

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-28
Relating to Exemptions under Section 27156
of the Vehicle Code

Miller Catalyzer Corporation
"Series 45000 and 61000 OBD II Compliant Three-way Catalytic Converters"

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

WHEREAS, Miller Catalyzer Corporation (Miller) of 3295 Depot Road, Hayward, California 94545, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 to market its new aftermarket Series 45000 and 61000 three-way catalytic converters (TWC) for installation on selected 1995 through 2004 model year Toyota light-duty trucks 2 (LDT2) and medium-duty vehicles (MDV) equipped with on-board diagnostic II (OBD-II) systems and multiple catalytic converters systems (2, 3, or 4 units) as specified in Appendix D-353-28 and incorporated herein. Series 61000 will be used as front catalytic converters (1 unit or 2 units) and Series 45000 as rear catalytic converters (1 unit or 2 units) for multiple catalytic converters system applications. Series 45000 only is used as replacement catalytic converters for dual exhaust system (2 units). These catalytic converters may be sold as universal or direct-fit system for the vehicles listed in Appendix D-353-28. The Series 45000 and 61000 TWCs may also be installed on non-OBD II vehicles (1995 and older) similar in engine and exhaust configuration to those listed in Appendix D-353-28.

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 Air Resources Board finds that the above aftermarket catalytic converters comply with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(h). The emissions performance of the aftermarket catalytic converters was based on durability bench-aging by Delphi Energy & Engine Management System (Delphi) using the Air Resources Board modified RAT-A bench-aging cycle for 100 hours, and testing conducted at the Automotive Testing and Development Services, Inc. (ATDS), 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, previous emissions and OBD II compatibility tests conducted by Miller Catalyzer Corporation using a vehicle of a weight classification similar to those listed in Appendix D-353-28 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Order D-353-16, it was determined that the installation of Series 45000 and 61000 on the vehicles listed in Appendix D-353-28 meets the requirements of California regulations.

IT IS HEREBY RESOLVED that the above catalytic converter system is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications specified in Appendix D-353-28 subject to the following conditions:

1. No changes are permitted to the catalytic converter system as described in the application for exemption. Any changes to the catalytic converter system or any of its components, and other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
2. Marketing of the catalytic converter system using identifications other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converter for application other than the ones shown 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 components of the catalytic converter system as individual devices.
3. Any oral or written references to this Executive Order or its content by Miller Catalyzer Corporation, 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 emission reduction claims for the catalytic converter system and is only a finding that the catalytic converter system is exempt from the prohibitions of Vehicle Code Section 27156.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converter system must conform to requirements in Paragraphs I and X of the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converter Equipped with On-Board Diagnostic II (OBD II) Systems."
5. Upon installation, the catalytic converter system must carry a manufacturer's warranty for 50,000 miles on the substrates and 50,000 miles or five years on the shell and end pipes.
6. Miller Catalyzer Corporation and its vendors may not advertise the new aftermarket catalytic converter system as "high or easy flow" catalytic converter or use any phrase that could make them appear to perform better than original equipment manufacturer (OEM) catalytic converters.
7. The new aftermarket catalytic converter substrates may not be sold or supplied to a third party by Miller Catalyzer Corporation, its associates, vendors, other businesses, and individuals associated with Miller Catalyzer Corporation, to be assembled in a different facility and marketed under this Executive Order.
8. Any marketing arrangement of the new aftermarket catalytic converter by a third party, which involves the use of packaging identification different from the ones described in this Executive Order must be approved by the Air Resources Board prior to shipment.

9. Miller must submit the required quality audit and production quantity reports for its aftermarket catalytic converters semi-annually, covering the periods January 1 through June 30, and July 1 through December 31.

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 it, during 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 1 day of August 2008.

A handwritten signature in black ink, appearing to read "Annette Hebert", written in a cursive style.

