California Environmental Protection Agency AIR RESOURCES BOARD	DAIMLER AG	EXECUTIVE ORDER A-003-0365 New Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles

Pursuant to the authority vested in the Air Resources Board by Health and Safety Code (HSC), Div. 26, Part 5, Chap. 2; and pursuant to the authority vested in the undersigned by HSC Sections 39515 & 39516 and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED:
That the following exhaust and evaporative emission control systems produced by the manufacturer are certified as described below. Production vehicles shall be in all material respects the same as those for which certification is granted.

MODEL YEAR	TEST GROUP	VEHICLE TYPE	EXHAUST EMISSION STANDARD CATEGORY	USEFUL LIFE (miles)		INTERMEDIATE IN-USE COMPLIANCE (*=N/A or full in-use; A/E=exh. / evap. intermediate in-use)		FUEL TYPE
				EXH / ORVR	EVAP	EXH	EVAP	
2009	9MBXV01.0U2A	Passenger Car	"LEV II" Ultra Low Emission Vehicle (LEV II ULEV)	120K	150K	*	*	Gasoline (Tier 2 Unleaded)

No.	ECS & SPECIAL FEATURES	EVAPORATIVE FAMILY (EVAF)	DISPLACEMENT (L)
1	TWC, HO2S(2), SFI, AIR, OBD(P)	9MBXR0085LNC	1
*	*	*	
*	*	*	
*	*	*	

See the Attachment for Vehicle Models, Evaporative Family, Engine Displacement, Emission Control Systems, Phase-In Standards, OBD Compliance, Emission Standards and Certification Levels, and Abbreviations.

BE IT FURTHER RESOLVED:
That the exhaust, the evaporative emission standards, and the certification emission levels for the listed vehicles are as listed on the Attachment. Compliance with the 50° Fahrenheit testing requirement may have been met based on the manufacturer's submitted compliance plan in lieu of testing. Any debit in the manufacturer's "NMOG Fleet Average" (PC or LDT) or "Vehicle Equivalent Credit" (MDV) compliance plan shall be equalized as required.

BE IT FURTHER RESOLVED:
That for the listed vehicle models, the manufacturer has attested to compliance with Title 13, California Code of Regulations, (13 CCR) Sections 1965 [emission control labels], 1968.2 [on-board diagnostic, full or partial compliance], 2035 et seq. [emission control warranty], 2235 [fuel tank fill pipes and openings] (gasoline and alcohol fueled vehicles only), and "High-Altitude Requirements" and "Inspection and Maintenance Emission Standards" (California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model PC, LDT and MDV).

BE IT FURTHER RESOLVED:
The test group listed in this Executive Order is certified based on the manufacturer's reported emissions and attestation that it meets all applicable certification requirements currently in effect and enforceable for the 2009 model year, as described above. A January 16, 2007 Order currently enjoins the Executive Officer from enforcing any provision of California Health and Safety Code section 43018.5(b)(1) concerning certification to the requirements for 2009 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles adopted pursuant to AB 1493. (Document 606, Case No. 1:04-CV-06663-AWI-GSA, U.S. Dist. Ct. E. Dist. of CA (Fresno Div.).) If said injunction ceases to be in effect, the manufacturer will have 45 days from ARB notification to demonstrate compliance with AB 1493 requirements, including the determination of the greenhouse gas values for the test group listed in this Executive Order. Nothing in this Executive Order is intended to constitute enforcement of any requirement under AB 1493 for 2009 model year vehicles.

BE IT FURTHER RESOLVED:
That the Smart ForTwo vehicle models are conditionally certified in accordance with 13 CCR Section 1968.2(i)(3) (malfunction and diagnostic system) because the on-board diagnostic II system of the listed vehicle models has been determined to have five deficiencies. The listed vehicle models are approved subject to the manufacturer paying a fine of seventy-five dollars ($75) per vehicle for the third through fifth deficiencies in the listed test group that is produced and delivered for sale in California.

On a quarterly basis, the manufacturer shall submit to the Air Resources Board reports of the number of vehicles produced and delivered for sale in California and pay the full fine owed for that quarter pursuant to this conditional certification. Payment shall be made payable to the State Treasurer for deposit in the Air Pollution Control Fund no later than thirty (30) days after the end of each calendar quarter during the 2009 model-year production period. Failure to pay the quarterly fine, in full, in the time provided, may be cause for the Executive Officer to rescind this conditional certification, effective from the start of the quarter in question, in which case all vehicles covered under this conditional certification for that quarter and all future quarters would be deemed uncertified and subject to a civil penalty of up to $5000 per vehicle pursuant to HSC Section 43154.

Vehicles certified under this Executive Order shall conform to all applicable California emission regulations.

