

SUBCHAPTER E. Fire Extinguisher Rules
28 TAC §§34.506, 34.507, 34.511, 34.514 – 34.517, 34.519 – 34.521 and 34.524

1. **INTRODUCTION.** The Texas Department of Insurance proposes amendments to §§34.506, 34.507, 34.511, 34.514 - 34.517, 34.519 - 34.521, and new §34.524 concerning fire extinguisher rules. Insurance Code Article 5.43-1, §9 authorizes the appointment of a Fire Extinguisher Advisory Council to assist the Commissioner in the review and formulation of rules. The Fire Extinguisher Advisory Council assisted in the review and formulation of the proposed rules and recommended changes to the Commissioner. The amendments are necessary to clarify the intent of the existing rules, add requirements to implement the latest improved nationally recognized safety standards, revise requirements to accommodate and facilitate the latest state-of-the-art industry practices, delete outdated language, establish a new specialized type of pre-engineered fixed fire system license for residential cooking appliances, provide a method to notify users of certain performance levels of fixed fire extinguisher systems for commercial cooking areas, and amend licensing administrative procedures to enable the State Fire Marshal's Office (SFMO) to more equitably and efficiently regulate the activities of this industry.

The proposed amendments to §34.506 change the name of the number required by the U. S. Department of Transportation for a DOT Specification Fire Extinguisher Cylinder and a DOT Nonspecification Fire Extinguisher Cylinder from "classification number" to "specification number" to be consistent with the terminology used by that

department. This is necessary to maintain consistency between the federal and state enforcement agencies.

The proposed amendments to §34.507 adopt by reference certain standards and recommended practices of the National Fire Protection Association (NFPA). The proposed amendments replace current standards with the most recent editions of the adopted standards and recommended practices which are revised and published every three years by NFPA. The NFPA standards and recommended practices incorporate the current state-of-the-art technology in the design, use, installation, service and maintenance of fire protection equipment and systems. The proposed amendments are necessary to maintain the minimum standards of current technology for fire extinguishers and fixed fire extinguisher systems in Texas. Additionally, other units of government in Texas are adopting these nationally developed standards, and uniformity of standards enables the fire extinguisher firms, the local fire officials and the public to more readily know the standards and enables the fire extinguisher firms and the local fire officials to implement and enforce them consistently throughout the state. Changes are proposed to the standards concerning the installation, maintenance and servicing of portable fire extinguishers and fixed fire extinguisher systems. Additionally, the proposed amendments require that a copy of the adopted standards be maintained at the state fire marshal's office for public viewing.

The proposed amendments to §34.511 establish a new specialized Type R license for the exclusive installing, certifying, or servicing of pre-engineered fixed fire

extinguishing systems for residential cooking areas. The amendments are necessary to increase the quantity of fire protection systems installed to protect residential cooking areas, where most home fires occur, by increasing the workforce available to install these types of systems. The technical qualifications for the proposed license can be limited, and the proposed amendment waives the requirement that one hold an apprentice permit prior to the issuance of the license. The proposed amendments also clarify that the Type PL license is required for the planning, supervising, certifying, installing, or servicing of all fixed systems other than pre-engineered systems and that the Type A license is required for certifying or servicing the installation of all fixed fire extinguisher systems other than pre-engineered systems and for installing, certifying, or servicing of all pre-engineered fixed fire extinguisher systems.

The proposed amendment to §34.514 deletes the requirement for a Type A certificate of registration applicant and, in certain instances, the holder of a Type A certificate of registration subsequent to receipt of the original certification to provide statements of experience and educational information supporting the firm's qualifications to perform the duties permitted by the certificate of registration. This requirement is unnecessary because the technical ability to perform the duties permitted by the registration is actually a function of the qualifications and experience of the licensed employees and not the business acumen of a firm. Additionally, the firm's activities are limited to the specific licenses of its employees.

The proposed amendment to §34.515 sets the initial, renewal and late fees for the proposed Type R license consistent with the existing fees for similar licenses.

