

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-538
Relating to Exemptions Under Sections 27156 and 38391
Of the Vehicle Code

ALGAE-X INTERNATIONAL
LGX MAGNETIC FUEL CONDITIONER

WHEREAS, Vehicle Code Sections 27156 and 38391, 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 aftermarket devices from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Algae-X International of P.O. Box 4011, Fort Myers Beach, Florida, 33932, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 for LGX Magnetic Fuel Conditioner.

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-45-9, the ARB finds that:

1. The LGX Magnetic Fuel Conditioner is an add-on device installed into the fuel line in a motor vehicle or motor vehicle engine.
2. The LGX Magnetic Fuel Conditioner is intended for use with a required motor vehicle or engine pollution control system.
3. The LGX Magnetic Fuel Conditioner by being installed into the fuel line alters the original design of a motor vehicle pollution control system.
4. The LGX Magnetic Fuel Conditioner is a device subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by Title 13, CCR Section 1900 (b)(1).
5. The LGX Magnetic Fuel Conditioner does not reduce the effectiveness of any required motor vehicle or engine pollution control system.
6. The ARB, in exercise of technical judgement, is aware of no basis on which the LGX Magnetic Fuel Conditioner will provide either a decrease in emission or an increase in fuel economy.
7. It has not been determined what effect the use of the LGX Magnetic Fuel 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 LGX Magnetic Fuel Conditioner is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.
9. The ARB by granting an exemption to Algae-X International for the LGX Magnetic Fuel Conditioner does not recommend or endorse in any way the LGX Magnetic Fuel Conditioner for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the LGX Magnetic Fuel Conditioner is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 2002 and older model-year diesel-powered vehicles and engines subject to the following conditions:

1. No changes are permitted to the LGX Magnetic Fuel Conditioner device as described in the application for exemption. Any changes to the LGX Magnetic Fuel Conditioner, applicable model years, or other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
2. Marketing of the LGX Magnetic Fuel Conditioner without a permanent label showing the Executive Order number or marketing of the LGX Magnetic Fuel Conditioner for an application other than that stated 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 LGX Magnetic Fuel Conditioner as an individual device.
3. Any oral or written references to this Executive Order or its content by Algae-X International, 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 emissions reduction claims for the LGX Magnetic Fuel Conditioner and is only a finding that the LGX Magnetic Fuel Conditioner is exempt from the prohibitions of Vehicle Code Section 27156.
4. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.
5. No claim of any kind, such as "Approved by the Air Resources Board" may be made with respect to this Executive Order in any advertising or other oral or written communication.

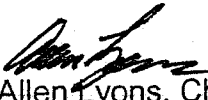
THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OF THE LGX MAGNETIC FUEL CONDITIONER.

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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 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 recommendation is made, after the hearing, that grounds for revocation exist.

Executed at El Monte, California, this 4TH day of March 2002.


Allen Lyons, Chief
New Vehicle/Engine Programs Branch

EVALUATION SUMMARY

Manufacturer Name: Algae-X International

Name of Device: LGX Magnetic Fuel Conditioner

Background:

Algae-X International of Post Office Box 4011, Fort Myers Beach, Florida, 33932, has applied for an exemption from the prohibitions in Section 27156 of the California Vehicle Code for the LGX Magnetic Fuel Conditioner installation on all 2002 and older model year diesel-fueled motor vehicles and engines.

Recommendation:

Grant an exemption to Algae-X International as requested and issue the Executive Order D-538 for the LGX Magnetic Fuel Conditioner.

Device Description:

The LGX Magnetic Fuel Conditioner is a magnetic device consisting of a ceramic magnet contained in an aluminum housing which is installed into the fuel line between the fuel tank and the primary fuel filter. The aluminum housing is cylindrical in shape with dimensions dependent on intended use. The product is made out of 6061 aluminum.

Discussion/Basis for the Recommendation:

The Air Resources Board has exempted similar devices with the same operating principles. The exemptions were based on emissions testing, fuel economy, and engineering evaluation. Based upon engineering evaluation of this device and exemption of similar devices, the staff believes that LGX Magnetic Fuel Conditioner does not have any adverse effect on exhaust emissions.

Algae-X International claims that the device uses a magnetic field to reduce diesel fuel deterioration. Although not requested by ARB, Algae-X International did perform emission tests to substantiate their claims. The testing was performed on a 1998 Cummins model NTC350 engine using a 13 mode steady-state test (SAE J1003 test). Test results indicate that the LGX Magnetic Fuel Conditioner does not increase engine emissions.

The ARB did not perform any emission or fuel economy tests to substantiate the claims made by the manufacturer. No adjustments such as timing, fuel metering or any other engine adjustments are included in the installation instructions. It is staff's opinion that the device is not capable of producing any effect on emissions and fuel economy.