

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-175-20

Relating to Exemptions Under Section 27156
Of the Vehicle Code

Hypermax Engineering, Inc.
Diesel Controller

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 Diesel Controller marketed by Hypermax Engineering, Inc., 255 E. Route 72, Gilberts, Illinois 60136 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 1993 through 2002 model year trucks equipped with a turbocharged Navistar 7.3L diesel engine.

The Diesel Controller is a replacement ECM that has been reprogrammed to increase fuel delivery at wide-open-throttle (WOT).

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

This Executive Order shall not apply to any Hypermax Engineering, Inc. Diesel Controller 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 Diesel Controller, 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 Diesel Controller using any identification other than that shown in this Executive Order or marketing of the system 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 is granted based on submitted emissions test data, conducted at Roush Industries, on a 2000 model year Ford Excursion equipped with a Navistar 7.3L diesel engine. Testing consisted of comparative Cold Start 505 Federal Test Procedures. The following test results, in grams per mile, are listed below.

	HC	CO	NOx	PM
Stock	0.59	2.5	5.5	0.23
Diesel Controller	0.56	2.7	5.7	0.18
% Difference	-5.0	8.0	3.6	-21.7

Results from the emission tests showed that vehicle emissions with the Diesel Controller installed did not cause exhaust emissions to exceed the baseline emissions by more than the allowed limits of 10 percent or 0.1 grams per mile on Hydrocarbon (HC) and Oxides of Nitrogen (NOx), 15 percent or 1.0 grams per mile Carbon Monoxide (CO) and 15 percent or 0.03 grams per mile particulate matter (PM), as specified in the "Procedures for Exemption of Add-On and Modified Parts".

This Executive Order is also based on the On-Board Diagnostic II (OBDII) testing and opacity testing conducted on the same test vehicle. Opacity test results are listed below. Test data showed that the Diesel Controller when installed on the vehicles did not significantly affect the vehicle's smoke opacity or the ability to perform its OBDII monitoring.

	Opacity (percent)		
Stock	4.9,	5.7,	4.3
Diesel Controller	5.0,	6.1,	4.5

However, the ARB finds that reasonable grounds exist to believe that use of the Hypermax Engineering, Inc. Diesel Controller may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the previously prescribed test procedures. 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 Diesel Controller adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold Start 505 Federal Test Procedures), 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 Diesel Controller will affect the durability of the emission control systems, Hypermax Engineering, 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 any opinion as to the effect the use of the Diesel Controller 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 HYPERMAX ENGINEERING, INC.'S DIESEL CONTROLLER.

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 is made, after the hearing, that grounds for revocation exist.

Executive Order D-175-19, dated January 2001, is superseded and of no further force and effect.

Executed at El Monte, California, this 27th day of March 2002.


Allen Lyons, Chief
New Vehicle/Engine Programs Branch