



# Air Resources Board



**Linda S. Adams**  
Secretary for Environmental  
Protection

**Mary D. Nichols, Chairman**  
9480 Telstar Avenue, Suite 4  
El Monte, California 91731 [www.arb.ca.gov](http://www.arb.ca.gov)

**Arnold Schwarzenegger**  
Governor

Reference No. A-2008-502

December 5, 2008

Mr. Darryl Bassani  
Bassani Manufacturing  
2900 East La Jolla  
Anaheim, CA 92806

Dear Mr. Bassani:

This is in response to your November 18, 2008, letter requesting the Air Resources Board (ARB) to determine if specific aftermarket slip-on mufflers produced by Bassani Manufacturing (see attachment) can be considered replacement parts. These exhaust systems are designed for installation on 2009 model year Harley-Davidson highway motorcycles certified under the engine family name 9HDXC1.68AED and associated Executive Order number of M-005-0145.

The motorcycle models in this engine family are each originally equipped with dual oxygen sensors and a three-way catalytic converter installed in a modular exhaust system. However, the catalytic converter is located in a collector section of the exhaust system, upstream of the mufflers. In your letter, you state that the Bassani slip-on mufflers replace the original modular mufflers downstream of the catalytic converter. Furthermore, the original oxygen sensors are left in their original locations untouched.

Exhaust slip-on mufflers intended for installation on catalyst-equipped vehicles are considered by ARB to be "replacement parts," as defined in title 13, California Code of Regulations (CCR), section 1900(b)(20), only if they are installed downstream of the catalytic converter and the vehicle is not equipped with a backpressure exhaust gas recirculation system. Additionally, all other emission control systems (e.g., oxygen sensors) originally connected to the stock portion of the exhaust system must remain and function properly. Based on the information submitted, ARB has determined that the Bassani slip-on mufflers listed in the attachment meets these criteria and can be considered replacement parts for the above specified engine family only. You do not need to receive an exemption from the anti-tampering provisions of Vehicle Code section 27156 in order to legally sell these slip-on mufflers in California for that engine family.

*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

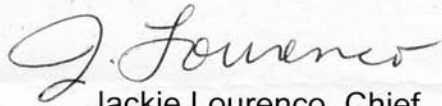
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Notwithstanding, Bassani Manufacturing must comply with record-keeping, surveillance and enforcement provisions applicable to replacement parts as specified in title 13, CCR, sections 2221, 2224, and 2225, respectively (attached).

If you have further questions regarding this matter, please contact Mr. Dean Hermano, Staff Air Pollution Specialist, Aftermarket Parts Section, at (626) 459-4487.

Sincerely,



Jackie Lourenco, Chief  
New Vehicle/Engine Programs Branch

Attachments (2)

## ATTACHMENT

(ARB Reference No. A-2008-502)

**Bassani Manufacturing Slip-On Muffler Applications for Vehicle Models FLHR, FLHRC, FLHX, FLTR, FLHT, FLHTC, and FLHTCU under E.O. M-005-0145 (Engine Family 9HDXC1.68AED):**

Bassani straight cut slip-ons part # FLH501/1801-0262  
Bassani straight cut slip-ons part # FLH501L/1801-0277  
Bassani fish tail slip-ons part # FLH502/1801-0305  
Bassani slash cut slip-ons part # FLH503/1801-0263  
Bassani slash cut slip-ons part # FLH503L/1801-0278  
Bassani scallop cut slip-ons part # FLH503S/1801-0188  
Bassani scallop cut slip-ons part # FLH503SL/1801-0189  
Bassani slice cut slip-ons part # FLH505/1801-0264  
Bassani slice cut slip-ons part # FLH505L/1801-0279  
Bassani slant cut slip-ons part # FLH509/1801-0186  
Bassani slant cut slip-ons part # FLH509L/1801-0187  
Bassani scallop cut slip-ons part # FLH509S/1801-0265  
Bassani scallop cut slip-ons part # FLH509SL/1801-0280  
Bassani straight cut slip-ons part # FLH511/1801-0306  
Bassani straight cut slip-ons part # FLH511L/1801-0307  
Bassani tapered straight slip-ons part # FLH517/1801-0184  
Bassani tapered straight slip-ons part # FLH517L/1801-0185  
Bassani tapered straight black ceramic part # FLH517B/1801-0332  
Bassani tapered straight black ceramic part # FLH517LB/1801-0333

ATTACHMENT  
(ARB Reference No. A-2008-502)

Below are the sections from title 13, California Code of Regulations, that are applicable to replacement parts:

§ 1900(b)

(20) "Replacement part" means any aftermarket part intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.

§ 2221. Replacement Parts.

(a) Any replacement part subject to the provisions of this article shall be presumed to be in compliance with this article unless the executive officer makes a finding to the contrary pursuant to Section 2224(a).

(b) The manufacturer of any replacement part subject to the provisions of this article shall maintain sufficient records, such as performance specifications, test data, or other information, to substantiate that such a replacement part is in compliance with this article. Such records shall be open for reasonable inspection by the executive officer or his/her representative. All such records shall be maintained for four years from the year of manufacture of the replacement part.

§ 2224. Surveillance.

(a) Replacement parts. The executive officer may order, for cause, the manufacturer of any replacement part subject to the provisions of this article to submit any records relating to such part which are maintained pursuant to section 2221(b) above. The executive officer may order, for cause, the manufacturer of any replacement part subject to the provisions of this article to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. If, after a review of all records submitted by the manufacturer and of the results of any tests conducted by the state board's staff, the executive officer finds that such part is not in fact a replacement part, the executive officer may invoke section 2225. Replacement parts evaluated pursuant to this section shall be compared with the specifications contained in the applicable vehicle manufacturer's application for certification.

(b) Add-on parts and modified parts. The executive officer may order, for cause, the manufacturer of any add-on part or modified part subject to the provisions of this article to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. In-use performance will also be evaluated. This will include Inspection and Maintenance requirements and compliance with onboard diagnostic system regulations. If, after a review of the results of any tests or evaluations conducted by the state board's staff and of any information submitted by the manufacturer, the executive officer finds that an add-on part or a modified part does not conform to the "Procedures for Exemption of Add-on and Modified Parts," the executive officer may invoke section 2225.

§ 2225. Enforcement Action.

(a) When this section is invoked pursuant to other sections of this article, the executive officer may issue a cease and desist order and may require the person to submit a plan for correcting any deficiencies found by the state board. The executive officer may order any of the actions contained in the plan, and/or may declare a part to be not in compliance with Vehicle Code Section 27156 unless he/she finds the plan adequate to correct the deficiencies found by the state board. The plan may be required to include such corrective actions as the cessation of sale of non-complying parts, the recall of any non-complying parts already sold, and corrective advertising to correct misleading information regarding the emission control capabilities of the device and to ensure compliance with California's laws. The executive officer may also seek fines for violations of Vehicle Code Section 27156, or other laws or regulations, as applicable.

(b) When this section is invoked by the executive officer on either his/her own initiative or in response to complaints received, an investigation may be made by the executive officer or his/her representative to gather evidence regarding continuing violations of this article by any person engaged in the business of advertising, offering for sale, selling, or installing an add-on or modified part.

(c) Any person against whom enforcement action (other than the filing of an action in court) is initiated pursuant to this section may request a public hearing to review the enforcement action.

(d) Nothing in this article shall prohibit the executive officer from taking any other action provided for by law, including the prosecution of an action in court.