

[DISCUSSION DRAFT]

MARCH 9, 2012

112TH CONGRESS
2D SESSION**H. R.** _____

To direct the Consumer Product Safety Commission to declare drywall manufactured in China a banned hazardous product, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RIGELL introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Consumer Product Safety Commission to declare drywall manufactured in China a banned hazardous product, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Contaminated Drywall
5 Safety Act of 2012”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Between 2001 through 2009, contaminated
2 drywall manufactured in China was imported into
3 the United States and used in home construction.

4 (2) It has been found through scientific studies,
5 including a study by Sandia National Laboratories
6 in New Mexico, that the contaminated drywall im-
7 ported from China creates a corrosive environment
8 for fire safety alarm devices, such as smoke and car-
9 bon monoxide alarms; electrical distribution compo-
10 nents, such as receptacles, switches, and circuit
11 breakers; and gas service piping and fire suppression
12 sprinkler systems installed in the affected homes.

13 (3) Based on these scientific findings, the
14 United States Consumer Product Safety Commission
15 issued an updated Remediation Protocol for Homes
16 with Problem Drywall on March 18, 2011, which
17 recommends the replacement of all contaminated
18 drywall and replacement of fire safety alarm devices,
19 electrical distribution components, and gas service
20 piping and fire suppression sprinkler systems.

21 (4) In addition, homeowners with contaminated
22 drywall from China have indicated that the drywall
23 releases a strong sulfur-like odor that renders the
24 home uninhabitable.

1 (5) Companies in China that manufactured and
2 exported the contaminated drywall to the United
3 States have refused to meet with United States offi-
4 cials, including representatives of the Consumer
5 Product Safety Commission, have not provided fi-
6 nancial assistance to homeowners with contaminated
7 drywall from China, and have not submitted to juris-
8 diction in United States Federal Courts that are
9 hearing cases on contaminated drywall from China.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the Secretary of State should insist that the
13 Government of the People’s Republic of China,
14 which has ownership interests in the companies that
15 manufactured and exported contaminated drywall to
16 the United States, have the companies meet with
17 representatives of the United States Government on
18 remedying homeowners that have contaminated
19 drywall in their homes; and

20 (2) the Secretary of State should insist that the
21 Government of the People’s Republic of China have
22 the companies that manufactured and exported con-
23 taminated drywall submit to jurisdiction in United
24 States Federal Courts and comply with any decisions

1 issued by the Courts for homeowners with contami-
2 nated drywall.

3 **SEC. 3. CONTAMINATED DRYWALL.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Consumer Product Safety Commission
6 shall promulgate a rule [in accordance with section 9 of
7 the Consumer Product Safety Act] (15 U.S.C. 2058) de-
8 claring that drywall manufactured in China is a banned
9 hazardous product under such Act. Such rule shall include
10 a provision that allows the Commission to exempt certain
11 drywall that the Commission has determined to be non-
12 hazardous.

13 **SEC. 4. REGULATIONS ON THE DISPOSAL OF DRYWALL**
14 **MANUFACTURED IN CHINA.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Consumer Product Safety Commission
17 shall promulgate regulations on—

18 (1) the disposal of—

19 (A) drywall manufactured in China, includ-
20 ing during remediation or renovation; and

21 (B) any such drywall that was imported
22 into the United States but not used; and

23 (2) a standard test to identify any such drywall.