

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-23-002

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

Benchmark Holdings, 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 93120.3(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, Benchmark Holdings, LLC (Benchmark, formerly known as Professional Service Industries, Inc., or the applicant) submitted an original application dated April 22, 2008, which was deemed complete on April 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, Benchmark was issued Executive Order W-08-002, signed on May 14, 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, Benchmark submitted the original and updated applications for approval to CARB as follows:

Executive Order #	Date Received	Date Signed	Actions
W-08-002	04/22/2008	05/14/2008	Original
W-10-002	04/14/2010	05/11/2010	Renewal
W-10-002A	04/04/2011	04/19/2011	Amendment to add Wood & Wooden Product Testing Center of Nanjing Forestry University as subcontract laboratory
W-10-002B	10/31/2011	11/08/2011	Request for name change following transfer of ownership of "Professional Service Industries, Inc." to "Benchmark Holdings, LLC"; deletion of Nanjing laboratory as subcontract laboratory; addition of Advanced Testing Services (ATS) as subcontract laboratory
W-13-002	01/15/2013	02/22/2013	Renewal
W-15-002	01/30/2015	06/12/2015	Renewal
W-17-002	03/17/2017	05/23/2017	Renewal
W-19-002	04/08/2019	06/05/2019	Renewal
W-21-002	05/19/2021	06/24/2021	Renewal

Whereas, Benchmark submitted an updated application for re-approval to CARB on May 3, 2023; the application indicated that Benchmark would no longer use ATS as a subcontract laboratory; the application was deemed complete on May 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 Benchmark for re-approval, and it is appropriate that Executive Order W-21-002 be superseded by Executive Order W-23-002.

Now, therefore, it is ordered that Benchmark is hereby approved as a TPC and is issued the following number designating them as a CARB-approved TPC: **TPC-2**.

Be it further ordered that Benchmark 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:

- Benchmark 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.

- Benchmark must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
- If Benchmark wishes to use a subcontractor, Benchmark 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. Benchmark shall not use the subcontractor unless the Executive Officer approves the request in writing.
- Benchmark 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-23-002 supersedes Executive Order W-21-002, which was issued on June 24, 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, Benchmark 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 Benchmark 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 Benchmark 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, Benchmark 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 Benchmark 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 21st day of June, 2023.



Richard Boyd, Assistant Chief
Transportation and Toxics Division