

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-3
Relating to Exemptions under Section 27156
of the Vehicle Code

Miller Catalyzer Corporation
"Series 11000 and 12000 OBD II Compliant Three-way Catalytic Converters"

WHEREAS, Vehicle Code Sections 27156, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(h), authorize the California Air Resources Board (ARB) 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 ARB for exemption from the prohibitions in Vehicle Code Section 27156 to market its new aftermarket Series 11000 and 12000 three-way catalytic converters (TWC) for installation on 1998 and older model year Mercedes-Benz and BMW passenger cars equipped with on-board diagnostic II (OBD-II) systems as specified in Appendix D-353-3 and incorporated herein. The Series 12000 TWC as front catalytic converter (2 units) and Series 11000 as rear catalytic converters (2 units) will be used in multiple catalytic converter systems (4 units total) for Mercedes-Benz vehicles. Series 11000 will also be used for dual (2 units in parallel) or single (2 units in series) exhaust system applications for Mercedes-Benz vehicles. Furthermore, Series 11000 will be used for dual (2 units in parallel) and single (1 unit) exhaust applications for BMW vehicles. Catalytic converters for Mercedes-Benz vehicles will be sold as a complete system only, and not as individual units.

The 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-353-3.

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 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 catalytic converters was based on durability bench-aging by Delphi Energy and Chassis Systems using the ARB-modified RAT-A bench-aging cycle for 75 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 Development Services, Inc. (ATDS), Ontario, California, using a 1998 4.3L Mercedes-Benz, test group WMBX04.3GNB (PC, LEV), with Series 12000 TWCs installed as front catalytic converters (2 units monitored) and Series 11000 TWCs as rear catalytic converters (2 units unmonitored) showed that the vehicle met the applicable emission standards. Furthermore, emissions tests conducted at the same laboratory using a 1998 2.8L BMW, test group WBMXV02.8LZ35 (PC, TLEV), with Series 11000 TWC installed (1 unit monitored) showed that the vehicle met the applicable emission standards. OBD II compatibility tests performed on the same test vehicles showed that Series 11000 and 12000 TWCs do not affect the

vehicle's ability to perform OBD II system monitoring. Emission test results in grams per mile are shown below.

ATDS, Ontario, California				
4.3L Mercedes-Benz Test				
	NMOG	CO	NOx	Remarks
100K Standard	0.090	4.2	0.3	
Test 1	0.025	0.3	0.1	Pass
Test 2	0.026	0.3	0.1	Pass
Average of Tests 1 & 2	0.025	0.3	0.1	Pass
2.8L BMW Test				
50K Standard	0.125	3.4	0.4	
Test 1	0.097	1.2	0.3	Pass
Test 2	0.081	1.0	0.4	Pass
Average of Tests 1 & 2	0.089	1.1	0.3	Pass

IT IS HEREBY RESOLVED that the above catalytic converters are exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications specified in Appendix D-353-3 subject to the following conditions:

1. No changes are permitted to the catalytic converters as described in the application for exemption. Any changes to the catalytic converters or any of their components, and other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
2. Marketing of the catalytic converters using identifications other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converters for application other than the ones shown in this Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of these products shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converters 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 converters and is only a finding that the catalytic converters are exempt from the prohibitions of Vehicle Code Section 27156.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converters must conform to requirements in Paragraphs I and X of the "Optional Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters Equipped With On-Board Diagnostic II (OBD II) Systems."

5. Upon installation, the catalytic converters 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 converters as "high or easy flow" catalytic converters or use any phrase that could make them appear to perform better than an OEM catalytic converter.

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 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 26th day of August 2004.


for Allen Lyons, Chief
Mobile Source Operations Division