

**UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION**

IN THE MATTER OF

THYSSENKRUPP ACCESS CORP.,

Respondent.

CPSC DOCKET NO.: 21-1

**RESPONDENT’S THIRD SET OF REQUESTS FOR ADMISSION TO  
CONSUMER PRODUCT SAFETY COMMISSION**

Pursuant to 16 C.F.R. § 1025.34, Respondent TK Access Solutions Corp., formerly known as thyssenkrupp Access Corp. (“the Company”), hereby requests that the Consumer Product Safety Commission (“CPSC,” “the agency,” or “the Commission”) admit the truth of each of the following matters<sup>1</sup> under oath and in writing within 30 days of service hereof.

Pursuant to 16 C.F.R. § 1025.31(b), the Company reserves the right to submit additional requests for production of documents or things, requests for admission, or interrogatories.

By way of background, Respondent has engaged with CPSC since 2013 regarding home elevator components that may have been installed, by construction-trade professionals, outside of Respondent’s specifications and applicable elevator and other safety code requirements. Nevertheless, Respondent offered an information safety campaign and made available discounted space guards for purchase from 2014 to 2017 (a program approved by the Commission as a “non-recall” corrective action in 2014). Respondent established a new program with free space guards,

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<sup>1</sup> Where applicable in the Requests below and pursuant to 16 C.F.R. § 1025.34(a), documents that have previously been produced by either Party are identified by the appropriate Bates number. Documents that have not previously been produced are attached (redacted where appropriate pursuant to the Presiding Officer’s Protective Order of October 12, 2021) as lettered Exhibits; these documents will be formally produced by Respondent in a forthcoming supplemental production and as such bear Bates stamps consistent with that production.

supported by free measurement assistance and free installation support, or a “do-it-yourself” option, beginning February, 2021. The hazard alleged is one that CPSC has described as “Industry-Wide,”<sup>2</sup> and the Commission’s Chair has alleged that residential elevator components from “all of the elevator companies . . . pose the same [hazard],” referring expressly to the above-referenced matter.<sup>3</sup> Although CPSC has been aware of the potential hazard since 2013, and Respondent’s programs since 2014, at no time has CPSC – a federal safety agency – publicly urged homeowners to seek space guards from either the current or prior program or used its authority to encourage dealers and installers to cooperate in either campaign. The Commission instead authorized filing this lawsuit in 2021 demanding that Respondent characterize the actions Respondent is already taking as a “recall.”

### **DEFINITIONS AND INSTRUCTIONS**

Respondent hereby incorporates by reference all of its Definitions and Instructions set forth in Respondent’s First Set of Requests for Admission to Consumer Product Safety Commission and Respondent’s Second Set of Requests for Admission to Consumer Product Safety Commission, filed on August 6, 2021, and January 20, 2022, respectively.

### **REQUESTS FOR ADMISSION**

1. Admit that [REDACTED] was an employee of CPSC on March 21, 2013.
2. Admit that [REDACTED] was an employee of CPSC on April 2, 2013.
3. Admit that [REDACTED] was an employee of CPSC on June 19, 2014.

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<sup>2</sup> U.S. Consumer Prod. Safety Comm’n, “CPSC and Three Leading Elevator Manufacturers Announce Recalls of Residential Elevators Due to Industry-Wide Issue of Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children” (Jan. 11, 2022), included as Exhibit E.

<sup>3</sup> *Id.* at ¶ 5.

4. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] of the law firm Cash, Krugler & Fredericks, LLC, on March 21, 2013, produced at Bates number CPSC\_21-1\_024614.
5. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] and [REDACTED] of the law firm Cash, Krugler & Fredericks, LLC, on April 2, 2013, produced at Bates numbers CPSC\_21-1\_22812-22813.
6. Admit to the authenticity of CPSC's Closing Letter dated June 19, 2014, produced at Bates numbers TKAS\_CPSC21-1\_51475 through TKAS\_CPSC21-1\_51477.
7. Admit to the authenticity of CPSC's Record of Commission Action ("RCA") (undated but noting "Ballot vote due March 24, 2017") entitled: "ITEM: Petition Requesting Rulemaking on Residential Elevators (Briefing Package dated March 15, 2017, OS No. 5578)," produced at Bates number TKAS\_CPSC21-1\_51495.
8. Admit to the authenticity of CPSC's Ballot Vote Sheet, dated March 15, 2017, entitled "Petition Requesting Rulemaking on Residential Elevators"), produced at Bates numbers TKAS\_CPSC21-1\_51496-97.
9. Admit to the authenticity of a CPSC document dated March 15, 2017, entitled "**Briefing Package** Petition CP 15-01: Petition for Residential Elevators," produced at Bates numbers TKAS\_CPSC21-1\_51498 through TKAS\_CPSC21-1\_51559.
10. Admit to the authenticity of CPSC Acting Chairman Ann Marie Buerkle's Letter, dated August 6, 2019, entitled: "Acting Chairman Ann Marie Buerkle's Letter to All 50 Governors to Change Building Codes for Residential Elevators," produced at Bates numbers TKAS\_CPSC21-1\_51564 through TKAS\_CPSC21-1\_51565.

11. Admit to the authenticity of CPSC's Safety Alert dated August 1, 2019, entitled: "Safety Alert to Protect Children From A Deadly Gap between Doors of Home Elevators," produced at Bates numbers TKAS\_CPSC21-1\_51566 through TKAS\_CPSC21-1\_51567.
12. Admit to the authenticity of CPSC's press release (Release Number 19-182) issued August 8, 2019, entitled: "CPSC Alert: Protect Children from A Deadly Gap between Doors of Home Elevators," produced at Bates numbers TKAS\_CPSC21-1\_51568 through TKAS\_CPSC21-1\_51570.
13. Admit to the authenticity of CPSC's press release issued June 24, 2021 (Release Number 21-153), entitled: "Vacation Rental Homes Can Pose a Deadly Hazard – Kids Can Be Crushed to Death in Dangerous Home Elevator Gaps," produced at Bates numbers TKAS\_CPSC21-1\_51571 through TKAS\_CPSC21-1\_51574.
14. Admit to the authenticity of CPSC's press release (Release Number 21-166) issued July 20, 2021, entitled: "CPSC Urges Vacation Rental Platforms, AirBnB, Vrbo, TripAdvisor and Others to Require Owners to Disable Home Elevators Immediately," produced at Bates numbers TKAS\_CPSC21-1\_51575 through TKAS\_CPSC21-1\_51577.
15. Admit to the authenticity of CPSC's press release (Release Number 21-162) issued July 13, 2021, entitled: "As Family Vacations Resume, CPSC Warns of Safety Hazards in Vacation Rental Homes," produced at Bates numbers TKAS\_CPSC21-1\_51578 through TKAS\_CPSC21-1\_51580.
16. Admit to the authenticity of CPSC's press release (Release Number 21-161) dated July 7, 2021, entitled, "CPSC Sues thyssenkrupp Access Corp. Over Deadly Gap Hazard in Residential Elevators; Action Prompted by Three Incidents: One Child Died, Another



