

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1977

To require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. WEXLER introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, 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 “Drywall Safety Act  
5 of 2009”.

6       **SEC. 2. CPSC STUDY OF CERTAIN IMPORTED CHINESE**  
7                               **DRYWALL.**

8       (a) IN GENERAL.—

9               (1) STUDY.—Within 120 days after the date of  
10       enactment of this Act, the Consumer Product Safety

1 Commission, working in conjunction with the Na-  
2 tional Institute for Standards and Technology and  
3 the Environmental Protection Agency, shall initiate  
4 and conclude a study of the material and chemical  
5 composition of at least 10 samples of drywall that  
6 was—

7 (A) imported from China during the period  
8 2004 through 2007; and

9 (B) used in residential dwellings in the  
10 United States.

11 (2) SPECIFIC STATE SAMPLES.—The Commis-  
12 sion shall include at least 1 sample of drywall from  
13 residences located in Florida, Louisiana, Mississippi,  
14 Texas, and Virginia.

15 (b) CONTENTS.—The study shall include an analysis  
16 of—

17 (1) the chemical and organic composition of the  
18 drywall samples, using the most sophisticated testing  
19 capabilities available;

20 (2) the effect of these chemicals and organic  
21 compounds (or the gasses or other emissions ema-  
22 nating from the drywall) on metal wiring, air condi-  
23 tioning and heating units, and other metal fixtures  
24 commonly found in those residences; and

1           (3) any health or environmental impacts that  
2           may result from exposure to the chemicals or com-  
3           pounds found in the drywall.

4           (c) REPORT.—The Commission shall submit a report  
5 to the Senate Committee on Commerce, Science, and  
6 Transportation and the House of Representatives Com-  
7 mittee on Energy and Commerce containing its findings,  
8 conclusions, and recommendations.

9   **SEC. 3. CONSUMER PRODUCT SAFETY STANDARD PRO-**  
10                                   **CEEDING.**

11           Within 180 days after the date of enactment of this  
12 Act, the Commission shall initiate a proceeding to deter-  
13 mine whether a consumer product safety standard regu-  
14 lating the composition of materials used in drywall is nec-  
15 essary to protect the health and safety of residential home-  
16 owners.

17   **SEC. 4. INTERIM BAN ON DRYWALL EXCEEDING FIVE PER-**  
18                                   **CENT ORGANIC COMPOUNDS.**

19           (a) IN GENERAL.—Within 30 days after the date of  
20 enactment of this Act, the Commission shall—

21           (1) designate drywall containing over 5 percent  
22           organic compounds by weight as a product with a  
23           product defect which constitutes a substantial prod-  
24           uct hazard (within the meaning of section 15(a)(2)

1 of the Consumer Product Safety Act (15 U.S.C.  
2 2064(a)(2)); and

3 (2) issue an order under section 15(c)(1)(A)  
4 and (B) (15 U.S.C. 2064(c)(1)(A) and (B)) to man-  
5 ufacturers, distributors, and retailers of such  
6 drywall.

7 (b) DURATION OF BAN.—The rule and order issued  
8 under subsection (a) of this section shall remain in effect  
9 until—

10 (1) the date on which the Commission publishes  
11 a determination, pursuant to the proceeding initiated  
12 under section 3, that a consumer product safety  
13 standard regulating the composition of materials  
14 used in drywall is not necessary to protect the health  
15 and safety of residential homeowners; or

16 (2) if the Commission determines that such a  
17 consumer product safety standard is necessary, the  
18 date on which such a standard takes effect.

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