

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
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MEMORANDUM

March 16, 2010

To: Members of the Subcommittee on Commerce, Trade, and Consumer Protection

Fr: Subcommittee on Commerce, Trade, and Consumer Protection Staff

Re: Hearing on H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, and H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act

On March 18, 2010, at 10:00 a.m. in room 2322 of the Rayburn House Office Building, the Subcommittee on Commerce, Trade, and Consumer Protection will hold a hearing on “H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, and H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act.”

I. H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act

Carbon monoxide is a colorless, odorless, invisible gas that can cause severe cognitive impairment, loss of consciousness, coma, and death.¹ Carbon monoxide is produced from combustion fumes, such as from cars and trucks, stoves, lanterns, burned coal and wood, gas ranges, heating systems, and portable generators.² In small or enclosed spaces, carbon monoxide can build up and poison people occupying those spaces.³ Portable generators are a common cause of carbon monoxide poisoning, particularly during cold weather.⁴

¹ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

² *id.*

³ *id.*

⁴ *See, e.g.*, Consumer Product Safety Commission, *Carbon Monoxide Questions and Answers* (online at www.cpsc.gov/cpscpub/pubs/466.html) (accessed Mar. 15, 2010).

The consequences of carbon monoxide poisoning can be tragic. Carbon monoxide poisoning is the leading cause of poisoning death in the United States.⁵ Each year, over 400 people die from carbon monoxide poisoning, while over 4,000 are hospitalized and over 20,000 require emergency medical treatment.⁶ Carbon monoxide is sometimes referred to as “the silent killer,” because it is impossible to see or smell, and because early symptoms of exposure may be similar to other illnesses and therefore easily ignored.⁷ Eventually the victim may lose consciousness and be unable to escape or seek help.⁸ Certain populations are more susceptible to the effects of carbon monoxide poisoning, including infants and people with chronic heart disease or respiratory problems.⁹ Fatality rates are highest among those 65 and older.¹⁰

H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, would take several steps to prevent carbon monoxide poisoning. First, it would require the Consumer Product Safety Commission to publish the existing voluntary industry standard for carbon monoxide alarms as a mandatory consumer product safety standard. The bill would make it unlawful for manufacturers or distributors to import or distribute any new residential carbon monoxide detector that does not comply with the standard. Second, the bill would require a warning label and a pictogram to be printed on all portable generators, advising consumers of the carbon monoxide hazard posed by incorrect use of the generator. Finally, the bill would establish a grant program to assist states in carrying out a carbon monoxide alarm program.

II. H. R. 4805, the Formaldehyde Standards for Composite Wood Products Act

Formaldehyde is a chemical known to have adverse effects on human health. It has been recognized by the International Agency for Research on Cancer as a known human carcinogen and by the Environmental Protection Agency (EPA) as both an irritant and a probable human carcinogen.¹¹ Formaldehyde gas has been listed by the National Toxicology Program, part of National Institute of Environmental Health Sciences (NIEHS), as “reasonably anticipated to be a

⁵ *id.*

⁶ *id.*

⁷ U.S. Environmental Protection Agency, *Aging Initiative, Fact Sheets: Carbon Monoxide Poisoning Prevention* (online at www.epa.gov/aging/resources/factsheets/pcmp/) (accessed Mar. 15, 2010).

⁸ *id.*

⁹ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

¹⁰ *id.*

¹¹ International Agency for Research on Cancer, *IARC Classifies Formaldehyde as Carcinogenic to Humans* (June 15, 2004) (online at www.iarc.fr/en/media-centre/pr/2004/pr153.html); U.S. Environmental Protection Agency, *Formaldehyde Emissions from Pressed Wood Products*, 73 Fed. Reg. 73620, 73622 (Dec. 3, 2008).

human carcinogen.”¹² Recently, NIEHS nominated formaldehyde for possible reconsideration as a “known carcinogen.”¹³ In addition, inhalation of formaldehyde can cause nose and throat irritation, difficulty breathing, burning sensations in the eyes and throat, and nausea.¹⁴ Other effects include coughing, wheezing, chest pains, bronchitis, and severe allergic reactions.¹⁵

Despite its known harmful effects, formaldehyde is widely used in a variety of applications. The primary sources of formaldehyde in the air inside homes are composite wood products, also known as pressed wood products.¹⁶ A variety of these products — including cabinets, furniture, shelving, and doors — are made with adhesives that contain formaldehyde, which can be released into the home.¹⁷ High levels of airborne formaldehyde have been detected inside homes, particularly in those with significant amounts of new composite wood products.¹⁸ The most prominent cases of toxicity caused by formaldehyde emissions from pressed wood products are those that followed Hurricane Katrina, in the trailers provided by the Federal Emergency Management Agency as temporary housing to victims of the storm.¹⁹

