

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-33
Relating to Exemptions under Section 27156
of the Vehicle Code

Miller Catalyzer Corporation
"Series 60000 OBD II Compliant Three-way Catalytic Converter"

WHEREAS, Vehicle Code Sections 27156 and Section 2222(h), Title 13, California Code of Regulations (hereafter "CCR"), 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 Section 27156 to market its new aftermarket Series 60000 three-way catalytic converter (TWC) for installation on selected 1995 through 2004 model year Volvo passenger (PC) cars equipped with on-board diagnostic II (OBD-II) systems as specified in Appendix D-353-33 and incorporated herein. The Series 60000 TWC will be used for single exhaust system (one or two units) applications for selected Volvo PC.

The TWC may also be installed on non-OBD II vehicles (1995 and older) similar in engine and exhaust configuration to those listed in Appendix D-353-33.

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, Air Resources Board finds that the above aftermarket catalytic converter complies with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(h). The emissions performance of the catalytic converter was based on durability bench-aging by Umicore Automotive Catalysts using Air Resources Board-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 1999 3.1L Chevrolet Malibu equipped with a single exhaust system, and certified to the Low Emission Vehicle (LEV, PC) emission standards showed that the vehicle met the applicable emission standards with Series 60000 TWC (one unit) installed.

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-353-33 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Order D-353-24, it was determined that the installation of Series 31000 TWC on the vehicles listed in Appendix D-353-33 meets the requirements of California regulations.

IT IS HEREBY RESOLVED that the above catalytic converter is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications specified in Appendix D-353-33 subject to the following conditions:

1. No changes are permitted to the catalytic converter as described in the application for exemption. Any changes to the catalytic converter or any of their 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 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 these products shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converter 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 and is only a finding that the catalytic converter is exempt from the prohibitions of Vehicle Code Section 27156.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converter 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 converter 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 as a "high or easy flow" catalytic converter or use any phrase that could make them appear to perform better than an OEM catalytic converter.
7. The new aftermarket catalytic converter substrate may not be sold or supplied to a third party by Miller, its associates, vendors, other businesses, and individuals associated with Miller, 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 Air Resources Board prior to shipment.

9. Miller must submit the required quality audit and production quantity reports for its aftermarket catalytic converter 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.



Annette Hebert, Chief
Mobile Source Operations Division

APPENDIX D-353-33

Miller Catalyst Corporation, Catalytic Converter Series 60000, For Volvo Passenger Cars												
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	940 Sedan, 940 Wagon	2.3L	SVV2.3V7GAEA	Tier 1	PC	S	1	TWC	1	60000	TBD
2		940 Turbo, 940 Sedan, 940 Wagon		SVV2.3V7GFEA								
3		960 Sedan, 960 Wagon	SVV2.9VHGFEA									
4		850 Turbo, 850 Sedan, 850 Wagon	2.3L	SVV2.3VJGFEK								
5		850 Sedan, 850 Wagon	2.4L	SVV2.4VJGFEK								
6	1996	850, 850 Wagon (Turbo)	2.3L	TVV2.3VJGKEK	TLEV							
7		850, 850 Wagon	2.4L	TVV2.4VJGKEK								
8		960, 960 Wagon	2.9L	TVV2.9VJGFEL								
9	1997	850 Turbo	2.3L	VVV2.3VJGKEK	Tier 1							
10		850	2.4L	VVV2.4VJGKEK	TLEV							
11		960	2.9L	VVV2.9VJGFEL	Tier 1							
12	1998	S70, V70	2.4L	WVVXV2.43TFE	TLEV							
13		S70 GLT, V70 GLT, C70, S70 T5, V70 T5, C70 Convertible	2.3L	WVVXV2.43PA1								
14		S90, V90	2.9L	WVVXV2.92EVA	Tier 1							
15		V70 AWD, V70XC AWD, V70R AWD	2.3L	WVVXV2.43AWD	LEV							
16	1999	S70, V70, C70	2.4L	XVVXV2.43PA2	TLEV							
17		V70, V70XC, S70		XVVXV2.43AW2								
18		S70, V70	2.4L	XVVXV2.43TF2	LEV							
19		S80	2.8L	XVVXV2.78EN2	TLEV							
20	2000	S80	2.9L	XVVXV2.92BU2	LEV							
21		V70, V70XC, S70, C70	2.3L	YVVXV2.43PA3								
22		S70, V70	2.4L	YVVXV2.43TF3								
23		S80	2.9L	YVVXV2.92BU3	TLEV							
24		S80	2.8L	YVVXV2.78EN3	TLEV							
25	2001	S40, V40	1.95L	YVVXV1.95MJ1	LEV							
26		V70 T5 Wagon, S60 Sedan, C70 Coupe, C70 Convertible	2.3L	1VVXV2.43L5T								
27		V70 AWD Wagon, V70 2.4T Wagon, S60 Sedan, C70 Coupe, C70 Convertible	2.4L	1VVXV2.92L6N								
28		S80 2.9, S80 2.9 Executive	2.9L	1VVXV2.78T6T	TLEV							
29		S80 T6, S80 T6 Executive	2.8L	1VVXV2.78T6T	LEV							

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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		
30	2002	S60 T5, V70 T5	2.3L	2VXXV2.43L5T	LEV	PC	S	1	TWC	1	60000	TBD		
		S60 2.4T, V70 2.4T, S60 AWD, V70 AWD, C70	2.4L	2VXXV1.95L4T										
31		S40 1.9T, V40 1.9T	1.9L	3VXXV1.95L1T										
32	S40, V40	1.9L	3VXXV2.43L1T											
33	V70 T5, S60 T5, C70 Convertible	2.3L	3VXXV2.43L1T											
	V70 2.4T, S60 2.4T, C70 Convertible	2.4L												
	V70 T5, S60 T5, C70 Convertible	2.3L												
34	2004	C70 Convertible	2.4L	4VXXV2.52L1T										
		V70 R AWD, S60 R AWD	2.5L											
35		S40, V40	1.9L	4VXXV1.95L1T	2	TWC(2)	2							