

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER D-353-50

Relating to Exemptions under Section 27156 and 38391
of the Vehicle Code

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

WHEREAS, Vehicle Code Sections 27156 and 38395, 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 and 38391.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market its new aftermarket Series 45000 and 61000 three-way catalytic converters (TWC) on selected 1995 through 2004 model year Toyota light-duty trucks 2 (LDT2) and medium-duty vehicles equipped with on-board diagnostic II (OBD-II) systems and multiple catalytic converter systems (2, 3, 4 units) as specified in Appendix D-353-50 and incorporated herein. Series 61000 TWC will be used as front catalytic converters (1 unit or 2 units) and Series 45000 TWC as rear catalytic converter(s) (1 unit, or 2 units) for multiple catalytic converter applications. Series 45000 TWC only will be used for dual exhaust system (1 unit per bank, 2 units total). These catalytic converters may be sold as universal or direct fit system.

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 Sections 27156 and 38395 and Title 13, California Code of Regulations, Section 2222(h). Emission performance of the catalytic converters was based on durability bench-aging by Umicore Automotive Catalysts using the Air Resources Board-modified RAT-A bench-aging cycle for 100 hours as specified in Appendix A to the "California Evaluation Procedures for New Aftermarket Catalytic Converters" as adopted on October 25, 2007.

WHEREAS, previous emissions and OBD II compatibility tests conducted by Miller Catalyzer Corporation using a vehicle of weight classification and exhaust configuration similar to those listed in Appendix D-353-50 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Orders D-353-16, it was determined that the installation of Series 45000 and 61000 on the vehicles listed in Appendix D-353-50 meets the requirements of California regulation for aftermarket catalytic converters.

THEREFORE, IT IS HEREBY RESOLVED that Miller Catalyzer Corporation's Series 45000 and 61000 TWCs are exempted from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on the approved vehicle applications specified in Appendix D-353-50 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 Air Resources Board 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 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 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 Sections 27156 and 38391.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converters must conform to requirements in Section (h) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
5. Installation of the catalytic converters shall not cause the relocation of an oxygen sensor. Oxygen sensors must be installed in the same location, position and orientation as prescribed in the original equipment manufacturer's configurations.
6. Upon installation, the catalytic converters must carry a manufacturer's warranty for five (5) years or 50,000 miles as prescribed in Section (f)(2) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
7. Miller Catalyzer Corporation and its vendors may not advertise the new aftermarket catalytic converters as "high flow or easy flow" catalytic converters or use any phrase that could make them appear to perform better than the original equipment manufacturer (OEM) catalytic converters.
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 Catalyzer Corporation, its associates, vendors, other businesses and individuals associated with Miller Catalyzer Corporation may not sell or supply new aftermarket catalytic converter substrates to a third party to be assembled in a different facility and marketed under this Executive Order without approval from the Air Resources Board.
10. Miller Catalyzer Corporation shall comply with the quality control procedures and reporting requirements in Section (f)(5) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
11. Quality control reports must be submitted on a quarterly basis and warranty information reports on a semi-annual basis, starting with periods covering January 1 through March 31, 2009 and January 1 through June 30, 2009, respectively.
12. Miller Catalyzer Corporation must provide a permanent label or stamp as specified under Section (f)(1) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.
13. Miller Catalyzer Corporation's vehicle application catalog must conform with the requirements specified under Section (f)(4) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.

Executive Order D-353-28 dated August 1, 2008, is hereby superseded and of no further force and effect.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a 30-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 30 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 17 day of December 2008.



