

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-5

Relating to Exemptions under Section 27156
of the Vehicle Code

Miller Catalyzer Corporation
"Series 5000 & Series 6000 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 Sections 27156 and 38391 to market its Series 5000 and Series 6000 new aftermarket three-way catalytic converters (TWC) for the following application, except for vehicles equipped with on-board diagnostic II (OBD II) systems (Title 13, CCR, Section 1968.1):

<u>Converter Type</u>	<u>Use</u>	<u>Series No.</u>	<u>Max. Eng. Size</u>	<u>Max. Veh. Test Wt.</u>
TWC	TWC	5000 & 6000	3.8L (232 CID)	3,750 lbs.

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 converter complies with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(h). Emission performance of the catalytic converter was based on durability bench-aging by Delphi Energy and Chassis Systems using the ARB-modified RAT A bench-aging cycle for 50 hours in lieu of the AMA driving cycle (Reference Appendix IV, Title 40, part 86, Code of Federal Regulations (June 28, 1977)).

WHEREAS, emissions tests conducted at Automotive Testing and Development Services (ATDS), Ontario, California, using a 1995 3.8L Buick Le Sabre showed the following combined conversion efficiencies, which meet the minimum requirements for new aftermarket catalytic converters:

<u>Pollution Component</u>	<u>Catalyst Application Type</u> <u>TWC (% Conversion)</u>
HC: Minimum Requirement	70
Ave. Miller 5000/6000	85.4
CO: Minimum Requirement	70
Ave. Miller 5000/6000	79.1

NOx: Minimum Requirement
Ave. Miller 5000/6000

60
82.2

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 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 converter or any of its 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 this product 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 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 IX of the "California Evaluation Procedures for New Aftermarket Non-original Equipment Catalytic Converters."
5. Upon installation, the catalytic converter must carry a manufacturer's warranty for 25,000 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 "pure flow, high flow, or easy flow" catalytic converters or use any phrase that could make the catalytic converters 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 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 31 day of January 2005.



Allen Lyons, Chief
Mobile Source Operations Division