

November 15, 2024

Via Email and Box Joshua Novak Kelley Uustal 500 N. Federal Highway Fort Lauderdale, FL 33301 jsn@kulaw.com

**RE:** Freedom of Information Act Request #24-F-00516: All documents, correspondence, photographs, etc., pertaining to Swift Response, LLC's, Product "Flex Seal Aerosol." (Date Range for Record Search: From 10/01/2004 To 05/20/2024)

Dear Mr. Novak:

Thank you for your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC). On May 5, 2024, we sent an interim response denying your request for expedited processing. On July 9, 2024, you clarified your request, indicating you are seeking the following records regarding Swift Response, LLC's product "Flex Seal Aerosol": incident reports submitted to CPSC; in-depth investigations conducted by CPSC; safety assessments and testing conducted by CPSC; reports submitted by the manufacturer to CPSC, as well as communication between CPSC and the manufacturer; and any recall files for this product. This is a final response to your request.

The Office of Compliance and the Office of Risk Reduction conducted searches for records using the search terms "aerosol," "Swift," and "Flex Seal," using a product code of 920 (caulking products), in a date range of 10/01/2004 to 05/20/2024. The records responsive to your request consist of six consumer incident reports, one manufacturer-submitted report, and two CPSC Product Safety Assessments. The information from these records has been processed, and copies of the releasable responsive records are enclosed, with certain excisions explained below.

Enclosed are records pertaining to three product complaints and reported incidents (I1380007A, H1490196A, H1870043A) that were submitted to the CPSC by consumers and others. The consumers or submitters have confirmed the accuracy of the information in the complaints and reported incidents. The CPSC has neither investigated the incidents, nor conducted or obtained any evaluations of the products that corroborate the substance of the information contained in the complaints and reported incidents. Also enclosed are portions of two product safety assessments and one manufacturer-submitted report.

Certain responsive records and portions of the enclosed records are being withheld pursuant to FOIA Exemptions 3, 5, and 6, 5 U.S.C. §§ 552(b)(3), (b)(5) and (b)(6); and sections 6(b)(1) and 6(b)(5) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1) and (b)(5). CPSC considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. Additionally, one consumer incident report is related to products that are not the subject of FOIA request #24-F-00516 and being withheld in full on that basis.

Exemption 3. FOIA Exemption 3 permits withholding from disclosure matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3, we are relying on section 6(b)(1) of the CPSA. That section prohibits the CPSC from disclosing information about a consumer product that identifies a manufacturer or private labeler, unless the CPSC has taken "reasonable steps" to assure that the information is accurate, disclosure is fair in the circumstances, and disclosure will be reasonably related to effectuating the purposes of the laws that the CPSC administers. See CPSC regulation, 16 C.F.R. § 1101.32. Release of the information being withheld under section 6(b)(1) would be unfair in the circumstances, as it is misleading. Specifically, we are withholding in full two consumer reported incidents that are inaccurate, misleading, and have not been verified by the submitters.

In applying Exemption 3, we are also relying on section 6(b)(5) of the CPSA. That section prohibits the disclosure of information submitted under section 15(b) of the CPSA and relating to such an inquiry, unless the CPSC has issued a complaint, accepted in writing a remedial settlement agreement, or the manufacturer agrees to the disclosure. CPSA section 15(b) requires manufacturers to report to the CPSC and provide information regarding their products and potential substantial product hazards. The withheld information from the file includes information submitted by the manufacturer pursuant to section 15(b) of the CPSA or records derived from and based on that information. The CPSC has not issued a complaint or accepted a remedial settlement agreement and the firm has not consented to disclosure. Specifically, we are withholding portions of two product safety assessments and one manufacturer-submitted incident report containing and summarizing information submitted by the manufacturer.

Exemption 5. FOIA Exemption 5 permits withholding from disclosure inter-agency and intra-agency memoranda that would not be available, by law, to a party other than an agency in litigation with the agency. The staff memoranda and analyses being withheld are pre-decisional and deliberative, consisting of recommendations, opinions, suggestions, and analyses of technical and/or legal staff. Any factual materials in the memoranda not covered by some other exemption are inextricably intertwined with exempt materials, or the disclosure of the factual materials would expose the deliberative process and/or violate the attorney-client privilege. It would not be in the public interest to disclose these materials because disclosure would impair the frank exchange of views necessary for such matters. Specifically, we are withholding portions of Product Safety Assessment 0516.20 containing staff analyses and discussion.