Annette Hebert, Chief
Mobile Source Operations Division

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	61212 /45212	TBD						
2		Land Cruiser Wagon 4WD	4.5L	STY4.55JGFEK		MDV2					45212							
3	1996	Previa, Previa All-trac	2.4L	TTY2.42HGKEK		LDT2					61212 /45212							
4		Land Cruiser Wagon 4WD, Lexus LX450	4.5L	TTY4.55JGFEK		MDV2					45212							
5	1997	Previa, Previa All-trac	2.4L	VTY2.42HGKEK	TLEV	LDT2												
6	1998	4-Runner 2WD/4WD, Tacoma 4WD Toyota T100 2WD/4WD	3.4L	WTYXT03.4DBP														
7		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	WTYXT04.7GBX		MDV3	D	4	2TWC(2)	4	61212 /45212							
8		Sienna	3.0L	XTYXT03.0GXS		LDT2	D/Y	3	2WU-TWC, TWC	3								
9	1999	Toyota 4-Runner 2WD/4WD	3.4L	XTYXT03.4GXS			MDV3	S	2	TWC(2)			2					
10		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	XTYXT04.7GBX		LDT2	D	4	2TWC(2)	4								
11		Toyota Tundra 2WD/4WD	3.4L	YTYXT03.4FFR	LEV	LDT2	S	2	TWC(2)	2								
12		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	YTYXT04.7GBX		MDV3	D	4	2TWC(2)	4								
13	2000	Toyota Tundra 2WD/4WD		YTYXT04.7GXW		MDV2	D/Y	3	2TWC, TWC 2WU-TWC, TWC	3								
14		Sienna	3.0L	YTYXT03.0FFS		LDT2	D/Y	2	2TWC	2			45212					
15		Toyota Highlander 2WD/4WD	2.4L	ITYXT02.4FFP		MDV2	D											
16		Toyota Tundra	4.7L	ITYXT04.7FBY			LDT2	D/Y	3	2TWC, TWC			2	61212 /45212				
17		Toyota Tacoma 2WD/4WD	2.7L	ITYXT02.7FFP	S						TWC(2)							
18	2001	Sienna	3.0L	ITYXT03.0FFP														
19		Toyota Highlander 2WD/4WD		ITYXT03.0FFR														
20		Tacoma, 4Runner, Tundra	3.4L	ITYXT03.4FFP		MDV3	D	4	2TWC(2)	4								
21		Land Cruiser Wagon 4WD, Lexus LX 470	4.7L	ITYXT04.7FBV														
22		Sienna	3.0L	ITYXT03.0FFP		LDT2	D/Y	3	2WUTWC, TWC	3								
23		Highlander 2WD/4WD		ITYXT03.0FFR														
24	2002	Tundra 2WD/4WD	4.7L	ITYXT04.7FBY		MDV2	D	2	2TWC	2	45212							
25		Tacoma 2WD/4WD	2.7L	ITYXT02.7FFP		LDT2	S				2TWC(2)		61212 /45212					

Miller Catalyzer 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	
26	2002	Tacoma 2WD/4WD, 4Runner 2WD/4WD	3.4L	2TYXT03.4FFP	LEV	LDT2	S	2	TWC(2)	2	61212 /45212	TBD	
27		Tundra 2WD/4WD				MDV3	D	4	2TWC(2)	4	45212		
28	2003	Land Cruiser Wagon 4WD, Lexus LX470	4.7L	2TYXT04.7FBV		LDT2	S	2	2TWC	2	61212 /45212		
29		Highlander 2WD/4WD	2.4L	3TYXT02.4FFP			D/Y	3	2WU-TWC, TWC	3	61212 /45212		
30		Tacoma 2WD/4WD	2.7L	3TYXT02.7FFP		MDV3	S	2	WU-TWC, TWC	2	45212		
31		Highlander 2WD/4WD	3.0L	3TYXT03.0FFR			D/Y	3	2WU-TWC, TWC	3	61212 /45212		
32		Tacoma 2WD/4WD	3.4L	3TYXT03.4FFP		LDT2	S	2	WU-TWC, TWC	2	61212 /45212		
33		4Runner	4.0L	3TYXT04.0FFP			D/Y	3	2WU-TWC, TWC	3	61212 /45212		
34		2004	Land Cruiser Wagon, Lexus LX470	4.7L		3TYXT04.7FBV	MDV3	D	4	2WU-TWC, 2TWC	4		45212
35			Highlander	2.4L		3TYXT02.4FFP		2	2TWC	2	45212		
36			Sienna	3.0L		3TYXT03.0FFP	LDT2	D/Y	3	2TWC, TWC	3		61212 /45212
37			4Runner 2WD/4WD, Lexus GX 470 4WD	4.7L		3TYXT04.7FFP		S	2	WU-TWC, TWC	2		61212 /45212
38	2004	Highlander 2WD/4WD	2.4L	4TYXT02.4VMM		MDV3	D	4	2WU-TWC, 2TWC	4	45212		
39		4Runner 2WD/4WD, Lexus GX 470 4WD	4.7L	4TYXT04.7VRM			D/Y	3	2TWC, TWC	3	61212 /45212		
40		Tacoma 2WD/4WD	2.7L	4TYXT02.7VRM		MDV2	S	2	WU-TWC, TWC	2	61212 /45212		
41		Tacoma 2WD/4WD, Tundra 2WD/4WD	3.4L	4TYXT03.4VRM			D	4	2WU-TWC, 2TWC	4	45212		
42		4Runner	4.0L	4TYXT04.0VRM		MDV2	D/Y	3	2TWC, TWC	3	45212		
43		Land Cruiser Wagon, Lexus LX470	4.7L	4TYXT04.7VIV			D/Y	3	2TWC, TWC	3	45212		
44		Lexus GX470		4TYXT04.7VIX			D/Y	3	2TWC, TWC	3	45212		
45							D/Y	3	2TWC, TWC	3	45212		