



National Tribal Air Association

Fact Sheet

The U.S. Environmental Protection Agency's *Proposed Amendments to Air Toxics Standards for Plywood and Composite Wood Products*

Docket ID No. EPA-HQ-OAR-2023-0243

*The comment deadline is **July 18, 2023**. Your comment letter can be submitted electronically to the Federal Rulemaking Portal. <https://www.regulations.gov/> OR email to a-r-Docket@epa.gov.*

Background

The manufacture of plywood, veneer, particle board, and other wood composite materials has the potential to release a wide range of hazardous air pollutants. In 2004 the U.S. Environmental Protection Agency (EPA) promulgated emissions standards for these facilities and processes as National Emission Standards for Hazardous Air Pollutants (NESHAP).¹ Pursuant to the Clean Air Act, these standards required that Plywood and Wood Composite Products (PCWP) manufacturing facilities limit emissions of identified hazardous air pollutants by installing, operating, and maintaining maximum achievable control technology (MACT). In two subsequent legal filings versus the EPA, the MACT standards were challenged as inadequate.^{2,3} (A more complete history of this regulation and legal challenges is available at:

<https://www.epa.gov/stationary-sources-air-pollution/plywood-and-wood-composite-products-manufacture-national-emission#rule-history>. On May 18, 2023, the EPA proposed amendments

to the emissions standards for PCWPs.⁴ The EPA has invited comments on the proposed amended standards and comments are due no later than **July 18, 2023**.

Overview

The EPA has identified 223 major source facilities that are subject to this proposed rule.⁵ These PCWP manufacturing facilities are located throughout much of the U.S. from Florida to Washington. The greatest concentration is in the Southeast. Georgia has the most facilities at 24. Each of these facilities falls into one or more of the following codes of the North American Industry Classification System (NAICS):

- 321113 Sawmills
- 321211 Hardwood Veneer and Plywood Manufacturing
- 321212 Softwood Veneer and Plywood Manufacturing



- 321215 Engineered Wood Member (except Truss) Manufacturing
- 321219 Reconstituted Wood Product Manufacturing
- 321888 All Other Miscellaneous Wood Product Manufacturing

Many processes are used by the wood products industry to manufacture veneer, plywood, oriented strand board (OSB), particleboard, and other construction materials. Various adhesives, resins and other binding agents often are complex organic compounds that, when dried, may release to the atmosphere numerous toxic air pollutants. Currently, six specific hazardous air pollutants (HAPs) comprise 96% of the total emissions subject to this rule - acetaldehyde, acrolein, formaldehyde, methanol, phenol, and propionaldehyde. The EPA also has identified additional HAPs that are emitted from site specific manufacturing processes including mercury, non-mercury HAP metals, hydrogen chloride, polycyclic aromatic hydrocarbons (PAHs), dioxin/furan, and methylene diphenyl diisocyanate (MDI).

In the NESHAP rules promulgated in 2004, the EPA identified, and stipulated that plywood and composite wood product manufacturing facilities apply maximum achievable control technologies to mitigate most, but not all, hazardous air pollutant emissions from these manufacturing facilities. Environmental organizations challenged the standards (NESHAP) for failure to require adequate (or any) emissions controls on some PCWP processes.

The *Proposed Amendments to Air Toxics Standards for Plywood and Composite Wood Products* by the EPA contain multiple provisions requiring additional controls and practices that constitute new determinations of maximum achievable control technologies. New standards are proposed for processes that are currently unregulated such as lumber kilns. Compliance options are authorized for numerous processes. Work practice standards are stipulated for many veneer dryers. In general, the proposed standards are applicable to specific HAPs from specific manufacturing processes rather than “emissions averaging” among multiple sources. The proposal also requires emissions testing, monitoring, reporting and recordkeeping relevant to the new standards.

Importance to Tribes

Sawmills and associated wood products industries have been operating on and near Tribal lands for centuries. Demand for wood and wood - derived construction materials continues to grow. Sawmills and manufacturing processes for wood-based products continue to evolve, including those producing plywood and composite wood products. These facilities present various threats to Tribal lands and communities including atmospheric emissions and resulting risks and exposures. Carbon dioxide emissions from dryers, boilers and combustion units contribute to climate change. Fine particulate matter (PM_{2.5}) from combustion sources, including wildfires, impairs human respiration. While acknowledging these risks, and noting other EPA policies and regulations, the current proposal is focused on mitigating health risks associated with an array of hazardous air pollutants (HAPs) including noxious odors, acute respiratory impairment, and



carcinogenic exposures. Health and environmental impacts of mercury and other toxic metals will be reduced when the proposed standards are achieved.

The EPA's proposed revisions to the NESHAP for the manufacture of plywood and composite wood products is an important regulatory advancement. The deadline for compliance – three years after rule adoption – is reasonable for the affected facilities. Emissions reductions from additional controls and improved process operations will reduce threats to the health and well-being of nearby residents, control releases of mercury into the ecosystem, and potentially reduce emissions of greenhouse gases.

How to Comment on EPA's Proposed Rule

- Comments on the Proposed Rule: Plywood and Composite Wood Products Manufacture: National Emission Standards for Hazardous Air Pollutants (NESHAP) are due July 18, 2023
- Comments should cite **Docket ID No. EPA-HQ-OAR-2023-0243** and be submitted via either :Federal eRulemaking Portal: <https://www.regulations.gov/> OR email to a-r-Docket@epa.gov.
- The NTAA has prepared a Policy Resource Kit for Tribes to use or for comment.

¹ NESHAP (40 CFR part 63, subpart DDDD), July 30, 2004

² *NRDC v. EPA*, 489 F.3d 1364

³ *Louisiana Environmental Action Network v. EPA (LEAN)* U.S. Court of Appeals for the District of Columbia Circuit, April 21, 2020

⁴ *National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products*, 88 FR 31856 – 31887, May 18, 2023