

**CONTAMINATED DRYWALL: EXAMINING THE
CURRENT HEALTH, HOUSING AND PRODUCT
SAFETY ISSUES FACING HOMEOWNERS**

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, AND INSURANCE

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

DECEMBER 6, 2011

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ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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CONTAMINATED DRYWALL: EXAMINING THE CURRENT HEALTH, HOUSING AND PRODUCT SAFETY ISSUES FACING HOMEOWNERS

TUESDAY, DECEMBER 6, 2011

U.S. SENATE,
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT
SAFETY, AND INSURANCE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:03 a.m. in room SR-253, Russell Senate Office Building, Hon. Mark Pryor, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. MARK PRYOR, U.S. SENATOR FROM ARKANSAS

Senator PRYOR. I'll go ahead and open this, call this meeting to order. And I want to thank all of you all for being here, I want to thank our witnesses and thank our fellow senators, to talk about this very important issue.

I want to give a special thanks to Senator Warner, because he has been the primary driver in getting this hearing scheduled today. So, Senator Warner, thank you for your leadership on this and many other things.

The purpose of the hearing today is to provide an update on the health and product safety issues associated with problem drywall installed in thousands of homes over the last decade. It's a story that we all know well. Drywall was imported from China in large volumes during the height of the housing market when domestic supplies were low. It was used extensively in Florida and Louisiana following the devastating hurricanes of 2005.

In early 2008, homeowners in Florida and Louisiana began complaining of a peculiar odor that was permeating their homes. They also reported health concerns and serious corrosion of metal in the homes. Investigators were able to trace these problems back to drywall laced with sulphur and sulphide gases.

We last examined this issue in May of 2009. At that time, we heard from the CPSC and the CDC and the EPA about the scope, and the problem of their efforts to address it. Progress has been made, but unfortunately, too many consumers, too many Americans, are left with costly repairs, uninhabitable homes, or health problems thought to be caused by the problem drywall.

In addition to Florida and Louisiana, numerous cases of problem drywall have been reported in Virginia and Mississippi, as well as

Alabama. All told, the CPSC has logged claims of health problems or metal corrosion as a result of contaminated drywall in 42 states and territories.

We hope to establish for the record how multiple Federal, state, local, and even international, governments are working together; make clear the pathways available to provide relief to affected homeowners; and identify steps we must take to ensure this problem does not repeat itself.

Today we'll hear from Mr. Neal Cohen, Small Business Ombudsman at the Consumer Product Safety Commission; Dr. Christopher Portier, Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention; Mr. Bill Shelton, Director of the Virginia Department of Housing and Community Development; and Mrs. Brenda Brincku, a Florida homeowner.

I want to thank all the witnesses for being here today and thank you for your testimony.

I'm surrounded here by senators from afflicted states.

So, Senator Wicker, would you like to have an opening statement, please?

**STATEMENT OF HON. ROGER F. WICKER,
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Thank you, Mr. Chairman. And, indeed, I appreciate the scheduling of this hearing today, and I appreciate your interest, and that of Senator Warner.

Tainted drywall has affected thousands of homes throughout the United States. It is most prevalent, as the Chair says, in coastal states. Florida, Louisiana, Alabama, Virginia, and my home state of Mississippi have been hardest hit.

To handle the increased demand during post-Hurricane Katrina rebuilding along the Gulf Coast, as well as during the Nation's housing boom, domestic producers expanded their facilities to increase capacity. However, despite this increased production, unusually high demand required importing drywall from sources outside North America, including China.

Dealing with this problem drywall has been a disaster for homeowners. It causes corrosion to many of their electrical components, and can potentially cause adverse health effects, including difficulty in breathing.

There have been multiple agencies working together: CPSC, CDC, EPA and HUD have been collaborating for the past 2 years to determine the flaws of the drywall—particularly how it is affecting homes and the families that live in them.

Interestingly, no causal connection has been found by the Government between the health effects experienced and the drywall. This perplexes me, and it concerns me, and I hope to learn more about the reasoning for this.

I also look forward to hearing about the CPSC's communication with Chinese officials, and whether there has been any progress on finding remediation options for homeowners.

Again, thank you, Mr. Chairman, for holding this hearing. I look forward to listening to today's witnesses, and getting a full update

on their respective progress and current views on this important issue. Thank you.

Senator PRYOR. Senator Wicker, thank you. And thank you for your interest in this, because I know we've talked about this before, and it's very important to your state and your people back home to make sure we get this right.

Senator Warner.

**STATEMENT OF HON. MARK R. WARNER,
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Well, thank you, Mr. Chairman, and let me thank you for holding this hearing.

I've been involved in politics, government for 20 years. I can't think of a more frustrating issue that I've been involved with than this issue of drywall, and, an issue where the affected families—and I know the CPSC's logjam, about 4,000 at this point, that have gone through some level of certification and toward a remediation process—but the numbers are much, much larger.

But, these families' lives have been basically devastated for multiple years, calling in our state, going down and visiting an affected home with Chairman Tenenbaum a couple years back. And it took less than 45 minutes for me to be in the home to come out with a burning nose, headache for the rest of the day. And yet, the families had to go through a year, two-year-plus multiple CDC studies, and then trying to get the Consumer Product Safety Commission to come up with appropriate remediation standards. And many of these families have no place else to turn. And then, if they do move, if they at some point say, you know—to see children with family—with small children living outside, having to then move out of their home, move into rental facilities. And then, on top of that, they have the enormous financial crush that comes from banks that are still expecting those mortgage payments.

We've worked with the banks to get remediation, and we've worked with the IRS to try to get some safe harbor. We're going to hear from Bill Shelton, who is, has been as concerned as any official at the state level that I have been, from Virginia and some of the activities we're trying to do in Virginia.

But, these families continue to get ping-ponged from one entity to another. I've talked to a couple of my constituents here, one who just lost their home this week, and another who has been one of the leaders in this effort. She told me she'll be losing her home on Friday.

One of the things that I think—echoing what Senator Wicker said—you know, the Chinese government, which owns some of these companies, wants to proceed in international commerce; yet they seem to be unwilling to step up and be financially responsible for faulty product that was sold into our country.

There's a German company that sold some faulty product as well, but there was a major settlement. There were, I think we're going to hear from Ms. Brincku on even some American product. But, there has to be a path here for these affected families—and I'm anxious to hear from the testimony—and also, even for families that if, at the end of the day, lose their homes, find a way to get

their, at least, their credit restored, because they got into these circumstances through no malfeasance on their own.

We did work to make sure that, I found in our area in Hampton Roads, a number of folks work for the military. They were potentially going to have not only the health care loss, the housing loss; but if they worked for the military, because they then might have, in effect, a financial blot on their record, they could lose their security clearance and then lose their jobs. So, we finally work with Defense security services to make sure that there would be, again, recognition of this so that when folks were doing their background checks, this wasn't held against them.

So, I again want to thank the Chairman and thank Senator Wicker for his interest, as well. But, this is about as frustrating an issue, again, in, when I started 20 years plus of politics, that I've ever seen. And we need to try to find some way to get these folks some answers.

Thank you, Mr. Chairman.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT OF HON. MARK WARNER, U.S. SENATOR FROM VIRGINIA

Toxic drywall has dramatically affected over 4,000 homeowners nationwide including many Virginians. In order to capture a portion of the hardships and difficulties encountered by Virginians, I would like to include some their stories in the record for today's hearing.

Ms. Albania Tyler—Hampton, VA

In August 2010, it was discovered that 75 percent of my new home, built 2006, was contaminated with toxic Chinese drywall. The drywall has caused several major appliances to fail. We've have over ten services and repairs to our central air and heating units since 2007, electrical wiring problems throughout our home, and corrosion of our bathroom fixtures. Currently, I have no air conditioning or heat because units are not properly working. We've also have had two minor electrical fires in our refrigerator and doorbell transmitter as a result of corroded wiring. Because the odor has become so unbearable, I have been forced to move my family to rental property. I have attempted to short sale my home to a cash investor but my mortgage lender has denied the sale due to low offer. I am currently facing foreclosure.

Mrs. Karen Tompkins—Williamsburg, VA

In January 2010, our family discovered our home in Braemar Creek, Williamsburg, VA, was constructed with toxic Chinese Drywall. We had three children five years and younger, and because of unknown health risks, immediately abandoned the home. We lived with relatives for several months, while awaiting resolution from our builder and worked with our mortgage company to avoid foreclosure. In order to afford a rental home, we stopped making payments in March 2010. By September our home was bank-owned due to a Deed in Lieu of Foreclosure. Our credit scores suffered greatly. We are still awaiting results of ongoing court hearings and have not given up hope for compensation from the drywall manufacturers, suppliers, and Chinese Government. Thank you for continuing to work on behalf of thousands or residents like us who have lost their homes due to Chinese Drywall.

Mr. Robert Orlando—Williamsburg, VA

I took a new job and relocated my family to Virginia in 2009. The home we bought was built with toxic drywall manufactured in China. We were forced to move out and lived in a rental home for two years on the brink of bankruptcy. Our mortgage servicer and investor worked with us on a short payoff of our mortgage and our local bank lent us enough money to rebuild. However, this would not have been possible without financial help from our family. We have lost over \$200 thousand due to this "drywall disaster" and we need someone to help us recover our losses.

Ms. Michelle Germano—Norfolk, VA

My life was destroyed by contaminated drywall imported from China. The toxins from the drywall destroyed my health, home, personal belongings, and finances. I am living in a rental home with porch furniture. I was forced to leave everything

behind because I was so sick. That was nearly three years ago. At 61, I am forced to re-start my life, broke and sick.

Mr. and Mrs. Jerry Baldwin—Williamsburg, VA

After three years of living in our home we are on our third set of air conditioner coils, our third home computer, and have had to replace a failed air handler motor, a failed microwave, a failed refrigerator and a failed thermostat. We continue to live in the house and pay our mortgage despite the fact that our home is worthless in the open market. We are throwing money away with no hope of intervention or remediation.

Mrs. Zenaida Perez—Newport News, VA

I am a school teacher and a single mother, who built a house at Hollymeade, Village in 2007. Due to the Chinese Drywall situation that we are experiencing, I had to move out of my home and my finances have been terribly affected to the point of declaring Bankruptcy. I don't know how long this situation is going to last, but I feel it's not taking us anywhere and I am facing a terrible situation with the Mortgage Company as well. They don't want to approve a loan modification due to the loss of value of my property that went down from \$257,000 to less than \$100,000. The worst part is that I invested everything I had on that home, and now it is lost.

Mr. Richard Ilich—Suffolk, VA

Chinese Drywall has ruined me and my family's life. My 6 year old son developed Asthma and suffered violent attacks when in the house. We don't know if there are other long term affects at this point. I've lost my credit, my home which was part of my retirement investment, spent thousands of dollars on appliances, HVAC, and furniture which needed replacement, and to date there is no tangible method/way/ or outlook to get out from under this sheetrock. Just about everyone is empathetic to our situation, but empathy does not pay for two homes, it does not pay two heating bills, it does not pay homeowners fees, it does not extend or protect your credit to buy a new car when you need it, it does not prevent the games and hassles the mortgage companies put us through, it does not stop the depression, and it does not pay the medical bills. While I understand the need to let the legal system play out, we are 2-4 years away from that type of resolution. It appears insurance will play no part in the resolution and if the courts come through for the Victims of CDW it would take several years for the remediation to be completed, and that is if we can even collect any money that would be awarded. If we must wait for the courts, only government can create tangible short term solutions to help the victims who are left isolated and devastated from this situation. We need to have our credit protected so we can live in the meantime, we need help preventing the games and pressure that the mortgage companies are playing, as well as some short term relief.

Elizabeth Berry—Yorktown, VA

The CPSC states that there are close to 4,000 reports of homes with toxic Chinese Drywall but the number of people actually affected by toxic drywall is so much greater. Yes, we are spread out over 37 different states, and no, Chinese Drywall is not a natural disaster. But how many lives have to be damaged in order for victims to receive recognition and assistance? This is a disaster and we are in need of assistance.

Our homes are corroding, our financial future is in ruins as the biggest investment of our lives is worth nothing, our credit scores are damaged, security clearances necessary to maintain careers are in jeopardy, and we can't afford to move out and pay for two homes. Many of us are living in these houses with sulfuric gases—when mixed with moisture—basically acid rain! When I kiss my kids goodnight and watch them the toxic air in our home I become enraged. For the rest of my life I will worry about what toxic Chinese drywall has done to the health of my two sons.

We must create laws that will require Chinese products to meet the highest safety standards in order to protect our citizens from harm! Men, women and children are suffering. Tax paying, hardworking citizens are being told, "We are working on it, but it is a difficult issue!" How long are we going to continue to suffer in this disaster with no relief? My husband and I have scraped together and borrowed \$100,000 into gutting and rebuilding our home. We will never recover financially or emotionally.

Christopher Levy—Virginia Beach, VA

I love serving my country and am writing to you from Kandahar, Afghanistan. I am a military officer, and as such am vulnerable to be moved at a moment's no-

tice. My house is worth \$100 as per the City of Virginia Beach because of the toxic drywall. Thus, if I get orders, I won't be able to sell or rent my house. I will have to leave the service and stay in Virginia Beach, default on my loan, or soak-up the cost of maintaining two households (the latter two options would result in our financial ruin). Please work to return my home to a livable condition. Thank you!

Joseph Anello—Virginia Beach, VA

My wife, mother and I built home together in 2006. Within 6 months our AC unit failed and we replaced the coils twice. My wife and I went to the Philippines in early 2008 to work for Verizon. My mother remained in the home and her Chronic Obstructive Pulmonary Disease got progressively worse. When our A/C unit failed again we first learned of toxic drywall. When my mother's condition rapidly declined we returned to the U.S. and moved her out of the contaminated home. Although she initially improved, she passed away on July 4, 2011 due to respiratory issues. I could not sell the home and needed to move due to employment in West Virginia. We attempted the short sale process but Wells Fargo foreclosed on our home. The City of Virginia Beach had assessed my home at one dollar. Thus we have since lost our mother and our credit is in shambles. We are just awaiting results of the various legal proceedings. Thank you for your support in this manner it is much appreciated.

Mr. Mike Shen—Virginia Beach, VA

In 2011 we spent \$250,000 on repairs to our house that was built in 2006. Toxic Chinese drywall destroyed everything in our house that has metal component made from copper including AC copper coils, gas copper pipes, electrical wires, TVs, computers, refrigerator, Wii player, piano strings, etc. The drywall has also deeply affected our family's health. We have suffered from nose bleeding, headaches, foot pain, arm pain, kidney pain, and muscle pain.

Liz, Steve, and Allison Heischouer—Virginia Beach, VA

We were so happy to move into our new home on November 10, 2006. This was to be the home where we would spend our retirement years. We are now living a nightmare. We discovered in July 2009 that the home we purchased was built with Chinese drywall. The Chinese drywall was causing physical damage to the home and health problems for our family. All three of us have had physical ailments as a result of the Chinese drywall. Seven months after living in the home, our golden retriever, Kramer, died of kidney failure. Our second dog, Bailey, died in December 2008 of respiratory issues. As of August 2009, we have replaced six to seven coils in two AC units. We have had problems with our flat screen TV, computer hard drives and monitors that crashed, small appliances that failed, a dryer that stopped working due to circuit board failure, and electrical outlets that had to be replaced. Physically, we have experienced unexplained rashes, respiratory problems, headaches, fatigue, insomnia, chronic coughs, and muscle pain. The smell in the house is in our clothes, furniture, mattresses and linens. Our silver jewelry and flatware have turned black and are unable to be cleaned. When we opened our windows, our neighbor complained of the smell that came from our home. We have documentation to prove all of these issues.

Upon learning of the problem, the stress has become unbearable. We moved out of our home immediately in August 2009, leaving our belongings behind, and filed a lawsuit because we had no other recourse since the builder and insurance companies were of no help. We are currently living in a rental. Our home was sold in a short sale in November 2010. We lost \$400,000 in equity. This was a major investment for us and through no fault of our own, we've lost everything. Selling the home was in our best interest and that of the mortgage company. Hanging on to a home you can't live in with forbearance on your mortgage, only keeps increasing your debt to the mortgage company. The increasing debt has caused many families to file bankruptcy. We are glad that we were able to sell. Had we foreclosed, the mortgage company would have been stuck with a home in poor, uninhabitable condition. The short sale has caused our credit to be hit and it will be affected for many years. New rules for the underwriting of mortgages and loans need to be updated to make provisions for homeowners that were victims of Chinese drywall.

Senator PRYOR. Thank you, Senator Warner.

In the interest of time, I'll dispense with the longer introductions. And I mentioned our four witnesses already. So, why don't we just dive into this?

Mr. Cohen.

**STATEMENT OF NEAL S. COHEN, OFFICE OF EDUCATION,
GLOBAL OUTREACH, AND SMALL BUSINESS OMBUDSMAN,
U.S. CONSUMER PRODUCT SAFETY COMMISSION**

Mr. COHEN. Thank you. Good morning, Chairman Pryor, Senator Wicker, Senator Warner, and members of the Subcommittee on Consumer Protection, Product Safety, and Insurance.

My name is Neal Cohen, and I currently serve as the Small Business Ombudsman at the United States Consumer Product Safety Commission in our new Office of Education, and Global Outreach, and Small Business Ombudsman. Prior to that, I served in the Office of General Counsel as the lead trial attorney on matters of problem drywall, and I continue to advise the drywall team on those matters.

I'm pleased to be here today to discuss the CPSC's investigation into problem drywall, as well as to lay out the steps that the Commission has taken to try to assist these homeowners that have been impacted by problem drywall.

Before I begin, I have two important notes: First, the testimony that I give today is my own. It has not been reviewed or approved by the Commission; it may not reflect their views. Second, on a more personal note and in line with the opening statements, the members of the staff and the Commission want to recognize Ms. Brincku and Ms. Stevens and Mr. Bailey, and other homeowners who are here and have been affected by this. We share the sense of frustration, and we recognize the incredible hardship this has taken on your families.

As a government regulatory enforcement agency, however, we must be, and we have been throughout this investigation, guided by the science and by our statute in trying to determine whether the problem drywall represents a health or safety hazard. That's exactly how we conducted our investigation.

In January 2009, we began to look into these reports of noxious odors, corrosion of metal items, and complaints of upper airway irritation in these homeowners.

The principles in our plan, which have been in place from the earliest parts of this investigation—I'd like to set out the paradigm of how we've conducted this.

First what we did was, we analyzed the suspected source of the emissions, the drywall, in a controlled chamber setting so that we could see exactly what chemicals were being emitted from that drywall in a controlled setting.

Second, we conducted indoor air testing on homes that were built or remediated with problem drywall to see what emissions were happening on the actual level of a homeowner's home that they were experiencing in their personal lives.

Third, we took corroded household components that had been exposed to the same conditions over those years of installation, and analyzed to see whether or not there were potential safety hazards that had developed over that time.

And fourth, we looked toward the future and we took new household components, and we placed them in an accelerated aging corrosive environment in order to simulate long-term corrosion, and to also analyze whether there would be potential health or safety hazards over a longer term of up to 40 years.

To do so, we engaged our Nation's top laboratories and scientists, and we relied upon a rigorous process that was methodical; it was scientifically and legally defensible, and informed each of the subsequent studies.

Where necessary, we did additional studies, such as the one on domestic drywall, as well.

Unfortunately, the results of our studies have not permitted us to make a health or safety finding that would enable us to compel a manufacturer to recall this product.

In terms of the safety, we observed no significant declines in performance, and certainly, no safety hazards were observed in any of the experiments that we conducted.

In terms of health, we used advanced techniques to measure the concentrations of chemicals that were found in these homeowners' homes. These concentrations were below the levels where health effects have been reported in the peer-reviewed scientific literature.

Now, although those concentration levels did not permit us to make a health finding, it is possible that the health effects may occur when consumers are exposed to multiple chemicals in this complex setting. The study of that is incredibly complex, and we look forward to the CDC's review of their health consultation to help inform us on those effects.

Throughout the case, we have continually examined our legal options under the Consumer Product Safety Act. Unfortunately, based on the evidence, we have not been able to undertake a case. We have monitored and observed the private litigants in State and Federal court, and note that primarily economic case—those cases of economic losses—are proceeding, and will likely provide a substantial amount of relief for a set of the homeowners, though certainly not for all the homeowners.

We've worked with the Gypsum Association and the ASTM International to make sure that voluntary standards are in place so that this would never repeat itself, and that if such an occurrence were, we would be able to track and monitor the situation better this time.

And throughout all of this, we have applied continual pressure on the Chinese manufacturers to come to the negotiation table to stand behind their product, and to make American consumers whole. Unfortunately, those efforts at all levels of government have not yielded results yet.

That concludes my oral statement, and I would be pleased to take any questions the subcommittee may have. Thank you.

[The prepared statement of Mr. Cohen follows:]

PREPARED STATEMENT OF NEAL S. COHEN, OFFICE OF EDUCATION, GLOBAL OUTREACH, AND SMALL BUSINESS OMBUDSMAN, U.S. CONSUMER PRODUCT SAFETY COMMISSION

Good morning, Chairman Pryor, Senator Wicker, and members of the Committee. My name is Neal Cohen, and I currently serve as the Small Business Ombudsman in the Office of Education, Global Outreach, and Small Business Ombudsman at the U.S. Consumer Product Safety Commission (CPSC). Prior to assuming the Small Business Ombudsman position, I worked in the Office of General Counsel where I served as the lead attorney on the CPSC's Drywall Team. In my current position, I continue to work with the Drywall Team on legal issues.

I am pleased to be here today to discuss the CPSC's investigation into problem drywall. Before I begin, I would note that the testimony that I will give this morn-

ing is mine, has not been reviewed or approved by the Commission, and may not necessarily represent the views of the Commission.

I. Background

CPSC began looking into reports of noxious odors, and corrosion of metal items inside of homes, especially air conditioner coils, and complaints of short term upper respiratory irritation in late January 2009. To date, the CPSC has received approximately 3,921 reports from residents of 43 states, the District of Columbia, American Samoa, and Puerto Rico who believe corrosion of certain metal components in their homes or health effects are related to problem drywall. After analysis of these reports and other data regarding imports of potentially problematic drywall from the People's Republic of China, CPSC staff believe there may be as many as 8,200 U.S. homes containing at least some problem drywall.

In our first report to Congress, in July 2009, we outlined what we then described as “a multi-pronged, concurrent approach . . . to include import investigations, field measurements in the affected homes, chamber studies to assess the possible health risks and corrosion to electrical, gas, and fire safety systems.” In this testimony, I hope to outline the science-based investigation undertaken by CPSC and our agency partners, as well as our efforts to provide assistance to homeowners impacted by problem drywall.

II. CPSC's Scientific Investigation of Problem Drywall

The principles in our strategic investigation plan, in place by June 2009, have been followed by CPSC staff throughout this investigation. Where scientific findings and the compliance investigation indicated a need for additional information, staff added multiple distinct, standalone studies to address those needs.

For more than two years, CPSC has worked with our interagency partners, including the U.S. Department of Housing and Urban Development (HUD), the Centers for Disease Control and Prevention (CDC), and the U.S. Environmental Protection Agency (EPA) (collectively the “Federal Interagency Task Force on Problem Drywall” or “Task Force”) and has spent more than \$6 million dollars from its general operating fund to conduct this investigation.

Briefly, I would like explain the paradigm we employed; it is one that is reliably used in scientific investigations:

1. Analyze the suspected source of the emissions, the drywall, in isolation to see what chemicals the source is emitting in a controlled environment;
2. Conduct indoor air testing in homes built or renovated with the suspected source of the emissions;
3. Test corroded household components that have been exposed to the emissions; and
4. Expose new metal household components in an accelerated aging corrosive environment to simulate long-term corrosion and analyze for potential safety hazards.

CPSC and our partners also engaged our Nation's top laboratories—Lawrence Berkeley National Laboratories (LBNL), Sandia National Laboratories (Sandia), the National Institute of Standards and Technology (NIST), and the U.S. Geological Survey (USGS)—in addition to a well-regarded private company, Environmental Health & Engineering (EH&E).

This scientific paradigm—executed by these top laboratories and scientists—was methodical and iterative, with each step informing the next in the investigation. This rigorous process ensured that the Commission's investigation was based upon the best, quality-controlled and quality-assured results, each result informing the design and conduct of subsequent studies.

CPSC also shared the urgency felt by the homeowners, and we had to balance that sense of urgency with the exercise of caution to make certain that all scientific studies concerning the effects of the problem drywall were credible and defensible. To that end, in a somewhat unprecedented move in a CPSC-compliance investigation, we were transparent and posted all scientific investigations publicly on www.drywallresponse.gov, including the underlying raw data. We did so because we recognized the homeowners' need to understand what was going on in their home environments, because we were confident that our science was of the highest caliber and should be held up to public scrutiny, and because we felt that the public was entitled to make use of the information. Wherever feasible, and without jeopardizing the scientific process, investigations were conducted in parallel to increase our ability to deliver sound scientific results to the public in the timeliest manner.

A. Efforts to Diagnose and Pinpoint Critical Characteristics of Problem Drywall

In July 2009, CPSC staff contracted with EH&E to study gases present and corrosion effects within homes where problem drywall was installed. This was consistent with our investigatory paradigm to conduct indoor air testing in homes with the suspected source of the emissions. The 51-home indoor-air study conducted by EH&E was released in November 2009, and allowed the development of certain corroborating factors forming the core of the Identification Guidance, building upon earlier work conducted by the EPA at the CPSC's request to identify chemicals present in certain drywall samples. The 51-home study also informed CPSC staff about low levels of certain sulfur gases and other compounds present in the homes.

While the 51-home study was being conducted, CPSC also worked closely with LBNL, part of the U.S. Department of Energy, to conduct advanced chamber emission studies to determine the types and amounts of gases emitted by certain drywall in controlled laboratory conditions. The chamber emission studies represented another important cornerstone of our investigatory paradigm. Those studies analyzed the drywall samples in question in isolation in order to capture which chemicals the samples were emitting in a controlled environment, apart from possible confounding sources in the home.

We released LBNL's initial results in November 2009 and March 2010, with the final report on the first round of testing issued in January 2011. Importantly, the findings from the chamber studies enabled CPSC to definitively identify those chemicals being emitted directly from the drywall, apart from the other confounding factors in the home. This work demonstrated the conclusive link between certain drywall and the corrosive emissions of hydrogen sulfide and other reactive sulfur gases. It also demonstrated that some, but not all, Chinese drywall emits hydrogen sulfide and other reactive sulfur gases at much more elevated rates compared to other Chinese and North American drywall.

CPSC staff knew that hydrogen sulfide corrodes copper and silver to produce the type of corrosion seen on those metals in affected homes. However, it was not until this work was completed that we could positively identify the problem drywall itself as the source of that hydrogen sulfide. The levels of reactive sulfur gases, specifically hydrogen sulfide, emitted from the drywall also informed our investigation into potential fire or electrical safety risks. This determination that certain drywall does in fact emit elevated levels of hydrogen sulfide and other reactive gasses also enabled CPSC and HUD to develop Identification Guidance and Remediation Guidance based on the common sense approach of removing the source of these emissions.

In January 2010, the CPSC and HUD issued Identification Guidance for homes affected by problem drywall. This Identification Guidance, which was updated in August 2010, was very important for potentially affected homeowners as it provided some common, scientific characteristics for homeowners to use in determining whether a specific dwelling contained problem drywall.

Remediation Guidance was first issued in April 2010 by the CPSC and HUD. In its first iteration, the Remediation Guidance was extra cautious in its approach to consumer's health and safety until the results of our scientific investigatory plan became available, including precautionary removal of certain building materials. As the results of the scientific investigation became available, we updated the Remediation Guidance in March 2011 and again in September 2011 to provide consumers with a safe and more cost-effective approach to remediation.

In February 2010, we held a closed meeting with our staff, staff from our Federal Task Force Partner agencies, including the CDC, our private contractor, and scientists from the leading national laboratories that conducted many of our studies. CPSC staff reviewed the strategic plan that we had set in motion and the preliminary results received to date. There was broad agreement amongst the attendees that CPSC staff had set forth a clearly defined, scientifically defensible plan and one which could also provide the basis for a solid legal case in the event one was warranted.

In the spring and summer of 2010, the CPSC worked with Sandia to design and execute experiments, detailed further below, that would accelerate the aging processes on electrical and fire safety components to simulate the effects of decades of exposure to the types of corrosion exhibited in problem drywall houses.

While we worked with Sandia, we also conducted additional studies to refine how we characterized the problem drywall and to address other concerns that had arisen including the concern regarding the possibility that sulfur reducing microbiological elements may have been a potential root cause of the emissions. In March 2010, the CPSC, in conjunction with EH&E, released a report on a microbiological assessment of a limited number of drywall samples. No difference was found in the presence or absence of sulfur-reducing bacteria between imported Chinese drywall and U.S.

domestic drywall tested, including those Chinese samples found by LBNL to have some of the highest reactive sulfur gas emissions in the chamber tests.

In May 2011, the CPSC, in conjunction with EH&E, released a longitudinal study of the temporal effects of seasonality and elapsed time on the gaseous emissions and rate of corrosion formation in problem drywall and control homes. This limited study of six homes found that emissions increased during periods of elevated heat and humidity and were markedly reduced in cooler and drier periods.

In June 2010, the CPSC, contracting with EH&E, released a study titled *Identification of Problem Drywall: Source Markers and Detection Methods*. This study confirmed the association between elemental sulfur and the characteristic corrosion associated with problem drywall, and it also provided new information indicating that strontium (when used alone as a marker) possibly could lead to misidentification of problem drywall.

In September 2011, LBNL completed a second round of emissions studies focusing on the effects of heat, humidity, and surface treatments like paint, upon the emissions rates of the problem drywall. The additional testing found that emissions increase with elevated temperature and humidity. Importantly, however, the testing also found that the emissions actually *decreased* significantly over time for the samples, compared to when they had been tested during the first round of testing in 2009–2010. Importantly, all of our modeling and accelerated aging had been based on a worst-case assumption that these levels do not decrease over time.

Also, in September 2011, the CPSC, through an interagency agreement with USGS, conducted additional microbiological assessments of drywall samples and gypsum rocks from relevant mines. Throughout the investigation, there had been many claims of sulfur reducing bacteria actively converting the gypsum in drywall into corrosive sulfur gases. Like the prior EH&E study, the USGS study found no evidence indicating the presence of active bacteria of these types.

In sum, the analysis of chemical content and chemical emissions from problem drywall determined that certain brands of drywall produced around the year 2005–2006 contain elevated levels of elemental sulfur (octahedral sulfur, S_8) and have elevated emission factors for hydrogen sulfide (H_2S) and other reactive sulfur gases known to corrode copper and silver. It also was found that over time, the emission rates for these reactive sulfur gases decreased and that increases and decreases in emission rates corresponded to increases and decreases in temperature and humidity.

B. Potential Health Impacts of Problem Drywall

The report on the 51-home study included discussion of health impacts for the compounds found in the home environment. In analyzing the results in that study, CPSC staff relied on the actual measurements of reactive gases taken in the 51-home study as the best approximation of the levels of gases to which homeowners may have been exposed. However, the concentrations of individual chemicals found in the homes were below levels where health effects have been reported in the toxicology literature and did not provide the CPSC with enough evidence to determine that a substantial or imminent product hazard or significant injury or illness occurs due to problem drywall.

Although those concentration levels did not permit the CPSC to make a health or safety finding, it is possible that health effects might occur when consumers are exposed to combinations of chemicals, as found in all indoor environments. The study of health effects related to exposures to chemical mixtures is scientifically complex due to the interactions between and amongst chemicals, as well as the fact that responses to chemical exposures can vary tremendously from person to person. Much more study and analysis—beyond the current staff and monetary resources of the CPSC—would be necessary to develop the evidence necessary to conclusively establish the health case.

CPSC staff also used mathematical modeling to predict possible exposures that might result from the reactive sulfur compound emissions measured in the LBNL chamber testing. As with most modeling exercises, this undertaking was complicated by the many assumptions that had to be made about some of the environmental conditions and interactions between chemicals that were occurring in the homes.

In light of staff and resource constraints, the CPSC formally requested that the CDC consider conducting a long-term health study on the effects of problem drywall. In making the request, CPSC staff felt that such a study or series of studies by the CDC could seek to address some of the deficiencies in the data outlined above. In January 2011, the CDC indicated that it had “carefully considered” a long-term health effects study and concluded that “the best scientific evidence available to [CDC] today does not support” such a study. While CPSC staff hoped the available

scientific evidence would allow the CDC to conduct a long-term health effects study, CPSC staff was encouraged to learn that CDC staff took the time to carefully consider the merits of such a study before deciding not to proceed.

In February 2011, CDC staff requested that the CPSC staff provide all information on the addresses and reported health effects associated with problem drywall homes so that the CDC could map the scope and consider the potential health effects. In response to that request, CPSC staff provided the requested information to the CDC to assist in their evaluation of the potential health effects of problem drywall. It is the understanding of CPSC staff that CDC work continues on this health consultation project, and CPSC staff looks forward to reviewing the results when that project is complete.

C. Examination of Any Potential Fire or Electrical Safety Implications of Problem Drywall

In an effort to determine whether problem drywall presented any fire or electrical safety risks that could be quantified as presenting a serious safety hazard, the CPSC also hired Sandia and NIST to conduct engineering studies of the effects of corrosion on electrical and fire safety systems.

Sandia subjected samples to accelerated aging processes to simulate the effects of decades of exposure to the types of corrosion exhibited in problem drywall houses on components, including electrical wiring, receptacles, switches, plus smoke alarms, fire suppression sprinkler systems, and gas service piping. Sandia also conducted engineering analyses of the electrical systems that were aged in these conditions, as well as other electrical components harvested from affected homes. Sandia provided the exposed fire safety system samples to NIST to complete similar engineering analyses of those systems.

The CPSC's study, conducted with Sandia, on the impact of accelerated corrosion on electrical components, which simulated 40 years of corrosion, was completed in March 2011. The results of the Sandia study led the Task Force to modify the Remediation Guidance and to remove the earlier recommendation that all electrical wiring be removed. This study found visual evidence of corrosion but found that the corrosion did not significantly reduce the overall cross section of copper nor did it decrease the wire's ability to carry its rated current. No acute or long-term safety events such as smoking or fire were observed during the course of the experiment.

In September 2011, the CPSC, working with NIST, released a series of staff reports on the effects of problem drywall and related corrosion on fire safety systems and natural gas service piping.

The first report was a study on the effects of simulated 10 years of corrosion of the type exhibited in problem drywall homes on a variety of smoke alarms. NIST also studied smoke alarms collected from homes where they had been exposed to the emissions from problem drywall. There were small but significant changes to performance in some cases, although each set of the smoke alarms continued to meet applicable safety standards. In any case, the CPSC recommends replacement of smoke alarms every 10 years and carbon monoxide alarms after their limited lifespan, typically every five to seven years. Therefore, as part of remediation, it is recommended that all smoke alarms and carbon monoxide alarms be replaced because they have a limited life span and cost little to replace.

The second report was a study on the effects of simulated 20 years of corrosion of the type exhibited in problem drywall homes on a variety of fire sprinkler heads. In addition, NIST studied fire sprinkler heads collected from homes where they had been exposed to the emissions from problem drywall. Fire sprinkler heads showed small effects due to accelerated corrosion, but were generally within accepted industry standards.¹ Fire suppression sprinkler systems are present only in a very small fraction of problem-drywall homes.

The third report was a study on the effects of problem drywall emissions on gas service piping. The CPSC collected gas service pipes from homes where they had been exposed to the emissions from problem drywall. NIST also studied copper alloys commonly employed in the manufacturing of gas service piping after exposure to the simulated corrosion chamber to achieve 40 years of simulated exposure. The results showed that corrosion of gas service piping was uniform and minimal compared to the thickness of pipes. No acute or long-term safety events were observed

¹A single fusible-type fire sprinkler head that had been exposed to accelerated corrosion did not activate when tested. Out of an abundance of caution, CPSC staff recommend the replacement of fusible-type fire sprinkler heads as part of remediation. However, we 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 at this time.

during the course of the experiment. Gas service pipes are present only in a very small fraction of problem-drywall homes.

D. Additional Targeted Scientific Studies

Additional studies were conducted for targeted investigations on an as-needed basis as new issues emerged during the overall investigation, including (A) investigating the limited claims of problems due to domestic drywall in homes, (B) investigating the indoor environments in two homes at Fort Bragg where multiple infant deaths had been reported and (C) investigating deaths reportedly related to problem drywall.

1. Domestic Drywall Study

While the majority of the complaints to the CPSC have been for imported drywall, approximately one to two percent of the total reported incidents came from homeowners who have alleged that corrosion and other problems have resulted from the installation of domestic, problem drywall. In response, CPSC staff conducted in-depth investigations (IDIs) on a number of these homes and found that some appeared to have Chinese drywall and others did not appear to have the characteristic problems associated with problem drywall.

In addition, the CPSC undertook a limited study on 11 homes believed to best represent the types of reports we had received. In April 2011, the CPSC released a study on these 11 homes for which the presence of problem domestic drywall could not be ruled out, and the results were inconclusive. Some of the homes in the study were found to have characteristics of problem drywall, but the actual country of origin could not be determined conclusively for all of the drywall in those homes. Other homes in the study exhibited corrosive characteristics that were different than those that the CPSC had observed in homes with imported, problem drywall. However, none of the findings resulted in the need to change the Task Force's recommendations in the identification or remediation guidance documents.

2. Investigation Into Deaths at Ft. Bragg, North Carolina

The CPSC provided substantial support to the U.S. Army in the Army's investigation into deaths at Ft. Bragg. CPSC conducted a comprehensive and independent investigation into the indoor environments in two homes at Fort Bragg where multiple infant deaths had been reported. The results of our study, released on February 10, 2011, concluded that problem drywall was not present in the homes. For the benefit of the Army, our contractor conducted additional environmental testing while in the homes and did not find an environmental cause of these tragedies. Somewhat elevated levels of two pesticides, permethrin and cypermethrin, were found in one of the homes, and the Army is continuing to investigate these pesticide issues on its own. Both of these pesticides are approved by the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use inside of homes. The Army paid to have EH&E continue to investigate the slightly elevated pesticide levels.

3. Investigation of Deaths Reportedly Related to Problem Drywall

On January 31, 2011, the CPSC released the CDC's review of state medical examiners' investigations into reports of deaths in homes alleged to contain problem drywall. The report found no connection between the 11 deaths and the drywall; instead it found several other contributing factors that specifically included pre-existing health conditions. CPSC staff also found no connection between the subject homes and problem drywall in our investigation.

III. CPSC and Private Efforts to Assist Impacted Homeowners

A. Problem Drywall Identification and Remediation Guidance

As discussed earlier, Identification Guidance for homes affected by problem drywall was first issued in January 2010, and updated in August 2010. Remediation Guidance was issued in April 2010 and updated in March 2011 and again in September 2011.

The updated documents clarify that the Remediation Guidance represents an effective protocol on which a homeowner may rely to make appropriate decisions about remediating their home comprehensively. The current guidance documents are comprehensive and integrate the results of all scientific studies completed as part of this investigation.

B. Development of Standards for Drywall Labeling and Content

During the course of the investigation, one substantial impediment encountered by CPSC staff was the lack of uniform labeling on both domestic and foreign drywall. The bulk of problem drywall examined by staff contained no marking de-

tailoring manufacturer, brand, or country of origin. This substantially hindered CPSC staff efforts to determine the exact source of problem drywall, as well as the scope of the problem.

In an effort to prevent similar problems in the future, CPSC staff worked with ASTM International on a new gypsum board voluntary labeling standard that would require manufacturer name and country of origin on the product. We are pleased to note that, as a result of these efforts, ASTM recently approved a revision to the C1264 gypsum board standard.

The revised C1264 standard, which was effective as of last month, requires that manufacturers place either names or unique codes identifying the name of the manufacturing company, facility and production line, date and time of manufacture, and country of origin on each sheet of finished gypsum products. The revised standard also specifies that this identifying information be reproduced at regular intervals on each sheet of finished gypsum products. CPSC staff believe that this voluntary labeling standard should help builders and consumers better understand the origin and source of gypsum products in the future.

CPSC staff also continue to work with ASTM and other industry associations on standards regarding gypsum board content. That work is currently ongoing, and we hope for further progress on that voluntary standard in the near future.

C. The Multi-District Drywall Litigation

Some private parties impacted by problem drywall are engaged in extensive Federal and state litigation, which has largely been consolidated in the Federal Chinese-Manufactured Drywall Products Liability Multi-District Litigation (MDL) in the Eastern District of Louisiana.² The CPSC has never been a party to this litigation, although Commission staff has tracked the progress of the case through discussions with parties and stakeholders. Despite the lack of CPSC's formal involvement in the case, the agency's scientific findings have been relied upon universally by the various parties as representing a credible and serious effort to understand and explain the issues associated with problem drywall.

