

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER N-22-107A

Relating to CARB Approval to use No-added Formaldehyde Resins by
Composite Wood Product Manufacturers under
section 93120.3, title 17, California Code of Regulations

Clarion Boards LLC

Whereas, the California Air Resources Board (CARB) has adopted the "Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products" (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)(29) of the ATCM defines "no-added formaldehyde" (NAF) based resins to mean resins formulated with NAF as part of the resin cross-linking structure for making hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (MDF), or thin medium density fiberboard (tMDF) including, but not limited to resins made from soy, polyvinyl acetate, or methylene diisocyanate;

Whereas, section 93120.3(c) of the ATCM allows manufacturers of HWPW, PB, MDF, and tMDF who use NAF-based resins to apply for written approval from the Executive Officer for an exemption from the requirements of section 93120.3(b) of the ATCM;

Whereas, section 93120.3(c) of the ATCM allows manufacturers of HWPW, PB, MDF, and tMDF who use NAF-based resins to submit an application for an exemption from the requirements of section 93120.3(b) of the ATCM to the Executive Officer, which includes: (A) a statement indicating which product types will be manufactured using NAF-based resins for sale in California; (B) the chemical formulation of the candidate NAF-based resins, including base resins, catalysts, and other additives used in manufacturing; (C) the name of their CARB-approved third-party certifier (TPC); and (D) data on emissions performance of the candidate NAF-based resins;

Whereas, the data on emissions performance of the candidate NAF-based resin required in section 93120.3(c) of the ATCM must be obtained by working with a CARB-approved TPC, and must include three 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 one primary or secondary method test, as required in Appendix 2 of section 93120.12 of the ATCM;

Whereas, section 93120.3(c)(1) of the ATCM requires that 90 percent of the three months of routine quality control testing data and the result of one primary or secondary method test must be shown to be no higher than 0.04 parts per million (ppm), and that all data must be shown to be no higher than 0.05 ppm for HWPW and 0.06 ppm for PB, MDF, and tMDF;

Whereas, section 93120.3(c)(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 has met the requirements specified in section 93120.3(c)(1) of the ATCM;

Whereas, Clarion Boards LLC (Clarion Boards or the applicant) submitted an original application that we received on November 17, 2011;

Whereas, the application from Clarion Boards 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 NAF MDF and tMDF 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 information was provided to CARB by Clarion Boards is set forth in Confidential Attachment A;

Whereas, section 93120.3(c) of the ATCM allows NAF product manufacturers to apply for re-approval by CARB by submitting an updated application;

Whereas, Clarion Boards submitted the original and the updated applications for approval to CARB as follows:

Executive Order #	Received Date	Signed Date	Action
N-11-107	11/17/2011	12/06/2011	Original
N-14-107	11/14/2013	01/07/2014	Renewal
N-14-107A	05/14/2015	05/21/2015	Amendment: to add an additional resin system
N-16-107	12/30/2015	02/18/2016	Renewal
N-16-107A	03/21/2016	05/18/2016	Amendment: to add an additional resin system
N-16-107B	06/06/2017	10/10/2017	Amendment: to add two resin systems
N-18-107	01/10/2018	02/16/2018	Renewal
N-20-107	12/18/2019	02/11/2020	Renewal
N-20-107A	03/04/2020	06/18/2020	Amendment: to add three resin systems

Executive Order #	Received Date	Signed Date	Action
N-20-107B	03/18/2021	06/02/2021	Amendment: to add a new resin system
N-20-107C	07/19/2021	08/05/2021	Amendment: to add a new resin system
N-20-107D	08/31/2021	10/15/2021	Amendment to add a new ingredient
N-22-107	01/06/2022	02/16/2022	Renewal

Whereas, Clarion Boards submitted a request for approval to add a new resin system to the current Executive Order N-22-107 on March 15, 2022;

Whereas, the request for approval to add a new resin system from Clarion Boards was deemed complete on April 1, 2022;

Whereas, the Executive Officer finds that the evidence submitted by the applicant meets the criteria specified in section 93120.3(c)(4) of the ATCM; and

Whereas, the Executive Officer approved Clarion Boards' request for adding a new resin system and it is appropriate that Executive Order N-22-107 be superseded by this Executive Order N-22-107A.

Now, therefore, it is ordered that Clarion Boards is hereby approved as a NAF manufacturer of MDF and tMDF exempt from the requirements of section 93120.3(b) and Appendix 2 of section 93120.12 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. Clarion Boards must use the commercial resin listed and supplier listed in Section A of Confidential Attachment A of this Executive Order for the manufacture of NAF MDF and tMDF products.
2. As specified in Section B of Confidential Attachment A, Clarion Boards 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 NAF composite wood products by Clarion Boards 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 NAF composite wood products by Clarion Boards 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 NAF composite wood products by Clarion Boards 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-22-107A supersedes Executive Order N-22-107, which was issued on February 16, 2022.

Be it further ordered that Clarion Boards 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 constituent listed in Confidential Attachment A of this Executive Order, at least one primary or secondary method test is 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 Clarion Boards uses the resin for production.

Be it further ordered that Clarion Boards must conduct confirmatory testing for any new resin supplier by demonstrating that the result of one primary or secondary method test for the new resin system supplier are no higher than 0.04 ppm for the NAF 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(c)(4) 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 this Executive Order shall have a duration of two years from the date of issuance of Executive Order N-22-107 (i.e., February 16, 2022): the applicant may apply for re-approval as provided in section 93120.3(c)(4) 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 of any change in their product manufacturing parameters or base resin manufacturer(s) or supplier(s) that constitute a modification outside the scope of their application for reduced testing under or an exemption from the requirements in section 93120.3(b) of the ATCM.

Executed at Sacramento, California on this 31st day of May 2022.

A handwritten signature in blue ink, appearing to read 'R. Krieger', is positioned above a horizontal line.

Robert Krieger, Chief
Risk Reduction Branch
Transportation and Toxics Division