



Regarding: Docket ID number EPA-HQ-OPPT-2012-0018
p. 34827 Issue: Bamboo Inclusion

October 4, 2013

Ms. Lynn Vendinello
Chief, Fibers and Organics Branch
National Program Chemicals Division (NPCD)
Office of Pollution Prevention and Toxics (OPPT)
C/O Document Control Office (7407M)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Regarding: Docket ID number EPA-HQ-OPPT-2012-0018

Dear Ms. Vendinello,

The following comments on the proposed formaldehyde regulations (docket EPA-HQ-OPPT-2012-0018) are provided by the National Wood Flooring Association (NWFA).

Please note this is the **SECOND of FOUR** documents provided by the NWFA regarding the proposed regulations. These documents are:

- 1) Docket ID number EPA-HQ-OPPT-2012-0018: Comments on the entire primary regulation
- 2) **Docket ID number EPA-HQ-OPPT-2012-0018: Comments specific to the Inclusion of Bamboo Flooring**
- 3) Docket ID number EPA-HQ-OPPT-2012-0018: Comments specific to the Inclusion of Lumber Core Flooring
- 4) Docket ID number EPA-HQ-OPPT-2011-0380-0001: Comments on the regulations specific to Third Party Certifiers

The National Wood Flooring Association (NWFA) is a not-for-profit trade association representing all segments of the hardwood flooring industry, including manufacturers, distributors, retailers, installers, inspectors, importers, exporters, service providers, and consultants. The NWFA represents more than 2600 small, medium and large businesses in the US and overseas, spanning the entire hardwood flooring supply chain. Members include manufacturers (both what the new regulation would define as a manufacturer as well



as fabricators and laminators), as well as importers, distributors, and retailers, all of whom will face increased costs as a result of these proposed regulations.

The NWFA is not a testing or certification organization and will not derive any revenue from the industry as a result of these regulations. The NWFA would be pleased to work with the EPA in industry outreach to help educate our membership regarding their final responsibilities under the new regulations.

Concerns in Brief Regarding the Inclusion of Bamboo

The NWFA appreciates the EPA's desire to protect the public health, but hopes regulations can be structured in such a way as to prevent unnecessary burdens on an industry still recovering economically.

While we are commenting specifically in this document on the issue of bamboo flooring, we would encourage the EPA to seek additional comments from secondary manufacturers in the kitchenware, countertop, and furniture industries among others, as they also manufacture and sell bamboo products.

We have no reason to state that bamboo **as a species** should be specifically excluded from testing; however the NWFA feels very strongly that any expansion over what CARB currently covers must be investigated further by the OMB, SBA and EPA. We urge an adoption of regulations that closely mirror the current CARB program. **The inclusion of bamboo flooring producers, which is the topic of this specific commentary, goes beyond CARB in BOTH the inclusion of bamboo AND the inclusion of downstream fabricators.**

We further note that there are multiple types of bamboo flooring construction. It is not clear as to which construction methods these rules are intend to apply.

- It is our position that “solid” and “strand” bamboo flooring construction fall outside of any of the definitions currently utilized and we request that be specifically stated to avoid any confusion.
- It is also our position any and all engineered flooring companies utilizing properly certified plywood, HDF or particleboard cores should not be forced to seek independent certification, which is both a punitive double certification and a waste of the limited testing capacity available internationally. This is true for all engineered flooring, including that with a bamboo top layer.



- It is also our position that if a product is produced with a lumber core, it should also be exempted as that structure for flooring was not covered by CARB and we oppose any expansion of this program over CARB.
- It is also our position that if the final bamboo flooring is factory finished, as with all factory finished flooring, it should be specifically exempted.
- Finally if the EPA believes it necessary to cover any/all of these products that expand the CARB oversight program, we ask that they be included in a separate program for secondary manufacturers, as it is very difficult to force program rules designed for plywood and HDF facilities onto downstream manufacturing. We further ask that any such expansion of certification requirements over CARB, if done as part of this program, be added in at the end of a phased-in timeline to allow these manufacturers time to prepare since none were covered under CARB and these regulations/procedures will be new to them.

As in all our commentary, we reference each concern/comment with the page number of the regulations as listed in the Federal Register / Vol. 78, No. 111 / Monday, June 10, 2013 with black font being the original reference text and NWFA Comments being provided in blue font.

