State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-576

Relating to Exemptions Under Section 27156
of the California Vehicle Code

BMW Group
John Cooper Works High Performance 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 High Performance Tuning Kit, produced and marketed 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, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the 2002 to 2004 Mini Cooper S.

The John Cooper Works High Performance Tuning Kit consists of a higher flow cat-back exhaust system, new cylinder head, upgraded supercharger, and upgraded ECU. The ECU is reprogrammed for increased performance that exceeds the normal production Mini Cooper S, but equal to the production Mini Cooper S JCW.

This Executive Order is valid provided that the installation instructions for the John Cooper Works High Performance 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 John Cooper Works High Performance Tuning Kit, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

This Executive Order shall not apply to any John Cooper Works High Performance Tuning Kit advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the John Cooper Works High Performance Tuning Kit using any identification other than that shown in this Executive Order or marketing of the John Cooper Works High Performance Tuning Kit 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 the use of the John Cooper Works High Performance Tuning Kit units may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission results submitted by BMW Group in certifying their production 2004 Mini Cooper S JCW (E.O. A-008-0161, engine family 4BMXV01.6R50) which is certified to the Low-Emission Vehicle Passenger Car standard (LEV, PC). The Mini Cooper S JCW is the same as the Mini Cooper S with the John Cooper Works High Performance Tuning Kit installed. The certification emission results for the 2004 Mini Cooper S JCW are shown below (in grams per mile):

	FTP					US06	
50k	NMOG	CO	NOx	HCHO		NMHC+NOx	CO
Emission Level (w. DF applied)	0.054	1.3	0.1	0.0005	Emission Level	0.04	3.3
STD	0.075	3.4	0.2	0.015	STD	0.14	8.0
100k	NMOG	CO	NOx	HCHO			
Emission Level (w. DF applied)	0.062	1.4	0.1	0.001			
STD	0.090	4.2	0.3	0.018			

The certification emission test results submitted for new vehicle certification have been accepted as representative of emissions in the modified configuration. The certification emission test results were below the applicable certification standards. Examination of the OBD II system was not performed since BMW Group has demonstrated OBD II compliance during certification of the production 2004 Mini Cooper S JCW. Therefore, based on the test results, the staff concludes that the John Cooper Works High Performance Tuning Kit meets the criteria for exempting general criteria parts. However, if evidence provides the ARB with reason to suspect that the John Cooper Works High Performance 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 part demonstrates adequate durability.

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 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 BMW GROUP'S JOHN COOPER WORKS HIGH PERFORMANCE TUNING KIT.

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.

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 5TH day of May 2004.

Allen Lyons, Chief
Mobile Source Operations Division