

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-185
Relating to Exemptions under Section 27156
of the Vehicle Code

TOP ELIMINATOR, INC.
"TOP ELIMINATOR" DEVICE

WHEREAS, Vehicle Code Section 27156 and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(e), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified parts from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Top Eliminator, Inc. has applied to the ARB for exemption from the prohibitions of Vehicle Code Section 27156 for the "Top Eliminator" device.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Division by Health and Safety Code Section 39516 and Executive Order G-45-5, the Air Resources Board finds:

1. The "Top Eliminator" is an add-on device that is attached to the fuel line in a motor vehicle.
2. The fuel line is part of the required motor vehicle pollution control system.
3. The "Top Eliminator" is intended for use with a required motor vehicle pollution control system.
4. The "Top Eliminator" by being installed in the fuel line alters the original design of a motor vehicle pollution control system.
5. The "Top Eliminator" is a device subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by 13 CCR Section 1900(b)(1).
6. The "Top Eliminator" does not reduce the effectiveness of any required motor vehicle pollution control device.
7. The ARB in the exercise of technical judgment, is aware of no basis on which the "Top Eliminator" device will provide either a decrease in emissions or an increase in fuel economy.
8. It has not been determined what effect use of the "Top Eliminator" may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.
9. The "Top Eliminator" is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.

10. The ARB by granting an exemption to Top Eliminator, Inc. for the "Top Eliminator" does not recommend or endorse in any way the "Top Eliminator" for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the "Top Eliminator" is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 1988 and earlier model-year gasoline or diesel-powered vehicles subject to the following conditions:

1. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale or sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.
2. No changes are permitted to the device as described in the staff report. Any changes to the device applicable model-year, or other factors addressed in this Executive Order must be evaluated and approved by the ARB prior to marketing in California.
3. 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. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.
4. Any oral or written references to this Executive Order or its content by the Top Eliminator, Inc., its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any fuel economy or emissions reduction claims for the "Top Eliminator" and is only a finding that the device is exempt from the prohibitions of Vehicle Code Section 27156.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after ten day written notice of intention to revoke the order, in which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request and the order may not be revoked until a determination after hearing that grounds for revocation exist.

Executed at El Monte, California, this 2nd day of October, 1988.


K. D. Drachand, Chief
Mobile Source Division

State of California
AIR RESOURCES BOARD

EVALUATION OF THE TOP ELIMINATOR DEVICE
FROM THE PROHIBITIONS IN VEHICLE CODE SECTION 27156
IN ACCORDANCE WITH SECTION 2222, TITLE 13, OF THE
CALIFORNIA CODE OF REGULATIONS

October, 1988

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CALIFORNIA CODE OF REGULATIONS

by

Mobile Source Division

State of California
Air Resources Board
9528 Telstar Avenue
El Monte, CA 91731

(This report has been reviewed by the staff of the California Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.)

SUMMARY

Top Eliminator, Inc., of 5365 J Avenida Encinas, Carlsbad, CA 92008, applied for exemption from the prohibitions in Section 27156 of the California Vehicle Code for their Top Eliminator device. The device is designed for installation on 1988 and older model-year gasoline and diesel-powered vehicles.

Previously, the Air Resources Board exempted two similar devices; "Moleculator Fuel Energizer" and "Fuel Dominator" by Internal Energy Management Corp., with the same basic operating principles. Based on the engineering evaluation of the device and exemption of similar devices, the staff believes that the Top Eliminator device does not have any adverse effect on exhaust emissions. The staff recommends that the Top-Eliminator device be exempted from the prohibitions in Vehicle Code Section 27156 and that Executive Order D-185 be issued.

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I. INTRODUCTION

Top Eliminator, Inc., of 5365 J Avenida Encinas, Carlsbad, CA 92008, has applied for exemption from the prohibitions of Section 27156 of the California Vehicle Code for their Top Eliminator device. The device is designed for installation on 1988 and older model-year gasoline and diesel-powered vehicles.

The applicant submitted two samples of the device for our inspection and evaluation. The applicant also submitted drawings and specifications of the device for our evaluation.

II. CONCLUSIONS

Based on the engineering evaluation of the device and previous exemption of similar devices with the same operating principles, the staff's engineering judgement is that the Top Eliminator device does not have any adverse effect on exhaust emissions.

III. RECOMMENDATIONS

The staff recommends that Top Eliminator, Inc. be granted an exemption from the prohibitions in California Vehicle Code Section 27156 for their Top Eliminator device and that Executive Order (E.O.) D-185 be issued.

IV. DEVICE DESCRIPTION

The Top Eliminator is a cylindrical shape device with a core of metal alloy. The metal alloy is composed of 21% nickel, 25% zinc, 40% copper, 10% tin, 2% silver and 2% platinum. The device is narrowed on both ends in order to match the fuel lines. The device consists of two sizes. Part

number (P/N) 1871S (small size) is applicable to vehicles with a fuel line inside diameter not exceeding 5/16". P/N 1872M (medium size) is applicable to vehicles with a fuel line inside diameter larger than 5/16". Both sizes have the same dimensions except for the endings. The device is 4-3/8" long with 5/8" inner diameter. The inner diameter on both ends for the small size is 1/4" and medium size is 5/16". The device is packaged with installation instructions and two (2) pieces of rubber hosing and four (4) small clamps. The Top Eliminator figures, identification label and installation instructions are shown in Appendices A, B and C, respectively.

