

Re: Title 27 California Code of Regulations section 25904
Chemical Listings by Reference to California Labor Code section 6382(b) (1) and
Title 27, Article 6, section 25601 et seq

Comments by the Hardwood Plywood and Veneer Association, Reston VA
Submitted March 20, 2015

The Hardwood Plywood and Veneer Association (HPVA) represents over 75% of the hardwood veneer producers, 90% of the hardwood plywood manufacturers and 85% of the engineered flooring industry and produces over \$5 billion of value added products. These products are sold in both domestic and global markets. HPVA Labs which is an IAS accredited certification, inspection and testing organization and affiliated with HPVA is also accredited by the state of California as a Third Party Certification (TPC) organization under the California Air Resources Board (CARB) composite wood panel regulation. HPVA Labs is TPC-8.

We support recognition of certification to the CARB emissions standards to the relevant emissions standard for the composite product for the determination under Prop 65 for the applicable Prop 65 labeling. For example, a ***certified*** product would be able to use the emission rate for that product to determine under the no significant risk level (NSRL), if a label was required. ***If the NSRL is not exceeded, then products labeled as certified CARB compliant by a TPC recognized by the state of California would be recognized by OEHHA as having complied with the Prop 65 warnings requirements.***

For a product that had achieved an exemption under the CARB program, an exempt product, for purposes of Prop 65, should also have to be certified. CARB allows an exemption for a 2 year period without any oversight or testing. For purposes of Prop 65, an exempt product should be certified that the conditions under which the exemption has been granted have in fact been maintained. There is unfortunately ample recent evidence that the CARB emission standards are not being met even though they are labeled compliant. Exempt products have no adult supervision and have the highest potential for mischief.

A product manufacturer of these products should certainly be able to use other data and models to make these determinations. This comment addresses the situation where a manufacturer having incurred the considerable time and expense to conform to one California regulation and has earned and should be given reciprocity in another California regulatory program when those certified emissions meet the Prop 65 requirements. Both ANSI/HPVA EF 2012 and ANSI/HPVA-HP-1-2009 require exempt products test on a less frequent basis to determine if they are qualifying to maintain their exemption.

This reciprocity recognition will certainly lessen the burden on the regulated industry and yet comply with the legal requirement under Prop 65.

We appreciate the opportunity to comment. If there are questions please to do not hesitate contact us. C.T. "Kip" Howlett Jr., President, HPVA, www.hpva.org, khowlett@hpva.org