

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-14-007

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

TIMBERCO, Inc. (TECO)

WHEREAS, the Air Resources Board (ARB) 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 ARB;

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 ARB Executive Officer to approve third party certifiers;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become ARB-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, TIMBERCO, Inc. ("TECO" or the "applicant") submitted an original application dated June 17, 2008, which indicated that the applicant had a contractual agreement with Advanced Testing Services as a subcontractor to provide accredited laboratory services, and the application was deemed complete on June 25, 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, TECO was issued Executive Order W-08-007, signed on July 18, 2008;

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

WHEREAS, TECO submitted an updated application for re-approval to ARB on June 22, 2010, which was approved and TECO was issued Executive Order W-10-007, signed on August 17, 2010;

WHEREAS, TECO submitted an updated application for re-approval to ARB on August 3, 2012, which was approved and TECO was issued Executive Order W-12-007, signed on August 13, 2012;

WHEREAS, TECO submitted an updated application for re-approval to ARB, received on August 28, 2014, which was deemed complete on August 28, 2014;

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

WHEREAS, the Executive Officer approved TECO's request for re-approval, and it is appropriate that Executive Order W-12-007 be superseded by this Executive Order W-14-007.

NOW, THEREFORE, IT IS ORDERED that TECO is hereby approved as a third party certifier and is issued the following number designating them as an ARB-approved third party certifier: **TPC-7**.

BE IT FURTHER ORDERED that TECO is an ARB-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. TECO must provide their ARB-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. TECO and their subcontract laboratories listed in Attachment A must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
3. To carry out their functions as a third party certifier under this Executive Order, TECO must not use any subcontractor other than those approved for use by the Executive Officer. If TECO wishes to use a subcontractor that is not listed in Attachment A, TECO 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. TECO must not use any subcontractor unless the Executive Officer approves the request in writing.
4. TECO must 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-14-007 supersedes Executive Order W-12-007, which was issued on August 13, 2012;

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date it is executed; within 120 days of 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 ARB 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 ARB 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 3rd day of September, 2014.

Peggy Sanchez

for

Daniel E. Donohue, Chief
Emissions Assessment Branch
Transportation & Toxics Division

Attachment A

List of Subcontractors for TECO Under Executive Order W-14-007

Company Name	Contact Information	Subcontractor Function
Laboratorio Prevenzione Incendi S.p.A. (LAPI), Italy	Steve Verhey TECO 1507 Matt Pass, Suite 2 Cottage Grove, WI 53527 Telephone: (608) 403-4197	Accredited Laboratory
Advanced Testing Services, Springfield, Oregon, U.S.	"	"