We appreciate the EPA seeking industry commentary and stand ready to provide further information as required.

Thank you,

Submitted on behalf of the NWFA Government Relations Committee and its Taskforce on the EPA's Formaldehyde Standards for Composite Wood Products by:

Michael Martin
President & CEO
National Wood Flooring Association
111 Chesterfield Industrial Boulevard
Chesterfield, MO 63005
www.nwfa.org



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Issue: Bamboo Inclusion

ORIGINAL REFERENCE: EPA is proposing to include a definition of veneer that is based on the ANSI/HPVA HP-1 standard, but also refers to woody grasses and their specific structure. EPA is proposing to define veneer as a thin sheet of wood or woody grass that is rotary cut, sliced, or sawed from a log, bolt, flitch, block, or culm. EPA is also proposing to define woody grass as a plant of the family Poaceae (formerly Gramineae) with hard lignified tissues or woody parts. EPA requests comment on these definitions and whether they are consistent with industry usage.

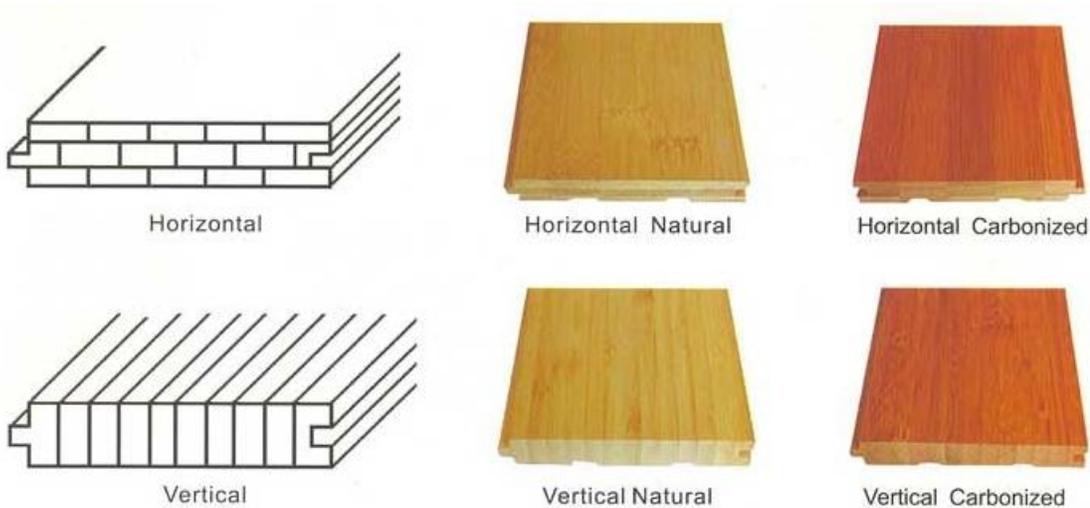
NWFA COMMENT: As noted, we are commenting specifically on the issue of bamboo flooring, but would encourage the EPA to seek additional comments from companies in the kitchenware, countertop, and furniture industries among others, as they also manufacture and sell bamboo products.

As far as the inclusion of bamboo flooring under this regulation, although this would significantly increase the burden on our industry, we have no reason to state that bamboo **as a species** should be specifically excluded from testing.

However, as stated in our primary comments, we believe that all secondary producers should be exempted as they are not covered under CARB nor mandated to be covered by the legislation. If it is determined to be necessary to expand the certification system, we feel strongly that it should be done as a separate regulation that can be appropriately customized for the downstream industries. Further, if secondary manufacturers are immediately included, then we believe that all factory finished engineered flooring, including bamboo flooring, should be specifically exempt.

However, if the EPA determines that secondary production including such factory finished flooring is to be immediately included, we would then seek clarity on the inclusion of different types of construction and companies required to be certified. More specifically, there are multiple types of bamboo flooring construction and it is not clear as to which construction methods these rules are intend to apply.

“Solid” flooring comes in two production patterns, Horizontal and Vertical. The industry calls it solid because it is 100% bamboo material.



