



Texas Department of Insurance

State Fire Marshal's Office, Mail Code 112-FM
333 Guadalupe • P. O. Box 149221, Austin, Texas 78714-9221
512-305-7900 • 512-305-7910 fax • www.tdi.state.tx.us

July 30, 2008

L&W Innovations, LLC
P.O. Box 2036
Parker, CO 80138
Attn: Mr. Jon Lips, President

Re: Itzagasca
<http://www.itzagasca.com>

Gentlemen:

We have recently been made aware of a new product called "Itzagasca" sold by your firm for the temporary transportation, storage and dispensing of gasoline. Please be aware that the Texas State Fire Marshal's Office has adopted NFPA 30A, by the National Fire Protection Association, as a standard under the authority of §753.003 of the Texas Health and Safety Code for the storage, handling, and use of flammable liquids at retail service stations.

NFPA 30A states
Dispensing into Containers.

"9.2.3.1 Class I or Class II liquids shall not be dispensed into portable containers unless the container is **constructed of metal or is approved by the authority having jurisdiction**, has a tight closure, and is fitted with a spout or so designed that the contents can be poured without spilling. ... "

In addition most municipalities in Texas have adopted the International Fire Code (IFC). The IFC states in Section 2204.4.1:

"Class I, II, and IIIA liquids shall not be dispensed into a portable container **unless such container is of approved material and construction**, and has a tight closure with screwed or spring-loaded cover so designed that the contents can be dispensed without spilling."

Please be advised that this office **has not approved** the portable container shown in your literature. Therefore your product would not be acceptable for use in the State of Texas. Should we find anyone in violation of Texas law we will take the appropriate legal action.

Should you have any questions please contact this office.

Sincerely,

Paul Maldonado
State Fire Marshal

c. Ann Hartley, Assistant Attorney General, Texas Office of the Attorney General
Karen Suhr, National Association of State Fire Marshals
Christopher Harrigan, Texas Department of Insurance, SFMO staff attorney