

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-543

Relating to Exemptions under Section 27156 of the Vehicle Code

Fuelmiser, Inc.  
"Fuelmiser"

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, Fuelmiser, Inc. of 460 2<sup>nd</sup> Avenue, Suite 11A, New York, New York 10016, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 for its Fuelmiser magnet device, for installation on gasoline and diesel vehicles as shown below.

| Vehicle Model-Year | Fuelmiser Model | Engine Displacement |
|--------------------|-----------------|---------------------|
| 2002 and older     | SD              | 3.5L or smaller     |
| 2002 and older     | XL              | All sizes           |

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:

1. The Fuelmiser is a magnetic device attached to the upstream side of the fuel line closest to the carburetor or fuel injection, but not installed in the fuel line, and therefore, the device does not have any contact with the fuel.
2. The fuel line is part of the required motor vehicle pollution control system.
3. The Fuelmiser is intended for use with a required pollution control system of any vehicle and fuel system except vehicles powered by electricity.
4. By being installed on the fuel line, the Fuelmiser constitutes a modification to the original configuration of the fuel line.
5. The Fuelmiser is subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by Title 13, CCR Section 1900 (b)(1).
6. The Fuelmiser does not reduce the effectiveness of any required motor vehicle pollution control system.
7. The ARB, in exercise of technical judgement, is aware of no basis on which the Fuelmiser will provide either a decrease in emission or an increase in fuel economy.

8. It has not been determined what effect the use of the Fuelmiser may have on any warranty; either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.
9. The Fuelmiser is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.
10. The ARB by granting an exemption to Fuelmiser, Inc. for the Fuelmiser does not recommend or endorse in any way the magnet device for emissions reduction, fuel economy, or any other purpose.

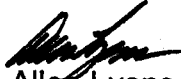
IT IS HEREBY RESOLVED that the Fuelmiser is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 2002 and older model-year vehicles subject to the following conditions:

1. No changes are permitted to the device as described in the application for exemption. Any changes to the Fuelmiser or any of their component, or other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
2. Marketing of the Fuelmiser without a permanent label showing the Executive Order number or marketing of the Fuelmiser for an application other than the one stated in this Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of the product shall not be construed as an exemption to sell, offer for sale, or advertise any components of the Fuelmiser as an individual device.
3. Any oral or written references to this Executive Order or its content by Fuelmiser, Inc. its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order and the exemption it provides are not an endorsement or approval of any emissions reduction claims for the Fuelmiser, and is only a finding that the device 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 FUELMISER.

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 29<sup>TH</sup> day of May 2002.



Allen Lyons, Chief  
Mobile Source Operations Division