

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353
Relating to Exemptions Under Section 27156
of the Vehicle Code

MILLER CATALYZER CORPORATION
"USED AFTERMARKET CATALYTIC CONVERTERS"

WHEREAS, Vehicle Code Section 27156 and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(i), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt used aftermarket catalytic converters from the prohibitions in Vehicle Code Sections 27156 and 38391.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market used original manufacturer (OEM) two-way or oxidation converters (OC), three-way converters (TWC), three-way plus oxidation converters (TWC + OC), and precatalysts in California. Miller Catalyzer Corporation shall salvage, recondition (as necessary), and test the converters for application on vehicles identical to the certification vehicles.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Division by Health and Safety Code Section 39516 and Executive Order G-45-5, the ARB finds that the Miller Catalyzer Corporation used catalytic converters comply with the California Vehicle Code Sections 27156 and 38391, and Title 13, California Code of Regulations, Section 2222(i).

IT IS HEREBY RESOLVED that Miller Catalyzer Corporation used catalytic converters are exempt from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on applicable vehicles subject to the following conditions:

1. Used catalytic converters marketed in California must attain the minimum conversion efficiencies shown below within the specified time after the exhaust is switched to pass through the catalytic converter:

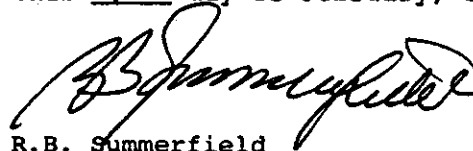
<u>Converter Type</u>	<u>Minimum Conversion Efficiency</u>			<u>Time</u>
	<u>HC</u>	<u>CO</u>	<u>NOx</u>	
OC	70%	70%	-	60 sec
TWC	70%	70%	60%	60 sec
TWC + OC	70%	70%	50%	60 sec
Precatalysts	40%	40%	-	60 sec

2. No changes are permitted to the catalytic converters as described in the application for exemption. Any changes to the catalytic converters or any of their components, applicable model year, or other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
3. Marketing of the converters using identifications other than those shown in the exemption application or marketing of the catalytic converters for vehicle applications other than those identical to the certification vehicles shall be prohibited unless prior approval is obtained from the ARB. Exemption of these products shall not be

- construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converters as individual devices.
4. Any oral or written references to this Executive Order or its content by Miller Catalyzer Corporation, its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any emissions reduction claims for the catalytic converters and is only a finding that the catalytic converters are exempt from the prohibitions of Vehicle Code Sections 27156 and 38391.
 5. Miller Catalyzer Corporation must submit their quality audit data or quality control procedures, as well as production quantity data for each converter type produced, to the ARB for review on a semi-annual basis no later than August 15 and February 15 for each production year. For the first calendar year following the exemption of their used catalytic converters, the production audit testing shall demonstrate correlation between conversion efficiencies of two TWC and two TWC + OC determined using the procedures established by Miller Catalyzer Corporation and the cold-start CVS-75 Federal Test Procedure. The test parameters shall be specified by the ARB and will be sent to Miller Catalyzer Corporation not less than 30 days before the end of the reporting period. Failure to establish correlation between the conversion efficiency obtained using the CVS-75 and the conversion efficiency obtained using the procedures developed by Miller Catalyzer Corporation may cause the ARB to require Miller Catalyzer Corporation to review and modify its procedures.
 6. Miller will be required to adopt a new bench test procedures should the ARB develop a bench test procedures for screening OEM catalytic converters which are more stringent than those used by Miller, in the future.

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 determination is made, after the hearing, that grounds for revocation exist.

Executed at El Monte, California, this 7th day of February, 1994.



R.B. Summerfield
Assistant Division Chief
Mobile Source Division