- Permanently Disabled, and a Third Hospitalized After Becoming Entrapped,” produced at Bates numbers TKAS\_CPSC21-1\_51581 through TKAS\_CPSC21-1\_51583.
17. Admit to the authenticity of CPSC Acting Chairman Robert S. Adler’s Letter dated July 20, 2021, and sent to vacation rental platforms, agencies, and websites, produced at Bates numbers TKAS\_CPSC21-1\_51584 through TKAS\_CPSC21-1\_51585.
  18. Admit to the authenticity of CPSC’s RCA dated July 7, 2021, entitled: “ITEM: Vote to Issue Administrative Complaint Against thyssenkrupp Access Corp. (Briefing package date May 5, 2021, OS No. 0059), produced at Bates number CPSC\_21-1\_000263.
  19. Admit to the authenticity of CPSC’s Recall Number 21-056, issued on December 17, 2020, entitled: “Otis Elevator Company Recalls to Inspect Private Residence Elevators Due to Entrapment Hazard; Risk of Serious Injury or Death to Young Children,” attached as Exhibit A and stamped Bates numbers TKA\_CPSC21-1\_64775-78.
  20. Admit to the authenticity of CPSC’s Recall Number 22-045, issued on January 11, 2022, entitled: “Bella Elevator Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children,” attached as Exhibit B and stamped Bates numbers TKA\_CPSC21-1\_64779-82.
  21. Admit to the authenticity of CPSC’s Recall Number 22-046, issued on January 11, 2022, entitled: “Inclinor Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children,” attached as Exhibit C and stamped Bates numbers TKA\_CPSC21-1\_64783-86.
  22. Admit to the authenticity of CPSC’s Recall Number 22-047, issued on January 11, 2022, entitled: “Residential Elevators Recalled by Savaria Corporation Due to Child

- Entrapment Hazard; Risk of Serious Injury or Death to Young Children,” attached as Exhibit D and stamped Bates numbers TKA\_CPSC21-1\_64787-90.
23. Admit to the authenticity of CPSC’s Recall Number 22-048, issued on January 11, 2022, entitled: “CPSC and Three Leading Elevator Manufacturers Announce Recalls of Residential Elevators Due to Industry-Wide Issue of Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children,” attached as Exhibit E and stamped Bates numbers TKA\_CPSC21-1\_64791-96.
  24. Admit to the authenticity of CPSC’s press release (Release Number 22-049) issued January 11, 2022, entitled: “CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards,” attached as Exhibit F and stamped Bates numbers TKA\_CPSC21-1\_64797-801.
  25. Admit to the authenticity of CPSC’s announcement (Release Number 22-050) dated January 11, 2022, entitled: “CPSC Announces Additional Steps Towards Eliminating Child Entrapment Hazard in Residential Elevators; Three Recalls and One Warning Issued; Consumers Warned to Check Residential Elevators, including at Rental Homes,” attached as Exhibit G and stamped Bates numbers TKA\_CPSC21-1\_64802-06.
  26. Admit that [REDACTED] is an employee of CPSC.
  27. Admit that [REDACTED] was an employee of CPSC on December 29, 2021.
  28. Admit that [REDACTED] was an employee of CPSC on January 3, 2022.
  29. Admit to the authenticity of email correspondence sent by [REDACTED] to the Administrator of the Company’s Home Elevator Safety Program on December 29, 2021, attached as Exhibit H and stamped Bates numbers TKA\_CPSC21-1\_64807.

30. Admit to the authenticity of email correspondence sent by [REDACTED] to the Administrator of the Company's Home Elevator Safety Program on January 3, 2022, attached as Exhibit I and stamped Bates number TKA\_CPSC21-1\_64809.
31. Admit to the authenticity of a video public service announcement (undated) entitled "Home Elevator Safety Hidden and Deadly Gap Public Service Announcement," produced in its native form (an .MP4 file), with placeholder page attached as Exhibit J and stamped Bates number TKAS\_CPSC21-1\_64815.
32. Admit to the authenticity of a CPSC document (undated) entitled "Home Safety Tips During #Coronavirus: *Young Children*," attached as Exhibit K and stamped Bates number TKA\_CPSC21-1\_64820-21.
33. Admit to the authenticity of CPSC's press release (Release Number 11-327) issued September 15, 2011, entitled: "CPSC Completes Final Studies to Help Affected Homeowners Remediate Problem Drywall," attached as Exhibit L and stamped Bates numbers TKA\_CPSC21-1\_64824-30.
34. Admit to the authenticity of CPSC's Internet posting pertaining to drywall (undated) entitled: "Other Frequently Asked Questions," attached as Exhibit M and stamped Bates numbers TKA\_CPSC21-1\_64831-34.
35. Admit to the authenticity of CPSC's Internet posting pertaining to drywall (undated) entitled: "How Can I Tell If My Home Has Problem Drywall?," attached as Exhibit N and stamped Bates numbers TKA\_CPSC21-1\_64835-38.
36. Admit to the authenticity of CPSC's press release (Release Number 13-147) issued March 21, 2013, entitled: "CPSC and ACCC Warn of Poison Dangers with Liquid

Laundry Packets, attached as Exhibit O and stamped Bates numbers TKA\_CPSC21-1\_64839-43.

37. Admit to the authenticity of CPSC's Product Safety Assessment ("PSA") Number 0913.18 approved August 14, 2018, produced at Bates numbers CPSC\_21-1\_071616-19.
38. Admit to the authenticity of CPSC's PSA Number 0368.20 approved November 27, 2020, produced at Bates numbers CPSC\_21-1\_071528-64.
39. Admit to the authenticity CPSC's PSA Number 0376.20 approved November 17, 2020, produced at Bates numbers CPSC\_21-1\_071565-603.
40. Admit to the authenticity of CPSC's PSA Number 0423.20 approved October 23, 2020, produced at Bates numbers CPSC\_21-1\_071604-15.
41. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] on January 29, 2021, produced at Bates number CPSC\_21-1\_010939.
42. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] of the law firm Cash, Krugler & Fredericks, LLC, on April 30, 2018, produced at Bates number CPSC\_21-1\_021304.
43. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] on April 30, 2018, produced at Bates number CPSC\_21-1\_021306.
44. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] on August 7, 2018, produced at Bates number CPSC\_21-1\_023681-82.
45. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] on August 7, 2018, produced at Bates number CPSC\_21-1\_023683.
46. Admit to the authenticity of email correspondence sent by [REDACTED] to [REDACTED] on August 7, 2018, produced at Bates number CPSC\_21-1\_023684.

47. Admit that the email correspondence identified in Request 46 included, as attachments, two documents that the Company provided to CPSC on May 18, 2018, in response to CPSC's information requests, namely:
- a. A document, entitled "Installation Instructions for Counterweighted Chain Drive," that was previously stamped TKA\_CPSC000030-99 and that was in turn produced by Complaint Counsel at Bates number CPSC\_21-1\_023685-755 and
  - b. A document, entitled "Planning Guide for Residential Elevators ASME A17.1, Part V, Section 5.3," that was previously stamped TKA\_CPSC000005-29 and that was in turn produced by Complaint Counsel at Bates number CPSC\_21-1\_023756-780.

Dated: March 4, 2022



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ATTORNEYS FOR RESPONDENT,  
TK Access Solutions Corp.

**CERTIFICATE OF SERVICE**

Pursuant to 16 C.F.R. § 1025.16, as adopted by the Presiding Officer in CPSC Docket No. 21-1, I hereby certify that on March 4, 2022, true and correct copies of the foregoing Respondent's Third Set of Requests for Admission to Consumer Product Safety Commission were filed with the Secretary of the U.S. Consumer Product Safety Commission and served on all parties and participants of record in these proceedings in the following manner:

By electronic mail to the Secretary of the U.S. Consumer Product Safety Commission:

Alberta Mills  
Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814  
amills@cpsc.gov

By electronic mail to the Presiding Officer:

The Honorable Mary Withum, Administrative Law Judge  
c/o Alberta E. Mills  
Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814  
amills@cpsc.gov

By electronic mail to Complaint Counsel:

Mary B. Murphy  
Complaint Counsel  
Director  
Division of Enforcement and Litigation  
Office of Compliance and Field Operations  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
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Gregory M. Reyes, Trial Attorney  
Michael J. Rogal, Trial Attorney  
Frederick C. Millett, Trial Attorney  
Joseph E. Kessler, Trial Attorney

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A handwritten signature in blue ink, appearing to read "Sheila A. Millar", written over a horizontal line.

