CALIFORNIA
AIR RESOURCES BOARD

EXECUTIVE ORDER D-428-5

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Kennedy Engineered Products, Inc.
Tubular Exhaust System

Pursuant to the authority vested in the California Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-19-095;

IT IS ORDERED AND RESOLVED: That installation of the Tubular Exhaust System, manufactured and marketed by Kennedy Engineered Products, Inc., 38822 17th Street East Palmdale, California 93550, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 1980 to 1991 model year VW Vanagons that have been modified with the Kennedy Engineered Products VW Vanagon Engine Change Kit per EO's D-428, D-428-1, D-428-2, D-428-3, and D-428-4.

The Tubular Exhaust System replaces the manifolds originally included as part of the Kennedy Engineered Products VW Vanagon Engine Change Kit and consists of tubular exhaust manifolds that connect to the exhaust outlet of both cylinder heads of the opposed Subaru engine and routes the exhaust to the catalytic convertor. A flexible steel mesh joint is welded into the pipe that routes the exhaust from the right side to the left side of the engine. The exhaust system is constructed of stainless steel tubing.

This Executive Order is valid provided that the installation instructions for the Tubular Exhaust System will not recommend tuning the vehicle to specifications different from those of the original Subaru engine.

Changes made to the design or operating conditions of the Tubular Exhaust System, as exempted by the California Air Resources Board, that adversely affect the performance of the vehicle's emission control system shall invalidate this Executive Order.

This Executive Order shall not apply to any Tubular Exhaust System advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the Tubular Exhaust System using any identification other than those shown in this Executive Order or marketing of the Tubular Exhaust System for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the California Air Resources Board.

This Executive Order does not constitute any opinion as to the effect the use of the Tubular Exhaust System may have on any warranty either expressed or implied by the vehicle manufacturer.

Exemption of the Tubular Exhaust System shall not be construed as an exemption to sell, offer for sale, or advertise any component of the assembly as individual devices.

This Executive Order is granted based on information submitted by Kennedy Engineered Products, Inc., including emissions test data.

The California Air Resources Board reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE CALIFORNIA AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF THE TUBULAR EXHAUST SYSTEM.

No claim of any kind, such as "Approved by the California 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 a 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 is made after the hearing that grounds for revocation exist.

Executed ~~at El Monte, California~~, this 14TH day of May 2020.

Allen Lyons, Chief
Emissions Certification and Compliance Division