State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER N-19-140A

Relating to CARB approval to conduct primary or secondary method and routine quality control testing at a less frequent rate by Composite Wood Product Manufacturers that use Ultra-low-emitting Formaldehyde Resins under section 93120.3, title 17, California Code of Regulations

Arauco North America, Inc. (Malvern MDF)

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 approval to conduct primary or secondary method and routine quality control testing at a less frequent rate than specified in section 93120.3(b) and 93120.12, Appendix 2, 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 approval to test their products at a less frequent rate than specified in section 93120.3(b) and 93120.12, Appendix 2 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 resins, including base resins, scavenger resins and 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 resins;

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)(1) 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 0.06 parts per million (ppm), and that all data must be shown to be no higher than 0.09 ppm for ULEF manufacturers of MDF to gain approval to conduct their emission testing at a less frequent rate than specified in section 93120.3(b) and 93120.12, Appendix 2;

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) of the ATCM;

WHEREAS, Flakeboard Company (Flakeboard or the applicant) submitted an original application that we received on November 5, 2012;

WHEREAS, the original application from Flakeboard specifies 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 MDF 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 base resin/adhesive supplier, commercial name and resin type are set forth in Confidential Attachment A;

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, Flakeboard submitted the original and the updated applications for approval to CARB as follows:

Executive Order #	Received Date	Signed Date	Actions
N-12-140	11/05/2012	12/21/2012	Original
N-15-140	12/05/2014	01/22/2015	Renewal and amendment to change the company's name to "Arauco North America, Malvern MDF"
N-15-140A	12/19/2015	03/27/2015	Amendment: to add an additional resin system
N-17-140	03/20/2017	04/12/2017	Renewal

Executive Order #	Received Date	Signed Date	Actions
N-17-140A	07/03/2018	08/15/2018	Amendment: to modify the ingredients added by manufacturer
N-19-140	04/04/2019	05/21/2019	Renewal

WHEREAS, Arauco North America, Malvern MDF (Arauco North America or the applicant) submitted a request for approval to CARB to add an additional product trade name (Vesta MR) on February 19, 2020;

WHEREAS, the request for approval to add an additional product trade name Arauco North America was deemed complete on February 20, 2020;

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 Arauco North America's request to add an additional product trade name, and it is appropriate that Executive Order N-19-140 be superseded by this Executive Order N-19-140A.

NOW, THEREFORE, IT IS ORDERED that Arauco North America is hereby approved as a ULEF manufacturer of MDF that is qualified to test their MDF products less frequently, as specified by the requirements of section 93120.12, Appendix 2, subsections (f) and (g) 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. Arauco North America 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 MDF products.

2. As specified in Section B of Confidential Attachment A, Arauco North America is legally responsible for ensuring that the base resin specifications are within the ranges specified in the original application and any subsequent amendments of this Executive Order.

3. The application rate of the base resins used for the manufacture of ULEF composite wood products by Arauco North America must be within the ranges specified in Section C of Confidential Attachment A of this Executive Order.

4. Other chemical components of the base resins (such as sizing wax and release wax) used for the manufacture of ULEF MDF products by Arauco North America must be within the ranges specified in Section D of Confidential Attachment A of this Executive Order.

5. The allowable operating parameters for press temperature and press time for the base resins used to manufacture the ULEF MDF products by Arauco North America must be within the ranges specified in Section E of Confidential Attachment A of this Executive Order.

6. 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-19-140A supersedes Executive Order N-19-140, which was signed on May 21, 2019.

BE IT FURTHER ORDERED that Arauco North America 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 within the Transportation and Toxics Division is notified before Arauco North America uses the resin for production.

BE IT FURTHER ORDERED that Arauco North America must conduct confirmatory testing for a new resin system by demonstrating that the results of two primary or secondary method tests for the new resin system are no higher than 0.06 ppm for the ULEF MDF products authorized under this Executive Order.

BE IT FURTHER ORDERED that the Executive Officer may review and, for good cause, modify or revoke this Executive Order as provided in section 93120.3(d)(5) of the ATCM. The Executive Officer shall not modify or revoke this Executive Order without affording the applicant 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 expiration date of this Executive Order is two years from the date of issuance of Executive Order N-19-140 (i.e., May 21, 2019); 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 16th day of March, 2020.

Richard Boyd

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

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