Unlike a potential CPSC recall, which would require the CPSC to demonstrate health or safety hazards satisfying the high burdens set forth in CPSC's controlling statutes (*e.g.*, that the drywall presents an imminent hazard or substantial risk of serious injury or death), the private civil cases are primarily economic in nature and need only prove, for example, that the drywall was not fit for its originally intended purpose. As part of this process, one of the potentially responsible producers of problem Chinese drywall, Knauf Plasterboard (Tianjin), announced a pilot settlement on October 14, 2010. In that pilot settlement, Knauf and certain American companies in the distribution chain of commerce, agreed to voluntarily remediate 300 homes in Alabama, Florida, Louisiana, and Mississippi containing its drywall. Knauf's remediation protocols for this pilot program conform to the CPSC's interim remediation guidance.

During the week of February 14, 2011, Knauf's contractor broke ground on the first such remediation project. The Court and all parties have also sought to broaden the number of homes covered in this pilot settlement beyond the original 300 homes. Some private estimates indicate that Knauf manufactured drywall may be present in 40 to 45 percent of all homes impacted by problem drywall. In addition, almost all impacted homes in Alabama, Louisiana and Mississippi contain drywall manufactured by Knauf.

The MDL Court has also directed the parties in the case to proceed with discovery and depositions, which are presently underway, concerning certain other Chinese manufacturers and certain American companies in the supply chain. The MDL Court represents a credible process addressing claims of economic loss from the plaintiffs, and it will proceed and likely provide a substantial level of relief to a number of homeowners with problem drywall manufactured by Knauf (and possibly a few other companies). It is, however, unlikely to cover all homeowners impacted by problem drywall.

D. CPSC Efforts to Seek Compensation from Potentially Responsible Chinese Manufacturers Outside of the MDL Case

Throughout the problem drywall investigation, the CPSC has continually engaged with our counterpart agency in China, the General Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ), to share information and arrange a meeting between the CPSC and Chinese manufacturers. Specifically, CPSC personnel have engaged in the following face-to-face meetings (in addition to numerous

² MDL 2047, Chinese Manufactured Drywall Products Liability Litigation, <http://www.laед.uscourts.gov/drywall/drywall.htm>.

videoconferences and conference calls) with high-level AQSIQ personnel to seek resolution to the problem drywall issue:

- August 2009. CPSC staff traveled to China to investigate the possible origin of problem drywall and to meet with AQSIQ staff regarding the issue.
- Second Trilateral U.S.-EU-China Consumer Product Safety Summit, October 25–26, 2010, Shanghai, China. CPSC Chairman Inez M. Tenenbaum personally discussed the issue with AQSIQ Minister Zhi Shuping and urged the Chinese Government to facilitate a “fair and just” resolution to the issue.
- The Third Bilateral United States—China Consumer Product Safety Summit, held in Washington, DC on October 13–14, 2011. At this meeting, the Chairman again publically called on the Chinese Government to come to the table, resolve this issue and provide relief to impacted homeowners.

To date, the CPSC has used all of the resources available to it, including high-level international contacts by the Chairman and other international diplomatic efforts with the U.S. Departments of State and Commerce to push this item to the front of the agenda with the Chinese government. Throughout many months of diplomatic efforts, the Chinese manufacturers have continued to signal their reluctance to meet with us. The principal Chinese trade associations have stated that their members are being singled out, and refuse to accept CPSC assurances that all responsible parties would be included in a possible settlement.

* * * * *

Mr. Chairman, thank you again for the opportunity to testify regarding the CPSC’s scientific investigation of problem drywall, as well as efforts to assist impacted homeowners. I would be happy to answer any questions at this time.

Senator PRYOR. Thank you. And thank you for staying in the allotted time.

Dr. Portier.

**STATEMENT OF CHRISTOPHER J. PORTIER, Ph.D., DIRECTOR,
NATIONAL CENTER FOR ENVIRONMENTAL HEALTH, CENTERS
FOR DISEASE CONTROL AND PREVENTION AND AGENCY
FOR TOXIC SUBSTANCES AND DISEASE REGISTRY,
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Dr. PORTIER. Thank you, and good morning, Senator Pryor, Senator Wicker and Senator Warner. Thank you for the opportunity to be here today.

I am Chris Portier, the Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention, and the Director of the Agency for Toxic Substances and Disease Registry.

The CDC and ATSDR are concerned for the health and safety of people who have been living with, or exposed to, sulphur compounds emitted from contaminated drywall.

My testimony today will focus on three aspects of CDC/ATSDR support of the CPSC response on this issue: Number one, CDC/ATSDR’s current knowledge and recommendation on human health effects from exposure to sulphur compounds emitted from contaminated drywall; number two, our role and the efforts to date in the coordinated Federal response on contaminated drywall; number three, our public health consultation underway to learn more about potential health effects from exposure to sulphur compounds emitted from contaminated drywall.

Indoor air tests of homes with contaminated drywall conducted on behalf of the CPSC, the lead Federal agency in the investigation of contaminated drywall, found low levels of reactive sulphur gases, including hydrogen sulphide and carbonyl sulphate. This is a

concern, because at some concentrations, exposure to sulphur gases may result in eye, nose and throat irritation, and exacerbation of respiratory problems such as asthma or chronic obstructive pulmonary disease. These same symptoms are consistent with what has been reported. However, the levels measured inside of homes with contaminated drywall were below levels linked to human health effects as demonstrated in the scientific literature. Still, it is possible some people are more sensitive than others to sulphur gasses.

CDC/ATSDR believes that preventing continued exposure is the best method to address contaminated drywall. We support the CPSC and the U.S. Department of Housing and Urban Development's recommendations for remediation.

In support of CPSC's leadership of the Federal response to concerns on the contaminated drywall, CDC/ATSDR has put significant effort into helping residents understand the potential health implications through the following activities: We worked with poison control centers and state health departments to develop and share guidance to the public and healthcare providers. We supported Federal response efforts with our extensive network of state health and environmental agencies. This has helped us to understand the types of health complaints being reported, to ensure that up to date and accurate information was rapidly shared, and to ensure that coordination among the involved Federal and state agencies and other partners is effective.

We assisted the EPA and the Florida Department of Health in developing a sampling plan for homes with and without contaminated drywall, and in interpreting results. We engaged our partners to develop precautionary health guidance documents for families and their physicians. And we coordinated with states to review 11 deaths reported to the CPSC.

We are currently modeling indoor air levels of sulphur gas compounds to estimate potential exposure. These estimates will then be used to calculate the risks of human health effects in homes with contaminated drywall. Results should be available in spring of 2012.

This consultation activity involves three main phases: First, we've engaged experts at Georgia Institute of Technology to model indoor air concentrations. They will be using data that measured sulphur gasses emitted by contaminated drywall in a controlled laboratory setting. These data were collected by Lawrence Berkeley National Laboratory on behalf of CPSC.

In the second phase, NCEH/ATSDR scientists will use these estimates to simulate a range of plausible human exposures to several drywall-related sulphur compounds. Finally, our scientists will determine if the levels of exposure could result in possible short term and long term health effects, and what these outcomes might be. This will be based upon health information summarized in existing ATSDR toxicological profiles, EPA guidance values, and then evaluations of scientific literature. This is one of the tox profiles. This is for hydrogen sulfide gas.

In conclusion, CDC/ATSDR recognizes the serious concerns of people living in homes and exposed to contaminated drywall. We are committed to providing appropriate and necessary information

to help answer questions related to health effects from contaminated drywall.

Thank you for the opportunity to present this testimony to you today, and I would be happy to answer any of your questions.

[The prepared statement of Mr. Cohen follows:]

PREPARED STATEMENT OF CHRISTOPHER J. PORTIER, PH.D., DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL HEALTH, CENTERS FOR DISEASE CONTROL AND PREVENTION AND AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

“Health Issues Associated with Contaminated Drywall”

Good morning Chairman Pryor, Ranking Member Toomey, and other distinguished members of the Subcommittee. Thank you for the opportunity to be here today. I am Dr. Christopher Portier, Director of the National Center for Environmental Health (NCEH) at the Centers for Disease Control and Prevention (CDC) and Director of the Agency for Toxic Substances and Disease Registry (ATSDR).

The CDC and ATSDR are concerned for the health and safety of people who have been living with or exposed to sulfur compounds emitted from contaminated drywall used in the construction or renovation of their homes. My testimony today will focus on three aspects of CDC/ATSDR’s support of the Consumer Product Safety Commission (CPSC) response to this issue:

- CDC/ATSDR’s current knowledge and recommendation on human health effects from exposure to sulfur compounds emitted from contaminated drywall;
- CDC/ATSDR’s role and efforts to date in the coordinated Federal response to contaminated drywall; and
- CDC/ATSDR’s public health consultation underway to learn more about potential health effects from exposure to sulfur compounds emitted from contaminated drywall.

CDC/ATSDR’s Current Knowledge and Recommendation on Human Health Effects from Exposure to Sulfur Compounds Emitted from Contaminated Drywall

Indoor air tests of homes with contaminated drywall conducted by Environmental Health & Engineering Inc. (EH&E) on behalf of the CPSC, the lead Federal agency in the investigation of contaminated drywall, found low levels of reactive sulfur gases, including hydrogen sulfide and carbonyl sulfide.

This is a concern because at some concentrations, exposure to sulfur gases may result in eye, nose, and throat irritation and exacerbation of respiratory problems such as asthma or chronic obstructive pulmonary disease (COPD). These same symptoms are consistent with what has been reported. However, the levels measured inside of homes with contaminated drywall were below levels linked to human health effects as demonstrated in the scientific literature. Some people are more sensitive than others to chemical exposures; an exposure that causes no problems for one person can make a different person uncomfortable or sick. There are currently no tests available that would identify people in the general public who are more susceptible to exposure to the sulfur compounds emitted from contaminated drywall.

With respect to public health, CDC/ATSDR believes that preventing continued exposure to reactive sulfur gases is the best method to address problem drywall. We support the CPSC and U.S. Department of Housing and Urban Development (HUD) recommendations for remediation that “consumers replace 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.”

Recommendations from the Pediatric Environmental Health Specialty Units (PEHSU), a CDC/ATSDR partner, include eliminating, if possible, or reducing exposure through remediation and ventilation; minimizing aggravating environmental factors such as secondhand tobacco smoke and harsh cleaners; monitoring mental health; seeking medical specialty care; and seeking guidance on medical monitoring from a health care provider.

CDC/ATSDR's Role and Efforts to Date in the Coordinated Federal Response to Contaminated Drywall

Since 2009, CDC/ATSDR has provided public health expertise in support of the CPSC's leadership of the Federal response to concerns with contaminated drywall. As part of this response, CDC/ATSDR collaborated with the CPSC, the U.S. Environmental Protection Agency (EPA), HUD, the Florida Department of Health (FLDOH), the Louisiana Department of Health and Hospitals, the Virginia Department of Health, the Association of Occupational and Environmental Health Clinics (AOEC), and other state and local health and environmental agencies to assess possible health implications from living in a home with contaminated drywall.

CDC/ATSDR has put significant effort into helping residents understand the potential health implications associated with exposure to sulfur compounds emitted from contaminated drywall.

To date, we have conducted the following activities:

- CDC/ATSDR worked with poison control centers and state health departments to develop and share health guidance. This guidance came in the form of easy-to-read fact sheets to help the public understand health and safety issues and recommendations on how to protect themselves. We provided guidance to health care providers who may be evaluating patients living in homes with contaminated drywall;
- CDC/ATSDR supported Federal response efforts with our extensive network of state health and environmental agencies to understand the types of health complaints being reported, to ensure that up-to-date and accurate information and approaches were rapidly shared, and to ensure that coordination among the involved Federal and state agencies and other partners is effective;
- CDC/ATSDR assisted the EPA and the FLDOH in developing the sampling plan for homes with and without contaminated drywall and in interpreting the results;
- CDC/ATSDR engaged our partners AOEC and PEHSUs with specialties in pediatrics, medical toxicology, industrial hygiene, and occupational environmental medicine. This resulted in precautionary health guidance document for families and their physicians;
- CDC/ATSDR coordinated with states to review 11 deaths reported to the CPSC. In the judgments of the state medical authorities who reviewed these cases, exposure to contaminated drywall was not believed to be a contributing factor to these deaths.

CDC/ATSDR's Public Health Consultation Underway to Learn More about Potential Human Health Effects from Exposure to Contaminated Drywall

CDC/ATSDR's current public health effort is modeling indoor air levels of sulfur gas compounds to estimate potential exposures. These estimates will then be used to calculate risks of health effects in homes with contaminated drywall. Results should be available in spring 2012, and we expect that this work will provide important and appropriate information to help answer questions related to potential health effects from contaminated drywall.

The consultation involves three main phases. First, we have engaged experts at Georgia Institute of Technology to model indoor air concentrations. They will be using data that measure sulfur gases coming off of contaminated drywall in a controlled laboratory setting. These data were collected by Lawrence Berkeley National Laboratory on behalf of CPSC. In the second phase, CDC/ATSDR scientists will use these estimates to simulate a range of plausible human exposures to several drywall-related sulfur compounds. This will include a range of home types and patterns of air movement in and out of the homes. Finally, CDC/ATSDR scientists will determine if the levels of exposure could result in possible adverse health outcomes and, what those outcomes might be. This will be based upon health information summarized in existing ATSDR Toxicological Profiles, EPA guidance values, and in evaluations of recent scientific literature.

Conclusion

In conclusion, CDC/ATSDR recognizes the serious concerns of people living in homes and exposed to contaminants from problem drywall. We are committed to providing appropriate and necessary information to better understand residents' concerns related to health effects.

Thank you for the opportunity to present this testimony to you today. I would be happy to answer any questions.

Senator PRYOR. Thank you.
Mr. Shelton.

**STATEMENT OF WILLIAM C. SHELTON, DIRECTOR, VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Mr. SHELTON. Senator Pryor, Senator Warner, it's a pleasure to be with you today. Shelton. I'm the Director of the Virginia Department of Housing and Community Development. We handle a number of community development and housing issues, but today my expertise is more in the area of building codes.

What I would like to focus on today is how Virginia has responded; the things we think we can do at the state level; and then, perhaps, some of the things that remain undone.

There was a perfect storm—you've already heard the stories—but the one nuance of difference in Virginia, as Senator Warner mentioned, all the product that, we believe, that came into Virginia came through one supplier in southeastern Virginia in the Hampton Roads area through one manufacturer in China. Unfortunately, that manufacturer, we believe, is owned by a Chinese concern, as opposed to the German company. And this has ramifications longer-term that become clear when you get to litigation.

The story was unfolding, you know, we were hearing reports, and we certainly were monitoring this issue. Our first response in Virginia came in early 2009 as we began to hear more and more anecdotal evidence of problems. And basically, the first item was to notify local building officials to be aware of this, especially in the Hampton Roads region. We believe the building officials are the front line defense related to responding to this problem, and notified them to notify all builders and others that this could be an emerging problem. Even if we didn't have authority to ban the product, we were certainly raising awareness.

Governor McDonnell assumed office, and then in early 2010 established a drywall task force made up of homeowners, of, state agencies, and other affected parties to look at this issue. And we looked at a number of different items, trying to outline priorities of how Virginia could response.

There was some state legislation—both proposed and unsuccessful. Perhaps the most substantive piece that passed was an issue looking at the issue of disclosure, making sure that property owners who were owners of these properties and were transferring them, that there was actual disclosure so that the problem was not passed on to other property owners down the road; and there were penalties imposed if that disclosure did not happen. And that was both for ownership, as well as rental. And we think that was the best practice.

Perhaps the most important aspect of what we focused on, though, was this issue of, how would you remediate this problem? How would you begin to do the building part of it? And I know that CPSC and others were doing quality research, and we were very anxious to get the answer, because everyone was stuck in neutral, if you will, and could not move either direction without that remediation standard.

We are fortunate in Virginia to have a uniform statewide building code, and so we used that mechanism working through the

issues with our Board of Housing and Community Development, and other affected parties, and using the recommendations, the interim guidance from CPSC, the National Homebuilders Association, and others who have come forward with a potential remediation. And then, effective this summer, effective in August, we did adopt a remediation standard for Virginia that's built into our building code. So, we have established the standards by which all properties need to be remediated; we have required that a building permit be pulled on the property; that inspections be done; that a testing be done after the initial demolition to ensure that you got all the product out; and then, post-construction, that you test again to make sure that there's no evidence of the gases that are causing the problem in the homes.

We feel this is the appropriate and responsible way to move forward. And once concluded, a letter can be given, then, to the property owner that basically says the property has been remediated, so that you remove the stigma on the property. This does not address how to pay for it, but at least gives a pathway to move forward.

One of the issues is the cost of remediation. If you look at the various standards, the court case in Louisiana established a fairly rigorous amount of work, deconstruction and reconstruction, that have to take place. That worked out to almost \$90 a square foot. The remediation standard that we have adopted in Virginia, we believe, will be closer to about somewhere in the \$35 to \$45, maybe \$50 a square foot, depending on the type of construction, which makes it more affordable, but yet, would, in fact, then, remediate the property. So, the difference in pricing, that \$86 level would be roughly a \$200,000 expense, as opposed to maybe a \$60,000 or \$70,000 expense with that \$35 to \$40 a square foot, which we think is more realistic.

We have looked at funding mechanisms. The bottom line is that we have looked at all kinds of debt-oriented kinds of activities. We don't believe the properties support debt. The homeowners are upside-down; we've got a housing crisis; those properties are under water anyway; and the market—and with the remediation, it's certainly not feasible.

And so, we think that it has to be more of a response similar to a disaster response. And we would love to work with the Federal Government on trying to figure out some way to get the responsible parties to come to the table and help provide that financing.

[The prepared statement of Mr. Shelton follows:]

PREPARED STATEMENT OF WILLIAM C. SHELTON, DIRECTOR,
VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Good morning, my name is Bill Shelton. I am the Director of the Virginia Department of Housing and Community Development (DHCD). The agency administers a comprehensive set of housing and community development programs that help create safe, affordable, and prosperous communities where Virginians can live, work and do business. The agency is also responsible for the administration of the state's major building safety regulations, most notably the Uniform Statewide Building Code (USBC). This latter role led to our involvement in understanding and responding to some of the serious problems that resulted from the use of defective drywall in residential construction during the last decade. I am here today at the invitation of Chairman Rockefeller to speak about Virginia's experience with defective drywall products.

Background

Drywall, sometimes referred to as plasterboard or gypsum board, is one of the most common building materials. Builders use it for walls and ceilings in home and commercial construction. It consists of a sandwich panel made of gypsum (hydrated calcium sulfate [$\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$]) pressed between two thick sheets of paper. For decades, builders have used drywall as a safe and economical alternative to traditional lath and plaster. However, during the latter half of the last decade, owners and occupants of single-family and condominium units constructed at mid-decade in Virginia and elsewhere began to report problems with significant and unexpected levels of corrosion in HVAC, electrical and plumbing systems, and appliances. Over time, the apparent cause of these and other problems such as the presence of strong odors (“burning matches” or “rotten eggs”) were traced to excessive levels of gaseous sulfur compounds such as hydrogen sulfide (H_2S) emitted by specific brands of drywall. While the offending products were ultimately identified with reasonable certainty, numerous questions remained. These included:

- Determining where and how many residential units were affected,
- Preventing the continued use of defective drywall products,
- Developing and applying appropriate remediation standards to eliminate current and future problems,
- Providing assurance that homes can be remediated and reoccupied safely,
- Estimating the total and unit costs for remediation activities, and
- Determining who would pay for property remediation and other losses incurred by homeowners, contractors, developers and others.

That the problems of defective drywall appeared when and where they did was the result of a kind of perfect storm of circumstances, if you will. These included the need for massive rebuilding in the Gulf Coast following two very real storms—Katrina and Rita—and the red-hot (some would say in retrospect “overheated”) housing market found in many parts of the country (including Virginia) during the middle of the last decade. Demand for drywall simply outpaced domestic sources of supply. American distributors of building materials seeking new sources found them in half a dozen or more manufacturers based in China. Their products appeared to be functional equivalents of the familiar domestic materials. In southeast Virginia, one building materials supplier received 150,000 sheets from a single Chinese source. Builders used them to complete projects throughout the region and elsewhere in the state. This set the stage for the problems that have brought us here today.

The Problem Emerges

By late 2008, the federal Consumer Products Safety Commission (CPSC), as well as state and local officials in Virginia and other southeastern and Gulf States, began receiving complaints about drywall-related problems. By January 2009, CPSC had received some 1,500 incident reports from 24 states, with the largest numbers attributable to, in descending order, Florida, Louisiana and Virginia. By the summer of 2010, data received by Virginia’s Department of Health, the Office of the Attorney General, and DHCD *confirmed* that at least 250 Virginia homes were affected; it appeared very likely that the total might exceed 400.

While the number of affected homes was small relative to the state’s 2010 inventory of more than three million occupied housing units, the consequences for homeowners were anything but small. For some households, the presence of defective drywall has rendered the homes uninhabitable. The threat of fire hazards associated with damaged electrical system components, damaged plumbing and gas piping, dysfunctional or damaged HVAC systems, damaged appliances and consumer electronics, nonworking smoke and carbon monoxide detectors, actual or perceived threats to the health of individual family members, persistent and overwhelming foul odors and other factors all contributed to individual decisions to vacate properties.

Relocation might relieve the family of the immediate threats to health and safety, but it could not relieve them of the financial obligations associated with a house that could no longer be called home. Although lien holders could offer temporary moratoria, in most cases to avoid foreclosure and long-term damage to the family’s credit, mortgages still needed to be paid—even as the stigma associated with defective drywall erased the owner’s equity and the property’s marketability. Many of the Virginia homes were large, with values above regional averages. In some cases, they represented the owner’s primary asset, often the product of years of saving toward the goal of securing the home of their dreams. In still other cases, owners may have had no recourse except bankruptcy to stave off even worse financial consequences for the family.

Owners soon encountered other problems. The underwriting for most homeowner policies requires that the insured occupy the home. While limited absences might be permitted and waivers secured in some cases to deal with unforeseen circumstances, in the end homeowners may face the loss of insurance coverage. Because mortgages are predicated on the homeowner maintaining insurance coverage to indemnify the mortgagee in case of destruction or damage to the property, the loss of insurance may ultimately lead to termination of the loan even if payments are being made.

Bad as these circumstances were, the affected homeowners were also caught up in the overall housing market collapse that occurred almost simultaneously with the discovery of widespread drywall problems. Even without defective drywall, homeowners in areas experiencing double-digit declines in property values might have faced the prospect of going “underwater” on their mortgages. With defective drywall present in the home, that prospect became a virtual certainty. This, of course, would preclude seeking conventional refinancing or the leveraging of homeowner equity.

Thus, homeowners generally had limited recourse to the financial resources needed to remedy the problem even if there was an agreed-upon remediation protocol. Some homeowners sought relief from the insurer covering their properties. Except where a specific policy provision covered the risk for faulty materials, insurers generally denied such claims, asserting that the damage to the homeowner was the result of the use of faulty materials by builders and thus specifically *excluded* from coverage. Litigation to overcome this assertion has generally failed in Virginia state courts and in the Federal court system, once again leaving the homeowner without the resources needed to address the problem.

Homeowners also brought suit in the Federal courts against the manufacturers and distributors of the defective materials. This approach met with limited success. In a noteworthy case brought against a Chinese manufacturer (Tai-Shan Gypsum Co., Ltd.) in the U.S. District Court for the Eastern District of Louisiana, seven Virginia homeowners prevailed. In a default judgment, the trial court awarded damages ranging from \$90,000 to more than \$441,000. The average award was almost \$373,000. However, the plaintiff families are yet to receive the proceeds of this case. Litigation, including appeals from this decision and additional class actions, continues. Within the past week, a Virginia couple also secured a default judgment against Tai-shan; however, as in the Louisiana trial, actually collecting the award will likely be a prolonged and uncertain process.

Litigation in other states has been somewhat more successful. In Muscogee County (Columbus), Georgia, Lowe’s Home Centers, without admitting wrongdoing, liability or fault, agreed to a settlement of a state class action suit that resulted in a total of \$5.5 million being available to qualified claimants. In addition, the same Federal court in Louisiana that heard the seven Virginia plaintiffs has agreed to settlements with one of the multinational corporations (Knauf Plasterboard Tianjin Co.) producing drywall in China. It provides funding for the repair of hundreds of homes in four states (Florida, Louisiana, Mississippi and Texas). This case does not affect Virginia claimants directly. It involved products made by a different manufacturer and one that is not a solely Chinese enterprise as was the apparent case in Virginia.

The State Response in Virginia

The legal and factual circumstances surrounding defective drywall claims differ from state to state. Once the nature and the potential scope of the problem in Virginia became apparent, the legislature and Executive Branch agencies became actively involved in responding to defective drywall issues.

Notice to Local Building Officials

As early as 2009, the Division of Building and Fire Regulation at DHCD, responding to initial reports from the CPSC and other sources, sent an advisory memorandum to all local building officials, the parties charged with enforcement of the USBC. This alerted the officials to the emerging problems associated with certain Chinese-manufactured drywall products. The memorandum noted the potential for the corrosion of metals by sulfur compounds and the hazards that such corrosion presented to occupants from a host of causes including malfunctioning smoke and carbon monoxide detectors. The advisory noted that while the CPSC and other agencies were just beginning their research into the problem, the use of the suspect materials should be discontinued and that segments of the construction industry be so advised.

Defective Drywall Task Force

In early 2010, as the scope of the problem continued to grow, Governor Bob McDonnell assembled a drywall task force to learn more about the problem, hear

from homeowners and other affected parties, determine the numbers of affected properties and consider possible areas for action at the state level. Task Force meetings and subsequent town hall events brought together local officials, homeowners, other affected parties and state agencies with potential roles to play in responding to the issue. These sessions revealed more fully and poignantly the extent to which defective drywall had disrupted the lives of hundreds of Virginians. They also began to outline priority areas for state action. These included the urgent need to provide homeowners and contractors with authoritative guidance on appropriate remediation steps as soon as possible. Participants registered their concerns about whether potential homebuyers and renters were receiving proper notice from sellers or landlords when properties contained defective drywall products were offered for sale or lease. Finally, homeowners—frustrated by the response of insurers, manufacturers and the courts—looked to the state to identify funding to support remediation activities once guidance was in place. This proved to be the thorniest issue in a time of overall financial stringency.

State Legislation

During its most recent two legislative sessions, Virginia enacted measures that responded directly to aspects of the defective drywall problem. Earlier this year, the Governor signed HB 1610 and SB 942 into law. These bills, which the Virginia Housing Commission recommended, responded to concerns about the possible lack of disclosure of the presence of defective drywall in properties offered for sale or lease. Real estate professionals engaged by sellers and buyers, individual sellers and landlords with actual knowledge of defective drywall in a dwelling unit must disclose that fact to prospective buyers or tenants. Failure to disclose can have real financial and regulatory consequences. These identical bills went further to establish a reassessment process and other provisions that localities could use to grant property tax relief to homes with defective drywall.

Also in 2011, SB 1294 brought defective drywall under the aegis of the Virginia Consumer Protection Act. The law prohibits suppliers, after March 25, 2011, from selling, offering for sale, or using defective drywall in the construction, remodeling, or repair of any residential dwelling in Virginia. This prohibition does not apply to the sale or offering for sale of buildings or structures in which the drywall was already in place.

The first legislative attempt to address funding for remediation took place during the 2010 session. HB 46 created the Virginia Defective Drywall Correction and Restoration Assistance Fund for residential property. Loans and grants from the Fund could be used to pay reasonable and necessary costs for: (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures or other work necessary to remediate or reuse the property. However, without an actual source of money, and with few prospects for a direct infusion of state funds given the current fiscal environment, the Fund remains empty. A key provision of the bill established a statutory definition of “defective drywall” that drew upon the extant research and findings published by the CPSC.

Other initiatives that the legislature chose, for a variety of reasons, not to enact during the past two years would have:

- Compelled insurers to provide coverage for the damaged property,
- Barred the cancellation of insurance coverage for property that became vacant due to the presence of defective drywall,
- Barred the nonrenewal of insurance coverage or changes in rate structures based on the presence of defective drywall, and
- Required the State Corporation Commission to levy an assessment against state-regulated property and casualty insurers to provide financial support for the Defective Drywall Correction and Restoration Assistance Fund.

Regulatory Initiatives

During much of 2010, affected parties continued to await authoritative guidance on the remediation of defective drywall properties from a variety of sources, including the CPSC. Based on information developed at CPSC and elsewhere, DHCD, following consultation with the state’s Office of the Attorney General, concluded that it—or, more accurately, its Board—could act under existing statutory authority to bar the use of defective drywall products and provide remediation standards through an amendment to the Uniform Statewide Building Code.

Following statutory procedures specifically intended to address defective or deficient building materials, DHCD and its Board conducted a process to define defec-

tive drywall, bar its use within the Commonwealth, and provide remediation standards that would allow the safe removal of the offending product and the restoration of property to a safe condition. With the participation of representatives of the building industry, the building materials industry, affected homeowners and other interested parties, the Department developed a proposal that was ultimately considered and approved for final publication in the *Virginia Register of Regulations* on August 29, 2011. The new regulation:

- Prohibits the use of defective drywall in new construction,
- Establishes a remediation standard for the removal of defective drywall and the rebuilding of buildings affected by the installation of defective drywall,
- Defines defective drywall for the purposes of applying the interim performance and remediation standards,
- Requires a building permit for the remediation of defective drywall,
- Requires use of the remediation standards when defective drywall is replaced and clarifies that the local building official has authority to consider modifications to the standards,
- Requires the removal of defective drywall when remediation is undertaken while permitting non-defective drywall to remain in place under certain conditions,
- Addresses the conditions for the removal and replacement of insulation and flooring materials,
- Addresses the conditions for the removal and replacement of electrical wiring and plumbing and mechanical system components and equipment,
- Establishes cleaning, airing out, and clearance testing criteria post remediation and prior to re-occupancy,
- Establishes standards for agencies conducting pre-rebuilding or post-rebuilding clearance testing,
- Establishes standards for post-rebuilding clearance testing,
- Addresses final approval by the local building official, and
- Addresses the approval of remediation work undertaken prior to the approval of remediation standards.

As far as we are aware, these were the first general remediation standards for defective drywall to use the medium of uniform building regulations to give effective guidance for contractors and homeowners restoring residential properties to a safe condition. They are comprehensive in scope. Perhaps most importantly, they provide standards for post-remediation testing. Current and subsequent occupants of remediated residential property must have assurance that the problems associated with defective drywall have been eliminated so that these houses can once again become homes.

Other Sources of Remediation Guidance

While DHCD was considering the provisions for a remediation standard, the CPSC continued to work on its recommended guidance. The National Association of Homebuilders (NAHB) and the Knauf Company (a global supplier of building products) also proposed varying responses. The U.S. District Court for the Eastern District of Louisiana included its own scope of remediation in conjunction with the *Taishan Gypsum Co., Ltd.* case. While there was considerable overlap among these proposals, there were also some significant differences. The most notable of these concerned the appropriate handling of electrical wiring in affected properties. The District Court generally required the most extensive remediation steps, going beyond not only the NAHB but also the most recent CPSC recommendations. The Court included the removal and replacement of all electrical wiring as well as removal and replacement of various hard-surfaced components of homes, such as cabinetry and tile floors.

The most significant difference between the standard incorporated in the Virginia building code and those of the Louisiana court probably occurs in connection with electrical wiring and hard-surfaced components. Virginia does not *require* the complete removal of electrical wiring components or of woodwork, cabinets, tile or wood floors. Instead, wiring may be left in place so long as exposed ends are removed or cleaned to reveal clean or uncorroded surfaces. Hard-surfaced-materials *may* be left in place or reused. On the other hand, the CPSC guidance does not go as far as the Virginia regulations in addressing the removal and replacement of items such as HVAC components and water service plumbing. These variations in applicable guidance do have implications for the cost of remediation.

Costs of Remediation

It is perhaps no surprise that the Louisiana Court's remediation protocol, which required the most sweeping actions, appears to carry the highest cost—pegged at \$86 per square foot. That would amount to more than \$200,000 for a 2,400 square foot home—exclusive of temporary relocation costs and other ancillary charges. The National Association of Homebuilders suggested guidelines would fall well below that range (perhaps closer to \$35–\$50 per square foot) as would Virginia's new regulations.

Several factors influence any estimate of the aggregate cost of remediating defective drywall in Virginia. These include the actual number of affected properties, the size of the housing unit, the extent to which the offending material is actually present, the number of sheets of new material needed to replace the defective product and the remediation standard. Homes where relatively little of the material was actually present or where it was limited to a specific area may not require as extensive a response. However, where the material is mixed with other drywall or scattered throughout the dwelling unit, the safest and most expeditious response is to remove and replace all drywall.

Assuming that there are at least 400 affected housing units in Virginia, the estimated cost of remediation could reach or exceed \$32 million depending on whether only limited amounts of material were present in affected homes or if all drywall and other affected materials and systems had to be removed and replaced. Given what we know about the extent of the problem, it is likely that the costs would reach the estimate. Following the Louisiana Court's protocol would likely double this sum. Note that this only addresses the work done to the property itself and not costs associated with reimbursing residents for the time they would be relocated during the remediation process and other potential costs.

Funding Remediation

Regardless of the specific dollar amount associated with varying remediation standards, the most salient fact is that, for a variety of reasons, most of the parties affected by defective drywall lack the resources to pursue remediation without assistance. Further, at least in the case of Virginia, few viable sources of funding appear to be available. Unless the manufacturer associated with the materials implicated in the affected Virginia homes agrees to a broad settlement, litigation is likely to be long and frustrating with no certainty that claimants will be ever be made whole. While the state and its local governments have offered tax relief to affected owners, such relief cannot provide the front end funding needed to begin the remediation process.

The straitened financial circumstances of state and local governments make them less able to offer financial assistance to homeowners than might have been the case in earlier times. Annual funding available to states and affected entitlement jurisdictions from formula-driven Federal program sources, such as those administered by HUD, fall well short of the scope of the problem in Virginia and include features that may limit their direct use in the response to the drywall issue.

Virginia has explored other options, including the possibility of setting up a low/no-interest loan fund to give affected homeowners access to the front-end money needed to pursue remediation. Unfortunately, the wider decline in housing market values as well as the even more catastrophic losses associated with property identified as containing defective drywall, means that there is almost no equity in these homes to provide security for loans under current circumstances.

Virginia has used low/no-interest loan programs successfully for many years to finance low-income home purchases, the remediation of indoor plumbing deficiencies and more general home rehabilitation initiatives. In each of these cases, however, the expectation built into the projects was that at some point in the future—whether by a subsequent sale of the property, a market rate refinancing, or even in the case of delinquency and ultimate foreclosure—some equity would be available to return to the underlying program. That assurance does not appear to present in the case of defective drywall homes. As a result, any financial aid might effectively amount to a grant in aid at a time when the state, like other governmental entities is working hard to meet its existing obligations for a wide array of vital public services.

As an alternative, Virginia is also exploring the possible use of HUD Section 108 Loan Guarantees authorized under the Community Development Block Grant Program to provide loans to affected homeowners. It is unclear whether such a mechanism is feasible. Program requirements may limit the availability of this option to some affected parties or communities. The ability of homeowners to repay even loans at this relatively favorable rate is a practical constraint. Despite their nominal incomes, many households could find it difficult to repay loans while continuing to

remain current with mortgages—especially when those homes have little or no remaining equity in their current state. Success might depend on the willingness or ability of the original mortgagee to agree to a modification based upon the potential benefits of a successful remediation effort, including more stable home values, the restoration of equity, and an increased likelihood of future mortgage payments. Nonetheless, even this approach faces long odds and is unlikely to offer a broad remedy for the bulk of affected homeowners.

Closing Thoughts

The circumstances surrounding defective drywall are nearly unprecedented. Previous instances of the failure of construction materials have generally involved domestic manufacturers and suppliers of new products. Defective drywall involves international trade in what was seemingly one of the most mundane commodities used in construction. The fact that some of the manufacturers have virtually no legal or business presence within the United States severely constrains the ability of individuals, or their home states for that matter, to attain redress. The scale of the aggregate costs of the product and the fact that its effects and substantial costs extend across several states strongly suggests that there is a need for the Federal Government to become even more active in responding to this issue. The CPSC and other agencies have provided valuable information that helped identify the source and nature of the problem and lay out a technical path for the safe remediation of affected homes. Now the Federal government needs to consider putting its shoulder to the wheel in addressing the next step of the process—marshalling the financial resources that enable homeowners to undertake remediation.

Virginia, like its sister states, will continue to pursue workable methods for getting the product out of homes and people back into them. In the end, of course, the best solution would be for those who produced a product that has disrupted the lives of our citizens to take financial responsibility for those consequences.

Senator PRYOR. Thank you. Mr. Shelton: That concludes my remarks. Senator Pryor: Thank you. Ms. Brincku.

STATEMENT OF BRENDA BRINCKU—ALVA, FLORIDA

Ms. BRINCKU. Thank you for the opportunity to appear, Chairman Pryor.

I especially want to thank Senator Nelson for personally inviting me here, and for meeting with us in the office in November 2009.

My name is Brenda Brincku, and my test—my drywall home is in Alva, Florida, where I lived for four and a half years with my husband George, my son Harrison, and my two daughters, Christine and Ashley.

Three years ago, a few days before Christmas, we found out that our home was what was making us sick and corroding our electric wires and our A/C unit.

We were both owner-builder of our home in Alva, which was built in 2004 using American-made drywall. I bring this to your attention because so much of the problem has been focused on defective Chinese drywall.

Despite the manufacturer, if your drywall is defective, your nightmare becomes your reality. We suffered the very same consequences as the Chinese drywall homeowners. We got sick; our homes smell; our electrical wiring corroded; and we had seven air conditioning units fail. Our financial well-being has been decimated. My dream home is now valued at zero. My taxes used to be \$4,000 a year, are now just \$254.

The expense of this disaster has destroyed our credit, and we no longer have credit cards. The simply act of getting a hotel to testify today was now impossible.

Our small family-owned landscape was diminished, and when our clients realized that they had Chinese drywall, and then they,

and their neighbors, due to the loss of the value of the whole neighborhood, canceled their contracts. We had to leave behind bedding due to the fact that our coils inside our beds were corroded.

As grown adults, we are now forced to turn to our parents for financial support, when, in turn, hurt them financially. Never did we, or my parents, imagine that this would be allowed to go on for so long.

I appear before you today representing the tens and thousands of homeowners across the United States that have any type of defective drywall in their homes. Please read the homeowners' testimonies that have been submitted to the Committee so that you can understand what a devastating impact this has been on American families.

Despite what you may have heard in the news, homeowners with defective drywall are still suffering tremendously financially, emotionally, physically. Senior citizens who purchased their home outright are now forced to pay rent to live in a safe environment or are forced to stay in a toxic home. Three of the homeowners sitting here today in the hearing room have lost or are losing their homes.

A Florida homeowner moved into a tent on her property this past weekend. A Virginia homeowner was forced into bankruptcy from toxic drywall, but a mortgage company is holding up the bankruptcy hoping for money from the legal settlement, which could take years. Military families, if they are forced into bankruptcy or foreclosure and or not being able to sell their homes when they get—change orders to their new duty area. This is upsetting for the children, because they have to leave their friends, their neighbors, their schools, and in many instances, their toys, personal items, because odor from their contamination is horrendous.

Families have been told to leave their homes by their pediatricians and physicians due to extreme illnesses, autoimmune, kidney disease, kidney cancer, extreme breathing problems, unimaginary fatigue, death of pets and cats and dogs, death of family members.

Where are families and their physicians to turn to? Where are the families and physicians to turn to for assistance? Many of these families had to seek out professional help, another expense, to help them deal with this surreal experience. The CPSC is too small of a Federal agency to deal with such a large issue. The financial remediation guidance says corroded electrical wiring can remain in a contaminated home; leave the wiring is a miniscule expense in the whole remediation process, and never should be left considering the hazard. Requires electrical wiring check every 40 years. The CPSC says there is no health hazards and no safety issues but yet the drywall must be removed.

What are we to do with this type of information? When would this findings be peer reviewed? What can the Committee and the Congress do to help? The House of Representatives has a caucus dedicated to contaminated drywall. The Congressional caucus and the Committees can. Most important is our health. Require the CDC to start gathering health information, and appoint a specialist to be available to answer ongoing health concerns from toxic drywall homeowners and their physicians. Hold another hearing, and call in the manufacturers to let them know that they will be held liable by our Government for the destruction of these homes,

just like it was done with Toyota, Haliburton, BP and Transocean. Help homeowners restore their credit, via extenuating circumstances ruling to pre-toxic drywall status. Help prevent foreclosures for the few homeowners that wish to try to save their homes in hopes of legal settlement. Meet regularly to craft legislations and produce minutes to be made available to the public.

Call in the insurance industry to the next hearing to discuss lack of coverage. To date, all the insurance from homeowners, installers, suppliers, builders deny coverage, citing the pollution exclusion. Provide legislation that authorizes no-interest loans to help homeowners remediate. Establish drywall standards to help prevent this from happening in the future.

We request the Attorney General look into the fact that some American businesses knew about the problem caused by this toxic problem and chose to cover it up, not inform homeowners or the Consumer Product Safety Commission. If this is not illegal, then laws need to be changed.

