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Air Resources Board

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Arnold Schwarzenegger
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May 22, 2007

Mail-Out #MSC 07-17

TO: All Interested Parties

SUBJECT: ADVERTISEMENT AND SALE OF DIESEL EMISSION CONTROL SYSTEMS

The Air Resources Board (ARB) verifies emission control technologies according to the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines. This advisory is intended to make all parties aware of what constitutes ARB verification and the legal use of verified diesel emission control strategies.

The Verification Executive Orders define the appropriate and legal use of verified diesel emission control technologies. Diesel emission control systems used in a manner that is outside the provisions of the Executive Order are not verified. Those control technologies installed on applications not permitted in the Executive Order are not verified for those applications and thus do not satisfy fleet regulations or any other regulations set forth by ARB mandating the installation of verified technologies. Those installations may also be in violation of the California Vehicle Code if the installed control system does not have an exemption to install an aftermarket part (Exemptions to California Vehicle Code Sections 27156 and 38391). In addition, false advertisements and illegal installations are in violation of California Code of Regulations Title 13, Division 3, Chapter 1, Article 2, section 2222(c).

Violations of these regulations will be grounds for ARB to invoke the provisions of California Code of Regulations Title 13, Division 3, Chapter 4, Article 2, against all responsible parties. This includes cessation of sale of non-complying parts, the recall of non-complying parts already sold, fines, and any other action provided for by law. These ramifications do not exclude the de-verification of non-compliant control systems.

All manufacturers and installers are responsible for ensuring that the verified emission control technologies they manufacture, market, and/or install are only advertised for and installed on applications permitted by the Executive Order.

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>.

California Environmental Protection Agency

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Should you have any questions regarding advertisement and sale of diesel emission control systems, please contact Ms. Shawn Daley, Manager, at (626) 575-6972 or by email at sdaley@arb.ca.gov or Ms. Danielle Robinson, Air Resources Engineer, at (626) 450-6109 or by email at drobinson@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

cc: Ms. Shawn Daley, Manager
Retrofit Assessment Section

Ms. Danielle Robinson
Air Resources Engineer
Retrofit Assessment Section