

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER N-22-120

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

Commonwealth Plywood, Inc.

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 to the Executive Officer for an exemption from the requirements of section 93120.3(b) of the ATCM; the application shall include: (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 resins 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, Commonwealth Plywood, Inc. (Commonwealth Plywood or the applicant) submitted an original application received on May 30, 2012;

Whereas, the original application from Commonwealth Plywood specified 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 hardwood plywood-veneer core (HWPW-VC) 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 supplier, commercial name, and resin type are 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, Commonwealth Plywood submitted the original and the updated applications for approval to CARB as follows:

Executive Order #	Received Date	Signed Date	Actions
N-12-120	05/30/2012	06/11/2012	Original
N-14-120	06/04/2014	08/05/2014	Renewal
N-16-120	07/08/2016	08/12/2016	Renewal
N-18-120	08/06/2018	09/28/2018	Renewal
N-20-120	06/25/2020	08/06/2020	Renewal

Whereas, Commonwealth Plywood submitted an updated application for re-approval to CARB on August 1, 2022;

Whereas, the updated application for renewal from Commonwealth Plywood was deemed complete on September 6, 2022;

Whereas, the Executive Officer finds that the completed, updated application demonstrated the NAF manufacturer's ability to continue to comply with section 93120.3(c) of the ATCM; and

Whereas, the Executive Officer approved Commonwealth Plywood's request for re-approval and it is appropriate that Executive Order N-20-120 be superseded by Executive Order N-22-120.

Now, therefore, it is ordered that Commonwealth Plywood is hereby approved as a NAF manufacturer of HWPW-VC provided that the following terms and conditions are met for products sold, supplied, offered for sale, or manufactured for sale in California:

1. Commonwealth Plywood must use the commercial resins and suppliers listed in Section A of Confidential Attachment A of this Executive Order for the manufacture of NAF HWPW-VC products.
2. As specified in Section B of Confidential Attachment A, Commonwealth Plywood 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 Commonwealth Plywood 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 HWPW-VC products by Commonwealth Plywood 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 HWPW-VC products by Commonwealth Plywood 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 Executive Order N-22-120 supersedes Executive Order N-20-120, which was issued on August 6, 2020.

Be it further ordered that Commonwealth Plywood may change the resin system suppliers listed in Section A of Confidential Attachment A if the new resin supplier supplies the same resin type listed in Confidential Attachment A, 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 Commonwealth Plywood uses the resin for production.

Be it further ordered that Commonwealth Plywood must conduct confirmatory testing for any new resin supplier by demonstrating that the results 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 section 93120.3(c)(6) of the ATCM, as applicable, specifies that if the applicant decides to change to a formaldehyde-based resin system, the applicant must notify CARB in advance of changing resin systems and must comply with the requirements of section 93120.3(b) of the ATCM for that product type.

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, and 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 does not comply with any of the requirements, terms, or conditions specified in the ATCM or this Executive Order.

Executed at Sacramento, California on this 25th day of October 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