The Bureau of Automotive Repair will be notified by copy of this Executive Order.

Executed at El Monte, California on this 31st day of October 2008.

J. Lourenco
for Annette Hebert, Chief
Mobile Source Operations Division

ATTACHMENT

EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND CERTIFICATION LEVELS

(For bi-, dual- or flexible-fueled vehicles, the STD and CERT in parentheses are those applicable to testing on gasoline test fuel.)

CH4=methane; NMOG=non-CH4 organic gas; NMHC=non-CH4 hydrocarbon; CO=carbon monoxide; NOx=oxides of nitrogen; HCHO=formaldehyde; PM=particulate matter; RAF=reactivity adjustment factor; 2/3 D [g/test]=2/3 day diurnal+ hot-soak; RL [g/mi]=running loss; ORVR [g/gallon dispensed]=on-board refueling vapor recovery; g=gram; mg=milligram mi=mile; K=1000 miles; F=degrees Fahrenheit; SFTP=supplemental federal test procedure

NMOG FLEET AVERAGE [g/mi]		NMOG @ RAF=* CH4 RAF = *		NMOG or NMHC STD [g/mi]	CO [g/mi]		NOx [g/mi]		HCHO [mg/mi]		PM [g/mi]		Hwy NOx [g/mi]	
CERT	STD	NMOG CERT [g/mi]	NMHC CERT [g/mi]		CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD
0.038	0.038													
	@ 50K	0.020	*	0.040	0.4	1.7	0.02	0.05	0.3	8.	*	*	0.002	0.07
	@ UL	0.024	*	0.055	0.6	2.1	0.02	0.07	0.4	11.	*	0.01	0.002	0.09
	@ 50°F & 4K	0.029	*	0.080	0.4	1.7	0.01	0.05	0.2	16.	*	*	*	*

CO [g/mi] @ 20°F & 50K			NMHC+NOx [g/mi] (composite)		CO [g/mi] (composite)		NMHC+NOx [g/mi] [US06]		CO [g/mi] [US06]		NMHC+NOx [g/mi] [SC03]		CO [g/mi] [SC03]	
			CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD
CERT	1.2	SFTP @ 4000 miles	*	*	*	*	0.03	0.14	6.8	8.0	0.02	0.20	0.8	2.7
STD	10.0	SFTP @ * miles	*	*	*	*	*	*	*	*	*	*	*	*

Evaporative Family	3-Days Diurnal + Hot Soak (grams/test) @ UL		2-Days Diurnal + Hot Soak (grams/test) @ UL		Running Loss (grams/mile) @ UL		On-Board Refueling Vapor Recovery (grams/gallon) @ UL	
	CERT	STD	CERT	STD	CERT	STD	CERT	STD
9MBXR0085LNC	0.45	0.50	*	0.65	0.000	0.05	0.16	0.20
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*

* = not applicable; **UL**=useful life; **PC**=passenger car; **LDT**=light-duty truck; **MDV**=medium-duty vehicle; **ECS**= Emission Control System; **STD**= Standard; **CERT**= Certification; **LVW**=loaded vehicle weight; **ALVW**=adjusted LVW; **LEV**=low emission vehicle; **TLEV**=transitional LEV; **ULEV**=ultra LEV; **SULEV**=super ULEV; **TWC**=3-way catalyst; **ADSTWC**=adsorbing TWC; **WU**=warm-up catalyst; **OC**=oxidizing catalyst; **O2S**=oxygen sensor; **HO2S**=heated O2S; **AFS/HAFS**=air- fuel ratio sensor / heated AFS; **EGR**=exhaust gas recirculation; **AIR**=secondary air injection; **PAIR**=pulsed AIR; **MFI**= multiport fuel injection; **SFI**=sequential MFI; **TBI**=throttle body injection; **TC/SC**= turbo/super charger; **CAC**=charge air cooler; **OBD (F)/(P)**=full/partial on-board diagnostic; **DOR**=direct ozone reducing; prefix **2**=parallel; **(2)** suffix=series; **CNG/LNG**= compressed/liquefied natural gas; **LPG**=liquefied petroleum gas; **E85**="85%" Ethanol Fuel

2009 MODEL YEAR: VEHICLE MODELS INFORMATION

MAKE	MODEL	EVAPORATIVE FAMILY	ECS NO.	ENGINE SIZE (L)	INTERMEDIATE IN-USE COMPLIANCE (*=N/A or full in-use; A/E=exh. / evap. intermediate in-use)		PHASE-IN STD.	OBD II
					EXH	EVAP		
SMART	FORTWO CONVERTIBLE	9MBXR0085LNC	1	1	*	*	SFTP	Partial
SMART	FORTWO COUPE	9MBXR0085LNC	1	1	*	*	SFTP	Partial