

State of California
CALIFORNIA AIR RESOURCES BOARD

EXECUTIVE ORDER W-16-031A

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

Intertek Testing Services - Shanghai (ITS-SH)

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, Intertek Testing Services - Shanghai (ITS-SH or the "applicant"), submitted an original application dated December 10, 2008, which was deemed complete on September 24, 2009;

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, ITS-SH was issued Executive Order W-09-031, signed on December 3, 2009;

WHEREAS, because of a request from the applicant, dated December 10, 2009, to update their Executive Order to reflect current operations of their certification program, Executive Order W-09-031 was superseded by Executive Order W-09-031A, signed on February 10, 2010;

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

WHEREAS, ITS-SH submitted an updated application for re-approval to CARB on January 20, 2012, which was deemed complete on March 9, 2012, and ITS-SH was issued Executive Order W-12-031, signed on March 15, 2012;

WHEREAS, ITS-SH submitted an updated application for re-approval to CARB on February 20, 2014, which was deemed complete on May 30, 2014, and ITS-SH was issued Executive Order W-14-031, signed on June 4, 2014;

WHEREAS, ITS-SH submitted an updated application for re-approval to CARB on February 14, 2016, which was deemed complete on May 16, 2016, and ITS-SH was issued Executive Order W-16-031, signed on May 23, 2016;

WHEREAS, ITS-SH submitted a request and supplementary documentation to CARB on November 28, 2017, for approval to use Intertek Testing Services - Guangzhou (ITS-G) as a subcontract laboratory to provide accredited laboratory services for ITS-SH;

WHEREAS, the request and supplementary documentation indicate that ITS-G has the necessary qualifications to provide accredited laboratory service for ITS-SH including initial (qualifying) and subsequent (verification) testing for manufacturers of composite wood products; and

WHEREAS, it is appropriate to approve ITS-SH's request to add ITS-G as a subcontractor to provide accredited testing services, and it is appropriate that Executive Order W-16-031 be superseded by this Executive Order W-16-031A.

NOW, THEREFORE, IT IS ORDERED that ITS-SH is hereby approved as a third-party certifier and is issued the following number designating them as a CARB-approved third-party certifier: **TPC-31**.

BE IT FURTHER ORDERED that ITS-SH 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. ITS-SH 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. ITS-SH and their subcontractor listed in Attachment A must participate in an interlaboratory study of their primary and/or secondary chamber facilities.
3. If ITS-SH wishes to use a subcontractor other than those listed in Attachment A, then ITS-SH 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. ITS-SH must not use a subcontractor unless the Executive Officer approves the request in writing.
4. ITS-SH must immediately notify the Executive Officer if any accreditation or certification provided in support of their application is renewed, allowed to expire, or revoked within the duration of this Executive Order.

BE IT FURTHER ORDERED that this Executive Order W-16-031A supersedes Executive Order W-16-031, which was issued on May 23, 2016.

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date Executive Order W-16-031 was 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.

Executed at Sacramento, California this 25th day of January, 2018.



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment A

List of Subcontractors for Intertek Testing Services - Shanghai (TPC-31)
Under Executive Order W-16-031A

Company Name	Company Contact Information	Subcontractor Function
Intertek Testing Services - Guangzhou	Allen Xie allen.xie@intertek.com	Accredited Laboratory