State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-576-2

Relating to Exemptions under
Section 27156 of the Vehicle Code

BMW Group
John Cooper Works Tuning Kit

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-02-003;

IT IS ORDERED AND RESOLVED: That installation of the John Cooper Works (JCW) Tuning Kit, manufactured by BMW Group of 1 BMW Plaza, Montvale, New Jersey 07645, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems, and therefore, the JCW Tuning Kit (Part number 11 12 0 440 236) is exempt from the prohibitions in Section 27156 of the Vehicle Code for installation on the 2007-2008 model year BMW Mini Cooper S (Hardtop) with a 1.6 liter turbocharged engine.

The JCW Tuning Kit consists of an improved air filter, a sport/performance exhaust system downstream of the catalytic converter, and a modified software program for the Digital Motor Electronics.

This Executive Order is granted based on emissions and on-board diagnostic II system tests conducted on a 2007 model year 1.6 liter BMW Mini Cooper S (Hardtop) Low Emission Vehicle (LEV) II LEV and a 2008 model year 1.6 liter BMW Mini Cooper S (Hardtop) LEV II Ultra Low Emission Vehicle.

If evidence provides the Air Resources Board with reasons to suspect that the JCW Tuning Kit will affect the durability of the emission control system, BMW Group 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 parts demonstrate adequate durability.

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

Changes made to the design or operating conditions of the JCW Tuning Kit, as exempt by the Air Resources Board, which adversely affect the performance of the vehicles' emission control system, shall invalidate this Executive Order.

Marketing of the JCW Tuning Kit using identification other than that shown in this Executive Order or for an application other than that listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

Exemption of the JCW Tuning Kit shall not be construed as exemption to sell, offer for sale, or advertise any component of the system as an individual kit.

This Executive Order shall not apply to any JCW Tuning Kit 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 JCW Tuning Kit 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 Air Resources Board 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 ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF BMW GROUP'S JCW TUNING KIT.

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 24 day of July 2008.

Annette Hebert, Chief
Mobile Source Operations Division