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State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-11-2
Relating to Exemptions under Section 27156
of the Vehicle Code

"WESTERN CONTROLS MODEL Nos. BE-12S, BE-12HP"
"FILKOTRONIC MODEL Nos. FI-100, FI-101"
"THERMOTRONIC MODEL Nos. 80-4001, 80-4002"

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39023 of the Health and Safety Code;

IT IS ORDERED AND RESOLVED: That the installation of breakerless capacitive discharge ignition systems manufactured by Western Controls Inc., and marketed as indicated below have been found to not reduce the effectiveness of required motor vehicle pollution control devices and, therefore, are exempt from the prohibitions of Section 27156 of the Vehicle Code for 1974 and older model-year vehicles except the following:

1. Vehicles originally equipped with an electronic ignition system whether it is a breakerless, capacitive discharge, or transistorized type.
2. All 1966-70 model-year vehicles equipped with a Dana or Carter NOx retrofit device using an electronic speed sensor.

The following is a list of each device manufactured by Western Controls Inc. and marketed by another company; each device consists of a sensor, d-c converter, storage capacitor and an electronic switch.

<u>Device</u>	<u>Marketing Company</u>
Western Controls Model Nos. BE-12S, BE-12HP	Western Controls Inc. 805 W. Madison Phoenix, AZ 85007
Filkotronic Model Nos. FI-100, FI-101	Filko Ignition Division F & B Manufacturing Inc. 5480 N. Northwest Highway Chicago, IL 60630
Thermotronic Model Nos. 80-4001, 80-4002	Thermo King Corporation 314 West 90th Street Minneapolis, MN 55420

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This Executive Order is valid provided that installation instructions for this device will not recommend tuning the vehicle to specifications different than those listed by the vehicle manufacturer.

Changes made to the design or operating conditions of the device as originally submitted to the Air Resources Board for evaluation that adversely affect the performance of the vehicle's pollution control devices shall invalidate this Executive Order.

Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

This Executive Order does not constitute any opinion as to the effect that the use of this device may have on any warranty either expressed or implied by the vehicle manufacturer.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF THE "WESTERN CONTROLS MODEL Nos. BE-12S, BE-12HP" "FILKOTRONIC MODEL Nos. FI-100, FI-101", OR "THERMOTRONIC MODEL Nos. 80-4001, 80-4002" DEVICES.

No claim of any kind, such as "Approved by Air Resources Board" may be made with respect to the action taken herein in any advertising or other oral or written communication.

Section 17500 of the Business and Professions Code makes unlawful, untrue or misleading advertising, and Section 17534 makes violation punishable as a misdemeanor.

Sections 39130 and 39184 of the Health and Safety Code provide as follows:

"39130. No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for certification of a device, represent, any device as a motor vehicle pollution control device unless that device has been certified by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this section is a misdemeanor."

"WESTERN CONTROLS MODEL Nos. BE-12S, BE-12HP"
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"39184. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for accreditation of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been accredited by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as an accredited device which, in fact, is not an accredited device. Any violation of this subdivision is a misdemeanor."

Any apparent violation of the conditions of this Executive Order will be submitted to the Attorney General of California for such action as he deems advisable.

Executive Order D-11, dated June 22, 1973, and Executive Order D-11-1, dated April 12, 1974, are hereby rescinded.

Executed at Sacramento, California, this 27 day of November, 1974.

WILLIAM SIMMONS
Executive Officer

State of California

AIR RESOURCES BOARD

November 18, 1974

Staff Report

Evaluation of Western Controls Inc.'s "Filkotronic Model Nos. 80-4001, 80-4002" Devices for Compliance with the Requirements of Section 27156 of the Vehicle Code

I. Introduction

Western Controls Inc., 805 W. Madison, Phoenix, Arizona 85007, has applied for an exemption from the prohibitions of Section 27156 of the Vehicle Code for the "Filkotronic Model Nos. 80-4001, 80-4002" ignition devices. These devices are manufactured by Western Controls Inc. for their marketing affiliate, Filko Ignition Division, F & B Mfg. Inc., 5480 N. Northwest Highway, Chicago, Illinois 60630. They are identical in construction and operation to the Western Controls Inc.'s "Western Control Model Nos. BE-12S, BE-12HP" and "Thermotronic Model Nos. 80-4001, 80-4002" (marketed by Thermo King Corp., 314 West 90th St., Minneapolis, Minnesota 55420). The Air Resources Board Staff has evaluated applications by both Western Controls Inc. and Thermo King Corp. for exemptions from the prohibitions of Section 27156 of the Vehicle Code for the devices mentioned above and recommended that the exemptions be granted. Executive Orders D-11-1 and D-11 were issued to Western Controls Inc. and Thermo King Corp., respectively, for their devices.

II. Conclusions and Recommendations

The Staff has evaluated the "Western Controls Model Nos. BE-12S, BE-12HP" and the Thermotronic Model Nos. 80-4001, D-4002" devices and found that they have no significant effect on exhaust emissions. It is the Staff opinion that the "Filkotronic Model Nos. FI-100, FI-101" devices, being identical in construction and operation, would also have no significant effect on exhaust emissions.

It is recommended that Western Controls Inc. be granted an exemption from the prohibitions of Section 27156 of the Vehicle Code for its "Filkotronic Model Nos. FI-100, FI-101" devices for use on 1974 and older model-year vehicles except the following:

1. Vehicles originally equipped with an electronic ignition system whether it is a breakerless, capacitive discharge, or transistorized type.
2. All 1966-1970 model-year vehicles equipped with Dana or Carter NOx retrofit device using an electronic speed sensor.