

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-2

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Miller Catalyzer Corporation
Aftermarket Catalytic Converter Metallic Wrap

WHEREAS, Vehicle Code Sections 27156 and 38391, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(i), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt used aftermarket catalytic converters from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has been issued an exemption from the prohibitions in Vehicle Code Section 27156 and 38391, through Executive Order Number D-353-1, to market used original equipment manufacturer (OEM) catalytic converters in California. Under the conditions of Executive Order Number D-353-1, Miller Catalyzer Corporation was permitted to salvage used OEM catalytic converters, test, replace the end pipes, as necessary, and re-sell them for installation on vehicles with the same engine family as the vehicles from which the catalytic converters have been recovered.

WHEREAS, Miller Catalyzer Corporation has applied to the ARB for exemption from the prohibitions in Vehicle Code Section 27156 and 38391 to allow replacement of the OEM wrap with the Aftermarket Catalytic Converter Metallic Wrap manufactured by either Metex Corporation or Amistco Separation Products, Inc. The wrap replacement is allowed only on used catalytic converters that have been identified by Miller Catalyzer Corporation during its screening procedures to have worn-out or broken wrap.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-02-003, the ARB finds that the installation of the Aftermarket Catalytic Converter Metallic Wrap complies with the California Vehicle Code Sections 27156 and 38391, and Title 13, California Code of Regulations, Section 2222(i). The emissions performance of the used catalytic converter with the Aftermarket Catalytic Converter Metallic Wrap was based on durability bench-aging by Delphi Engine and Chassis Systems using the ARB-modified RAT-A bench aging cycle for 100 hours as specified in the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters Equipped with On-Board Diagnostic II (OBD II) Systems."

WHEREAS, emissions tests conducted at the Automotive Testing and Development Services, Ontario, California, using a used OEM catalytic converter with its OEM wrap replaced with the Aftermarket Catalytic Converter Metallic Wrap showed the vehicle to meet the applicable emission standards. Aftermarket Catalytic Converter Metallic

Wraps manufactured by both Metex Corporation and Amistco Separation Products, Inc. were tested with the used OEM catalytic converter. The vehicle used for emission testing was a 2000 model year 4.0L Jeep Cherokee, test group YCRXT0242230, certified to the Low Emission Vehicle emission standards (LEV, LDT2). Examination of the On-Board Diagnostic II (OBD II) system showed that the used OEM catalytic converter with the Aftermarket Catalytic Converter Metallic Wrap does not affect OBD II system operation. The following are the test results in grams per mile:

	Cold-Start CVS-75 Federal Test Procedure		
	(in grams per mile)		
	NMOG	CO	NOx
100k LEV Standards	0.130	5.5	0.5
Used Converter w/ the Metex aftermarket wrap	0.114	1.5	0.3
Used Converter w/ the Amistco aftermarket wrap	0.082	1.8	0.3

IT IS ORDERED AND RESOLVED: That the installation of the Aftermarket Catalytic Converter Metallic Wrap on used OEM catalytic converters, by Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code subject to the following conditions:

1. Replacement of the OEM wrap with the Aftermarket Catalytic Converter Metallic Wrap must be allowed only on used catalytic converters that have been identified by Miller Catalyzer Corporation as having worn-out or broken wrap.
2. Miller Catalyzer Corporation's Aftermarket Catalytic Converter Metallic Wrap is manufactured by either Metex Corporation or Amistco Separation Products, Inc. Installation of the Aftermarket Catalytic Converter Metallic Wrap shall follow installation procedures submitted by Miller Catalyzer Corporation in its exemption application.
3. Used catalytic converters with OEM wrap replaced with the Aftermarket Catalytic Converter Metallic Wrap must follow screening procedures and meet the required conversion efficiencies and conditions, as specified under Executive Order No. D-353-1, before they can be marketed in California.
4. No changes are permitted to the Aftermarket Catalytic Converter Metallic Wrap or the used catalytic converter as described in the exemption application. Any changes to the Aftermarket Catalytic Converter Metallic Wraps or any other component of the used catalytic converter must be evaluated and approved by the ARB prior to marketing in California.

5. Marketing of the Aftermarket Catalytic Converter Metallic Wrap for purposes other than shown in the exemption application and in this Executive Order, or marketing of the Aftermarket Catalytic Converter Metallic Wrap for an application other than the ones shown in this Executive Order shall be prohibited unless prior approval is obtained from the ARB.
6. Miller Catalyzer Corporation's installation instructions for used catalytic converters with the Aftermarket Catalytic Converter Metallic Wrap must conform to the requirements in paragraph I and X of the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters Equipped with On-Board Diagnostics II (OBD II) Systems."
7. Upon installation, the Aftermarket Catalytic Converter Metallic Wrap must carry a Miller Catalyzer Corporation's warranty for 50,000 miles when installed on OBD II equipped vehicles and 25,000 miles when installed on non-OBD II equipped vehicles.
8. Miller Catalyzer Corporation must provide a label on the used catalytic converter clearly showing that the OEM wrap has been replaced with the Aftermarket Catalytic Converter Metallic Wrap.
9. Miller Catalyzer Corporation may not advertise a used catalytic converter with the Aftermarket Catalytic Converter Metallic Wrap as a "remanufactured catalytic converter."

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 is made after the hearing that grounds for revocation exist.

Executed at El Monte, California, this 23RD day of September, 2003.


Allen Lyons, Chief
Mobile Source Operations Division