The toxic drywall homes that are now owned by the banks need full disclosure upon sale, so that the second generation families will not become victims of this toxic product.

Federal regulators have dropped the ball, and we hope this committee can help turn that around and send Federal assistance to these devastated American families. The victims of toxic drywall have sat and watched our Government rush off to help citizens in other countries for the last 3 years, while we have been completely ignored. We watched as our Government sends \$20 million to Pakistan to create Sesame Street. In these dire times in our own country, our money should not be going overseas—taxpayer money should not be going overseas, but staying here and helping to put our country back together.

Once again, I thank you for the opportunity to testify before you on behalf of the homeowners suffering with defective drywall, be it Chinese or American made. If time permits, I will be attempting to answer any questions the Committee may have for me.

[The prepared statement of Ms. Brincku follows:]

PREPARED STATEMENT OF BRENDA BRINCKU—ALVA, FLORIDA

Thank you, Chairman Pryor and members of the Committee for this opportunity to provide testimony to the Senate Subcommittee on Consumer Protection, Product Safety and Insurance. I would also like to express my personal appreciation to Senator Bill Nelson for his commitment to helping affected homeowners whose houses are contaminated by sulphur compounds emitted from defective drywall. I am convinced that these compounds are causing health and safety problems for my family and countless Americans.

My husband George and I are just one of tens of thousands of homeowners who, through no fault of our own, have been devastated by having defective drywall in our home. Unlike the common complaint about Chinese Drywall, we had National Gypsum American made drywall in our home. We had no Chinese drywall in our home yet our American drywall was causing the same effects as those experienced with Chinese drywall.

American drywall has destroyed our home. Both American and Chinese drywall have destroyed our landscape business. Many of George's landscape clients had Chinese toxic drywall in their million dollar homes. Some of our clients that lived in the neighborhoods with Chinese Drywall homes but did not have the defective drywall in their homes felt the toxic drywall homes were bringing down the value of their homes. Both sets of clients decided to stop investing money in their homes and landscaping due to the contaminated Chinese drywall homes. A lot of my husband's clients have walked away from their million dollar homes since their builder

wouldn't step up to the plate and the legal cases are being dragged out in the court system.

We had to move out of our defective American drywall home on March 14, 2009 and we moved into a rental home about 25 minutes away. We have been trying to run our landscape business traveling back and forth between our toxic and our rental home. Our landscaping business was run from our acre and a quarter property where the toxic home sat. Now that we are no longer able to live there we cannot keep our inventory on hand for fear of it being stolen from the property of the abandoned toxic home. Our rental home is in a community which won't allow us to run a landscape business out of our home. George has had to obtain a new position at a nursery and we continue to service our last few clients from the landscaping business.

In 2003, George and I invested our savings and our hearts into the purchase of a property in Alva, Florida. We acted as owner/contractor in building our home. We made a full effort to employ local subcontractors to help with construction. I remember the many days and nights both George and I fell exhausted from the days work only to strive for the next days tasks to build our dream together.

Shortly after completion of the home in October 2004, we experienced failures of 3 coils in one AC unit and 4 coils in our other air conditioning unit, blackening of electrical wiring and failure of household appliances. After we found out we had the defective drywall our homeowners insurer asked us to turn the electric off to our home when we were not there because they feared there would be a fire. I realize that much of the attention has been paid to those with defective Chinese drywall, yet there is a universe of homeowners like us, with American made drywall, who have yet to be acknowledged as having a problem.

The impact that this has had on my family is unimaginable. My three children lived in this toxic environment and then had their lives turned upside down when we were forced to abandon our home and leave many of our personal items behind for fear of contamination of our new residence. My son lived in this house for half of his life and now, for the rest of our lives, we have to wonder what impact this will have on his future health, the health of all of our family members. If this toxic product has corroded the silver and copper items in our home what has it done to our lungs, our health, our bodies. We know we were horrendously sick living in that toxic home and we must ponder the long term effects forever.

For today, however, I represent everyone across the United States and abroad who continue to suffer the ill effects—physical, emotional and financial—resulting from having defective drywall in their homes.

George and I are among a few outspoken homeowners who have been advocates for these victims. We have been involved from the very start of this problem, yet little help has been provided to us to date.

I would like to summarize what has occurred at the Federal level. However, I preface my comments by stating that, short of some homeowners receiving local property tax relief, the *federal agencies working on this problem for over four years have failed us.*

The U.S. Consumer Product Safety Commission Failed Us

The CPSC is the lead Federal agency responsible for addressing the safety issues surrounding the defective drywall problem in the United States and its Territories. This Agency is ill equipped to deal with such a large scale defective product issue. The CPSC has invested millions of dollars in testing homes with the defective drywall and has made a valiant effort to find a solution. We have been provided with study after study, many which are not peer reviewed. The findings of the studies have often been published late on a Friday afternoon to avoid media attention.

The Final report released by the CPSC provided its recommended remediation protocol which told homeowners that it is acceptable to leave the electrical wiring in a home. To me this protocol is useless and I would never put my family in a situation where we may be killed in a fire cause by an electrical malfunction from defective drywall. I invite the CPSC to talk to some of the contractors who have remediated these homes. In every case they have found that the corrosion caused by the defective drywall has spread far beneath the casing of the electrical wires. CPSC did offer some advice to homeowners. They suggested that we have the wiring checked every forty (40) years. Imagine that, how would one do that when the average home is sold once every 7–10 years.

I realize that the CPSC has just over 400 employees nationwide and that they spent a major portion of their budget on the drywall problem. Much of the cost could have been avoided if they had in-house expertise. Early on there was a Multi-Agency Task Force Formed to address this, but I found that coordination and commu-

nication among the agencies involved was inconsistent at best and should be considered a failure.

The U.S. Internal Revenue Service Failed Us

I would like to personally thank Senator Nelson for his involvement in directing the IRS to provide homeowners with defective drywall the ability to claim a casualty loss on their income taxes if they had remediated their drywall homes themselves. This provision only helped homeowners who were wealthy enough to have remediated their homes and did nothing for the tens of thousands of other homeowners. While in principal, this tax relief is welcomed, under the provisions issued by the IRS, homeowners who may receive compensation in the courts would then be required to declare that compensation as income making the casualty loss useless once/if court cases were settled and compensation was distributed.

The Federal Emergency Management Administration Failed Us

As homeowners searched for every opportunity for resources, we quickly turned to FEMA to declare the defective drywall problem as a national emergency, thus releasing emergency funding for temporary housing, and for low or no interest loans. The damages from the defective drywall are likened to damages suffered in a hurricane or other disaster. In fact, both Senators Warner (Va.) and Nelson (Fl.) referred to the defective drywall problem as a "Silent Hurricane." We were told by FEMA that they could only act if the Governor of our State requested a Federal declaration.

Homeowners in Florida began petitioning then Governor Charlie Crist to request the necessary declaration; however, the Governor had his Director of Emergency Management request FEMA assistance, which was quickly declined because the request was not from the Governor. Further attempts to have the Governor directly request FEMA help failed.

The U.S. Department of Housing and Urban Development Failed Us

Once again Senator Bill Nelson petitioned another Federal agency for assistance for homeowners. Senator Nelson thought there may be an opportunity to utilize Community Development Block Grant Funding for remediating homes with defective drywall, the premise being that these funds could be used if the homes with defective drywall were considered blight. This idea gave us hope, yet in practice, we found that the funds were administered by the local government and were already allocated; and we quickly found that we would be competing for the funding with Victims of Domestic Violence, the homeless, and Victims with AIDS. In reality, the CDBG funding was so small it would only help 1–2 homeowners if the entire budget was used solely for the defective drywall home.

The Center for Disease Control Failed Us

There are many health symptoms that homeowners and especially children have, as a result of being exposed to defective drywall. Nosebleeds, skin rashes, respiratory issues, sore throats, dizziness, and burning eyes and autoimmune disease are just some of the health problems homeowners are experiencing. Others have reported greater problems including central nervous system effects, restless leg syndrome, hair falling out and some even claim that deaths have occurred from the off-gassing. With all of these complaints, the State Health Department in Florida did not have the resources for individual testing of homeowners and once again Senator Bill Nelson asked CDC to look into the health aspects.

The CDC reviewed available data and drew a conclusion that the symptoms that homeowners were experiencing were similar to common ailments like having a cold or allergies. The CDC response in their online drywall document was that homeowners should "Go outside to get fresh air" if they could not breathe in their own home!

The CDC recently issued a final decision that there will not be a long term health study associated with the effects of having defective drywall in a home.

The U.S. House of Representatives Drywall Caucus on Defective Drywall has Failed Us

We appreciate those Members of the House of Representatives who have come to our assistance by becoming members of this Caucus. Having said that, it should be noted that until recently, the group rarely met and attendance was dismal.

Statistics reveal that millions of board-feet of defective drywall enter the United States and its Territories—enough to build 100,000 homes nationwide. Defective drywall has been discovered in at least 41 of the 50 United States. There are 435 Members of the U.S. House of Representatives.

These statistics are telling because the problem of defective drywall is so widespread yet there are only a handful of Members of the House of Representatives who actively participate on the Drywall Caucus. How can that be? I realize that each Member has a lot to do but there seems to be a lack of attention to the defective drywall problem on a national scale.

I ask that the Committee consider the following ideas:

- Require the Consumer Product Safety Commission to arrange for a peer review of its final remediation guidance, particularly because leaving electric wiring in a contaminated home is clearly an unsafe condition. Peer reviews are a normal part of any technical decision that affects the public and in this case the CPSC issued its final guidance without a formal peer review process or public hearing and/or public input as required by the Federal Code of Regulations.
- Direct the CPSC to declare this product a hazard
- Direct the CPSC to create standards for drywall content
- Direct the Center for Disease Control, in conjunction with State Health Departments across the United States, to conduct a long term health assessment of the effects of defective drywall on humans.
- This Committee should be the catalyst for Members of Congress to be made aware of and actively participate in the Congressional Drywall Caucus.
- This committee should undertake the responsibility to pursue the availability of low or no interest loans to homeowners who wish to remediate their homes. Perhaps the Small Business Administration would be one avenue to pursue.
- This committee should work to restore the credit of families who, through no fault of their own, have lost their homes due to this toxic product be it via short sale, bankruptcy or foreclosure.
- Lastly, the Committee should consider the possibility of homeowners receiving Federal grants under a declaration similar to that of a hurricane or flood, and administered by FEMA. At a minimum the grants should be available to those wishing to relocate to temporary housing.

In conclusion, I would like to again express my appreciation to the Committee and to Senator Nelson for this opportunity to provide testimony on this important issue. I stand ready to answer any questions the Committee may have. Thank you.

Senator PRYOR. Thank you.

Ms. Brincku, let me start with you. And again, I'm sorry that you've had to go through all this. It's just been a terrible hardship. But, let me ask just a few questions. And I think you touched on all these, but I want to make sure I understand the answers.

I want to go back to legal recourse under the circumstances you, in your case, maybe rarer than the other ones, you have an American company who manufactured this. What, do you have any legal recourse against that company?

Ms. BRINCKU. We are going to trial in May, the first 2 weeks in May, at Fort Myers. And, you know, for us, it's the, this issue, the same things that happened to us, just like any other homeowner with Chinese. And we've lost our business; we've lost, you know, our home is, we're going through moratoriums. Every 3 months we get reviewed. And then, you know, fighting for the victims, and watching what has happened to them, it's the same things as what is happening to American—

Senator PRYOR. And your homeowners insurance doesn't cover this?

Ms. BRINCKU. No. Our homeowners, or builders insurance. And our homeowners—

Senator PRYOR. But, there's some sort of exclusion in the policy?

Ms. BRINCKU. Yes. Pollution exclusion. And also, our homeowners insurance told us to flip off the electricity. They were worried and concerned about a fire.

Senator PRYOR. OK. So, you've also tried to work through your contractor, but no——

Ms. BRINCKU. We are the owner-builder.

Senator PRYOR. OK.

Ms. BRINCKU. We are the contractor.

Senator PRYOR. OK. And, you've told us what you think the Congress should do and what the agency should do. So, I appreciate you coming in today, and I appreciate your testimony today. And, we will continue to try to do this. The two senators here, as well as some others who aren't here today have been working on this for a while. But, we've run into some brick walls ourselves.

Mr. Shelton, let me ask you a question about Virginia. You mentioned that you, the state has a drywall task force, and that you've done some requirements now about disclosure upon the sale of the homes, I guess is how that works. And, you have this new remediation standard. And you mentioned that it's hard to figure out how to pay for the remediation. That's a difficult thing. Is it your experience that generally homeowners policies don't cover this?

Mr. SHELTON. That's correct. I think the experience in Virginia was very similar as Ms. Brincku described. There's usually a hazard or a pollution exclusion in those that has been tested through the courts. In fact, there was proposed legislation to try to unwind that in Virginia that was unsuccessful. Generally, the conclusion has been that was a preexisting contract that was defined in the terms, and that's been upheld on the insurance companies. And so, homeowners have not been able to get any relief.

Senator PRYOR. OK. And, you mentioned the costs of remediation in your state, and I wasn't quite sure I followed that exactly, but there may be a national figure, and you guys think you can do remediation cheaper in your state?

Mr. SHELTON. Well, this is an evolving field, so the first standard, I believe, that anyone put forward was in the courts. And there was professional testimony in Louisiana, and that involved removing all of the drywall, all the electrical, all of the soft surfaces, as well as many of the hard surfaces. So, trim; cabinetry; and lots of tile floors all would have to be removed. That's almost——

Senator PRYOR. What about the plumbing? You——

Mr. SHELTON. Not so much the plumbing, unless it was copper. If it's copper line pipes, yes, because—but the plastic pipe didn't seem to be affected. But, it was more the copper elements, or, that would corrode.

That was estimated at about \$86 a square foot, which gets up pretty high in many of these homes, which are not, you know, there are different experiences. But in Virginia, they're larger homes.

What we believe is that if you don't require the removal of those hard surfaces, which, we think the testing from CPSC and others shows that you really don't have to do; and then, the big issue was removal of electrical wiring. Initially we were looking at having to remove all wiring. The decision came down after CPSC issued its updated guidance, was that you would not have to remove all wiring. All devices, yes. And you would have to strip the wiring back to show that there was no corrosion. But, if you did that, we be-

lieve that you can leave wiring in place, and that's a major cost factor in this remediation.

So, by doing those things and not removing the hard surfaces, it gets you down, the estimate is somewhere between 35 and 50, depending on the kinds of materials used in the home; but it makes it more affordable.

Senator PRYOR. OK. But that's still a lot of money for people.

Mr. SHELTON. It would definitely be a lot of money, and could not be done within the means of most of these homeowners. That's correct.

Senator PRYOR. And the inconvenience of having to probably move out of the home while that's being done, and——

Mr. SHELTON. Absolutely. But, I think the experience is that most homeowners are not in their homes right now.

Senator PRYOR. All right.

Senator WICKER.

Senator WICKER. Well, it is just heartbreaking.

Let me follow up on that line. Mr. Shelton, at \$35 a square foot, which would be the lower end of your estimate, a 2,000-square-foot home, am I right that that's \$70,000?

Mr. SHELTON. That's correct, Senator.

Senator WICKER. And some homes are smaller than that, and some homes are larger than that. But, try to do with math with 8,000 homes nationwide, that's over half a billion dollars.

Mr. SHELTON. It's a big number. In Virginia alone, our estimate was on the low side in the 30 million range; and it might be upwards of the 50 million range. That was an estimate of some 300 to 400 homes.

Senator WICKER. Well, you know, the home is the castle. And, Ms. Brincku, I just, I hope there's something that the brightest minds in Washington, D.C. can come up with to give you some sort of solution. And, at least, you have a redress through the courts.

Have any other homeowners from this particular American manufacturer company had complaints?

Ms. BRINCKU. Yes. Yes. There is, there are homeowners. And some have lost their homes in waiting for the process. Their, the banks have taken their homes. The banks refuse to work with homeowners.

Senator WICKER. Approximately how many?

Ms. BRINCKU. Excuse me?

Senator WICKER. Approximately how many homes are——

Ms. BRINCKU. We have about 100 cases of——

Senator WICKER. Of that particular——

Ms. BRINCKU. For National Gypsum that are waiting. There's others that have also had, other American drywall companies have also had problems.

Senator WICKER. Do you think that National Gypsum adopted different standards in the years shortly before you purchased the drywall? What is it that happened all of a sudden with their product?

Ms. BRINCKU. We are not exactly sure. We've done a lot of research. There was a lot of different things going on at that time. And there is shortages. They were running their factories 24/7. So,

there's a lot of different things, theories that we have, that then could have gone wrong at that time.

Senator WICKER. Mr. Cohen, Ms. Brincku suggests that your studies were not peer reviewed. Would you respond to that? You know, I have been someone who for a decade and a half in the House and Senate has always called for sound science: Let's listen to the scientists, and don't jump to conclusions. But, she suggests that a peer review of these various studies might have revealed something more helpful to the cause of these 8,000 families.

Mr. COHEN. Yes, Senator Wicker. The studies that we conducted were conducted with our top national laboratories and using some of the top scientists. And we've conducted those in consultation with our partner agencies and with private scientists as well, to make sure that there was nothing but the highest level of science going on. And we stand behind those results completely. And we feel so confident that the science was of the highest caliber that we posted all of those materials publicly on our website as soon as they were reviewed for quality control and quality assurance.

We've also put all of the raw data underlying those studies publicly available so that anyone in the country can take issue and study, and review our studies if they feel that they're not done adequately.

To date, though, we have received no scientific contradiction to our studies from others who have really questioned the adequacy of our studies. We, our goal was to get that information done right the first time, and to get it out to the homeowners and to the public so that they could use it as quickly as possible, and that's what we did.

Senator WICKER. You're not suggesting that the health symptoms are not there, are you?

Mr. COHEN. I'm not suggesting that at all, Senator. I've been in a home myself. I have experienced them, as have other members of the staff. We've experienced them differently, and different homeowners experience them differently. Approximately half of homeowners report no health effects, and approximately half do. And the half that do report differing levels of sensitivity, from slight sensitivity to a great sensitivity.

We're not suggesting that they don't exist. We're suggesting that we don't—we have not been able to explain them with the low levels of emissions that we're able to measure in the home.

Senator WICKER. OK. Well, so, you haven't ruled it out, then. You simply have not been able yet to establish a causal connection. Would that be a fair statement?

Mr. COHEN. I think that's a fair statement. And we'll be looking to our colleagues at CDC. If they're able to provide us with additional information in their health consultation. We would, of course, consider that in our investigation.

Senator WICKER. Do any of you—maybe Dr. Portier, or maybe Mr. Shelton—can the drywall be tested before delivery at this point? Do we have the scientific capacity now to test drywall for this sulphuric and adulterated presence before it is brought to a home? Can anyone answer that question? Mr. Cohen, it seems—

Mr. COHEN. I'll take the question. Yes.

Senator WICKER. OK.

Mr. COHEN. We are working, as I mentioned in my opening statement, with the Gypsum Association and ASTM International, which is a voluntary standard-setting organization, to do two voluntary standards. One of which, we're pleased to announce, went into effect last month. That standard focused on the labeling of the drywall, because one of the major problems we encountered in our investigation was—it's very hard to track when you go inside a home that's been painted and to get behind the board. Oftentimes the drywall is not marked by point of origin. That will now be changing. It'll be marked by a code. It'll be marked on a regular basis, so that we'll be able to trace the drywall.

The second standard that we're working on, and we continue to work with the Gypsum Association and with ASTM International, is on a performance emission based standard, which is what you're alluding to, which is to be able to measure the levels of gasses, and what acceptable level would be permitted, if any, coming off the—

Senator WICKER. When it is still at the warehouse.

Mr. COHEN. I'm sorry?

Senator WICKER. When it's still at the warehouse, or, the manufacturing plant.

Mr. COHEN. Absolutely. And trying to—there are, there is the technology available to test that. I think that was your first question. And what the industry, and what we're trying to work with industry to figure out is, what are the acceptable levels, if any, of—you know, because some of these materials are naturally occurring, and so you can't completely get them out. But, at a very low level, I think, we're going to agree on a number that will assure, provide some assurance.

Senator WICKER. You know, if Senator Warner will withhold for one final question, maybe I won't take a second round, then.

Tell me, are we aware of any problems that have occurred in other countries that have received this Chinese drywall? It, is it strictly an American phenomenon? Or, should we perhaps have known from other instances before we started actually importing it?

Mr. COHEN. It appears to be a strictly American phenomenon located in your region—the Gulf Coast region, and Hampton Roads area.

Senator WICKER. I just suggest there's a lot we still don't know about the science.

Thank you, Mr. Chairman, for your indulgence.

Senator PRYOR. Thank you.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

And, a lot of questions. One, following up on why, in an inquiry, you asked about, with the insurance companies. As a matter of fact, what even happens, it's so absurd, is if, when you have, we had in Hampton Roads a responsible homeowner, or home builder go into a series of homes and start to remediate off her own nickel, and she got sued by her own insurance company. A major homeowner-developer.

And again, I, Mr. Cohen and Dr. Portier, we've gone around and around on this a number of times. But, you know, this health cau-

sation, it just seems strange to me that we've not been able to determine this health causation issue; yet, we all acknowledge that for many people there are health effects. Anybody that's been in one of the homes can see the corroded wire. There's no doubt about the corroded wire. And even the potential, then, is, as Ms. Brincku said, the potential health hazard from a fire potential on the—and you go ahead and acknowledge that people should go through remediation. It, there seems to be just a disconnect there.

And, I know, Dr. Portier, you said in spring of 2012 now, 3 years after the fact, we're going to get the final CDC back about causation?

Dr. PORTIER. Causation is an interesting term you're using here, so I'm going to take a minute and back away from it a little bit. These particular gasses are toxic to human beings. There is no doubt about that. It's a question about the level of exposure, and whether you would manifest that toxicity for those levels of exposure that you are seeing in these homes.

Senator WARNER. Would you allow your family to live in one of these homes?

Dr. PORTIER. Probably——

Senator WARNER. As a doctor.

Dr. PORTIER. Probably not. That's part of the reason why we are looking at it the way we are looking at it now.

The amount of time it would take to do a formal health study would not do anyone any good in this particular case. What a health consultation will allow us to do in this case is to calculate what we think the peak exposures were in the homes early on, or during warm days, or during days with high moisture in the air—things that would affect what those concentrations were. And, using that, we can look to see if we missed the boat in measuring in the homes—the 51 home study. Because the way you measure is over a longer period of time, and so, it's an average exposure.

So we want to look very carefully at what those exposures might have been in those homes, and think in terms of whether it has crossed a threshold of human health effect.

Senator WARNER. I think the most telling part of your comments was that you wouldn't let your own family live in one of these homes.

You know, one of the things that's also important, Senator Wicker, with, that, we talk about causation, and the lack of a full standard. Yet there are companies out there settling suits on, legal suits on this issue. So, companies don't settle unless they feel like at the end of the day they're going to be found guilty.

And, one of the questions I have, Mr. Cohen, is that, you know, I know that Chairman Tenenbaum has had now, I think, three bilaterals with China on this, trying to force the Chinese companies, and particularly some of the ones that, Taishan, who came into Virginia, to bear some responsibility.

I want you to, I'd like to know what the status of those conversations are; and, as well, again, to Senator Wicker's point about—do, are we aware of how much additional Chinese drywall may be sitting in warehouses around the country? And, God forbid, let's make sure that there's some warning put on that. And is there any possi-

bility that there could be some of that stored drywall still being sold into the marketplace?

So, if you can address both the question of the status of the negotiation with the Chinese, and then, if we have any record of where this drywall, that may not have been sold, is in any storehouses around the United States, and making sure that that's not sold into the marketplace.

Mr. COHEN. Yes. As you correctly noted, we have had some very high level discussions—that Chairman Tenenbaum has had very high level discussions with our Chinese counterpart, AQSIQ, the regulator there.

When this investigation began in June of 2009, we coordinated with that group, and we had two of their officials visit homes in Florida and visit CPSC headquarters. We then secured an invitation to go to China and send an investigatory team there to look at some of the factories and to try to get into some of the mines. Since that time, the item has remained on our monthly agenda with them.

But on a much higher level, we've really pushed to raise it, as you noted, to the bilateral China summits, and even the recent trilateral summit involving the EU. We pushed it on very high levels of the Department of State, the Department of Commerce. We've provided briefing papers to former Ambassador Huntsman on this.

As a small agency, we have pushed and pushed. And we know that members of the subcommittee have also done so, and we appreciate that.

To date, there have been no response from the Chinese manufacturers. They are basically telling us, "return to sender," and they don't see a problem with their drywall. And their response has been pretty similar in the private litigation as well. Unlike the one German conglomerate that's made an appearance, these other Chinese companies have not come to make an appearance, and to get involved in the settlement discussions that you alluded to.

In terms of your second question regarding the other Chinese drywall, I'll note that the import of Chinese drywall, which was basically, the vast majority was in 2006, was in a response to the overheated housing market and the post-Katrina and Rita situation. It was a very unique historical and economic moment. So, we don't see the economics supporting any new drywall coming in. And, in fact, we have verified every—

Senator WARNER. What about any of the drywall that may have been imported in 2006—

Mr. COHEN. Right.

Senator WARNER.—sitting in warehouses in the—

Mr. COHEN. We are aware, we have tracked some of that drywall—it is a limited quantity—to a couple of warehouses. And we have, and we do maintain contact with those, the owners of that, and we've advised them that they should not be distributing that in the marketplace, and if they intend to, that they should notify us before doing it, because we may want to take some action.

Senator WARNER. But, is there any basis that they may be still ignoring those recommendations and still selling that old Chinese drywall into the marketplace?

Mr. COHEN. I don't have any information that would suggest there's a basis that they're doing that based on the high—

Senator WARNER. Can you get me some—I'd like to get some documentation on that.

Mr. COHEN. I'd be happy to follow up after.

[The CPSC submitted the following letter and exhibits in response.]

U.S. CONSUMER PRODUCT SAFETY COMMISSION
Bethesda, MD, January 13, 2012

Via Hand Delivery

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(15 U.S.C. 2055(a)(7))

Hon. MARK PRYOR,

Chairman,

Subcommittee on Consumer Protection, Product Safety, and Insurance,

Committee on Commerce, Science, and Transportation,

United States Senate,

Washington, DC.

Dear Chairman Pryor:

Thank you again for inviting Mr. Neal Cohen, Small Business Ombudsman, U.S. Consumer Product Safety Commission (CPSC), to provide testimony at the Subcommittee's December 6, 2011, hearing titled, "Contaminated Drywall: Examining the Current Health, Housing and Product Safety Issues facing Homeowners."

At the hearing, Senator Mark Warner requested that Mr. Cohen provide additional information regarding any remaining "stockpiles" of problem drywall that the CPSC has identified in the United States, as well as information on the current status of those stockpiles. Through this letter, we respectfully respond to his request.

In late January 2009, the CPSC began to look into reports of noxious odors, corrosion of metal items in homes, and reports of short-term upper respiratory irritation in new and recently renovated homes. After identifying problem drywall imported from the People's Republic of China as a potential catalyst for these problems, the Commission set forth a multi-pronged, science-based plan to examine the issue. Key elements of the plan included establishing the amount of potentially problematic drywall that was imported, where that drywall was installed, and whether any problem drywall remained in the distribution chain.

By October 2009, the Commission had mapped out many of the contours of the distribution chain. As part of this investigation, the Commission also identified a limited number of stockpiles of remaining inventory potentially linked to the drywall used in houses where metal corrosion and other problems were reported. The ownership, locations, and amounts of the principal stockpiles known to Commission staff are as follows:

- (1) Davis Construction Supply, LLC, Newberry, Florida (hereinafter "Davis Construction"). Approximately 394,000 pieces of "Dragon brand" drywall produced by Beijing New Building Materials.
- (2) Knauf Plasterboard (Tianjin) Co., LTD (hereinafter "KPT") and Banner Supply Company (hereinafter "Banner"), Fort Lauderdale, Florida. Approximately 50,000 pieces of drywall manufactured by KPT.
- (3) Palmetto Manatee Forestry Terminal (hereinafter "PMFT"), Palmetto, Florida. Approximately 39,000 sheets of "C&K" brand drywall.
- (4) Habitat for Humanity, New Orleans, Louisiana. Approximately 35,000 sheets of KPT drywall.

In late October 2009, CPSC staff sent each of the entities managing or controlling these stockpiles a letter, by certified mail, requesting that they "notify us immediately regarding any possible sale, disposal, or transfer, of any sort, of any portion of your stock or inventory of Chinese drywall." A copy of this letter is attached as Exhibit 1. To date, Commission staff has not received any responses from these parties that the stockpiles have been sold, transferred, or otherwise moved out of storage facilities and into commerce.

However, in an effort to continually monitor any remaining potentially problematic drywall inventories, Commission staff recently reached out again to the entities

managing or controlling known stockpiles. Attached as Exhibit 2 are copies of recent letters from Davis Construction, KPT, Banner, and Arrow Terminals, Inc. (USA) (manager of PMFT) stating that the drywall inventories they manage or control have not been released into commerce. It is our understanding from speaking with Habitat for Humanity staff in New Orleans that the stockpile under its control was destroyed according to local waste disposal laws. Commission staff obtained and retained samples of the stockpile prior to its destruction. In addition, it is the understanding of Commission staff that there are several entities that continue to retain possession of small amounts (500 pieces or less) of potentially problematic drywall. To date, Commission staff has no reason to believe that any inventory has been removed from these small stockpiles for use in new residential construction or renovations.

Finally, we note that this letter and associated attachments may contain confidential business information protected by section 6 of the Consumer Product Safety Act (CPSA), as amended (15 U.S.C. 2055). The Commission could not provide this information to the general public until staff followed all of the disclosure steps required by the statute. Pursuant to your request, however, we are respectfully providing the information pursuant to the Congressional Committee exception in section 6(a)(7) of the CPSA (15 U.S.C. 2055(a)(7)).

I hope this information is helpful to you. Should you or your staff have any questions or need additional information, please do not hesitate to contact me at (301) 504-7660, or by e-mail at cday@cpsc.gov.

Sincerely,

CHRISTOPHER DAY,
Director,
Office of Legislative Affairs.

Exhibits (2)

EXHIBIT 1

U.S. CONSUMER PRODUCT SAFETY COMMISSION
Bethesda, MD

Office Of Compliance & Field Operations
Director, Defect Investigations Division
E-mail: dwoodard@cpsc.gov
Dean W. Woodard
Via Certified Mail

RE: CPSC FILE NO. PI090017—DRYWALL IMPORTS FROM THE PEOPLE'S
REPUBLIC OF CHINA

Dear [Sir/Madam]:

Per our prior communications, the U.S. Consumer Product Safety Commission ("Commission" or "CPSC") is an independent Federal regulatory agency charged with the responsibility of protecting the public against unreasonable risks of injury and illness associated with consumer products. As you know, the Commission is investigating reports that drywall imported from the People's Republic of China and installed in homes in the United States has caused corrosion of metal components in those homes and various health problems to the occupants of the homes.

We understand your firm currently maintains a stock or inventory of such Chinese-made drywall. Given our concerns with this product and the related reported health and safety issues, pursuant to Section 27 of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2076, we ask that you notify us immediately regarding any possible sale, disposal, or transfer, of any sort, of any portion of your stock or inventory of Chinese drywall.

Contact Information

Please direct any such notice to me directly by phone at 301-504-7651 or e-mail at DWoodard@cpsc.gov. If I am not available, you may also direct any such notice to Mary Kroh, Compliance Officer, at 301-504-7886 or mkroh@cpsc.gov. Please address your correspondence to Mary Kroh's attention at the following address: Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, Room 613-15, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance and Field Operations telefax number is (301) 504-0359.

Thank you for your cooperation.

Sincerely,

DEAN W. WOODARD,
Director, Defect Investigations Division,
Office of Compliance and Field Operations.

Enclosures/Links:

Consumer Product Safety Act—<http://www.cpsc.gov/about/cpsiallegislation.html>
16 C.F.R. Part 1101, Information Disclosure—<http://www.cpsc.gov/ABOUT/guide.html>
Part 1115, Substantial Product Hazard Reports—<http://www.cpsc.gov/BUSINFO/frnotices/fr06/E611758.pdf>

EXHIBIT 2

DAVIS CONSTRUCTION SUPPLY, LLC
January 5, 2012

U.S. Consumer Product Safety Commission
Office of Education, Global Outreach, &
Small Business Ombudsman
Attn: Dean W. Woodard, Director
Bethesda, Maryland

RE: INVENTORY OF CHINESE DRYWALL

Dear Mr. Woodard:

Thank you for your call earlier this week regarding our inventory of Chinese Drywall. We have discovered that our initial figures which were provided to your office in June of 2009, were inadvertently understated. As a result of litigation, we have re-inventoried our warehoused drywall since June 2009 and actually have more drywall stored than previously reported. Our revised figures are:

305,628 boards of 5/8" Type X

89,148 boards of 1/2" Type X

We continue to maintain that our Dragon Brand drywall, which has successfully been determined to be non-defective and non-corrosive through independent testing and testing done by the CPSC, should be released for commercial use. Should you have any questions or if we may be of assistance in any way, please feel free to call or e-mail. We look forward to hearing from you soon and also hearing that the CPSC has released our drywall for commercial use.

Sincerely,

STEFAN M. DAVIS,
President.

KAYE SCHOLER LLP
New York, NY, December 22, 2011

NEAL S. COHEN, Esq.,
Trial Attorney, Division of Compliance,
Office of the General Counsel,
U.S. Consumer Product Safety Commission,
Bethesda, MD.

RE: KNAUF PLASTERBOARD (TIANJIN) CO., LTD. DRYWALL

Dear Neal:

This letter is submitted on behalf of Knauf Plasterboard (Tianjin) Co., Ltd. ("KPT") in response to your inquiry regarding KPT drywall in the United States that is still in KPT's possession and control. As we discussed, KPT has stored ap-

proximately 50,000 pieces of drywall in a warehouse in Ft. Lauderdale, Florida. The drywall is stored for evidence preservation purposes pursuant to an order of the Court in the *In Re Chinese Manufactured Drywall Products Liability Litigation*, MDL 2047, pending in the U.S. District Court for the Eastern District of Louisiana. The drywall is not being stored for distribution purposes. It is K.P.T's intention to dispose of the drywall in conformity with applicable waste disposal regulations when permitted to do so by the MDL Court. K.P.T has no intention of distributing the drywall for installation purposes.

In addition to the warehoused drywall, KPT's contractor, Moss & Associates, comes into possession of removed KPT drywall in the course of remediating homes pursuant to a settlement program entered into with the Plaintiffs Steering Committee in MDL 2047. Moss has represented that it disposes of the removed KPT drywall in conformity with applicable waste disposal regulations. The removed drywall is not distributed for re-installation.

In addition, some of KPT's litigation experts may have some KPT drywall, but these also will not be distributed for installation purposes.

I would point out that Banner has brought an action to rescind the agreement whereby K.P.T took title to the drywall in the Ft. Lauderdale warehouse. Although K.P.T disputes Banner's right to rescind, if they were successful, Banner would regain title to the drywall, and KPT would no longer control its disposition.

This response is without waiver of KPT's jurisdictional defenses to CPSC.

Sincerely,

STEVEN GLICKSTEIN,
Kaye Scholer LLP.

SG/js

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
Atlanta, GA, January 3, 2012

Via Electronic and U.S. Mail

NEAL S. COHEN
Small Business Ombudsman
U.S. Consumer Product Safety Commission
Bethesda, MD
ncohen@cpsc.gov

RE: CHINESE MANUFACTURED DRYWALL

Dear Mr. Cohen:

This firm represents Banner Supply Company and a number of its affiliates (collectively "Banner") in the Chinese drywall litigation. As you know, during the relevant time period Knauf Plasterboard Tianjin Co. Ltd and its affiliates (collectively "Knauf") manufactured and sold Chinese manufactured drywall ("Chinese Drywall") to my clients. Banner, a small family owned Florida Corporation, has devoted countless resources in pursuing Knauf for its conduct that has devastated Banner's business and shattered the lives of many Florida homeowners.

I am responding to your request for written confirmation concerning my clients' intentions related to the Chinese Drywall that is currently stored in a warehouse located at 5260 N.W. 10th Terrace, Fort Lauderdale, Florida. This Chinese Drywall has been stored in that warehouse for years; it is within Knauf's possession and control. Judge Fallon, in charge of the *In Re: Chinese Drywall* Multi District Litigation pending in United States District Court, Eastern District of Louisiana, as well as the attorneys for the Plaintiff homeowners that have sued Knauf in Judge Fallon's Court, are all aware of the location of this warehouse and its contents. Again, Knauf has title and possession of the Chinese Drywall in this warehouse; while Knauf and Banner disagree about many issues, Banner does not claim any right or ownership over this Chinese Drywall.

Nevertheless, Banner agrees that it will not sell or otherwise distribute to the public any Chinese Drywall over which it currently holds title or over which it subsequently obtains title and; further agrees, that if it disposes of such Chinese Drywall it will do so in conformity with all applicable laws.

My client wishes to continue to cooperate with your office, as it has done in the last several years since the Chinese Drywall inquiry began. Please let me know if you have any additional questions or concerns.

Yours truly,

NICK P. PANAYOTOPOULOS,
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC.

Day, Christopher

From: Woodard, Dean
Sent: Wednesday, December 14, 2011 4:58 PM
To: Anthony.Damron@arrow-terminals.com
Cc: ard@gearbulk.com; Cohen, Neal
Subject: RE: Chinese Drywall at Manatee Terminal

Please notify us before it is destroyed or moved. Thanks.

From: Anthony.Damron@arrow-terminals.com [mailto:Anthony.Damron@arrow-terminals.com]
Sent: Wednesday, December 14, 2011 4:20 PM
To: Woodard, Dean
Cc: ard@gearbulk.com; Cohen, Neal
Subject: Re: Chinese Drywall at Manatee Terminal

Dean.

That is correct the material is still being stored at PMFT in Port Manatee.

brgds

Tony Damron
Terminal Manager
Arrow Terminals, Inc (USA)
Office: +1 337 436 7650
Mobile: +1 337 255 7045
Fax: +1 337 433 5009
www.arrow-terminals.com

Lake Charles Cargo Terminals
lcct@arrow-terminals.com

From: "Woodard, Dean" <DWoodard@cpsc.gov>
To: "ard@gearbulk.com" <ard@gearbulk.com>
Cc: "Cohen, Neal" <NCohen@cpsc.gov>
Date: 12/14/2011 12:33 PM
Subject: Chinese Drywall at Manatee Terminal

Tony,

We are surprised to hear of the Capt. Okland's retirement and wish him well. Confirming our conversation, the problematic imported drywall is still located in the Manatee terminal and has not been sold or disposed in any manner. Is this correct?

It would be our recommendation that you follow through with your local jurisdiction regarding scrapping this material. You should check with your EPA office as well. You will likely find that the best method is a Hazardous Waste Disposal Site.

Dean W. Woodard
Director

Senator WARNER. I don't know—Senator Rubio and his state has been very effective on this. One last question, if I could also get this one in.

Mr. Shelton, I know we've worked with you on a number of ways to try to look at low cost refinancings. Do you have any final comments on that? I know we've looked at a host of different entities, and we're still, now, engaged with Fannie and Freddie. But, if you'd comment on the cost of remediation financing?

Mr. SHELTON. Senator Warner, the most likely looking one was using a HUD product, which is a loan guarantee product which would allow for a fairly low-interest loan to be used to finance the program. It currently operates at LIBOR plus two, so—I meant,

LIBOR, I think, is 2 percent. I'm sorry. I misspoke. So, you're going to be above 2 percent.

The problem is, to pass any kind of reasonable underwriting standard, you would have to have some equity in the home, or some ability to pay. And so, as we've tried to unwind this, we've come to the conclusion that's going to be very problematic. There are other issues with that program and the ability to use it, not the least of which is, it's a difficult delivery system because there are HUD contracts with the larger cities, and there are contracts with the state, and trying to work across that span has been particularly difficult.

But, I think, if it's a loan-influenced product, our belief is, this is not going to work. Someone mentioned zero percent interest loans. If you have to secure with any kind of guarantee on the loan and underwrite it, I don't believe it would pass right now, because most of these were homes purchased in the last six, seven, 8 years, and the equity is just not there.

Senator PRYOR. Thank you.

Senator Rubio, thank you for being here. And welcome today.

And also, I notice that Florida has 56 percent of all the reported cases in all the country, 56 percent.

**STATEMENT OF HON. MARCO RUBIO,
U.S. SENATOR FROM FLORIDA**

Senator RUBIO. That's correct. Thank you for having this hearing. And this is an issue that predates my service here. I've been here less than a year now. But during my time in the State legislature, we saw a lot about it.

And, Ms. Brincku, thank you for being here and for all your activism on behalf of Floridians who have been affected by this all over the state. We've been hearing about this for years now, particularly after 2004 and 2005, with the building and rebuilding boom.

