State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER K-004-5

Relating to Exemptions of Aftermarket Critical Emission Control Parts for Highway Motorcycles under Sections 27156 and 38391 of the Vehicle Code

Yoshimura Research and Development of America, Inc.
R-77 Stainless Steel Catalytic Exhaust System

WHEREAS, Pursuant to the authority vested in the Air Resources Board (ARB) by Sections 27156 and 38391of the Vehicle Code and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(j); and

WHEREAS, Yoshimura Research and Development of America, Inc. (Yoshimura R & D) has applied to ARB for an exemption from the prohibitions of Vehicle Code sections 27156 and 38391 to market its R-77 Stainless Steel Catalytic Exhaust System on select 2015, 2016 and 2017 model year (MY) Yamaha highway motorcycles; and

WHEREAS, Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-14-012;

IT IS ORDERED AND RESOLVED: That the installation of the R-77 Stainless Steel Catalytic Exhaust System (Part Number 13980-401) produced and marketed by Yoshimura R & D of 5420 Daniels Street, Suite A, Chino, California, 91710 has been found not to reduce the effectiveness of the applicable vehicle pollution control systems or to cause the vehicle emissions to exceed applicable emission standards, and is therefore exempt from the prohibitions of Sections 27156 and 38391of the Vehicle Code for the 2015, 2016 and 2017 MY Yamaha FZ-09, FJ-09 and XSR-900 model highway motorcycles.

The Yoshimura R & D R-77 Stainless Steel Catalytic Exhaust System is designed to work with the stock motorcycle's electronic control module and sensors in a closed-loop system that decreases restrictions in the exhaust system to maximize vehicle performance and efficiency.

This Executive Order is granted based on submitted emissions test data from Tovatt Engineering of Huntington Beach, California on a 2016 MY Yamaha FJ-09 motorcycle with engine family GYMXC.847GEB. Test results showed that the Yoshimura R & D R-77 Stainless Steel Catalytic Exhaust System when installed on the vehicle did not cause the exhaust emissions to exceed the applicable emission standards during the Cold Start Federal Test Procedure.

BE IT FURTHER RESOLVED: That Yoshimura R & D has submitted materials demonstrating compliance with the emissions defects warranty requirements of section (c)(2) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Yoshimura R & D must permanently identify its exempted aftermarket critical emission control part by direct stamping or welded embossed plate as required under section (c)(3) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Yoshimura R & D must retain records as required as required by section (c)(2)(D) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles," and to report warranty claim records for each part covered by this Executive Order, as required by section (c)(6) of said procedures.

BE IT FURTHER RESOLVED: That Yoshimura R & D must submit production reports for the exempted aftermarket critical emission control part as required by section (c)(5)(A) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Yoshimura R & D may be subjected to inspection and audit testing pursuant to section (c)(5)(B) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

This Executive Order is valid provided that the installation instructions for the Yoshimura R & D R-77 Stainless Steel Catalytic Exhaust System will not recommend tuning the vehicle to specifications different from those submitted by Yoshimura R & D.

Changes made to the design or operating conditions of the devices, as exempted by ARB, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of these devices using any identification other than that shown in this Executive Order or marketing of this device for an application other than those specified in this Executive Order shall be prohibited unless prior approval is obtained from ARB.

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

The aftermarket critical emission control part exempted under this Executive Order must conform to all applicable California emission regulations. This exemption does not constitute an exemption to sell, offer for sale, or advertise any components of the R-77 Stainless Steel Catalytic Exhaust System as individual devices.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a 30-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 30 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 27 day of February 2017.

Annette Hebert, Chief
Emissions Compliance, Automotive Regulations and Science Division