

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-399
Relating to Exemptions Under Section 27156
of the Vehicle Code

HERMOFF MANUFACTURING COMPANY LTD
"NEW AFTERMARKET THREE-WAY CATALYTIC CONVERTER"

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

WHEREAS, Hermoff Manufacturing Company Limited (Hermoff) of Rural Route No.6, Hagersville, NOA IHO, Canada, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 for their new aftermarket catalytic converter for the following application:

<u>Type</u>	<u>Use</u>	<u>Part Number</u>	<u>Max. Eng. Size</u>	<u>Max. Test Veh. Wt.</u>
TWC	TWC	702,703,704,705,706, 707,708	3.8L (231 CID)	9,350 kg (4,250 lbs.)

The catalytic converter can be used to replace non-functioning original equipment manufacturer (OEM) catalytic converter on vehicles that are no longer under vehicle manufacturer's emission control systems warranty, if the need for the replacement has been established. The TWC was previously owned by Volkswagen Canada, Inc. (VWC) who sold the converter to Hermoff after it was exempted by the ARB.

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-45-9, the ARB finds that the above aftermarket catalytic converter complies with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(h). Emission performance of the catalytic converter was based on durability mileage accumulation of 25,000 miles using the AMA durability driving schedule (Reference Appendix IV, Title 40, part 86, Code of Federal Regulations (June 28, 1977)).

IT IS HEREBY RESOLVED that the above catalytic converter is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved application vehicles subject to the following conditions:

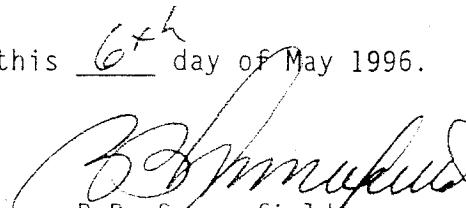
1. No changes are permitted to the catalytic converter as described in the application for exemption. Any changes to the catalytic converter or any of its components, and other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.

2. Marketing of the catalytic converter using identification other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converter for application other than those listed in the submitted application catalog shall be prohibited unless prior approval is obtained from the ARB. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converter as individual devices.
3. Any oral or written references to this Executive Order or its content by Hermoff Manufacturing Company Limited, 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 converter and is only a finding that the catalytic converter is exempt from the prohibitions of Vehicle Code Section 27156.
4. Upon installation, the catalytic converter must carry a manufacturer's warranty for 25,000 miles on the substrates and 50,000 miles or five years on the shell and end pipes.

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.

Executive Order No. D-382 dated August 2, 1995, which was issued to Volkswagen Canada, Inc. is hereby superseded and is of no further force and effect.

Executed at El Monte, California, this 6th day of May 1996.


R.B. Summerfield
Assistant Division Chief
Mobile Source Division