Sheila A. Millar



# EXHIBIT A

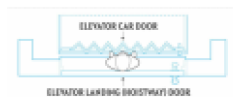
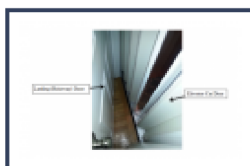


United States  
CONSUMER PRODUCT  
SAFETY COMMISSION

# Otis Elevator Company Recalls to Inspect Private Residence Elevators Due to Entrapment Hazard; Risk of Serious Injury or Death to Young Children



Typical Private Residence Elevator with Exterior Landing (Hoistway) Door and Interior Elevator Car (Accordion) Door



**Name of Product:**

Otis and CemcoLift Private Residence Elevators

**Hazard:**

Children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate, and suffer serious injuries or death when the elevator is called to another floor.

**Remedy:**

Repair

**Recall Date:**

December 17, 2020

**Units:**

About 5,000

## Consumer Contact

Otis at 800-233-6847 from 8 a.m. to 5 p.m. ET Monday through Friday or online at [www.otis.com](http://www.otis.com) and click on IMPORTANT SAFETY INFORMATION – PRIVATE RESIDENCE ELEVATORS for more information.

# Recall Details

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## Description:

This recall involves Otis private residence elevators purchased before 2012 and CemcoLift private residence elevators purchased from 1999 to 2012. The elevators are used in consumers' homes.

## Remedy:

Consumers should disable or block children's access to any Otis or CemcoLift private residence elevator and contact Otis to schedule a free inspection and the installation of space guard(s), if necessary.

## Incidents/Injuries:

Otis is aware of at least four incidents involving an Otis or CemcoLift private residence elevator that resulted in a crushed spine and abdomen, fractured hip, broken arm and feet, and bruising to the face and chest.

## Sold At:

Otis private residence elevators and parts were sold to independent third-party contractors and, occasionally, directly to consumers through 2012. Otis sold CemcoLift private residence elevators and parts to independent third-party contractors, and occasionally, directly to consumers from approximately 1999 to 2012. Otis and

CemcoLift private residence elevators cost approximately \$20,000 to purchase and install.

**Manufacturer(s):**

Otis Elevator Company of Farmington, Ct. and CemcoLift Elevators Systems, formerly of Hatfield, Pa. CemcoLift is a former subsidiary of Otis Elevator Company.

**Manufactured In:**

United States

**Recall number:**

21-056

# EXHIBIT B

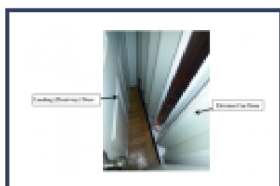


United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# Bella Elevator Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children



Residential Elevator with Space Between the Exterior Landing (Hoistway) Door and Interior Elevator Car (Accordion) Door. A young child can become entrapped if there is a hazardous gap between the doors.



**Name of Product:**

Bella residential elevators

**Hazard:**

Young children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate if there is a hazardous gap, and suffer serious injuries or death when the elevator is called to another floor.

**Remedy:**

Repair

**Recall Date:**

January 11, 2022

**Units:**

About 10,500

## Consumer Contact

Bella Elevator toll-free at 877-375-1428 from 8 a.m. to 5 p.m. CT Monday through Friday, or online at [www.home-elevator-door-gap.com](http://www.home-elevator-door-gap.com) or [www.symmetryelevators.com](http://www.symmetryelevators.com) and click on Recall at the bottom of the page for more information.



# Recall Details

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## Description:

This recall involves Bella residential elevators manufactured from 2009 to 2021. Models include Symmetry IGD, Hydraulic, and Winding Drum Elevators. The Symmetry brand name is located on the elevators' controllers. The elevators are used in consumers' homes.

## Remedy:

Consumers should keep unsupervised young children away from the recalled residential elevators and contact the manufacturers for instructions on how to measure for space guards to correct any hazardous gap. Space guards will be provided free of charge and assistance with space guard installation will be provided on request.

## Incidents/Injuries:

None reported

## Sold At:

Bella residential elevators and parts were sold through a network of authorized dealers and, occasionally, directly to consumers nationwide from June 2009 to December 2021 for between approximately \$20,000 and \$35,000 including installation.

**Manufacturer(s):**

Bella Elevator, LLC, d/b/a Symmetry Elevating Solutions, of Peoria, Ill.

**Manufactured In:**

United States

**Recall number:**

22-045

# EXHIBIT C



United States  
CONSUMER PRODUCT  
SAFETY COMMISSION

# Inclinor Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children



Residential Elevator with Space Between the Exterior Landing (Hoistway) Door and Interior Elevator Car (Accordion) Door. A young child can become entrapped if there is a hazardous gap between the doors.



**Name of Product:**

Inclinator residential elevators

**Hazard:**

Young children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate if there is a hazardous gap, and suffer serious injuries or death when the elevator is called to another floor.

**Remedy:**

Repair

**Recall Date:**

January 11, 2022

**Units:**

About 39,300

## Consumer Contact

Inclinator Company toll-free at 833-620-2949 from 7:30 a.m. to 4:30 p.m. ET Monday through Friday, or online at [www.home-elevator-door-gap.com](http://www.home-elevator-door-gap.com) or [www.inclinator.com](http://www.inclinator.com) and click on Recall at the bottom of the page for more information.

# Recall Details

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## Description:

This recall involves Inclinator residential elevators manufactured from 1979 through 2021. Models include: Winding Drum (450 – 1,000 lb.), Hydraulic Drive, Chain Drive, Traction Drive and Overhead Cable Drum. Serial numbers are located on the elevator controllers, stamped on the rails, or on the outside of the drum for Winding Drum units. The elevators are used in consumers' homes.

## Remedy:

Consumers should keep unsupervised young children away from the recalled residential elevators and contact the manufacturers for instructions on how to measure for space guards to correct any hazardous gap. Space guards will be provided free of charge and assistance with space guard installation will be provided on request.

## Incidents/Injuries:

None reported

## Sold At:

Inclinator residential elevators and parts were sold through a network of authorized dealers and, occasionally, directly to consumers from January 1979 through December 2021 for between approximately \$20,000 and \$35,000 including installation.

**Manufacturer(s):**

Inclinator Company of America Inc., of Harrisburg, Pa.

**Manufactured In:**

United States

**Recall number:**

22-046

# EXHIBIT D



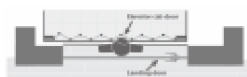
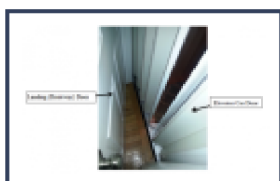


United States  
CONSUMER PRODUCT  
SAFETY COMMISSION

# Residential Elevators Recalled by Savaria Corporation Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children



Residential Elevator with Space Between the Exterior Landing (Hoistway) Door and Interior Elevator Car (Accordion) Door. A young child can become entrapped if there is a hazardous gap between the doors.