Exemption 6. FOIA Exemption 6 permits withholding personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Absent authorizations to disclose the records or personally identifying information from the persons identified in the records or their representatives, such information falls within the protection of this FOIA exemption to disclosure and is being withheld accordingly.

Page 3 – Joshua Novak 24-F-00516

#### **FOIA Administrative Procedures**

Right to appeal. According to the CPSC's regulations implementing the FOIA at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed. If you are not satisfied with the response to this request, you may administratively appeal in writing, addressed to FOIA APPEAL, Office of the General Counsel, ATTN: Division of Information Access, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 820 Bethesda, MD 20814-4408.

Your appeal must be postmarked or electronically transmitted (<a href="mailto:cpscfoiarequests@cpsc.gov">cpsc.gov</a>) within 90 days of the date of the response to your request. You may also fax your appeal to 301-504-0127. You may contact us Monday – Friday from 8:00AM – 4:30PM ET, by telephone at 1-800-638-2772, by fax to 301-504-0127, or by email to <a href="mailto:cpsc-foia@cpsc.gov">cpsc-foia@cpsc.gov</a>.

Before filing a formal appeal with the CPSC, you may contact me or CPSC's FOIA Public Liaison, Robert Dalton (<a href="red:rdalton@cpsc.gov">rdalton@cpsc.gov</a>), via email or at 1-800-638-2772, for any further assistance, or to discuss any aspect of your request. Assistance may include guidance on possible reformulation of your request or an alternative time frame for processing the request.

Right to Mediation. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: 202-741-5770; toll free: 1-877-684-6448; fax: 202-741-5769.

Fees. We are not charging you fees in this instance to cover the costs to the CPSC in processing this request, performing the file searches, and preparing the information. Thank you for your interest in consumer product safety.

Sincerely,

## **AYSHE RHOADES**

Digitally signed by AYSHE RHOADES Date: 2024.11.15 09:32:57 -05'00'

Ayshe Rhoades Attorney Office of the General Counsel Division of Information Access

P: (301) 504-7201 E: arhoades@cpsc.gov

Enclosures: 24-F-00516 Consumer-Submitted Reports: I1380007A

H1490196A H1870043A

24-F-00516 PSAs: 0516.20 General PSA Report

0155.21 EPI PSA Report

24-F-00516 Manufacturer-Submitted Report: Y1963854A

#### Submit New Request

#### Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

#### Mr. Joshua Novak

Kelley | Uustal 500 N. Federal Highway Suite 200 Fort Lauderdale, 33301 Phone 9545226601 jsn@kulaw.com

Requester Default Category: Attorney - 5 (Represents Consumer)

#### General Information

Request Type FOIA

Requester Category Attorney - 5 (Represents Consumer)

Delivery Mode E-mail

Payment Mode PAY.gov (http://www.pay.gov)

#### Shipping Address

Street1 500 N. Federal Highway

Street2 Suite 200
City Fort Lauderdale

State State (Other)

Country United States

Zip Code 33301

#### Request Information

**Description Document** 

Description

All documents, correspondence, photographs, etc., pertaining to Swift Response, LLC's,

Product "Flex Seal Aerosol."

Date Range for Record Search:From 10/01/2004

Date Range for Record 05/20/2024

Search:To 03/20/202

#### Fee Information

Willing Amount \$25
Fee Waiver Requested No
Fee Waiver Request Reason
Willing to Pay All Fees No

#### Billing Address

Street1 500 N. Federal Highway

Street2 Suite 200
City Fort Lauderdale
State FL

State (Other)

Country United States Zip Code 33301

**Expedite Information** 

**Expedite Requested** 

**Expedite Reason** 

Yes
My firm made a request for this information over a year ago, #23-F-00411, which was not answered. We have contacted the Office of General Counsel for the Division of Information Access to inquire on the status. We have not received a response.

From: <u>Joshua Novak</u>
To: <u>Rhoades, Ayshe</u>

**Subject:** RE: CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

**Date:** Tuesday, July 9, 2024 10:46:15 AM

Attachments: image551692.png

image324937.png image756765.png

#### Good morning,

I apologize for the oversight in responding. We are requesting everything outlined in your June 21 email.

