



EXECUTIVE ORDER D-861

Relating to Exemptions Under Section 27156 of the California Vehicle Code

Volvo Car Corporation Performance Software Upgrade

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 Software Upgrade, manufactured and marketed by Volvo Car Corporation, 405 31, Gothenburg, Sweden, on behalf of Polestar Performance AB, Assar Gabrielssons Väg 9, 405 31, Gothenburg, Sweden, 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 the Polestar 2021 model year Polestar 2.

The Performance Software Upgrade consists of an Engine Control Module (ECM) reflash, part number 32360542, and a Battery Electronic Control Module (BECM) reflash, part number 32383179, that increase the electric motor power and torque for specific rpm ranges for the Polestar 2021 model year Polestar 2. The Performance Software Upgrade is delivered to the ECM and BECM via a software download.

This Executive Order is valid provided that the installation instructions for the Performance Software Upgrade will not recommend tuning the vehicle to specifications different from those specified by Volvo Car Corporation.

Changes made to the design or operating conditions of the Performance Software Upgrade, 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 Software Upgrade 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 Software Upgrade using any identification other than those shown in this Executive Order or marketing of the Performance Software Upgrade 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 Software Upgrade may have on any warranty, either expressed or implied by the vehicle manufacturer; or compliance with any other state, federal, or local law, such as safety equipment requirements or noise limitations.

Exemption of the Performance Software Upgrade 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 Volvo Car Corporation.

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 Software Upgrade will affect the durability of emission control systems, Volvo Car Corporation 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 SOFTWARE UPGRADE.

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 on this 21st day of October 2022.



Robin U. Lang, Chief
Emissions Certification and Compliance Division