



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Formaldehyde Rule: Sierra Club Files Federal District Court Lawsuit Challenging U.S. Environmental Protection Agency Compliance Deadline Extension

12/14/2017

Earthjustice filed a lawsuit in the United States District Court for the Northern District of California on behalf of Sierra Club and A Community Voice – Louisiana (collectively “Sierra Club”) challenging a United States Environmental Protection Agency (“EPA”) extension of a deadline related to development of emission standards for formaldehyde in composite wood products.

Sierra Club states that its federal District Court action addresses two rules that have been promulgated by EPA related to the Formaldehyde Standards in Composite Wood Procedures Act. 15 U.S.C. § 2697.

EPA previously promulgated on December 12, 2016, a rule that established emission standards for formaldehyde in composite wood products and associated testing and compliance mechanisms. See 81 Fed. Reg. 89674 (“Formaldehyde Rule”).

Sierra Club contends that EPA subsequently extended the Formaldehyde Rule’s compliance dates. It asserts that the second rule extended the compliance dates so that the first compliance date is December 12, 2018 (i.e., one year after a December 12, 2017 deadline previously established). In addition, Sierra Club argues that the 2018 compliance date is more than three years after the statutory deadline by which EPA was required to mandate compliance.

Sierra Club seeks an Order declaring that the rule establishing the 2018 date is:

...contrary to, and in excess of EPA’s authority under the Formaldehyde Act, 15 U.S.C. § 2697(b)(1), and an Order vacating and setting aside the Formaldehyde Delay Rule’s extension of the December 12, 2017 compliance deadlines for one year.

[A copy of the Complaint for Declaratory and Vacatur Relief can be downloaded here.](#)