

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-23-010

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

Entwicklungs - und Prüflabor Holztechnologie GmbH

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 93120.3(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 (TPC) approved by CARB;

Whereas, the ATCM requires TPCs 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 CARB's Executive Officer to approve TPCs;

Whereas, section 93120.4(b)(1) of the ATCM requires that applications to become a CARB-approved TPC 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 TPCs 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, Entwicklungs - und Prüflabor Holztechnologie GmbH (EPH or the applicant) submitted an original application dated June 20, 2008, which was deemed complete on July 23, 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, EPH was issued Executive Order W-08-010, signed on August 11, 2008;

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

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

Executive Order #	Date Received	Date Signed	Actions
W-08-010	6/20/2008	8/11/2008	Original
W-10-010	7/27/2010	9/7/2010	Renewal
W-12-010	7/27/2012	9/4/2012	Renewal
W-14-010	8/18/2014	9/4/2014	Renewal
W-17-010	8/25/2016	2/1/2017	Renewal
W-19-010	1/8/2019	2/27/2019	Renewal
W-21-010	12/22/2020	2/25/2021	Renewal

Whereas, EPH submitted an updated application for re-approval to CARB on November 1, 2022; the application was deemed complete on February 24, 2023;

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

Whereas, the Executive Officer approved the request from EPH for re-approval, and it is appropriate that Executive Order W-21-010 be superseded by Executive Order W-23-010.

Now, therefore, it is ordered that EPH is hereby approved as a TPC and is issued the following number designating them as a CARB-approved TPC: **TPC-10**.

Be it further ordered that EPH is a CARB-approved TPC 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:

- EPH must provide their CARB-approved TPC number to each manufacturer it has subcontracted with for services, as specified in section 93120.12, Appendix 3, of the ATCM.
- EPH must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
- If EPH wishes to use a subcontractor, EPH 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. EPH shall not use the subcontractor unless the Executive Officer approves the request in writing.

- EPH shall 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-23-010 supersedes Executive Order W-21-010, which was issued on February 25, 2021.

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, EPH 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 EPH with 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 EPH 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, EPH 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 EPH 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 on this 13th day of March, 2023.



Robert Krieger, Chief
Risk Reduction Branch
Transportation and Toxics Division