

**Don Ryan Statement on behalf of the Sierra Club and the
National Center for Healthy Housing before the**

House Subcommittee on Commerce, Trade, and Consumer Protection

March 18, 2010

Chairman Rush and members of the Subcommittee, I thank you for the opportunity to testify in support of H.R. 4805 as a representative of the Sierra Club and the National Center for Healthy Housing. Both organizations wholeheartedly support the bill and applaud the leadership of Representatives Matsui and Ehlers in introducing this important legislation.

The National Center for Healthy Housing is the nation's leading organization dedicated to creating healthy and safe homes for children through proven and practical steps. NCHH conducts research and provides training to health and housing professionals across the United States and promotes policies that make homes healthier. As one of the National Center's founders and a member of its board, I want to assure you the healthy homes community believes this bill takes our nation an important step closer to making homes healthier for all.

The Sierra Club is one of the nation's oldest and largest environmental organizations. For over 113 years, the Sierra Club has been dedicated to protecting our nation's natural resources and public health. Sierra Club, on behalf of its members, works to protect and enhance the health of the environment throughout the country. The Sierra Club has over 1.3 million members and supporters living throughout the United States.

Sierra Club has taken the lead nationally in fighting the battle to protect people from high levels of formaldehyde exposure. As a grassroots organization, Sierra Club got involved in this issue when the Club's Mississippi chapter began getting reports of serious respiratory problems from Hurricane Katrina and Rita survivors who were living in FEMA trailers. The Chapter chair, Becky Gillette, learned that formaldehyde may be a cause and began sampling the trailers for formaldehyde. The tests showed very high levels that – the Centers for Disease Control and Prevention conceded years later – were serious enough to warrant quick evacuation of the residents from these FEMA trailers. Wood products made with formaldehyde glue appeared to be the primary source. While lawsuits may eventually resolve who was at fault, it appears that much of the wood involved was imported from overseas in the rush to meet the huge demand for FEMA trailers, and that little or none of it was subject to compliance with any federal or even voluntary industry standard. A national standard on formaldehyde emissions could have prevented all of this.

The Sierra Club and NCHH remain concerned about the long-term health impacts of the residents who unwittingly were exposed to such high levels of formaldehyde. We also remain concerned that last week, the federal government sold 120,000 of these trailers with only a simple warning in an effort to recover pennies on the dollar. As Ms Gillette told the Washington Post, "What if Toyota ordered a recall, then simply put a sticker on its vehicles saying they were unfit to drive before reselling them? There's a double standard for the government."

Beyond looking backwards to clean-up the mistakes from Hurricane Katrina and Rita, the Club looked forward to prevent future tragedies. For years, it had been tracking rulemaking by the California Air Resources Board to protect Californians from formaldehyde as a toxic air contaminant. In April 2007, California established aggressive technology-based standards to reduce formaldehyde from hardwood plywood, particleboard and medium-density fiberboard. These regulations set the most protective standards in the world through a practical, technology-based approach. More importantly, the standards included rigorous third party testing and certification to ensure compliance.

The North American manufacturers of the wood products responded immediately by committing to full compliance with the California rules. While they believed that California overstated the risk of formaldehyde, they saw the value in reducing the formaldehyde emissions and in being responsible stewards of their products.

Unfortunately, there are limits to State leadership when it comes to a worldwide market for products such as composite wood products. While California's use of third parties to certify compliance with the rule allows overseas manufacturers and importers to comply with the rule, it is especially difficult to enforce their compliance. And as we have seen with consumer products such as drywall, pet food, and children's toys, overseas compliance is critical – and difficult to ensure.

Therefore, the Sierra Club drafted a petition to ask the U.S. Environmental Protection Agency (EPA) to exercise its authority under the Toxic Substances Control Act (TSCA) and enact a national standard on formaldehyde emissions from composite wood products based on California's approach. More than 20 organizations joined in signing onto this petition. And, to its surprise, in less than a week more than 5,000 individuals representing every state signed the petition too.

The Club submitted the petition to EPA in March 2008. Three months later, EPA decided to hold a series of public meetings across the country. It eventually held seven hearings with the last hearing held in New Orleans in March 2009.

While reading the comments submitted by the industry, the Club realized that the manufacturers were committed to resolving the problem despite their opposition to the specific request in the Club's petition. It reached out to the key association – the Composite Panel Association – and through extensive discussions, NCHH and the Club realized that there was common ground for a legislative solution that would accomplish three goals:

- Set a framework for EPA rulemaking that gives stakeholders confidence that the outcome will be reasonable, timely, and effective
- More quickly level the playing field for North American producers to the benefit of public health
- Avoid a prolonged regulatory and legal battle over the risks presented by formaldehyde by relying on a technology-based approach that, while aggressive, can be achieved using current technologies

For the next year, Sierra Club and NCHH negotiated joint consensus legislative language and broadened the consensus to include the key industries that rely on composite wood products, such as furniture and cabinets.

Senators Klobuchar and Crapo introduced S. 1660 in September 2009. Under their leadership and the leadership of the Senate Environment and Public Works Committee, final language has been crafted that all stakeholders can support. The National Center for Healthy Housing and the Sierra Club fully support this compromise language.

H.R. 4805, which mirrors S. 1660, represents a careful crafted compromise balancing many competing interests. It builds on the excellent work of the California Air Resources Board. It will not single-handedly address all issues related to formaldehyde, but it takes a major step forward by addressing one of the most significant sources of formaldehyde emissions in a way that is responsible, enforceable, and is already being accomplished by most of our domestic manufacturers and some others around the world. Therefore, NCHH and the Club fully support this legislation. We thank Representatives Matsui and Ehlers for introducing it, and encourage the Subcommittee and the full Committee on Energy and Commerce to support this bill and recommend its early approval the full House to give EPA clear direction.

-- End --