



# Air Resources Board

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**Matthew Rodriguez**  
*Secretary for  
Environmental  
Protection*

**Mary D. Nichols, Chair**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
*Governor*

May 4, 2016

Mr. Andrew Weiner  
States Industries, LLC  
29545 Enid Road East  
P.O. Box 41150  
Eugene, Oregon 97404

Dear Mr. Weiner:

This letter is in response to a written request from States Industries, LLC that we received on March 23, 2016, for Air Resources Board (ARB) re-approval to be an ultra-low-emitting formaldehyde resin (ULEF) manufacturer of composite wood products destined for sale, supply, or use in California. Your application includes a request for re-approval to manufacture hardwood plywood - composite core using a ULEF resin. Staff reviewed your request and supporting documentation, and found that the application is complete pursuant to section 93120.3(d) of the Airborne Toxic Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products, title 17, California Code of Regulations, sections 93120-93120.12. We are pleased to inform you that your application to renew your Executive Order as an ULEF manufacturer has been approved.

The enclosed Executive Order N-16-184 specifies ongoing conditions that must be met by manufacturers of ULEF products for sale, supply, or use in California. In addition, please note that all relevant provisions and requirements of section 93120.3(d), and other sections in the ATCM remain in effect. Section 93120.3(d)(5) specifies that the Executive Order issued to ULEF manufacturers has a duration of two years, and the manufacturer may apply for re-approval as provided in the section. At the appropriate time you may address their application for re-approval to me at the address noted in the letterhead. Furthermore, section 93120.3(d)(7) requires ULEF manufacturers to notify ARB in advance if they decide to change resin systems, and must comply with the requirements of section 93120.3(b) for that product type.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

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California Environmental Protection Agency

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For your information, at the request of your resin manufacturer, we have held the resin formulation data that they sent to ARB on behalf of States Industries, LLC confidential. Please note that approval of your Executive Order is contingent upon the use of the resin specified by your resin supplier, and ARB must be notified in advance of any changes in resin supply that States Industries, LLC decides to make for its ULEF products.

For more information about ARB's no-added formaldehyde (NAF) and ultra-low-emitting formaldehyde (ULEF) program, please visit us at: [http://www.arb.ca.gov/toxics/compwood/naf\\_ulef/naf\\_ulef.htm](http://www.arb.ca.gov/toxics/compwood/naf_ulef/naf_ulef.htm). If you have any questions regarding this matter, please contact Alyssa Green, Air Pollution Specialist, at (916) 445-1034 or [alyssa.green@arb.ca.gov](mailto:alyssa.green@arb.ca.gov) or Layla Gonzalez, Air Pollution Specialist, at (916) 324-0354 or at [layla.gonzalez@arb.ca.gov](mailto:layla.gonzalez@arb.ca.gov).

Sincerely,



Richard Boyd, Chief  
Emissions Assessment Branch  
Transportation and Toxics Division

Enclosure

cc: Layla Gonzalez  
Air Pollution Specialist  
Technical Analysis Section  
Transportation and Toxics Division

Alyssa Green  
Air Pollution Specialist  
Technical Analysis Section  
Transportation and Toxics Division

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER N-16-184

Relating to ARB-Approval for an Exemption from Third Party Certification for Composite Wood Product Manufacturers that use Ultra-low-emitting Formaldehyde Resins under section 93120.3, title 17, California Code of Regulations

**States Industries, LLC (States Industries)**

WHEREAS, the Air Resources Board (ARB) 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 93120.1 (a)(42) of the ATCM defines "ultra-low-emitting formaldehyde (ULEF) resins" to mean "resins formulated such that average formaldehyde emissions are consistently below the Phase 2 emission standards in section 93120.2," for making hardwood plywood, particleboard, or medium density fiberboard;

WHEREAS, section 93120.3(d) of the ATCM allows manufacturers of hardwood plywood, particleboard, and medium density fiberboard who use ULEF 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(d) of the ATCM allows manufacturers of hardwood plywood, particleboard, and medium density fiberboard who use ULEF resins to submit an application for an exemption from the requirements of section 93120.3(b) of the ATCM to the Executive Officer, which includes: (A) a statement indicating which product types will be manufactured using ULEF resins for sale in California; (B) the chemical formulation of the candidate ULEF resin(s), including base resins, scavenger resins and additives, catalysts, and other additives as used in manufacturing; (C) the name of their ARB-approved third party certifier; and (D) data on the emissions performance of the candidate ULEF resin(s);

