

MD HB 864

([2024 Regular Session - House Bill 864 First Reader \(maryland.gov\)](#))

On behalf of the American Chemistry Council's Formaldehyde Panel, we oppose the following provision in MD HB 864 and ask that the language below be struck from Section 7-224 (F)(1)(2).

Section 7-224

~~(F) — THE PROGRAMS AND SERVICES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT USE THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS, INCLUDING WALLS, FLOORS, CEILINGS, ATTICS, AND ROOF INSULATION, THAT CONTAIN FORMALDEHYDE IF THE FORMALDEHYDE:~~

~~(1) WAS INTENTIONALLY ADDED; OR~~

~~(2) IS PRESENT IN THE PRODUCT GREATER THAN 0.1% BY WEIGHT.~~

1. Formaldehyde is One of the Most Studied Chemicals in Use Today

Formaldehyde is a naturally occurring substance made of carbon, hydrogen, and oxygen. All life forms—bacteria, plants, fish, animals and humans—naturally produce formaldehyde as part of cell metabolism. For example, an adult produces about 1.5 ounces of formaldehyde a day as part of our normal metabolism.¹ For this reason, the body is well equipped to handle formaldehyde.

Formaldehyde is one of the most well studied compounds in commerce, and its risk profile has been well characterized. More than 40 years of advanced science and practical experience clearly indicate that there is a safe exposure level. Dozens of peer-reviewed studies all support a safe exposure level to formaldehyde that is higher than typical concentrations in our homes and protective of worker health. According to the CDC, formaldehyde metabolizes quickly in the body; it breaks down rapidly, is not persistent and does not accumulate in the environment.²

2. Formaldehyde Technologies Contribute to Sustainable Building Materials

It is a core building block of the U.S. chemical industry that is used across a wide variety of sectors, including agriculture, healthcare, construction, automobiles, funeral services, semiconductors, national security and aviation. Products that are based on formaldehyde technologies have broad roles in the economy, are critical to the integrity of the supply chains, supporting nearly [1 million jobs](#).

Formaldehyde-based resins are used as the adhesive system to bind wood chips and other materials together to make engineered wood construction materials such as plywood, particleboard and fiberboard, sheathing and cladding, asphalt shingles, furniture and paneling, kitchen cabinets, molding and trim work, and flooring systems, as well as non-wood based construction materials such as insulation, paints and varnishes and numerous other applications for the housing industry.

No known compounds can serve as a cost-effective and reliable replacement for formaldehyde as a critical raw material in the production of adhesives without compromising product quality and

¹ [Endogenous formaldehyde turnover in humans compared with exogenous contribution from food sources - - 2014 - EFSA Journal - Wiley Online Library](#).

² Agency for Toxic Substances and Disease Registry: <https://www.atsdr.cdc.gov/toxprofiles/tp111.pdf>

performance. Formaldehyde-based building products enable the more sustainable use of renewable resources, increasing energy efficiency while addressing greenhouse gas emissions.

Relevant ACC infographics:

- [Infographic: Formaldehyde Building and Construction Applications](#)
- [Infographic: Formaldehyde Contributing to a Sustainable Future for Wood Products](#)
- [Infographic: Formaldehyde Producers Boost US Economy](#)

3. The 0.1 Percent by Weight Threshold is Not Appropriate

The bill proposes banning the use of thermal insulating products that contain formaldehyde if formaldehyde is present in the product greater than 0.1 percent by weight. Measuring formaldehyde content by weight is not an appropriate measure. It is more important to measure the formaldehyde emissions of a product, than the percentage by weight. This measurement accurately correlates with potential exposure. This dynamic has been recognized by product regulations for formaldehyde including the California Air Resources Board's airborne toxic control measure (ATCM) to reduce formaldehyde emissions from composite wood products and U.S. EPA's [formaldehyde emission standards for composite wood products](#) under Title VI of the Toxic Substances Control Act (TSCA). EPA's Office of Air and Radiation has also [recently proposed](#) that products containing below 0.1 percent formaldehyde are non-hazardous air pollutant products.

Furthermore, this provision inappropriately applies a threshold based on a broad definition that is currently used by two federal agencies (OSHA and EPA) as a *de minimis* level for certain reporting obligations. In other words, if the 0.1 percent threshold is exceeded for a chemical, it only means that those concentrations would be listed for safety data sheets or that reporting of releases under the Toxics Release Inventory (TRI) may be required. The 0.1 percent threshold is not an indication of potential human health risk.

Formaldehyde is an essential building block in a diverse range of products, and its presence in these products is primarily in a converted form. Virtually all formaldehyde is consumed in the production of finished goods. In other words, little, if any, formaldehyde remains in the final products that consumers use.

Through many years of voluntary stewardship efforts, formaldehyde resin producers and wood panel manufacturers are now delivering products that emit at, or near, naturally occurring background levels from wood itself. [As required by TSCA](#), EPA has established national emission limits based on California's airborne toxics control measure to control formaldehyde emissions from composite wood products.

4. Formaldehyde is Currently Under Review by EPA

The U.S. Environmental Protection Agency designated formaldehyde as a high-priority substance and the chemical is currently undergoing risk evaluation under the Toxic Substances Control Act. EPA is planning to release the draft risk evaluation for formaldehyde in March of this year and is targeting finalization by December 2024. EPA has indicated that they will not exclude conditions of use from the scope of the risk evaluation, assessing all exposure routes and pathways relevant to the chemical substance under the conditions of use. TSCA preempts state restrictions on a chemical for which EPA: is conducting a risk evaluation; has determined that the substance does not present an unreasonable risk; or when EPA takes final action to address the chemical's risk.

We look forward to working with the bill sponsor and the Committee on alignment of the language with other regulatory agencies. Please feel free to contact me at (202) 249-6721 or Sahar_Osman-Sypher@americanchemistry.com if you have any questions. I look forward to your response.

Sincerely,



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On Behalf of the ACC Formaldehyde Panel