

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-97-9
Relating to Exemptions under Section 27156
of the Vehicle Code

BAE
TURBOCHARGER KIT NO. 2-0000-1

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 Sections 39515 and 39516 of the Health and Safety Code and Executive Order G-45-5;

IT IS ORDERED AND RESOLVED: That the installation of the Turbocharger Kit No. 2-0000-1 manufactured by BAE of 3032 Kashiwa Street, Torrance, California 90505, has been found not to reduce the effectiveness of required motor vehicle pollution control devices and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 1980, 1981, and 1982 model-year BMW 320i models having a 107 cubic inch displacement four-cylinder gasoline engine.

This Executive Order is valid provided that installation instructions for this device will not recommend tuning the vehicle to specifications different from those submitted by the device manufacturer.

Changes made to the design or operating conditions of the device, as exempted by the Air Resources Board, that adversely affect the performance of a vehicle's pollution control system shall invalidate this Executive Order.

Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device 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 a kit shall not be construed as an exemption to sell, offer for sale, or advertise any component of a kit as an individual device.

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

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 THE BAE TURBOCHARGER KIT NO. 2-0000-1.

No claim of any kind, such as "Approved by Air Resources Board" may be made with respect to the action taken herein in any advertising or other oral or written communication.

Section 17500 of the Business and Professions Code makes untrue or misleading advertising unlawful, and Section 17534 makes violation punishable as a misdemeanor.

Section 43644 of the health and Safety Code provides as follows:

"43644. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the state board for certification of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been certified by the state board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this subdivision is a misdemeanor."

Any apparent violation of the conditions of this Executive Order will be submitted to the Attorney General of California for such action as he deems advisable.

Executive Order Nos. D-97-4, dated July 8, 1981, and D-97-~~4~~⁵, dated September 3, 1981, are superseded and of no further force and effect.

← NOTE

Executed at El Monte, California, this 3rd day of December, 1981.


K. D. Drachand, Chief
Mobile Source Control Division

State of California
AIR RESOURCES BOARD

Staff Report

November 18, 1981

Evaluation of the BAE Turbocharger
Kit No. 2-0000-1 for Compliance
With the Requirements of Section 27156
of the Vehicle Code

I. INTRODUCTION

BAE, of 3032 Kashiwa Street, Torrance, California 90505, has requested by letter dated October 12, 1981, an update to the existing Air Resources Board's Executive Order (E.O.) No. D-97-6. The applicant requested that the exemption from the prohibitions of the Vehicle Code (V.C.) Section 27156 for their add-on Turbocharger Kit No. 2-0000-1 be updated to include the 1982 BMW 320i model vehicles powered by a 107 cubic inch displacement (CID) four-cylinder gasoline engine.

II. TURBOCHARGER KIT DESCRIPTION/EVALUATION

The detailed description of the turbocharger kit and Air Resources Board's evaluation procedure for compliance with the requirements of V.C. Section 27156, is referred to the ARB Staff Report titled "Evaluation of the BAE Turbocharger Kit Model No. 2-0000-1 for Compliance with the Requirements of Section 27156 of the Vehicle Code," dated July 1, 1981.

III. DISCUSSION

E.O. No. D-97-6 was granted for 1980 and 1981 BMW 320i vehicle models having a 107 CID four-cylinder gasoline engine.

The applicant is making available their Turbocharger Kit No. 2-0000-1 to the 1982 BMW 320i models. The applicant has requested that the exemption be updated to include the 1982 model vehicles.

In response to the request, the staff compared the BMW engine design of both (1981 and 1982) model-years. In particular, the effects, if any, the turbocharger kit would have on the vehicle's emissions. Since the engines installed in the 1982 model vehicles are carry-over (identical engine design) from the engines in 1981, the staff is of the opinion that the 1982 vehicles will have the same degree of performance/emissions impact as in the 1981 vehicles. Because test data on a 1981 BMW 320i model showed that the vehicle's emissions were not adversely affected when the turbocharger kit was installed, the kit will have no adverse effect on the 1982 models either. No additional testing was required or performed.

IV. CONCLUSION AND RECOMMENDATION

Based on the above, the staff concludes that the BAE add-on Turbocharger Kit No. 2-0000-1 will not adversely affect exhaust emissions from the 1982 BMW 320i model vehicles that are powered by a 107 CID four-cylinder gasoline engine. The staff recommends that Executive Order No. D-97-6 be updated to include the 1982 BMW 320i models. The staff, therefore, recommends that Executive Order No. D-97-9 be adopted.