The proposed amendment to §34.516 requires that an applicant for the proposed Type R license pass a test prior to issuance of the license and specifies that the test include questions on Article 5.43-1 of the Insurance Code and this subchapter.

The proposed amendments to §34.517 clarify that licensed individuals authorized to certify pre-engineered fixed fire extinguishing systems, and not just Type A or Type PL licensees, may install, service or certify the type of fire extinguisher system as permitted under the limitations of their respective license. Additionally, the amendments clarify that an individual employed by a registered fire extinguisher firm may install a fixed fire extinguisher system, other than a pre-engineered fixed system, without a license, if performed under the direct supervision of a Type A or Type PL licensee.

The proposed amendments to §34.517 also specify that after January 1, 2008, the design and equipment of all existing fixed fire extinguisher systems for the protection of commercial cooking areas must comply with the minimum standards of UL 300 or a red tag shall be attached. Continual technological advancements in modern cooking equipment and the use of new cooking oils make the extinguishment of today's fires more difficult. Therefore a new product performance test standard, UL 300, was developed by Underwriters Laboratories Inc. In November of 1994 this resulted in the manufacturing and sales of new equipment and extinguishing agents for the protection of these hazard areas. Although most systems in common use at the time could

extinguish a fire, none could pass this new more difficult test standard. Existing systems, installed before the adoption of UL 300, continue to be listed as long as they are maintained according to their listed manufacturer's maintenance manual. However as maintenance parts for these fire protection systems become unavailable and cooking appliances are replaced, the old fire protection systems cannot be maintained and may or may not extinguish a typical fire when needed. Many of the existing older systems have been voluntarily replaced. This proposed amendment will permit a gradual replacement of fire protection equipment to phase in the cost of the new equipment necessary to maintain adequate protection to the public and reduce the expense shock of the necessary replacement. This new fire protection equipment is currently required to be used when installing a new fire protection system for commercial cooking appliances.

Additionally, proposed amendments to §34.517 require that the design, performance and equipment for all dry chemical fire extinguishing systems, installed after January 1, 2006, meet the testing requirements of Underwriters Laboratory test standard UL 1254. This is necessary to ensure that these systems comply with the latest UL standard.

The proposed amendment to §34.519 clarifies that licensed individuals may certify the type of fire extinguisher system as permitted under the limitations of their respective license.

The proposed amendment to §34.520 specifies that after any service is performed on a fire extinguisher or fixed fire extinguisher system one of three types of tags must be attached to differentiate the status of the equipment. This amendment is necessary to clarify the types of tags that may be attached.

The proposed amendments to §34.521 clarify that the three days within which a written notice of a red tag condition must be submitted to the owner and authority having jurisdiction (AHJ) means three business days. Oral notification of the condition must still be made immediately to the owner and within 24 hours to the AHJ, where available.

Proposed §34.524 sets forth specific criteria regarding the color, content, placement, duration, use and procedures concerning the application of a yellow tag. This tag is necessary to notify the property owner and AHJ in advance that certain fixed fire extinguisher systems, which are used to protect commercial cooking appliances and areas, may not perform as expected and that a red tag will be attached starting on January 1, 2008, in accordance with the proposed amendments to §34.517.

The proposed effective date of the proposed rules is March 1, 2006.

2. FISCAL NOTE. Paul Maldonado, State Fire Marshal, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact to state government. There will be no fiscal implications for local government as

a result of enforcing or administering the proposal, and no effect on the local economy or local employment.

3. PUBLIC BENEFIT/COST NOTE. Mr. Maldonado has determined that for each year of the first five years the sections are in effect, the public benefits anticipated as a result of enforcing and administering the proposed amendments and proposed new section will be the mandated use of the latest technology and standards by the industry which will result in an increased level of safety to the public who utilize and rely on fire extinguishers and fixed fire extinguisher systems. The estimated cost to purchase all of the proposed updated NFPA standards is approximately \$300, but some extinguisher firms will only need to purchase the applicable standards in their area of expertise, so the cost may actually be less. Additionally, the establishment of a new specialized license should stimulate and increase the installation of fire protection systems for residential cooking areas. The estimated initial cost for the new Type R license for residential cooking areas is less than \$150. This estimate includes the initial license fee, test fee and possible travel expenses if the test is administered by the SFMO. The requirement to attach a red tag after January 1, 2008, on all fixed fire extinguisher systems for commercial cooking areas that do not comply with the UL 300 test standard and the adoption of a yellow tag and notification process should assist in bringing a possible hazardous situation to the attention of those using these systems and alert the responsible individuals in advance of the possible need to replace their systems or take