WHEREAS, the data on emissions performance of the candidate ULEF resin required in section 93120.3(d) of the ATCM must be obtained by working with an ARB-approved third party certifier, and must include six 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 two primary or secondary method tests, as required in Appendix 2 of section 93120.12 of the ATCM;

WHEREAS, section 93120.3(d)(2) of the ATCM requires that ninety percent of the six months of routine quality control testing data and the results of two primary or secondary method tests 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 hardwood plywood and 0.06 ppm for particleboard, medium density fiberboard, and thin medium density fiberboard;

WHEREAS, section 93120.3(d)(5) 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 sections 93120.3(d)(1) and 93120.3(d)(2) of the ATCM;

WHEREAS, States Industries, LLC (States Industries or the "applicant") submitted an application dated February 10, 2014;

WHEREAS, the original application from States Industries 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 ULEF hardwood plywood - composite core products;

WHEREAS, ARB 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 resins/adhesive supplier, commercial name, and resin type are set forth in Confidential Attachment A;

WHEREAS, the Executive Officer found that the evidence submitted by the applicant met the criteria specified in section 93120.3 (d)(1);

WHEREAS, the original application from States Industries was deemed complete on March 24, 2014, and States Industries was issued Executive Order N-14-184, signed on April 4, 2014;

WHEREAS, section 93120.3(d) of the ATCM allows ULEF product manufacturers to apply for re-approval by ARB by submitting an updated application;

WHEREAS, States Industries submitted an updated application for re-approval to ARB on March 23, 2016;

WHEREAS, the updated application for re-approval from States Industries was deemed complete on April 20, 2016;

WHEREAS, the Executive Officer finds that the completed, updated application demonstrated the ULEF manufacturer's ability to continue to comply with

section 93120.3(d) of the ATCM; and

WHEREAS, the Executive Officer approved States Industries's request for re-approval, and it is appropriate that Executive Order N-14-184 be superseded by this Executive Order N-16-184.

NOW, THEREFORE, IT IS ORDERED that States Industries is hereby approved as a ULEF manufacturer of hardwood plywood - composite core that is exempt from the requirements of section 93120.3(b) and Appendix 2 of section 93120.12 of the ATCM, provided that the following terms and conditions are met for products sold, supplied, offered for sale, or manufactured for sale in California;

1. States Industries must use the commercial resins listed and suppliers listed in section A of Confidential Attachment A of this Executive Order for the manufacture of ULEF hardwood plywood - composite core products.
2. The chemical formulation of the base resins used for the manufacture of ULEF composite wood products by States Industries must be within the ranges specified in section B of Confidential Attachment A of this Executive Order.
3. As specified in section B of Confidential Attachment A, States Industries is legally responsible for insuring that the base resin is within the ranges specified in section B.
4. The application rate of the base resins used for the manufacture of ULEF composite wood products by States Industries must be within the ranges specified in section C of Confidential Attachment A of this Executive Order.
5. Other chemical components of the base resins (such as sizing wax and release wax) used for the manufacture of ULEF hardwood plywood - composite core products by States Industries must be within the ranges specified in section D of Confidential Attachment A of this Executive Order.
6. The allowable operating parameters for press temperature and press time for the base resins used to manufacture the ULEF hardwood plywood - composite core products by States Industries must be within the ranges specified in section E of Confidential Attachment A of this Executive Order.
7. 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 this Executive Order N-16-184 supersedes Executive Order N-14-184, which was issued on April 4, 2014;

BE IT FURTHER ORDERED that States Industries may change the resin system supplier listed in section A of Confidential Attachment A of this Executive Order if the new resin supplier supplies the same resin type listed in Confidential Attachment A of this Executive Order, two primary or secondary method tests are performed on random samples selected by their ARB-approved third party certifier, and the Chief of the Emissions Assessment Branch of the Transportation and Toxics Division is notified before States Industries uses the resin for production;

BE IT FURTHER ORDERED that States Industries must conduct confirmatory testing for a new resin supplier by demonstrating that the results of two primary or secondary method tests for the new resin system supplier are no higher than 0.04 ppm for the ULEF products authorized under this Executive Order;

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date this Executive Order is signed; the applicant may apply for re-approval as provided in section 93120.3(d)(5) 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 ARB 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 if there is 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 this 2<sup>nd</sup> day of May, 2016.



Richard Boyd, Chief  
Emissions Assessment Branch  
Transportation and Toxics Division