**Name of Product:**

Savaria and Garaventa branded residential elevators

**Hazard:**

Young children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate due to a hazardous gap, and suffer serious injuries or death when the elevator is called to another floor.

**Remedy:**

Repair

**Recall Date:**

January 11, 2022

**Units:**

About 19,500

## Consumer Contact

Savaria toll-free at 855-983-5520 from 8 a.m. to 5 p.m. ET Monday through Friday, or online at [www.home-elevator-door-gap.com](http://www.home-elevator-door-gap.com) or [www.savaria.com](http://www.savaria.com) and click on Recall at the bottom of the page for more information.

# Recall Details

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## Description:

This recall involves Savaria and Garaventa branded residential elevators manufactured from 1999 through 2021. Models include: Eclipse, Infinity, Kwiklift, MR and HR. Model names are located on the elevators' controllers. The elevators are used in consumers' homes.

## Remedy:

Consumers should keep unsupervised young children away from the recalled residential elevators and contact the manufacturers for instructions on how to measure for space guards to correct any hazardous gap. Space guards will be provided free of charge and assistance with space guard installation will be provided on request.

## Incidents/Injuries:

None reported

## Sold At:

Savaria and Garaventa branded residential elevators and parts were sold nationwide through a network of authorized dealers and, occasionally, directly to consumers from January 1999 through December 2021 for between approximately \$20,000 to \$35,000 including installation.

**Manufacturer(s):**

Savaria Corporation, of Canada

**Manufactured In:**

Canada

**Recall number:**

22-047

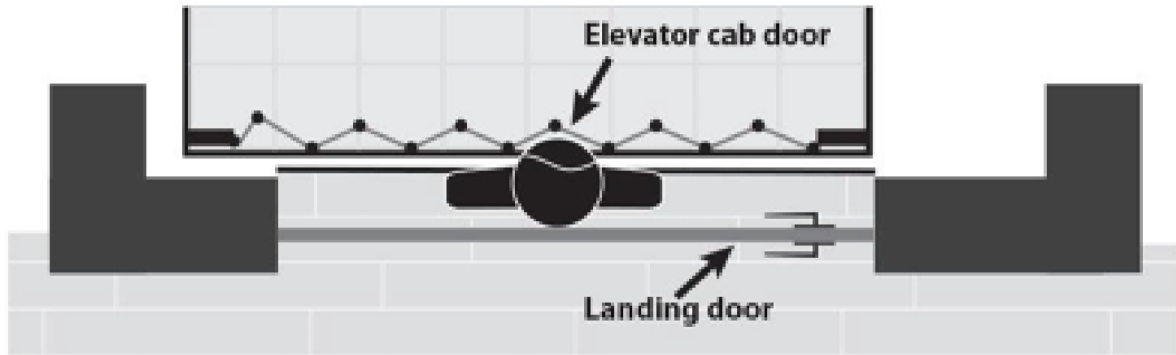
# EXHIBIT E



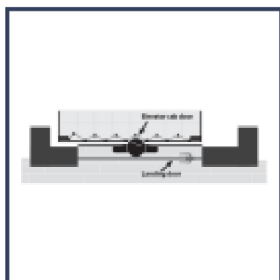
United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# **CPSC and Three Leading Elevator Manufacturers Announce Recalls of Residential Elevators Due to Industry- Wide Issue of Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children**

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Scenario depicting a child trapped between an exterior landing (hoistway) door and an interior elevator car door due to a hazardous gap. The exterior door locks the young child in the space between the doors when the elevator is called to another floor, putting the child at risk of being crushed or pinned and suffering serious injuries or death.



**Remedy:**

New Instructions

Repair

**Recall Date:**

January 11, 2022



# Recall Details

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## Description:

*Manufacturers Providing Free Safety Devices to Address Hazardous Gap Spaces between Home Elevator Doors*

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) and Bella Elevator, LLC, Inclinor Company of America, and Savaria Corporation, are announcing three separate voluntary recalls of about 69,000 residential elevators.

Young children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate if there is a hazardous gap, and suffer serious injuries or death when the elevator is called to another floor.

Consumers should keep unsupervised young children away from the recalled residential elevators and contact the manufacturers for instructions on how to measure for space guards to correct any hazardous gap. Space guards will be provided free of charge and assistance with space guard installation will be provided on request.

Bella, Inclinor and Savaria have agreed that all current manufacturing and distribution of future residential elevators will comply with applicable voluntary safety standards to eliminate the young child entrapment hazard. CPSC [previously warned](#) consumers about residential elevators in July 2021.

## Statement of Alexander Hoehn-Saric, Chair of the CPSC

I am pleased that the CPSC and these three residential elevator companies, Bella Elevator, Inclinor Company of America, and Savaria Corporation have come to an agreement to rectify a dangerous hazard for consumers who use residential elevators

in their own homes, the homes of relatives, or in rental or vacation homes. This is an important step that will prevent further harm from potentially tens of thousands of residential elevators. Industry and the CPSC still have work to do. We have not yet been able to reach agreements with all of the elevator companies to fix their residential elevators that pose the same potentially fatal entrapment hazard and in one case sued a company to force a fix. As long as this hazard persists, I am committed to continuing this work and preventing future entrapment injuries and deaths."

**Joint statement from Bella, Inclinator and Savaria:**

We are pleased to be working with the CPSC on this recall, in which we are providing free space guards where needed to increase the safety of our residential elevators. Today's announcement also reflects our three companies' firm, continued commitment to working with our installer partners so that future residential elevators will be installed consistent with voluntary safety standards to eliminate hazardous gaps between home elevator car doors or gates and hoistway doors. We are proud to be leaders in the residential elevator industry in addressing this important issue, in cooperation with the CPSC.

**[Bella Elevator LLC Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[Inclinator Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[Savaria Corporation Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**Recall number:**

22-048



# EXHIBIT F



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards

Release Date: January 11, 2022



The distance between the hoistway door and elevator car door. A child can become entrapped in that space if the distance is greater than 4 inches.



WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) is warning consumers about deadly hazards posed by Waupaca Elevator Company, Inc. residential elevators. These Waupaca elevators were manufactured and distributed beginning in 1979 through to the present and sold for between \$18,000 and \$30,000. Models include the 008, 010, 014, 015, 016, 018, 021, 022, 110, 114, 115, 116, 118, and 210 models.

Children can become entrapped in residential elevator gaps larger than four inches between the exterior landing (hoistway) door and the interior elevator car door or gate, and can die or suffer serious injuries when the elevator is called to another floor. During the summer of 2021, three children were entrapped in other manufacturers' residential elevators; one of them, a 7-year-old, was fatally crushed by an elevator in a vacation home.

This is an issue that affects residential elevators broadly. Children can fit into what may appear to be a small gap between the exterior landing (hoistway) door and the elevator door. Consumers should have a safety device, such as a space guard, installed to eliminate any hazardous gaps.

CPSC has been issuing warnings about the hazard posed by residential elevators since 2019, and today is announcing that three other companies have agreed to contact their customers and fix all elevators that have a hazardous gap as part of a recall:

[Bella Elevator LLC Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)

[Inclinor Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)

[Savaria Corporation Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)

CPSC is aware of one incident from 2011 that involved a Waupaca residential elevator. A 4-year-old child became trapped between the hoistway door and the Waupaca model

014 elevator car door. The child was found dangling in the elevator shaft, upside down, with his foot lodged between the elevator car and the elevator shaft on the third floor. The child suffered physical scarring and permanent vision loss as a result of the incident. CPSC requested that Waupaca join the recall being announced today, but the company refused.