Thank you!



TRIAL ATTORNEYS

Joshua Novak Associate Attorney 500 N. Federal Highway, Suite 200 Fort Lauderdale, FL 33301 www.kulaw.com f∑

tollfree: 888.522.6601 tel: 954.522.6601 fax: 954.522.6608 email: jsn@kulaw.com

**From:** Rhoades, Ayshe <ARhoades@cpsc.gov>

**Sent:** Tuesday, July 9, 2024 10:44 AM **To:** Joshua Novak <jsn@kulaw.com>

**Subject:** RE: CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

Good Morning Josh,

I have yet to receive a written (emailed) confirmation regarding your clarified request – can you confirm that your request is for the documents below, as they relate to Flex Seal?

Please note that we cannot begin processing your request and searching for records until we receive this confirmation.

Best,

Ayshe

#### Ayshe Rhoades (she/her)

Attorney, Division of Information Access

<u>U.S. Consumer Product Safety Commission</u> | Office of the General Counsel 4330 East West Highway | Bethesda, MD 20814

Office: (301) 504-7201

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From: Rhoades, Ayshe

**Sent:** Friday, June 21, 2024 4:22 PM **To:** Joshua Novak < jsn@kulaw.com>

**Subject:** RE: CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

Good Afternoon Josh,

I believe the best way to get a broad range of documents about the requested product would be to request:

- Incident reports submitted to CPSC;
- In-depth investigations conducted by CPSC;
- Safety assessments and testing conducted by CPSC;
- Reports submitted by the manufacturer to CPSC, as well as communication between CPSC and the manufacturer; and
- Any recall files for this product.

This should cover the vast majority, if not all, the records concerning a product (in this request, the Flex Seal Aerosol). If this appears sufficient, please reply to this email or call me, and I will have our program offices begin searching for records.

Thanks,			
Ayshe			

From: Rhoades, Ayshe

**Sent:** Monday, June 17, 2024 2:11 PM **To:** Joshua Novak < <u>isn@kulaw.com</u>>

**Subject:** RE: CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

Hi Josh,

I will not be available for a callback until 3:30 EST. Sorry about the earlier disconnection.

Thanks,

Ayshe

**From:** Rhoades, Ayshe

**Sent:** Monday, June 17, 2024 1:41 PM **To:** Joshua Novak < <u>isn@kulaw.com</u>>

**Subject:** RE: CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

Good Afternoon Mr. Novak,

Could you please confirm that you are interested primarily in consumer-reported incidents and in CPSC in-depth investigation reports regarding this product? Are there any additional documents you may be interested in?

Thank you,

Ayshe Rhoades

From: Rhoades, Ayshe

**Sent:** Thursday, May 30, 2024 1:41 PM **To:** Joshua Novak <<u>jsn@kulaw.com</u>>

**Subject:** CPSC FOIA Request #24-F-00516 Call/Clarification Confirmation

Good Afternoon Mr. Novak,

Thank you again for discussing your request. To confirm, for 24-F-00516, regarding the Swift Response "Flex Seal Aerosol," you are primarily seeking incident reports submitted to the CPSC and investigative reports by the CPSC, correct? Please let me know if there are other documents you are specifically interested in.

Thank you,

#### Ayshe M. Rhoades

Attorney, Division of Information Access

<u>U.S. Consumer Product Safety Commission</u> | Office of the General Counsel 4330 East West Highway | Bethesda, MD 20814

**Office:** (301) 504-7201

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\*\*\*\*\*!!! Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission. Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page:

http://www.cpsc.gov/en/Newsroom/Subscribe \*\*\*\*\*!!!

#### FOR OFFICIAL USE ONLY



**TO:** AJ Collins, Compliance Officer, EXC **FROM:** Blake Smith Technical Officer, EPHA

**DATE:** 1/13/2021

RE: Data Review for PSA # 0155.21 Case #RP200237

Date due: 1/13/2021

Priority: C

Request: Please conduct a search involving the FlexSeal Black and FlexSeal Clear

products.

