State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-502-2
Relating to Exemptions Under Section 27156
of the Vehicle Code

BRABUS NORTH AMERICA, INC.
BRABUS 3.8 LITER ENGINE UPGRADE

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-45-9;

IT IS ORDERED AND RESOLVED: That the installation of the Brabus 3.8 Liter Engine Upgrade, produced and marketed by Brabus North America, Inc., 4040 Campus Drive, Newport Beach, California 92660, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the Mercedes Benz vehicles listed in Exhibit A.

The Brabus 3.8 Liter Engine Upgrade consists of a bored engine block, polished cylinder heads, pistons, connecting rods, crankshaft, camshafts, valve springs, and recalibrated engine control unit.

This Executive Order is valid provided that the installation instructions for the Brabus 3.8 Liter Engine Upgrade will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the Brabus 3.8 Liter Engine Upgrade, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

This Executive Order shall not apply to any Brabus 3.8 Liter Engine Upgrade advertised, offered for sale, sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the Brabus 3.8 Liter Engine Upgrade using any identification other than that shown in this Executive Order or marketing of the Brabus 3.8 Liter Engine Upgrade 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 the use of the Brabus 3.8 Liter Engine Upgrade may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission test results in the modified configuration using the Cold-Start CVS-75 Federal Test Procedure and examination of the On-Board Diagnostic II (OBD II) system. A 1998 model-year Mercedes Benz E320 with a 3.2 liter fuel injected engine (WMBXV03.2GNB, LEV, PC) was used for the evaluation of the Brabus 3.8 Liter Engine Upgrade. Results from emissions testing conducted at California Environmental Engineering are shown below (in grams per mile):

50k	NMOG	CO	NOx	HCHO
Emission Level (w. DF applied)	0.030	0.457	0.045	0.0030
STD	0.075	3.4	0.2	0.015

100k	NMOG	CO	NOx	HCHO
Emission Level (w. DF applied)	0.030	0.457	0.063	0.0056
STD	0.090	4.2	0.3	0.018

The emission test results in the modified configuration were below the applicable certification standards with the deterioration factors applied. Examination of the OBD II system showed the Brabus 3.8 Liter Engine Upgrade does not affect OBD II operation. Therefore, based on the test results, the staff concludes that the Brabus 3.8 Liter Engine Upgrade meets the criteria for exempting general criteria parts. However, the ARB finds that reasonable grounds exist to believe that use of the Brabus 3.8 Liter Engine Upgrade may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the CVS-75 Federal Test Procedure. Accordingly, the ARB reserves the right to conduct additional emission tests, in the future, as such tests are developed, that will more adequately measure emissions from all cycle phases. If such test results demonstrate that the Brabus 3.8 Liter Engine Upgrade adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 Federal Test Procedure), this Executive Order shall be effectively rescinded as of the date the test

results are validated. Further, if such test results or other evidence provides the ARB with reason to suspect that the Brabus 3.8 Liter Engine Upgrade will affect the durability of the emission control system, Brabus North America, Inc., shall be required to submit durability data to show that the durability of the vehicle emission control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

In addition to the foregoing, 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 BRABUS NORTH AMERICA, INC.'S BRABUS 3.8 LITER ENGINE UPGRADE.

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 or 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 after hearing that grounds for revocation exist.

Executed at El Monte, California, this 10th day of October 2000.

R. B. Summerfield, Chief
Mobile Source Operations Division

Exhibit A

Manufacturer	Line	Model	Model-Year
Mercedes Benz	C-class	C280	1998-2000
Mercedes Benz	C-class	C240/C320	2001
Mercedes Benz	E-class sedan	E320 RWD/AWD	1998-2000
Mercedes Benz	E-class station wagon	E320 T RWD/AWD	1998-2000
Mercedes Benz	CLK coupe	CLK320	1998-2001
Mercedes Benz	CLK cabriolet	CLK320	1998-2001
Mercedes Benz	SLK roadster	SLK320	2001
Mercedes Benz	ML-class	ML320	1998-2001