



SUBMITTED VIA E-MAIL

May 18, 2009

Mr. David F. Alderman
Standards Services Division
National Institute of Standards and Technology
100 Bureau Drive, Stop 2150
Gaithersburg, MD 20899-2150

REGARDING DOCKET NUMBER 090306279-9290-01, PROPOSED REVISION OF PS 20-05, THE AMERICAN SOFTWOOD LUMBER STANDARD, ADDITIONAL COMMENTS

Dear Mr. Alderman:

The National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce published its notice and request for comments¹ on the proposed revision of PS 20-05, the American Softwood Lumber Standard.

Founded in 1917, The National Lumber and Building Material Dealers Association (NLBMDA) has over 6,000 members operating single or multiple lumber yards and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial structures.

These comments summarize the responses from the NLBMDA membership to an on-line survey regarding NIST's request for comments on the proposed revision of PS 20-05, the American Softwood Lumber Standard and other comments and observations from the membership.

In summary, there were numerous concerns expressed about the quality of lumber, issues about the availability of the better lumber per grade, and there were calls for an eco-label established through the current standard. Finally, there appears to be an issue emerging relative to the enforcement of state laws governing the sale of measureable products (in this case lumber) and the historical difference between the call size and the actual size of the lumber.

When asked to describe any instances in which a dealer has had "concerns with the validity of any grade stamp on lumber marked under the softwood lumber standard", responses touched on concerns with quality, appearance and public perception of lumber quality and the regime under which it is graded.

¹ See Volume 74, Number 63, of the Federal Register (April 3, 2009) at 15255.

In one specific response, it was indicated that “when we have purchased #2 S4S SYP lumber we have found in many instances that the "Prime" or "Select" has been removed from the bundle leaving only the 15% allowable of #3 or worse and the complete bottom of the #2 grade.”

Others expressed concern with “illegibility” or the “mill stamp is not clear enough to read easily”.

In response to a request to report any concerns relative to “the source of lumber marked with any grade stamp under the softwood lumber standard”, respondents in general indicated no concerns relative to the source of lumber when marked under the standard.

Most respondents with articulated responses, however, raised the need or desire for an “eco-label” as a part of the grade stamp mark. Most of these suggested the need for “an agency certification” of the sustainable origin of lumber. Many reported as not being able to vouch to consumers as to whether a lumber product was manufactured from a log originating in a sustainable forest.

Furthermore, there were some concerns about “questionable re-grading and re-manufacturing liberties” taken prior to delivery to end customer in the instance where lumber brokers sell directly to the contractor.

Others commented on quality issues, as in this response: “Sometimes the graded lumber #2 looks like #3 or #4. The answer I get from the mill I buy from is that they can have a certain percent of bad lumber in the unit.”

Asked to indicate any complaints dealer have had relative to “grade, size or specified moisture content” with lumber marked with any grade stamp under the softwood lumber standard, this question prompted comments on quality.

As an example, one respondent reported: “We have experienced considerable deterioration of the quality of #2&Btr spruce produced from wood in the beetle kill areas of Canada. With depressed market conditions, some mills have pushed the grade to its lower limits making #2&Btr an issue of high customer complaints on appearance. With more "special" grades being pulled to try and improve mill returns along with beetle kill wood the #2&Btr grade is becoming unacceptable.”

Another respondent expressed concerns about “the difference between #1, Prime and #2 seem to be vague, allowing an overlapping in the appearance of the wood from both a vendor and customer stand point”.

And another offered “complaints mostly related to home centers specifying perfect wood which takes dilutes the standards of #2 or Std and Btr”. Another raised a comment relative to moisture content: “all kilns are run on averages, so it is very important to keep species separate to equalize drying time”.

No respondents reported any issue relative to “the grade-strength ratios, nomenclature, and descriptions of grades for dimension lumber under the softwood lumber standard”.

Asked to describe any complaint filed (and its resolution) regarding tally, grade, size or moisture content relative to lumber marked with any grade stamp under the softwood lumber standard, most respondents reported not having filed a complaint. Respondents reported having returned lumber to the mill or “treater” because it was unacceptable “because of prior selection” or based on moisture and related issues with “old” lumber stored at reloads.

Members involved in truss manufacturing reported complaints with #1 pine 2x4 being too dry – one expanding on the point by reporting that “wood dried below 10% will often break in the manufacturing process. Some breaks may go undetected until the trusses are installed creating a hazardous condition.”

All concerns expressed indicated that the issues were settled “amicably” or “satisfactorily”.

When asked to provide “any other or additional comments concerning the softwood lumber standard and any points of improvements for purposes of this review and revision processes” respondents returned to the issue of quality, or the availability of quality.

One respondent provided a specific example where because the quality of “standard & better and #2 and better western spf for sale to contractor customers has diminished, “we have begun purchasing 1650 MSR instead. We don't need the 1650 strength, but that is our only solution to buying a higher grade. And, the 1650 does not always meet our customer's expectations, due to mainly to wane and twisting.”

