

1 TITLE 14 – DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 CHAPTER 14 – LUMBER PRODUCTS ASSESSMENT

3 [Emergency Regulation]

4
5 **ADOPT:**

6 **New Chapter 14 – Lumber Products Assessment**

7 **New Sections 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6.**

8
9 **§ 1667.1. Authority.**

10 This chapter sets out procedures for identifying those products subject to the “Lumber
11 Products Assessment” imposed pursuant to Public Resources Code Section 4629.5 as required
12 by Chapter 289, Statutes 2012. The lumber products and engineered wood products identified
13 herein shall become subject to the Assessment commencing January 1, 2013.

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15 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public Resources
16 Code Sections 4629.3, 4629.4, 4629.5.

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18 **§ 1667.2. Timber Regulation and Forest Restoration Fund.**

19 All revenues received from the Lumber Products Assessment, less amounts deducted
20 for refunds and reimbursements, shall be deposited in the “Timber Regulation and Forest
21 Restoration Fund” created in the State Treasury pursuant to Public Resources Code Section
22 4629.3.

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24 Note: Authority and Reference cited: Public Resources Code Section 4629.3.

1 **§ 1667.3. Definitions.**

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3 **Board** means the California Board of Forestry and Fire Protection.

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5 **Engineered Wood Product** means wood composite products including inorganic-bonded and
6 wood thermoplastic composites. It includes a range of derivative wood products which are
7 manufactured by binding lumber or the strands, particles, fibers, or veneers of wood, together
8 with adhesives, to form composite materials, in which wood is a principal component part as
9 defined.

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11 **Fund** means the Timber Regulation and Forest Restoration Fund.

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13 **Lumber Product** means a product in which wood or wood fiber is a principal component part,
14 including, but not limited to, a solid wood product, or an engineered wood product that is
15 identified in these regulations. "Lumber Product" does not include furniture, paper products,
16 indoor flooring products such as hardwood or laminated flooring, bark or cork products,
17 firewood, or other products not typically regarded as lumber products.

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19 **Principal Component Part** means at least ten percent (10%) of the total content by volume.

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21 Note: Authority and Reference cited: Public Resources Code Section 4629.3.

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23 **§ 1667.4. Assessed Lumber Products.**

24 **(a)** Lumber products subject to the Lumber Products Assessment pursuant to Public Resources
25 Code Section 4629.5 include the following products in which wood or wood fiber is a "principal

1 component part” as defined:

2 (1) Solid wood products: All grades and dimensions of lumber, structural panels, cross-
3 laminated timbers, decking, railings, fencing (poles, solid board), poles, roofing (shakes and
4 wooden shingles), siding (beveled shingles, board and batten, log, tongue and groove, treated
5 wood), lath, and sub-flooring.

6 (2) Engineered Wood Products: plywood, oriented strandboard, particleboard,
7 fiberboard, glued-laminated timber, laminated veneer lumber, laminated strand lumber, oriented
8 strand lumber, parallel strand lumber, hardboard, waferboard, flakeboard, veneer-based
9 sheeting material, laminated beams, I-joists, and edge-glued material.

10 (3) Inorganic-bonded and wood thermoplastic composites: Gypsum-bonded composite
11 materials (fiber reinforced gypsum), cement-bonded composite materials, ceramic bonded
12 composite materials, and wood thermoplastic composite materials including plastic lumber and
13 decking.

14
15 (b) Products not subject to the Lumber Products Assessment include but are not limited to,
16 furniture, paper products, indoor finished flooring products such as hardwood (solid or
17 engineered) or laminate flooring, decorative products such as wainscoting, paneling, shutters,
18 and blinds, bark or cork products, firewood, musical instruments, sporting goods and equipment,
19 carvings and craft products, cooperage and treatment materials (including staves, storage
20 vessels, and oak chips for wine, beer, and spirits), signs, tools, tool handles, stakes, ladders,
21 brooms, frames, kitchenware, windows, doors, cabinets, molding, millwork (window casings,
22 baseboards), lattice, pre-constructed railing sections, trusses, pre-fabrication housing (pre-cut
23 buildings, pre-cut or fabricated components of buildings), and pre-constructed fencing sections.

1 (c) The number and types of lumber products subject to the lumber products assessment may
2 be modified following annual review by the Board of Forestry and Fire Protection.

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4 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public Resources
5 Code Sections 4629.3 and 4629.5.

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7 **§ 1667.5. Requests for Review.**

8 (a) The California Board of Equalization may petition the Executive Officer of the Board of
9 Forestry and Fire Protection for review of a lumber product.

10 (1) The petition shall be sent to the Board's mailing address and shall include
11 information that provides the specific basis upon which the petition is founded. The petition must
12 provide the basis that a lumber product may or may not meet the criteria established by Public
13 Resources Code Section 4629.3 and specified herein.

14 (2) After receipt of a petition, the Board's Executive Officer may request additional
15 information from the California Board of Equalization prior to conducting the review.

16 (3) The Board's Executive Officer shall complete the review of the petition within thirty
17 (30) days of its receipt or the receipt of additional information requested pursuant to item (2)
18 above. All petitions received in a calendar year shall additionally be subject to review by the
19 Board during its annual update of the regulations specified herein.

20 (4) Based on a review of the petition, the Board's Executive Officer shall determine
21 whether or not the lumber product that is the subject of the petition meets the criteria specified
22 herein. Upon a finding by the Board's Executive Officer that the lumber product does not meet
23 the criteria, the Executive Officer may recommend that the Board remove the product from the
24 assessed lumber products identified herein.

1 Note: Authority and Reference cited: Public Resources Code Section 4629.3.

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4 **§ 1667.6. Annual Update of Regulation**

5 Pursuant to Public Resources Code Section 4629.4, the Board shall annually update the
6 regulations contained herein. The Board shall conduct the review at its regularly scheduled April
7 meeting. The lumber products identified in the annually updated regulation adopted by the
8 Board shall become subject to the assessment imposed pursuant to Section 4629.5 on the first
9 day of the calendar quarter commencing more than sixty (60) days after adoption of the updated
10 regulation.

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12 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public Resources
13 Code Section 4629.5.

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