Hazard Pattern: 3.4 - Explosion (pressure related)

#### Selection Criteria:

Product Code(s): 913 9101 9102

Manufacturer/Model Text: plz/aeroscience/aerosol/spray can/flex/seal

Narrative Text: N/A

Time Frame: 9/1/2015-12/23/2020

NFIRS Search Criteria: N/A

#### **Incidents Identified:**

Databases	Incident Count* (see notes below)	Death Count*
Consumer Product Safety Risk Management System (CPSRMS)	(b)(3):Exemption 3 6(b)(5)	0
NEISS reports (count)	0	0
Fire reports (NFIRS)	N/A	N/A
Total	(b)(3):Exemption 3 6(b)(5)	0

<sup>\*</sup> For CPSRMS, duplicate reports have been removed, i.e. counted only once, with only record presented in spreadsheet. Any duplicate reports within CPSRMS can be accessed using the incident report ID link. The reports enumerated in the table have been identified from CPSC databases on the date the search was completed. These should be considered neither a statistical sample nor a complete count of all such incidents, but only a count of those in CPSC databases on the search date.

#### NOTES:

EPHA conducted a search of the CPSRMS and NEISS databases for product codes 0913 along with a general Amazon product code (9101) and a general Home Depot product code (9102) for the PLZ Aeroscience Corporation Flex Seal clear and Flex Seal black

spray lubricant thermal incidents within the above timeframe which yielded (b)(3):Exempt No incidents resulted in the death of the victim.

A search was not conducted through the NFIRS database as aerosols are not considered combustible without being acted on by an outside force, thus are not given an ignition code.

U.S. Consumer Product Safety Commission  Product Safety Assessment Report Draft – For Official Use Only – Draft  Product  Lubricants (0913)  Evaluation Requested  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard  Prepared by (Name and Title)  Case No. RP200237  Requested by Melvyn Altman, 301-504-7419  Regional Office Sample No. CPSC Seal Possible Counterfeit Product IDI No.  PLZ Aeroscience Corporation  PLZ Aeroscience Corporation  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer Dean LaRue - PSA Coordinator			16	M. Colored Toronto		
Product Safety Assessment Report  Draft – For Official Use Only – Draft  Product  Draft – For Official Use Only – Draft  Draft – For Official Use Only – Draft  Draft – For Official Use Only – Draft  Product  DI No.  Product  Lubricants (0913)  Prim  PLZ Aeroscience Corporation  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3) Exemption 3 6(b)(5)  Potential Hazard  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Reviewed by (Name and Title)			PSA No.	0516.20		
Product Safety Assessment Report  Draft – For Official Use Only – Draft  Product  Draft – For Official Use Only – Draft  Product  IDI No.  Product  Evaluation  Requested  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3) Exemption 3 6(b)(5)  Potential Hazard  Possible Counterfeit Product  IDI No.  PLZ Aeroscience Corporation  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3) Exemption 3 6(b)(5)  Potential Hazard  3.4 - Explosion (pressure related)  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Dean LaRue - PSA Coordinator	U.S. Consume	er Product Safety	Case No.	RP200237		
Product Safety Assessment Report  Draft – For Official Use Only – Draft  Possible Counterfeit Product  IDI No.  Product  Evaluation Requested  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3) Exemption 3 6(b)(5)  Potential Hazard  Possible Counterfeit Product  IDI No.  PLZ Aeroscience Corporation  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3) Exemption 3 6(b)(5)  Potential Hazard  Prepared by (Name and Title)  Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Dean LaRue - PSA Coordinator	Com	ımission	Requested by	Melvyn Altman, 301-		
Draft – For Official Use Only – Draft    Sample No.			220 (24)	504-7419		
Draft – For Official Use Only – Draft  CPSC Seal  Possible Counterfeit Product  IDI No.  Product  Evaluation Requested  Review documents to determine if firm's analysis of the potential hazard is correct.  (b)(3) Exemption 3 6(b)(5)  Potential Hazard  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Reviewed by (Name and Title)  Reviewed by (Name and Title)  Yeon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator	Product Safety	Assessment Report	Regional Office			
Product  IDI No.  Product  Evaluation Requested  Possible Counterfeit Product  IDI No.  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3).Exemption 3 6(b)(5)  Potential Hazard  Possible Counterfeit Product  IDI No.  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3).Exemption 3 6(b)(5)  Potential Hazard  Possible Counterfeit Product  IDI No.  PLZ Aeroscience Corporation  Reviewed by (Name and Title) yeon Se(b)(5)  Potential Hazard  Possible Counterfeit Product  IDI No.  PLZ Aeroscience Corporation  Approved by (Name and Yitle)  Prepared by (Name and Title)  Approved by (Name and Title)  Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator			Sample No.			
Product IDI No.  Product Lubricants (0913) Firm PLZ Aeroscience Corporation  Evaluation Requested Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator	Draft – For Offic	ial Use Only – Draft	CPSC Seal			
Product Lubricants (0913) Firm PLZ Aeroscience Corporation  Evaluation Requested Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)			Possible Counterfeit			
Product Lubricants (0913) Firm PLZ Aeroscience Corporation  Evaluation Requested Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)			Product			
Evaluation Requested  Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard  3.4 - Explosion (pressure related)  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Peon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)		- Ver	IDI No.			
Review documents to determine if firm's analysis of the potential hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)	Product	Lubricants (0913)	Firm	PLZ Aeroscience		
Requested  hazard is correct. (b)(3):Exemption 3 6(b)(5)  Potential Hazard  3.4 - Explosion (pressure related)  Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Pean LaRue - PSA Coordinator  Reviewed by (Name and Title)				Corporation		
Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)	Evaluation	Review documents	to determine if firm's ana	alysis of the potential		
Potential Hazard 3.4 - Explosion (pressure related)  Prepared by (Name and Title) Approved by (Name and Title)  Chen-Hsiang Su Technical Officer Yeon Seok Kim - Technical Officer Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)	Requested	hazard is correct. (b)(	3):Exemption 3 6(b)(5)	2 - 20-		
Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Peon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)	3001	(b)(3):Exemption 3 6(b)(5)				
Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Peon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)						
Prepared by (Name and Title)  Chen-Hsiang Su Technical Officer  Peon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)						
Chen-Hsiang Su Technical Officer  Yeon Seok Kim - Technical Officer  Dean LaRue - PSA Coordinator  Reviewed by (Name and Title)	Potential Hazard	3.4 - Explosion (pre	ssure related)			
Reviewed by (Name and Title)  Dean LaRue - PSA Coordinator	Prepared by (Name	and Title)	Approved by (Name and Title)			
Reviewed by (Name and Title)	Chen-Hsiang Su Te	Chen-Hsiang Su Technical Officer		Yeon Seok Kim - Technical Officer		
			Dean LaRue - PSA Coordinator			
Date 9/21/2020 Date 9/21/2020	Reviewed by (Name and Title)					
Date 9/21/2020 Date 9/21/2020						
Date 9/21/2020 Date 9/21/2020						
2.00   2.00   2.00   2.00	Date	9/21/2020	Date	9/21/2020		

