



Fire Marshal's Alert!

October 1, 2004

State Fire Marshal Announces Fire Extinguisher Rule Changes

Please be advised that the Commissioner of Insurance, through the State Fire Marshal, has amended the Fire Extinguisher Rules, based on recommendations from the Fire Extinguisher Advisory Council. The rules took effect September 20, 2004. A copy can be downloaded from the extinguisher web site at <http://www.tdi.state.tx.us/fire/fmliexting.html>, and then click on "Rules." The following is a synopsis of the substantive changes.

- §34.507(1) mandates that after June 30, 2004, all new extinguishers provided for the protection of cooking appliances that utilize combustible cooking media must be rated as a Class "K" type. Those extinguishers existing before that date may remain at the discretion of the property owner.
- §34.510(c) eliminates the Certificate of Registration types (i.e., Type PL, A, or B). Rather than specifying a type of registration, it limits the type of work a firm may perform, based on the type of licensee employed.
- §34.510(e) clarifies the existing requirement for a fire extinguisher firm to maintain a "shop," by detailing the minimum equipment required in a shop. These items are common tools or equipment currently required by NFPA or the manufacturer. The rules provide a consolidated list for the registered firm.
- §34.510(k) eliminates the need for a firm to surrender its invalid registration to the SFMO prior to issuing a new revised registration.
- §34.511(a)(2) clarifies the work for a Type A licensee, indicating an individual must hold a type A license to install, service, or certify pre-engineered systems but is not required to have a license to install an other than pre-engineered fixed system. Reading this in conjunction with §34.517(e), an individual is not required to hold a license to install an other than pre-engineered fixed system if performed under the supervision of a type A licensee who will certify the system.
- §34.511(a)(4) establishes a new Type K license for the installing, certifying and servicing of pre-engineered, fixed fire extinguishing systems exclusively for cooking areas, and the installation and servicing of portable fire extinguishers. Other new sections set testing, prerequisites and fees for this type of license. All current and future Type A licensees may perform the work of a K licensee without obtaining another license.
- §34.511(f)(4) requires a person to hold an apprentice permit or a Type B license for at least six months as a prerequisite to being issued a Type A or Type K license.
- §34.512(c) eliminates the need for apprentices to surrender their invalid permit to the SFMO prior to issuing a new revised permit.
- §34.512(e) clarifies the existing statutory requirement that an apprentice may only perform services under the direct supervision of a person holding a valid license and may not sign any documents (i.e., tags). §34.506(19) defines "direct supervision."
- §34.514(b)(4) requires that a firm indicate on a licensee's new or renewal application whether they are an employee or agent of the registered firm.
- §34.517(g) clarifies the existing requirement that individuals installing fire detection or alarm devices, other than mechanical or pneumatic detection, used to actuate a fixed fire extinguishing system (i.e., clean agent system) be required to have a fire alarm license according to Texas Insurance Code Article 5.43-2 "Fire Detection and Alarm Devices."
- §34.517(h) requires that when the fusible metal alloy type fixed temperature-sensing device that actuates the fixed fire extinguishing system for a cooking area is replaced, the year stamped by the manufacturer on the new device must be within one year of the date it was replaced.

- §34.517(i) requires that the disposable actuation cartridge that actuates the fixed fire extinguishing system for a cooking area must bear the date it was replaced.
- §34.517(j) requires that when the tamper indicator on a portable fire extinguisher is replaced after pulling the ring pin during servicing, the flag on the new seal shall bear the year it was replaced.
- §34.521(a) requires that after attaching a red tag to an unsafe or inoperable extinguisher or system, the owner must be notified immediately and the local authority (where available) be notified within 24 hours by phone, fax or e-mail describing the impairments. A copy of the written notice to the owner must also be submitted to the AHJ within 3 days.

The new licensing requirements take effect immediately. The State Fire Marshal's Office expects that firms and individuals affected by these rules, which require the purchase of new or dated equipment, will be in compliance no later than January 1, 2005.

Please distribute this bulletin to your licensed employees. If you have any questions, contact Mark Redlitz, P.E., Director of Licensing, State Fire Marshal's Office, 512-305-7927.

FireMarshal@tdi.state.tx.us (e-mail) **<http://www.tdi.state.tx.us/fire/fmli.html>** (website)

State Fire Marshal's Office, Texas Department of Insurance 4-100104