State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-639-2

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Arlen Ness
Big Sucker

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 Big Sucker, manufactured and marketed by Arlen Ness of 6050 Dublin Blvd., Dublin, California 94568, has been found not to reduce the effectiveness of the applicable motorcycle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 2009 and older model year fuel injected Harley Davidson motorcycles.

The Big Sucker is a replacement Harley Davidson motorcycle air intake system which includes a new back plate and a cone shape air filter element. The stock air filter cover or a replacement air filter cover is placed over the new air filter and back plate.

This Executive Order is valid provided the installation instructions for the Big Sucker will not recommend tuning the motorcycle to specifications different from those of the motorcycle manufacturer.

Changes made to the design or operating conditions of the Big Sucker, as exempt by the Air Resources Board, which adversely affect the performance of the motorcycle's pollution control system shall invalidate this Executive Order.

Marketing of the Big Sucker using any identification other than that shown in this Executive Order or marketing of the Big Sucker 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 Big Sucker may have on any warranty either expressed or implied by the motorcycle manufacturer.

This Executive Order is granted based on submitted exhaust emissions test data generated on a 2008 model year 1.58L Harley Davidson Touring motorcycle, modified with the Big Sucker. Test results showed that exhaust emission levels met the

applicable emission standards when tested using the Cold-Start CVS-75 Federal Test Procedure (FTP). Results from emission testing conducted at Ecologic Engine Testing Laboratories located in Fullerton, California, are shown below, with deterioration factors (df) applied to CVS-75 FTP test results.

	CVS-75 FTP (grams/kilometer)	
	HC+NOx	CO
Standards	0.6	12
Device w/ df	0.3	2.1

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 ARLEN NESS' BIG SUCKER.

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 27 day of February 2009.

Annette Hebert, Chief
Mobile Source Operations Division