other appropriate action. The cost to purchase new yellow tags is approximately \$35 for 1,000 tags. For those property owners choosing to replace or upgrade the fire protection system for their cooking areas, the cost is estimated at \$1,000 to \$4,000 per system depending on the quantity of appliances and size of the cooking area. Additionally, the reduction in administrative requirements and increased clarity of the rules will increase the productivity of the firms registered to install and service fire extinguisher and fixed fire extinguisher systems. The cost to a fire extinguisher firm or person in the fire extinguisher industry qualifying as a small business under the Government Code §2006.001 will be the same as the cost to the largest business because the cost is not dependent upon the size of the business but rather is the same cost licensees incur for each fire protection system they sell, plan, install, service or certify. It is neither legal nor feasible to waive the proposed amendments for small or micro businesses because requirements for installation and service of fire extinguisher systems must be applied consistently to large, small and micro businesses in the interest of safeguarding lives and property as required by the Insurance Code Article 5.43-1.

4. REQUEST FOR PUBLIC COMMENT. To be considered, written comments on the proposal must be submitted no later than 5:00 p.m. on December 4, 2005 to Gene C. Jarmon, General Counsel and Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104. An additional copy of the

comment must be simultaneously submitted to Paul Maldonado, State Fire Marshal, Mail Code 112-FM, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. A request for a public hearing should be submitted separately to the Office of the Chief Clerk.

5. STATUTORY AUTHORITY. The amendments are proposed under Insurance Code Article 5.43-1 and §36.001. Insurance Code Article 5.43-1, §2, provides that the Commissioner of Insurance may adopt rules necessary for the administration of this article, including rules that adopt recognized standards such as, but not limited to, those of the National Fire Protection Association, those recognized by federal law or regulation, and those published by any nationally recognized standards-making organization, or the manufacturer's installation manuals. Under Article 5.43-1, §7, the Commissioner is required to adopt rules governing applications and qualifications for licenses, permits, and certificates issued under this article. Article 5.43-1, §8, provides that the Commissioner shall formulate and administer rules determined to be essentially necessary for the protection and preservation of life and property, specifically applicable to installing and servicing fixed fire extinguisher systems, including the examination of license applicants. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

6. CROSS REFERENCE TO STATUTE. The following article is affected by this proposal: Insurance Code Article 5.43-1.

7. TEXT.

§34.506. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (6) (No change.)

(7) DOT Specification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured, tested and stamped with the specification [~~classification~~] number as required by the United States Department of Transportation.

(8) DOT Nonspecification Fire Extinguisher Cylinder--All fire extinguisher cylinders manufactured and tested but not stamped with a specification [~~classification~~] number as required by the United States Department of Transportation. These cylinders may be marked by a label with the words "Meets DOT Requirements."

(9) - (19) (No change.)

§34.507. Adopted Standards. The commissioner adopts by reference in their entirety, except as noted, the following copyrighted standards and recommendations [~~as adopted~~] in this subchapter. If a standard refers to a provision in a specific edition of another standard, the provision is applicable only if it does not conflict with the adopted standard shown in this section. The standards are published by and available from the

National Fire Protection Association, Inc., (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. A copy of the standards shall be kept available for public inspection in the state fire marshal's office.

(1) NFPA 10-2002 [1998], Standard for Portable Fire Extinguishers, except that the date, June 30, 1998, in [exception to] paragraph 4.3.2.1 [2-3.2] shall be deleted and the following date [wording] substituted: "January 1, 2006 [~~Exception: Extinguishers installed specifically for these hazards prior to June 30, 2004.~~]."

