

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-38
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 BMW passenger (PC) cars equipped with on-board diagnostic II (OBD-II) systems as specified in Appendix D-353-38 and incorporated herein. The Series 60000 TWC will be used for single (one unit) or dual (two units) exhaust system applications for selected BMW 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-353-38.

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-353-38 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-353-38 meets the requirements of California regulations.

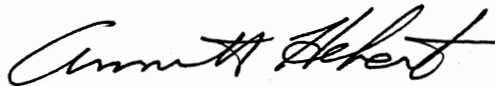
IT IS HEREBY RESOLVED that the above catalytic converter is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications specified in Appendix D-353-38 subject to the following conditions:

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 28 day of August 2008.



Annette Hebert, Chief
Mobile Source Operations Division

APPENDIX D-353-38

Miller Catalyst Corporation, Catalytic Converter Series 60000, For BMW PC																					
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	540i, 540iA	4.0L	SBM4.0VJGFEA	Tier 1	PC	D	2	2TWC	2	60000	TBD									
		740i, 740iL																			
		840CiA																			
		325i, 325is																			
2		325iA, 325isA	2.5L	SBM2.5VJGFEA			S	1	TWC	1											
		325iC, 325iAC																			
		525i, 525iA, 525iAT																			
		M3, M3A																			
3		530i, 530iA, 530iAT	3.0L	SBM3.0VJGFEA			D	2	2TWC	2											
4		318ti, 318i, 318is, 318tiA, 318iA, 318isA, 318iC, 318iAC	1.8L	SBM1.8VHGFEA			S	1	TWC	1											
5		750iL	5.4L	SBM5.4V8GAEK			D	2	2TWC	2											
		850Ci, 850CSi																			
		750iL																			
		850Ci																			
6	1996	328iA, 328isA, 328iAC, 328is, 328iC	2.8L	TBM2.8VJGKEK	TLEV		S	1	TWC	1											
7		M3	3.2L																		
		318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	1.9L	TBM1.9VJGKEK	Tier 1																
		Z3, Z3A	4.4L																		
		740iL																			
		840Ci																			
		740i, 740iL																			
10		840Ci	2.8L	VBM4.4VJGKEK	2			2TWC	2												
		540i, 540iA																			
		528iA, 528i																			
		328iA, 328isA, 328iAC, 328is, 328iC, 328i																			
11	1997	M3, M3A	3.2L	VBM2.8VJGKEK	TLEV		D	2	2TWC	2											
		750iL	5.4L		Tier 1																
		850Ci																			
		318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA																			
		Z3, Z3A																			
		318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	1.9L	VBM1.9VJGKEK	1			TWC	1												
		Z3, Z3A	2.8L																		
		318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA																			
		Z3, Z3A																			
		Z3, Z3A																			
	Z3, Z3A																				