CPSC urges homeowners with Waupaca residential elevators to lock the elevator, or lock all exterior landing (hoistway) doors to the elevator, to prevent children from accessing the elevator until a local elevator service company or qualified inspector can examine the elevator to ensure that the space between the doors complies with the requirements of ASME A17.3-2017 *Safety Code for Existing Elevator and Escalators*.

Consumers may visit <https://naesai.org/search> to find a qualified inspector in their area.

Waupaca, in cooperation with CPSC, previously [recalled](#) Waupaca residential elevators in October 2018 and issued a [warning](#) in July 2021 for a hazard associated with the elevators falling unexpectedly, including one resulting in a death. Since October 2018, Waupaca has been working with its dealers to install overspeed safety devices on recalled elevators. CPSC advises consumers to report any safety incident involving residential elevators at [www.SaferProducts.gov](http://www.SaferProducts.gov).

Under section 6(b) of the Consumer Product Safety Act, CPSC is required to include with this press release any comments or other information provided by the company or a summary thereof. Waupaca has stated to the Commission that it does not have the financial resources required to satisfy a recall to address elevator gaps. Waupaca's financial situation has resulted in the company obtaining a court order appointing a receivership over its assets and operations. Waupaca has stated to the Commission its position that, in the 2011 incident, the Waupaca elevator was not installed pursuant to the applicable code. Waupaca further has stated that it joins the CPSC in urging owners of Waupaca elevators to make arrangements for the inspection and repair of residential elevators to address elevator gaps, and to install overspeed braking devices.

## Release Number



**22-049**

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC's work to ensure the safety of consumer products has contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

**For lifesaving information:**

- Visit [CPSC.gov](https://www.cpsc.gov).
- Sign up to receive our [e-mail alerts](#).
- Follow us on [Facebook](#), Instagram [@USCPSC](#) and Twitter [@USCPSC](#).
- Report a dangerous product or a product-related injury on [www.SaferProducts.gov](https://www.SaferProducts.gov).
- Call CPSC's Hotline at 800-638-2772 (TTY 301-595-7054).
- Contact a [media specialist](#).

## Media Contact



Please use the below phone number for all media requests.

**Phone: (301) 504-7908**

**Spanish: (301) 504-7800**

[View CPSC contacts for specific areas of expertise](#)

# EXHIBIT G



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# **CPSC Announces Additional Steps Towards Eliminating Child Entrapment Hazard in Residential Elevators; Three Recalls and One Warning Issued; Consumers Warned to Check Residential Elevators, including at Rental Homes**

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**Release Date:** January 11, 2022

**Three Leading Elevator Manufacturers Recall Residential Elevators; Risk of Serious Injury or Death to Young Children; CPSC Issues Warning Regarding Elevators Manufactured by a Fourth Company**

*WASHINGTON, D.C.* – The U.S. Consumer Product Safety Commission (CPSC) today announced new steps in its ongoing effort to eliminate deadly hazards from residential elevators.

Young children can become entrapped in the space between the exterior landing (hoistway) door and the interior elevator car door or gate if there is a hazardous gap, and suffer serious injuries or death when the elevator is called to another floor. Three children were entrapped in this way during the summer of 2021, with one seven-year-old boy suffering fatal injuries in an elevator at a vacation rental home in North

Carolina. In some incidents, children have suffered multiple skull fractures, fractured vertebrae, traumatic asphyxia and other horrific and lifelong injuries.

Three elevator manufacturers – Bella Elevator, LLC, Inclinator Company of America, and Savaria Corporation – have worked with CPSC to announce three separate voluntary recalls of about 69,000 residential elevators. CPSC is warning consumers to stop using elevators manufactured by a fourth company – Waupaca Elevator Company, Inc., – after it refused to cooperate with a recall.

**[CPSC and Three Leading Elevator Manufacturers Announce Recalls of Residential Elevators Due to Industry-Wide Issue of Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[Bella Elevator LLC Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[Inclinator Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[Savaria Corporation Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children](#)**

**[CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards](#)**

These actions come after a December 2020 recall of [other residential elevators](#) for the same hazard, as well as CPSC's [filing of a lawsuit](#) against thyssenkrupp Access Corp. in July 2021 when the company refused to initiate a recall.

CPSC continues its investigation into the safety of residential elevators and advises consumers to report any safety incident involving residential elevators at [www.SaferProducts.gov](http://www.SaferProducts.gov).

Regardless of whether you have an elevator in your home or are staying in a vacation rental with one, consumers are urged to check the safety of the elevator using the following tips:

- Make sure that the gap between doors is no more than four inches deep. If you are uncertain of the measurement or are otherwise concerned about the safety of the elevator, lock the elevator itself in an unusable position, or lock all access doors to the elevator.
- Have a qualified elevator inspector examine the home elevator for this dangerous gap and other potential safety hazards, inspecting to the latest ASME A17.3-2017, *Safety Code for Existing Elevator and Escalators*.
- Dangerous gaps can be made safer by placing space guards on the back of the exterior (*i.e.*, hoistway) door or installing an electronic monitoring device that deactivates the elevator when a child is detected in the gap.
- Contact the elevator manufacturer or an elevator installer to obtain these critical safety devices to address this hidden hazard. Elevator installers should never allow any gap greater than four inches deep to exist in an elevator entryway.
- Check [www.CPSC.gov/recalls](http://www.CPSC.gov/recalls) to see if the elevator has been recalled. If it has been recalled, call the recalling firm immediately to arrange for the fix.

Watch and share CPSC's Public Service Announcement on residential elevator safety for a simple guide to identifying dangerous [elevators](#).

## Release Number

**22-050**

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Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

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[View CPSC contacts for specific areas of expertise](#)

# EXHIBIT H



**From:** [REDACTED]  
**To:** [info\\_homelevator-safety](mailto:info_homelevator-safety)  
**Subject:** thyssenkrupp Access Safety Program– Website Correspondence  
**Date:** Wednesday, December 29, 2021 12:13:37 PM

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**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

## Website Correspondence

Name: [REDACTED]

Message: Hello, I'm contacting you from the Consumer Product Safety Commission. We are currently in the process of creating a PSA regarding in home elevator safety and would like to use some of the footage in your video if at all possible. The graphics are well done and easy to follow. Please contact me, [REDACTED] at [REDACTED] or [REDACTED]

Email Address: [REDACTED]

# EXHIBIT I

**From:** CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: thyssenkrupp Access Safety Program– Website Correspondence  
**Date:** Monday, January 3, 2022 5:17:25 AM

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Good morning, [REDACTED], and happy new year!

Thank you for getting back to me so quickly. Our Home Elevator written Safety notice will go out in a couple of weeks but the PSA won't go out until the end of the month but the exact date is still to be determined.

Cheers,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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**From:** CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
**Sent:** Thursday, December 30, 2021 12:19 PM  
**To:** CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
**Cc:** CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
**Subject:** RE: thyssenkrupp Access Safety Program– Website Correspondence

Dear [REDACTED],

Thank you for your email and your interest in using our instructional video posted at the thyssenkrupp Access Corp. Home Elevator Safety website for use in a possible CPSC PSA on home elevator safety. We would be more than happy to discuss arrangements to share the video file with you. I am part of the team that helps the company administer the program. We will need to discuss this with our colleagues at the company and many of them are out of the office until next week due to the holidays. Could you kindly let us know if you have a target deadline in mind to release the planned PSA so I can pass that on to them?