(2) NFPA 11-2002 [1998], Standard for Low Expansion Foam and Combined Agent Systems.

(3) - (4) (No change.)

(5) NFPA 12A-2004 [1997], Standard on Halon 1301 Fire Extinguishing Systems.

(6) NFPA 15-2001 [1996], Standard for Water Spray Fixed Systems for Fire Protection.

(7) NFPA 16-2003 [1999], Standard for the Installation of [~~Deluge~~] Foam-Water Sprinkler and Foam-Water Spray Systems.

(8) NFPA 17-2002 [1998], Standard for Dry Chemical Extinguishing Systems, except that paragraph 9.3.2 in conjunction with 1.3.2 [7-3.2] shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter (relating to Installation and Service).

(9) NFPA 17A-2002 [~~1998~~], Standard for Wet Chemical Extinguishing Systems, except that paragraph 5.1.1 in conjunction with 1.4.1 [~~3-1.1~~] shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter.

(10) (No change.)

(11) NFPA 25-2002 [~~1998~~], Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

(12) NFPA 96-2001 [~~1998~~], Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, except that paragraph 7-2.2 shall only apply to new or modified installations after July 1, 1996, in accordance with §34.517(f) of this subchapter.

(13) NFPA 2001-2004 [~~2000~~], Standard on Clean Agent Fire Extinguishing Systems.

§34.511. Fire Extinguisher Licenses.

(a) Types of licenses. Each license must be identified by type, which indicates the business activity authorized under the license.

(1) Type PL--For the planning, supervising, certifying, installing, or servicing of all fixed systems other than pre-engineered systems. A system planning licensee may also perform, supervise, or certify the installation or servicing of all pre-engineered fixed systems and portable fire extinguishers.

(2) Type A--For certifying or servicing the installation of all fixed fire extinguisher systems other than pre-engineered systems or for installing, certifying, or servicing of all pre-engineered fixed fire extinguisher systems and the certifying and servicing of portable extinguishers.

(3) - (4) (No change.)

(5) Type R--For installing, certifying, or servicing of pre-engineered fixed residential range top fire extinguisher systems.

(b) - (e) (No change.)

(f) Restrictions.

(1) - (4) (No change.)

(5) It shall not be necessary for the applicant of a Type R license to hold an apprentice permit prior to the issuance of a Type R license.

§34.514. Applications.

(a) Certificates of registration.

(1) - (3) (No change.)

~~(4) [Original applications for Type A certificates must be accompanied by a statement from the applicant which details the experience and educational information supporting and establishing the firm's qualifications to plan, install, or service fixed systems handled by the firm. Such statement may be further supported by documentation from manufacturers of pre-engineered fixed systems or fixed system~~

~~equipment relative to the applicant's receipt of training and education regarding the installation and service of their products.]~~

~~[(5) Subsequent to receipt of a certificate of registration, holders thereof who commence to sell, install, and service pre-engineered fixed systems or system equipment other than those handled at the time of original certification must, within 60 days, forward a similar statement to the state fire marshal concerning the firm's qualification to install or service such other fixed systems. The statement must be accompanied by the names and license numbers of employees who have received necessary training in installing and servicing the additional systems.]~~

~~[(6)] Applications for Type C certificates must be accompanied by a copy of the DOT letter registering the applicant's facility which awards a registration number to the facility.~~

~~(5) [(7)] The applicant must comply with the following requirements concerning liability insurance.~~

~~(A) - (F) (No change.)~~

~~(b) Fire extinguisher licenses.~~

~~(1) (No change.)~~

~~(2) Applications for Type A and Type K licenses must be accompanied by a written statement from the certificate holder (employer) certifying that the applicant meets the minimum requirements of §34.511(f)(4) of this subchapter (relating to Fire Extinguisher Licenses) and is competent to install or service fixed systems.~~

(3) - (4) (No change.)

(c) - (g) (No change.)

§34.515. Fees.

(a) - (b) (No change.)

(c) Fees are as follows.

(1) Certificates of registration [~~(Type A, B, and PL)~~]:

(A) - (H) (No change.)

