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## 40 C.F.R. § 770.22

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### Non-complying lots.

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- (a) Non-complying lots are not certified composite wood products and they may not be sold, supplied or offered for sale in the United States except in accordance with this section.
- (b) Non-complying lots must be isolated from certified lots.
- (c) Non-complying lots must either be disposed of or retested and certified using the same test method, if each panel is treated with a scavenger or handled by other means of reducing formaldehyde emissions, such as aging. Tests must be performed as follows:
- (1) *Quality control tests.* (i) At least one test panel must be selected from each of three separate bundles. The panels must be selected so that they are representative of the entire non-complying lot and they are not the top or bottom panel of a bundle. The panels may be selected from properly stored samples set aside by the panel producer for retest in the event of a failure.
- (ii) All samples must test at or below the level that indicates that the product is in compliance with the applicable emission standards in § 770.10.

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