I wanted to ask you something. I know it's in your statement because I read it, and it talks about credit and the impact that this has on people's personal credit ratings. And you may have discussed this already, and if you have, I apologize. I was a little late. But, the changes you've had to make, and also other people had to make in their lives. They've had to leave their homes behind; they've had to find secondary places to live; sometimes have fallen behind on their payments. I don't know if that's the case with you. But, talk a little bit, if you could, with us about the impact that this has had on the credit rating of victims who have suffered from this and are now trying to recuperate some of that.

Ms. BRINCKU. It's had an enormous impact on the victims. For 27 years, my husband and I had never missed a payment in our lives. We'd always be on time. We had impeccable credit. And our 800, over-800 credit score went down to 500. It, just the simple thing of credit cards, having a credit card, we no longer have credit cards; we no longer are able to obtain credit. By the end of, by the time we get to court we will owe \$80,000 in back payments and interest and penalties from our, Wells Fargo.

So, it's, for all the victims, it's had an enormous impact. People that had their houses paid off, it's devastated them because a lot

of them live on fixed incomes. People that have, like, Colleen, behind me, she, you know, over a million-dollar home; had \$800,000 credit—I mean, equity in her home, and now she's, you know, short-selling this Friday. So, what is this still going to do her, you know, for her credit rating? On top of, you know, when you go to apply for a job; if you claim bankruptcy; all these things having a huge impact on, you know, our job, our finances, I mean, everything.

And we, my, I had a grandfather that always told me, put your money in your house, because it's always a safe investment. So, I took my entire IRA and put it in my home. So not only have I lost my home—I've lost my IRA, I've lost all my savings. I'd stuck \$150,000 into my home so I, you know, I had equity, didn't have—and now, you know, it's gone.

Senator RUBIO. And, I asked that question because you're a victim of domestic drywall——

Ms. BRINCKU. Yes.

Senator RUBIO.—but, the one we hear a lot about is the Chinese drywall, and so we have limits into what we can do to reach these manufacturers—the folks overseas.

One of the things we can do something is about is what you're talking about, and that is the credit rating of individuals that have been directly——

Ms. BRINCKU. Right.

Senator RUBIO.—impacted. Because you can leave the home; you can move away from the drywall; but the credit rating issue will follow for——

Ms. BRINCKU. For the rest of our lives.

Senator RUBIO. Well, at least, for 7 years, or whatever the——

Ms. BRINCKU. Yes. Seven years.

Senator RUBIO.—timeframe is. But it just takes forever to rebuild it. And quite frankly, there's things we can do about that. And we, and I know you've been talking about that with Senator Nelson before I got to the Senate, and that's something we want to work together on with everybody on this panel, because I think it's one of the things we can do something about immediately.

You touched upon something else, which is short sales and transactions. I'm talking to you now because I see you've become an advocate on behalf of other people in the state that have suffered this. One of the things I'm concerned about, and maybe you can touch upon it, is that some homes are being sold, or people are now buying homes without full disclosure as to what they're getting. And, have you heard how many of your victims actually bought homes from either a contractor, or a builder, or another homeowner who basically dumped it on them without disclosing? How much of a problem has that been in terms of the non-disclosure issue?

Ms. BRINCKU. There's just so many victims that have told me and share their stories. I've had cases where I've, I had somebody go over and watch a house be remediated, and they took ketchup and cleaned the wires. I've had, I mean, right here, this wire, it's gone all the way through. And if I cannot remove the wiring from my home, I will not move back in. You can guarantee that. I will not—you cannot have alarms go off in the middle of the night, with your children wondering, is there a fire? Is there not?

I mean, all, like, all my things have turned yellow. It's affected all the appliances in my home, you know. And so, we're worried about the health and safety issue of this. It's a very big concern.

And the thing that, it's not being disclosed. And people are remediating, and there's no set guidelines of how the remediation is going to take place. You have people that are remediating for as little as \$6,000, just flipping the drywall, or even patching up. I've heard, you know, them patching up the drywall. Not even tearing the drywall out. One homeowner in California, they did that to her home. They patched it up and put it back on the market, and put some new carpet in it. A lot of times they're, you know, taking the air conditioning out. And so, they're, the banks are taking the air conditioning out; it's bad, and then leaving everything else alone, so, when a homeowner, the first thing they're going to check is what, the A/C coils. When they see the A/C coils is not a problem, then they say, "OK, there's not a problem in the home" and they may not pay for an inspection, or the inspector doesn't, you know, catch it or not, more, you know, educated in the area.

So, these are all things that we see constantly, every day, that the homeowners, this has happened to.

Senator RUBIO. That's my last point, and I'm glad you brought that up. And one of your complaints—and I think rightfully so; I read it in your statement—was that many of these studies that are coming out on the safety and effectiveness have not been peer reviewed, or, not been looked at and compared.

But the opinion of some is that it's okay to move back into some of these homes after certain things are done, but you're saying this is not enough; that in fact—and you just highlighted—you're not moving back into a home as long as this faulty wiring is there, no matter how many reports come out that say otherwise.

How prevalent of a concern is that among folks?

Ms. BRINCKU. It's very concerning. I mean, I've heard it over and over. If these homes are not properly remediated, they will not move back in. And the homes are so upside-down. You know, before all this happened, our home wasn't an upside-down. We had equity in it. And so, that's an enormous concern.

And for the amount that—it's, like, 5 percent to fix the wiring and take it out—why not—well, why, in 40 years, who is going to be here to check this wiring for the next families that are coming in? The average homeowner lives in the house for seven, you know, 7 years. So, who's going to keep passing that information that needs to be changed?

Senator RUBIO. Thank you, again, for the work you're doing on this issue, and hopefully, we can be helpful, as well. Thank you.

Senator PRYOR. Let me say we'll do a second round here, so if anyone has more questions, be glad to entertain those.

Let me start with a little editorial comment, and it follows on something Senator Warner said. And that is, China should take responsibility for the products that they allow to be sold in this country and other countries. And one of the very basic starting points from my standpoint on this is that Chinese corporations should have to register in this country, just like domestic corporations, just like European corporations, for service of process. If there's a

problem, they should have an agent in this country for service of process.

Senator Whitehouse has a bill on that, and I support that. And I think he's going to re-file it soon. I'm not quite sure when. But this is a textbook case of why it's critical that we be able to reach these Chinese corporations if they do anything wrong. They should be held liable, and they should take responsibility just like other companies all over the world. It gives them a huge economic advantage to be able to put all this stuff in all these countries all over the world, and not have any recourse to them.

So, that's my editorial comment for the hearing.

But, let me ask, if I can, Dr. Portier, you mentioned that you, about the health studies, even though your studies are not exactly as conclusive as I'd want them to be, you still support remediation. Did you say you have another health study coming out this spring?

Dr. PORTIER. It's called a health consultation. So, the difference between a health study and a health consultation—in a health study, take a compound like lead in children, you have a clear disease that you can follow; you see neurological, developmental deficits; you can measure the compound in the blood, so you have a good exposure measurement; and that allows you to have a definitive study that you can clearly understand.

Here we have none of those things. So, a health study in this case would not give us a good, definitive answer. We think we would spend a lot of time and effort, a lot of resources, and in the end, we couldn't answer your question.

In a health consultation, on the other hand, what we do there is, we go to well-done studies in the literature, things that have been peer reviewed and have been published—occupational studies, and studies like that where we've seen health effects. From that we extrapolate down into a lower exposure region until we find a place where we think it's going to be safe for exposure. So, you estimate where you think it's safe for exposure. Then, based upon the exposure reconstruction, the simulation modeling that we're going to do of homes, we bring those things together and make a decision as to whether we believe there are health outcomes that should—that would have been seen in this particular case.

Senator PRYOR. OK. Well, that's helpful.

Mr. Cohen, you heard Ms. Brincku talk about her dire financial consequences with this drywall. In the CPSC's experience of looking across the country at all the states that have been impacted, are you finding those similar stories in all the states, and in—not with every single homeowner, but generally, do you find that same type of story?

Mr. COHEN. Absolutely. And on the majorly affected states that we've discussed, notably, Florida, Louisiana, Virginia, Alabama and Mississippi, we hear these heartbreaking stories, much like Ms. Brincku's, every day. And it, you know, we are homeowners, too. We feel that and we have put our professional lives toward trying to come up with the causation, trying to be able to put forth a case. And we share the frustration, I think, of everyone in this room that we haven't, that the science hasn't provided that yet. And, we, you know, our hearts go out. And we're just going to keep on this thing. And hopefully we, well, might be able to develop with Dr. Portier's

expertise, the modeling that he just described might be able to inform a future legal case that we can undertake under our authorities. But presently, we don't have the evidence to support those.

Senator PRYOR. And, you also mentioned that the CPSC is working with the Gypsum Association. And do you think that the steps that the Association, the voluntary steps they're taking, are satisfactory?

Mr. COHEN. We've been very pleased with the steps that they've taken. Most drywall, just because of the nature of it—it's a heavy commodity product—is generally made and delivered in the area in which it's going to be used. So, traditionally, this whole occurrence is just so out of the ordinary. So, most of, almost all the drywall that's used in this country is produced in North America, mostly the United States, a little bit from Canada, and a little bit from Mexico.

All of the members of the Gypsum Association, including those major producers in Canada and Mexico, have voluntarily agreed to use this new labeling system which just went into place next month, which will have a standardized code and a standardized way that you can recognize the drywall that's been installed in any home across the country. So, we are pleased. We think they've been very cooperative in that regard.

And we have experienced the same cooperation in working toward this performance-based emission standard. Just because of some of the things that Dr. Portier described, it is a more complex standard, and so we'll just continue working. And that's something that CPSC does on a lot of products. We work and try to improve these voluntary standards over many years.

Senator PRYOR. And I think the Subcommittee, as well as the full Committee, would be interested to know what the Chinese government and Chinese companies response is when the CPSC reaches out to them and asks them to provide information, and also, step up on their responsibility to this. What do the Chinese say about that?

Mr. COHEN. As I noted previously, they don't believe that there's a problem with their product, and they've steadfastly said that. They've said that in open court in the multi-district litigation, when the German company stated that they were going to do remediation. The major Chinese importer, that has not made an appearance, stated to the judge: Judge, we are not standing behind this company, and we're not getting in line to do the same thing. We don't see a product—we don't see a problem with our product. And to the Government, to us, and to others who've raised the issue, they've said the same thing, and they said: Show us the science. Show us where the problem is. We don't see it anywhere. And that's been their response.

Senator PRYOR. Senator Wicker?

Senator WICKER. Well, I won't take a full second round.

Let me echo what the Chair has said. China benefits immensely from trade with the United States. It's time for Chinese manufacturers to step forward and make themselves available for service of process, much as other international trading parties have done.

So, thank you for that, and thank you for mentioning the Whitehouse legislation, which is something that we could use a starting point for a small solution to this.

Mr. Cohen, you said that usually because of the weight of drywall, it's usually not shipped internationally.

Mr. COHEN. Correct.

Senator WICKER. It's only this type of unusual circumstance. You're not suggesting at all that maybe something might have happened in the transportation, you know, oversea transportation of this product?

Mr. COHEN. I'll just, sort of, note, on your first comment—we, the Chairman has also come out in support of this concept of having a registered agent here for these Chinese manufacturers, especially in regards to the large number of consumer products that are imported from China. This has been a real problem for the Consumer Product Safety Commission. So, CPSC staff provided testimony in support of a prior proposal to that effect. And, as I said, the Chairman herself has come out in favor of it.

In answer to your second question regarding——

Senator WICKER. Whether the actual physical transportation might have——

Mr. COHEN. Right.

Senator WICKER.—had something to do with——

Mr. COHEN. We, in our compliance investigation—which we haven't spent a lot of time discussing, but we conducted a large compliance investigation as well—we did look toward, to see if there were any similarities in the way things were shipped, the ships they came on, the sorts of pallets they were shipped on, all the different confounding factors that might contribute to something you're suggesting. We didn't find any evidence of that.

Senator WICKER. OK. Now, with the exception of American Gypsum, we have not had any complaints about domestic drywall, complaints made toward domestic drywall manufacturers, is that correct?

Mr. COHEN. There have been reports—obviously, Ms. Brincku's among them, and others like her—to the Consumer Product Safety Commission of homes reportedly constructed exclusively by domestic drywall exhibiting the same sorts of characteristics of the problem imported drywall.

Senator WICKER. And these are from other manufacturers than Ms. Brincku mentioned?

Mr. COHEN. Due to our statute, I'm not permitted to actually speak about the specific manufacturers here on the record, but I can talk in general terms about the domestic claims.

We did, in June 2010, undertake a study particularly focused on domestic drywall. At that time, we had received over 3,400 complaints of imported drywall problems. At that time, 67 of those were of domestic drywall. Since that time, we've received 10 more.

Based on that, we still felt it was important, because we wanted to be on top to make sure there was not going to be another emerging hazard of domestic drywall in addition to the imported drywall. So, in order to make sure that was the case, we instituted the study. We used the exact same methodologies that we had done on the imported problem drywall studies. We went into 11 homes of

domestic—that were self-reported to be exclusively domestic drywall, and our findings were inconclusive. We did not find another distinct pattern of emerging hazard like the imported problem drywall.

Of the 11 homes, five seemed to match the imported drywall, and very well may be imported drywall, because it's really impossible for us to know what's in that home without completely ripping out every piece of drywall in that home. And that's been the most major challenge of our compliance investigation.

Senator WICKER. But now, at least, with the labeling, that one distinct issue will be better handled.

Let me ask you this—

Mr. COHEN. Yes.

Senator WICKER. The ingredients of the drywall, the components, how different is that in these Chinese manufacturing plants, as opposed to domestic ingredients?

Mr. COHEN. The ingredients of drywall are fairly simple and straightforward, and they don't really change based on the place of manufacture. I mean, they're based on gypsum mined, usually either gypsum mined rock, or reconstituted ash, fly ash. But, all of those are basically reconstituted into gypsum. They are put into a sort of mush, and pushed between two pieces of paper, and basically baked and cut. It's a very simple process.

Some of the issues that are known in the industry are that the rock that you're mining may have contaminants in it, of course, and so there needs to be some level of quality control or quality assurance on the input side of your factory. We're not sure, because we just don't have complete access to know what happened on that side of the Chinese manufacturing process—how they were able to assure that there were no impurities in that gypsum rock that formed the basis of the drywall.

Senator WICKER. Thank you.

Mr. COHEN. Thank you.

Senator PRYOR. Thank you.

Senator WARNER.

Senator WARNER. Thank you, Mr. Chairman. Again, I'll be, try to be brief here.

But, some of, one of the things that there—there was the German company, though, who settled, correct? So, there was—

Mr. COHEN. They have engaged, and they have done some pilot settlements, and they are engaged in major settlement talks. That's correct.

Senator WARNER. And, how do we make sure that, you know, even if there's not—we went down the road of what might be sitting in warehouses and trying to make sure those folks are notified. And I want to see that documentation.

And then we also, you know, God willing, we may have another housing boom at some point. And if we start importing again, how do we make sure that we never repeat this? Even if we're not at the final stage of causation—to make sure that going, on a going forward basis, there's some ability to check whether imported drywall, whether it's from China or anywhere else in the world, isn't being mined in a, with faulty materials?

Mr. COHEN. Again, I would, sort of, harken back to my earlier comments about our voluntary standards development. That technology does exist to test the rock, the raw rock, and also the gypsum itself. You can test the elemental components that make up, make it up. And so, I think in the near future here—I don't want to give an exact date—but, in the matter of months we should have a gypsum standard that we can be able to have a baseline measurement, to be able to answer that question, Senator Warner.

Senator WARNER. Well, it seems to me we've got a couple of different paths we need to continue to pursue. One—and I'm going to echo what my colleagues have said in terms of holding the Chinese responsible and making sure that if they're going to do business in this country, they meet minimum fair business practices, and trying to work with your agency and other agencies of the Federal Government to force the Chinese to accept this responsibility, since some of these companies were, in effect, state-owned enterprises in China, so this directly bears back on a responsibility of the Chinese government.

Number two, there's a question of both for this, these circumstances on a going forward basis, what do we do in terms of these pollution exemptions on insurance contracts? I mean, it seems to me, if I was a homeowner and I bought a house that, through no mistake of my own, ended up with a faulty product in the wall—when I first heard there was an exemption and that insurance companies somehow weren't covered on, through that basis, why do you buy homeowners insurance in the first place? And I'd like to get a comment from someone on the panel on this.

And then, the third is, it appears that many of these families are going to be engaged in some form of litigation for some time to come. And it appears that, while we have, at the state level, working with Mr. Shelton, and these offices, and I know Senator Nelson has been working with us as well, we've tried to work with the financing organizations on how we can, ease the pain a bit, forbearance. The IRS has gone ahead and given safe harbor in terms of being able to write off; we've made some progress there. We've been able to work with the Defense security services to make sure people don't bear that blemish that might hurt their secret clearance or clearances with the Government.

But, as one of the Virginia families mentioned to me, you know, "Just tell me how I can get my credit back." I know this is not either of your particular expertise, Mr. Cohen or Mr. Shelton, but, you know, I would be interested in comments on that. If someone is forced into a short sale, forced into losing their home, how do they not let this disaster be something that blots their next 20 years of their financial future? Question—comments?

Mr. SHELTON. Senator, that is not my area of expertise. You know, in the mortgage crisis that we've just had, there's been a lot of work done on that. Clearly, that would take, I believe, some intervention, perhaps at the Federal level, since most of the, what we've experienced in foreclosure is that no action at the state level will address this, because most of the servicers are beyond the reach of the individual state. They exist outside the state. So, that's, it needs a national solution.

I don't know that solution yet, although I think that some standards for making sure that—similar to what, exemptions for military families, or some ability to at least get some response from the ratings agencies directing, or, as, the situation, if this is a one-time occurrence, it's a catastrophic loss, but, at the same time, it was beyond the control of the individual, so therefore it's not the individual's personal credit. It was beyond their control.

I think the ultimate answer is that either through settlement with the manufacturer, or through some other intervention, as someone mentioned earlier, that if there is not an ability to bring a product in to essentially remediate these homes without putting additional burden and debt. I mean, you bring the homeowner back current, then I think it gives more standing to go back and say that the problem has been cured both in terms of physical structure and the financial piece of this.

My worry is that most homeowners will not last through this crisis. Many, as we've already heard today, are going under.

Senator WARNER. Mr. Cohen?

Mr. COHEN. I'd agree with Mr. Shelton. It's certainly not my area of expertise; but I would certainly associate myself with those comments. I think that it is a tragedy, what's happening, that through no fault of their own, these homeowners' credit is being eviscerated, in addition to the loss of their homes. Some of the issues are state law issues. The insurance issues are state law issues.

But perhaps there is some sort of Federal policy distinction that can be made as well, akin to the military situation.

Senator WARNER. Well, Mr. Chairman, I want to again thank you for holding this hearing.

I agree with both of you that we need to make sure that if Chinese companies are going to do business in our country, they play by fair rules, and are subject to our processes.

The insurance issues maybe have to be dealt with on a state level, but I'd look forward to working with both your offices, and other members of this committee, to at least also try to—as Mr. Shelton said, it may require legislation. It may also simply require us going at the credit rating agencies a bit, that there should be some exemption so that these families don't have a blot on their financial records which, candidly, is not due to any inappropriate actions on their part.

I know we've worked with the banks and the IRS, and since the IRS has been willing to note this and put safe harbor, perhaps we can at least go down that route, as well as some of the legislative route.

But, I want to again thank you Senator Wicker and Senator Rubio, for your interest in this.

I'll close with where I started—in 20 years being in government and public service, I can't think of a more frustrating example of families through no fault of their own being kind of ping-ponged from one governmental entity to another, all being sympathetic and empathetic, but not getting them the relief that, quite honestly, I think they deserve.

Thank you, Mr. Chairman.

Senator PRYOR. Thank you.

I would like to say, I want to thank all the witnesses for being here, but, Ms. Brincku, you especially. And I'm curious about how many other victims are in the audience. Let's see. There's three of four back there.

Well, we want to thank you all for coming. And we know this has been a terrible hardship on every level. And so, thank you all for being here.

What I want to do is, we're going to leave the record open for 2 weeks. We're also going to encourage any Senator who has any more questions to go ahead and get those in in the next 7 days, so that we can get these to our witnesses for them to answer.

And we think that we may have one Senator on the way, but let me check.

Well, we had one senator on the way, who we think may be caught up in the Intelligence Committee, we think. And we probably just shouldn't wait any longer, because he's a little bit out of communication right now.

But, anyway, thank you all for being here. Thank all the witnesses for being here. And I know the Government witnesses are trying to resolve this and sort this out. But, like Senator Warner said, this has been a real conundrum, or, a very difficult problem to solve, and it's a real problem, and it's just been hard.

So, thank you all.

Did you have anything?

Thank you all, and we'll conclude the hearing, but we'll leave the record open for 14 days. Thank you.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]

A P P E N D I X

LETTERS FROM THE GENERAL PUBLIC

Dear Natasha,

Please enter my story with all of those received as evidence to the hardships, non-restored health and financial welfare most of us face.

Important Points: My home was remediated, but after some months of living there, I left again because symptoms came back; my Homeowner's Insurance, St. John's, dropped me, lying on paper that I was an "unknown homeowner—1 yr." and while in forbearance Bank of America made me take out Lender's Insurance at over \$900/day while my builder was remediating and I was out of my home. Bank of America had me pay a small escrow each month, even though I kept asking about paying more, especially when they forced me to carry Lender's Insurance. I was told repeatedly not to worry. Bank of America understood, would keep my forbearance until my home was completed, then would send me a Loan Modification, and would lower my interest, maybe stretch out years, and do what was needed so I could live in my remediated home again. This turned out to be false. As soon as they got the call from me that my home was completed, and I requested the loan modification, they stopped communicating. Instead I received a letter to tell me that I had 1 month to pay about \$17,000. When Sen. Nelson's office contacted them in my behalf, I did receive the BOA Loan Modification packet in recognizable fed ex. What was never conveyed was any amount I could be paying them, so I sent in my basic principle and interest payment for 2 months while I was waiting for the loan modification packet. Meanwhile, without any communication to me, foreclosure proceedings were begun by them on June 6, 2011. After that, I had received a call from someone who was from the CEO's office who let me know about Sen. Nelson's office sending a complaint. She was the person to assure me that I would get the loan packet. *However, she told me that it did not mean I would get it. This was the first time I was told that this would not be automatic because of my contamination loss.* When I received the packet, I sent it back, and again, never heard from Bank of America. I never heard that I was already a defendant in a foreclosure proceeding. Plus, I never received any communication for more than 2 months. One day, I went looking for a used car to replace mine, and I was told by the manager that he could not help me—BOA stated on my report that I was 6 months in arrears and in foreclosure. I was in shock and shaking when I left. Again, I went to Sen. Nelson's office, and received a copy of a letter sent back from BOA saying my loan modification packet was not complete. *No information about what was incomplete was given.* After leaving messages, I finally reached [redacted]. She told me at first, that my modification loan was thrown out now, because it went 90 days past, and that my loan application was scanned and sent to another dept. Her dept. only worked on forbearances. When I questioned where it went, who was then responsible for it, and on what date was it sent, she could not answer my questions. She had me on hold for a while. As soon as I told her that she was not truthful to me during my forbearance as to what the steps would be, and I was angry. Also, I complained that it was not fair to have no one communicate a foreclosure proceeding, tell me what could be missing from my loan application packet, nothing! I told her that all of this seemed so wrong, and I would probably go to an attorney. Suddenly, she changed, and told me that I could speak to someone right away to begin another loan modification application. She just happened to have someone! I was in disbelief!

I told her that I still wanted answers to my questions, and called back and left a message that I wanted to know where and to whom my loan modification went, and to whom, and the date, and I am requesting this in writing. *I have requested this again, but to this date, I have not received this.* [Redacted] did call me back to tell me that she now got special permission to handle solely a new loan modification request, and wanted to send it to me to complete. She said that she would be the only one handling it (which was not reassurance really, given her "track record" with me so far). She told me that this would not stop the foreclosure from moving

forward, even though I told her this was not fair. She said that, if a sale date is set while the loan modification was proceeding, BOA would notify the court that they were considering the loan modification. For the first time, Isabel said that this application was not a guarantee. She had been the one during the forbearance who led me to believe it was! I did complete and mail this on Nov. 25, 2011. I have heard nothing. However, I did receive a "Notice of Action" telling me Bank of America has filed against me, and I am required to serve a copy of written defenses to the plaintiff's attorney, Paul M. Messina, Jr. of Kass Shuler, Tampa, FL on or before January 9, 2012. It is dated December 1, 2011. *Why am I going through all this when I have had a disaster destroy my home and most of its contents?* I have had the FL Health Dept. Radioactive Testing Div. test my home for remnants of strontium because I am trying to figure out why the same smell that was in my home has once again, permeated through all of my clothing in my closets, and why I started with headaches, cramping in my stomach, incredible pressure in my head, burning chest, and cough again. When I looked at my certificate of testing during and after remediation by the builder's appointed investigator, this document just said all the sulfides were no longer present. I told my builder, KB, that strontium was also found in my home. But the letter did not even mention that testing. Upon moving out a second time to see if my symptoms subsided, I contacted the FL Health Dept. to investigate. They did and said their meter was not making repeated, fast beeps so there was not strontium left in it. What do I do now? I am back and forth to my house, but feeling insecure. Do I now have to pay more money to have my home tested again? A home that Bank of America is foreclosing on anyway? These are my most recent concerns and situations. I am a teacher, but have been planning to retire soon. My pay checks are losing 3 percent this year, due to a Florida law, and we have been told that another 2 percent may begin to be added to this come January. I am single and a mother of 2 grown children, but I do help one as I can. In fact, last week, she asked if I would be a co-signer for her on a student loan so she can start school again, and I sadly had to tell her what is going on, and that Bank of America has totally ruined my credit status. I instead will be able to do nothing as far as helping myself or my children for a very long time. In fact, I am 64 now. I try so hard to deal with the emotional pain and stress. Knowing now that my HOA can also foreclose on me and have a judgment against me, even though I am paying my HOA, causes more stress and embarrassment. The development I am in, KB Sunset Pointe Townhomes have most remediated homeowners not returning, and renting. Also, I saw last week that still another home is vacated and is beginning to be gutted out.

More information and how this began:

*In July, 2007, I purchased my townhome in KB Homes" Sunset Pointe Townhomes, Lot 3, Block 27, as a 30 yr. fixed mortgage with Countrywide as being the noted lender. It was a Freddie Mac. Purchase: 135,000.

*Started with strange health problems: rashes on my face; feeling my chest ache; sudden weight loss for no apparent reason; cough; terrible jaw and head pain, dry, burny eyes; mouth always feeling like it is burned inside. I also had cramps in legs and stomach at times. I complained of blacking out twice.

*Nov. 2009: Service on home A/C reveals multiple holes, leaks and copper tubing is black. Kross Inspection confirms contaminated drywall in December, 2009.

*Neighbor told me to call Bank of America for a forbearance, which I did and was told to continue paying about \$276/mo. escrow.

*Signed to have KB remediate my home, with agreement giving me per diem to move out and back in, pay for rental, and other living expenses. Told I would be provided testing and a certification that my home would be safe upon completion. I was told that I would also get 3 reports during the process and would have access to the information about the drywall as they pulled it from my home. (I was never given this.) I was told that I could still sue KB or any entity for health but not for other reasons about the damage.

During this time, I also gave the Consumer Product & Safety Commission my information on this disaster. I also notified the Florida Health Dept. In addition, I went to my physician, Dr. Weiss, and told her that I had been exposed to 2 toxic gases, and wanted to have her check my health. But she told me that she didn't know what to do, and did nothing.

*Upon leaving my home in Nov., 2009, I noticed the terrible pitting and corrosion on metal bathroom hooks. Jewelry was ruined. When I make calls to inquire what would be safe to remove in my home and what I would need to discard, I was told by both the FL Health Dept. and the Consumer Product and Safety Commission that they did not know the answer to that. What I found was just from my own research on the gases.

*My living elsewhere, transportation, faxing, calls etc. were solely paid by me from November, 2009–April 10, 2010. I took little out of my home, washed clothing according to Internet directions, aired out things I took for days, but most, I was afraid to touch anything, and afraid to go to my home to take out. *If the metal hooks were so pitted and corroded, and holes were made by these gases, what possibly was it doing to me?*

**2010—contacted my Homeowner's insurance. *Told they were protected from claims by a 31-year-old air pollution law. When I pointed out this was not air pollution, he said still protected. Insisted that I still let them do a second inspection on my home, saying it would help me have more information for down the road.* This was done by Burton Investigation.

*Finally, April 10, 2010, KB Homes is ready to have me move out so they can begin remediation. Upon moving out, there was *still no information on what could be safely removed and reused.* I therefore, removed and discarded most of my contents. What I was told by Mr. Wallace at the FL Health Dept. was that he would not save any thick porous items, like mattresses, metal things, appliances, sofas, chairs, etc. I even threw out a year-old TV! *Whatever I replaced had to be my expense!* Everything I kept left me great concern but I aired it out for a long while.

*May, 2010, receive notice from homeowner's insurance, St. John's that they are not renewing my contract. Even though I had been calling my insurance agent to give an update almost monthly, they say "Homeowner unknown 1 yr." Actual cancellation July 2010. Previously, my building manager and I had sent a letter, giving approximate date when remediation would be done, and details, but to no avail.

*June 2010, BOA continues forbearance, and even with telling me in July that they need to force Lender's Insurance on me, {Redacted} kept telling me not to worry—all would be worked out upon completion of my home, getting the letter of certification my home was safe, and getting new homeowner's insurance. A loan modification would then begin to be in place. Not to worry.

*Feb. 2011—My home is completed. right after I was given Lender's Insurance, I was notified by Tina Calderon, Bank of America, that Isabel would no longer handle my case—Tina would!

*Although health improved while out of my home for remediation, I had been admitted to Lakeland Regional Hospital on Dec. 25, 2009 because my throat and breathing felt like it was closing off. At this time I was told the lung X-rays showed signs of COPD. This has not changed thus far.

*When two members of the Consumer Product and Safety Commission came to meet with "victims" in Sarasota, FL, even though over a year had gone by, or longer, they still lowered their heads toward the floor when asked our questions, and kept repeating, "We don't have any answers yet on that", or "we didn't see any reason to investigate that further". That is a disgrace! So many sick, and perhaps some have died (even 12 infants in Ft. Bragg), and they feel no investigation is needed? An injustice and a disgrace!

*Health questions and concerns have remained unaddressed by 3 of my doctors over the past 2 plus years. They have stared at me and said "I don't know what to do for you." I even had one leave the room, come back 10 minutes later to inform me that she looked up "hydrogen sulfide on her computer but the only thing she found were lawyer advertisements." Again, a disgrace.

*I am 64, a teacher for about 30 years intermittently, hold a Master's degree, with a small retirement savings. I have raised my children, helped them in every way I could, and love them dearly. I plan on leaving my teaching career, but now I have my life in great jeopardy, with health fears, a closely timed foreclosure, and probably an impending bankruptcy. I have to still wonder, because of recent health, if my home is safe. *Did I purchase this home with any knowledge of this disaster? Did I do something to cause all of the following hardship and disaster? Will I end up with more losses? This is unjust, and I will not stop speaking out for myself and for all the other victims until there are answers to our questions and justice is served by giving us aid to move forward, with or without our homes.*

Builder: KB Homes Lender: Countrywide/Bank of America/Freddie Mac Home: Lot 3, Block 27 Sunset Pointe Townhomes

It's difficult to express the devastating impact living in a toxic home has had on our lives, home, health and retirement. We all have been affected and need our government to step up look past the lobbyists and help the families that have been devastated by Toxic Drywall; both American and Chinese.

We purchased our *Lennar home* new and moved-in Oct. 2004.

Within weeks of us moving in we smelled rotten eggs and called the gas company twice who came out and checked for gas leaks but found nothing.

But we have tests that show toxic drywall directly linking to our health problems.

We had experts test the drywall twice and the test were positive for sulfur and strontium both times. The experts pointed out signs of copper corrosion on the water heater, AC unit and electrical in the walls; noting it is less than the higher humidity climates but that we definitely had copper that was blackening. Additionally we've had electrical components, appliances and computer equipment, smoke detectors, and alarm system repeatedly fail or sound randomly with no explanation.

Our home has no Chinese markings but *Blanks* and confirmed *American Gypsum* and *Georgia Pacific* with the following markings:

- Georgia Pacific—Tough Rock
- American Gypsum—Albuquerque NM “350 Crew 1 7/13/2004”,
- Unidentified markings “250 7/11/04 H. Smith 12:12”.
- Unidentified markings that have Spanish words “1 Pieza” “2 Por Paquett”
- Unidentified markings that are stamped “CAN” possibly for Canada

The fact that we found 5 different brands/markings in our home is an indication the builder was getting multiple shipments of drywall from different sources. It is clear it was not all shipped at once from the same place.

The problem we face is we have no idea what manufacturers *Lennar Homes* used and *Lennar Homes* is refusing to remediate. *Lennar Homes* came to inspect our home and they did air quality tests and then refused to release the results or address our concerns. They have been provided our positive test results and they continue to deny us remediation and discriminate against us (as they are doing remediation elsewhere) because in Nevada they claim there is not a problem.

Georgia Pacific also came to our home, and they took a sample and said they would test it but when we asked for results they ultimately told us they were instructed by their attorney's not to speak to us.

The health of our family has seriously deteriorated while living in the *Lennar* home.

Health Issues

We were seen by an environmental toxicologist Dr. Robert Harrison (UCSF). He confirmed we had *Sulfur poisoning at levels of 5000 mg daily compared to the average American exposure of just 2 mg daily*. We have long term exposure to Sulfur Dioxide and Hydrogen Sulfate, which has caused long term health problems.

We also confirmed we both have the blood tests results showing Strontium (Jason at 38.2 ng/ml and Olivia's at 26.7 ng/ml) due to long term exposure to Strontium.

Our water heater and PEX plastic water lines were so discolored and had absorbed so much of the toxic gases our water turned orange and we are *not* on well water. The city water right up to our drive way tested at perfect levels, yet in our home, our water tested Sulfur at 200,000 ppm and Strontium at 4500 ppm which is 5000x higher than the average American.

Additionally, we've met with the CPSC and have had our test results reviewed by both the CPSC and the CDC. The CPSC has a formal report from their investigation on our home. The CDC provided us a guideline and based on the test results in our home, we exceeded acceptable levels of these toxins by 1000 times or more. They referred us to DR. Robert Harrison, the toxicologist at UCSF.

Our bodies were busy fighting unexplained rashes, bloody noses, constant sinus infections, migraine headaches, sore throats, vomiting, burning eyes, blurred vision, memory loss, fatigue, slurred speak, loss of coordination, loss of vision, unexplained nerve damage in Jason's face, and ultimately unexplained lesions found on Jason's brain.

We spent countless hours and thousands of dollars in medical expenses for doctor's appointments, emergency room visits, tests and prescriptions trying to diagnose and treat unexplained symptoms.

Health Issues include:

- *Chronic migraines* and light sensitivity
- Chronic sinus infections and daily
- Bloody noses
- Laryngitis (for over 6 months)
- *Lesions throughout brain*
- Paralysis on his face (nerve damage)

- Loss of vision
- Slurred speech
- Loss of taste
- Jumbled of words
- Loss of motor function
- Red burning eyes
- Difficult to keep eyes open
- Burning sore throat (Choking)
- Shortness of breath/Chest pain
- Nausea/Vomiting and choking
- Digestive and upper and lower GI health problems (constant antibiotics)
- Fatigue
- Insomnia
- Olfactory sensitivity
- Headaches
- Constant tearing eye
- *Growths on Vocal Cords (requiring surgery)*

The neurologist knows of the toxic drywall test and the Strontium heavy metal poisoning and he advised we vacate the home immediately. We received the same advice from the ER doctor while my wife was treated for a migraine.

Our health issues have devastated our health so severely we've shut down our businesses as we cannot function at the same level we used to. We have no way of knowing what the long term medical damages are, but we are very scared as we see the deterioration and know the damage this has done to our bodies. We fear for our future.

In Nevada new homes were built at a rapid pace of 35,000—45,000 new home per year during the period from 2001 to 2006 with the pace slowing in 2006–2007 but the builders have a lot of clout here as they have contributed to the economy greatly over the past decade.

Additionally we have information and photos on our website <http://toxicdrywalllasvegas.blogspot.com/>

We ask that our government take action to protect us (it's citizens) and make us whole again by holding the builders, suppliers, and manufacturers liable for the damage they have caused so many Americans.

Thank in advance for your time and consideration.

My husband served 20 years in the AF, then had another career after that. I retired from DoD in Feb 2007 after 27+ years. We lived in many places and were looking forward to settling down in our forever house in warm, sunny, Florida living on a canal where we could have a boat. Our builder went out of business after 30 years of building homes in the SW FL area a few days after we moved into our "dream" home. We started receiving dunning phone calls from sub-contractors who said they hadn't been paid, followed by certified letters. Every time the mailperson pulled up and got out of her car, I was about ready to bawl. After a year and a half, we had those legal situations taken care of and figured we could finally start enjoying life. About a year later, our air conditioner wouldn't turn on.

We had a home maintenance agreement and they came out and replaced the coils. They told us they'd fix them once, but we had defective drywall and they wouldn't do it again. Our entire house is filled with ProWall drywall—all Made in China. We're the lucky ones, if anyone with CDW can be called lucky. Our house doesn't smell, and we haven't had anywhere near as many things go kaput as a lot of people have. Our son's house which is 40+ years old has bright copper wire, our house has black copper wire. Both my husband and I have rashes that appeared after we moved in and won't go totally away—mine so bad I regularly see the dermatologist. She keeps trying different ointments/creams. Not sure if the drywall is the culprit or not. The value of our home for tax purposes is \$0.0. Our home equity loan has been frozen. We can't sell without remediating (or we'd have to practically give it away and still be stuck with a \$200K mortgage). Our lawyer has told us that since our builder is out of business and we don't have Knauf drywall, we're going to have trouble getting anything from the class action lawsuit, and we definitely should not count on getting enough to remediate completely. Oh the Golden Years. How they suck!!

PREPARED STATEMENT OF ROBERT D. GARY OF GARY NAEGELE & THEADO, LLC

I want to thank the Committee for focusing its attention on the devastating problem that has been caused by the off-gassing of drywall which has forced people to abandon their homes, often with catastrophic financial and personal consequences.

My name is Robert D. Gary and my law firm, Gary Naegele & Theado, LLC, together with the undersigned attorneys, represent [redacted] and others whose homes are uninhabitable because they contain not Chinese drywall but drywall domestically produced by American companies. I have represented the [redacted] since early 2009.

My concern is that innocent homeowners who have domestically produced defective drywall in their homes have been poorly served by the very Federal agency whose sole purpose is to protect consumers from defective products. To some degree, and at the urging of [redacted], the Consumer Product Safety Commission undertook a much delayed study of "non-Chinese manufactured drywall". That study referred to domestically produced drywall with the curious ambiguous description of "often referred to as domestic drywall by consumers."

The critically important issue before the Consumer Products Safety Commission should be "is American-made drywall exhibiting corrosion problems?" It is beyond dispute that the now notorious Chinese drywall is destroying homes. Our American homeowners deserve a full study into whether domestically manufactured drywall has also experienced corrosion caused by the drywall in their homes. Rather than address this issue, the CPSC chose instead to side-step the question in its report issued on April 15, 2011.

For purposes of its report, the CPSC tested eleven homes which "the homeowners self-reported were constructed with domestically produced drywall." See Exhibit A, attached hereto, at page 2. The results of this study were anxiously awaited by those homeowners who clearly had corrosion but no evidence of Chinese drywall in their homes. Nine of these eleven homes were confirmed to have "evidence of blackening of copper wiring or cooling coils. Water was eliminated as a possible source of the indoor corrosion.

Prior to the issuance of this report, I, along with my colleagues and Pamela Gilbert, a former Executive Director of the Consumer Product Safety Commission, met on April 5, 2011 with the Commission. We urged at that meeting that the Commission test for sulfur-reducing bacteria which could have established that the drywall, and not another source, was causing interior corrosion in the tested homes. The Commission declined to do this testing or to do the well-established chamber testing of the drywall. Presumably the issue was the cost of the testing.

The issue of whether American-manufactured drywall was causing interior corrosion was and remains a vitally important question to the American homeowner. Yet the CPSC failed to make the most basic determination in its testing of the eleven homes. The CPSC made no effort to confirm whether the drywall they were testing was in fact American-manufactured. Instead the CPSC relied on self-reporting from the occupants of the homes that the drywall was constructed solely with domestically-manufactured product. It would have been a simple procedure to confirm the identity of the manufacturer of the drywall the CPSC was testing. All domestic drywall has run codes printed on the back which would have identified the time, place and manufacturer. The failure to take this simple step rendered an expensive study all but useless because it never segregated out the origin of the drywall it was testing. As counsel for the Brinckus, I can state categorically that their home has no Chinese drywall, yet because of interior corrosion, it is uninhabitable.

