

**Congress of the United States**  
**Washington, DC 20515**

May 23, 2012

The Honorable Fred Upton  
Chairman  
House Energy & Commerce Committee  
2125 Rayburn House Office Building

The Honorable Henry Waxman  
Ranking Member  
House Energy & Commerce Committee  
2322A Rayburn House Office Building

Dear Chairman Upton and Ranking Member Waxman,

On behalf of our constituents, we formally request that the House Energy and Commerce Committee hold a hearing and markup on H.R. 4212, the Contaminated Drywall Safety Act of 2012.

Contaminated drywall manufactured in China and used in home construction in the United States has destroyed the homes and financial lives of many of our constituents, leaving them with no recourse or remedy to address this serious problem. Chinese drywall contains toxic and semi-toxic substances which have released harmful gasses into the atmosphere of thousands of homes. These gases have been linked to adverse health conditions. In addition, the drywall has caused physical damage to homes by corroding many standard household systems including copper and brass pipes and fittings, fire alarms, gas service piping, electrical distribution components, and fire suppression systems. We have seen these homes first hand and they are unlivable. More importantly, these conditions are not the fault of the homeowners.

Due to health and home safety issues caused by the contaminated drywall, many homeowners have moved into rental homes and are now in the untenable financial position of simultaneously renting while paying a mortgage for a home they cannot live in. To make matters worse, homes contaminated by the drywall are now below market value, inhibiting homeowners from selling their properties; thus, many homeowners are underwater on their mortgages. Faced with this situation, some families have made the difficult choice to walk away from their mortgages and some have been brought to financial ruin.

In order to remediate the problem, all of the contaminated drywall must be torn out and replaced. This is extremely expensive and in some cases requires the entire house to be gutted and rebuilt from the studs out. There is evidence suggesting that Chinese drywall torn out during remediation, rather than being destroyed, enters the recycling stream only to once again contaminate the homes of unsuspecting families.

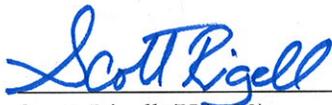
It is incumbent on the United States Congress to address the serious wrong that has been done and to evaluate what steps can be taken to provide appropriate relief for the thousands of homeowners who carry both the least fault for the situation and the greatest burden, and to prevent improperly recycled drywall from creating further victims.

To address these issues, H.R. 4212:

- Expresses the sense of Congress that the Secretary of State should insist that the government of China force manufacturers to submit to the jurisdiction of U.S. courts;
- Declares Chinese-manufactured drywall to be a banned hazardous substance in accordance with the Consumer Product Safety Act while still allowing the CPSC flexibility to exempt manufacturers of non-hazardous drywall from the ban; and
- Requires the CPSC to issue regulations on the disposal of Chinese drywall and create a standard test to identify such drywall.

We request that the House Energy and Commerce Committee move this legislation forward to protect more American homeowners from becoming victims of contaminated Chinese drywall.

Sincerely,



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Scott Rigell (VA-02)  
Member of Congress



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Theodore E. Deutch (FL-19)  
Member of Congress