

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-576-8

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 Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED: That the installation of the John Cooper Works (JCW) Tuning Kit manufactured and marketed by BMW Group of 200 Chestnut Ridge Road, Woodcliff Lake, NJ 07677, has been found not to reduce the effectiveness of the applicable vehicle pollution control devices and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on the following vehicles with a 1.6 liter turbocharged engine:

<u>Kit Part Number</u>	<u>Vehicle Application</u>
11 12 0 440 236	- 2008 model year (MY) BMW Mini Cooper S (Hardtop) (up to 06/2008 production date)
11 12 2 151 432	- 2008-2010 MY BMW Mini Cooper S (Hardtop) (2008 MY beginning with 07/2008 production date)
11 12 2 152 221	- 2008-2010 MY BMW Mini Cooper S (Clubman)
11 12 2 152 458	- 2008-2010 MY BMW Mini Cooper S (Hardtop) (2008 MY beginning with 07/2008 production date) and 2009-2010 MY BMW Mini Cooper S (Convertible)

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 valid provided that the installation instructions for the JCW Tuning Kit will 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 exempted by the Air Resources Board, that adversely affect the performance of a vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the JCW Tuning Kit using any 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 the JCW Tuning Kit may have on any warranty either expressed or implied by the vehicle manufacturer.

This exemption is issued based on previously submitted emissions test data from BMW Group on a 2009 model year BMW Mini Cooper S (Hardtop) (Test Group 9BMXV01.6LER) certified to the Low Emission Vehicle II Ultra Low Emission Vehicle (LEV II ULEV) standards:

Federal Test Procedure:

	<u>NMOG</u>	<u>CO</u>	<u>NOX</u>
Standards (g/mi)	0.055	2.1	0.07
Device (g/mi) with df's applied	0.015	0.3	0.01

Test results showed that the JCW Tuning Kit when installed on the vehicle did not cause exhaust emissions to exceed the applicable emission standards during the Cold Start Federal Test Procedure. This Executive Order is also based on On-Board Diagnostic II (OBD II) testing. The JCW Tuning Kit when installed did not affect the vehicle's ability to perform its OBD II monitoring.

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 Title 13, California Code of Regulations, 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 THE JCW TUNING KIT.

No claims 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.

Executed at El Monte, California, this 17 day of November 2009.

A handwritten signature in cursive script, appearing to read "Annette Hebert".

Annette Hebert, Chief
Mobile Source Operations Division