In vertical bamboo floors, the component pieces are stood vertically on their narrowest edge and then press laminated side to side. The effect is a lined, almost uniform look to the surface of the finished floor plank. **Vertical solid bamboo flooring should be clearly stated as outside of the regulations as there are no layers.**

In horizontal bamboo floors, the slats are arranged in a horizontal direction, on their widest edge, and then joined side by side with adjacent pieces using a high-pressure laminate system. The characteristic nodes of the bamboo are visible on the finished horizontal surface. No layer is perpendicular to other layers which is part of the traditional definition of “plywood” and Customs actually recognizes this as a different construction method when assigning duties. In essence, this is what is known as LVL, not plywood. **Therefore, horizontal solid bamboo flooring should be clearly stated as being outside of the regulation because although this is layered, the layers are not veneer, but glued up solid strips of bamboo in a parallel direction.**

We feel that neither of these construction methods meet the definitions outlined in the regulations therefore **we request that the EPA specifically state “SOLID BAMBOO FLOORING IS EXEMPTED.”**

“Strand” Flooring



Strand bamboo is created when shredded strips of bamboo fiber of varying sizes are laid up together. The shredded bamboo fibers are compressed under extreme heat and pressure. It can be done as all natural, all carbonized, or as a mix of the two colors. (The mixed color ones are shown to the left as they provide the easiest visual understanding of the production style.)

Strand bamboo should be out of the regulations because 1) it does not use veneer, 2) it has no defined layers, 3) it is more similar to what the US industry calls “OSB” (Oriented Strand Board), a product which is specifically not covered by this regulation.



We feel that the “strand” construction methods does not meet the definitions outlined in the regulations and **we therefore request that the EPA specifically state “STRAND BAMBOO FLOORING IS EXEMPTED.”**

“**Engineered” Bamboo flooring** comes in three primary constructions, all with a top layer of bamboo (in various visual patterns including “vertical” “horizontal” and “strand”) and utilizing either a Plywood Core, an HDF Core, or a Lumber Core.

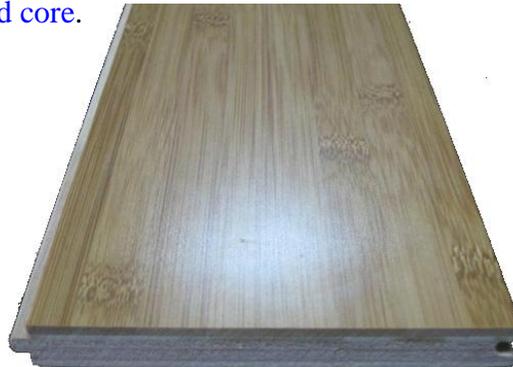
We believe that companies producing such a product should utilize a certified plywood or certified HDF core and should not bear the costs of a secondary certification process. If a company produces their own plywood or HDF core, they have a choice of certifying the core or the final product, but they should not face double certification.

In the case of lumber core production, we recognize that the EPA proposes to expand the regulations beyond CARB to include such a construction method within their regulations. As noted in other comments (see document 3), we oppose the inclusion of such a construction method. However, if lumber core (blockboard) construction is specifically included and factory finished material is not specifically excluded as requested, then we unfortunately acknowledge that such producers would be included in such the regulation as they are not having their component parts (plywood/HDF) otherwise tested.

HDF Core.



Plywood core.



Lumber core.





**Conclusion regarding Docket ID number EPA-HQ-OPPT-2012-0018
Issue: BAMBOO FLOORING**

We thank the reviewers for providing us the opportunity to comment on these regulations. Again, we emphasize our three key points:

- The protection of confidential business information and a simplified label.
- The use of a phased-in timeline, allowing a minimum of one year for TPC's to become accredited, followed by a year for primary panel manufacturers, followed by a year for those industries or producers new to the CARB certification program.
- The specific exemption of secondary manufacturers/fabricators/laminators, and barring that, the exemption of factory finished material, and barring that, including them only through the development of a second regulation that would be tailored for these downstream industries.

Specifically for bamboo flooring, beyond the general exclusion of all secondary manufacturers/factory finished flooring, we encourage:

- **Specifically stated exemptions for “solid” and “strand” flooring construction.**
- **If the EPA believes it necessary to cover any/all of these products, we ask that they be added in at the end of a phased-in timeline to allow these manufacturers time to prepare since none were covered under CARB and these regulations/procedures will be new to them.**

Finally, we remind readers that this is the SECOND of FOUR documents provided by the NWFA.

- 1) Docket ID number EPA-HQ-OPPT-2012-0018: Comments on the entire primary regulation
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