(2) (No change.)

(3) Fire extinguisher license (Type A, B, R and K):

(A) - (D) (No change.)

(4) - (8) (No change.)

(d) - (e) (No change.)

§34.516. Tests.

(a) Applicants for licenses are required to take a test and obtain at least a grade of 70% on the test. Tests may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The test content, frequency, location and outsource testing service shall be designated by the state fire marshal.

(1) - (4) (No change.)

(5) The Type R license test will include questions on this subchapter and Insurance Code Article 5.43-1.

(b) - (f) (No change.)

§34.517. Installation and Service.

(a) (No change.)

(b) The following requirements are applicable to all fixed fire extinguisher systems.

(1) (No change.)

(2) Upon completion of the installation of a pre-engineered fixed fire extinguisher system, a ~~[Type A or Type PL]~~ licensee authorized to certify pre-engineered fixed fire extinguishing systems under the provisions of this subchapter, must place an installation label on the system to certify that the system was installed in compliance with the manufacturer's installation manuals and specifications or standards adopted by the commissioner in this subchapter. The licensee whose signature appears on the installation label must be present for the final test of the system prior to certification.

(3) - (4) (No change.)

(c) Pre-engineered fixed fire extinguisher systems must be installed and serviced by a licensee authorized to install or service pre-engineered fixed fire

extinguishing systems under the provisions of this subchapter [~~Type A or Type PL licensees only~~].

(d) (No change.)

(e) Fixed fire extinguisher systems other than pre-engineered systems must be planned, installed, or serviced by a Type PL licensee or professional engineer. Installation and servicing of such a system may also be performed by or supervised by a Type A licensee. An employee of the registered firm may install such systems, under the direct supervision of a Type A or PL licensee, without obtaining a license.

(f) All pre-engineered fixed fire extinguishing systems, installed or modified after July 1, 1996, in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial [~~restaurant~~] cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300). After January 1, 2008 all existing pre-engineered fixed fire extinguishing systems, installed in accordance with NFPA 17 or NFPA 17A or NFPA 96 of the adopted standards, for the protection of commercial cooking areas, must meet the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300) or a red tag shall be attached following the procedures in §34.521 of this subchapter (relating to Red Tags).

(g) - (j) (No change.)

(k) All pre-engineered dry chemical fixed fire extinguishing systems, installed in new, remodeled or relocated protected areas after January 1, 2006, must meet the minimum requirements of the second edition (1996) or more recent edition of Underwriters Laboratories, Inc., Standard 1254, "Pre-engineered Dry Chemical Extinguishing System Units".

§34.519. Installation Labels for Fixed Extinguisher Systems.

(a) After an installation has been completed, an installation label must be affixed to the control head or panel of the fixed fire extinguisher system and an installation certificate form shall be sent to the state fire marshal's office. The signature of the licensee on the label certifies that the system has been installed according to law. Labels shall be five inches in height and four inches in width and shall be of the gum label type. They shall not be red in color. Installation labels shall contain only the following information in the format of the label shown in subsection (b) of this section:

(1) - (3) (No change.)

(4) the signature and license number of the [~~Type A or Type PL~~] licensee authorized to certify a fixed fire extinguishing system (a stamped signature is prohibited);

(5) - (6) (No change.)

(b) - (c) (No change.)

§34.520. Service Tags.

(a) (No change.)

(b) A new service tag, yellow tag or red tag, as applicable, must be attached each time service is performed.

(c) - (g) (No change.)

§34.521. Red Tags.

(a) If impairments are found which make a portable extinguisher or fixed system unsafe or inoperable, the owner or his representative must be notified in writing of all impairments. The registered firm shall notify the owner or his representative immediately and must also notify the local authority having jurisdiction (AHJ) when available within 24 hours by phone, fax, or e-mail describing the impairments or deficiencies. A copy of the written notice to the owner shall be submitted to the AHJ within 3 business days. A completed red tag must be attached to indicate that corrective action or replacement is necessary. The signature of the licensee on the tag certifies that the impairments listed indicate that the equipment is unsafe or inoperable. A service tag must not be attached until the impairments have been corrected or the portable extinguisher or fixed system replaced and the extinguisher or fire extinguisher system reinspected and found to be in good operating condition.

