

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-23-045

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

SGS Vietnam Limited

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, SGS Vietnam Limited (SGS Vietnam or the applicant) submitted an original application dated September 19, 2019, which was deemed complete on October 23, 2019;

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, SGS Vietnam was issued Executive Order W-19-045, signed on October 25, 2019;

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, SGS Vietnam submitted the original and updated applications for approval to CARB as follows:

Executive Order #	Date Received	Date Signed	Actions
W-19-045	09/19/2019	10/25/2019	Original approval
W-21-045	10/12/2021	11/16/2021	Renewal

Whereas, SGS Vietnam submitted an updated application for re-approval to CARB on October 9, 2023; the application was deemed complete December 5, 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 SGS Vietnam for re-approval, and it is appropriate that Executive Order W-21-045 be superseded by Executive Order W-23-045.

Now, therefore, it is ordered that SGS Vietnam is hereby approved as a TPC and is issued the following number designating them as a CARB-approved TPC: **TPC-45**.

Be it further ordered that SGS Vietnam 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:

- SGS Vietnam 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.
- SGS Vietnam and their subcontract laboratory listed in Attachment A must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
- If SGS Vietnam wishes to use a subcontractor other than those listed in Attachment A, SGS Vietnam 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. SGS Vietnam shall not use the subcontractor unless the Executive Officer approves the request in writing.
- SGS Vietnam 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-23-045 supersedes Executive Order W-21-045, which was issued on November 16, 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, SGS Vietnam 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 SGS Vietnam 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 SGS Vietnam 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, SGS Vietnam 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 SGS Vietnam 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 7th day of December, 2023.



Matthew O'Donnell, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment A

List of Subcontractors for SGS Vietnam (TPC-45)
Under Executive Order W-23-045

Company Name	Contact Information	Subcontractor Function
SGS Guangzhou	Nhi TranLe nhi.tranle@sgs.com	Accredited Laboratory Services