

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER N-18-047

Relating to CARB Approval for an Exemption from Third-Party Certification
for Composite Wood Product Manufacturers that use
Ultra-low-emitting Formaldehyde Resins under
section 93120.3, title 17, California Code of Regulations

“Sklejka-Pisz” PAGED S.A.

WHEREAS, the California Air Resources Board (CARB) 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 93120.1(a)(42) of the ATCM defines “ultra-low-emitting formaldehyde (ULEF) based resins” to mean “resins formulated such that average formaldehyde emissions are consistently below the Phase 2 emission standards in section 93120.2,” for making hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (MDF), or thin medium density fiberboard (tMDF);

WHEREAS, section 93120.3(d) of the ATCM allows manufacturers of HWPW, PB, MDF, and tMDF who use ULEF-based resins to apply for written approval from the Executive Officer for an exemption from the requirements of section 93120.3(b) of the ATCM;

WHEREAS, section 93120.3(d) of the ATCM allows manufacturers of HWPW, PB, MDF, and tMDF who use ULEF-based resins to submit an application for an exemption from the requirements of section 93120.3(b) of the ATCM to the Executive Officer, which includes: (A) a statement indicating which product types will be manufactured using ULEF-based resins for sale in California; (B) the chemical formulation of the candidate ULEF-based resin(s), including base resins, scavenger resins, scavenger additives, catalysts, and other additives as used in manufacturing; (C) the name of their CARB-approved third-party certifier (TPC); and (D) data on the emissions performance of the candidate ULEF-based resin(s);

WHEREAS, the data on emissions performance of the candidate ULEF-based resin required in section 93120.3(d) of the ATCM must be obtained by working with a CARB-approved TPC, and must include six months of routine quality control testing data, the correlation of the routine quality control testing data to primary or secondary testing data, and the results of two primary or secondary method tests, as required in Appendix 2 of section 93120.12 of the ATCM;

WHEREAS, section 93120.3(d)(2) of the ATCM requires that 90 percent of the six months of routine quality control testing data and the results of two primary or secondary method tests must be shown to be no higher than 0.04 parts per million (ppm), and that all data must be shown to be no higher than 0.05 ppm for HWPW and 0.06 ppm for PB, MDF, and MDF;

WHEREAS, section 93120.3(d)(5) 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 has met the requirements specified in sections 93120.3(d)(1) and 93120.3(d)(2) of the ATCM;

WHEREAS, "Sklejka-Pisz" PAGED S.A. (Sklejka-Pisz or the "applicant" submitted an original application that was received on March 1, 2010;

WHEREAS, the original application from Sklejka-Pisz specified the range in product manufacturing parameters, applicable post-press product treatments, base resin trade name(s) and base resin manufacturer(s)/supplier(s), and other ingredients added to the base resin by the applicant to manufacture ULEF hardwood plywood-veneer core (HWPW-VC) products;

WHEREAS, CARB was provided base resin/adhesive information specifying the base resin polymer type and minimum and maximum values of all major and any minor ingredients in the base resin on a percent weight of solids basis;

WHEREAS, the Executive Officer found that the evidence submitted by the applicant meets the criteria specified in sections 93120.3(d)(1), 93120.3(d)(2) and 93120.3(d)(5) of the ATCM;

WHEREAS, the base resins/adhesive supplier, commercial name, and resin type are set forth in Confidential Attachment A;

WHEREAS, the original application from Sklejka-Pisz was deemed complete on May 3, 2010, and Sklejka-Pisz was issued Executive Order N-10-047 signed on May 18, 2010;

WHEREAS, section 93120.3(d) of the ATCM allows ULEF product manufacturers to apply for re-approval by CARB by submitting an updated application;

WHEREAS, Sklejka-Pisz submitted an updated application for re-approval to CARB on April 20, 2012;

WHEREAS, the updated application for re-approval from Sklejka-Pisz was deemed complete on June 8, 2012; and Sklejka-Pisz was issued Executive Order N-12-047, signed on June 12, 2012;

WHEREAS, Sklejka-Pisz submitted an updated application for amendment to add a new resin supplier and for re-approval to CARB on May 23, 2014;

