

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-369-5  
Relating to Exemptions Under Section 27156  
Of the Vehicle Code

Trick Flow Specialties  
Upper Intake Plenum, P/Ns 518B0001, 51811001, and 51800001

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 39515 and Section 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED; That the installation of the Upper Intake Plenum, part nos. 518B0001, 51811001, and 51800001 manufactured and marketed by Trick Flow Specialties, 565 Kennedy Road, Akron, Ohio 44305, has been found not to reduce the effectiveness of the applicable vehicle pollution control system and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on 2004 and older Ford Mustangs equipped with the 4.6L engine. The Upper Intake Plenum is installed between the throttle body and the intake manifold.

This Executive Order is valid provided that the installation instructions for the Upper Intake Plenum will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order shall not apply to any Upper Intake Plenum advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with the transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the Upper Intake Plenum, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the Upper Intake Plenum using any identification other than that shown in this Executive Order or marketing of the Upper Intake Plenum for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of the system shall not be construed

as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

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

This Executive Order is granted based on an engineering evaluation which determined that Trick Flow Specialties' Upper Intake Plenum would not have an adverse effect on emissions of the selected passenger cars. Furthermore, Trick Flow Specialties submitted data showing that the Upper Intake Plenum does not affect the vehicles' ability to perform On-Board Diagnostic II (OBD II) system monitoring.

The ARB 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.

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 DINAN ENGINEERING'S UPPER INTAKE PLENUM.

No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising of 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 at El Monte, California, this 27<sup>th</sup> day of July 2004.



Allen Lyons, Chief  
Mobile Source Operations Division