

State of California
CALIFORNIA AIR RESOURCES BOARD

EXECUTIVE ORDER W-18-001

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

Composite Panel Association

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 93120.3(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 CARB;

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 CARB Executive Officer to approve third-party certifiers;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become CARB-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, the Composite Panel Association (CPA or the "applicant") submitted an original application dated April 14, 2008, which was deemed complete on April 14, 2008;

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, CPA was issued Executive Order W-08-001, signed on May 14, 2008;

WHEREAS, section 93120.4(b)(4) of the ATCM allows CARB-approved third-party certifiers to apply for re-approval by CARB by submitting an updated application;

WHEREAS, CPA submitted an updated application for re-approval to CARB on April 14, 2010, which was deemed complete on April 28, 2010, and CPA was issued Executive Order W-10-001, signed on May 10, 2010;

WHEREAS, CPA submitted an updated application for re-approval to CARB on May 4, 2012, which was deemed complete on May 8, 2012, and CPA was issued Executive Order W-12-001, signed on May 15, 2012;

WHEREAS, CPA submitted an updated application for re-approval to CARB on February 19, 2014, which was deemed complete on April 17, 2014, and CPA was issued Executive Order W-14-001, signed on April 24, 2014;

WHEREAS, CPA submitted an updated application for re-approval to CARB on January 8, 2016, which was deemed complete on April 26, 2016, and CPA was issued Executive Order W-16-001, signed on May 2, 2016;

WHEREAS, CPA submitted an updated application for re-approval to CARB dated February 12, 2018; the application noted that CPA subcontracts with Timber Products Inspection, Inc., listed in Attachment A, to perform mill inspection services; the application was deemed complete on March 26, 2018;

WHEREAS, the Executive Officer finds that the completed, updated application demonstrated the third-party certifier's ability to continue to comply with section 93120.4(b)(1) of the ATCM;

WHEREAS, the Executive Officer approved CPA's request for re-approval, and it is appropriate that Executive Order W-16-001 be superseded by this Executive Order W-18-001;

NOW, THEREFORE, IT IS ORDERED that CPA is hereby approved as a third-party certifier and is issued the following number designating them as a CARB-approved third-party certifier: **TPC-1**.

BE IT FURTHER ORDERED that CPA is a CARB-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. CPA must provide their CARB-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. CPA must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
3. If CPA wishes to use a subcontractor, then CPA 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. CPA shall not use any subcontractor unless the Executive Officer approves the request in writing.
4. CPA 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-18-001 supersedes Executive Order W-16-001, which was issued on May 2, 2016.

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date it is executed; within 120 days prior to 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 CARB 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 CARB 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, or of any change to their subcontractor.

Executed at Sacramento, California this 20th day of April, 2018.

A handwritten signature in blue ink, reading "Richard Boyd", is written over a horizontal line.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment A

List of Subcontractors for Composite Panel Association (CPA) (TPC-001)
Under Executive Order W-18-001

Company Name	Company Contact Information	Subcontractor Function
Timber Products, Inc.	Mr. Darin Thompson 1641 Sigman Road Conyers, Georgia 30012 Phone: (703) 724-1128, Extension 231 Email: dthompson@tpinspection.com	Accredited Inspection Body