Message

From: Binford, Marshall [Binford.Marshall@epa.gov]
Sent: 8/3/2021 6:19:22 PM
To: Caplan, Robert W. [Caplan.Robert@epa.gov]; Beard, Phillip [Beard.Phillip@epa.gov]; Annicella, Alan [Annicella.Alan@epa.gov]
Subject: RE: Seal Shield Status Update

Ex. 5 AWP; Ex 7(A)

From: Caplan, Robert W. <Caplan.Robert@epa.gov>
Sent: Tuesday, August 3, 2021 1:57 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>; Beard, Phillip <Beard.Phillip@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>
Subject: RE: Seal Shield Status Update

Ex. 5 AWP; Ex 7(A)

bc

Robert Caplan
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From: Binford, Marshall <Binford.Marshall@epa.gov>
Sent: Tuesday, August 3, 2021 1:45 PM
To: Caplan, Robert W. <Caplan.Robert@epa.gov>; Beard, Phillip <Beard.Phillip@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>
Subject: RE: Seal Shield Status Update

Ex. 5 AWP; Ex 7(A)

Ex. 5 AWP; Ex 7(A)

F. Marshall Binford, Jr. | Associate Regional Counsel
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From: Caplan, Robert W. <Caplan.Robert@epa.gov>
Sent: Tuesday, August 3, 2021 12:17 PM
To: Beard, Phillip <Beard.Phillip@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>
Cc: Binford, Marshall <Binford.Marshall@epa.gov>
Subject: FW: Seal Shield Status Update

Gentlemen, see below and the attached.

bc

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From: Caplan, Robert W.
Sent: Tuesday, August 3, 2021 12:15 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Subject: FW: Seal Shield Status Update

Ex. 5 AWP; Ex 7(A)

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From: Ed Schwartz <ess@mseslegal.com>
Sent: Tuesday, August 3, 2021 12:09 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Seal Shield Status Update

Marshall,

This is to provide an update on Seal Shield compliance with the SSURO.

First, Seal Shield has received the partial termination of the SSURO with regard to the ElectoClave and appreciates the efforts of EPA to provide that in a timely manner.

The last email from EPA the requested explanation of the rationale for removal of the word "silver" from the Seal Shield website. Given the explanation, Seal Shield has removed the word "silver" from the names of the Seal Shield products i.e. "Silver Seal", "Silver Surf", and "Silver Storm" from the website, datasheets, and the webstore (though the webstore is not active, per the SSURO).

Finally, as previously discussed, Seal Shield has determined to eliminate the use of any antimicrobial agent in its screen protector, keyboard and mouse products. As Seal Shield is planning to begin producing and marketing the non-antimicrobial versions of its products, Seal Shield seeks to confirm that these activities do not contravene the SSURO. The following is a description of the activities in which Seal Shield is engaging or plans to engage with regard to each of the products:

1) Screen Protector Product

The manufacturing process of the film used for the screen protector will no longer contain the antimicrobial agent. Therefore, the product will no longer be marketed as having an "antimicrobial" characteristic. Instead, this product will be marketed based on its ability to withstand healthcare grade disinfectants and UV irradiation used in hospitals to clean rooms. It intends to begin marketing and selling that product immediately. Attached is a flyer making clear this product is not antimicrobial.

2) Keyboard and Mouse Products

The keyboard and mouse products will no longer contain the antimicrobial agent either. Because of the lead time necessary for the manufacturing of these products, Seal Shield began this new production cycle immediately upon issuance of the SSURO. The inventory of commercial versions of these products has not been imported to the United States. However, Seal Shield has obtained samples as a good business practice prior to full production to ensure that there is no material change in the quality of the product. Seal Shield plans to use these samples to display these products at trade shows in the next few weeks. The products may not be actual products, as the products do not necessarily need to be functional, and will bear "PRODUCTION

SAMPLE" and "NOT FOR SALE" or similar non-retail markings on the bottom. However, Seal Shield will not take any orders for these products until an adequate inventory of the products is available in stock, which is anticipated to be within 3 weeks for some products, and as long as 6 months for others.

Seal Shield maintains that these activities are not precluded by the SSURO, as the products do not contain any antimicrobial agent and are not marketed for any antimicrobial characteristic and would appreciate EPA confirmation of this position.

Please feel free to contact me if you have any questions.

Sincerely,

Ed Schwartz

"HONI SOIT QUI MAL Y PENSE"

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