

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-330-9

Relating to Exemptions Under Section 27156  
of the California Vehicle Code

Superchips, Inc.  
Flashpaq and Cortex Tuners

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 Flashpaq and Cortex Tuners, manufactured and marketed by Superchips, Inc., 1790 East Airport Blvd., Sanford, Florida 32773, 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 following vehicle applications:

| <u>Part #</u> | <u>Device</u> | <u>Application</u>  |
|---------------|---------------|---|
| 3950          | Cortex        | 2004 to 2009 model year Chrysler/Dodge 5.7L or 6.1L vehicles.   |
| 1950          | Cortex        | 2004 to 2009 model year Ford 4.0L, 4.2L, 4.6L, 5.4L and 6.8L vehicles, 2010 model year Ford 4.6L or 5.4L Mustang/Shelby |
| 3865          | Flashpaq      | 2004 to 2009 model year Chrysler/Dodge 5.7L or 6.1L vehicles.   |
| 1865          | Flashpaq      | 2004 to 2009 model year Ford 4.0L, 4.2L, 4.6L, 5.4L and 6.8L vehicles, 2010 model year Ford 4.6L or 5.4L Mustang/Shelby |

The Flashpaq and Cortex Tuners are hand held programmers designed to reprogram the FLASH memory chip located in the vehicle's ECU module. The stages of enhancement are: transmission only, 87 octane, towing, and performance. The tuners are designed to download OEM calibration updates, non emission related upgrades, and patches or fixes in the firmware. Emission-related data files cannot be modified by the end user.

This Executive Order is valid provided that the installation instructions for the Flashpaq and Cortex Tuners will not recommend tuning the vehicle to specifications different from those submitted by the device manufacturer.

Changes made to the design or operating conditions of the Flashpaq and Cortex Tuners, 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 Flashpac/Max MicroTuners 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 Flashpaq and Cortex Tuners using any identification other than that shown in this Executive Order or marketing of the Flashpaq and Cortex Tuners 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 Flashpaq and Cortex Tuners may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on submitted emission test data generated on three test vehicles modified with the performance tune. Test results showed that emission levels, with the performance tune installed, met the applicable emission standards when tested using the Cold-Start CVS-75 Federal Test Procedure (FTP) test cycle and/or the Supplemental Federal Test Procedure (SFTP US06) test cycle. Examination of the OBD II system showed that the programmer did not affect OBD II system operation. Results from emissions testing conducted at Automotive Testing and Development Services, Inc., located in Ontario, California, are shown below (in grams per mile with deterioration factors applied).

|                 | CVS-75 FTP |     |      |       |
|-----------------|------------|-----|------|-------|
|                 | NMOG       | CO  | NOx  | HCHO  |
| Standards*, 50K | 0.040      | 1.7 | 0.05 | 0.008 |
| Device Test     | 0.029      | 0.7 | 0.04 | 0.001 |

|             | SFTP US06 |     |
|-------------|-----------|-----|
|             | NMHC+NOx  | CO  |
| Standards   | 0.14      | 8.0 |
| Device Test | 0.10      | 0.4 |

|                | CVS-75 FTP |     |      |       | SFTP US06 |     |
|----------------|------------|-----|------|-------|-----------|-----|
|                | NMOG       | CO  | NOx  | HCHO  | NMHC+NOx  | CO  |
| Standards*, UL | 0.070      | 2.1 | 0.04 | 0.011 | 0.14      | 8.0 |
| Device Test    | 0.052      | 0.9 | 0.03 | 0.000 | 0.03      | 2.7 |

\*LEV II ULEV CVS-75 FTP emissions standards

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 THE FLASHPAQ AND CORTEX TUNERS.

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 29<sup>th</sup> day of May 2009.



Annette Hebert, Chief  
Mobile Source Operations Division