Rather than providing protection for the consumer, the net result of the CPSC study instead provided cover to the drywall manufacturers who cite the studies of the CPSC in its press releases to confirm the safety of its drywall products. I have attached two such examples as Exhibits B and C. National Gypsum has repeatedly used the flawed study of the Consumer Product Commission to discredit any claims about their drywall and even specific victims including George and Brenda Brincku. For example, note the following from a National Gypsum press release:

CPSC Report Determines National Gypsum Drywall in Brincku Home is Not Defective: In April 2011, the Consumer Product Safety Commission (CPSC) released a report on testing of domestic drywall as part of a broader investigation into problems associated with defective Chinese drywall. The report determined that the National Gypsum drywall in the [redacted] home was not defective.

A critically flawed study by an agency whose mandate is to protect the consumer is being used to discredit the very consumers the CPSC is supposed to protect. The most casual visit to the Brincku home will quickly reveal that the home has been destroyed by something that is corroding copper in the home. The Brincku's attor-

neys have confirmed the presence of sulfur-reducing bacteria while the manufacturer of the drywall suggests the problem arises from the well water.

The CPSC has eliminated well water as a possible source of corrosion. If, in fact, as the domestic drywall manufacturers allege, the well water in Florida is so corrosive that it can destroy copper through air born transmission the problem for Florida and its real estate market extends far beyond the confined problem of defective drywall. It would mean not only has there been a catastrophic failure by those agencies that regulate Florida water quality but the real estate industry with equally devastating consequences would have to alert home owners to this menace emanating from the well water. Neither of these concerns will be realized because the attack on Florida's well water is a red herring.

In conclusion, a separate study of the potential problems with American drywall remains regrettably an open question despite the considerable costs of investigating drywall-related problems. The CPSC's explanation that it did not want to do extensive removal of drywall begs the question and could have been eliminated by testing for sulfur-reducing bacteria. This simple test would have established that hydrogen sulfide is being produced by drywall as a waste product of sulfur-reducing bacteria.

We, the undersigned, urge that the agencies of the Federal Government not close the door on problems created by domestically manufactured drywall before even the most basic questions have been answered. At the very least, we ask that the Consumer Product Safety Commission confirm the origin of the drywall from the eleven homes already tested.

Thank you for your consideration and please submit this testimony for inclusion in the Congressional Record.

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April 15, 2011

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF SUMMARY OF CONTRACTOR'S
EVALUATION OF HOMES REPORTED TO BE CONSTRUCTED WITH DOMESTIC DRYWALL¹

Background

The U.S. Consumer Product Safety Commission (CPSC) contracted with Environmental Health & Engineering, Inc. (EH&E) to conduct an investigation of a few homes where consumers have reported health and corrosion problems and where they also reported that the homes were built with what they identified as non-Chinese manufactured drywall (often referred to as "domestic drywall" by consumers). Although these reports alleging problems due to non-Chinese drywall represent a very small fraction of the total reported incidents, the CPSC investigated them as part of its overall investigation to gain a comprehensive understanding of the reported problems.

Earlier investigations conducted by EH&E under contract with the CPSC identified a link between problem drywall in a home and increased levels of hydrogen sulfide in indoor air and increased rates of copper and silver corrosion. They also found that orthorhombic sulfur (S8)² was a useful marker for identifying problematic drywall (EH&E, 2010a and 2010b). These findings, in part, formed the basis of the Federal Interagency Task Force on Drywall's Interim Guidance for Identification of Homes with Corrosion from Problem Drywall (CPSC/HUD, 2010).³

This guidance includes two steps: (1) a threshold inspection of the home to identify blackening of copper electrical wiring and/or air conditioning evaporator coils and the installation of drywall in the time period of concern; and (2) the verification of corroborating evidence. In accordance with the Identification Guidance, either two or four pieces of corroborating evidence are required to identify a home as one with corrosion from problem drywall. Homes built or renovated between 2001 and 2004

¹ 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.

² Also referred to as "elemental sulfur."

³ Recent investigations indicate that the years should be expanded to include 2009. This has been reflected in an update of the Identification Guidance, March 18, 2011.

require at least four pieces of corroborating evidence, and homes built or renovated between 2005 and 2009 require at least two pieces of corroborating evidence.

Corroborating evidence can be: the detection of elevated S8 levels in samples of drywall taken from the home; corrosive conditions; the formation of copper sulfide on copper coupons placed in the homes for 14 to 30 days; visual observation of markings, indicating the origin of the drywall; elevated levels of specific sulfide compounds from chamber testing of drywall samples; or corrosion of copper metal coupons to form copper sulfide when exposed in a chamber with drywall samples.

Study Design

CPSC staff contracted with EH&E to perform this study to assess whether the objective criteria reportedly associated with problem imported drywall and outlined in the field-based component of the Identification Guidance were present in complaint homes allegedly constructed of domestic drywall. CPSC staff also wanted to compare the data collected from these homes with results obtained in the initial, large-scale investigation of homes with problem drywall (referred to as the “51-Home Study”). This comparison is important because the 51-Home Study was the largest study, to date, conducted on problem drywall homes using consistent and rigorous testing parameters. Testing performed as a part of the present study was conducted with methods identical to the 51-Home Study to ensure comparability. In this way, the results of the present study on 11 homes could be placed in context with the results of the larger study. CPSC staff asked that EH&E:

- characterize the indoor environment in consumer complaint homes that were reported to the CPSC to be constructed with domestic drywall, and
- compare the drywall composition, indoor air quality, and corrosion conditions in these homes to corresponding parameters observed and measured in residences in the 51-Home Study.

This study, like the earlier 51-Home Study (EH&E, 2010a) was intentionally designed to identify source characteristics of drywall and characterize the indoor environment in the home where the complaint was reported. Thus, the study was conducted as a field study at the home, and chamber emissions testing and chamber-based corrosion testing were not performed as part of the suite of tests.

CPSC staff selected 11 homes for the study. Homeowners self-reported that their homes were constructed with domestically produced drywall; and before undertaking this study, CPSC staff performed in-depth investigations to remove homes from the study where Chinese markings were clearly present. CPSC staff selected the homes, located in Florida (n=9), North Carolina (n=1), and Pennsylvania (n=1), from drywall-related consumer incident reports that the CPSC received between December 2008 and April 2010. Staff developed a ranking system to guide the current study, which like the 51-Home Study, considered location, date of construction or restoration, severity and extent of reported health effects, and corrosion. Staff also considered consumer-reported manufacturer of drywall as a factor in the home selection, as well as consumer willingness to participate in the study.

Between September 20, 2010 and September 29, 2010, EH&E field teams visited the homes and scanned multiple locations on the walls in each home with an x-ray fluorescence (XRF) analyzer as a screening tool to aid in detecting possible markers of problem drywall; collected drywall samples to analyze for orthorhombic sulfur; inspected ground wires and air handling units for corrosion; conducted air exchange, temperature, and humidity measurements; deployed passive air samplers for measuring indoor air concentrations of hydrogen sulfide and formaldehyde; placed strips of copper and silver metal called corrosion classification coupons in the homes to measure the rates and types of metal corrosion; and analyzed water samples to rule out alternate sources of sulfides in the homes. The full report can be found on www.drywallresponse.gov. Key results are detailed below and presented in Table 6.2 of the full report, which is attached to this summary.

Key Results

- Nine of the 11 homes (Homes A–E and H–K) had evidence of blackening of copper wiring or cooling coils and were constructed/renovated in the relevant date range (2001–2009). However, homes investigated to date, impacted by problem drywall, meet a common set of parameters, not all of which were observed in each of the nine homes.
- Five of the 11 homes (Homes A–E) met the criteria for identification of homes with problem drywall in accordance with the Identification Guidance, including elevated rates of corrosion and elevated concentrations of S8 in drywall samples. Hydrogen sulfide was detected in the air in only three of the five homes

(Homes A, B, and D) at levels that were similar to those levels found in problem drywall homes in the 51-Home Study.

- In five homes (Homes A–E), indoor corrosion rates exceeded outdoor corrosion rates by as much as nine times. These results are consistent with the results found in the 51-Home Study.
- The presence and percentage of drywall samples with source markers (S8 and strontium/carbonate) in Homes A–E varied by room.
- Two of the 11 homes (Homes F and G) do not have the characteristics of homes with problem drywall consistent with the characteristics found in the 51-Home Study or in accordance with the guidance for identifying problem drywall homes.
- Four of the homes (Homes H–K) had a corrosive environment based on elevated rates of corrosion, as determined by the visual observation rating system and mixed findings of corrosion on the copper and silver coupons between and within each home. The S8 marker was not found in the drywall samples from any of these four homes.
- In four homes (Homes H–K), outdoor corrosion rates were sometimes similar to the indoor rates.
- All of the homes in this study had air exchange rates that are typical of North American residences.
- Formaldehyde levels in the 11 homes were consistent with levels found in recently constructed homes and results of the 51-Home Study and were not associated with the drywall.
- Sulfides were not detected in any water samples from any of the 11 homes and, therefore, were not likely a potential contributing factor to measured indoor corrosion rates.
- Average humidity and temperature conditions in the 11 homes were typically within the ranges recommended for summer months by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). The temperature and humidity levels were generally higher in homes in Florida in comparison to the two homes (Homes F and G) located in North Carolina and Pennsylvania.

Other Issues and Study Limitations

- Information that these homes were constructed solely with domestically manufactured drywall as opposed to Chinese drywall was obtained by self-report from the occupants. CPSC staff and EH&E were not able to confirm independently that all of the drywall in the homes was produced domestically. This would have required extensive removal of the drywall and destructive testing of the residences.
- An elevated rate of corrosion in homes is not sufficient, by itself, to conclude that the corrosion is associated with problem drywall in the home. Outdoor corrosion rates may be the source of indoor corrosion in some of these homes (Homes H–K). Or, the corrosion source might originate from something other than the drywall.
- In its report, EH&E suggested that additional chamber emissions and chamber-based corrosion studies may help identify whether the drywall is the source of corrosion versus some other factor or source inside or outside of five of the subject homes (Homes H–K). While CPSC staff understands the reasoning for the recommendation of additional study, the CPSC has determined that due to the relatively limited number of homes affected, the uncertainty concerning the drywall's origins, agency resource constraints, and that any findings of problem drywall would not change the current Task Force recommendations, it cannot authorize further expenditure or study on this issue at this time.
- While a sufficient number of drywall samples from each home were analyzed for elemental sulfur (S8), and the selection of samples to analyze was based on the presence of a secondary marker (strontium) to increase the likelihood of selecting a sample with elevated elemental sulfur, it is possible that, even with the robust study design, problem drywall with elemental sulfur exists on a small number of boards in Homes H–K; however, it was not detected.
- There is a possibility that some problem drywall, including domestic drywall, may have different characteristics from the originally defined problem drywall. For example, there may be differing mechanisms of chemical off-gassing or compositions of source materials; or S8 might be a good marker for a particular type

of problem drywall (for example, problematic Chinese drywall) but not all problem drywall. If that is the case, this study would not have been able to identify this drywall as problematic because it had materially different characteristics from the problem drywall studied to date.

Conclusions

Based on the characterization of the drywall and indoor environments of the 11 homes tested, comparison of the results with existing data from homes classified as problem drywall homes (51-Home Study), evaluation of the test results in relation to the Identification Guidance, and EH&E's extensive experience in conducting investigations of problem drywall homes, EH&E reported that five of the homes in the study (Homes A–E) have drywall that is consistent with problem drywall. However, because EH&E was unable to confirm independently that all of the drywall in the homes was produced domestically, and without detailed documentation of the drywall's origin, or without damaging the homes through extensive removal of the homes' drywall, it is not possible to conclude that only domestic drywall is present throughout the homes.

Four of the homes (Homes H–K) had a corrosive indoor environment, but the test results were not consistent with previous findings related to the identification of problem drywall. It appears that the indoor corrosive environment might be influenced by outdoor corrosive conditions. Based on this study, other indoor sources, or the presence of a limited amount of problem drywall, cannot be ruled out as a source of the indoor corrosive environment. Conclusions regarding the potential of domestic drywall to be problematic cannot be confirmed at this time without further extensive investigation and detailed documentation of the origin of the drywall in these homes.

References

EH&E, 2010a. *Final Report on an Indoor Environmental Quality Assessment of Residences Containing Chinese Drywall*.

EH&E, 2010b. *Identification of Problematic Drywall: Source Markers and Detection Methods*.

Table 6.2 Environmental Test Results for Each Home, by Location

| Step | Criteria | Home A | Home B | Home C | Home D | Home E | Home F | Home G | Home H | Home I | Home J | Home K |
|---------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1 | (a) Blackening of copper? | | | | | | | | | | | |
| | – AND – | | | | | | | | | | | |
| 2 | (b) Drywall installed 2001–2009? | | | | | | | | | | | |
| | (a) S ₂ Marker? | | | | | | | | | | | |
| | (b) Copper Sulfide on coupons? | | | | | | | | | | | |
| | (c) Markings of Chinese origin? | NF | NF | NF | NF | NF | NF | NF | NF | NF | NF | NF |
| | (d) H ₂ S, COS, CS ₂ in chamber test? | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Other Factors | (e) Copper Sulfide in chamber test? | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| | (a) Silver Sulfide on Coupons? | | | | | | | | | | | |
| | (b) Strontium/Carbonate Marker? | | | | | | | | | | | |
| | (c) H ₂ S in Indoor Air? | | | | | | | | | | | |

S₀ elemental sulfur
 NF not found in the limited areas accessible for visual inspection
 H₂S hydrogen sulfide
 COS carbonyl sulfide
 CS₂ carbon disulfide
 NA not applicable

■ meets or exceeds the decision criteria
 ■ meets or exceeds the decision criteria; potentially impacted by outdoor sources

From "Evaluation of Homes Reported to be Constructed with Domestic Drywall," April 12, 2011, Environmental Health & Engineering.

I am writing to tell you about the nightmare my wife and I have been living since discovering in 2009 our home contains contaminated Defective Chinese Drywall. We are unable to attend Tuesday's hearing but hope that our story can be shared.

After 23 years of marriage and living in the same home for more than 19 years my wife and I felt we were in a secure financial position to build the home of our dreams on 11 acres in the County. I am a contractor by trade and at the time owned

a successful construction company. We purchase the land in 2005 and began to design the home. In late 2006 we broke ground on what we had planned to be our final home which would later be a great financial investment to us in our retirement years. In July 2007 we closed on the \$402,000.00 mortgage and began to enjoy our new County lifestyle. This home was our dream over 4,500.00 sq ft appraising at closing for over 550K and we couldn't believe we did this and seemed to have done it all right. In early to mid 2009, we began to start having issues with first our security system panel, which effected our inter-com system and security cameras. Then 2 televisions went out. Small appliances such as 2-3 coffee makers, toasters, and other strange electrical things. The small mini central A/C unit that fed our oldest sons room went out. We began to see increased electric bills and realized our other 2 central units were working very hard and running constantly. There was a strong smell in the house when we got home in the evenings, and my wife's jewelry began to discolor. Being a contractor I had begun to hear rumor of the Chinese drywall. I did some checking with the wires in our home and found that they were corroded. I did some further research on the Internet and began to realize what was going on. It was probably 2 months before I got the courage to tell my wife. She was just 19 and I was 21 when we married. Like all couples we had dreamed for years of building a home like this. Finally in our 40s we felt we were in a position to do just that. Our home had been featured in a local magazine for it's design, style and features. Now I had to tell her our home was basically worthless. I learned in my research that the drywall affects metals; our home is built entirely out of metal studs including the trusses. All I could envision was that the home would have to be demolished! I finally told her. I can actually say it was probably one of the lowest points in my life. I was a builder, how could I have missed this? How will I be able to afford to move my family, and do we let the house go back to the bank? I had never had to foreclose on mortgage what would that do to our finances? How am I going to take care of this for my family? I felt as if I had disappointed my wife and let my entire family down. On top of all this, as the economy was failing so was my construction business.

Once my wife's initial shock wore off, she began to do her own research. Her biggest fear was/is what are the health effects on the kids. Our oldest son who is 22 constantly suffered from sinus infections. He has now moved out and the infections have stopped. Our 13 year old son was diagnosed with allergies about 8 months after we moved in the home. He spends most months congested. And now takes monthly injections. We constantly wonder is it related to the drywall? We have a 12 year old daughter, is she being effected in a way we have yet to see? Center for Disease Control says "no health effects" . . . this stuff turns metal black, kills appliances and electronics, and we are supposed to believe that? In October of 2009 we learned of a law-firm handling the defective drywall in our area. We contacted them, and after a consultation, they scheduled us for the Environmental testing. In November 2009 it was confirmed, we had the defective drywall. The markings on our boards were not clear enough to immediately determine our manufacturer. We were told there are suspected 5-6 Chinese manufacturers. My wife and I were pretty much in a fog the rest of the year and into early 2010. Not only were we trying to figure out what to do about the house as we watched things unfold in the news and on the Internet about drywall, my business was not getting any better. I had worked in construction for 25+ years owning my own business since 2003 and now I couldn't land any jobs for my company. I had to cut my salary back to try and keep my business a float. Eventually by late March, I had to lay off all of my employees. I laid myself off and went on unemployment in May of 2010. I tried to find work in my industry all the time bidding jobs for my company in hopes of landing just one job. In April of 2010 the BP Oil Spill impacted the Gulf Coast bringing further damage to our towns failing economy. My wife works full time but her salary really did nothing more than cover health benefits for the family. It was time we notified our mortgage company and asked them for a modification. By this time, the appointed court in New Orleans to oversee the drywall cases had come up with a remediation plan. I obtained estimates in accordance with the remediation protocol to provide to the bank to show them what it would cost to renovate the house. The estimates were close to the mortgage amount of 400K. We notified our property appraiser of our County, our home that once appraised on the tax rolls for 445K was reduced down to 218K. All of this documentation was provided to the mortgage company along with the testing results, letter from our attorney financial statements from our business and personal accounts. We pleaded with them to do something to help us, stating that we were willing to try and keep the house in hopes that the economy would turn around and our government would step in and make the Chinese do the right thing and fix our home. With the assistance of our attorney we tried to convince the bank that they didn't want this house that it would ben-

efit them to modify and keep some type of payment coming in rather than have another house on their books that they more than likely could not sell. The response we got was we could run 30 days late but that was it. Even the government loans that were being offered to individuals in crisis with their mortgage were not an option to us. So we made a decision to stop making the mortgage payment put that money back and let them kick us out. By not making the mortgage payment we would stop depleting our savings and hopefully be in a position to rent somewhere when we were eventually forced out of the house. In a last ditch effort, we hired an attorney to try and fight the foreclosure, you know try and prove the note etc. in hopes to buy 6 months or so. Our first mediation rolled around in early October of 2010. Our attorney re-submitted the documents we had previously provided to the bank in early 2010 adding his legal verbiage which we paid for of course. We decided not to have the attorney attend mediation. He basically told us the mortgage company didn't care that the house was of no value we were just another number they would write off. So we decided to attend without him and go through the emotions . . . after all we would have had to pay him to be there and he was not encouraging. Well needless to say the mediation was a joke. Our mortgage service company is PHH Mortgage out of New Jersey. A local credit union Pen Air holds the note. There was a mediator, an attorney for the bank and my wife and I. My wife was crying uncontrollably the entire time. A bank representative was supposed to call in for a conference call at a certain time and they were late. Their attorney finally had to call them some 45 minutes later only to get a person who said they had to fill in, that the original person who was listed on our documents to attend, was called into a meeting. Needless to say this person was not prepared. Their own attorney who was in the room with us was clearly frustrated. When we were asked why we were not making our payments we told them a combination of the problem with the drywall and a reduction of income. The representative on the phone said what is Chinese Drywall? As I tried to explain it to her she said she just Google'd it and couldn't believe what she was reading! "What a devastating position to find yourselves in" she stated. She further said she did not see where we had submitted any of the documentation to them regarding the drywall and then their attorney spoke up and said "you have to have it, I have it in my packet that you all sent to me"! Finally she said she was in no position to make a decision, that she felt that Pen Air Credit Union had to make a decision on the modification. By this time the mediator was totally frustrated and called the meeting adjourned citing that no decisions could be made because the appropriate parties were not present. He ordered the attorney to reschedule and have a representative from Pen Air attend the next mediation. That next mediation did not take place till mid November 2010. In attendance, a representative for Pen Air, the same attorney, my wife and I. The Pen Air representative started the meeting by saying very kindly, "we had no idea about the drywall"! "We are a home town lending institution and are in the business of keeping people in their home." We are not a construction company in the business of renovating homes ". . . the Board has reviewed your file and we are going to do what ever we can to keep you in your home." Basically what she was saying is we don't want to be stuck with that toxic home! If you people are stupid enough to stay in it and pay us to do it we will take your money! The meeting was adjourned and we were told they would work up the figures and re-schedule the meeting. The next mediation was the end of November 2010. By this time I had found work in my industry with another company. It was not the salary I had once had, but it was not in the poverty level of unemployment either. It put us in a position to really be able to give a firm figure to the bank on what we could try and modify to. The modification terms proposed by the bank were to take our interest rate down from 6 percent to 2 percent for the next 5 years stating they hoped by that time the drywall litigation would be settled. That reduced our payment by about \$1,100.00 per month. And they would do that by adding only \$47,000.00 to our loan . . . great deal huh?! Reluctant, my wife and I signed the note believing that certainly this issue would resolve, the economy would get back to normal and our dream life would go on.

Here we are 1 year after modification and not one step closer to getting the house repaired. Our drywall case is a bit unique. I have no builder to sue, I was the builder. The courts have ruled I cannot file this as a claim on my insurance company. I purchased my drywall from our local Port, Pate Stevedore. Just this month, we received a letter from our attorney telling us they have decided not to sue Pate Stevedore for a number of reasons the most important being "they do not have the insurance or assets to pay a judgment in our favor." It was determined that our drywall manufacturer is Taishan Gypsum Co., Ltd. The letter we just received from our attorney stated, "we are continuing to pursue every avenue possible to bring that company (Taishan) to justice in the American court system but we face a number of obstacles, not the least of which is their challenge to jurisdiction because they

do not have minimum contacts with our Nation. They further state this is a battle we will wage for some time in the court system and through political and other channels. *Wage for some time!* Nothing I have heard is encouraging to my wife and I. We don't have years to invest in this political battle. We cannot understand our own government not stepping up to help us. My wife and I are doing everything possible to try and keep this house and not become another number in the mortgage crisis. *We are trying to keep up our end of the deal despite every obstacle we have faced.* Please we urge the government to step in and help us! When you look at the scheme of this drywall crisis the government gives away billions of dollars. There are just an estimated 10,000.00 homes effected by this drywall, just a drop in the bucket don't you think? We should not have to suffer because our own government allowed China to import to us this defective product and as we all are aware of many, many more defective products. I thank you for your time and encourage you all to help make this right for us.

Chinese Drywall and Cancer

I am an Engineer, Shipbuilder, Husband, and Father of 2. In 2006, my wife and I upgraded from a starter home to a beautiful, four-bedroom home in a family-oriented neighborhood. The home was sold by a reputable developer (East-West Partners) and built by a reputable builder (Orleans Homebuilders, based in Philadelphia).

In July of 2009, we initially suspected that we had Chinese Drywall after our 9th air-conditioner evaporator failure, and in September, our builder cut into our walls and confirmed it. In October 2009, an X-ray fluorescence evaluation confirmed all walls and ceilings on the second floor were Chinese Drywall, all ceilings on the first floor were Chinese Drywall, and about 25 percent of the walls on the first floor were Chinese Drywall. Our builder promised to stand by his work, and would commence remediation "after the holidays". After some stalling tactics in January and February of 2010, Orleans Homebuilders declared bankruptcy on March 1, 2010. We were on our own.

A contractor provided an estimate to repair the home, which, coupled with moving expenses approached \$150,000. Both my wife and I rely on security clearances in our careers, so a foreclosure or bankruptcy was out of the question. Due to the unknown health concerns at the time, we decided to self-remediate. In May, 2010, my wife and children moved in with local family, and I turned the children's attic playroom into a dormitory, and worked 42 hours per week on average over 5 months to remediate the home. Along with family and friends, we logged 2,930 hours and spent \$59,000 to remove all drywall, clean thoroughly, and then replace all wiring, copper plumbing, HVAC, insulation, drywall, and trim. On October 22, Isle of Wight County conducted the final inspection, and the home remediation was complete.

Our first child was born in July 2006—one month after moving into the home. Between 2006 and 2010, there were respiratory issues in the children that did not raise much concern at the time, but in hindsight we now know the children's bouts with illnesses lasted much longer than normal. In addition, my wife was diagnosed with hypothyroidism while in the toxic home. The real health concerned appeared in 2011—almost a year after the remediation was completed.

In July of 2011, I was diagnosed with a 6cm mass on my right kidney. It was found by ultrasound, confirmed by CT Scan and MRI. No biopsy was conducted because even if the mass were not cancer, it could become so in the future, so given my age, my doctor recommended an open, partial nephrectomy (partial kidney removal). The surgery was conducted in August. While recovering in the Intensive Care Unit, my doctor informed me that the mass was Papillary Renal Cell Carcinoma—kidney cancer. My surgeon informed me that at 3cm, the cancer typically starts to spread. At 6cm, my cancer showed no signs of spread, and was classified as a Stage 1, Grade 2 cancer, and the surgery was declared "curative". I was lucky. I have monitoring and scans for the rest of my life, but the prognosis is good.

I have since learned that Papillary Renal Cell Carcinoma is a relatively rare form of kidney cancer, and 95 percent of those that are diagnosed with it have a family history. They are also at least in their 5th decade of life. I have no family history. I am not in my 5th decade of life. I am personally convinced that my cancer was the result of exposure to toxic drywall. I cannot say whether it was the chronic exposure from 2006–2010, or the acute exposure during the self-remediation. I tend to think a 6cm mass would not have grown that quickly in the single year since the acute exposure, but there is little data available on the rate of growth of these cancers since these cancers are typically removed soon after detection.

Are there other people diagnosed with kidney disease with Chinese Drywall? Yes. Are there others with cancer—that remains to be seen. In the years to come, it will

take dedicated studies to identify the health connections and risks. I need to know for the sake and safety of my 3-and 5-year old children, what risks they have been exposed to, what scans they may need, and what health tests should be scheduled and when. The Victims need the U.S. Government to sponsor these studies.

OSHA and EPA have the best publicly available data on the health risks of Hydrogen Sulfide gas exposure, however due to the nature of the responsibilities of those organizations, the data is focused on short term, high concentration exposure. There is little to no data, at least publicly available, on long-term, low concentration exposure. The CDC is performing a study relying on modeling a toxic home for personal exposure levels, and correlating available data to assess health impacts. Since there are no data on long term exposure, what conclusions can that study possibly draw?

From a consumer protection and public safety perspective, and as a victim of Chinese Drywall and Cancer Survivor, I call on the U.S. Senate to:

- Fund a University or Government Lab to conduct studies to assess the impacts of long-term, low concentration exposure to Hydrogen Sulfide gas, and other Chinese Drywall off-gas products, on appropriate laboratory animals. These studies should supplement the studies CDC is already conducting.
- Fund a Health Organization to conduct a comprehensive epidemiologic study on not only respiratory issues, but potential long term issues on cognitive function, endocrine systems, renal (kidney) function, muscular-skeletal systems, liver function, and publish the results.
- Identify a Federal Government POC, by name, for collecting health information on CDW—be it CDC, HHS, CSPA, or other; and publicize it on government websites. Make CDW Health Impacts and studies the responsibility of an agency, and fund it.

Thank you very much for allowing me to present my family's testimony today. We are a family of three: myself, my husband, and our 12 year old son. We own a home in a master planned community in Hillsborough County Florida.

Do you know how my family discovered our toxic drywall? I became sick after living in our new home for just 2 years. I visited internists, a pulmonologist, and an infectious disease doctor. No one could tell me what was making me so sick. My patient files said amongst other things, "fever of unknown origin." I had multiple x-rays taken, ultrasounds (they feared it was my heart), CT scans, and I even allowed them to inject me with radioactive material to do gallium scans because they feared it might be cancer. I have never had asthma. Now I spend most days thankful if I can run 2 miles without stopping to gasp for air. Singulair doesn't work. Advair doesn't work. I have few days without chronic sinusitis. I have had dizzy spells, hallucinations, nausea, diarrhea and vomiting for days because I have been in the house too long. I have lost quite a bit of hair. I am the worst off because I spend the most time home . . . until now. Our son has become sick. He now has the same symptoms: diarrhea, chronic sinusitis, dizziness, nosebleeds, and breathing trouble. I asked him what he would like to say to you. He sadly replied, "Tell them that now I know how you feel." Far more troubling, his doctor just tested him for celiac disease and hypothyroidism to determine why he is vitamin D deficient. Celiac disease and hypothyroidism do not run in our family. He is also having vision trouble while in the house—it is a red/green color distortion.

We have been fighting our builder for years now. We have been through multiple home testings and had multiple lawyers. We are furious that homeowners like ourselves are being left to bear the burden of this financial disaster while big business is let off the hook. We are the *victims*. We did not purchase our homes knowing they were full of toxic materials which destroy our health and render our properties worthless. Our insurance companies have left us high and dry. The builders are escaping culpability. Their insurance companies are being absolved of responsibility. We receive no assistance from our government and to add insult to injury, all our health complaints have been ignored to date. This will be another asbestos disaster. We are all guinea pigs who will be forced to bear years of health problems and more litigation down the road when we have cancer and mesothelioma. I am disgusted and feel we have been sacrificed so that every corporation making profits from these toxic materials can continue to rake in billions. These products are dangerous and the truth must come out. Their use must be discontinued and there must be a cooperative assistance from builders, suppliers, and insurers to fix our homes and give us safe places to live. This is America. Why aren't we looking out for our own?

We own this home. We invested every cent we had into it. We face financial ruin if we walk away. We face risking our lives if we stay. Are either of these choices fair when we bought this home before the words, “toxic drywall” hit the airwaves? Thank you.

November 29, 2011

Hon. MARK WARNER,
United States Senator,
Washington DC.

Dear Senator Warner:

We live in Williamsburg, VA, and are a family that has been devastated with owning two homes that are contaminated with Chinese Drywall (CDW). Chinese Drywall has not only destroyed copper & silver in our homes; it has also devastated our families' health and financial well being! My parents moved into one home and my father-in-law into the other home (both in their 80s). In the first year there were many mechanical issues with the thermostats and air conditioning coils in both of their homes.

My father-in-law died unexpectedly (7/2008) only two years after moving unknowingly into a CDW contaminated home (Respiratory Failure). *Our family will never be convinced that the CDW did not potentiate his death?* Imagine our guilt for not knowing what was causing his extreme weakness. My father-in-law experienced weakness of his legs and was falling which, was not normal for him. He was an active healthy man until unknowingly moving into a tainted CDW home. My father-in-law left the home to go into in-patient rehabilitation and improved tremendously only to revert back to his CDW health related issues upon returning to his toxic CDW home. If we had only known he was living in a toxic environment we would have moved him out and saved his life. My mother also experienced some of the symptoms. As soon as we became aware of the CDW we moved my parents out of their tainted home!

According to news articles, the primary reports of deaths to the Consumer Product Safety Commission (CPSC) were of the elderly or youths with medical problems. This should not be a surprise to the CPSC! If an adverse reaction would be experienced the above mentioned populations are the ones you would expect to see the most severe reactions. You can *not* convince me that the toxic drywall's hydrogen sulfide off gas, which is both an irritant and a chemical asphyxiant, does not affect the body's ability to use oxygen; especially in the elderly. This part of the population spends more time in their homes and therefore has more exposure to the toxins than people who leave their home for work everyday. This does not mean we should *accept* that their lives were cut short by this toxic product.

How can this situation not be considered a disaster? How can Venture Supply and their insurance company not be responsible for not following the “International Safety Standards”? Why do companies pay thousands of dollars for insurance protection and yet have no coverage when needed? We homeowners did not cause this problem and should not be the one's left holding the bag!

When will the U.S. Government hold China responsible for the atrocities it has bestowed upon tens of thousands of innocent American families!?

House built 2001—Florida

My husband and I built our “dream retirement home” in Delray Beach, Florida in December 2001. We replaced the air conditioner coils in 2002 and 2003. In September 2004 we purchased a new air conditioner rather than replace the coils again. We replaced the coils again in 2007 and 2008 as well as replacing the heating element and fan. We replaced the light fixtures in our bathroom because of pitting, replaced mirrors due to black spots, have black “copper” pipes under the sink as well as black wires in back of the refrigerator and inside the electrical outlets. In April 2009 we hired an attorney and had the house tested. They found drywall that said “Made in China” and the air in the house was found to be unhealthy. My husband and I suffer from burning eyes, runny noses, insomnia, fatigue, coughs, headaches, memory loss, etc. We pray the house will be remediated. We are senior citizens living on a fixed income and cannot afford to move out of this toxic environment. We hope to see a positive outcome from this toxic disaster that will make us “whole” again in our lifetime.

We have just purchased a third air conditioner in 2011.
Please help us.

Forgot to tell you we don't have a mortgage on our home. Being seniors we cannot afford to move out. We need money to gut the house and rebuild.
Thanks.

Date: December 1, 2011

In August 2010, it was discovered that 75 percent of my new home (built 2006) was contaminated with toxic Chinese drywall. The drywall has caused several major appliance failures including new refrigerator, central air and heat units (over 10 services/repairs since 2007), fireplace, electrical wiring problems throughout home, and corrosion of bathroom fixtures. Currently, I have no air conditioning or heat because units are not properly working and I have had two minor electrical fires (refrigerator and door bell transmitter). The odor has become so unbearable to the point that I have been forced to move my family to rental property. The Hampton City Assessor has deemed my home uninhabitable and has decreased the building value from \$227,000 to \$100. I have attempted a short sale to a cash investor but my mortgage lender has denied due to low offer. Because I cannot afford to pay mortgage and rent, I am currently facing foreclosure.

Ms. Mbabazi,

For the record, I want to express my appreciation for the work done by this committee thus far on this growing issue of contaminated drywall. My family, here in Alabama, has been affected by this complicated disaster. I will not take up your time with our recent history of hardship and surveillance, only inform the committee that my family is stronger for it. Our value is here and available for any assistance we may provide the committee as it examines solutions. Please feel free to contact me anytime.

My family, here in Alabama, has been affected by this complicated disaster. I will not take up your time with our recent history of hardship and surveillance, only inform the committee that any family is stronger for it.

Our value is here and available for any assistance we may provide the committee as it examines solutions.

December 2011

Dear U.S. Senate Committee of Commerce, Science, and Transportation Members:

Our American dream has become an American nightmare. My wife and I are writing to express our imperative plea for legislative assistance regarding families effected by Chinese drywall. The CPSC and CDC continue to ignore long term health effects of people living in this toxic environment. No long term health studies have been released. *Please read this letter with vigilance and understand there are several people experiencing long term health effects of Chinese drywall.* In September 2006 we built a new home in the beautiful Ross Bridge community where our children would have access to wooded paths, community gatherings, parks, and a wonderful school system. We entered a lawsuit against the builder within 18—20 months after moving in due to numerous electrical problems including breakers tripping on a weekly/daily basis, Christmas lights catching fire, new bulbs blowing out frequently, failing A/C units requiring multiple repairs, appliance replacements (refrigerator, washing machine, three coffee makers, waffle irons, hairdryers and roller sets, etc.), and foundation issues. Soon after entering the lawsuit we discovered many of these problems were associated with Knauf Chinese drywall that was installed in our home. Within six months of living in the home health issues developed within all family members, but we were not aware these issues were related to the toxic air we were breathing.

In August 2010, eight months after learning we were living in Chinese drywall, we made a decision to move into an apartment to avoid continued exposure to the toxicity of hydrogen sulfide that was taking a toll on our children's health. Despite the enormous financial strain this created, the health of our children was paramount under current circumstances. Other families in our lawsuit have also moved out prior to litigation resolution to protect the health of their children. You may have read initial reports regarding the health effects associated with people living in Chinese drywall, such as nose bleeds, respiratory and sinus infections, skin rashes, itchy eyes, but the CDC is releasing new information regularly that is revealing other abstract health concerns that may not be diagnosed and treated immediately. *Neurological, circulatory, and decreased bone growth are surfacing that we have per-*

sonally experienced. No one can confirm the long-term health effects that may transpire from this tragic event. We feel compelled to share our health concerns that have developed since living in our home. It may contribute to your knowledge of the concern many families in Alabama are facing.

Health Concerns of [redacted] (age 44)

Chronic Fatigue Syndrome (aching joints; no energy; depression; loss of concentration; memory loss)
 Mycoplasma (320+ considered clinically significant—two lab reports reveal David's count at 1427 and
 1913—well beyond clinically significant—doctors cannot determine cause for extremely high numbers)
 Irritated Eyes
 MRSA/staph infections
 Skin rashes
 Respiratory infections
 Paranoia
 Severe Insomnia
 Depression
 Significant Strontium/Lead levels present in blood tests 1.5 years after moving out of house!

Health Concerns of Spouse, [redacted] (age 43)

Osteoarthritis and Rheumatoid Arthritis
 Joint pain
 Fatigue and loss of concentration
 Insomnia and depression
 Vitamin D deficiency
 Meniere's disease
 Significant Strontium/Lead levels present in blood tests 1.5 years after moving out of house!

Health Concerns of Son, [redacted] (age 12)

Multiple antibiotic prescriptions for respiratory infections
 Inhaler for asthma
 Sleep problems
 Anxiety
Major concern: 55 percentile drop in height and weight in TWO YEARS—Previously averaged 80–100 percentile
 Significant Strontium/Lead levels present in blood tests 1.5 years after moving out of house!
 Appetite loss

Health Concerns of Daughter, [redacted] (age 13)

Auto-immune diseases—celiac
 Development of seizures
 Concentration problems
 Vitamin D Deficiency
 Swollen lymph nodes
 Multiple antibiotic prescriptions for respiratory infections (three rounds of antibiotics from April–June 2010)
 35 percentile drop in height in TWO YEARS—Previously averaged between 90–100 percentile

There are other health issues, but we wanted to highlight those of greatest concern. *Some* of the above concerns have improved since moving out in August 2010, but our daughter continues to struggle with clinically significant auto-immune and Vitamin D deficiencies despite substantial changes in our regular diet. The physical development and decreased bone growth implications are unknown. Our son continues to be well below his projected height despite the fact we have been out of the home a year and half. Some research states strontium in the drywall replaces calcium. Bone and lung cancer are serious concerns based on preliminary research

released from toxicology experts conducting more in-depth research. Other Chinese drywall neighbors of ours have children who have also experienced many of the above concerns. It is too ironic for this to be occurring with several children in the same neighborhood with normal pediatric history prior to living in CDW. One week prior to moving out of our home, our son had a friend to spend the night who had a history of asthma. The child had not had an asthmatic attack in four years, but went to the Emergency Room the next day after experiencing the worst attack in his life. Chronic fatigue is still an issue with David who even recently continues to exhibit clinically significant mycoplasma lab results. *The CDC and CPSC are NOT taking this issue seriously as they have not looked into the particulate matter or heavy metals that have a greater impact on long term health.* Please read the toxicology report we will attach for further scientific research being conducted in one of the hardest hit areas, post Hurricane Katrina.

We share this information so you may have a personal account of the multiple financial and health matters that are effecting victims of Chinese drywall. Your leadership in assisting families in the same situation is greatly appreciated. We were debating the possibility of filing for mortgage modification through a forbearance, but have concerns of how this will effect our credit that has been superior to this point. Currently, our mortgage holder will only allow three months forbearance but will make us pay postponed payments at the end of three months, with additional fees attached. This is disheartening when we spent three years paying hundreds of additional dollars toward the principal of our mortgage, only to pay the loan off faster and save for our children's college education. We are forced to continue payment of a mortgage, rent, and utilities at both locations since our homeowner's insurance requires power and utilities to be turned on for coverage. We have spent close to \$50,000 of our children's college savings and personal savings to avoid exposing our children to the chronic health issues experienced! God blessed us with the financial means to move out sooner than later, but this is not the case for many other families in our situation.

We need all politicians to demand additional involvement and corrective action from The Department of Homeland Security, FEMA, mortgage industry, and other Federal agencies to provide assistance to families devastated by the import of Chinese drywall and other toxic imports. Many doctors are "scratching their heads" as to how to treat families who are experiencing many of the long term exposure symptoms that are now surfacing. China has continued to import a multitude of toxic products that are not only killing our citizens, but effecting our economy by forcing Americans to buy their cheap products. *We need updates on health studies immediately. Time is running out!* A neighbor in his 50s recently died of lung disease. . . CDW?

Please help us!!!! Demand more information from other governmental agencies. We voted for you to represent the people. People are dying from this and everyone wants to turn their head! If you would like additional information, please e-mail us. Our community is arranging town hall meetings, and we encourage you to attend.

To Whom It May Concern:

I purchased my brand new home on December 15, 2006. I took one month to make the home my own. Shortly after moving in I began to have numerous electrical problems in my home. I have spent close to \$70,000 in to this home.

The first things I began to notice in my home were numerous cable television problems. Cox Cable had been to my home around 15-20 times with in a 12 month period. I lost many DVR boxes and had television reception problems. During the first 12 months I was in the home, I lost an ice maker in my refrigerator, dish washer, and many other small appliances. In the meantime, I also lost three 50" Plasma Televisions.