This survey question prompted additional comments relative to the use of the standard to create an “eco-stamp” or some used the term “eco-label” and comments generally noted that such a mark “would go a long way in streamlining green, certified materials recognition within the marketplace”.

“An excellent addition to the softwood lumber standard would be the establishment of an “eco label” certifying that the lumber was grown and produced in ways that are protective of the environment and the future of the forest and its inhabitants.”

When asked to indicate any concerns dealers have had regarding the scope of the standard, most respondents returned to the eco-label concept. “Scope of standard should address public's need and desire for verification of “green” or eco-claims. Market confusion and mistrust of marketing labels exists today.”

There were no reportable concerns regarding the standards Terminology or Classifications. Furthermore, when asked to comment on the Grade Rule Requirements of the standard, there were no comments or concerns reported. However, respondents did raise more general concerns about the overall quality of lumber, in some instances appearance, and several pointed to concerns about the general public's not understanding that lumber is graded and certified under a voluntary product standard. Also, there were no comments or concerns reported regarding the Lumber Sizes used in the standard or with the Measurement or Tally used in the standard.

One respondent suggested a grade stamp for re-manufactured lumber when asked to indicate any concerns regarding the Grade Marking (Grade Stamping) authorized by the standard.

As indicated in responses to an earlier question, some respondents complained about the legibility of the grade stamp, as for example, this response: "Some mills could do a better job of assuring the grade stamps are readable and clear".

Finally, when asked to indicate any concerns dealers have had regarding the Inspection and Reinspection procedures established by the standard, consistent with responses regarding resolution of complaints, most respondent reported that "Reinspection works well and most disputes are handled without re-inspection precisely because effective procedures exists".

Finally, several NLBMDA members have expressed concerns about emerging conflicts between state laws and dimensional softwood lumber that has been graded pursuant to PS 20-05.

As one particular example, it has been reported that in 2008 the California Bureau of Measurement Standards began to check compliance by lumber yards with state law relative to the mislabeling of lumber products. If a dealer is out of compliance, there are fines and the dealer cannot distribute that product.

One example involved 1x pine shelving, but the incidents have spread to plywood, board sidings, fence boards, wide structural lumber and moldings. The lumber industry has traditionally recognized that the call out (nominal) size of lumber is not the net size and PS-20 defines those variances. The industry calls 1x12 shelving just that, but PS 20-05 specifies a net dimension as 3/4"x11-1/4."

One respondent observed that since the stakeholders that review PS 20-05 are industry and government, the state of California has apparently adopted PS-20. California state law also says that if a dealer advertises or describes something for resale in terms of weight, volume and dimension that the information must be accurate and this includes descriptions on sales receipts. One exception is softwood lumber species that are milled to dimensions and products listed in PS 20-05.

Therefore, a dealer can advertise 1x12 pine shelving as 1x12 even though the actual product is something else, 3/4"x11-1/4," according to the standard. One member surveyed lumber in the yard for 1x12 pine boards. They measured between 3/4" to 11/16" in thickness and 10-7/8" to 11-1/4" in width. According to California state law anything with more than a 3% variation from the net PS-20 size cannot be called 1x12.

The concerns raised regarding these points is that even though PS 20-05 is a voluntary standard, dealers' reliance on it at the retail level to standardize lumber dimensions for resale to consumers (professional and retail) is now an issue with the state of California.

A respondent's point made was: "If dealers are doing their job by ordering 1x12 pine shelving and it comes in at 10-7/8" width, we either have to reject it or call it 10-7/8"

wide, not 12' wide as changes in moisture content of the air might cause the boards to shrink a little to more than the 3% allowable variance.”

RELATIVE TO THESE LAST POINTS, NLBMDA REQUESTS THE ATTENTION OF THE DEPARTMENT AND THE COMMITTEE REGARDING CONFLICTING MEASURES OR DIMENSIONS BETWEEN PS 20-05 AND STATE LAWS RELATIVE TO MARKETING OF PRODUCTS SUBJECT TO MEASUREMENT, WEIGHT OR DIMENSIONS.

FURTHERMORE, IN A SEPARATE COMMENT, ALSO FILED ON MAY 18, 2009, NLBMDA RECOMMENDS A REGIME TO CERTIFY THE ATTRIBUTE OF ECO-ORIGIN FOR A LUMBER PRODUCT, SPECIFICALLY TO AUDIT THE RECEIPT OF RAW MATERIAL FOR PROPER CHAIN-OF-CUSTODY DOCUMENTATION FROM A RECOGNIZED SUSTAINABLE FOREST MANAGEMENT CERTIFICATION PROGRAM, TO CERTIFY PROPER MATERIALS HANDLING TO MAINTAIN CHAIN-OF-CUSTODY THROUGHOUT THE LUMBER PRODUCTION PROCESS, AND TO CERTIFY A PERMANENT ON-PRODUCT ECO-LABEL FOR THE LUMBER PRODUCT.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. O'Brien". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. O'Brien, CAE
President & CEO

NATIONAL LUMBER AND BUILDING MATERIAL DEALERS ASSOCIATION