

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-376
Relating to Exemptions Under Section 27156
of the Vehicle Code

POSITIVE ATTRACTIONS
FLUID CONDITIONER

WHEREAS, Vehicle Code Section 27156 and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(e), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified parts from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Positive Attractions has applied to the ARB for exemption from the prohibitions of Vehicle Code Section 27156 for the MARC-1 fluid conditioner for 1995 and older model-year gasoline- or diesel-fueled vehicles.

WHEREAS, pursuant to the authority vested in the Executive Officer by the Health and Safety Code Section 39515 and in the Chief, Mobile Source Division by the Health and Safety Code Section 39516 and Executive Order G-45-5, the Air Resources Board finds:

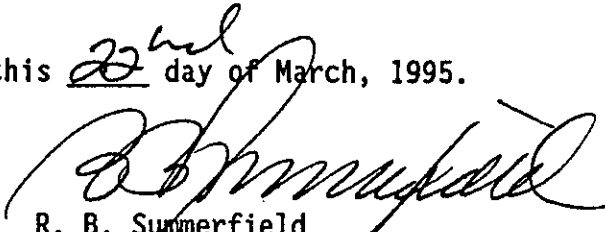
1. The MARC-1 fluid conditioner is an add-on device attached to the fuel line in a motor vehicle.
2. The MARC-1 fluid conditioner is intended for use with a required motor vehicle pollution control system.
3. The MARC-1 fluid conditioner by being installed in the engine alters the original design of a motor vehicle pollution control system.
4. The MARC-1 fluid conditioner is a device subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by 13 CCR Section 1900(b)(1).
5. The MARC-1 fluid conditioner does not reduce the effectiveness of any required motor vehicle pollution control device.
6. The Air Resources Board, in the exercise of technical judgement, is aware of no basis on which the MARC-1 fluid conditioner will provide an increase in fuel economy.
7. It has not been determined what effect the use of the MARC-1 fluid conditioner may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.
8. The MARC-1 fluid conditioner is not a certified motor vehicle pollution control device pursuant to the Health and Safety Code Section 43644.
9. The Air Resources Board by granting an exemption to Positive Attractions for their MARC-1 fluid conditioner does not recommend or endorse in any way the MARC-1 fluid conditioner for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the Positive Attractions MARC-1 fluid conditioner is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 1995 and older model-year vehicles powered with gasoline or diesel internal combustion engines subject to the following conditions:

1. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale or sold with, or installed on a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.
2. No changes are permitted to the device as described in the application for exemption. Any changes to the device, applicable model year, or other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
3. Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device for an application other than those listed in the Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.
4. Any oral or written references to this Executive Order or its content by Positive Attractions, 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 fuel economy or emissions reduction claims for the Positive Attractions MARC-1 fluid conditioner and is only a finding that the device is exempt from the prohibitions of Vehicle Code Section 27156.
5. No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising or other oral or written communication.

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 the order, in 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 after hearing that grounds for revocation exist.

Executed at El Monte, California this 22nd day of March, 1995.



R. B. Summerfield
Assistant Division Chief
Mobile Source Division