I thought my house was haunted and actually became the joke of my friends. They would routinely say that my home was built on someone's grave. In the summer of 2007 I lost my air conditioner coils. I paid \$750.00 to have this repaired because the company refused to stand behind the installation. In the summer of 2008 I lost the same air conditioning coils again. At this point, I am really wondering what I have done to deserve all of this stress. Then in August of 2009, I was getting off work around 4pm. My neighbor comes over and asks if I was having problems with my home. I had never met the gentleman and he was very upset. After a long chat he and I had shared many similar stories. He and I decided that we needed to figure out what was wrong with our homes.

That night, I was determined to get to the bottom of this issue. I posted on facebook that my home was cursed. A friend read my post and said I might have

something that a friend of his has called Chinese Drywall. He gave me the number to his friend, and I called him. After a long chat with him on the phone I thought I finally might be on to something. I attended a meeting in Norfolk, Virginia about Chinese Drywall. This was when reality set in.

I thought to myself, this should be easy go to court and get this house fixed. Well after two years I am no closer to having resolution to this matter. I have not lived in the home for a long time now, as I am afraid to be in the house.

Our government has not done anything to stand up for it's tax paying residents against China, the builders, or the insurance industry to help us. I cannot even begin to describe the mental anguish this has caused in my life. I have always paid my bills, taken care of myself, and paid my taxes. I am almost 40 years old and wonder if I will ever be able to recover from such a devastating man made catastrophe. I have been denied homeowners insurance, a claim against my builders insurance. Why should I be left holding the bag for something I had no part of? I cannot understand why our government is not here to help us. After all, they are the ones that negotiate trade deals with foreign countries. Not me!! Everyone involved in the construction of my home should be forced to step up to the plate, and right the wrongs they have caused. I am afraid by the time our government does something, I will have already lost this home!!

UPDATE: I lost my home yesterday on November 29, 2011

Regards

Natasha,

Hi I was told to write you about health concerns with the Chinese Drywall. We did an addition to our home in 2006 and come to find out it was Chinese Drywall. In May of this year our then eight year old son suddenly developed a severe headache. I gave him tylenol and he laid down then I went to check on him and he couldn't pick his head up or turn his head. I took him to Dr. [redacted], when we got out of car he was having trouble walking on his own. The Dr. sent us to E.R. to check for meningitis. He had a spinal tap and did not have it, so they gave him strong antibiotics and sent home. His white blood level was elevated high. He slept most of the next day (Thurs.) then on Fri. I went to wake him up and he could not get up. I helped him sit up on the bed and he cried when I moved him. He could not stand up and said his legs felt weird and would not work. I took him back to Dr. as he cried all the way there. We had to put him in a wheel chair to take him in and his legs would not work. He also was having a severe headache. The Dr. could not get a reflex on his legs. He finally calmed down after about 4 or 5 hours and was finally able to walk. The Dr. wanted us to go have lunch and come back for some of blood results. We went back and he was able to walk in and the Dr. and nurses were all relieved. The blood tests did not show anything so he wanted us to follow up in a few days with a Neurologist.

We left and as we got close to our car he said "mom my legs feel weird again" and they gave out. I caught him and we put him in the car where he started screaming with his head again. Took him back into the Dr. and he sent us to USA Women's and Childrens Hospital where he spent 3 days. Doctors could not pin point anything and we did say something about the drywall and the Dr. said we were the second family that week to ask about drywall problems. They sent us to another Neurologist and Rheumatologist and he had MRI's, nerve test, and EEG done and found nothing. The doctors have all been baffled.

Long story short, he had about 2 or 3 episodes a week for 4 months and after everyone asking if we thought the drywall could have anything to do with it we paid someone to tear out the drywall out of the addition and have been airing the room out and blocked off from rest of the home. His episodes after 4 months have basically stopped now.

Also another thing I really wonder about is, my four year was born with a birth defect of the eye. It did not develop in the back and she had Cataract, Detached Retina, a mass behind the eye and a distorted optic nerve. She was a full term baby and the Doctors were baffled that she was not a premie with all those troubles. I was pregnant with her when we did the addition and always in that room. She almost lost her eye and get a prosthetic. She is now blind in that eye. This is just 2 things that concern me about being linked to the Drywall. Anyway I have a journal of the stuff with my sons' problems. I am curious if anyone else has had any of these health problems associated with this drywall.

Thank you for your time and hard work.

December 5, 2011

Ladies and Gentlemen,

I just watched footage from a hearing you had on this very topic on May 21, 2009. How completely sad that it is over 2 years later and you are having another hearing on December 6, 2011 "Contaminated Drywall: Examining the Current Health, Housing and Product Safety Issues Facing Homeowners". Nothing seems to have changed in my mind for the Homeowners. Have you been able to sleep comfortably in your homes since 2009? My family has not. Have you been hounded by your bank, ignored and dismissed by your insurance agency? My family has. Through no fault of your own have you been pushed to the brink or over it financially? My family has. Have any of you lost a beloved pet, because the air in his home was toxic? My family has. The current "issues" are the same "issues" we had 2 years ago or 5 years ago. The victims of this disaster need you to examine how to help us now, right now.

My testimony is: my home has toxic Taishan Chinese Drywall. All the metal in my home is/was corroded, pitted and black. My family and I had nose bleeds, respiratory problems, lethargy, headaches, skin rashes and situational asthma. We fled our home to a rental, rather than risk our health any longer. Our homeowners insurance denied our claim and then non-renewed us. I reported to every local, state and Federal agency. The only help came from Lee County Property Appraiser; they valued our home at \$0. We joined the lawsuit in Louisiana. My bank, Chase, who owns stakes in Taishan drywall and who has been bailed out by our government quickly, after much harassment of us, finally gave us a special forbearance. But we can only have 2 choices, special forbearance or short sale for 6 months. They are waiting to see how this all shakes out in terms of money for them. I cannot take the Federal tax exemption because I have not remediated. There is stress involved in every aspect of this disaster, even down to little things like getting out of a cable contract prematurely because your house is rotting their equipment, because no one cares if you have toxic drywall or not. This is only a brief synopsis of the living hell we victims endure on a daily basis.

Our country gives billions of dollars in aid to other countries, we are building houses in Haiti and meanwhile there are over 10,000 families in the U.S. suffering because our government allowed this toxic product into this country and our government is ignoring this crisis. Please end this madness, now.

Toxic Home: Cape Coral, FL built 2006

Addendum:

Please do not think that yesterday's settlement news from KPT has been the magic answer for the Victims of Toxic Drywall. Thousands of us still have Taishan drywall or American drywall. Judge Fallon is going to Hong Kong next month for Chinese depositions and the American drywall victims do not go to trial until May!

As for the science part of this drywall fiasco, I would like to add my thoughts. My home has been vacant since approximately October 2009, with no air conditioning on, in SW Florida. There is no mold growing and there are no bugs alive in it. I have seen pictures from other victims of dead rats. Nothing can live in these toxic conditions.

I personally think some of the science must have to do with drywall eating bacteria, but I am not a scientist.

I am a homeowner, who has paid her taxes her whole life. I have been blindsided by Chinese Drywall that was allowed into this country. I have been abandoned by almost all government entities. Do you know what it felt like to watch the President of the United States wine and dine the President of China? Why has he not uttered the words "Chinese Drywall" yet? Why hasn't he surveyed the damage this disaster has caused, like he does with other disasters? Ask him for me please.

I would also like to address the Federal tax break again. It is real simple. I have documented toxic drywall, I can have a catastrophic loss deduction. Done. Not the convoluted law we have now, that only if it is remediated silliness. That is what I would like to see.

I implore you to help the Victims of this disaster now and do not allow toxic imports in again, for my children's sake.

Do not drop the ball. We Victims need help!

Thank you.

We were so happy to move to our final home on November 10, 2006. This was to be our home that would take us through our retirement years. We are now living a nightmare. We discovered in July 2009 that the home we purchased was built with Chinese drywall. The Chinese drywall was causing many physical problems in

the home and for our family personally. All three of us have had physical ailments as a result of having Chinese drywall in the home. Seven months after living in the home, our golden retriever, Kramer, died of kidney failure. Our second dog, Bailey, died in December 2008 of respiratory issues.

Now we know why all of these things happened. Chinese drywall!

We purchased and moved into our home in November 2006. After living in the house for seven months, we began to experience problems with the air conditioning. As of August 2009, we have replaced six to seven coils in two AC units. We have had major repairs to our flat screen TV, computer hard drives and monitors that crashed, small appliances that failed, a dryer that stopped working due to circuit board failure, and electrical outlets that had to be replaced. Physically, we have experienced unexplained rashes, respiratory problems, headaches, fatigue, insomnia, chronic coughs, and muscle pain. The smell in the house is in our clothes, furniture, mattresses, linens, and silver jewelry and flatware have turned black and are unable to be cleaned. When we opened our windows, our neighbor complained of the smell that came from our home. We have documentation to prove all of these issues.

Upon learning of the problem, the stress has become unbearable. We moved out of our home immediately in August 2009, leaving our belongings behind, and filed a lawsuit because we had no other recourse since the builder and insurance companies were of no help. We are thankful that our AC repairman was the one that discovered the cause of our problems. We are depressed and saddened at the current status of our life. We worry about our two other dogs that lived in the house all day long. The outcome of their health and our own is yet to be known. If the drywall is corroding copper and other metals within the home, what is it doing to our bodies?

We are currently living in a rental. Our home was sold in a short sale in November 2010. We lost \$400,000 in equity. This was a major investment for us and through no fault of our own, we lost it all including the home we loved. Selling the home was in our best interest and that of the mortgage company. Hanging on to a home you can't live in with a forbearance on your mortgage, only keeps increasing your debt to the mortgage company. The increasing debt has caused many families to file bankruptcy. We are glad that we were able to sell. Had we foreclosed, the mortgage company would have been stuck with a home in poor, uninhabitable condition. The short sale has caused our credit to be hit and it will be affected for seven years. Families that are dealing this will be held prisoners by their credit. They will not be able to purchase new homes or buy cars at a decent interest rate, if at all. We have always maintained excellent credit, and now because of Chinese drywall that has also been damaged. We are not deadbeats that have not managed our finances. We attempted to get a new loan and were told by a bank and mortgage company to come back in three years. They did not even want to deal with us. Our local community bank is giving us an adjustable rate mortgage at 5.5 percent that they are holding on their books since it cannot be sold. This is not a bad rate, but rates for conventional loans are much lower. We will have to refinance later to get a conventional loan when our credit rates improve. Another financial burden! New rules for the underwriting of mortgages and loans need to be updated to make provisions for homeowners that were victims of Chinese drywall. Chinese drywall is an "extenuating circumstance", yet there is nothing written about that so loans can be given. This is something that the government can do.

We are victims of Chinese drywall. This product was allowed in our country. Please work on safety regulations for imports and make foreign countries abide by our regulations.

We will continue to move ahead and work with local, state, and national officials to rectify our situation and the situation that countless other hard working, tax paying citizens are facing. As of today, very little if anything has been done to help American citizens in this situation. We received two forbearances on our mortgage prior to selling the home in a short sale . . . this is only a band aid on a much larger problem. We did not cause this situation and we need help from our government to assist and ensure safety standards for all Americans. We have contacted the White House on numerous occasions and have not heard one thing back regarding our situation. We run to foreign soil at the drop of a hat. Why can't our own country do something to help its own citizens? You have done nothing! We are ashamed to be citizens of a country that does not come to the aid of those that do deserve it. We will tell you that each and every family that we have met that has Chinese drywall are hardworking American citizens that pay their taxes and contribute to society. We deserve some help as well. Our government is a travesty! Actions speak louder than words and we are tired of the lip service we have received. Wake up and take action! Help the hard working American citizens and their families that have been victims of Chinese drywall.

December 8, 2011

ADDENDUM TO TESTIMONY

I attended the U.S. Senate Committee on Commerce, Science, and Transportation on December 6, 2011 in the Russell Senate Building. I would like to add my comments regarding the health aspects and credit issues in the form of an addendum to my testimony turned in prior to the hearing.

It was noted by the CPSC and the CDC that there is no specific cause for concern regarding health issues and toxic contaminated drywall as a result of their studies. How do we know what significant levels are for exposure to these gases from the drywall? It is very possible that just an average number was used based on the studies. In their studies, did they use a significant number of homes where physical complaints to this exposure were reported or was it just a random sampling? Every home may have been different based on the geographic location of the home.

Our family had two very healthy dogs until we moved into the house with Chinese drywall. The dogs are in the home 24 hours a day for the most part and stayed by the front door on the lower level just waiting for us to come home. The gases are heavier on the lower levels as we now know. Our home had three levels. Seven months after moving in, our golden retriever developed issues with his kidneys and could not recover from them. For a week to 10 days, he was at the vet for treatment. My husband, [redacted] also had some issues with his kidneys that required treatment. Our standard poodle had a skin reaction that caused her nose to become crusty, peel and then crust up again. This was ongoing the whole time we lived in the house. She died two years after living in this house due to respiratory issues. My husband had a severe rash that could not be explained by the doctor. He called it "contact dermatitis" and the doctor told him something was irritating his skin. No changes were made to detergent or anything else that could irritate his skin. It looked like he had chemical burns all over the trunk of his body, up his neck, and onto the scalp. Nothing made it go away. Our daughter, who was away at school, would break out in a rash on her lower torso, and strangely enough when she went back to school, it would disappear. This only happened to her in this house. We lived in both houses when she was in college. I had a chronic cough, headaches, and fatigue (and I am a high energy person that used every minute of every day—not in this house). About three months after moving out of the toxic home, our physical symptoms went away. We wonder; if the gases corrode metal pipes, what do these gases do to the inside of our bodies? Only time will tell. What families have reported is enough to know that you can't live in these houses. I felt the need to explain in more detail the physical problems that we experienced.

Congress also needs to address the financial situation that has been created by the Chinese drywall situation. Forbearances were only a Band-Aid solution for a much larger and longer lasting problem. Forbearances allowed us to move out of our homes and rent something. Forbearances were short-lived. Banks are not going to continue to give them to you and your debt keeps rising for a house that is uninhabitable through no fault of your own. I addressed this in more detail in my original testimony submitted prior to the hearing. It has come to my attention that if the credit is able to be restored for some families, that it may not be retroactive. Please do not do something for "some of us" and not all of us. We had our short sale a year ago. We have no idea at this time how long this will affect our credit. According to the info I received from the bank, it will be seven years unless it is an extenuating circumstance. I have yet to really get a clear answer on "who" makes that call. Who is going to tell us that we did have an extenuating circumstance? When will we be able to get a conventional loan? Don't penalize good, hardworking Americans that were victims of Chinese drywall because they could see that nothing was going to be happening anytime soon. We had to act responsibly regarding our finances, as we always have our entire lives.

When you think about it in our situation, we dealt with the problems caused by the house with Chinese drywall for two and a half years. We had the physical problems both with the house and personally. These resulted in numerous expenses for items that were not covered by warranties—appliances, electronics, AC coils, vet bills, and personal medical bills. Insurance did not cover any of this. And now, we have been out of our house for two and a half years. All in all, we have been dealing with this nightmare for *five years*. We need help now and not years later. We should not be penalized. We are well aware that not every individual that had Chinese drywall had the same credit ratings. You can make some decisions that would restore our credit back to what it was prior to having had to have a foreclosure, a short sale, or a bankruptcy. Make decisions that will help all of us—not some of

us. Please do not form another committee to investigate. Take action now and please do it as soon as you can.

Think about it this way. It is your house and your family. What would you want done to help you recover?

To Whom It May Concern:

On November 1, 2010, we bought our dream home at [redacted]. We bought this home thru a Foreclosure. We hired a Chinese Drywall "expert" to examine our home to determine whether or not it had defected drywall. The report came back negative so we proceeded to purchase the home. Within days, we experienced unusual health problems. My 8 yr old (7 then) developed Hives from his groin area to his knees. He had never had Hives before. My 5 yr old (then 4) developed upper respiratory problems for which he was put on an inhaler. He had never been put on an inhaler before. My wife developed daily Migraines. Now, she gets Migraines on average 1 migraine every month. Always around her menstrual cycle or if a large weather front comes thru. I have known my wife for 18 years and never has she had more than 2 migraines in a month and this was DAILY migraines. My 2 yr old (1 then) developed an upper respiratory infection and her first ear infection. She has not had a respiratory or ear infection since we moved out over a year ago. Personally, I developed heavy breathing. It was like someone was standing on my lungs is the only way I know how to explain it. Even with all these health problems, I first attributed them to the "stress of the move". However, after about 3 weeks of living at [redacted], we received a letter from Doyle law firm stating they had evidence that over 450 sheets of Knauf Drywall had been invoiced to our house back when it was originally built in 2007. After almost throwing the letter away (remember the part we had a Chinese drywall Inspection done) I decided to call Jimmy Doyle. He came out to our house the following day and within 10 minutes had located an entire area with Knauf "Made In China" drywall. I contacted our pediatrician and informed her of this discovery. She advised us to vacate the premises immediately. So, after living in our new home for about 3½ weeks, we moved out of the house that night into my Mother-In-Law. To put it lightly, it has been HELL for our entire family since the discovery of the Knauf drywall. On a good note, all of our symptoms went away after a few days of being moved out of [redacted]. However, I do not need to wait for tests to determine if this will cause very serious health problems over long exposure. I know first hand what it does to your body in about 3 weeks, so common sense tells you it will only get worse with long term exposure.

We are in the class action lawsuit against Knauf. It has been VERY slow moving. However, at least until now, our bank, Regions, (who sold our mortgage to Freddie Mac after I told them of the drywall problem) has issued a forbearance on the loan. We cannot afford paying a mortgage payment and rent payment, nor should it be expected of us. We also have a lawsuit against Griffith Home Analysis (the supposed "Chinese Drywall Expert). I hope this e-mail helps, I really can't stress enough the emotional strain we have been under. Please feel free to e-mail me back with any questions you may have.

Thank you for any help you can provide.

Chinese/American Defective Drywall

I am a Disabled Veteran who purchased a new home in 2007. My home was built in 2006, and contains United Gypsum. After living in our home for 39 months, and 6 hospital visits, with two additional visits post-moving, we are still waiting for help from someone!

I listened to the Commerce, Science, and Transportation Subcommittee Hearing on Drywall recently by videocast. I am quite dismayed by some of the answers that were given, especially by Mr. Cowen in his testimony before your committee. I believe that I may answer some of the questions that you were looking for.

Drywall Differences

What most people don't seem to comprehend is that there are similarities between the true Chinese Drywall, and the American Drywall, but there are vast differences also. The true Chinese drywall that is marked (ex: Taishaun, Knauf, China, or others) turns everything black quickly, you normally lose you're A/C coil quickly, and most of the time there will be a smell such as rotten eggs. At least with these signs people can get out of their homes much quicker.

But with the American Drywall such as mine, as I only have United States Gypsum, we had A/C issues right from the start. We started feeling sick about 6 months

in, and other things happened that were unexplainable. The lights would flicker, we started losing small appliances, and at times we thought we smelled something.

Then we lost our electric kitchen stove, and then the water heater went, and my wife started having kidney issues. Being a Disabled Veteran with an already compromised immune system, I started having additional breathing issues. This was followed by kidney problems also just like my wife had. Then I had blood pressure problems for the first time, followed by heart problems.

Now over 4 years later we have discovered that it took our home with American Drywall about 2–2½–3 years to become fully evolved. It seemed to evolve and cook more and more throughout this time period. You could notice the progression, if you inspected the house about every 3–4 months. You could see the changes in the copper wiring, and the odor increased significantly. In the American Drywall homes it comes across as a sweet-sickly, chemical smell, and you can taste it on your lips and tongue. I and my wife, (but more myself) have become so sensitive after living in this for so long that when we cross the threshold of a door we can tell if that home or building has bad drywall in it. In some cases you do not even have to make entrance, as you can smell it coming from the soffit under the eaves of the house.

Commercial Exposure and Food Products

I am very concerned as in this past year we have discovered many commercial businesses that have bad drywall. I have tried talking to the Managers, but most of them usually think that I am crazy, or have come back later and stated that they checked and do not have any problems. I am in the process of sending a letter to the Health Department of Florida listing the businesses I have observed bad drywall in.

My biggest concern is the food stores with the meats and open exposed goods. Also the gases that permeate the cardboard boxes. We have discovered stores from Estero to Sarasota, Florida. In Estero alone there are in a 5 mile radius 4 Publix's, 2 Super targets, 1 Sweetbay grocery stores that are infected. Then there are 2 extremely large shopping malls that were built during this timeframe, and we have discovered some of these businesses have bad drywall.

Residential and Real Estate Dealings

We moved out of our home in the middle of October 2010, and moved about an hour South to Estero, Florida in a home that I knew was free from any bad drywall. Prior to our first year expiring we started looking for a place to rent, back in the area where our home is located.

We were shocked as we searched for a place to live, finding mainly homes that were exposed to bad drywall just like our own home. The smells were identical to our own. What was even more frightening was the fact that some of the homeowners and Realtors, knew that the homes contained bad drywall, or that at least there was a problem. Others were in denial, and even after I talked to them trying to educate them, I also told them some websites to assist them in learning more about the problems, many of them didn't care and still rented or sold the homes to unsuspecting people. In a 3 month period we encountered over 50 homes, as well as some Real Estate offices that were contaminated.

Foreign Drywall

One of your committee members inquired at the hearing if anyone knew of any foreign entities that had bad drywall. I wanted to shout through the webcast at that time because my wife was back home visiting her mother in Yalta, Ukraine. My mother-in-law's apartment is on the 1st floor, and constructed of all concrete inside. About 1 year ago she had some new windows and interior doors replaced. In the bedroom my wife grew up in they installed a new wooden door, and they had to add some drywall around the door after framing. This was the only drywall in the entire apartment and it was Knauf brand. When my wife first arrived at her mother's, as she entered the front door she smelled the drywall, as stated before she also had become quite sensitive to the odor.

Drywall Time Frames

In our search for a place to live we encountered mostly homes that were built in the years of 2004–2006. But we did find homes that were constructed in different areas, by different builders, in 2008 and also in 2010. We also found many older home when we changed our search requirements, that had been remodeled and contained contaminated drywall.

Builders, Suppliers and Installers Knowledge

As a homeowner and also a Victim of this Disaster, I am enraged that many of the builders, suppliers, and installers were aware of the drywall problems back in

the year “2006”. When the judge opened the Settlement Agreement in the Miami trial, that was made between Knauf and Banner Supply, after reading the documents it made me sick.

If these facts had been revealed to the public, I don’t think that many of us homeowners who are sick and suffering, would be in the position right now that we are in!

Conclusion

My wife and I are still sick, with an unknown future as to our medical health. We are out Thousands of Dollars, and our Credit has taken a hit because we could not afford to pay our Freddie Mac loan and rent at the same time.

I would like the opportunity to speak before your panel because I am tired of listening to experts who know nothing, and sugar coat all the facts and details. I have lived it, I have breathed it, I have studied it, I like the other tens of thousands have had the same medical symptoms—I have suffered it, so why not ask a real professional—I do have many answers and also some suggestions for a solution.

Re: The Toll Chinese Drywall Has Taken On Our Family and Community

We want to share the absolute tragedy our family has faced as a result of a toxic foreign product which was allowed into the United States. We are 100 percent innocent victims who will pay the price for this oversight the rest of our lives, and we are pleading for help from our political leaders.

In 2006 we wanted to move our growing family into a larger home in a promising development. We moved in August of ’06. Immediately after moving in we began experiencing problems with the home and unexplained health symptoms. The builder had a long “punch-list” of items which were never completely resolved and resulted in us and several of our neighbors taking legal against the builder after 18 months. Upon lawsuit inspections, we discovered many additional issues with our homes which were in direct code violation and never should have passed inspections. Then, in September of ’09 we also discovered our home was built with Knauf Chinese Drywall—as were 35 percent of the homes on our street.

Problems with our home:

- Water flooding and year-round standing water in the yard due to improper drainage and grading. Water ran underneath the home soaking support structures and elevating moisture levels. Later we would find that this elevated moisture further exacerbated the off-gassing of our Chinese Drywall.

The following are all issues resulting from Chinese Drywall:

- Failing HVAC system: frost on interior walls from Freon leaks, five failed AC coils, and the furnace setting off smoke alarms etc. There were 9 HVAC repair visits in the first year.
- Wiring problems: lights which turn themselves off and on, light switches which “pop” when used, and rooms full of lights which would “dim” when an appliance was turned on etc.
- Failing electrical and appliances (big screen TV, smoke alarms, security system, constant replacement of light bulbs, washing machine, stereo receiver, DVD players, speakers, computers, printers, and multiple small appliances which stopped working after 3–4 months etc.).
- Batteries which quickly died, including car batteries from the vehicle which we parked in the garage. Our family van had 2 batteries die in the first year of use.
- Smoke alarms and the security system would sound for short intervals and then silence. In one 2008 instance the fire department was called. When the firefighters arrived at 3:00 a.m. they said the home smelled like burnt matches (sulfur) but could not locate a fire. Later we would learn that many other victims were experiencing similar alarm problems due to CDW dust on alarm sensors.
- The drywall itself is “weak” and crumbles around nails and hanging brackets in the wall. A large 4’ x 7’ mirror pulled away from the wall and fell toward our 3yr old while he was at the sink. The nails and brackets holding the mirror up were black and corroded and the sheetrock itself had crumbled and given way. Several wall hangings and curtain rods fell off the walls in similar fashion. On another occasion our 7 yr old accidentally slid into the wall while running and punched a hole in the drywall with his knee. The drywall gave way under relatively low-impact.

But all of these issues pale in comparison to the severe health problems my husband, I, and our three young children have faced in the last four years. *Health symptoms started with the tell-tale nose bleeds, respiratory and sinus infections, skin rashes, itchy eyes, chronic coughing, but grew to include broader neurological, circulatory and bone growth delays.* These are all outlined as the effects of hydrogen sulfide, strontium, carbon disulfide and carbonyl disulfide poisoning. This information is available via the National Library of Medicine.

We discovered the vast majority of our home was constructed with Knauf drywall in September of '09 and since have learned that the following health issues follow similar patterns across the nation:

- In the first few months in our new home, my husband developed severe sleep-apnea to the point where he was having an apnea every 60 seconds while sleeping. Sleep deprivation and pulmonary strain followed.
- Our youngest child immediately developed chronic chest congestion and was diagnosed with asthma which required he receive nebulizer treatments 2–3 times a day.
- All three children (ages 18 months, 3 and 6 at the time) quickly developed skin rashes, eczema, bladder infections, yeast infections, loss of appetite, ear infections, and repeated respiratory complications. The children would constantly cough after waking—a symptom which would go away when they left the home or were in school.
- Adults suffered chronic fatigue, loss of sense of smell, memory loss, inability to concentrate, insomnia, nausea/vomiting and depression.
- Visiting family members became ill—65 year old father was hospitalized with pneumonia and 61 year old mother developed a severe sinus infection after staying with us for just a few days.
- Every member of our family was diagnosed with ADD/ADHD within 18 months. This was accompanied by high-anxiety and irritability requiring medication for all, ages 4 through 45.
- Our youngest child spent the majority of his life developing in this toxic home has experienced the most severe symptoms. After four years of symptoms, he was tested by the Hoover school system in the spring of '10 and diagnosed with high ADD and had boarder-line Autism scores. He was issued an IEP and placed in Early Intervention Pre-school. *Additionally his growth rate dropped from 97 percent percentile at age two, to 30 percent percentile at age 5.* Tests were conducted for endocrine function, growth hormones, celiac disease, liver function etc. and all came back normal indicating something else was the cause. In June '10 we believe we discovered the cause; our Knauf drywall contains very high levels of strontium. Our drywall was inspected with an XRF detector revealing boards with strontium counts as high as 3300 ppm when the allowable level is below 200. Strontium is absorbed into the bone and replaces calcium, stunting bone growth.
- *By July of 2010 we had spent thousands on doctor visits and had over \$700 in monthly prescriptions to treat all of our health symptoms.*

We then made the difficult decision to evacuate our home to alleviate our children's current health problems and for fear of future health complications. Since moving out of our toxic Chinese Drywall home:

- The children's appetites have increased and all have gained weight. The youngest grew a 3 inches in the first year we were out of our toxic home.
- Skin rashes have minimized and there have not been any bladder or yeast infections.
- All have been able to reduce medication.
- And most importantly, our youngest was re-tested by the Hoover school system in October and scored completely "normal" for his age and no longer needs ADD medication.
- Unfortunately, many health symptoms remain and doctor visits are frequent.

We are thankful our health problems are improving, but we are now faced with the financial burden of paying our mortgage, rent and utilities on two households which is unsustainable. *We filed suit against the manufacturer in '09, and while the legal process is moving quickly, homeowners like us are running out of time.* Settlements are only covering repairs and 3 months of relocation and are still many months away. Like many homeowners, we will be faced with months of relocation

costs which will never be reimbursed and forbearance costs for which we'll never be compensated.

We are sharing this personal information so you can understand the toll Chinese Drywall is having on many families in Alabama. Current AL statistics are significantly understated and true impact could be as high as 3500 homes based on the gap between reported vs. confirmed cases in Ross Bridge. *Your leadership and focus on this issue is imperative.*

We purchased our "retirement" home in Sun City Center, Florida in February of 2007. Built in September of 2006, it had never been lived in. It was a home we could be proud of and fit our lifestyle perfectly, as we love to entertain. We also enjoy having family and friends visit us when it's cold up north and they need a break from snow-shoveling.

We noticed a "different" smell to the home. It didn't smell like most new homes. But we thought that was due to it's being closed up for a few months. After we moved in, we noticed some discoloration of many of the metal items in our home over time, but didn't think much of it. We found that we both suffered a few more headaches than we usually did and our eyes bothered us, as they often itched or burned. We treated both with over the counter medications.

In 2009 we learned that we had Chinese Drywall. From that point on we have learned, through experience, what living with Chinese Drywall really means. We have had to replace our air-conditioning coils and one very expensive refrigerator. Our lamps are not working well, many of our switches for our overhead lights have quit working and our smoke alarm has failed. Additionally, our mirrors are getting little black specks or drips in them. Our fixtures are getting pitted in our bathrooms. The replacement refrigerator had to be fixed (fortunately not replaced, this time). Some of our jewelry and decorative items have turned black with corrosion. Anything silver is tarnished beyond normal tarnishing.

As the economy has affected the value of homes, our home has taken an even worse hit. It isn't worth anything. The house is totally unsellable at any price. We have received a little help from Hillsborough County, in the form of real estate tax relief. Our house has no value as far as they are concerned. And there are no instructions as to how we might be able to claim this loss on our taxes.

This house is a sick house. We don't know the full ramifications of the long-term effects on our health as a result of living in this house. But we do know that it has already been costly to live in this house, compared to living in a similar home of the same design and age.

We victims of Chinese Drywall deserve for our government to back us. This is too big a problem for ordinary citizens to solve without the help of those who should be overseeing the products that come into our country. For most people, one's home is their largest single expense. Most of us don't have the necessary resources to fix our homes. Through no fault of ours, we are having to pay for the problem financially, physically and emotionally. Please help.

I finally after 47 years had the money to build my dream home on my little 8 acres of paradise in the country. After working and saving and paying on mortgages and children and I could finally say I had accomplished something. Every penny I had would go into this little home, so that I could afford to live there in my old age and leave something to my daughter. Two years after moving in the nightmare was realized. My A/C stopped cooling it was still under warranty so I called my A/C man, it was then that he told me I had Chinese drywall and what it had done to my A/C coils. I began my research, and then understood that strange smell the sinus problems and headaches that I had had. I could not afford to keep fixing my A/C I now have an abandoned home, no money to fix it its been a disaster to me just like if it had been a tornado or hurricane without insurance! My daughter had given me a house warming plaque to hand over my front door, it reads, "God is the head of this home and the unseen guest in every room". I still have it hanging there, because it seems that he is my only hope, no lawyer, and no government cares about the injustice that has happened to all of the CDW victims.

Dear Senate:

I have written numerous letters to agencies around the county all-the-way to the president of the United States of America I hope this will have different outcome.

There a few words to describe Chinese drywall a living hell a nightmare you can't wake up from. Financial disaster

December 08, 2011

RE: TESTIMONY CONCERNING IMPACT OF CHINESE DRYWALL FOR THE SENATE
COMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Dear Senate Committee:

This letter is to document the negative life impact created by owning a home that was constructed with Chinese Dry Wall (CDW). I am one of the many homeowner's, whom through no fault of their own, discovered their homes contained "toxic" Chinese dry wall.

I purchased my condominium at [redacted], Williamsburg, VA, in October of 2007 after retiring from 27 years of service in the U.S. Navy. It was a lovely home that suited our every need. After the first year of living there however, we began to notice that something was not right; as my wife and I were often ill and suffered enduring headaches, skin rashes, burning eyes, and respiratory distress. As a hard-core runner, the respiratory issues began to take their toll on my running performance. With the summer heat of 2009, the toxic fume level inside the home had become extremely noticeable and very unbearable. Then that August, the builder informed me that he had received word from his drywall supplier that shipping records indicated that the home had been built with a significant amount of Chinese dry wall installed. I immediately had the builder test the home. If our health issues were not evidence enough, his actual tests without doubt, confirmed the presence of Chinese Dry Wall.

We were forced to evacuate the home on 31 AUG, 2009 due to the extremely unhealthy environment that was actually worsening each day. My wife and I had no other choice but to remove all our household possessions from the home for further risk of them being cross-contaminated (the toxic hydrogen sulfide fumes emitted by the Chinese dry wall actually penetrate and are absorbed by anything that is porous or permeable; clothing, pictures, books, paintings, upholstery, bedding, mattresses, etc.). We temporarily relocated to a hotel for three months while we attempted to negotiate resolution with the builder. After numerous unsuccessful attempts at engaging the builder to remedy the situation, I was forced to take legal action and I joined a forming class action law suit, as well as a case filed at the State level. These suits are against the entire supply chain involved with the manufacture, procurement, distribution, and installation of the Chinese dry wall in our home.

The Federal District Court in New Orleans heard the original six cases for homeowners involved from Virginia. The presiding judge, [redacted], ruled in their favor, however since the ruling was against a Chinese company, appropriate restitution has not been forthcoming. Additionally, the other part of his ruling determined the "official protocol" for remediation, which to date had been in question (remove just the Chinese drywall, or gut the entire home?). His determination at that time was the only acceptable remediation method is the complete gutting of the home down to the framing studs. This includes removal of all insulation, ducting, appliances, wiring, plumbing, etc. to prevent any further cross-contamination. He estimated the cost at between \$80-90/sq ft, meaning a 2000 sq ft home such as ours would cost as much as \$180,000 to remediate fully, to restore it to a safe and livable condition. His remediation protocol has since been refined slightly by the CPSC.

After three months of hotel living and no reasonable solution within sight, I purchased another property at my current address in December 2009 to help restore some "normalcy" and sense of balance to our lives. This was an important step in trying to place behind us the absolute nightmare and absurdity of the previous three months in losing our home for no visible or apparent reason. As a side note, while moving in to our new home we had to discard over \$30,000 of our personal possessions due to their being cross-contaminated by the fumes (they stank of the noxious gas). This was a considerable financial burden in itself to replace these possessions, and having to essentially "start over" to equip our new home (this was NOT covered by homeowners insurance).

We were then in a situation where we are paying over \$5000/month in mortgage cost alone for two homes; one of which is completely vacant and useless; a *true financial "black hole"*. Through no fault of our own, we were left with a property that *we could not sell, we could not rent, nor could we "live" in it*. The property was completely worthless until proper remediation could be performed to remove the toxic Chinese drywall restoring the property to a "clean and livable state". It was during

this time that I requested a forbearance from Wells Fargo. I was asking for some “relief”, or time, while the legal process was taking its course and future corrective action could be directed. *I was doing everything in my power to do the right thing, fulfill my obligations, and to prevent a foreclosure on the loan.* Wells Fargo did not grant a forbearance, but they did allow for a loan modification that lowered my monthly mortgage by about \$200/month.

Thankfully, in October of 2009, I received an offer from the builder to buy the property back, however at a significant loss to me of my down payment and equity, as well as having to cover the remaining balance of my loan. I originally purchased the condominium in October of 2007, at a selling price of \$427,000. Faced with the situation of paying two mortgages, on two homes at close to \$5000/month, and *one of which is completely vacant and useless*, I made the decision to accept the builders offer of \$220,000. As part of this agreement, I also had to agree to drop any further claims against the builder in any future CDW legal actions. We settled on this sales transaction on 21 December, 2010.

I had requested from Wells Fargo a “short-sale” of the home, since my loan balance was \$325,000; however, I was disapproved because of for all reasons, I was *not* delinquent on any of my payments. You had to be delinquent on your payments to be considered for a short sale; which is an absolutely absurd policy that penalizes those homeowners who are doing everything possible to NOT be delinquent in their payments (less it affects their credit score). Since I was not approved for a short-sale, I then had to pay the \$105,000 difference from my savings to cover the remaining balance of my loan and protect my credit score. This completely wiped-out my savings; however, the builders offer to re-purchase the home was an opportunity to put this nightmare behind me, even though *it was a catastrophic loss and at great cost.*

Besides the obvious financial impact, and potential health complications that are still being evaluated, there is the “human and moral” impact side to this story. To be sitting in your lovely home one day, and then to have it completely useless to you the next, for no reason of your own, is truly incomprehensible. It’s just not right. The feeling that you have been “violated” is overwhelming, and it continues to be with me each and every day. I lost my home; then I lost my savings to get out of it, and into a new one; and then I lost my wife, as the duress and strain dealing with this unbelievable nightmare for two years was a stress our relationship could not endure. This nightmare of Chinese drywall was at great cost to me, and not for anything that I did wrong. Please help the victims of Chinese drywall who are completely innocent Americans who did absolutely nothing wrong to bring this catastrophe upon themselves.

Thank you very much for your time, consideration, and assistance in helping those of us homeowners who have been significantly impacted by the effects of Chinese drywall.

TESTIMONY, (KNAUF—TINJUIN DRYWALL)

My family, [redacted], had Chinese drywall in our home. We remediated last year from January 2010—August 2010. We Could not afford an apartment so we moved in with our in-laws. I did a lot of the work myself since I work for a contractor. During the demolition process my brothers and dad helped me remove the gypboard, insulation, cabinets, wood trim, doors, we salvaged cabinets and doors, basically had to trash the remainder. We would do this work at nights after work and weekends. Most of the time working to midnight. We had to use our savings and take out a home equity loan to pay for the efforts, also plenty of credit card debt, which is mostly outstanding. I was able to subcontract out the remediation and testing. I did have to clean every square inch of insulation from the studs and plywood. This alone took about a week of scrubbing the wood and using a shop vacuum to remove the insulation in the corners of the wood framing. I also subcontracted out the paint, insulation, electrical, and HVAC. I was able to rework the plumbing on my own. Meanwhile my wife got sick, she has crones disease, found out we had it about the time we moved into our new home in 2006. With the stress of money issues and no home, it activated the crones disease into a state where she required surgery (flare up). In may during our remediation efforts [redacted] had to have 18” of her intestines removed. It was a three week hospital visit, not to mention the bills that came later. My yard is destroyed from the vehicles, dumpsters, and material unloading during the efforts, though I do not have enough money to fix to date. It was 8-months of hell, late nights working every day during my normal work hours ordering materials and making sure the subcontractors were showing up, performing and making trips for lunch to check quality, etc.. That’s it in a nutshell. Thanks for lis-

tening. Only God got us through it. By the way, we still are using our same appliances and we have to get them worked on about once a month. We spent about \$50,000 total.

Dear Sir/Madam,

Here is my story. . .

A Human Disaster—Toxic Chinese Drywall

Thank you for taking the time to ask for comments from American citizens! I hope that you will research the situation my family and thousands of other families have been dealing with for over 2 years! Please see these sites/articles for more information.

<http://victimschinesedrywall.com/default.aspx>

<http://www.facebook.com/DefectiveDrywall>

http://abclocal.go.com/wtvd/story?section=news_percent2Flocal&id=7767973

China needs to be held accountable for the toxic imports being sold to the USA and other countries!

It seems unbelievable to me that the leaders of our country refuse to publicly acknowledge this as the *Disaster* it is for American families! This story has been kept out of the national media spotlight to “Preserve our relations with China”, I assume. What if it was made public? What if our children’s lives were more important than China? What if China had to face a national audience to offer some explanation concerning their *toxic* product? Our government has kept things quiet while we have been dealing with this tragedy for *years*!!!

The CPSC states that there are close to 4,000 reports of homes with toxic Chinese Drywall. That number does not come close to showing how many *people* live in those homes and are affected. The fact is that the true number of *human lives* being damaged by this product that was allowed into the U.S.A. is not being reported. The number of *people* being affected by Chinese Drywall is *so much greater*! Yes, we are spread out over 37 different states, and no Chinese Drywall is not a natural disaster. *But, how many lives have to be damaged to get the officials of this country to recognize this disaster and give these victims some help?* The fact that we do not show as one huge group suffering in one location from some act of nature should not sway anyone from seeing that this disaster has occurred and we are in need of assistance!

