

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER W-10-002B**

Relating to ARB Approval of Third Party Certifiers under  
Section 93120.4, title 17, California Code of Regulations

**Benchmark Holdings, LLC (BMH)**

WHEREAS, the Air Resources Board (ARB) has adopted the "Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products" (the "ATCM"; title 17, California Code of Regulations, sections 93120- 93120.12), which establishes formaldehyde emission standards for composite wood products;

WHEREAS, section 93120.3(b) of the ATCM requires that manufacturers of composite wood products must verify compliance with the formaldehyde emission standards by using a third party certifier approved by ARB;

WHEREAS, the ATCM requires third party certifiers to: 1) verify the accuracy of the emission test procedures and facilities used by composite wood product manufacturers to conduct formaldehyde emission tests; 2) monitor manufacturer quality assurance programs; and 3) provide independent audits and inspections;

WHEREAS, section 93120.4 of the ATCM sets forth the process for the ARB Executive Officer to approve third party certifiers;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become ARB-approved third party certifiers must be submitted to the Executive Officer in writing and must contain: 1) evidence of actual field experience in the verification of laboratories and wood products, to demonstrate how applicants will be able to competently perform the requirements for third party certifiers of composite wood products listed in section 93120.12, Appendix 3, of the ATCM; 2) evidence of the ability to properly train and supervise inspectors; 3) evidence of a current "product certification agency" accreditation; and 4) a list of the composite wood products that the applicant is applying to verify and evidence that the applicant is qualified to verify these products;

WHEREAS, Professional Service Industries, Inc. (PSI) submitted an original application dated April 22, 2008, and deemed complete on April 23, 2008;

WHEREAS, PSI was issued Executive Order W-08-002, signed on May 14, 2008;

WHEREAS, PSI submitted an updated application for re-approval to ARB that was received on April 14, 2010;

WHEREAS, the updated application for re-approval from PSI was deemed complete on April 26, 2010;

WHEREAS, PSI was issued Executive Order W-10-002, signed on May 11, 2010;

WHEREAS, PSI submitted a request and supplementary documentation to ARB on April 4, 2011 for approval of the Wood and Wooden Product Testing Center of Nanjing Forestry University as a subcontractor that would provide accredited laboratory services for PSI;

WHEREAS, PSI was issued Executive Order W-10-002A, signed on April 19, 2011, listing the Wood and Wooden Product Testing Center of Nanjing Forestry University as a subcontractor to provide accredited laboratory services;

WHEREAS, PSI notified ARB on October 31, 2011, that the ownership of PSI was transferred to Benchmark Holdings, LLC (BMH or the "applicant");

WHEREAS, on October 31, 2011, the applicant requested that BMH be named on an updated Executive Order in place of PSI, and for approval of Advanced Testing Services as a subcontractor that would provide accredited laboratory services for BMH;

WHEREAS, the request and supplementary documentation submitted on October 31, 2011, and November 2, 2011 by BMH, respectively, indicate that the change of ownership is complete and that the subcontractor is qualified to provide accredited laboratory services for BMH, and the applicant has a contractual agreement with the subcontractor listed in Attachment A of this Executive Order to provide accredited laboratory services;

WHEREAS, because of the change in company ownership and the applicant's request to add Advanced Testing Services as a subcontractor to provide accredited laboratory services, it is appropriate that Executive Order W-10-002A be superseded by this Executive Order W-10-002B;

WHEREAS, section 93120.4(b)(4) of the ATCM provides that the Executive Officer shall approve the application and issue an Executive Order if the evidence submitted by the applicant is sufficient to demonstrate that the applicant can competently perform the tasks specified in section 93120.12, Appendix 3, of the ATCM;

WHEREAS, the Executive Officer finds that the evidence submitted by the applicant meets the criteria specified in section 93120.4(b)(4) of the ATCM;

NOW, THEREFORE, IT IS ORDERED that BMH is hereby approved as a third party certifier and is issued the following number designating them as an ARB-approved third party certifier: **TPC-2**.

BE IT FURTHER ORDERED that BMH is an ARB-approved third party certifier for the following composite wood products: Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

BE IT FURTHER ORDERED that this re-approval is subject to the following conditions:

1. BMH must provide their ARB-approved third party certifier number to each manufacturer it has subcontracted with for services, as specified in section 93120.12, Appendix 3, of the ATCM.
2. BMH must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
3. If BMH wishes to use a subcontracted laboratory other than Advanced Testing Services, BMH must submit a request to the Executive Officer in writing and must provide evidence to demonstrate that the subcontractor can competently perform the tasks for which it is employed. BMH shall not use any other subcontractor unless the Executive Officer approves the request in writing.
4. BMH shall immediately notify the Executive Officer if any accreditation or certification provided in support of their initial application is renewed, allowed to expire, or revoked within the duration of this Executive Order.

BE IT FURTHER ORDERED that this Executive Order W-10-002B supersedes Executive Order W-10-002A, which was issued on April 19, 2011;

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date that Executive Order W-10-002 was executed; within 120 days of the expiration of this Executive Order, the third party certifier may apply for re-approval by submitting an updated application to the Executive Officer as provided in section 93120.4 of the ATCM.

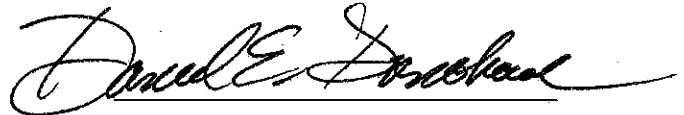
BE IT FURTHER ORDERED that the Executive Officer may review and, for good cause, modify or revoke this Executive Order as provided in section 93120.4(d) of the ATCM. The Executive Officer shall not modify or revoke this Executive Order without affording the third party certifier the opportunity for a hearing in accordance with the procedures specified in title 17, California Code of Regulations, section 60055.1 et seq.

BE IT FURTHER ORDERED that the third party certifier must maintain records in electronic or hard copy form for two years, for review by ARB upon request, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that on or before March 1 of each year, the third party certifier must provide an annual report to ARB for the previous calendar year, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that the third party certifier must notify the Executive Officer in writing within 30 days of any change in their ability to carry out the responsibilities of this Executive Order.

Executed at Sacramento, California this 8<sup>th</sup> day of November, 2011.



Daniel E. Donohue, Chief  
Emissions Assessment Branch  
Stationary Source Division

**Attachment A**

List of Subcontractors for Benchmark Holdings, LLC (TPC-2)  
Under Executive Order W-10-002B

Company Name	Company Contact Information	Subcontractor Function
Advanced Testing Services	<u>Contact: Mr. David Harmon</u> 610 South Second Street Springfield, Oregon 97477 Phone: (541) 741-6659 Email: <u>david.harmon@momentive.com</u>	Accredited Laboratory