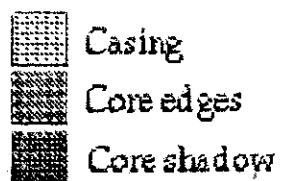
The device is installed in series with a vehicle fuel line. According to the applicant, when the fuel passes through the device, the electrical interaction of dissimilar metals causes ionization of the fuel. The Air Resources Board did not perform any testing to substantiate the claims made by the manufacturer. It is the staff's opinion that the technical principles underlying the stated function of the device are not capable of producing any effects on emissions and fuel economy.

V. DISCUSSION

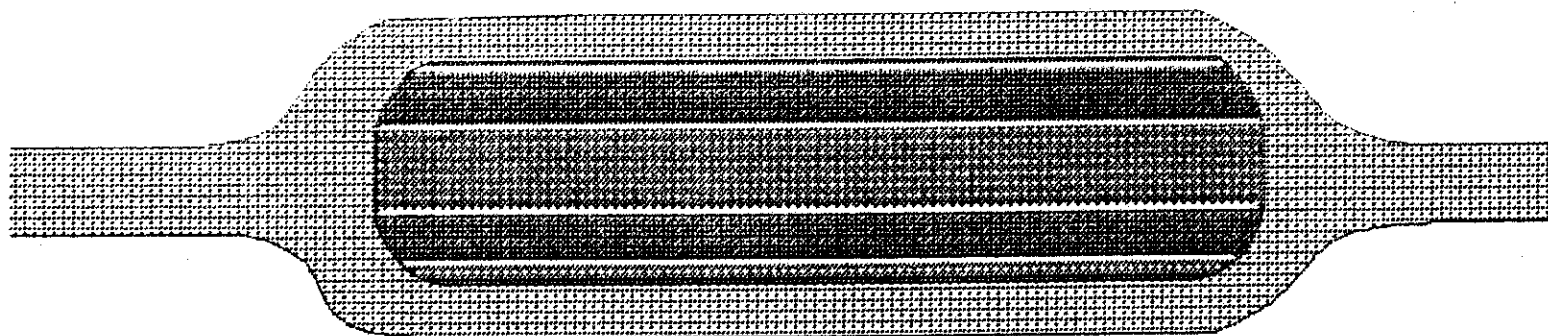
The ARB exempted two similar devices; "Molecular Fuel Energizer" and "Fuel Dominator" by Internal Energy Management Corp. Based on the previous exemptions and an engineering evaluation of the device, the staff recommends that the Top Eliminator device be exempted from the prohibitions in Vehicle Code Section 27156.

9(a).

The Top Eliminator Fuel Treatment Device



schematic representation

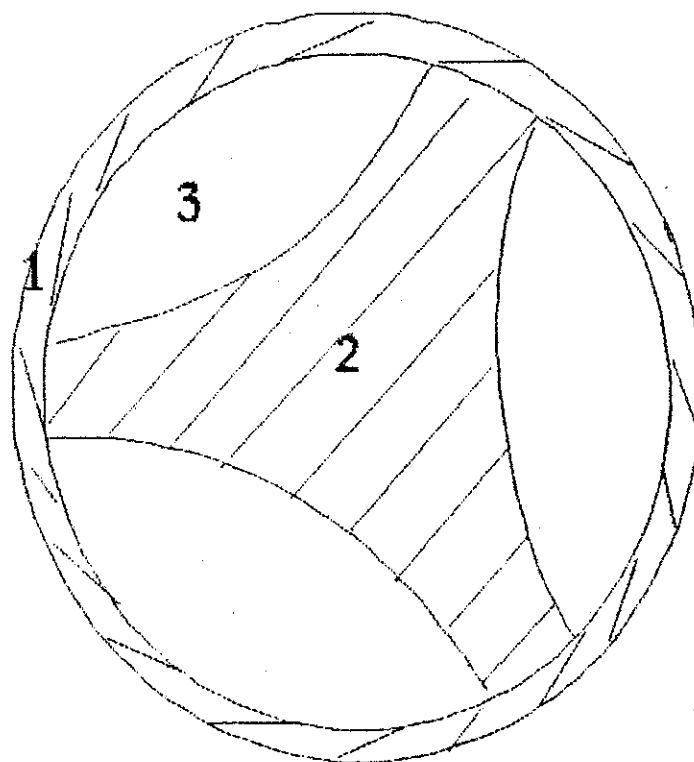


cross section

1- Casing

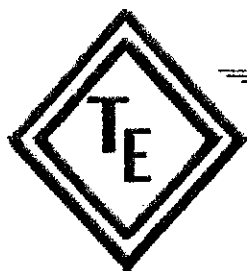
2- Core

3- Flow area



d).

Label for Top Eliminator Fuel Treatment Device



TOP ELIMINATOR INC.

MODEL NO. 1872-M

CARB E.O. No. D-XX

THE TOP ELIMINATOR FUEL TREATMENT DEVICE INSTALLATION INSTRUCTIONS

- Fittings:** Fittings are included.
- Placement:** For gasoline engines with carburetors, place the TOP ELIMINATOR unit in the fuel line between the fuel pump and the carburetor, as close as possible to the carburetor. For fuel injected engines (gas or diesel), the units should be placed in the fuel line between the primary fuel filter and fuel injection pump always on the low pressure side of the pump.
- Adaptability:** The TOP ELIMINATOR™ fuel treatment device is made in two sizes for passenger cars and light commercial vehicles. The choice of one or the other for any particular application is dependent on the inside diameter of the fuel line in the vehicle. Most 4 and small 6 cylinder (import) engines will be serviced by the small device (P/N 1871S) while larger 6 and 8 cylinder engines will use the larger unit (P/N 1872M). The upper limit of the fuel line size before moving up to the larger unit (P/N 1872M) would be 5/16". The ultimate rational is to not cause a constriction in the fuel line, and if there is any doubt, the larger should be chosen.