State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-400-6

Relating to Exemptions under
Section 27156 of the Vehicle Code

SpiralTech Inc. USA
SpiralMax

Pursuant to the authority vested in the Air Resources Board (ARB) 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-02-003;

IT IS ORDERED AND RESOLVED: That installation of the SpiralMax device, manufactured by SpiralTech Inc. USA of 111 W. Fairview Avenue, San Gabriel, California 91776-2940, has been found not to reduce the effectiveness of the applicable vehicle emission control system, and therefore, the device is exempt from the prohibitions in Section 27156 of the Vehicle Code for installation on 2003 and older model-year gasoline vehicles.

This exemption is based on an engineering evaluation of the SpiralMax device. Based on its design and operating principles, it was concluded that the device would not adversely affect the vehicles' On-Board Diagnostic II system or their exhaust emissions when tested using the Cold-Start CVS-75 Federal Test Procedure (FTP).

However, the ARB finds that reasonable grounds exist to believe that use of the device may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the Cold-Start CVS-75 FTP. 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 device adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 FTP), this Executive Order shall be effectively rescinded as of the date the test results are validated.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 reasons to suspect that the device will affect the durability of the emission control system, SpiralTech Inc. USA 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 device demonstrates adequate durability.

This Executive Order is valid provided that installation instructions for the device do not recommend tuning the vehicles to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the device, as exempt by the ARB, which adversely affect the performance of the vehicle's emission control system, shall invalidate this Executive Order.

Marketing of the device using an identification other than that shown in this Executive Order or for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the ARB.

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

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

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.

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 California Code of Regulations, Title 13, 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 CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF SPIRALTECH INC. USA'S SPIRALMAX DEVICE.

Violation of any of the above conditions shall be grounds for revocation of this Executive Order. The Executive Order may be revoked only after a ten-day written notice of intention to revoke the Executive Order, in which period the holder of the Executive 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 Executive Order may not be revoked until a determination is made after the hearing that grounds for revocation exist.

Executed at El Monte, California, this 19TH day of September 2002.

Allen Lyons, Chief
Mobile Source Operations Division