CALIFORNIA
AIR RESOURCES BOARD

EXECUTIVE ORDER D-759-13

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Mishimoto Automotive
Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack

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 Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack, manufactured and marketed by Mishimoto Automotive, of 7 Boulden Circle, New Castle, Delaware 19720, 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 California Vehicle Code for the vehicles listed in Exhibit A.

The Performance Air-to-Water Intercooler replaces the stock intercooler. The stock sensor that was installed on the stock intercooler is reconnected to the Performance Air-to-Water Intercooler. The Charge Pipe Kit replaces the stock pipes that connect between the turbocharger compressor outlet and intercooler inlet. The Performance Heat Exchanger replaces the stock heat exchanger behind the grill of the vehicle. The Performance Air-to-Water Intercooler Power Pack combines the Performance Air-to-Water Intercooler, Charge Pipe Kit, and Performance Heat Exchanger.

The Performance Air-to-Water Intercooler is compatible with both the stock hot-side charge pipes and Charge Pipe Kit. The Charge Pipe Kit is compatible with both the stock intercooler and Performance Air-to-Water Intercooler.

This Executive Order is valid provided that the installation instructions for the Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack, 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 Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack 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 Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack using any identification other than those shown in this Executive Order or marketing of the Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack 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 Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack may have on any warranty either expressed or implied by the vehicle manufacturer.

Exemption of the Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack 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 supplied by Mishimoto Automotive, 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. Further, if test results or other evidence provides the California Air Resources Board with reason to suspect that the Performance Air-to-Water Intercooler, Charge Pipe Kit, Performance Heat Exchanger, and Performance Air-to-Water Intercooler Power Pack will affect the durability of emission control systems, Mishimoto Automotive shall be required to submit durability data to show that the durability of vehicle emission control systems are not, in fact, affected and/or that the add on or modified part demonstrates adequate durability.

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 PERFORMANCE AIR-TO-WATER INTERCOOLER, CHARGE PIPE KIT, PERFORMANCE HEAT EXCHANGER, AND PERFORMANCE AIR-TO-WATER INTERCOOLER POWER PACK.

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 Executive Order. The Executive Order may be revoked only after a ten-day written notice of intention to revoke the Executive Order, in which period the holder of the Executive 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 Executive Order may not be revoked until a determination is made after the hearing that grounds for revocation exist.

Executed on this 10th day of September 2021.

Allen Lyons, Chief
Emissions Certification and Compliance Division

Exhibit A

Part Number	Device Name §	Vehicle Model	Engine *
MMINT-F80-15	Performance Air-to-Water Intercooler	2019 to 2020 BMW M2, 2015 to 2018 BMW M3, 2015 to 2020 BMW M4	3.0L TC
MMICP-F80-15	Charge Pipe Kit	2019 to 2020 BMW M2, 2015 to 2018 BMW M3, 2015 to 2020 BMW M4	3.0L TC
MMHE-F80-15	Performance Heat Exchanger	2019 to 2020 BMW M2, 2015 to 2018 BMW M3, 2015 to 2020 BMW M4	3.0L TC
MMB-F80-PP	Performance Air-to-Water Intercooler Power Pack	2019 to 2020 BMW M2, 2015 to 2018 BMW M3, 2015 to 2020 BMW M4	3.0L TC

§ The Performance Air-to-Water Intercooler is compatible with both the stock hot-side charge pipes and Charge Pipe Kit. The Charge Pipe Kit is compatible with both the stock intercooler and Performance Air-to-Water Intercooler.

* TC denotes turbocharged.