exposures to formaldehyde. While this limit unnecessarily employs a 3-fold uncertainty factor and would require major adjustments in our industry if used by EPA, it is far more reasonable than the 11-ppb value in the Draft Risk Evaluation. EPA has acknowledged that occupational restrictions should not be lower than levels commonly found in residences.

### **EPA's Risk Evaluation is Not Based on The Best Available Science and Weight of Evidence**

The American Chemistry Council's ("ACC") Formaldehyde Panel has submitted comprehensive comments, studies, expert testimony, and publications throughout this TSCA proceeding (as well as in response to the IRIS risk assessment) on the scientific and human health aspects of formaldehyde and the legal requirements of TSCA. We support ACC's comments and specifically concur with the following points:

- Reliance on the draft IRIS Risk Assessment is not the best available science. Restrictions on the scope of the National Academy of Science, Engineering and Medicine ("NASEM") review of the Assessment and procedural defects make the draft IRIS inappropriate for use.
- EPA should acknowledge the Human Studies Review Board's ("HSRB") criticism of the use of observational studies rather than controlled chamber studies in determining points of departure for acute irritation effects. The Board also challenged whether the irritation endpoint was an "adverse" health effect – a seminal determination in the draft "unreasonable risk" finding.
- By excluding approximately 100 studies that did not support EPA's conclusions, EPA did not adequately consider the weight of scientific evidence<sup>4</sup> and did not use the best available science<sup>5</sup> as required by TSCA.

### **Composite Wood Products Should be Removed from this Assessment**

The characterization of an unreasonable risk posed by dermal exposure to composite wood products by workers and consumers is not supported by the best available scientific evidence. The Final Scoping Document<sup>6</sup> removed composite wood products from the current TSCA

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<sup>4</sup> 15 U.S.C. § 2625(i).

<sup>5</sup> 15 U.S.C. § 2625(h).

<sup>6</sup> EPA, Final Scope of the Risk Evaluation for Formaldehyde (August 2020), page 54.

proceeding because these products were already addressed by the Formaldehyde Emissions from Composite Wood Products Act of 2010 (the “CWP Act”).<sup>7</sup> This legislation prescribed specific product emission limits and test procedures. Therefore, EPA has no authority to alter or ignore the very specific emission limits contained in the text of the statute. Thus, EPA should remove products covered by the Act from the scope of this proceeding. EPA has also acknowledged that composite wood products do not contribute to unreasonable risk in residences which DHA concurs with but the same products in commercial and institutional settings EPA concludes contribute to unreasonable risk. The Evaluation’s contains inconsistencies on this point should be eliminated.

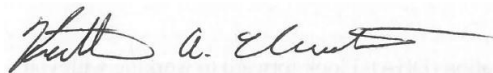
### **EPA Should More Clearly Exclude Biogenic Formaldehyde Emissions from Wood**

EPA concluded that biogenic emissions, as well as combustion and secondary formation, are outside the scope of the formaldehyde risk evaluation. Therefore, EPA should clarify that the term “biogenic emissions” applies broadly to any formaldehyde that was produced by organic matter. Formaldehyde emitted from wood should be clearly excluded and separated from the additional contribution from adhesives containing formaldehyde. Therefore, to the extent EPA asserts that wood products contribute to an unreasonable risk under any conditions of use (COU), it must rest that conclusion solely on formaldehyde emissions that is attributable to formaldehyde-added components in wood products, and it has failed to do that.

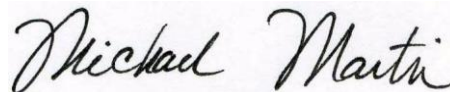
For more detail on the scientific comments above, we request EPA refer to comments submitted by the American Wood Council, American Chemistry Council and Composite Manufactures Association. Rather than reiterate their technical points here we note that we endorse and support comments from those organizations.

Thank you for considering our request for additional time. If you have any questions, please contact Keith Christman at [kchristman@decorativehardwoods.org](mailto:kchristman@decorativehardwoods.org) or 703-435-2900.

Sincerely,



Keith A. Christman  
President  
Decorative Hardwoods Association



Michael Martin  
President & CEO  
National Wood Flooring Association



Dana Cole  
Executive Director  
The Hardwood Federation

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<sup>7</sup> 15 U.S.C.A. § 2697, Public Law No 111-199.