

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-35-1
Relating to Exemptions under Section 27156
of the Vehicle Code

TUNGSTEN CONTACT MANUFACTURING CO., INC.
"TUNGSTEN HYDRO CATALYST-CALIFORNIA DESIGN"

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 39023 of the Health and Safety Code;

WHEREAS: It has been found that the "Tungsten Hydro Catalyst-California Design" device has no statistically significant effects on exhaust emissions;

IT IS ORDERED AND RESOLVED: That the installation of the "Tungsten Hydro Catalyst-California Design" device manufactured by the Hydro-Catalyst Corporation and marketed by Tungsten Contact Manufacturing Co., Old Bridge, N.J., has been found to not 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 1974 and older model-year vehicles.

The device consists of two formed screens made of fine mesh wire cloth mounted under the carburetor barrels. The upstream screen is plated with cadmium and the downstream screen with nickel.

The "Tungsten Hydro Catalyst-California Design" device is identical in construction and operation to the Hydro-Catalyst Corporation's "Precombustion Catalyst-California Design" device. Reference Executive Order D-35.

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

Changes made to the design or operating conditions of the device as submitted to the Air Resources Board for evaluation that adversely affect the performance of the vehicle's pollution control devices 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.

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 "TUNGSTEN HYDRO CATALYST-CALIFORNIA DESIGN" DEVICE.

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 unlawful, untrue or misleading advertising, and Section 17534 makes such violation punishable as a misdemeanor.

Sections 39130 and 39184 of the Health and Safety Code provide as follows:

"39130. No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for certification of a device, represent, any device as a motor vehicle pollution control device unless that device has been certified by the 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 section is a misdemeanor."

"39184. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for accreditation 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 accredited by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as an accredited device which, in fact, is not an accredited device. Any violation of this subdivision is a misdemeanor."

On the basis of its evaluation of the "Tungsten Hydro Catalyst-California Design" device, the Air Resources Board has determined that the "Tungsten Hydro Catalyst-California Design" device does not have a beneficial effect on gasoline mileage or exhaust emissions.

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.

Executed at Sacramento, California, this 1 day of ^{August}~~July~~, 1974.

WILLIAM SIMMONS
Executive Officer

State of California

AIR RESOURCES BOARD

July 23, 1974

Staff Report

Evaluation of Tungsten Contact Manufacturing Company
"Tungsten Hydro-Catalyst-California Design" Device
For Compliance with the Requirements of
Section 27156 of the Vehicle Code

I. Introduction

Tungsten Contact Manufacturing Company, North Bergen, New Jersey, has requested permission to market a device in California identified as "Tungsten Hydro-Catalyst-California Design". This device is to be manufactured by the Hydro-Catalyst Corporation, Old Bridge, New Jersey, and is to be identical in construction and operation to the Hydro-Catalyst Corporation's "Precombustion Catalyst-California Design". The Air Resources Board Staff has evaluated an application submitted by Hydro-Catalyst Corporation for an exemption from the prohibitions of Section 27156 of the Vehicle Code for the "Precombustion Catalyst-California Design" device and recommended that the exemption be granted. Executive Order D-35 was issued to Hydro-Catalyst Corporation granting the exemption for the "Precombustion Catalyst-California Design" device.

II. Device Description

For a description of the construction and operation of the "Tungsten Hydro-Catalyst-California Design" device, see the report of the Staff evaluation of Hydro-Catalyst Corporations' "Precombustion Catalyst-California Design" device dated July 23, 1974.

III. Conclusions and Recommendations

The Staff has evaluated the "Precombustion Catalyst-California Design" device and found that it has no significant effects on exhaust emissions or fuel economy. It is the Staff opinion that the "Tungsten Hydro-Catalyst-California Design" device, being identical in construction and operation, would also produce the same effects.

It is recommended that Tungsten Contact Manufacturing Company be granted an exemption from the prohibitions of Section 27156 of the Vehicle Code for its "Tungsten Hydro-Catalyst-California Design" device for use on 1974 and older model-year vehicles.