




**U.S. Environmental Protection Agency
TSCA Title VI
Formaldehyde Emission Standards for
Composite Wood Products**

Section 13 Import Certification Webinar

Washington, DC

February 26, 2019





Agenda

- TSCA Title VI Background
- Compliance Timeline
- Filing and Recordkeeping Requirements
- Options for Filing
- Filing a PGA Message Set
- Messages
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TSCA Title VI Background

- TSCA Title VI requires that composite wood products be tested and certified, ensuring only compliant products enter the product supply chain.
- Composite wood products must be certified to meet emissions standards by an EPA-recognized third-party certifier (i.e., EPA TSCA Title VI TPC).
- The three composite wood products affected under TSCA Title VI are:
 - Hardwood Plywood
 - Medium-Density Fiberboard (MDF), including thin MDF
 - Particleboard
- The regulation also applies to component parts and finished goods fabricated using composite wood products.
- The regulation also includes recordkeeping, reporting, and labeling provisions.
- The final rule is available in the Federal Register under 40 CFR Part 770 and posted online at <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=d679100be7cffabbef056d61862c3fa9&mc=true&n=pt40.34.770&r=PART&ty=HTML>.



TSCA Title VI Compliance Timeline

- The final rule became effective on May 22, 2017.
- As of June 1, 2018, composite wood products (manufactured in or imported into the U.S.) had to be certified as compliant with emission standards by a CARB approved and EPA-recognized Third-Party Certifier (TPC).
- Until March 22, 2019, regulated products must be labelled as compliant with the TSCA Title VI or CARB ATCM Phase II emission standards. After March 22, 2019, products must be labeled as TSCA Title VI compliant.
- Beginning March 22, 2019, TSCA Section 13 import certification is required upon import into the customs territory of the U.S.
- Beginning March 22, 2024, non-exempt laminated products become hardwood plywood and must comply with panel producer requirements.



How do I know if my imported article is regulated under TSCA Title VI and requires TSCA Section 13 Import Certification?

- The TSCA Title VI import certification applies to regulated composite wood products (i.e., panels of hardwood plywood veneer core and composite core, medium density fiberboard, thin-medium density fiberboard, and particleboard), component parts containing those composite wood products (e.g., parts to assemble a desk, etc.), and finished goods containing those composite wood products (e.g., picture frames, furniture, wooden toys, etc.).
- Regulated composite wood products, component parts, and finished goods must be accompanied by an invoice, bill of lading, or comparable document noting that the products are TSCA Title VI compliant/certified.
- Regulated composite wood panels and finished goods must have a label on each piece, or any bundle, identifying that the products are TSCA Title VI certified/compliant.
- Questions on regulatory status of an imported article, and related documentation, should be directed to the owner/purchaser of the article.



TSCA Title VI Importer Responsibilities

- Between June 1, 2018 and until March 22, 2019 importers must retain bills of lading, invoices, or comparable documents which include a written statement from the supplier that the composite wood products, component parts, or finished goods are TSCA Title VI or CARB ATCM Phase II compliant.
 - Beginning March 22, 2019 these products must TSCA Title VI compliant as the CARB reciprocity period ends and the document must reflect compliance with TSCA Title VI.
- Beginning March 22, 2019, importers are responsible for providing a TSCA Section 13 import certification for regulated composite wood products, component parts, or finished goods containing such products that are imported into the customs territory of the U.S.
- Upon request from EPA, importers must make available to EPA within 30 calendar days certain records that document compliance, as outlined in 40 CFR section 770.30(b).
 - Records must identify the panel producer and the date the composite wood products were produced, and
 - Records identifying the supplier, if different, and the date the composite wood products, component parts, or finished goods were produced.



TSCA Section 13 Import Certification Statement

- TSCA Title VI uses the standard TSCA Section 13 import certification statement: *I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder.*
- TSCA Title VI does not have a negative certification statement. If TSCA Title VI does not apply to your shipment you must use a disclaim code.
- The TSCA Title VI import certification requirement does not apply to chemicals otherwise regulated under TSCA which may be present in those imported composite wood product articles.



Filing Requirements

- EPA has several resources and guidance materials on the Agency's formaldehyde homepage:
<https://www.epa.gov/formaldehyde/resources-and-guidance-materials-translations-formaldehyde-emission-standards-composite>.
- The TSCA Hotline (tsca-hotline@epa.gov or 202-554-5603) can also answer questions related to formaldehyde and the import certification process.