Sincerely,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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**From:** CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  
**Sent:** Wednesday, December 29, 2021 12:14 PM  
**To:** info\_homeelevator-safety <[info@homeelevator-safety.com](mailto:info@homeelevator-safety.com)>  
**Subject:** thyssenkrupp Access Safety Program– Website Correspondence

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

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Email Address: [REDACTED]

Email secured by Check Point

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# EXHIBIT J

# **PLACEHOLDER**

This document was produced natively

# EXHIBIT K

# Home Safety Tips During #Coronavirus: *Young Children*

## BABY SAFETY



- Prevent suffocation. Place baby to sleep on his/her back.
- Bare is Best! No pillows, blankets or plush toys in sleeping area.
- Don't use inclined sleepers.

## TIP OVERS



- Unsecured tvs and furniture can tip over causing injuries and deaths. Anchor it!
- Inexpensive anchoring kits installed in just five minutes can mean saving a child's life.
- Avoid placing items like toys or tv remotes where kids might be tempted to climb and reach.

## WINDOW CORDS



- Prevent strangulation. Replace corded window coverings with cordless blinds.
- If you can't, make sure cords are out of reach of children.
- Keep cribs, beds and furniture away from window cords.

## POISON



- Keep medicines and household cleaners in original child-resistant packaging.
- Store all laundry products up high and out of sight from small children.
- Keep nearby the Poison Help hotline number 1-800-222-1222.



USCPSC



NSN-09-042020

Tips by age group  
[CPSC.gov](http://CPSC.gov)





# Home Safety Tips During #Coronavirus: *Young Children*

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USCPSC



NSN-09-042020

Tips by age group  
CPSC.gov



# EXHIBIT L



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# CPSC Completes Final Studies to Help Affected Homeowners Remediate Problem Drywall

**Release Date:** September 15, 2011

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC) and the U.S. Department of Housing and Urban Development (HUD) today released updated [remediation](#) (pdf) guidance for homeowners with problem drywall. The guidance calls for the replacement of all: problem drywall; smoke and carbon monoxide (CO) alarms; electrical distribution components, including receptacles, switches and circuit breakers, but not necessarily wiring; and fusible-type fire sprinkler heads.

The updated remediation guidance is based on studies just completed by the National Institute of Standards and Technology (NIST) on potential long term corrosion effects of problem drywall on select [gas components](#) (pdf), [fire sprinkler heads](#) (pdf) and [smoke alarms](#) (pdf).

CPSC and HUD staffs believe these final studies that resulted in an update of the remediation guidance, along with previously-issued [identification guidance](#) (pdf), will enable homeowners to comprehensively remediate those homes containing problem drywall with potentially lower costs than by following the previous remediation guidance.

## Key Findings

The key finding is that none of the studies performed at NIST on smoke alarms, fire sprinkler heads, or gas service piping found corrosion associated with problem drywall that provided evidence of a substantial product safety hazard, as defined by the Consumer Product Safety Act. Corrosion of gas service piping was uniform and minimal compared to the thickness of pipes. Some smoke alarms and fire sprinkler heads showed small changes in performance due to accelerated corrosion, but these changes were generally within accepted industry standards.

As a result, CPSC and HUD no longer recommend the removal of gas service piping in homes with problem drywall. This change may reduce the cost of remediation for many homes. In addition, the agencies no longer recommend that glass bulb fire sprinkler heads be replaced in homes. However, the agencies recommend that both glass bulb sprinkler heads and gas distribution piping in affected homes be inspected and tested as part of the remediation to make sure they are working properly; any test failures should be corrected according to all applicable building codes.

The agencies do recommend the replacement of all fusible-type fire sprinkler heads, because one fusible-type sprinkler head sample that had been exposed to accelerated corrosion did not activate when tested. The agencies note that this type of sprinkler head is generally found in commercial, rather than residential, applications and that the sole failure could not be causally linked to the problem drywall.

In addition, CPSC staff continues to recommend that homeowners replace smoke alarms and carbon monoxide alarms as part of remediation.

### **Exhaustive Investigation**

CPSC's investigation into problem drywall to help affected homeowners began in early 2009 and involved significant agency resources. CPSC's investigation of problem drywall has been driven by sound science and has involved HUD, the U.S. Centers for



Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (EPA) as members of the Federal Interagency Task Force on Problem Drywall.

CPSC and HUD met with deeply-impacted homeowners, responded to correspondence, and kept members of Congress informed about our progress during this time period.

CPSC developed contracts to research and test problem drywall, visited Chinese mines and manufacturers, hosted a public website to keep the public informed about new developments, and devoted thousands of staff hours and millions of dollars to these activities.

As part of the effort to determine if there were any health or safety effects associated with problem drywall, the agency contracted with several highly-respected technical organizations, including Lawrence Berkeley National Laboratory (LBNL), Environmental Health & Engineering Inc. (EH&E), Sandia National Laboratories (SNL), NIST, and the U.S. Geological Survey (USGS).

LBNL used specially-built chambers to measure chemical emissions from drywall samples. In the second phase of its work, which is being released today, [LBNL](#) (pdf) evaluated the effects of different temperature and humidity conditions, as well as the effects of time and coatings of paint or plaster, on the emissions. A [prior LBNL](#) (pdf) study found considerably higher hydrogen sulfide emission rates from some, but not all, Chinese drywall samples compared to North American samples. The current LBNL study found that increases in temperature and humidity corresponded with increased emission rates of the most reactive sulfur gases, that emissions were significantly reduced over time (compared with its prior testing), and that coating the problem drywall samples did not result in differences in emissions compared to uncoated samples.

EH&E conducted CPSC's [51-home study](#) (pdf) on emissions and corrosion in problem drywall homes. The studies identified elevated levels of hydrogen sulfide in problem

drywall homes. The studies also showed a strong association between the presence of hydrogen sulfide and metal corrosion in the problem drywall homes.

SNL exposed smoke alarms, electrical components, gas piping, and sprinkler heads to concentrated levels of gases representative of problem drywall emissions, to simulate decades of exposure. SNL analyzed the effects of corrosion on the electrical components and found no degradation in performance and no acute safety events during testing.

NIST analyzed the type and depth of corrosion resulting from the simulated aging, as well as other samples taken from homes with problem drywall, and evaluated whether the corrosion would impact the proper functioning of smoke alarms, gas distribution piping, and fire sprinklers.

Another study being released today, that was conducted by the [USGS](#) (pdf), found no evidence of microbiological activity or a microbiological source of sulfur-gas emissions from gypsum rock or problem drywall, including samples taken from affected homes.

As part of the investigation, CPSC requested that CDC consider undertaking a comprehensive study of any possible long-term health effects. In February 2011, CDC indicated that the best scientific evidence available at that time did not support undertaking a long-term health study.

### **Concluding Our Investigation**

To date, CPSC has received 3,905 reports from residents of 42 states and the District of Columbia, American Samoa, and Puerto Rico, who believe their health symptoms or the corrosion of certain metal components in their homes are related to problem drywall. CPSC believes there may be as many as 6,300 U.S. homes with problem drywall.

CPSC has been focused on providing answers and guidance for homeowners based on its scientific work, and other federal agencies have worked to provide relief to

homeowners. For example, based on information provided by CPSC, the [IRS](#) allows certain impacted taxpayers whose homes meet the CPSC's problem drywall identification criteria to treat damages from corrosive drywall as a casualty loss, and provides a "safe harbor" formula for determining the amount of the loss. In addition, [HUD](#) advised its Federal Housing Administration-approved mortgage lenders that they may offer forbearance for borrowers confronted with the sudden effects of damaging drywall in their homes.