This PSA report is a file review. No sample was evaluated. All information in this report was provided by the firm unless noted.

#### **Product**

(b)(3):Exemption 3 6(b)(5)		
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Figure 1. Flex Seal Clear (left) and Flex Seal (right)

### Background

(b	o)(3):Exemption 3 6(b)(5)
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#### **Document Review**

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(b)(3):Exemption 3 6(b)(5)		
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This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 7/11/2018

Incident Detai	Is
Document Number:	H1870043A
Report Number:	20180711-5AFD2-1775835
Report Submitted Date:	7/11/2018
Who You Are:	Consumer
	The consumer stated that he used the product to restore a car in 2011. He was having an adverse when he worked on the car but did not know what was causing it. He did a process of elimination and figured that it was the spray.
	(07/10/2018)The consumer stated that after working on the car he went inside of his home. He starting itching and broke out in hives. Also, there are lumps under the skin on his legs and back.
	The consumer stated that the problems only occur when he is working on his car.
	The consumer has not seen a doctor but has an appointment to see a doctor on 7/25.
Incident Date:	7/10/2018
Incident Location:	Home/Apartment/Condominium - (b)(6) New York, (b)(6) United States This is my home address
Victim Details	
First Name:	(b)(6)
Last Name:	
Injury Information:	Injury, No First Aid or Medical Attention Received
Victim is of Hispanic/Latino origin?	
Race:	Unspecified
Other Race/Ethnicity:	
My Relationship to Victim:	Self
Gender:	Male
Age when incident occurred:	(Unspecified) Years
	New York, (b)(6) United States
E-mail:	
Phone Number:	
1 to	
Product Detail	S
Product Description:	spray under coating
Product Category:	Home Maintenance and Structures