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16	1998	740i, 740iL	4.4L	WBMXXV04.4M62	Tier 1	PC	D	2	2TWC	2	60000	TBD
17		540i, 540iA	5.4L	WBMXXV05.4M73			S	1	TWC	1		
18		318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	1.9L	WBMXXV01.9M44			D	2	2TWC	2		
19	1999	Z3, Z3A	2.8L	WBMXXV02.8M52	TLEV		S	1	TWC	1		
20		328iA, 328isA, 328iAC, 328is, 328iC, 328iM3, M3A	3.2L	WBMXXV02.8M52			D	2	2TWC	2		
21		528iA, 528i	2.8L	WBMXXV02.8Z35			S	1	TWC	1		
22	2000	Z3, Z3A	2.5L	XBMXXV02.8LEV	LEV		D	2	2TWC	2		
23		323i, 323iA	2.8L	XBMXXV02.8LEV			S	1	TWC	1		
24		328i, 328iA	3.2L	XBMXXV02.8M52			D	2	2TWC	2		
25	2001	528iT, 528iAT, 528i, 528iA	3.2L	XBMXXV02.8M52	TLEV		S	1	TWC	1		
26		M3, M Coupe, M3 Convertible, M3 A, M3 A Convertible	3.2L	XBMXXV02.8M52			D	2	2TWC	2		
27		M Roadster, M Coupe	1.9L	XBMXXV01.9M44			S	1	TWC	1		
28	2001	318iC, 318is, 318ti, 318iAC, 318isA, 318tiA	2.5L	XBMXXV02.5M52	LEV		D	2	2TWC	2		
29		323is, 323iC, 323isA, 3223iAC	3.2L	YBMXXV03.2S52			S	1	TWC	1		
30		M Roadster, M Coupe	2.5L	YBMXXV03.2S52			D	2	2TWC	2		
31	2001	Z3, Z3A	2.5L	YBMXXV02.8LEV	LEV		S	1	TWC	1		
32		323i, 323Ci, 323iA, 323CiA	4.9L	YBMXXV04.9S62			D	2	2TWC	2		
33		Z3, Z3 Coupe, Z3 A, Z3 Coupe A	3.0L	YBMXXV03.0LEV			S	1	TWC	1		
34	2001	328i, 328Ci, 328iA, 328CiA	2.5L	YBMXXV02.5M54	LEV		D	2	2TWC	2		
35		528iT, 528iAT	2.5L	YBMXXV02.5M54			S	1	TWC	1		
36		M5, Z8	2.5L	YBMXXV02.5M54			D	2	2TWC	2		
37	2001	330iX	4.9L	YBMXXV04.9S62	TLEV		S	1	TWC	1		
38		325Ci, 325Ci, 325i, 325i Sport Wagon, 325Xi, 325Xi Sport Wagon	3.0L	YBMXXV03.0LEV			D	2	2TWC	2		
39		525i, 525i Sport Wagon	2.5L	YBMXXV02.5M54			S	1	TWC	1		
40	2001	Z3 Roadster	2.5L	YBMXXV02.5M54	LEV		D	2	2TWC	2		
41		320i	2.5L	YBMXXV02.5M54			S	1	TWC	1		
42		Z3 Roadster	2.2L	YBMXXV02.2M54			D	2	2TWC	2		
43	2001	M3, M3 Convertible	3.2L	YBMXXV03.2S54	LEV	S	1	TWC	1			
44		M Roadster, M Coupe	3.2L	YBMXXV03.2S54		D	2	2TWC	2			
45			3.2L	YBMXXV03.2S54		S	1	TWC	1			

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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
32	2001	320i	2.2L	1BMXXV02.2M5R	LEV	PC	D	2	2TWC	2	60000	TBD
		525i, 525i Sport Wagon										
		Z3										
33		325i, 325Ci, 325i Sport Wagon, 325 Ci Convertible, 325Xi, 325Xi Sport Wagon	2.5L	1BMXXV03.0LER								
		330Xi	3.0L									
34	2002	320i	2.2L	2BMXXV02.2M5R	LEV	PC	D	2	2TWC	2	60000	TBD
		325i, 325Ci, 325i Sport Wagon, 325Ci Convertible, 325xi, 325xi Sport Wagon										
		525i, 525i Sport Wagon	2.5L	2BMXXV03.0LER								
35		Z3 Roadster										
		330Xi	3.0L									
36		M Roadster, M Coupe	3.2L	2BMXXV03.2S54	TLEV	PC	D	2	2TWC	2	60000	TBD
		M3, M3 Convertible										
37		M5, Z8	4.9L	2BMXXV04.9S62								
38	2003	320i	2.2L	3BMXXV02.2M5R	LEV	PC	D	2	2TWC	2	60000	TBD
		325i, 325Ci, 325i Sport Wagon, 325Ci Convertible, 325xi, 325xi Sport Wagon										
		525i, 525xi Sport Wagon	2.5L	3BMXXV03.0LER								
39		Z4										
		330Xi	3.0L									
40		M3, M3 Convertible	3.2L	3BMXXV03.2S54	TLEV	PC	D	2	2TWC	2	60000	TBD
41		M5, Z8	4.9L	3BMXXV04.9S62								
		320i	2.2L	4BMXXV02.2M5R								
42	2004	325xi, 325xi Sport Wagon			LEV	PC	D	2	2TWC	2	60000	TBD
		Z4	2.5L	4BMXXV03.0LER								
43		330xi	3.0L									
44		M3, M3 Convertible	3.2L	4BMXXV03.2S54								