



Terry Tamminen  
Agency Secretary

# Air Resources Board

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Chairman

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Arnold Schwarzenegger  
Governor

July 12, 2004

TO: All Interested Parties

SUBJECT: CLARIFICATION ON THE USE OF DISCLAIMERS IN THE WARRANTY STATEMENT FOR VERIFIED DIESEL EMISSION CONTROL STRATEGIES

The Air Resources Board (ARB) staff would like to inform all interested parties of a clarification to the warranty statement that manufacturers of diesel emission control systems must provide to end-users for their products to be considered verified under the Diesel Emission Control Strategy Verification Procedure (the Procedure). For your reference, the Procedure's warranty requirements can be found in Attachment 2 of the Notice of Public Availability of Modified Text, which is on-line at <http://www.arb.ca.gov/regact/verpro03/verpro03.htm>.

Staff would like to clarify that the Procedure does not preclude manufacturers from including disclaimers following the required warranty statement, provided that these disclaimers do not limit the warranty requirements established by the Procedure in any way. Disclaimers that limit or modify the provisions of the required warranty in any way are not permitted. To ensure that the latter point is clear, disclaimers must be prefaced with the statement "WHICH DO **NOT** LIMIT OR MODIFY THE PROVISIONS OF THE ABOVE WARRANTY IN ANY WAY." Furthermore, all disclaimers must be placed below the last line of the required warranty statement and may not appear within the text of the warranty statement required by the Procedure. These requirements are illustrated on the following page:

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

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California Environmental Protection Agency

All Interested Parties

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*{ last line of the warranty statement: }*

If you have questions regarding your warranty rights and responsibilities, you should contact (Insert chosen applicant's contact) at 1-800-xxx-xxxx or the California Air Resources Board at 9528 Telstar Avenue, El Monte, California 91731, or (800) 363-7664, or electronic mail: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov).

[Applicant's name] EXCLUSIONS AND LIMITATIONS  
(WHICH DO **NOT** LIMIT OR MODIFY THE PROVISIONS OF THE ABOVE  
WARRANTY IN ANY WAY)

[disclaimers]

The ARB does not endorse disclaimers and may disapprove them if they limit the warranty required by the Procedure in any way. Should you have any questions regarding this clarification, please contact Mr. Scott Rowland, Manager, Retrofit Assessment Section, at 626-575-6972 or via e-mail at [srowland@arb.ca.gov](mailto:srowland@arb.ca.gov).

Sincerely,

/s/

Annette Hebert, Chief  
Heavy-Duty Diesel In-Use Strategies Branch

cc: Mr. Scott Rowland, Manager  
Retrofit Assessment Section