

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-344
Relating to Exemptions Under Section 27156
of the Vehicle Code

JACKSON RACING
COLD AIR INDUCTION SYSTEM

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

Pursuant to the authority vested in the undersigned by Section 39515 and 39516 of the Health and Safety Code and Executive Order G-45-5;

IT IS ORDERED AND RESOLVED: That the installation of the Cold Air Induction System, manufactured by Jackson Racing of 16371 # E Gothard Street, Huntington Beach, California 92647, has been found not to reduce the effectiveness of required motor vehicle pollution control devices, and therefore is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on 1994 and older model year Mazda Miatas equipped with 1.6 liter or 1.8 liter fuel injected gasoline engines.

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.

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

Changes made to the design or operating conditions of the device, as exempted by the ARB, that adversely affect the performance of a vehicle's pollution control system 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 ARB. Exemption of a kit shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.

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 is granted based on an engineering evaluation of emission impact if tests were conducted in accordance with Cold-Start CVS-75 Federal Test Procedure. However, the ARB finds that reasonable grounds exist to believe that use of the Cold Air Induction System may adversely affects emissions of motor vehicles when operating under conditions outside the parameters of the previously prescribed test procedures. Accordingly, the ARB reserves the right to conduct additional emission tests, in the future, as such tests are developed, that will more adequately measure emissions from all cycle phases. If such test results demonstrate that the Cold Air Induction System adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 Federal Test Procedure), this Executive Order shall be effectively rescinded as of the date the test results are validated. Further, if such test results or other evidence provides the ARB with reason to suspect that the Cold Air Induction System will affect the durability of the emission control system, Jackson Racing shall be required to submit durability data to show that the durability of the vehicle emission control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability. In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

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 COLD AIR INDUCTION SYSTEM.

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 communications.

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

Section 43644 of the Health and Safety Code provides as follows:

"43644, (a) No person shall install, sell, offer for sale, or advertise or except in an application to the state board for certification 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 certified by the state 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 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.

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COLD AIR INDUCTION SYSTEM

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Executed at El Monte, California, this 28th day of December, 1993.

A handwritten signature in black ink, appearing to read "R.B. Summerfield", with a stylized flourish at the end.

R.B. Summerfield
Assistant Division Chief
Mobile Source Division