Product Type: Household Chemicals, Paint, & Cleaning Products Brand Name: Flex Seal Manufacturer / Unknown Importer / Private Labeler Name: Model Name or Number: Serial Number: Date Manufactured: Manufacturer Date Code: Manufacturer Not specified Address: Manufacturer Website URL: Manufacturer Phone Number: Retailer: Home Depot Retailer State: New York **Additional Details** Purchase Date: 1/2/2010 This date is an estimate I still have the Yes product in my possession. The product No was damaged before the incident. The product No was modified before the incident. Have you No contacted the manufacturer? If not, do you Yes plan to contact them? Explanation: Your Contact Information First Name: Last Name: (b)(6)New York **United States** Address

E-mail	(b)(6)
Phone Number:	

OMB Control Number 3041-0146

#### This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 9/25/2014 Incident Details Document H1490196A Number: Report Number: 20140925-9E7CA-1430749 Report 9/25/2014 Submitted Date: Who You Are: Consumer Incident Caller stated that flexseal was used to seal a leak into her travel camper, however it melted the Description: plastic joints that was connected to the PVC pipes. This caused water damages to her camper. They were unable to use the camper because of this incident. 8/11/13 The manufacturer was contacted and she was advised that someone would contact her within 72 hours. She call back again 8/14 and was told that someone would contact her. 8/15 a rep ((b)(6) from the company contacted her and requested photos. Caller feels that this product is a safety hazard and should be reported. Incident Date: 8/7/2014 Wisconsin, (b)(6) Incident Home/Apartment/Condominium -**United States** Location: Victim Details First Name: Last Name: Injury Incident, No Injury Information: Victim is of Hispanic/Latino origin? Race: Unspecified Other Race/Ethnicity: My Relationship Unspecified to Victim: Gender: Unspecified Age when (Unspecified) Years incident occurred: Address: E-mail:

#### **Product Details**

Phone Number:

Product Sealant

Description:

Product Home Maintenance and Structures

Category:

Product Type: Other Brand Name: Flexseal Manufacturer / Swift Response Importer / Private Labeler Name: Model Name or sku#5564700320 Number: Serial Number: Date Manufactured: Manufacturer 011414 Date Code: Manufacturer Not specified Address: Manufacturer Website URL: Manufacturer Phone Number: Retailer: Walmart Retailer State: Wisconsin **Additional Details** Purchase Date: 8/2/2014 I still have the Yes

product in my possession.

The product No was damaged before the incident.

The product No was modified before the incident.

Have you Yes contacted the manufacturer?

If not, do you N/A plan to contact them?

Explanation:

Your Contact Information		
First Name: (b)(6)  Last Name:  Address: (b)(6)	Wisconsin, (b)(6) United States	

E-mail	No. 1.0777
Phone Number:	(b)(6)
OMB Control Number 3	3041-0146





























Sunday, September 7, 2014



## POST-CRESCENT A GANNETT COMPANY

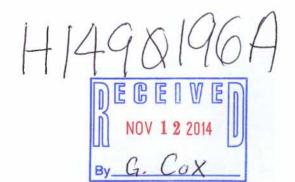
SUNDAY

TO HOLD OFF ON IMMIGRATION OVERHAUL | PAGE BY

WISCONSIN MEDIA INVESTIGATIVE TEAM

O IS FUNDING WISCONSIN'S

Report No: 20140925-9E7CA-1430749



#### Consent & Submit

Please let us know how you would like us to handle your Report.

May we include your Report, including any documents or photographs that you have attached to your Report, but without your name and contact information, in the CPSC's Public Database?

- Yes, you may include my Report in the Public Database.
- O No, do not include my Report in the Public Database.

May we release your name and contact information to the product manufacturer / private labeler identified in your Report?

- Yes, you may release my name and contact information to the product manufacturer/private labeler
- O No, do not release my name and contact information to the product manufacturer/private labeler.
- By signing this form, I certify that I have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief.

(b)(6)	
TO SHOW	11-4-14
Signature /	Date

This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 9/25/2014. In order for this Report to be included in the CPSC's database, the Publicly Available Consumer Product Safety Information Database, available at www.SaferProducts.gov, you must complete the last page of the Report and return it to the CPSC.