The federal government has taken some steps to limit formaldehyde emissions. In the Clean Air Act Amendments of 1990, Congress identified formaldehyde as a hazardous air pollutant for which EPA was required to establish industrial emission standards under the Clean Air Act.²⁰ Regulations promulgated in the 1980s by the U.S. Department of Housing and Urban Development (HUD) provide standards for formaldehyde emissions, but these apply only to

¹² U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, *Report on Carcinogens, Eleventh Edition* (online at ntp.niehs.nih.gov/ntp/roc/toc11.html).

¹³ U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, *National Toxicology Program (NTP); Report on Carcinogens (RoC) Center: Request for Public Comments on the RoC Expert Panel's Recommendation on Listing Status for Formaldehyde and the Scientific Justification for the Recommendation*, 74 Fed. Reg. 67883 (Dec. 21, 2009).

¹⁴ U.S. Environmental Protection Agency, *Indoor Air Quality: Formaldehyde* (online at: www.epa.gov/iaq/formalde.html#Health%20Effects) (accessed Mar. 15, 2010).

¹⁵ *id.*

¹⁶ U.S. Environmental Protection Agency, *Formaldehyde Emissions from Pressed Wood Products*, 73 Fed. Reg. 73620, 73622 (Dec. 3, 2008).

¹⁷ *id.*

¹⁸ U.S. Environmental Protection Agency, *Indoor Air Quality: Formaldehyde* (online at: www.epa.gov/iaq/formalde.html#Health%20Effects) (accessed Mar. 15, 2010).

¹⁹ *See generally* U.S. Centers for Disease Control, *Final Report on Formaldehyde Levels in FEMA-Supplied Travel Trailers, Park Models, and Mobile Homes* (July 2, 2008) (online at www.cdc.gov/nceh/ehhe/trailerstudy/assessment.htm#final).

²⁰ 42 U.S.C. 7412.

plywood and particleboard materials that are installed in manufactured homes.²¹ EPA also recently initiated a proceeding to consider taking regulatory action under the Toxic Substances Control Act to limit formaldehyde emissions from composite wood products.²² With the exception of the HUD regulations for manufactured homes, formaldehyde emissions from composite wood products are not currently regulated by the federal government.

The State of California recently established limits on formaldehyde emissions in most composite wood products. In 2008, after several years of scientific review and rulemaking, the California Air Resources Board finalized rules establishing the standards, the first phase of which went into effect on January 1, 2009.²³

H.R. 4805 establishes national technology-based limits (based on the technological feasibility of the standards) on formaldehyde emissions from most composite wood products. It does so by requiring EPA to issue regulations, not later than January 1, 2012, to apply the California standards to hardwood plywood, medium-density fiberboard, and particleboard that is sold, supplied, offered for sale, or manufactured anywhere in the United States. EPA's regulations must ensure that compliance with the federal standard is equivalent to compliance with the California standard, and must include provisions relating to labeling, chain of custody requirements, product sell-through, third-party testing and certification, and other matters of implementation. H.R. 4805 also requires that HUD update its regulations to reflect the standards established by EPA. Under the bill, the new limits will go into effect 180 days after EPA issues its regulations. Finally, EPA would be free to make further limitations at any time subsequent to the initial rulemaking.

III. WITNESSES

The following witnesses have been invited to testify:

Panel I:

Robert J. Howell, Jr.
Assistant Executive Director
Office of Hazard Identification and Reduction
U.S. Consumer Product Safety Commission

Eric Lavonas, M.D.
Associate Director
Rocky Mountain Poison & Drug Center

²¹ 24 C.F.R. 328049.

²² U.S. Environmental Protection Agency, *Formaldehyde Emissions from Pressed Wood Products*, 73 Fed. Reg. 73620 (Dec. 3, 2008).

²³ California Environmental Protection Agency Air Resources Board, *Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products* (online at www.arb.ca.gov/regact/2007/compwood07/compwood07.htm) (Apr. 2008).

Denver, Colorado
Emergency Physician, Denver Health Medical Center

John Andres
Director of Engineering
Kidde Residential & Commercial Division

Panel II:

James J. Jones
Deputy Assistant Administrator
Office of Prevention, Pesticides, and Toxic Substances
U.S. Environmental Protection Agency

Tom Julia
President
The Composite Panel Association

Andy Counts
CEO
American Home Furnishings Alliance

Don Ryan
Sierra Club
The National Center for Healthy Housing