(b) - (e) (No change.)

§34.524. Yellow Tags.

(a) After any service of a pre-engineered fixed fire extinguishing system installed in accordance with NFPA 17, NFPA 17A or NFPA 96 of the adopted standards for the protection of commercial cooking areas, if it is determined that the system is not in compliance with the minimum requirements of Underwriters Laboratories, Inc., Standard 300, "Fire Testing of Fire Extinguishing Systems for Protection of Restaurant Cooking Area" (UL 300), a yellow tag must be completed in detail indicating all work that has been done, and then attached to the system in such a position as to permit convenient inspection and to not hamper its actuation or operation. The owner or the owner's representative must be notified in writing that the system does not comply with UL Standard 300 and that the system may not extinguish a typical fire, that a red tag shall be attached to the system after January 1, 2008, and that the owner should consider replacing or upgrading the system before that time. A copy of the written notice to the owner shall be postmarked, e-mailed, faxed, or hand delivered to the AHJ within 5 business days. The signature of the licensee on the tag certifies that the service performed complies with requirements of law.

(b) The yellow tag shall be attached instead of a service tag.

(c) Tags must be 5 1/4 inches in height and 2 5/8 inches in width.

(d) Yellow tags must be yellow in color.

(e) Tags may be printed and established for a multiple period of years.

(f) A yellow tag may be removed only by an authorized employee of a registered firm who has corrected the impairments and certified the service, an employee of the state fire marshal's office, or an authorized representative of a governmental agency with appropriate regulatory authority.

(g) Yellow tags must contain the following information in the format of the tag shown in subsection (h) of this section:

(1) "DO NOT REMOVE BY ORDER OF THE TEXAS STATE FIRE MARSHAL" (all capital letters, at least 10-point boldface type);

(2) firm's name, address, and telephone number;

(3) firm's certificate of registration number;

(4) licensee's name and license number;

(5) licensee's signature (a stamped signature is prohibited);

(6) month and year (to be punched);

(7) type of work, maintenance or service (to be punched);

(8) the inscription "SYSTEM DOES NOT COMPLY WITH STANDARD UL300. SYSTEM MAY NOT EXTINGUISH A TYPICAL FIRE." (all capital letters, at least 10-point boldface type);

(9) the inscription "This fire protection system may have met the nationally recognized testing requirements at the time it was installed. However recent changes to modern cooking appliances and/or the cooking media may prevent the fire protection system from extinguishing a typical fire. Since this system was not tested according to

Underwriter's Laboratories test Standard UL 300 it will be red tagged after January 1, 2008. The owner should consider replacing or upgrading the system before that time.;

(10) name and address of owner or occupant; and

(11) service performed.

(h) Sample Yellow tag:

FIGURE: 28 TAC §34.524(h):

DO NOT REMOVE BY ORDER OF TEXAS STATE FIRE MARSHAL

SYSTEM DOES NOT COMPLY WITH STANDARD UL 300. SYSTEM MAY NOT EXTINGUISH A TYPICAL FIRE.

Name & Address and Phone No. of Extinguisher Firm

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2005											

Certificate of Registration Number

Name of Licensee

License Number

Signature

TYPE OF WORK

Maintenance

Service

DATE MARKED IS DATE OF LAST SERVICE

SYSTEM DOES NOT COMPLY WITH STANDARD UL 300.

This fire protection system may have met the nationally recognized testing requirements at the time it was installed. However recent changes to modern cooking appliances and/or the cooking media may prevent the fire protection system from extinguishing a typical fire. Since this system was not tested according to Underwriter's Laboratories test Standard UL 300 it will be red tagged after January 1, 2008. The owner should consider replacing or upgrading the system before that time.

Name of owner or occupant

Address

List Services

8. **CERTIFICATION.** This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued at Austin, Texas, on _____, 2005.

Gene C. Jarmon
General Counsel and Chief Clerk
Texas Department of Insurance