Options for Filing

Use one or the other:

OPTION 1: Filing it using the Partner Government Agency (PGA) message set by entering the certification information **on your screens** and submitting. You will receive either an automatic 'may proceed' if you filed it correctly or a 'reject' with an error message if you did not enter all of the correct information. This is the preferred option since ACE will do an auto check of your filing and you can get an automatic 'may proceed.'

Note: U.S. Customs and Border Protection (CBP) or EPA may review the filing and take action. If the filing is for more than one agency, the status of other agencies' filings can affect receiving a 1 US Government (USG) message.

OPTION 2: Uploading an image of the paper TSCA certification to the Document Image System (DIS) and filing a disclaim code of 'C' (file by other means (i.e. DIS)) in the screens for the PG01 record for the government agency and government agency program code. You will need to tag the image of the TSCA certification in the DIS with EPA06 so EPA can see it. This may be looked at by CBP and EPA. Automatic 'may proceeds' are not issued for this option.



OPTION 1: Filing a PGA Message Set

Record	Element	Sample Data
OI	Commercial Description	Particle Board
PG01	Government Agency Code	EPA
	Government Agency Program Code	TS1
PG02	Product Indicator	P
PG22	Entity Role Code for the individual who is certifying	CI (for certifying individual)
	Declaration code for a positive certification	EP4
	Declaration certification (the certifying Individual's signature is on record and verified the certification)	Y
PG21	Name (certifying individual)	Jane Simmons
	Phone Number (certifying individual)	2025551212
	E-mail address (certifying individual)	JSIMMONS@ABCIMPORTERS.COM



OPTION 1: Sample Message Set for a Title VI Certification

OI Particle Board
PG01001EPATS1
PG02P
PG22 CI EP4 Y
PG21CI JANE SIMMONS 2025551212
JSIMMONS@ABCIMPORTERS.COM



OPTION 2: Filing an Image of a Paper Title VI Certification

- File an image of a paper certification in DIS using Disclaim code C in the PGA Message Set

Record	Element	Sample Data
OI	Commercial Description	Particle Board
PG01	Government Agency Code	EPA
	Government Agency Program Code	TS1
	Disclaimer	C

- Upload an image to DIS and flag it with EPA06 so EPA can see it.
- This may be looked at by CBP and EPA.
- Automatic 'may proceed' filing status message is not issued for this option.



OPTION 2: Sample Message Set for DIS Image of Paper Title VI Certification:

OI Particle Board
PG01001EPATS1

C

- Disclaim code C = data filed through other agency means (*i.e.*, via DIS)
- Upload an image to DIS and flag with EPA06 so EPA can see it.



Use Disclaim Code 'A' If Not Required to File

- EPA continues to update HTS code flags for TSCA Title VI and Section 13 commodities that may be required to file.
- If you determine that your commodity is not subject to filing you can disclaim by entering/selecting the following in your screens for the PG01 record:

Record	Element	Sample Data
OI	Commercial Description	Particle Board
PG01	Government Agency Code	EPA
	Government Agency Program Code	TS1
	Disclaimer	A



Sample Message Set with Disclaim A

- If not required to file using disclaim code A
- Disclaim Code A = product is not regulated by this agency

OI Particle Board
PG01001EPATS1

A



Filing Messages

What Happens When You file a TSCA Title VI Certification?

- **Electronic review** of Entry, PGA Message Set
- **Messages:**
 - ‘**Reject**’ (AX/SX) [File couldn’t be processed, Try Again]
 - ‘**Accept**’ (AX/SX)
 - An EPA “**May Proceed**” (SO70) – you have met EPA filing requirements

Note: If the filing is for more than one agency, the status of other agencies’ filings can affect receiving a 1 USG message.



Resources

- CATAIR <https://www.cbp.gov/trade/ace/catair>
- EPA Supplemental Guide to the CATAIR
<https://www.cbp.gov/document/forms/epa-supplemental-catair-guidelines>
- CBP Filing Tips Sheets
<https://www.cbp.gov/document/publications/ace-tips-filing-epa-tsca>



For More Information



Roy Chaudet (import filing process questions)

Office of Information Collection

Office of Environmental Information

U.S. Environmental Protection Agency

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Questions?