

# Formaldehyde Standards: Federal Court Addresses U.S. Environmental Protection Agency's Implementation Delay



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02/22/2018

The United States District Court (for the Northern District of California) issued a February 16th decision addressing a Motion for Summary Judgment filed by the Sierra Club and A Community Voice-Louisiana ("Plaintiffs") against the United States Environmental Protection Agency ("EPA") addressing certain formaldehyde standards. See *Sierra Club, et al. v. Scott Pruitt, No. C 17-06293 JSW*.

The Federal District Court action addressed whether EPA's year-long delay implementation of formaldehyde emission standards exceeds its statutory authority under Formaldehyde Standards in Composite Wood Products Act. ("Act").

The Court's opinion notes that the Act was signed into law in 2010 and codified as Title VI of the Toxic Substances Control Act. The Act provides emission standards for domestically manufactured and imported composite wood products and directed EPA, by no later than July 1, 2013, to promulgate implementing regulations that would ensure compliance with the new emission standards.

Plaintiffs argued that EPA violated the Act by delaying a rule intended to protect public health from formaldehyde. A rule promulgated pursuant to the Act was finalized in 2016. Wood products were stated to have to comply with the relevant standards in December 2017. EPA extended the compliance deadline to December 2018.

The Federal District Court concludes that the rule delaying the standards is beyond the scope of EPA's authority and not in compliance with the Act. As a result, it granted the Plaintiffs' Motion for Summary Judgment. The Court vacated and set aside the year-long extension to December 12, 2018, of the compliance deadline previously set out by EPA.

[A copy of the decision can be downloaded here.](#)