State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-09-031A

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

Intertek Testing Service, LTD., Shanghai

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, Intertek Testing Services, LTD., Shanghai (the "applicant"), submitted an application dated December 10, 2008;

WHEREAS, the application was deemed complete on September 24, 2009;

WHEREAS, Intertek Testing Service, LTD., Shanghai was issued Executive Order W-09-031 to reflect operations of their certification program on December 3, 2009;

WHEREAS, because of the applicant's request, dated December 10, 2009, to update their Executive Order to reflect current operations of their certification program, it is appropriate that Executive Order W-09-031 be superseded by this Executive Order W-09-031A;

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 Intertek Testing Services, LTD., Shanghai, is hereby approved as a third party certifier and is issued the following number designating them as an ARB-approved third party certifier: **TPC-31**.

BE IT FURTHER ORDERED that Intertek Testing Services, LTD., Shanghai, 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 approval is subject to the following conditions:

1. Intertek Testing Services, LTD., Shanghai, 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. Intertek Testing Services, LTD., Shanghai, must participate in an interlaboratory study of their primary and/or secondary chamber facilities.

3. If Intertek Testing Services, LTD., Shanghai, wishes to undertake accredited laboratory services, or use a subcontractor, then Intertek Testing Services, LTD., Shanghai, must submit a request to the Executive Officer in writing and must provide evidence to demonstrate that they or their subcontractor can competently perform the tasks for which it is employed. Intertek Testing Services, LTD., Shanghai, shall not use a subcontractor, unless the Executive Officer approves the request in writing.

4. Intertek Testing Services, LTD., Shanghai, 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 shall have a duration of two years from the date it is 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 10th day of February, 2010

Janette M. Brooks

Janette M. Brooks, Chief
Air Quality Measures Branch
Stationary Source Division