Going forward, CPSC staff continues to work with voluntary standards organizations to develop improved standards for drywall to prevent this type of problem from reemerging. The standard setting body ASTM International Inc. is also moving to require that all drywall sheets are marked with the manufacturer's name or a unique identification code, the manufacture date, and the source materials.

As the federal investigation into problem drywall concludes, CPSC staff believes that the extensive research and testing have been successful in defining the scope of the problem drywall issue, in producing identification and remediation protocols, and in providing homeowners with all the assistance possible within the agency's jurisdiction and appropriated funds authority. The agency will continue to provide information to and work with members of Congress and agency partners to support policy options that may be beneficial to impacted homeowners.

For additional findings from the Interagency Drywall Task Force's investigation, visit [www.DrywallResponse.gov](http://www.DrywallResponse.gov)

## **Release Number**

**11-327**

The U.S. Consumer Product Safety Commission (CPSC) is charged with

protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC's work to ensure the safety of consumer products has contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

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## Media Contact

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# EXHIBIT M



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

## Other Frequently Asked Questions

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### Why doesn't CPSC just recall the drywall?

CPSC cannot order a business to conduct a recall without a hearing. Any legal case on behalf of consumers would have to be supported by evidence demonstrating that the problem drywall was linked to health problems or electrical and fire safety issues in each home and thus presented a substantial product hazard warranting a recall. Current evidence does not support such a finding.

### Why didn't CPSC catch this problem drywall before it was installed in homes?

CPSC does not have the legal authority to perform pre-market testing and approval of products. In addition, this is a unique situation, given that drywall has not presented such problems in the past.

### Does problem drywall cause a safety hazard for electrical wiring in homes?

No. Our studies have found that although corrosion was present on electrical wiring, there was no reduction in the ability of the wiring to carry its rated current. We did not observe any safety hazards related to electrical wiring and problem drywall during our studies.

However, CPSC staff continues to recommend the removal and replacement of electrical distribution components when remediating the home, including receptacles, switches, and circuit breakers.

### Does problem drywall cause a safety hazard for gas pipes in homes?

No. Our studies detected the presence of surface corrosion, but no significant change in the thickness of piping occurred, and there was no reduction in the ability of the gas piping to perform as intended. We did not observe any safety hazards related to gas piping and problem drywall during our studies.

### **How do I choose firms to test and remediate the problem drywall in my home?**

The Federal Interagency Task Force has released [guidance](#) (pdf) to help consumers identify the presence of problem drywall in a home and to take action to [remediate it](#) (pdf).

Please be cautious of persons or businesses advertising both testing and remediation services—there may be unqualified or dishonest individuals seeking to take advantage of consumers struggling to address this issue.

The Federal Trade Commission (FTC) has [warned](#) consumers to be alert for unscrupulous salespersons offering quick fixes or "federally approved testing kits." There are no federally approved testing kits.

You should consult your state and local authorities if you have any questions or concerns about contractors or testing companies promising solutions to these drywall matters.

### **Did CPSC testing show a microbiological cause to the sulfur gas emissions in problem drywall?**

No. Studies conducted by the U.S. Geological Survey and by Environmental Health & Engineering found no evidence of microbiological activity or a microbiological source of sulfur-gas emissions from gypsum rock or problem drywall, including samples taken from affected homes.

### **What health symptoms have been associated with problem drywall?**

The most frequently reported symptoms are irritated and itchy eyes and skin, difficulty breathing, persistent cough, bloody noses, runny noses, recurrent

headaches, sinus infections, and asthma attacks. Because many consumers report that their symptoms lessen or go away when they are away from their home but return upon re-entry, it appears that these are short-term symptoms related to something within the home.

Staffs of the CPSC and U.S. Centers for Disease Control and Prevention (CDC) agree that the levels of sulfur gases detected in the affected homes in the [51-home study](#) (pdf) were at concentrations below the known irritant levels in the available scientific literature. In its [health consultation](#) (pdf), CDC found that the additive or synergistic effects of these and other compounds could potentially cause irritant effects to consumers.

### **Have any deaths been caused by problem drywall?**

No. A [review](#) provided to the U.S. Consumer Product Safety Commission (CPSC) by the CDC found that there is no evidence linking exposure to problem drywall to any deaths.

### **How has the Chinese government responded?**

CPSC had contacted the Chinese government repeatedly, directly and through various available channels, steadfastly requesting that Chinese companies do the right thing and stand behind their products. Neither the Chinese government, nor Chinese manufacturers, has been forthcoming about assistance with problem drywall.

### **Is CPSC's scientific investigation of problem drywall complete?**

Yes. CPSC is confident that its extensive research and testing have been successful in defining the scope of the problem drywall issue, in producing identification and remediation protocols, and in providing homeowners with all the assistance possible within the agency's jurisdiction and appropriated funds authority.

As noted above, absent scientific proof linking the drywall and health problems to electrical and fire safety issues, CPSC is unable to take legal action. CPSC has worked with the gypsum industry through ASTM International, a voluntary standards-setting

organization, to develop new standards for elemental sulfur in drywall and to implement tracking on drywall. Going forward, CPSC will implement and enforce the Drywall Safety Act of 2012.

*This document was prepared by CPSC staff, and has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.*

# EXHIBIT N



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# How Can I Tell If My Home Has Problem Drywall?

Your best source is our [guidance](#) (pdf) on identifying homes built with problem drywall. (There are many reasons that a home could exhibit similar symptoms to a home with problem drywall and it is important that you correctly identify the source at work in your particular circumstance.)

Briefly, the identification process for identifying whether problem drywall is present in a home is a two-step process.

**Step One:** A visual inspection must show:

- Blackening of copper electrical wiring and/or air conditioning evaporator coils and
- Drywall installed between 2001 and 2009

If both of these are present, look for corroborating evidence.

**Step Two:** Corroborating Evidence: (if drywall was installed between 2005 and 2009, must have at least two of the below. For installations between 2001 and 2004, at least four of the following conditions must be met:)

- Elemental sulfur in the drywall core (requires outside lab testing)
- Copper sulfide on coupons, grounding wires, and/or air conditioning coils (requires outside lab testing)



