

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-35-3-A
Relating to Exemptions under Section 27156
of the Vehicle Code

KAR AUTOMOTIVE PRODUCTS, INC.
"GAS BOOSTER-CALIFORNIA DESIGN"

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39023 of the Health and Safety Code;

IT IS ORDERED AND RESOLVED: That the installation of the "Gas Booster-California Design" device manufactured by the Hydro-Catalyst Corporation, 840 U.S. Route 34, Old Bridge, New Jersey 08857 and marketed by Kar Automotive Manufacturing Co., of Tappahonock Blvd., Tappahonock, Va. 22568, has been found to not reduce the effectiveness of required motor vehicle pollution control devices and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 1974 and older model-year vehicles.

The device consists of two formed screens made of fine mesh wire cloth mounted under the carburetor barrels. The upstream screen is plated with cadmium and the downstream screen with nickel.

The "Gas Booster-California Design" device is identical in construction and operation to the Hydro-Catalyst Corporation's "Precombustion Catalyst-California Design" device. Reference Executive Order D-35.

This Executive Order is valid provided that installation instructions for this device will not recommend tuning the vehicle to specifications different than those listed by the vehicle manufacturer.

Changes made to the design or operating conditions of the device as originally submitted to the Air Resources Board for evaluation that adversely affect the performance of the vehicle's pollution control devices shall invalidate this Executive Order.

Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

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

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 OR ANY ALLEGED BENEFITS OF THE "GAS BOOSTER-CALIFORNIA DESIGN" DEVICE.

No claim of any kind, such as "Approved by Air Resources Board" may be made with respect to the action taken herein in any advertising or other oral or written communication.

Section 17500 of the Business and Professions Code makes unlawful, untrue or misleading advertising, and Section 17534 makes violation punishable as a misdemeanor.

Sections 39130 and 39184 of the Health and Safety Code provide as follows:

"39130. No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for certification of a device, represent, any device as a motor vehicle pollution control device unless that device has been certified by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this section is a misdemeanor."

"39184. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for accreditation of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been accredited by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as an accredited device which, in fact, is not an accredited device. Any violation of this subdivision is a misdemeanor."

On the basis of its evaluation of the "Gas Booster-California Design" device, the Air Resources Board has determined that the "Gas Booster-California Design" device does not have a beneficial effect on gasoline mileage or exhaust emissions.

Any apparent violation of the conditions of this Executive Order will be submitted to the Attorney General of California for such action as he deems advisable.

Executive Order D-35-3, dated August 1, 1974, is superceded and of no further force and effect.

Executed at Sacramento, California, this 16 day of September, 1974. ✓

WILLIAM SIMMONS
Executive Officer