

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-646
Relating to Exemptions under Section 27156
of the Vehicle Code

ACTIVE EXHAUST CORP (d.b.a. RiteCat)
"THREE-WAY CATALYTIC CONVERTERS, SERIES 38000, 39000, 58000,
59000, 64000, AND 65000"

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 and its Executive Officer to exempt new aftermarket catalytic converters from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Active Exhaust Corp (Active Exhaust) of 1865 Birchmount Road, Toronto, Ontario, Canada M1P 2J5, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market its new aftermarket three-way catalytic converters (TWC) listed on the table below for the application limits of 5.9L and 6875 lbs. equivalent test weight, except for vehicles equipped with an on-board diagnostic II (OBD-II) system:

Series	Shape	Total Length (inch)	Diameter (inch)	Minor Axis (inch)	Major Axis (inch)	Total Volume (in ³)	Substrates per can
38000	Round	3.00	3.66			31.52	2
39000	Round	4.00	3.66			42.08	2
58000	Oval	3.00		3.15	4.75	38.22	2
59000	Oval	4.00		3.15	4.75	50.96	2
64000	Oval	3.00		3.20	5.70	46.44	2
65000	Oval	4.00		3.20	5.70	61.92	2

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-02-003, the Air Resources Board 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 bench-aging by Umicore Autocat Canada Corporation using the Air Resources Board-modified RAT-A bench-aging cycle for 50 hours, in lieu of the AMA driving cycle (Reference Appendix IV, Title 40, part 86, Code of Federal Regulations (June 28, 1977)).

WHEREAS, emissions tests conducted at Siemens Automotive VDO laboratory, Auburn Hills, Michigan, using a 1994 5.9L Dodge Pickup 2500 showed the following conversion efficiencies which meet the minimum requirements for new aftermarket catalytic converters:

Siemens VDO Automotive Laboratory, Michigan							
Emission Results (g/mi) and Conversion Efficiency (%)							
Component	Simulator	AD38000	AD39000	AD58000	AD59000	AD64000	AD65000
HC	2.442	0.576	0.529	0.503	0.498	0.482	0.426
CO	26.80	7.12	7.86	7.63	7.08	7.81	7.01
NOx	5.31	0.47	0.49	0.40	0.40	0.49	0.30
Conversion Efficiency		77.5/72.9/89.9	78.2/70.7/90.8	79.2/71.5/92.5	79.4/73.6/92.6	80.1/70.8/90.8	82.4/73.8/94.4
Min. Required Efficiency		70/70/60	70/70/60	70/70/60	70/70/60	70/70/60	70/70/60

IT IS HEREBY RESOLVED that the above catalytic converters are exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved vehicle applications subject to the following conditions:

1. 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, and other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
2. Marketing of the catalytic converters using identifications other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converters for applications other than the ones shown in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. 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.
3. Any oral or written references to this Executive Order or its content by Active Exhaust 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 emission reduction claims for the catalytic converters and is only a finding that the catalytic converters are exempt from the prohibitions of Vehicle Code Section 27156.
4. Active Exhaust installation instructions for the new catalytic converters must conform to requirements in Paragraphs I and IX of California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters.
5. Upon installation, the catalytic converters 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.
6. Active Exhaust and its vendors may not advertise the new aftermarket catalytic converters as "high or easy flow" catalytic converters or use any phrase that could make them appear to perform better than an OEM catalytic converter.
7. Active Exhaust, its associates, vendors, other businesses, and individuals may not sell or supply the substrates of the new aftermarket catalytic converters to a

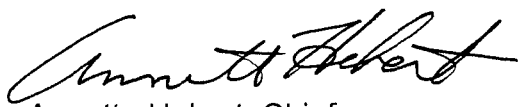
third party to be assembled in a different facility and marketed under this Executive Order.

8. Any marketing arrangement of the new aftermarket catalytic converters by a third party, which involves the use of packaging identification different from the ones described in this Executive Order, must be approved by the Air Resources Board prior to shipment.
9. Active Exhaust must not label, advertise, or market the above aftermarket catalytic converters as "EPA OBD II" or "49-state OBD II" but may catalog them for all vehicles outside State of California, as allowed by the prevailing air pollution control agency.
10. Active Exhaust must submit the required quality audit and production quantity reports for its aftermarket catalytic converters on a semi-annual basis, covering the periods January 1 through June 30, and July 1 through December 31.

Executive Order D-613-2 dated August 24, 2007, is hereby superseded and of no further force and effect.

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 4 day of September 2008.


Annette Hebert, Chief
Mobile Source Operations Division