Incident Details

Document Number:	H1490196A	* Sec	Back of pictu	Tes for mare =
Report Number:	20140925-9E7CA-1430749	Dates		CO TO MOVE THE
Report Submitted Date:	9/25/2014	I did	At reset Date	ies for more Int batteries want de earse on camera
Who You Are:	Consumer			
	Caller stated that flexseal was plastic joints that was connec They were unable to use the	cted to the PVC pipes. This ca	aused water damage	
	8/11/13 The manufacturer w within 72 hours. She call back rep ([REDACTED]) from the co	k again 8/14 and was told the company contacted her and re	at someone would o	ontact her. 8/15 a
	still refuse to pay	Bamages. Sent pictu	re of Newspaper	late to show came
	Caller feels that this product	is a safety hazard and should	d be reported. 🛰	is not reset.
Incident Date:	8/7/2014			
	Home/Apartment/Condomini	ium - <sup>(b)(6)</sup>	Wisconsin, (b)(6)	United States
Victim Details				
First Name:	(b)(6)			
Last Name:				
Injury Information:	Incident, No Injury			
Victim is of Hispanic/Latino origin?	American			
Race:	Unspecified white			
Other Race/Ethnicity:	white			
My Relationship to Victim:	Unspecified			
Gender:	Female			
Age when incident occurred:	(Unspecified) Years			
Address:		564		
E-mail:	h)(6)			
Phone Number:	5)(0)			
Product Detail	s			
Product Description:	Sealant			
	t guarantee the accuracy, c	completeness, or adequac	v of the contents	of the Publicly

This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 8/1/2013

#### Incident Details

Document I1380007A

Number:

Report Number: 20130801-CB532-2147453534

Report 8/1/2013

Submitted Date:

Who You Are: Consumer

Incident The product "Flex Seal" (as seen on TV) was sprayed and soon after I came down with a severe Description: lung infection. I believe (b)(3):CPSA Section 6(b)(1) substances are used to make this section product

they call "Flex Seal". Please investigate.

Incident Date: 7/21/2013

Incident Location:

#### Victim Details

First Name:

Last Name:

Injury Unspecified

Information: Victim is of Hispanic/Latino

origin?

Race: Unspecified

Other Race/Ethnicity:

My Relationship Unspecified

to Victim:

Gender: Unspecified

Age when (Unspecified) Years

incident occurred: Address: E-mail:

Phone Number:

#### **Product Details**

Product FLEX SEAL is the name of the product. There are THOUSANDS of people complaining about this cription: (b)(3):CPSA online. They use (b)(3):CPSA Section and the product does not even work.

Description: (b)(3):CPSA 6(b)(1)

Product Home Maintenance and Structures

Category:

Product Type: Household Chemicals, Paint, & Cleaning Products

Brand Name: FLEX SEAL Manufacturer / FLEX SEAL Importer /

Private Labeler Name:

Model Name or Number:

Serial Number:	
Date Manufactured:	
Manufacturer Date Code:	
Manufacturer Address:	Not specified
Manufacturer Website URL:	
Manufacturer Phone Number:	
Retailer:	
Retailer State:	
Additional Detail	s
Purchase Date:	
I still have the product in my possession.	No
The product was damaged before the incident.	No
The product was modified before the incident.	No
Have you contacted the manufacturer?	Yes
If not, do you plan to contact them?	N/A
Explanation:	FLEX SEAL refuses to cooperate
Your Contact	Information
First Name:	(b)(6)
Last Name:	

Your Contact	Information
First Name: Last Name: Address: E-mail Phone Number:	
Consent	
May we include your Report, including any documents or photographs	Yes, you may include my Report with any attachments on SaferProducts.gov.

that you have attached to your Report, but without your name and contact information, in CPSC's Public Database? May we release No, do not release my name and contact information to the product manufacturer / importer/ your name and private labeler. contact information to the product manufacturer / importer / private labeler identified in your Report? I certify that I Yes have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief.

OMB Control Number 3041-0146



**U.S. CONSUMER PRODUCT SAFETY COMMISSION** 

# FOR OFFICIAL USE ONLY PROPRIETARY

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Page 2
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(b)(3):Exemption 3 6(b)(5)
of the Freedom of Information Act

Page 3
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of the Freedom of Information Act