Annette Hebert, Chief
Mobile Source Operations Division

Appendix D-353-28

Miller Catalyst Corporation, Catalytic Converter Series 61000/45000, For Toyota LDT2 and MDV													
No	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit	
1	1995	Previa, Previa All-trac	2.4L	STY2.42HGJEK	Tier 1	LDT2	S	2	TWC(2)	2	61000 /45000	TBD	
2		Land Cruiser Wagon 4WD	4.5L	STY4.55JGFEK		MDV2					45000		
3	1996	Previa, Previa All-trac	2.4L	TTY2.42HGKEK		LDT2					61000 /45000		
4		Land Cruiser Wagon 4WD, Lexus LX450	4.5L	TTY4.55JGFEK		MDV2					45000		
5	1997	Previa, Previa All-trac	2.4L	VTY2.42HGKEK	TLEV	LDT2							
6	1998	4-Runner 2WD/4WD, Tacoma 4WD	3.4L	WTYXT03.4DBP									
7		Toyota T100 2WD/4WD											
8		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	WTYXT04.7GBX		MDV3	D	4	2TWC(2)	4	61000 /45000		
9	1999	Sienna	3.0L	XTYXT03.0GXS		LDT2	D/Y	3	2WU-TWC, TWC	3			
10		Toyota 4-Runner 2WD/4WD	3.4L	XTYXT03.4GXS		MDV3	S	2	TWC(2)	2			
11		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	XTYXT04.7GBX		MDV3	D	4	2TWC(2)	4			
12	2000	Toyota Tundra 2WD/4WD	3.4L	YTYXT03.4FFR	LEV	LDT2	S	2	TWC(2)	2			
13		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	YTYXT04.7GBX		MDV3	D	4	2TWC(2)	4			
14		Toyota Tundra 2WD/4WD		YTYXT04.7GXW		MDV2	D/Y	3	2TWC, TWC	3			
15		Sienna	3.0L	YTYXT03.0FFS		LDT2	D/Y	2	2WU-TWC, TWC	2			
16		Toyota Highlander 2WD/4WD	2.4L	ITYXT02.4FFP		MDV2	D	2	2TWC	2	45000		
17		Toyota Tundra	4.7L	ITYXT04.7FBY			S	2	TWC(2)				
18	2001	Toyota Tacoma 2WD/4WD	2.7L	ITYXT02.7FFP		LDT2	D/Y	3	2TWC, TWC	2	61000 /45000		
19		Sienna	3.0L	ITYXT03.0FFP		MDV3	S	2	TWC(2)				
20		Toyota Highlander 2WD/4WD		ITYXT03.0FFR	LDT2	D/Y	3	2TWC, TWC	2				
21		Tacoma, 4Runner, Tundra	3.4L	ITYXT03.4FFP		S	2	TWC(2)	2				
22		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	ITYXT04.7FBV	MDV3	D	4	2TWC(2)	4	3			
23		Sienna	3.0L	2TYXT03.0FFP	LDT2	D/Y	3	2WUTWC, TWC	3				
24	2002	Highlander 2WD/4WD		2TYXT03.0FFR	MDV2	D	2	2TWC	2				45000
25		Tundra 2WD/4WD	4.7L	2TYXT04.7FBY	LDT2	S	2	TWC(2)	2				61000 /45000

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No	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit							
26	2002	Tacoma 2WD/4WD, 4Runner 2WD/4WD	3.4L	2TYXT03.4FFP	LEV	LDT2	S	2	TWC(2)	2	61000 /45000	TBD							
27		Tundra 2WD/4WD	4.7L	2TYXT04.7FBV		MDV3	D	4	2TWC(2)	4	45000								
28		Land Cruiser Wagon 4WD, Lexus LX470	2.4L	3TYXT02.4FFP		LDT2	S	2	2TWC	2	61000 /45000								
29		Highlander 2WD/4WD	2.7L	3TYXT02.7FFP			D/Y	3	2WU-TWC, TWC	3									
30		Tacoma 2WD/4WD	3.0L	3TYXT03.0FFR			S	2	WU-TWC, TWC	2									
31		Highlander 2WD/4WD	3.4L	3TYXT03.4FFP			D/Y	3	2WU-TWC, TWC	3									
32	2003	4Runner	4.0L	3TYXT04.0FFP		MDV3	D	4	2TWC	2	45000								
33		Land Cruiser Wagon, Lexus LX470	4.7L	3TYXT04.7FBV		LDT2	D/Y	3	2TWC, TWC	3	61000 /45000								
34	Highlander	2.4L	3TYXT02.4FFP	MDV3			D	2	2TWC	2			45000						
35	Sienna	3.0L	3TYXT03.0FFP				LDT2	D/Y	3	2TWC, TWC				3	61000 /45000				
36	4Runner 2WD/4WD, Lexus GX 470 4WD	4.7L	3TYXT04.7FFP					MDV3	D	4				2WU-TWC, TWC		4	45000		
37	Highlander 2WD/4WD	2.4L	4TYXT02.4VMM						LDT2	D/Y				3		2TWC, TWC		3	61000 /45000
38	4Runner 2WD/4WD, Lexus GX 470 4WD	4.7L	4TYXT04.7VRM							MDV3				D		4		2WU-TWC, TWC	
39	Tacoma 2WD/4WD	2.7L	4TYXT02.7VRM			MDV2					S			2		WU-TWC, TWC		2	
40	Tacoma 2WD/4WD, Tundra 2WD/4WD	3.4L	4TYXT03.4VRM	MDV2							D		4	2WU-TWC, TWC		4		45000	
50	4Runner	4.0L	4TYXT04.0VRM				MDV2				D/Y		3	2TWC, TWC	3	45000			
51	Land Cruiser Wagon, Lexus LX470	4.7L	4TYXT04.7V1V					MDV2			D/Y		3	2TWC, TWC	3		45000		
52	Lexus GX470	4.7L	4TYXT04.7V1X						MDV2		D/Y		3	2TWC, TWC	3				45000