Our homes are corroding, our financial future is in ruins as the biggest investment of our lives is worth nothing, our credit scores are damaged, security clearances necessary to maintain careers are in jeopardy, and we can’t afford to move out and pay for 2 homes. Many of us are living in these houses with sulfuric gases—when mixed with moisture—basically acid rain! *When I kiss my kids goodnight and watch them sleeping and breathing the air in our home, I become enraged!!*

I don’t care if our country owes China. We still hold the power over them because we can stop purchasing products from their country! Or at *least*, we must create laws that will require their products to meet the highest safety standards and protect our citizens from harm!

If we could gather up all of the people affected in this *disaster* from all 37 states and plop them in front of the White House to protest the *complete lack of concern for human life* we would. However, most of the Victims of Chinese Drywall *cannot* take time off from jobs they can’t stand to lose to go into D.C. to be a show of force!

We are barely holding on as officials seem to do nothing to hold china accountable for all of the toxic products imported into the U.S.A! Bring China to the table. Hold them accountable!!!

Men, women and children are suffering. Tax paying, hardworking citizens are being told, “We are working on it, but it is a difficult issue!” How long are we going to continue to suffer in this disaster with *no relief*?

****NOTE**** I created this letter about 1½ years ago. At this point, my husband and I are having to put \$100,000 (scraped and borrowed that we will be repaying forever) into gutting and rebuilding our home. We will never recover financially or emotionally. We will worry for the *rest of our lives* about what Chinese Drywall has done to the health of our 2 sons!

Respectfully,

WORRIED MOTHER/DISGUSTED CITIZEN/CHINESE DRYWALL VICTIM

Don't understand why elected officials will not help us.
 My bank, B of A has created all sorts of felonious charges.
 Help!

My name is [redacted] I live in Port St. Lucie, Florida with my husband, daughter, son in law and grandson. We have endured severe health conditions with the drywall being in our home. The worse is having to see my small grandson get up in the middle of the night due to bloody nose, he has also been diagnosed with Asthma due to the toxic drywall. We adults are exhibiting severe headaches, watery eyes along with other issues. My credit score as been damaged due to this issue also.

At this point we have seen no one in the government or these companies that imported this toxic drywall be it from China or the States as suppliers, builders etc. who have compensated us and helped us out in a remediation issue with our homes. We bought these homes in good faith and therefore this situation has been devastating to us. I only hope that in me e-mailing this letter along with the other with the other homeowners who are suffering due to this will bring a prompt conclusion to our pain and suffering.

After the recent Senate Hearing on Chinese Drywall (CDW), I was told I needed to send correspondence to this e-mail address to tell about our CDW experience.

When Hurricanes Jeanne and Frances hit the area around Vero Beach, FL around September 2004, we were out of our Condo until it was repaired and finished the middle of August 2006. We had installed a new Air Conditioning Unit at that time. By February 2010 we had to replace the A/C coil 2 times so that is when we discovered we had CDW installed in our unit. The Sulphur Dioxide emissions had eaten up 3 A/C coil and turned all other copper pipes and exposed copper wiring black, plus any silver and some other metals also turned black from the emissions of that gas. We coughed a lot and finally had our lungs check, but the Doctor discovered no damage to our lungs. However, when we returned to our home in Haymarket, VA in early May 2010 our coughing stopped within a week. Even though, the President of our Condo Association at first said early in February 2010 the Condo Association would take care of the CDW, she later said in April 2010 that they were not responsible for tainted products, even though the Condo Association had put in the drywall after the hurricanes. My insurance company would not pay for the repair as the Condo Association is responsible for the drywall and everything behind it.

Finally, in May 2011, with new Board Members on the Condo Association Board and a new President of the Board, they began to take action. They had all 246 condo units inspected and found around 60 units with CDW and 16 as bad as ours. The new President and Board did replace all tainted drywall at Association expense. However, the unit owners were responsible for removing their furniture and belongings out of their unit. Before the drywall could be removed and replaced, all trim had to be removed as well as all bathroom and kitchen cabinets. All light fixtures and fans also had to be removed. All that had to be put in storage. Once work was started, progress was fairly swift. We hired a Contractor to do all the work, except the drywall, and to put the unit back together as it was before. We began moving our stuff back into our unit by late August 2011, completing the move by September 5, 2011. Our remediation cost to us for our unit was approximately \$40,000, plus another \$4,000 for moving and storage expenses.

We live in Haymarket, VA and spend 4-6 months each year during the winter in our condo in FL. We feel that tainted products, such as Chinese Drywall, should have been inspected by the U.S. Government before allowing these tainted products to be used in the USA for construction purposes.

To Whom It may Concern:

The enclosed will recount my families nightmare reference the Chinese Drywall Disaster. My wife and I purchased our dream home in November 2006 from WCI (the builder) at the Parkland Golf and Country Club in Parkland, Florida. Little did we know that this dream home would turn into such a nightmare ultimately affecting our health and destroying our credit along with taking much of our life savings with it. Soon after purchasing the home we began to smell something in the home that did not seem right. When we contacted the builder we received no help. As the months went on our handlers needed repair and replacement as well as our microwave and dishwasher. Still nothing from the builder explaining the root causes of

such issues. Then rumors began to spread around the neighborhood (which was a new community) that WCI suspected that faulty drywall had been used in the construction of the homes. Later we found out during the WCI bankruptcy that WCI knew the drywall was defective but still elected to build our homes with it and knowingly closed on our homes with this defective material. Several months after living in the home my wife, son and I all began to experience different health effects that we were unclear where they were coming from. My son began to experience asthma like symptoms with deep bouts of extreme respiratory congestion. My wife began to develop extreme swelling in her joints and found it difficult to sleep through the night. I experienced similar issues of breathing difficulty and had problems sleeping through the night as well. Then in 2009 our little dog fell ill and we had her examined by our vet and he found a cancerous tumor had developed in her body. Several months later she died. Additionally throughout the neighborhood we heard of similar health issues and in fact to homeowners in the community who had CDW were diagnosed with cancer and both have since passed. Late in 2008 WCI (in their bankruptcy documents) finally admitted that the CDW (Knauf) was present in our homes and we hired an attorney to represent our interests. First we started with our homeowners insurance policy as well as our builder's insurance policy we received as part of our closing. The builder's insurance was denied immediately since they considered the CDW a pollutant. Our homeowner's Insurance claim was a longer process (Lexington Insurance—an AIG Company) where we paid for expensive testing and they performed testing as well only to find that our home was indeed infected with the Knauf CDW. Ultimately Lexington denied our claim as well citing non-coverage due to the CDW being a pollutant. The funny thing is that during the CDW testing large sections of drywall sections were removed from our walls. Because of this the air became worse as it was almost as if the walls were free to bleed more toxicants. Additionally, we tried to get some relief from our bank reference our mortgage but this was a futile effort as well. Ultimately, we decided for health reasons that we needed to move out and find a healthy place to live. I can tell you that almost immediately our individual health issues went away. There is no doubt in my mind that breathing in sulfur in an enclosed box has and will have serious health consequences. It may vary in degree as we are all made up differently but unfortunately people will die from this much like asbestos poisoning. Once we moved out with no relief in near sight we did not have the financial ability to continue to pay our mortgage and pay for a rental property as well and ultimately after being refused a short sale by our bank the Bank purchased the property back thru a foreclosure and REO process. The funny thing is that our bank was Bank United and because they were a bank that had failed during the 2008 financial crisis we believe their losses were covered by the U.S. Government. So our story is simple. Many parties have been involved in our situation and the only people who have lost and are without hope are us the former homeowners. We did nothing wrong and our laws and our government has failed us. Our government has not done one thing to help us or others like us. The key parties in this transaction were:

WCI—Builder who knowingly sold us a defective home but was then protected by the bankruptcy laws.

WCI Independent Insurance Companies—We were sold a builders assurance policy which was later deemed worthless for this loss.

Lexington Insurance (AIG Company)—Our insurance company who made us go thru a sham of a claim process later to deny our claims. Funny how we bailed out AIG and once again they do not have to make good on an insurance policy.

Bank United – Bailed out by the U.S. government.

Mike Ryan—our lawyer—Mike has tried his best to move the various cases along and now seems as frustrated as we are with our failed legal system. We needed immediate relief not a 4 to 6 year process that may never provide us relief.

Our government—All the various agencies and senate and congress members who have been involved with this issue who when you cut to the bottom line have done nothing concrete to help those who have been wronged by faulty, defective and toxic product imported from China. As my mom always told me proof is in the pudding and quite frankly this pudding is now rancid from the broken dreams of tax paying U.S. citizens.

In conclusion I was always taught that this is why (these situations) we have a set of laws and a government. And for all of the agencies who have said there is no health issue with the CDW shame on them. They would not have wanted to live in one of these houses. Our government has failed my family. I want you to know that tears are streaming down my face as I write this knowing that what I was

taught to be true as a child was not the case and nobody was there to help us during this tragedy. Our government has failed us and they were not there to help us out from this disaster. We would have been better off if a hurricane had destroyed our house. At least FEMA would have stepped in.

Lastly, I am pretty sure my letter will change nothing but I was asked to send it in and that is what I have done. Please help us.

Re: Chinese Drywall Victims
Dear Natasha,

My husband and I are victims of Chinese Drywall. We saved up and bought our new home in Florida in 2002. The home was built in 2001 and we were its' first occupants. From the day we moved in, I had trouble breathing. We had leaky evaporator coils, blackening of the wires and metal in our home and knew something was seriously wrong.

My health has deteriorated. I now have asthma and am taking many expensive medications. My husband has early COPD and we can only breathe comfortably when we are outside our home. We cannot afford to move and are therefore, trapped in this miserable situation. I am starting to lose my hair and am tired all of the time. My energy level is low and after much testing the doctor attributes it to the toxic drywall. This is so depressing. We have tried to get help from the builder, installer, supplier, insurance company and manufacturer to no avail.

We need help and we need it now. We have lived in these conditions for 9 years and feel that our health has definitely been compromised.

Why doesn't our government realize that so many of its' citizens are suffering from this terrible devastation? We haven't done anything wrong and yet we are the ones' suffering.

Thank you for your attention in this matter. I hope and pray that someone will be able to help us.

My name is [redacted] and I live in Venice FL. We had Chinese drywall in our home and we found out about it in March of 2009. We are just one of the 50 to 60 home owners in our community that were affected by the tainted drywall. For 3 years, we could never figure out why we had so many electronics failures, discolored metal items, and repeated health issues. Some of the health issues were respiratory illnesses, sore throat, nose bleeds, headache, nausea, eye irritation, and a persistent cough. Other people have had much more serious problems.

From May until November we could no longer sleep in our own home. We cannot invite family and friends to visit us for fear of their health. Those families with children also have the stress of what to do about their children's health. We still had to make our mortgage payments, insurance payments and pay our association fees on a home that was worthless. We cannot live in them and we cannot sell them. This has been described as a "silent hurricane" where the damage is as bad as a hurricane, but we do not have photos from the air that shows the devastation. In some regards this is worse because our insurance companies are not covering the damage. As a result, throughout our cities people are making choices between their health and their financial futures on whether to stay. As people leave, the blight of abandonment will take over and further negatively impact our local economies for years. There is also a financial burden to the local economy, the people who are only here for the winter are not returning, so they are not here spending any money in the local areas. The loss in the value of our homes is in the millions of dollars and the decreased assessed values will affect property taxes. This may also bring about another round of home foreclosures for the area.

We were fortunate enough to be able to remediate our home at a cost near \$150,000.00. The IRS changed the disaster tax laws, but it did not really help. Many of the young working families do not have the cash to make the repairs and the people who are retired who may have the savings to make repairs do not have the income to use the deduction from the remediation.

We are the victim's here we did nothing wrong. We have been given the run around by every level of government and agency involved. No one will take responsibility or hold the manufacturers accountable. Our elected officials should be ashamed of themselves.

Ms. Mbabazi:

I would like to add out voice to the many Americans who have a house that was built with Chinese Drywall. Three years ago when we found out about this our house originally purchased new for \$395,000 is now basically worthless. You can imagine the concern and pressures that has put on a working family finding their largest asset is worthless. I am so hopeful and faith in our government's ability to work with us and find a solution to this horrific problem.

Thank you for your compassion and concern.

My name is [redacted]. I have a Masters in Nursing, so I am well aware of the physical changes that occurred to my body while living in the home. I was a healthy strong fit woman when I moved into that house. I have been diagnosed with neuropathy and fibrocystic lungs.

When I heard the "experts" at the Senate hearing say there are no health effects, I sat here and cried as I watched it live on the internet. I will stand up in any Senate hearing or court of law and tell you the hell that I have gone through because I bought a Chinese Gas Chamber.

On June 1, 2006, I purchased a home built with Chinese Drywall (CDW). It is a toxic drywall that emits the following "nerve gases", hydrogen sulfide, carbonyl sulfide, and carbon disulfide, as well as the metal, strontium. The CDW first began eating my house, and destroying anything with a silver or copper finished. It corroded the electrical wiring, copper fixtures, electronics, appliances, mirrors, and all the silver fixtures throughout the home. It emitted a noxious smell that permeated my furniture, clothes, and anything else porous in the home. The fibers in my clothes and shoes were breaking down. My knit suits were losing their form. My hose would disintegrate as I tried to put them on, and the dyes would get on my hands and the skin on my legs. My shoes were leaking dyes onto my feet. There were also physical changes happening to my body. My skin was absorbing hair color, and my skin would peel off when I had my eyebrows waxed. My nails began peeling. I was having neuromuscular pain in my legs, back and neck. I would have trouble walking because of the pain. My balance perception was off, I would fall or lose a stairstep. I started having daily headaches, and I could no longer wear my contacts. My eyes felt like I had glass in them. I started having trouble breathing, and developed a noticeable raspy voice. We now call it the "CDW voice". It was eating me alive and attacking my lungs, eyes, nose, throat, muscles, nerves, genital and anal mucus membranes. I was dying in that house, I just knew that something was drastically wrong. I had rationalized all I could! I was in so much pain I was crying everyday. When I finally found out what it was, I left that house and have not gone back. That house frightened me.

I have over 30 documented Doctor visits during the 3 years that I lived in that home. It has taken me nearly 2.5 years to feel some normalcy in my health. I can no longer run, and I have pain every day.

It has cost me thousands of dollars. I had \$50,000 in savings which I burned through paying rent, condo fees on a Chinese Gas Chamber, mortgage, thousands in medical expenses, medications, replacing necessary items for daily living, lost work, not to mention the thousands spent while in the house replacing almost every electrical item I owned.

I lived, worked, and worked out in a 3 story townhome that had 153 sheets of CDW.

My dog nearly died in the house. She would not come in, I would have to pick her up to get her in, and when she was in, she was hiding under something to filter the air. She developed kidney disease. I spent thousands on her medical care, too.

I spent over 40 years of my life working to have the American dream of owning a beautiful home. It is all gone now, and I start my life over at 61 years of age.

The builder, developer, supplier, insurance companies have left me with the "empty bag". My credit has been destroyed, and I have a mortgage and interest accumulating, and condo association suing me.

Make the Chinese accountable because if you don't, they will continue to export every toxic waste in their country with "goods" to America.

Good morning,

I was given this e-mail address as a point of contact to provide 'testimony' to Senate Consumer Protection, Product Safety, and Insurance. I am curious why the Consumer Product Safety Commission isn't providing records of the homeowners who have registered with them? It would seem the CPSC could easily provide all rel-

evant data that includes the number of residents stricken with Chinese Drywall as well as other demographics that were included in the CPSC registration process. This included information like number of family members living in the home effected with Chinese Drywall, health issues, property damages, and so on. As a government employee I find it painfully ironic that as a busy, working, tax-paying American citizen I have to take yet more time out of the day to write 'testimony' to the Senate about how this Chinese Drywall is effecting me and my family. Why don't you all also subpoena and examine the insurance claims filed and denied by homeowners stricken with Chinese Drywall? Why is the burden of informing my elected representatives on me? My congressional representative is Bobby Scott and his office has plenty of information on my particular case as I routinely shared information with them last year as I worked through the self-remediation process. I stopped contacting his office as it was apparent my government could care a less about fixing this problem.

In a nutshell, here is my testimony. In order to fix the Chinese Drywall problem in my home I self-remediated the drywall from my home as no one was providing stricken homeowners with any assistance! The cost of this self-remediation was well over \$65,000. My personal savings is depleted; I am in deeper debt as I used credit to purchase materials when my savings ran out. I did receive forbearance from the bank but now my credit is ruined and in much need of repair. The downside of any forbearance is you're listed as 'seriously delinquent' for not making your monthly mortgage payments something the bank assured me would not happen as I was trying to fix my house—a shared toxic asset that both the bank and I would lose money on should I have chosen to abandon the property vice fix it!

Where has my government been during all this? They were and remain Missing-In-Action and silent as could be . . . the Chinese have yet to be held accountable for the destruction they've caused to so many Americans. Yet, I continue to go to work, pay my taxes, and serve my country fulfilling my end of the social contract between the citizens and this government. Pathetic is the only word that can best describe the lack of action and performance of our current government. There is little wonder why the United States government has the lowest approval ratings in its history. Trust me, I know first-hand the frustration and disappointment many Americans feel toward their government. My message is simple—do your damn job and represent the citizens of the United States! Protect us from these types of unnecessary damages! You failed to regulate the import of this toxic Chinese Drywall, and now you stand silent as the Chinese stonewall us from getting answers to why and how this happened!

A beautiful home it was when we moved into it 2006, the answer to our golden year dreams. And how soon this dream was destroyed!

Chinese Drywall reduced our lives to that of Nomads. For nearly five years we have spent 40 percent of our time away from the odors and gases in order to minimize exposure to same.

It has been and still is a nightmare. Expensive replacements of AC components, electronic equipment, electrical motors of washing machines and wiring.

My question to our government is: How long do we have to wait for action?

I would like to wish every Senator and Member Of The House a happier Christmas than what ours is going to be. When you see the smiles and happy faces in your homes, please think of us.

Merry Christmas

Greetings—

My home in FL is in Sun City Center and we built it in 2006 . . . evidently not a great year for building in FL since many of us have found ourselves with Chinese Drywall in our homes. We discovered this in 2009. Since then, our builder, WCI has gone bankrupt and all other responsible parties have been running for cover. I see from recent articles that members of the Senate are feeling frustrated by the lack of progress in resolving this issue. Needless to say, we homeowners are feeling frustrated along with a feeling that this might never be fairly resolved.

My home is in Sun City Center and is a 55+ community. We don't have \$100,000 in our bank account to remediate our home on our own. Our home is toxic. You only have to step into our front door to smell the disintegrating Chinese Drywall. All products, whether they're produced in the U.S. or imported from abroad should be held at consistent standards and if those standards aren't met, then they need to

be recalled and fixed. This is done with many products. . . cars being one example . . . this should apply to Chinese Dry Wall as well.

I hope you can help . . . maybe it takes a woman to lead the charge to resolve this issue.

Please let me know if there's any further information that would be helpful.

Best regards.

To Whom It May Concern,

The home we purchased in March of 2008 has Chinese Drywall.

We are part of the class action lawsuit which to date has provided zero relief. Additionally, our Federal government and it's governing bodies (house, senate, president, etc.) has provided zero relief. The consumer protection agency has provided zero relief. The only thing the Federal government has done successfully is spend tax payer money discussing and discussing the problem while American's that have found themselves in this same situation have been victimized. We have been victimized by builders, realtors, lenders and everyone else that was part of the transaction to sell us our home. While they all retained the proceeds from the sale/purchase of our home we have lost everything related to the purchase of our home including many possessions we had prior to owning the Chinese Drywall home because of the corrosive effects of this product on possessions like TVs, computers, small and large appliances and family air looms like silver trays and other precious metals that corroded.

We ended up short selling our home and losing everything we put into it because we could not afford to fix it and we have not received any relief or assistance to complete the repair. The Federal government can't even agree on how to fix the problem. We couldn't live in the house and we couldn't rent it so we ended up letting it go.

We had been believers in the American dream of home ownership but because of the financial hardship associated with the Chinese Drywall home we may never own another home.

While we suffered through this tragedy we watched as our government bailed out huge financial institutions that should have been stopped from their aggressive irresponsible behavior. Additionally, the cost of operating the multi-district litigation has reached millions of dollars between court costs, legal fees, communication costs, on and on and none of that expense has yielded any relief to victims. The best course of action in this scenario would have been to give the home owners their down payment back plus verified improvement costs and let them pursue another home. This would have addressed not just the personal crisis that each victim was dealing with but it would have helped with the larger housing market issue of unsold homes. The Federal government could levy a tax on institution from the builders to the lenders to cover this cost. They all contributed to the sale of these homes and only the home owner was impacted. They should feel the brunt as well. They would get some of it back if these home owners turned around and purchased another home. To be sure the federal, state and local governments aren't dealing with secondary issues related to these homes years from now these homes should be bulldozed and disposed of like the toxic waste they are.

The Federal government needs to make these home owners whole again and provide ongoing medical monitoring to ensure major health side effects are identified, communicated and addressed quickly. Many of us have communicated the health effects such as sinus infections, migraines and nose bleeds and yet the Federal government wants to continue debating if there are real impacts. The government should assume there are and monitor anyone that lived in these home until such time as it can be definitively proven there are no effects.

As much trouble as the Federal government has had dealing with this issue I hold little hope that it can prevent other foreign countries from selling the United States similar products that present hazards to health, environment and the economy. Something needs to be done to stop similar products from entering our country.

The Federal government has failed it's citizens completely. This was not a hard issue to understand and the impact was easily identifiable and the number of people impacted was not as large as other national disasters. If our government can't solve these kinds of problems how can we ever expect bigger things from what is supposed to be the most powerful country in the world. It is no wonder why the American people have lost faith in our leaders.

Please do something and soon!!!

Good Morning,

My name is [redacted] and I live in Va. Beach, Va. I am 54 years of age—a college graduate, former teacher/coach and a law abiding citizen. In 2005 I went through a divorce and my former wife and I reached an mutual agreement of what would be best for our two sons. One is currently a sophomore at Ole Miss and one is in the Math and Science program at Linkhorn Park Elementary School. I share this with you because what I am about to share with you has pretty much ruined my financial freedom that I had worked my entire life—thus affecting my dear family.

Upon buying my ex wife out of our million dollar home, I came to the conclusion in 2006 to downsize for the sake of my boys and I. This was my attempt to prepare for retirement. I sold my home that I had been in for 23 years and with proceeds bought a new condo a short walk to the ocean for my boys and I. I furnished this new home with state of the art appliances, new furniture in every room of the home and upgrades throughout. Within a few months of living there I had to call and express concern about my air conditioning not working, my 50 inch television not working and noting that something was going on with my health. With joint custody of my boys and a rotation of every other week my ex wife and I became concerned because of nose bleeds, rough coughs, congestion, and fatigue being exhibited by our boys. We determined that it only occurred when they were with me. I also went to the Doctor and it was determined that my thyroid was not functioning and I am now on medicine for that. In addition, I am fatigued, out of breath with short walks, and ultimately respiratory problems that do not seem to be getting any better.

Imagine my surprise when my neighbor said that he thought we had Chinese Drywall. I immediately put the pieces together and after a little research knew that what had been happening was due to CDW. I moved my boys out right away. I have been leasing a place for the past 2 and half years. I sold my condo at the urging of Chase for land value—my total loss was 500k (*five hundred thousand dollars*) Yes—that is the cash I had put into this final retirement home. Absolutely—no one in our government has done anything to help those of us that have this problem which is tied directly to the *Chinese government*.

My once sterling credit rating of 54 years of paying taxes and contributing to society in a positive way is no longer. I could not even get an apartment with one landlord because of my credit and having to jump through hoops for Chase and my second lien Gateway Bank. And, I offered to pay 6 months in advance. I continue to pay my fair share to my ex for our boys, college for my son, taxes that come my way—but yet am told that this is several year away from being settled in litigation and payback for those of us whose lives were ruined. You might understand that I am a little bitter and I look at our leaders in Washington feeling ashamed that no one has made this a top priority.

I have been to Washington 3 times over the past few years. Most recently at the feel good about one another Chinese—US Summit this fall. What a joke!

Well—there it is—a brief story of my journey with Chinese Drywall. I have told this story so many times to our leaders that honestly—I have *no* faith that anyone will finally step up and make us whole again.

Without prejudice,

My husband and I had to downsize to a smaller home he had suffered a stroke in 2001 at the age of 55. He is currently on disability and at home 24/7. We build this home and moved in March of 2006. We put all our money from the sale of our previous home into this home. We wanted to make this our perfect home and our last as I reach retirement. We did many upgrades inside and out. At this point in our lives we do not have the resources to start over again if you know what I mean. We have both worked hard all our lives for what we have. I have great concerns about health issues with my husband's health issues, and I am a cancer survivor since 2003. There are 7 homes in our subdivision that have Knauf drywall mine is just 1 of the many stories out there. We are praying for a reasonable settlement so we can rebuild our lives.

Thank You.

It is with reluctance that I write, because I don't like the doubt and questioning that the current administration is putting on those of us who have this problem.

However, I feel this issue is so important that I must do something.

When my wife and I built our dream vacation house near Cape Coral, FL in 2006, we were ecstatic. But within a few years we had two air conditioning units go bad; all our faucets, chrome trimmed lights and some mirrors had to be replaced and the

microwave stopped working. The refrigerator required several service calls and still does not work right. Every time we went to stay there for a while I would get terribly congested and had a hard time breathing. This condition cleared up within a week or two after we left.

Finally in 2010 we had our house inspected for Chinese drywall and they found that we have about 50 percent CDW. Not being able to stand it any longer, in 2011 we contracted to have the CDW removed according to the court ordered specs and to be cleaned, sprayed and rebuilt.

We had to make special financial arrangements to do all this work which cost approx. \$88,000.00.

So far we are satisfied with the contractor, but the expense, hassle and inconvenience is unbelievable! I can understand why some people just walk away from their home.

Something needs to be done to help the people with CDW. Why doesn't the government set up a fund like they did with BP in the Gulf disaster?

I find it incredible that in this country, such an obvious problem can be swept under the proverbial rug.

Thank you for all you are doing to help us.

To Whom it May Concern,

My wife and I own an apartment in West Palm Beach FL that is tainted with Chinese Dry Wall. The unit at The Whitney Condominium was purchased for \$303,000. While home values have dropped nationwide, we have been hardest hit because no one would buy an apartment that you can't live in. Conservatively, the unit value is barely \$115,000. We owe double that to the mortgage company. Fixing the problem will cost tens of thousands, and no entity is stepping up to resolve the matter. We are stuck with a \$220,000 mortgage.

Dec 06, 2011

PREPARED STATEMENT OF HUSBAND, PARENT AND OWNER OF HOME BUILT BY
LENNAR WITH TOXIC KNAUF DRYWALL FROM CHINA

I appreciate the opportunity to come before you to discuss the problems with this defective home building product, and also discuss measures that will assist current owners of properties where this defective material was used, and remedies to help prevent further financial and health damages to everyone affected that result from the use of this dangerous product.

My name is [redacted], and my wife [redacted], and 11 year old son [redacted], moved into a home at [redacted], on November 30, 2006 that was purchased from Lennar.

The purchase price of the home was \$420,000. We added another approximately \$25,000 in home improvements. We have very good credit, put approximately 30 percent down on the purchase, and can afford the mortgage. We invested a majority of our savings, believing, we would be living there for many years. All of our hopes were shattered, and a nightmare began for us after less than a year in the home.

Soon after moving in during December 2006, problems both medically and with the house HVAC system began.

In January 2007 we required a service call on the HVAC system as it would not work in the heating mode.

In March 2007 a second service call on our HVAC system resulted in the copper coils being replaced on the larger system due to Freon leaks.

We have a 2 zone independent of each other, HVAC system. One cools and heats the main portion of the home, 2BR's, FR, LR,DR, Kitchen, 2 Bth Rms and Den and the other system supports the MBR and bath area.

In July 2007 the smaller HVAC system had their coils replaced. Thru out 2007 my son [redacted] and I would develop random nose bleeds. I began to get severe headaches as well. My doctor could not locate a specific problem even though I complained of unexplained illness and respiratory problems. I started to get Angina attacks that I never experienced since before my heart bypass surgery in 1997. Since living in this house I was given nitro stat patches to wear and began to carry nitroglycerin pills that I used almost daily.

In 2008 three set of coils were replaced in our HVAC systems with the last one happening in November 2008. The house began to have a strange odor in it when we needed to use the heating part of the system. The A/C people in November said I should speak to Lennar because I may have a home infected with "Chinese Dry

Wall". I placed a call to Lennar and was told by them that their records indicate I have a home constructed with "*Chinese Dry Wall*" !

I did a "Google" search on "*Chinese Dry Wall*" and it scared the heck out of me based on what I read. I immediately contacted Lennar and told them I wanted out of this house ASAP. They promised to get back to me right away. Two weeks went by with no word from Lennar so I hired an attorney to go after Lennar on our behalf. My attorney informed Lennar in writing we were making a claim per Florida Statute 550.

Lennar assured my attorney that they would move the "MEDICO HOME" up to the top of their priority list as they were dealing with other homeowners in the Heritage Harbor sub division with the same problem we were faced with.

In mid December 2008, I was contacted by Lennar who said they wanted an Air Quality inspection firm to test my home for air contamination. I agreed to accommodate them ASAP. I was told by Lennar to set my A/C temperature at 68° the night before the test so the house would be cool when their testing company came. I did this and "ENVIRON" of Tampa, FL performed the air quality test the next day.

I did a "GOOGLE" search on testing homes for Chinese dry wall emissions and all indications were that the home should be warm not ice cold as I was told to do so.

I received a letter from ENVIRON that no toxic gasses of any type were found in my home. I called the President of ENVIRON regarding the test results and indicated that I felt the test was set up to benefit them. I said my house smells awful and his results were in error. Several days later ENVIRON issued to me a second report that indicated Toxic sulfur emissions were detected in my home but the levels of toxicity were not harmful to our health. I questioned ENVIRON on making this statement and came to the conclusion that they had no medical qualification to make such a claim.

The home became so foul smelling that I purchased a highly rated Air Purifier that I kept running constantly in the MBR area where I stayed with my wife and son. We avoided being in the rest of the home as much as possible and ate our meals out at restaurants constantly until we moved.

From December 2007 thru March 2008 when we vacated the home we noticed a very fine black soot was appearing thru out the house on our furnishings, rugs, works of art, jewelry and especially on anything made of or containing silver .

Our furnishing, oriental rugs, beddings, linens', etc all smelled of sulfur and our jewelry and works of art all became heavily tarnished and pitted beyond anything I've ever seen before.

Our personal property losses from CDW are well over \$250,000 and we are making a claim request against Lennar for this loss.

We thought that overall, we were lucky to have Lennar for our builder, but this may not be the case if repairs are not done properly. It wasn't until after we moved into a rental home, that we discovered just how badly all of our personal belongings and furnishings had been cross contaminated to the core. They were so badly contaminated, some of the guys doing the move, which had allergy sensitivities, were having a terrible time handling it. The rental home smelled like a Chinese drywall home with our belongings in it.

We informed Lennar. They said they would send someone out to HEPA vacuum the belongings (they did this), and to then air it out and it would all be fine soon after. Well, it is 10 weeks later, and we are still getting exposure symptoms from the off gassing of our belongings, such as continued headaches, sore throats, stuffy noses, raspy voices and breathing difficulties.

We are convinced that the exposure to the sulfur gases are in fact, the cause of all of our health problems, while living in that house.

There is no decontamination solution for the personal property that Lennar must replace. We now have approximately \$250,000 in belongings and furnishings that are contaminated and useless to us.

We have also had to bear the expense, of buying some new furniture, as well as dry cleaning bills to remove the contamination from bedding, and clothing.

No one is warning people who move out, that their furniture has also been contaminated, and that it may, still cause them trouble with exposure symptoms to the gases.

In addition, after the home was gutted to wooden studs, trusses, plywood and block, after 5 weeks of airing out, it still reeks of sulfur gases, and can quickly in this hot and humid environment cause exposure symptoms within ten minutes or so upon entering the home.

Lennar is ignoring this continued contamination of our home and was continuing with repairs. I had the home inspected by a professional construction firm that has inspected over 100 Lennar homes for Chinese Dry Wall contamination. They con-

firmed the presence of very strong odor within the home. I forwarded this report to Lennar as a courtesy.

I believe Lennar intends to leave these cross contaminated materials in the residence, as well as reinstall cross contaminated wood cabinetry and window treatments. Unless Lennar can find a safe and proven decontamination solution, or agrees to replace all contaminated materials, I cannot feel it is safe to move my family back into this house.

We will then have to bare the expense of paying rent elsewhere when Lennar declares themselves finished, and we will not be able to continue paying the mortgage and additional rent as well.

We will face financial ruin, thru no fault of ours, over this toxic construction material that was allowed to come into the country.

Lennar assured us in writing that we would virtually have a brand new home interior. This is turning out not to be true, as they are intending to re-install, numerous cross contaminated materials that still reek of sulfur. We had no way of knowing about the block and wood cross contamination at the time either. We truly were assured that the home, when completed would be 100 percent fully free of the toxic sulfurous compounds contamination and odor. However, it appears to me and others as well, that Lennar is not now doing this because of the unexpected climbing costs to do this.

I implore you to aide in the removal of this dangerous blight, further weakening an already distressed housing market. These homes may be going into foreclosure, if the banks will even take them, will most likely become left abandoned, and further hurt neighboring home values, or further hurt new and unsuspecting owners. They should all be identified, torn down and taken to the toxic waste dump. Then they should be rebuilt, or the owners reimbursed, all at the expense of everyone who profited from this toxic drywall along the way.

The housing market aware of this problem is scared right now with this toxic wild card out there. Far too many families, suffering deteriorating health, have yet to even learn that it may be the drywall in their homes causing their families chronic illness. We are still finding them in our neighborhood. This problem needs more regular press, without the added minimization of health and safety risks.

In my experience, these structures are toxic gas chambers, not safe homes for families to even live in again.

I am now personally aware of 7 year old boy from our sub-division, diagnosed with an auto immune disorder, and numerous children being diagnosed with asthma.

Is the Health Department going to wait for children to end up with permanent brain, heart, lung, liver, kidney, or central nervous system damage or dead, until they get serious and consistent with their alerts for parents to find their children, safe havens away from these homes?

Is FEMA ever going to step in to provide a temporary safe haven, for families that cannot afford a mortgage and rent, until a permanent solution is found? I think it is more then called for.

Further, I would strongly advise any health or product safety authorities to not further minimize the health risks of chronic domestic exposure to these chemicals. You will only loose more consumer trust, and put more families at a greater health risk, for more serious chronic exposure effects. They have been waiting on direction from you, and you are failing them right now.

In my experience, these structures are toxic gas chambers, not safe homes for families.

I would like to thank Senator Nelson and his staff for answering our pleas for help and everyone who has taken the time to come visit these homes and families, to get firsthand knowledge of the gravity of this problem, and take action to help resolve it. And I thank you for the opportunity to share my first hand experience and suggestions for much needed, emergency assistance.

I implore you, to find some way, to help people save their good credit, who could have maintained making mortgage payments, or tried to sell, and then couldn't because of a CDW disclosure, and had to flee for health reasons.

They did not engage in an irresponsible financial act by moving out and foregoing mortgage payments if they had too. They are acting on behalf of securing the health and safety of their families. They are the ones being truly responsible parents, looking out for the well being of their children first, and should not be punished on their credit reports for that.

What have we come to as a society, if we cannot support parents who do the right thing, but rather seek to punish them, just for caring for their families well being.

I am asking Legislatures for assistance in many areas on behalf of all those impacted by the use of this defective and dangerous construction material.

Please provide adequate funding to the proper departments so they can do the job that tax payers pay them to do. That involves, banning and recalling defective and harmful products from the USA market place again.

The CPSC claims it has not had the funding or resources to put a ban and recall on this product by now. Though I think they can at least do that, until more can be learned.

I think it is shameful, that the health department has had to claim, they do not have the funding or resources, to better inform the public.

I also recommend that you get the best of the best on this. I find it appalling, that so many so called professional toxicologists seem to have not a clue, about the cumulative effects of low level exposure to these chemicals, or knowledge, easily obtainable from NIOSH, that the immune system can lose tolerance to hydrogen sulfide at chronic low level exposure, and that higher level exposure.

If we can so easily bail out Wall Street with billions, surely we can help the American people thru this mess that is not of their making.

This is my testimony of my experience as a parent, husband, and owner of a Toxic Chinese drywall house, as I know it to be the truth. I also believe that I speak for many others who have not yet come out of shock and denial, and into anger and found their voice, experiencing the same nightmare my family has been living through, facing the same tough choices between their families health, or financial ruin.

Thank you for your time.

Thank you for your thoughtful consideration of our desperate crisis. As I write this letter to you on the 5th of October, 2009, I cannot begin to imagine the challenges of representing a populace so expansive. Which cases does one pursue and which ones are left to themselves? My prayer for you is that God will empower you with such strength and virtue that every person's needs in your constituency will be fully met. Nothing is impossible with Him.

On November first of 2007 my wife and I left a closing attorney's office excited and filled with vision for this new season of life to which God had called us. With our three children, we were relocating from Richmond to Newport News for our first lead role in a burgeoning church. We knew the work would be difficult and demanding but deeply fulfilling. We also knew that having just the right home for our family was paramount to successfully transitioning from where I had called home my entire life. Walking into our brand new town home in Hollymeade, we knew we had chosen well.

I just celebrated my 42nd birthday in March of 2009, now having suffered from chronic pain since the spring of 2008 that is symptomatic of lupus, medically documented signs of a degenerative spine condition, as well as everyone in our family struggling with fatigue, and our middle child having serious bouts with eczema and needing steroid breathing treatments. Our family was a picture of perfect health the day we moved into our home, with proper diet, exercise, and a weekly regime of rest being core values for us. Now, thousands of dollars in medical bills in hand, we remain sick. We have moved out of our home fearing the health of our family, desperately needing your attentive, aggressive, and unrelenting help, action that will be timely and substantive.

There had always been an odd smell in our home, what I would describe as an aged wood smell and sometimes gunpowdery. We had constant hvac problems in addition to intermittent issues with our smoke detection system. There were leaky plumbing problems in the kitchen, a failed ceiling fan and other small electronic devices. In August of 2009, we learned we had all the symptoms of Chinese Drywall and upon further inspection, we found corrosive ground wiring, tarnished door hinges and jewelry and upon removing a core sample of drywall, found a smell in our walls that was frightening.

We know that God is working to help rescue us and our neighbors from this tragedy, but we know that throughout history, He has demonstrated a fondness for rescuing citizenry through those in authority. Help us; be the saving grace of His hand.

To the Senate Subcommittee for Consumer Protection, Product Safety, and Insurance,

My wife and I worked long and hard all our lives and finally were able to retire in 2006. We purchased our dream house in Sun City Center, a 55+ community south of Tampa. It is a gorgeous home . . . Everything we had hoped for when we retired.

However, it wasn't long after we moved in that our horrible nightmare began . . . We learned that contaminated Chinese drywall was used in the construction of our home. We have replaced two air conditioning units, the microwave and just recently, the refrigerator. The gases given off by the Chinese drywall corrode copper, silver and chrome . . . It is only a matter of time before the rest of our electronics and appliances succumb to the same fate. And only the Lord knows what these corrosive gases are doing to our respiratory systems!

Sun City Center is a beautiful little town where many, many homes have fallen victim to this terrible problem. Here we have solid citizens who have worked hard all their lives, done what was asked of them to help make this country great, and now are faced with a major crisis through no fault of their own.

Because drywall made in China was used to build their homes, their property values have gone down by 75–80 percent and in many cases they have been forced to move out of their homes because of resulting health problems.

Also, because most retirees live on a fixed income, they cannot afford the cost (\$100,000–\$150,000) to remediate their homes. Many will be forced to abandon their homes while others will be forced to deplete the remainder of their life's savings to fix this problem that they did not create.

There are thousands of homeowners around the country that have been devastated by this crisis. My wife and I have been in limbo for several years waiting for direction and help from our government. Unfortunately, none has come. How can this government, the richest country in the world, sit back and ignore the thousands of homeowners (tax payers) that are suffering from this crisis. How can this country continue to send billions of dollars to countries all over the world and not help the citizens in this country that are ultimately paying the tab?

We understand that alliances are important but there is nothing as important as keeping our own house strong and in sync with the values that this country was founded on.

My wife and I extend an open invitation to all members of the Senate Subcommittee to visit our lovely community and home to see (and smell) firsthand this China-made disaster. We need your help. Don't turn your back on us. We need you to get behind your own people and help those that have helped make this country great.

Respectfully

I have a home in Parkland, Florida that is effected by CDW. I have had all sorts of electrical and minor health issues. We have to completely gut our home to fix it. It is a terrible situation that my family and I have had to endure. We are victims that have not been helped. Please help all of us out of this mess.

