

Mr. Andrew Batty
October 15, 2009
Page 2

In addition, California Vehicle Code (VC) Section 27156 provides that no person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system. An exemption from VC Section 27156 is required before any add-on or modified part can be sold in California. Aftermarket parts exemptions are regulated under the California Code of Regulations, Title 13, Sections 1900 et seq., 2030-2031, 2047-2048, 2200-2207 and 2220-2225 (Aftermarket Parts Regulations).

The ARB hereby requests that Hydrogen Garage LLC **cease and desist immediately** from:

1. Advertising claims about THE CELL devices that are not approved by the ARB in California or the U.S.A. or anywhere else.
2. Introducing or delivering or importing into California for introduction into commerce in California any non-verified device as a Verified Diesel Emission Control Strategy (VDECS).
3. Offering for sale or selling any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system that is not covered by an aftermarket parts exemption issued by the ARB.

Within 30 days of receipt of this letter, please submit:

The report of the total number of THE CELL devices and any other devices not covered by an aftermarket parts exemption distributed or installed or sold or offered for sale in California. List the non-compliant devices by distributor name and end user, including complete contact information of the distributor and end user. Also, indicate if any public money was involved. For example, any installation on a Transit Agency vehicle, Solid Waste Collection vehicle, Public Agency or Utility vehicle or Port/Drayage truck must be reported.