

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER W-19-046

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

TÜV Rheinland (China), Limited

WHEREAS, the California Air Resources Board (CARB) has adopted the Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products (the 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 the CARB Executive Officer to approve TPCs;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become CARB-approved TPCs 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, TÜV Rheinland (China), Limited (TÜV-China or the applicant) submitted an original application to become a TPC, dated November 12, 2019, which indicated that the applicant intends to use TÜV Rheinland (Shenzhen) as a subcontract laboratory to provide accredited laboratory services. The application was deemed complete on November 21, 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, the request and supplementary documentation indicate that TÜV-China and their subcontract laboratory have the necessary qualifications to be a TPC and subcontract laboratory, respectively, for manufacturers of composite wood products; and

WHEREAS, it is appropriate to approve TÜV-China's request to be a TPC with TÜV-Shenzhen as a subcontract laboratory.

NOW, THEREFORE, IT IS ORDERED that TÜV-China is hereby approved as a TPC and is issued the following number designating them as a CARB-approved TPC:
TPC-46.

BE IT FURTHER ORDERED that TÜV-China 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:

1. TÜV-China 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.
2. TÜV-China's subcontractor listed in Attachment A must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.
3. If TÜV-China wishes to use a subcontractor other than those listed in Attachment A, TÜV-China 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. TÜV-China shall not use the subcontractor unless the Executive Officer approves the request in writing.
4. TÜV-China 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 shall have a duration of two years from the date Executive Order W-19-046 was executed; within 120 days prior to the expiration of this Executive Order, TÜV-China 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 TÜV-China 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 TÜV-China 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, TÜV-China 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 TÜV-China 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 this 27th day of November, 2019.



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment A

Table of Subcontractors for TÜV Rheinland (China), Limited (TPC 46)
Under Executive Order W-19-046

Company Name	Contact Information	Subcontractor Function
TÜV Rheinland (Shenzhen)	Jet Lee jet.lee@tuv.com	Accredited Laboratory Services