

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-18-018

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

MPA Eberswalde Materialprüfanstalt Brandenburg GmbH

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, MPA Eberswalde Materialprüfanstalt Brandenburg GmbH (MPA Eberswalde or the "applicant") submitted an original application dated September 5, 2008, which was deemed complete on November 24, 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, MPA Eberswalde was issued Executive Order W-08-018, signed on December 22, 2008;

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

WHEREAS, MPA Eberswalde submitted an updated application for re-approval to CARB on September 8, 2010, which was deemed complete on October 11, 2010, and MPA Eberswalde was issued Executive Order W-10-018, signed on October 19, 2010;

WHEREAS, MPA Eberswalde submitted an updated application for re-approval to CARB on August 9, 2012, which was deemed complete on August 14, 2012, and MPA Eberswalde was issued Executive Order W-12-018, signed on August 24, 2012;

WHEREAS, MPA Eberswalde submitted an updated application for re-approval to CARB on June 20, 2014, which noted that MPA Eberswalde uses Entwicklungs und Pruflabor Holztechnologie (EPH, TPC-10) as a subcontract laboratory; the updated application was deemed complete on July 7, 2014, and MPA Eberswalde was issued Executive Order W-14-018, signed on July 7, 2014;

WHEREAS, MPA Eberswalde submitted an updated application for re-approval to CARB on April 12, 2016, which was deemed complete on June 24, 2016, and MPA Eberswalde was issued Executive Order W-16-018, signed on June 29, 2016;

WHEREAS, MPA Eberswalde submitted an updated application for re-approval to CARB on March 20, 2018, which was deemed complete on March 27, 2018;

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

WHEREAS, the Executive Officer approved MPA Eberswalde's request for re-approval and it is appropriate that Executive Order W-16-018 be superseded by this Executive Order W-18-018.

NOW, THEREFORE, IT IS ORDERED that MPA Eberswalde is hereby approved as a third-party certifier and is issued the following number designating them as a CARB-approved third-party certifier: **TPC-18**.

BE IT FURTHER ORDERED that MPA Eberswalde 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. MPA Eberswalde 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. MPA Eberswalde and their subcontract laboratory must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
3. If MPA Eberswalde wishes to use any subcontractor other than those listed in Attachment A, MPA Eberswalde 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. MPA Eberswalde shall not use a subcontractor unless the Executive Officer approves the request in writing.
4. MPA Eberswalde shall 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-18-018 supersedes Executive Order W-16-018, which was issued on June 29, 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.

Executed at Sacramento, California this 9th day of April, 2018.



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment A

List of Subcontractors for MPA Eberswalde Materialprüfanstalt Brandenburg
GmbH (TPC-18)
Under Executive Order W-18-018

Company Name	Contact Information	Subcontractor Function
Entwicklungs und Prüflabor Holztechnologie (EPH) Dresden, Germany www.carb.eph-dresden.de	Robby Wegner MPA Eberswalde wegner@mpaew.de	Accredited Laboratory Services