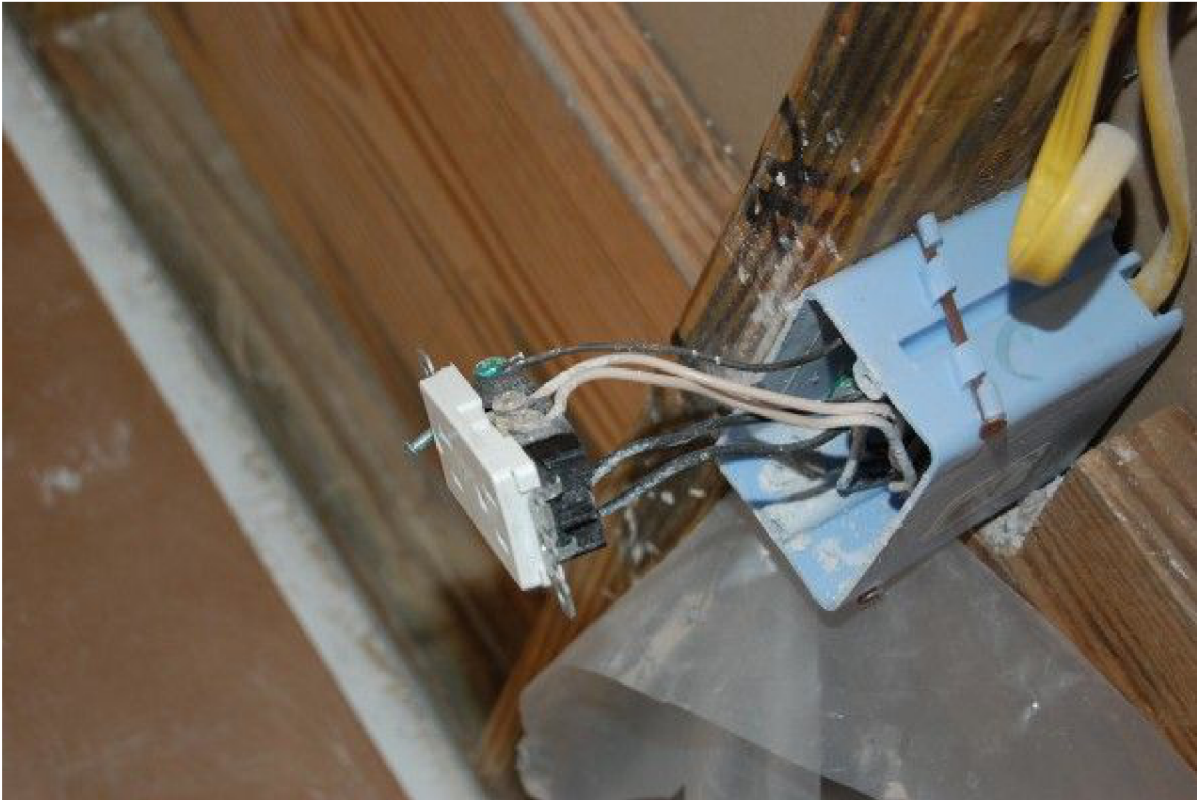
- Chinese markings on drywall (This does not imply that all Chinese drywall or that only Chinese drywall is associated with these problems, but that among homes with the characteristic corrosion, Chinese drywall is a corroborating marker for the characteristic problems.) Such markings may not be present or easily discerned in all problem drywall homes.
- Elevated sulfide gas emissions from drywall (requires outside lab testing)
- Corrosion induced by drywall in test chambers (requires outside lab testing)

If your home has problem drywall, see our [remediation guidance](#) (PDF).



The back-side of this drywall (not normally visible to the resident) is labeled "MADE IN CHINA."

Note: Not all drywall from China is problem drywall.



The ground wire connected to the green screw is blackened and corroded. This wire should be copper-colored.



The copper coils on this air conditioner unit are blackened and corroded.



This copper pipe is blackened.

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# EXHIBIT O



United States  
**CONSUMER PRODUCT  
SAFETY COMMISSION**

# CPSC and ACCC Warn of Poison Dangers with Liquid Laundry Packets

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**Release Date:** March 21, 2013



Liquid Laundry Packets

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) and the Australian Competition and Consumer Commission (ACCC) are urging parents to take immediate action to ensure their family is not exposed to the hazards posed by liquid laundry packets or capsules. Young children who are exposed to the highly concentrated, toxic detergent are at risk of serious injury.



Reports of incidents in the United States and Australia have prompted the product safety agencies to warn parents about what can happen if these products are not used safely. Children who have ingested detergent from the packets have required medical attention and hospitalization for loss of consciousness, excessive vomiting, drowsiness, throat swelling, and difficulty breathing. Eye contact has also resulted in reports of injury, including severe irritation and temporary loss of vision.

A product intended to make your clothes clean and bright should not lead to a parent having to call the poison help line because their child is in distress, said CPSC Chairman Inez Tenenbaum. CPSC has played a leading role in addressing this emerging hazard. We are conducting an investigation, we are educating consumers, and we are urging that changes be made that will reduce incidents and injuries.

Poison call centers across Australia have received more than 85 calls in the last 18 months relating to exposure to these laundry capsules, said ACCC Deputy Chair Delia Rickard. The experience in Australia is consistent with an international trend, where most cases have involved a child aged five years or younger.

The number of incidents, in a relatively short period of time, suggests that children are highly attracted to the packets, which can resemble play items. The soft and colorful product can be easily mistaken by a child for candy, toys, or a teething product.

Water, wet hands, and saliva can cause the packets to dissolve quickly and release their highly concentrated toxic contents. Parents and caregivers are urged always to handle the product carefully and with dry hands.

To prevent unintended exposure to the toxic chemicals in the packets, the following steps are recommended:

1. Do not let children handle the laundry packets.
2. Keep the liquid laundry packets sealed in their original packaging, and make sure they are locked up and out of a child's sight and reach.
3. Ensure your hands are dry before using a laundry packet/capsule, and wash and

dry your hands thoroughly after each use.

4. If swallowed or exposed to the eye:

- immediately call Poison Help at:1-800-222-1222 in the United States; or in Australia, call the Poisons Information Centre on: 13 11 26.
- if swallowed, rinse as much of the detergent as possible from the mouth.
- if exposed to the eye, flush the eye with water for at least 15 minutes.

Tenenbaum and Rickard noted that while consumers can take some precautions, the industry can also look to improve the product to make it safer for all concerned.

CPSC has received more than 500 reports of incidents involving children and adults and is working with manufacturers of the liquid laundry packets to prevent additional ingestions and eye injuries, added Chairman Tenenbaum. CPSC is encouraged that the manufacturers of laundry packets are developing improved warning labels, making their product packaging less attractive to children, and have committed to implement a comprehensive multi-year consumer awareness campaign. However, CPSC seeks additional design changes to all types of packages containing laundry packets that will make individual packets less accessible to children.

The ACCC has been working closely with industry association Accord Australasia to improve the safety and packaging of these products. With the assistance of Accord, industry has acknowledged our concerns and has signaled that changes will be made. Expected changes include the redesign of the product and outer packaging so it features prominent warning labels and consistent safety information, said Ms. Rickard.

CPSC is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of consumer products under the agency's

jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$900 billion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

In the United States, federal law bars any person from selling products subject to a publicly announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

To report a dangerous product or a product-related injury go online to [www.SaferProducts.gov](http://www.SaferProducts.gov), or call CPSC's Hotline at (800) 638-2772, or teletypewriter at (301) 595-7054 for the hearing impaired. Consumers can obtain news release and recall information at [www.cpsc.gov](http://www.cpsc.gov), on Twitter [@OnSafety](https://twitter.com/OnSafety), or by subscribing to CPSC's [free e-mail newsletters](#).

For more information about product safety in Australia, visit [www.productsafety.gov.au](http://www.productsafety.gov.au), follow the ACCC on Twitter at [www.twitter.com/ACCCProdSafety](https://www.twitter.com/ACCCProdSafety), or call the ACCC Infocentre on 1300 302 502. You can also find product safety information via the ACCC's Product Safety Facebook Page and YouTube channel, ACCC Product Safety.

## **Release Number**

**13-147**

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products. Deaths, injuries,



and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC's work to ensure the safety of consumer products has contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

**For lifesaving information:**

- Visit [CPSC.gov](https://www.cpsc.gov).
- Sign up to receive our [e-mail alerts](#).
- Follow us on [Facebook](#), Instagram [@USCPSC](#) and Twitter [@USCPSC](#).
- Report a dangerous product or a product-related injury on [www.SaferProducts.gov](https://www.SaferProducts.gov).
- Call CPSC's Hotline at 800-638-2772 (TTY 301-595-7054).
- Contact a [media specialist](#).

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[View CPSC contacts for specific areas of expertise](#)