

Los Angeles Times

U.S. rules allow the sale of products others ban

Chemical-laden goods outlawed in Europe and Japan are permitted in the American market.

By Marla Cone, Times Staff Writer
October 8, 2006

OAKLAND, CALIF. -- Destined for American kitchens, planks of birch and poplar plywood are stacked to the ceiling of a cavernous port warehouse. The wood, which arrived in California via a cargo ship, carries two labels: One proclaims "Made in China," while the other warns that it contains formaldehyde, a cancer-causing chemical.

Because formaldehyde wafts off the glues in this plywood, it is illegal to sell in many countries — even the one where it originated, China. But in the United States this wood is legal, and it is routinely crafted into cabinets and furniture.

As the European Union and other nations have tightened their environmental standards, mostly in the last two years, manufacturers — here and around the world — are selling goods to American consumers that fail to meet other nations' stringent laws for toxic chemicals.

Wood, toys, electronics, pesticides and cosmetics are among U.S. products that contain substances that are banned or restricted elsewhere, particularly in Europe and Japan, because they may raise the risk of cancer, alter hormones or cause reproductive or neurological damage.

Michael Wilson, a professor at UC Berkeley's Center for Occupational and Environmental Health, said the United States is becoming a "dumping ground" for consumer goods that are unwanted and illegal in much of the world. Wilson warned earlier this year in a report commissioned by the California Legislature that "the United States has fallen behind globally in the move toward cleaner technologies."

The European Union, driven by consumers' concerns, has banned or heavily restricted hundreds of toxic substances in recent years, invoking its "precautionary principle," which is codified into law and prescribes that protective steps should be taken when there is scientific evidence of risks to public health or the environment.

Meanwhile, the Environmental Protection Agency and other federal agencies have relied on voluntary steps from industries rather than regulations, saying the threats posed by low levels of chemicals are too uncertain to eliminate products valuable to consumers or businesses.

In the absence of U.S. regulations, some international corporations, including Hewlett-Packard, Dell, Mattel, Revlon and Orly International, have declared that all their products, no matter where they are made or sold, will comply with EU standards, the most stringent chemical laws in the world.

"We don't operate to different standards in different parts of the globe, regardless of differing environmental standards," said John Frey, manager of corporate environmental strategies at Palo Alto-based Hewlett-Packard.

But many U.S. and foreign companies do.

Some toys, nail polishes and other beauty products are made with plastic softeners and solvents

called phthalates that the EU has banned as reproductive toxins. Several of U.S. agriculture's most popular herbicides and insecticides, including atrazine, endosulfan and aldicarb, are illegal or restricted to emergency uses in other countries. And a few electronic items, including Palm's Treo 650 smart phone and Apple's iSight camera, were pulled off shelves in Europe this summer because of lead components but are still sold here.

Industry groups say their products have undergone rigorous reviews in the United States and are not only legal here but safe. They say some governments, particularly the EU, have overreacted and banned chemicals with little or no evidence of a human health threat.

"Consumers can remain confident about using their cosmetics given their oversight by the Food and Drug Administration, the extensive research on their safety and long history of safe use," the Cosmetic, Toiletry and Fragrance Assn. said.

The EPA hasn't eliminated any industrial compounds since it sought unsuccessfully to ban asbestos 18 years ago. Unlike EU policies, U.S. law requires the EPA to prove a toxic substance "presents an unreasonable risk of injury to health or the environment," consider the costs of restricting its use and choose "the least burdensome" approach to regulate industry.

"The dumping problem is concentrated in a few product sectors. But these sectors happen to be really ubiquitous in the everyday lives of Americans. Chemical risks are being spread all over the country in ways that are invisible to consumers," said Alastair Iles, an international chemical policy expert who was a research fellow at UC Berkeley and still works with faculty there on consumer issues.

Last year alone, China exported to the United States more than half a billion dollars' worth of hardwood plywood — enough to build cabinets for 2 million kitchens, a sixfold increase since 2002. Though China sends low-formaldehyde timber to Japan and Europe, Americans are getting wood that emits substantially higher levels of the chemical.

One birch plank from China, bought at a Home Depot store in Portland, gave off 100 times more formaldehyde than legal in Japan and 30 times more than allowed in Europe and China, according to July tests conducted by a lab hired by an Oregon-based wood products manufacturer. Formaldehyde exposure has been shown in human studies to cause nose and throat cancer and possibly leukemia, as well as allergic reactions, asthma attacks, headaches and sore throats.

With no government standards, monitoring or labeling, U.S. consumers cannot easily identify chemical-free products.

"I'll guarantee you that no one tells a customer building a \$75,000 kitchen that their cabinets contain plywood from China that will off-gas formaldehyde," said Larry Percivalle of Oakland-based EarthSource Forest Products, a distributor that sells low-formaldehyde and sustainably grown wood.

In the wood industry, even though low-cost, chemical-free substitutes are available, much of the plywood, fiberboard and particleboard sold in the United States is manufactured with adhesives, or glues, that contain formaldehyde, said Michael Wolfe, a wood products consultant in Emeryville, Calif.

The only formaldehyde standard for wood in the U.S. is one that applies just to subsidized, low-income housing. U.S. companies voluntarily meet it for all products, though it allows 10 times more formaldehyde than Japan's standards.

California may step in. The Air Resources Board is considering standards roughly equivalent to Europe's for 2008 and Japan's for 2010 through 2012.

The air board estimates that one of every 10,000 Californians is at risk of contracting cancer from breathing average formaldehyde levels found in homes and offices.

"We have a problem that needs to be addressed, we have technology to do it, and there is no requirement for it to happen. Nationally, no one is stepping forward, so we think this is an area where we can," said Mike Scheible, the air board's deputy executive officer.

Columbia Forest Products, which spent \$8 million to switch all its factories to nontoxic glues made of soy flour, says it is being hurt by the lack of U.S. standards for wood.

"While I believe in free trade, I also believe that everybody ought to be held to the same standard," said Harry Demorest, the Portland-based company's president and chief executive. "It's particularly galling and frustrating in the Chinese case, when they're taking our market with products that have high formaldehyde content when we know full well that they can produce it with lower formaldehyde."

Despite its capital investment, Columbia, which is North America's largest producer of hardwood plywood and veneer, has not raised its prices to compensate because the soy glues are as inexpensive as formaldehyde glues, Demorest said.

The state air board estimates that switching to formaldehyde-free glues like those required in Japan would increase the price of a sheet of particleboard from today's \$7 to about \$9 in 2010.

California's proposal is opposed by nearly all wood producers, who say it could drive them out of business if they are forced to do what Columbia did.

"The entire industry is not ready to make this change. Today we could not be competitive by changing resins," said Darrell Keeling, a general manager at Roseburg Forest Products in Oregon.

Keeling said his company makes some low-formaldehyde products but most customers aren't interested because they cost more.

"Even though people talk green and think green, they won't demonstrate their commitment to it with their wallet," he said. "More regulation and more bureaucracy is not the best way to drive change."

But selling products with risky chemicals to Americans while removing them for consumers elsewhere is shortsighted, said Robert Donkers, the European Commission's Environmental Counselor in Washington, D.C.

"If companies decide to wait and see rather than innovate, they will lose the market," he said. "American consumers follow closely what is happening in other parts of the world. So they can say, 'Hey, you make them in Europe, why don't you sell them to us?'"

"Legally, you can still use these chemicals, but you're not doing your company any favors."

marla.cone@latimes.com

The Los Angeles Times is a Tribune Co. newspaper.