State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-445
Relating to Exemptions Under Section 27156
of the Vehicle Code

FUEL TECH. ENERGY, INC.
FUEL CHARGER

WHEREAS, Vehicle Code Section 27156 and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(e) authorize the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified parts from the prohibitions of Vehicle Code Section 27156;

WHEREAS, Fuel Tech. Energy, Inc. has applied to the ARB for exemption from the prohibitions of Vehicle Code Section 27156 for the Fuel Charger for use on 1998 and older model-year heavy-duty diesel vehicles;.

WHEREAS, pursuant to the authority vested in the Executive Officer by the Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by the Health and Safety Code Section 39516 and Executive Order G-45-9, the ARB finds that;

1. The Fuel Charger is an add-on device that is attached to the fuel line in a motor vehicle.

2. The fuel line is part of the required motor vehicle pollution control system.

3. The Fuel Charger is intended for use with a required motor vehicle pollution control system.

4. The Fuel Charger by being installed on the fuel line alters the original design of a motor vehicle pollution control system.

5. The Fuel Charger is a device subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by 13 CCR Section 1900(b)(1).

6. The Fuel Charger does not reduce the effectiveness of any required motor vehicle pollution control system.

7. The ARB, in the exercise of technical judgement, is aware of no basis on which the Fuel Charger will provide either a decrease in emissions or an increase in fuel economy.

8. It has not been determined what effect the use of the Fuel Charger may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.

9. The Fuel Charger is not a certified motor vehicle pollution control device pursuant to the Health and Safety Code Section 43644.

10. The ARB by granting an exemption to Fuel Tech. Energy, Inc. for the Fuel Charger does not recommend or endorse in any way the Fuel Charger for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the Fuel Charger is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 1998 and older model-year heavy-duty diesel vehicles subject to the following conditions:

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

2. No changes are permitted to the device as described in the application for exemption. Any changes to the device, applicable model-year, or other factors addressed in this Executive Order must be evaluated and approved by the ARB prior to marketing in California.

3. 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 the Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.

4. Any oral or written references to this Executive Order or its content by Fuel Tech. Energy, Inc., 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 emissions reduction or fuel economy claims for the Fuel Charger and is only a finding that the device is exempt from the prohibitions of Vehicle Code Section 27156.

5. 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 written communication.

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 after a hearing that grounds for revocation exist.

Executed at El Monte, California, this 26th day of January 1998.

John Kowalski for

R. B. Summerfield, Chief
Mobile Source Operations Division