



Office of the City Clerk

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Legislation Text

File #: O2015-3736, Version: 1

Committee on Finance

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, formaldehyde is a chemical that is commonly used as an ingredient in wood glue in furniture and flooring; and

WHEREAS, formaldehyde is classified as a volatile organic compound which are chemicals that become a gas at room temperature; and

WHEREAS, products made with formaldehyde release the gas into the air and, if high concentrations of formaldehyde are off-gassed and breathed in, health problems can occur; and

WHEREAS, formaldehyde is a known carcinogen that can also cause respiratory ailments like asthma; and

WHEREAS, there are currently no national standards in place for formaldehyde in composite wood products; and

WHEREAS, in 2010, Congress passed the "Formaldehyde Standards for Composite Wood Products Act," which established formaldehyde emissions standards to regulate formaldehyde inside most American homes and directed the Environmental Protection Agency (EPA) to promulgate rules to enforce the Act's provisions; and

WHEREAS, pursuant to the Act, the EPA was ordered to develop regulations to implement limits on formaldehyde emissions from composite wood products such as hardwood plywood, medium-density fiberboard, and particleboard that are sold, supplied, offered for sale, manufactured, or imported in the United States; and

WHEREAS, to date, the EPA has not finalized such regulations; and

WHEREAS, the City of Chicago intends to establish formaldehyde emissions standards on composite wood products in order to limit Chicago residents' exposure to formaldehyde in their homes; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 4-4 of the Municipal Code of the City of Chicago is hereby amended by inserting new section 4-4-348 as follows:

Formaldehyde in Composite Wood Products.

a) As used in this section:

"Hardwood plywood" means a hardwood or decorative panel that is: (1) intended for interior use; and (2) composed of an assembly of layers or piles of veneer, joined by an adhesive with: (i) lumber core; (ii) particleboard core; (iii) medium-density fiberboard core; (iv) hardboard core; or (v) any other special core or special back material.

"Medium-density fiberboard" means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat.

"Particleboard" means a panel composed of cellulosic material in the form of discrete particles as distinguished from fibers, flakes, or strands that are pressed together with resin.

b) It shall be unlawful for any licensee under this Title IV to sell or offer for sale at retail any product containing hardwood plywood, medium-density fiberboard, or particleboard that is not in compliance with the formaldehyde emissions standards required pursuant to subsection (b) of the Toxic Substances Control Act, codified at 15 U.S.C. 2601 et seq.

c) It shall be the burden of any licensee subject to the requirements of this section to prove that a product is in compliance with the formaldehyde emissions standards required pursuant to subsection (b) of the Toxic Substances Control Act.

d) This section shall expire upon the promulgation of regulations by the Administrator of the Environmental Protection Agency to implement the formaldehyde emissions standards required pursuant to subsection (b) of the Toxic Substances Control Act.

SECTION 3. This ordinance shall be in full force and effect 180 days after its passage and publication.

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