

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-259
Relating to Exemptions Under Section 27156
of the Vehicle Code

ENVIRONMENTAL MAGNETIC TECHNOLOGIES
"POWER MODULE MODEL EMT-1"

WHEREAS, Vehicle Code Sections 27156 and 38391, and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(e), authorizes the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified parts from the prohibitions of Vehicle Code Sections 27156 and 38391.

WHEREAS, Environmental Magnetic Technologies of 1297 East Common, New Braunfels, Texas 78130, has applied to the ARB for exemption from the prohibitions of Vehicle Code Sections 27156 and 38391 for the Power Module 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 Power Module is an add-on device that is inserted in the fuel line of a motor vehicle.
2. The fuel line is part of the required motor vehicle pollution control system.
3. The Power Module is intended for use with a required pollution control system.
4. The Power Module by being installed in the fuel line alters the original design of a motor vehicle pollution control system.
5. The Power Module is a device subject to the prohibitions of Vehicle Code Sections 27156 and 38391, and an add-on part as defined by 13 CCR Section 1900(b)(1).
6. The Power Module does not reduce the effectiveness of any required motor vehicle pollution control systems.
7. The ARB, in the exercise of technical judgement, is aware of no basis on which the Power Module will provide either a decrease in emission or an increase in fuel economy.
8. It has not been determined what effect use of the Power Module may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.

9. The Power Module is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.
10. The Air Resources Board by granting an exemption to Environmental Magnetic Technologies for the Power Module does not recommend or endorse in any way the Power Module for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the Power Module is exempt from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on 1992 and older model-year vehicles subject to the following conditions:

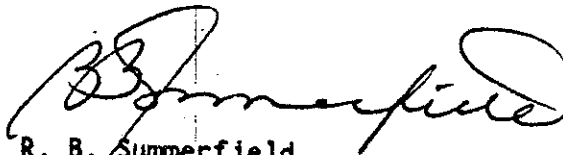
1. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale or sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.
2. No changes are permitted to the device as described in the application for exemption. Any changes to the device, applicable model-year, or other factors addressed in this 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 the exemption application or marketing of this device for an application other than those described in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of the Power Module shall not be construed as an exemption to sell, offer for sale, or advertise any component of the Power Module as an individual device.
4. Any oral or written references to this Executive Order or its content by the Environmental Magnetic Technologies, 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 Power Module and is only a finding that the device is exempt from the prohibitions in Vehicle Code Sections 27156 and 38391.
5. No claim of any kind, such as "Approved by the Air Resources Board" may be made with respect to the action taken herein in any advertising or other oral or written communication.

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Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a 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 24th day of June, 1992.



R. B. Summerfield
Assistant Division Chief
Mobile Source Division