WHEREAS, the updated application for amendment and re-approval from Sklejka-Pisz was deemed complete on June 4, 2014, and Sklejka-Pisz was issued Executive Order N-14-047, signed on June 5, 2014;

WHEREAS, Sklejka-Pisz submitted an updated application for re-approval to CARB on April 22, 2016;

WHEREAS, the updated application for re-approval from Sklejka-Pisz was deemed complete on June 23, 2016, and Sklejka-Pisz was issued Executive Order N-16-047, signed on July 7, 2016;

WHEREAS, Sklejka-Pisz submitted an updated application for re-approval to CARB on July 2, 2018;

WHEREAS, the updated application for re-approval from Sklejka-Pisz was deemed complete on July 9, 2018;

WHEREAS, the Executive Officer finds that the completed, updated application demonstrated the ULEF manufacturer's ability to continue to comply with section 93120.3(d); and

WHEREAS, the Executive Officer approved Sklejka-Pisz's request for re-approval, and it is appropriate that Executive Order N-16-047 be superseded by this Executive Order N-18-047.

NOW, THEREFORE, IT IS ORDERED that Sklejka-Pisz is hereby approved as a ULEF manufacturer of HWPW-VC that is exempt from the requirements of section 93120.3(b) and Appendix 2 of section 93120.12 of the ATCM, provided that the following terms and conditions are met for products sold, supplied, offered for sale, or manufactured for sale in California:

1. Sklejka-Pisz must use the commercial resins listed and suppliers listed in Section A of Confidential Attachment A of this Executive Order for the manufacture of ULEF HWPW-VC products.
2. The chemical formulation of the base resin used for the manufacture of ULEF composite wood products by Sklejka-Pisz must be within the ranges specified in Section B of Confidential Attachment A of this Executive Order.
3. Sklejka-Pisz is legally responsible for ensuring that the base resin is within the ranges specified in Section B of Confidential Attachment A.

4. The application rate of the base resin used for the manufacture of ULEF composite wood products by Sklejka-Pisz must be within the ranges specified in Section C of Confidential Attachment A of this Executive Order.
5. Other chemical components of the base resins (such as sizing wax and release wax) used for the manufacture of ULEF HWPW-VC products by Sklejka-Pisz must be within the ranges specified in Section D of Confidential Attachment A of this Executive Order.
6. The allowable operating parameters for press temperature and press time for the base resins used to manufacture the ULEF HWPW-VC products by Sklejka-Pisz must be within the ranges specified in Section E of Confidential Attachment A of this Executive Order.
7. Only the composite wood products with the product names listed in Section F of Confidential Attachment A of this Executive Order are authorized under this Executive Order.

BE IT FURTHER ORDERED that this Executive Order N-18-047 supersedes Executive Order N-16-047, which was signed on July 7, 2016.

BE IT FURTHER ORDERED that Sklejka-Pisz may change the resin system supplier listed in Section A of Confidential Attachment A of this Executive Order if the new resin supplier supplies the same resin type listed in Confidential Attachment A of this Executive Order, at least two primary or secondary method tests are performed on random samples selected by their CARB-approved TPC, and the Chief of the Risk Reduction Branch of the Transportation and Toxics Division is notified before Sklejka-Pisz uses the resin for production.

BE IT FURTHER ORDERED that Sklejka-Pisz must conduct confirmatory testing for a new resin supplier by demonstrating that the results of two primary or secondary method tests for the new resin system supplier are no higher than 0.04 ppm for the ULEF products authorized under this Executive Order.

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date this Executive Order is signed; the applicant may apply for re-approval as provided in section 93120.3(d)(5) of the ATCM.

BE IT FURTHER ORDERED that the applicant must maintain records in electronic or hard copy form for two years, for review by CARB upon request, as specified in section 93120.3(g) of the ATCM.

BE IT FURTHER ORDERED that the applicant must notify the Executive Officer in writing within 30 days if there is any change in their product manufacturing parameters or base resin manufacturer(s) or supplier(s) that does not comply with any of the requirements, terms or conditions specified in the ATCM or this Executive Order.

Executed at Sacramento, California this 14th day of August, 2018.

A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive style and is positioned above a solid horizontal line.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division