To Whom It May Concern:

I am writing this to give you a brief history of what my wife and I have had to go through regarding this problem. We built our dream home in Cape Coral, Florida in 2001. Since my wife's firm had split and my company had been sold we decided to move 10 years before we had planned to retire and find jobs in Florida. In October 2001 we moved in to our home. Immediately we started to have problems. A sulphur smell in the home was blamed on the water, so we put in a whole house reverse osmosis system. Our cast iron sink started to rust on the edges, fixtures in the home were corroding, our antique silver spoon collection in glass cases were tarnishing within days of cleaning. Our treadmill electronics went out, after 10 months our A/C coils failed. My wife had repeated sinus infections and headaches. I was treated for severe dry eyes and had my tear ducts plugged. Both of our cars that were garaged started to have electrical problems, the smoke alarms would go off at 2:00 am, two TVs failed within months. We had to replace the system board on our new computer and the printer stopped printing in the middle of a print job. Our floor tile started popping up, especially close to walls.

Of course we attributed all of this to just bad luck. In the following eight years we replaced our A/C five times, replaced all of our appliances, even though they were Maytag's top of the line. Oh, and five TVs. My wife had a tumor on her thyroid develop, which a specialist said was caused by an environmental problem. I developed prostate cancer at age 54 and had it removed. I also developed Type II Diabetes and had a heart-stent put in two years ago. (We were both in excellent health prior to moving to Florida, I had a complete heart scan in 2000, they found zero plaque and no family history.)

In July of 2009 I read an article about Chinese Drywall. It mentioned that most of the homes had been built in 2004 thru 2006. But a few were built in 2001. After doing further research, I concluded we had all the classic symptoms. I then got up in to our attic, the first piece of insulation I pulled away from the ceiling drywall had printed in big blue letters, "Made in China". Of course both our homeowner's and my builder's insurance denied our claims due to their "pollution exclusion"! You have got to be kidding me!

Earlier this year, with no recourse in sight we decided to get a new mortgage and pay for remediation. After \$110,000 in expense we moved back in our home in April. Yes we could have walked away and let the bank have it, but I have never walked away from any obligation and I wasn't going to here either. Due to the economy, my job was eliminated effective May 1st. Finding a job has been a real task, who wants to hire a 63 year old with health issues? I was forced to take out social security. One major concern I have is that when all the wiring was removed from our home it was placed into a large pile on our driveway. The smell was awful, the biggest problem I saw was the scorch marks on the wiring insulation. Obviously, at different times our wiring got overheated! It is amazing to me that we did not have a fire. It is my understanding that the Electrical Contractors Assoc. and the CPSC has stated that the wiring does not need to be replaced. Maybe for those homes built recently, but who has studied the homes built in 2000 & 2001????

Our home is wonderful now, but my wife will have to work until 65, I am still looking for employment. We are very concerned about the long term effects on our health.

Some say that heat and humidity aggravates the problem. Could there be many more homes in the U.S. with the problem and it hasn't been discovered yet? I believe this could be bigger than asbestos, but we have only seen the tip of the iceberg.

I purchased my brand new home just off of [redacted] in the Buckingham/Lehigh Acres Fl area back in January 2008. This was my first home I purchased on my own and I was so proud of myself . . . "my own little home". I purchased the home that was brand new and never lived in from M.W. Johnson Homes. It had a one year warranty and I thought this is the way to go . . . new house and no worries about things breaking or needed replaced.

I lived in the house about a 1 year and 3 months when I started to get sick.

I had sore throat, glands were popping out of my neck, my Dr. put me on a breath in-haler-like I had asthma, I started to itch, I had a rash on my legs and rash on my chest that were so bad that it would bleed, I had 16 hour headaches and fatigued. I went to my doctor and countless others that could not find anything wrong with me and they said it was all in my head.

So finally in May 2009 my A/c went out on me and I called my girlfriend and started crying and said "I just can't take this . . . My a/c broke not working and I'm so sick". I was at my wits end . . . I called a friend that did a/c work and he came over to look at my a/c system. He said that I had Chinese Drywall that's why my a/c was broke. My heart sank . . . I knew a little about this stuff but not bad it really was.

I lost everything. I lost my past, my pictures of my life and the different countries I lived in and all the stuff that I had inherited from my parents that both are gone. I lost my perfect credit score of 790 that I worked my ass off to get everything that I wanted. These item you cannot attach money to.

The truth I learned. I lost all my money that I put down on the house. My belongings were all ruined and they were all contaminated by the gas. I tried to clean them but they still had that crap on it. I tried to professional clean it . . . but it still did not work. I tried to clean it and bring it to my sister's house where I stayed for, for a few weeks while I looked at an apartment. But my belongings off gassed at my sister's house and then contaminated to her house and I had to move out.

How do I know it was still contaminated . . . any time I get near anything that has the Chinese drywall gas on it .it makes me itch. Not just a little itch but the worst itch you ever had in your life time's 4.

So I lost everything like those people on TV that were hit by earthquakes, tsunamis, flood, hurricanes and or tornadoes. They can qualify for help threw a numbers of different types of help.

We get *no* help what so ever. Our government helps everyone else in this world but not us.

There is more to my story that it's hard to tell the whole thing.

Hello,

My husband is in the military and had a permanent change of duty which moved us to Florida.

We purchased the home new from the Bank. Shortly after had air conditioning issues which have been ongoing for 3.5 years.

We have no markings on the back of our drywall after two inspections that Morgan and Morgan arranged. No one to pursue legally.

Our builder is out of business and it's a hopeless situation. We expect there will be no remediation for us. My Husband, daughter and I have frequent dizzy spells and consulted with our doctor who advised with the unknown effects to move out of the home.

We are moving next month. My husband has to have good credit for his security clearance through the DOD. We can't afford to rent and pay the payment, but our health prevails.

A new home, this is the American dream we worked for. No one to protect us from this?

Thnak you

To Whom It May Concern:

We built a new home in Tampa, FL in 2007 to ensure we had the latest hurricane standards. We built a Custom Built home with concrete block. We moved in the home November 2007. In February 2009 we had an issue with the evaporator coil in the downstairs air conditioning unit and due to the media around Chinese Drywall, were instructed to investigate Chinese Drywall. The evaporator coil was replaced.

We spent time researching and contacted our builder who confirmed that the Drywall supplier did stock Taihe (Taishan) drywall at the time our home was built. In June we had non-destructive testing done that confirmed the presence of Chinese Drywall. We were instructed to file a home owner's insurance claim and we did. The claim was denied. Our insurer was Olympus Insurance. Further sampling confirmed Chinese Drywall made by Taishan. The builder made a claim with his insurer who denied the claim. We started litigation, but to date have had no luck and see no future of a settlement as the builder is bankrupt, the drywall supplier is bankrupt, the insurers are all denying coverage and Taishan is owned by the Chinese Government who is denying the claims are even valid.

We had 4 evaporator coil failures, constant electronic issues, some appliance failures and many fixtures tarnished and pitted. On top of the problems with the home, our Homeowners Insurance decided to non-renew our home and we were denied coverage by every insurer, secondary insurer including Citizens. After countless hours (50+) of phone calls, research, and the help of the Insurance Advocate Citizens decided to insure us. This would have never been accomplished without the Insurance Advocate.

Seeing no help in sight and determining that walking away from the home was not a financial option, we began the remediation process. We moved out in June and four years to the date finally moved back in. The remediation was entirely self funded.

We find there are many misconceptions about our situation. 90 percent of people believe it is covered by insurance. Another large percentage possibly as high believe we will receive a settlement. When we moved back into the home our window coverings no longer fit the windows in trying to determine how to retrofit them or how to obtain a discount, we were told, 'Oh you will definitely get reimbursed for this kind of thing. You should be looking into that.' I would like to know where this settlement is coming from since everyone is either denying responsibility or bankrupt. This is the majority of people in our situation. Very few were lucky enough to have a large builder who paid the bill. Even fewer had their case taken to court and won. The fact remains no one is taking responsibility for this tragedy. Yet we continue to import other toxic Chinese materials into our country.

I am often asked why aren't the people who allowed the toxic drywall into the country being held accountable. I have no idea. I tried to contact these agencies, but had no response. I have no idea why there seems to be no restrictions on China importing more products based upon this problem and the other toxic products they have had over the years. I have no idea why no one in our government believes any of these issues are their problem to help correct. I have no idea why there isn't a fund setup to help people in this situation. I have no idea why this problem has largely been ignored and it seems like everyone just thinks it will fix itself and go away. You bet I will take this information with me to the polls and so will every

other individual in this situation. We know who was responsive and at least tried to help and care and we know who largely ignored our calls and e-mails. We have legislatures spending time and money on demanding that schools change the name Winter Break to Christmas Break, yet they don't want to spend any time debating helping victims of Chinese Drywall.

To those who are soliciting feedback and debating this issue we thank you. We appreciate your efforts to try and help us. This is an important issue and again we thank you for your time and effort.

I am currently one of the thousands of homeowners who unknowingly purchased a home contaminated with Chinese drywall. In July 2007 I was transferred from my Federal law enforcement position in NY to beautiful Miami. It was the opportunity I had been waiting for, I finally made it down to Miami and now would be able to purchase my first home. Living in NY on a Federal salary made it difficult to purchase a home therefore I felt very proud that I was finally able to have a piece of the American Dream. I purchased my 2 bedroom condo in Doral, FL for \$270,000.00 and was expecting to someday have a family where I can already have an established home.

Towards the end of 2008 I began hearing reports of some homes in the Doral area that had been built with toxic drywall and that people were having problems with their air conditioning, home appliances, and began having health problems. I began investigating a little further because the symptoms that were being discussed sounded very familiar to me. My home always had a certain smell to it that I always believed was like fresh paint and I assumed it was because it was a newer home. I also recalled having burning eyes and sore throats often especially when I would wake up in the morning. I remember seeing pictures of corroded wiring and decided to look at my air conditioner and this is when I discovered that my AC hose appeared to be tarnished. I immediately reached out to my developer and advised them of my finding. They sent someone to look at my AC and my electrical panel and they confirmed it was corroding. I spoke to the attorney for the developer and he advised me not to worry about it that they would see what they could do. I never heard from them again, my developer disappeared, the attorney never returned a phone call again. I contacted the City of Doral and they sent an Inspector who confirmed that my property contained toxic drywall, the minute the Inspector walked in he knew because of the distinct odor. At this point was when I realized that all my years of hard work had all gone down the drain. My home was toxic and dangerous to my health.

Over the next several months and years my AC failed 4 times, I purchased a new coil and within a few months that began leaking as well and was completely corroded. The AC tech actually thought their had been a fire inside my AC because the copper coils were completely black. My stove's electric panel stopped working as well therefore I needed to pay several hundred dollars to get it fixed. I continued getting sore throats and burning eyes but I had nowhere to go so I continued living there hoping for a quick solution.

I contacted an attorney in January 2009 and filed a lawsuit. I continued making my mortgage payments because I did not want to ruin my excellent credit history but I finally gave up in July 2011. I got married in November 2010 and realized that the health of my wife and mine was more important then maintaining my credit history. We wanted to begin a family and we knew that we did not want our baby anywhere near this home. I decided to move into a rental home that at least I know is not detrimental to my health.

It deeply angers and saddens me to see how our government has done nothing to help homeowners with this problem. These homes were built with faulty and dangerous materials and everyone has walked away from us. The government, the bank, the association can care less. They still want their taxes, their interest, and their monthly dues and could care less that these homes are unliveable. In the U.S. we have the lemon law to protect car buyers but I find it unbelievable that when someone buys a new home there are absolutely no protections. Buy at your own risk. . . . I didn't know I had to inspect the drywall when purchasing a new home and neither did the bank because they appraised it. . . .

I don't expect this lawsuit to go anywhere and decided to cut my losses now knowing that the banks will probably come after me to pay up in the future for a home that recently was appraised at \$75,000.00 due to the toxic drywall.

My home is currently in foreclosure, my credit has been ruined, I will probably owe taxes, or the bank will try to sue me for the default amount on the mortgage. This is a "lose lose" situation for all the homeowners involved.

As a Federal law enforcement officer that investigates fraud, I feel like I have had the biggest fraud in U.S. history committed against me and my government (and employer) has done nothing to help.

I wish everyone luck with their homes and hope that someday we can come out of this nightmare and maybe help make changes so that no other American falls victim to anything like this again.

I would like to tell you our story, of two disabled person's struggling to survive this Toxic Chemical Drywall Disaster. [Redacted] was deemed totally and permanently disabled as determined by the two years of the required Government evaluations, Government Doctor's exams, Laboratory, and other extensive testing as required by the SSD process with a personal appearance and found conclusive by the Federal Court, I do not reveal all of this health information lightly but it is in the best interest of all parties/victims who have suffered and continue to suffer with disabilities and also Toxic Drywall. All information is based on sound Science. He was severely injured and has some genetic problems that contribute and now he is poisoned.

His Parents came to America, fleeing the War torn Hungary in 1956 during the Revolution to find their American Dream. His Parents became Citizens, built their own home, started their own Machinery Facility and contributed to this United States of America. [Redacted]'s Father was a manufacturer for the United States Military, building parts which were considered to be of high security clearance, he even designed a part that is now on the moon, part of the Lunar Lem.

[Redacted] learned this trade from his Father and has great knowledge and expertise in the manufacturing field, all fields. He is a former Certified OSHA General Industry Outreach Trainer, this before his disability. He is highly qualified with several Certificates in various fields including being a Former Licensed Insurance Agent for the State of Florida. I am a former bookkeeper and Office Manager before being stricken with Lupus at an early age. In 2005 [redacted] and I decided after my Disability continued and all of the issues along with that and now his Disability that we would build, using his 401k money, a home specifically designed for our Disabilities. We could no longer climb stairs, no longer bend at certain degrees, we had and still have severe limitations. Our home was very well thought out. Every aspect, the counters are a perfect height, the Refrigerator is elevated, we have a Physical Therapy Whirlpool, Our shower is built with five shower heads as with Lupus, hot or cold changes affect me tremendously. I will go as far as to tell you that we even have a restroom built for Disabled Persons. Our home for our disabilities was perfect. I cannot tell you how much we have missed it over the past almost two years now. It is only 900 sq. ft. but built on a bigger slab of concrete under roof and above code for possible hurricanes, (ironically), so that I do not have to be in the sun, you see with Lupus, the sun is a trigger as well as stress, actually, stress is the number one trigger for a Lupus Patient resulting in a Flare and with this Drywall Tragedy, I have had and continue to have plenty of unwanted and undeserving stress.

We were the Owner/Builder, as this is allowed in Hillsborough County Florida as long as we adhere to all contracting guidelines. *i.e.*, hiring licensed, Bonded and Insured Sub-Contractors. So in doing this we find it very disheartening that we adhere to the guidelines but the sub-contractors do not, or I should say they should share responsibility in the materials installed in our home. There should be product accountability when they purchase the drywall and bring into the home. We Sub-Contracted out the drywall, etc. to Companies that we thought we could trust. We moved in in January of 2007, so happy, we finally could live out our limited days or I should say difficult days in a perfect place for us. We were thrilled. My Lupus was in remission, [Redacted] had his disability but he was o.k.. Shortly after moving in, we began to have issues with the smoke detectors, air conditioner, I started noticing corrosion in the bathroom but although I saved and waited for my bathroom fixtures to go on sale and bought the best, I thought maybe I would take them back to the store. Then . . . I began to cough up blood, trips to the hospital and emergency room left [redacted] and I with a visit, per the hospital, to a visit to the local health department for possible TB testing. We were both coughing up blood and horrendous phlegm, not to be gross on a public document but factual. The testing was done, we did not and do not have TB.

We continued to feel ill. I had continuous nosebleeds and a severe rash which was thought to be shingles but was treated and left unexplained. [redacted], under routine labs began to have pancreatic issues that he never had before and had previously before moving into the home had routine blood work every 3 months. He also had a return of his childhood asthma which in almost thirty years of marriage he never used a rescue inhaler. He was put on one. I awoke to being numb on the

left side and paramedics were called when [redacted] could get no response from me one morning, I went into now I know what was a hypoglycemic stroke/coma with an unexplained flare of Lupus and was hospitalized on Mega IV doses of medications, and remain with neurological damage. I suffered from breathing issues/hyperinflated lungs and severe fatigue. [Redacted], after many, many trips to the physicians, and emergency rooms was put on mega doses of antibiotics for what the Physicians believed was a lung issue. One morning after his now normal pattern of having to sleep sitting up, I noticed he was extremely cold, I took his temperature over a few hour period and it was extremely low. I phoned the doctor where he stated that [redacted] was hypothermic. I rushed him to the ER once again, he was hypothermic, and had bi-lateral pneumonia.

The Physicians were puzzled because his immune system was basically non-existent. Knowing that he had routine labs they, asked me what was different. At this point I had heard of Chinese Drywall and saw the signs in our home but never in a million years did I think we could have it. I trusted the Sub-Contractor/Supplier . . . no longer. While [redacted] was still hospitalized after 17 days, I contacted the Florida Department of Health, they instructed me on what to do. Our Air Conditioner Contractor came out, (the owner) and actually looked at the coils, he had seen this many times and stated that we had bad drywall. He did look at the rest of the home after that. I immediately told the Physicians. We could not go home. They were going to put [redacted] in a nursing home. This would be the first time in 28 years that we would be separated, luckily we had a little money left so I rented an apartment and took my Husband home to hopefully recover after having to purchase new beds, furniture due to the gases and contaminants. He was now so weak. The first couple of months he did get somewhat better but never the same. He now has COPD, not before. He continues with left-sided kidney pain, His pancreatitis did immediately go away as did my problem with my blood sugar. He has lung damage and now marrow issues. We will never be the same. We were not this way, even with our Disabilities. There has been a drastic change since moving and living in that home for two yrs. We have been "Poisoned" just as it is written on the CPSC document done by Mr. Glen Dunlap, as well as other homeowner's documents.

While living in the first apartment, we have since had to move to another, I contacted the CPSC for the second time, the first while [redacted] was hospitalized. I got a reply e-mail from Christopher Day and then a follow-up phone call from Mr. Dean Woodard, at the time he was the Defect Investigator. He told me that Mr. Glen Dunlap would be in touch. Mr. Glen Dunlap did phone me and wanted to talk about our health first and then go to the home. We did. Mr. Dunlap left the house with his eyes burning. He saw the Domestic Drywall Barcode, the same piece that the Insurance Company had tested the month prior via an Engineering Firm, and finding Defective/Reactive/Contaminated drywall with Impurities.. Not Chinese. I asked Mr. Dunlap if he wanted to test the piece also and he stated that he did not need to. I gave Mr. Dunlap all of or most of our medical records, including the photos of the inside of [redacted]'s windpipe. Approximately one month later we received an e-mail from Mr. Dean Woodard for us to contact him. We did, he told us specifically that he wanted to contact the Domestic Wallboard Manufacturer and get them to settle. I found this to be the best news that we had heard in a very long time. The Domestic Manufacturer did come into our home, along with our Attorney at the time, Robert (Bob) Gary, and it is videotaped. The Company, tore our house apart finding nothing but their labels, taking pieces for testing and has and continues to refuse to release our testing. Our Attorney at the time did testing by a Doctor that found problems. I have recently contacted Dean Woodard who stated that he cannot get our results from the Domestic company now and that he bowed out due to us hiring an Attorney, (we had to because the Domestic Drywall Company could not tell me on the phone that we would have access to the results and even with an Attorney and a signed agreement, they fulfilled that statement, breaching the agreement)

This makes no sense that Mr. Woodard would state this, given the fact that Mr. Cohen stated yesterday that they have "no legal recourse at this time to make the manufacturers do a recall" and they are the Government Agency that is suppose to handle this type of problem and was willing to handle ours . . . why? To the Senators: how can an official from the Consumer Product Safety Commission offer to get a Domestic Drywall Company to settle with us based on the facts he has in his/their investigation(s) and now refuse to help? In the hearing, Senator Warner stated that "some companies have settled and they usually do not do that unless they know they are going to be found guilty". How and why did the Consumer Product Safety Commission try to get the Domestic Drywall Company to settle . . . I firmly believe that what Senator Warner stated rings true, and apparently the Consumer Product Safety Commission thought so as well. But what about the other Families with this product ? They have been reported and some have not because they hear

that the Consumer Product Safety Commission will do nothing, so why bother? I have written to them so many times.

I also contacted Senator Bill Nelson's office over the past year and a half for help, as well as Senator Rhonda Storms for food assistance, for FEMA for something. They have tried and helped as much as possible. It is greatly appreciated.. I wrote and copied all of them that [redacted] and I after selling everything that we own can no longer afford rent and will be moving into a tent on our property as soon as the order is fixed, we cannot afford for the County to condemn our home. They do not strive to Condemn homes but it cannot sit there, empty, being a blight to the Community although we have bartered with a kind Family to keep up the yard. Hillsborough County is trying to expand and improve our Community. We cannot get help, we live on a severely fixed income and are paying half on rent. Budgets are constrained in this County. They have done all that they can. We did get a permit via help from a friend and luckily it was half price . . . to remediate, inch by inch, extremely slowly, when and if we can, this is keeping the home from being Condemned. The Building Official for Hillsborough County, Mr. Wayne Francis knows of our plight and is very supportive.

We need help from FEMA. I have so many details and so much more to share about how the CPSC and the other Federal Agencies, including others . . . have failed us. We have got to hold the Manufacturers accountable, the voluntary system/labeling is a smokescreen, if they will not even fix our home what makes the Government think that they will be voluntarily labeling anything and in actuality what chemicals will they be labeling, as Mr. Cohen stated about the process of making drywall to Senator Wicker. "They use fly ash, and bake it". If not scrubbed properly, the fly ash will end up making everyone ill, it contains over 22 contaminants and this will continue. Fly ash is a general term, used by Mr. Neal Cohen, of the combination of ingredients given off after burning coal and these ingredients are mercury, lead, strontium, etc. There needs to be oversight. Some fly ash is imported. This should be looked into. The Installers need to be held accountable, the Suppliers, the Insurance Companies, all the way down the chain. This will happen again or worse yet, continue to happen if something is not done.

The bottom line for us is, how does a Federal Agency step in, say they will help and then step out. How do they get to in my opinion, not be entirely truthful with the Senate as to all of the facts and get by with it. As an American Citizen who has to wear a respirator to go into her own home and does live by the laws of this Country, I, we would like to know when if anything will be done to fix the damage from this Toxic Chemical Hurricane so that [redacted] and I can live in our home, our American Dream, our Safe Haven and live out the rest of our days, now even lessened.

We would just like to thank Chairman Pryor, Senator Warner, Senator Wicker and Senator Marc Rubio for the questions asked of the witness panel yesterday. The Witness Panel including Mr. Neal Cohen of the Consumer Product Safety Commission, Dr. Portier of the CDC, Mr. Shelton of V.A. and Ms. Brenda Brincku of Alva Fl. Now that I have told you our story of our life and experience with Toxic Domestic Drywall, (which is a different Domestic Company from Ms. Brincku) I would like to address the answers given by some of the witness panel. I am doing this as a Victim and I speak for my Husband [redacted] as well. As to Mr. Neal Cohen's testimony, in my opinion he did not answer the questions completely. There were direct questions posed to him about causation, there were many theories that the C.P.S.C worked on including the Sulphur Reducing Bacteria issue and if looked at closely (Peer Reviewed, not just put on the Internet for anyone to contradict, which is not a peer review study) then it would be mentioned in the hearing that they did not find zero Sulphur Reducing Bacteria. This is one causation, they, the CPSC also found other bacterium. I would just like to say that I, as an American Citizen did contact the "CPSC'S expert scientist". I have sent my serious concerns as to a possible health aspect of just this issue in numerous e-mails to the CPSC, the CDC and anyone and everyone that would listen. The only person that responded was the Scientist and Mr. Christopher Day who said he forwarded.

As to other homeowners filing reports about other Domestic Drywall Companies. I cannot say with certainty that Mr. Cohen is accurate but I have read all of the In-Depth-Investigative reports on line. Our Report has not been released on line. I do not know the Statute that Mr. Neal Cohen quoted as it pertains to releasing the Domestic Manufacturer's names but I would like it quoted and made a part of record. From my experience there are quite a few Domestic Manufacturer's that have been reported about/on. There is/was a Domestic Drywall Problem. Mr. Cohen's quoting of the 11 home study in 2010, was not complete either. They did find problems. Please ask for all documentation.

Mr. Portier's statement about these gases including Carbonyl being Toxic is accurate. So given that statement, why then should the American Citizen's have to wait another moment before our Government declares this a National Disaster (it is a Toxic Hurricane) within our own homes. We have been "Poisoned" and it is written on not only ours but other In Depth Investigative Reports under . . . Injury Diagnosis. If this were a Hurricane, we would have a FEMA Response. We have, all, the victims have, begged for FEMA'S help. So many of us have been or are still homeless. We are the ones that Ms.Brincku so diligently pointed out when asked, that will be living in a tent on our property, we have ordered it and had to reorder, as mentioned in our story. We implore and have implored the CDC through Christopher Day of the CPSC including sending photos of my Husbands windpipe while hospitalized from the gases that Mr.Portier referred to, to help us and all of the other victims that are suffering from tremendous health problems from, immune issues, insulin, bone marrow, blood, kidney, seizures nasal sores and cysts, etc. even cancer. Creating a "safe level" of these gases is unacceptable, it is too late for us, we have all had long-term exposure even at low levels. There should not ever be a standard level for these gases and impurities. My County even refers to it as "Septic Drywall". That along with Dr. Portier's statement about not allowing his family to live in this environment speaks, as Senator Warner stated "Volumes". We need to be followed for this just as the CDC lists asbestos on their registry, so should these gases be. Lead, Asbestos, it makes no sense to not include this Drywall as a health hazard although basically if listened to very closely, the words spoken at the hearing by a couple of the witnesses, do just that.

To Whom wants to listen,

My name is [redacted] and my family and I own a Chinese Drywall home. August 2009 is when our nightmare began!

We moved to Florida from Kansas, we had never even heard of "Toxic Chinese Drywall"! WE did all the right things when you buy a home, we had it inspected (Little did we know, Chinese Drywall was not an item covered by the inspection), we bought a home that we could afford and did research on the neighborhood and schools. Within 90 days of moving in, we had to move out! Our home was never lived in so it took only 90 days for the AC and man made humidity to start the effects of producing a "firecracker factory" odor in our home. My 6 year old son's room was the worst. He is my most precious gift and I was not about to risk his health!

We all started getting sore throats, upper respiratory congestion, muscle fatigue, I was the worst because I was in the home all day and night. Needless to say that once we tore out two closets in the house, we left never to return shortly after words. I'm predicting that Chinese Dry wall is the "next asbestos" health concern. Is our country really going to just wait and see how many of our children develop serious illnesses as Adults due to Chinese Drywall? Just the fact that so many people are complaining of illness should cause the CDC to ban and recall the stuff! If it isn't dangerous to one's health why are so many of our government agency's going in to homes wearing full protective garb?

We have been faced with having to move several times(the first home rented was foreclosed/short sold-the owner was taking our money and running, never paying the mortgage). Three moves within a year and a half. Financially, we will never be able to recover what we have lost, not to mention having worked hard all my life to have perfect credit and having to face that being destroyed. Emotionally, hours of therapy and meds just to control my since of dispare that we had no where to turn to fix the problem. You see my home being poisonous was not something that I did yet I am paying the price.

We live in a wonderful country full of opportunity and justice. I'm proud to be an American. I'm glad that my tax dollars help the needy and that we are a nation under God. My question is this, why is it so hard for me (a born and raised U.S. citizen) to get help when I need it? A portion of the millions of dollars we send to other countries in need would help put the lives of us "victims" back on track. Not to mention how many jobs this could create and how the housing market may get a helpful hand in rising home values. When are we going to make China accountable for all the dangerous products that they are making and sending over here?

I just hope that some of you have the heart and passion to take serious action and help those who have been effected by Chinese Drywall. The homeowners are the "real victims" whose day to day lives and health are affected the most.

May you do the right thing,

My families story is complicated and has been a horrendous experience for all of us but the thing to keep in mind as you read this is that I consider my family to be one of the lucky (if that is even a word you could use in describing anything related to this disaster) ones in this Chinese Drywall (CDW) disaster. We were able to remove our family from this toxic environment over 2.5 years ago. I have spent more hours than imaginable for the last two and a half years listening to the stories of American families facing sure financial ruin and unknown health consequences due to the toxic import of Chinese Drywall. We lose our house this week to the bank and this toxic import!

In March of 2009 there was a story written about Chinese Drywall being installed in our area in homes that had been built in 2006. While I had not experienced many of the problems with my home that were listed in the article I decided that I should give a call to my drywall installer and obtain a letter saying they did not use CDW in my home. This way, in the future, when I was ready to sell my home, I would have a letter in hand stating that it was not a toxic drywall home. This is when the nightmare began. A few days later the owner of the drywall company called to tell me that they DID install Chinese drywall in my home and that there were 40 sheets (we found out later after obtaining the delivery records that it was not 40 but 77). I was on a field trip with my 9 year old daughter and her classmates in Jamestown when I received this phone call. Needless to say I, realized the enormity of this news and that our lives would be forever changed.

What hit me the most that day was the realization that this was why my family and I had been so sick for the last 2 years. My oldest daughter, then 11, was extremely ill and had missed so much school that her doctor was running all kinds of blood tests, including mono, to try and figure out why, what was once this healthy, extremely active, dancer, honor student, could barely get out of bed. The next day I called my oldest daughters doctor and tried to explain what little I knew about Chinese Drywall. She told us to come in immediately. Upon arrival she told us to get out of our the house for a week and see how we all felt. Friends were going out of town for Spring Break so we went and lived at their home. My youngest daughter at the time was 7 and begged us to have Easter at home. We spent Easter morning at home and moved out that afternoon. Never again have my daughters been back into their home, seen their rooms or played with their toys.

After the week in our friends house another friend loaned us their 37 foot travel trailer and our family of 5 lived next to our million dollar waterfront home in this trailer for 3 months. Remember, I told you that we were the lucky ones. We did have friends that were able to assist us and we did finally have the means to move our family into a tiny new home, all be it a safe home, to raise our girls. That was over 2.5 years ago! Just as a point of reference to explain more about my husband and myself. My husband came to this country when he was 5 from Vietnam. My husband being the oldest and the rest of his family of 6 escaped the day the country fell and arrived here with the clothes on their back. My father was a hard working New York City fire captain who worked numerous jobs to support his family and get all of his children through college while my mother worked in the school systems because she understood the importance of having somebody home to raise the children. My point in all of this is that my husband and I came from very hard working middle class families, worked our way through college and graduate school and worked very hard to obtain what we had. We had built our dream home on the water to raise our three girls, kayak, fish and enjoy the outdoors on our beautiful 2 acre property.

Two and a half years into this legal and political battle we realize that by the time, if ever, any of this is settled our children will most likely be grown and hopefully able to afford to attend college. I have dedicated my life for the last 2 years to working to bring attention to this issue. We have worked with our government officials, starting locally going to our Congressman and Senators and then coming back to the state level. Nothing over the last 2 years has been done that would actually assist these Victims of Chinese Drywall (VCDW). There may be other things happening in the world but to these American families this is the most tumultuous part of our lives. What we don't understand is our government's lack of acknowledgement of this issue that is destroying tens of thousands of families. Please stop worrying about offending China and realize that American homeowners and families are being offended.

The Victims of Chinese Drywall are hurt and destroyed every time we hear a story about our tax payer money going overseas to help foreign families while we are all devastated by this toxic import. This is not a simple choice of recalling yet another toxic product Made in China, the estimate we received to restore our home was \$380,000. While we did have equity of \$800,000 in that CDW home we cannot justify pouring any more money into a home that made us so sick and that we may

never be able to sell after it is “restored” because there is no real “protocol” that is accepted by all in the field or the government agency, CPSC, that are dealing with this situation. This toxic product does not discriminate. Young families and singles who are just starting out have lost everything. Seniors who put all of their money into purchasing their retirement home are forced to remain in these toxic homes due to lack of funds to move out and pay rent someplace else.

I must point out that we are over two and a half years into this disaster and over two and a half years into not being able to live in our homes and yet we still have no answers. We don’t know how to fix these homes, we don’t know how this happened to the drywall, we don’t know how the drywall manufacturers can ensure that it will not happen again and we still don’t have a content sheet for what drywall is allowed to contain. To top it all off, during the last two and a half years it has never been made illegal to sell or import this product into the United States. What are we doing to protect American families from this toxic product?

Toxic products have been entering our country from China for more than 12 years now. China started sending us small toxic products that could be recalled and now we have let this grow into a product that has destroyed American homes and made American families extremely ill. If nothing is done to counteract these toxic imports the question is—What will be next?! By ignoring the Chinese Drywall disaster we have given the Chinese manufacturers carte blanche to do as they please and send us whatever toxins they want to send our way!

While my daughters are very strong and have lived with what life has handed them I feel this has taught them extreme disappointment in their own country that never would I have expected for them to learn EVER no less at such a young age. Sure they have met with Senator Warner, Congressman Nye and numerous other officials but then only to realize that after we leave our elected officials NOTHING happens to right this wrong that has been done to their family and thousands of other families across, what we used to think of as, this great country of ours.

The Congressional caucus and this Committee can:

(Most important is our health) Require that CDC start gathering health data and appoint a specialist to be available to answer ongoing health concerns from toxic drywall homeowners and their physicians.

Hold another hearing and call in the manufacturers to let them know they will be held liable by our government for the destruction of these homes, just like was done with Toyota, Halliburton, BP and Transocean

Help homeowners restore their credit via extenuating circumstance ruling to pre toxic drywall status

Help prevent foreclosure for the few homeowners that wish to try to save their homes in the hopes of a legal settlement

Meet regularly to craft legislation and produce minutes to be made available to the public

Call in the insurance industry to the next hearing to discuss lack of coverage. To date all insurance from homeowners, installers, suppliers and builders deny coverage citing the pollution exclusion

Provide legislation that authorizes no-interest loans to homeowners to remediate

Establish drywall standards to help prevent this in the future

Require that a government organization continue studies to figure out how this happened to the drywall, was it bad mined gypsum, coal flue gas desulfurized gypsum drywall, recycled drywall or improperly cured drywall, to help ensure that this problem never happens again?

We request that the AG look into the fact that some American businesses knew about the problems caused by this toxic product and chose to cover it up, not inform homeowners or the consumer product safety commission. If this is not illegal then laws need to be changed.

The toxic drywall homes that are now owned by the banks need full disclosure upon sale so that 2nd generation families will not become victims of this toxic product

CPSC has stated that they informed U.S. Customs that CDW should not be allowed into our country. Where is this letter?

CPSC has stated that the owners of the stock piles of CDW that are stored around the United States have been told not to sell the drywall. Where is this letter?

Federal regulators have dropped the ball and we hope this committee can help turn that around and send Federal assistance to these devastated American families.

MY CHINESE DRYWALL PROBLEM

This is my story about a condo I purchased in the summer of 2009 from Fannie Mae. Fannie Mae sold the unit to me with no disclosure that the unit had Chinese drywall. After some investigating I found out the unit and approximately 80 other units have Taishan drywall and were unlivable. To date I have not slept one day in the unit and it is financially running my life. This is the general timeline of the events that happen to me and my family. The condo is part of a planned community located in Port Saint Lucie Florida.

- May 2nd we mailed Bayshore management an application to be approved for the full time residence. My wife and three year old child and I purchased the unit to relocate from New York to Florida.
- June 25 we were scheduled to close but the approval letter from the board, permitting me to move in, was not returned because the lawyer for Bayshore management Association was still negotiating back fees. To date \$11500 was owed to Bayshore for previous maintenance fees. The president of the Board of Directors had to sign off on our background check allowing me and my family to move in.
- July 1st, 2009 was a second closing date and we did not close again, because Bayshore management's lawyer agreed on amount to be paid back but did not sign the documents allowing the closing to proceed. My wife went to [redacted], the manager of Bayshore Management, asking him for pool key. He refused to give key, questioned her about the payment of past association fees that were owed.
- July 3rd, 2009 Liberty title closed property through mail and computer with Fannie Mae. They wired the money to Fannie Mae and closed for me. I wired money to Liberty title about two weeks prior.
- July 4th and 5th three families moved out from our street. Out of 22 units next to mine only 5 units had people in them.
- July 6th at 9:30 am I was outside with furniture deliveries and lady across a street and another neighbor told me I can't move small child into the unit because it was toxic. I said "It can not be, the inspector check it". I refused to believe it. The neighbor and I went into my unit where he start taking out the electrical outlets. The ground wires were black along with AC coil. Along the same wall two appliances were missing. The corrosion would rust the electrical components that would render the appliance non-working. The neighbor told me that over the last two weeks about twelve neighbors have moved out because of corrosion and health problems linked to Chinese drywall.
- July 6th about 10:30–11:30 I went to the satellite office of Bayshore Management to speak to [redacted], the association manager. I asked him if my unit has Chinese drywall. The receptionist had a colored chart on her desk that he looked at and said "Yes, your unit has a "mild case" of Chinese drywall. I would not bring my child in there." He also recommended not taking the furniture out from there, suggesting cross contamination.

When I asked why he did not tell us prior to closing he replied "I can be sued for blowing a sale. And you should have been told by the seller."

In my case Fannie Mae had deed to the condo and the original owner was not on any of the closing contracts only Fannie Mae. I purchase a toxic condo from Fannie Mae.

The chart that [redacted] was referring to was created by the president of the Board, [redacted]. [Redacted] was paid to determine all of the condo units with Chinese drywall; this was months prior to my contract to purchase. Approximately eighty of the one hundred and ten units had Chinese drywall.

[Redacted] did the unit evaluation back in March and with the Board of Directors did the mailing to the residents informing them of the toxic drywall in there unit. This letter went out in April certified mail.

The letter for my unit went out and was singed by the previous owner that was foreclosed over a year previously by Association and the bank.

- July 10th at 11:30am I called the PSL Property Appraisers office. Their # is 772 337 5760. I told them about my problem and they said to contact [redacted]. He is the president of the Board of my condo association. They informed me that Howard was at the Property Appraisers office month ago giving them a list of all the toxic properties in my neighborhood.

The list would let the Property Appraisers office deduct the amount of money to fix unit called "Right to Fix" from the Appraised value which in turn lowers your taxes.

- July 10th at 12:30 pm I called Fannie Mae at 972 773 4663. I told them that the unit they sold us is toxic, and I and my family are homeless. They said they will do a "Page send" and someone will call me in two days.
- July 13th or 14th a rep called from Fannie Mae saying that it was my job to do Due Diligence to find out history of the unit. I told them that they did not disclose the findings of the unit knowing that last owner foreclosed because of Toxic drywall. The inspection service for the bank is First American Field Service, there phone number is 1800 873 4532. I called them and they said to call the bank if I have a problem.

First American Field Service left a large sticker across the condo's front door with their name and phone number that said they inspected the unit.

Additional information found on my closing contract:

- Fannie Mae File #SL-09-0171. Alfred L. Gonzales of, as partner of Adolno & Yoss LLP, Attorney in fact of Fannie Mae A/IC./A/Federal National Mortgage Association.

Additional information:

- Fannie Mae 972 773 4663 in Texas.
- Liberty Title Company of America inc. 10060 South Federal Hwy., Port saint Lucie, FL, 34952 (772 335 7474). Sharon Evans was handling the closing.
- Property Appraisers office PSL (772) 337 5760. "Cost to cure" adjust value paperwork was given to them by association president. This outlined all of the infected units.
- Business Tax Office. A&A Inspections is inspector we hired to check the apartment for Chinese Drywall. I called them if inspector is licensed and insured. He is licensed in PSL. However, inspector is not a "trade" in Florida, therefore NO insurance is required. The owners name is Steve Frank at 514 SE Guava Terrace, Port Saint Lucie, FL, 34983. The office number is (772) 336 0936, cell (772) 240 6219. He is in the phone book as Licensed and Insured, but does not have insurance. I called him to put in claim. He said "NO insurance, sorry"?
- First American Field Services for Fannie Mae 1800 873 4532, inspected the place for the bank prior to me buying it.
- Burt is a property manager his onsite number is (772) 345 0596. He told me that I do not own outside walls, walls touching another condo, ceiling and floors of my condo. However they did not disclose to us that "their" part of the condo I purchases is toxic. He is on the Board of Directors. Their position is that the sell is required to disclose not the Board.

In July of 2009 I purchased a two bedroom two bathroom one car garage condo in a planned community, located in Port Saint Lucie Florida. I purchased the unit in good faith from Fannie Mae not knowing or ever hearing of Chinese drywall. I am from New York and this is a problem typically found in the south. The unit was inspected by prior to my purchase by First American Field Services I suspect this was for Fannie Mae when they took ownership, the finding were not disclosed to me. I am presently strapped with a unit I can't live in, sell, or rent because people are getting sick from the drywall. The Chinese drywall problem has created a lot of foreclosures and in my case the person required to disclose doesn't and the new homeowner is stuck with a toxic asset.

Thank you

RE: Defective Drywall

We recently watched our dear friend, Brenda Brincku, testify before your commission regarding the plight of thousands of homeowners that have been plagued with defective drywall, without any assistance from our insurance carriers or Federal government. The recognized affects of defective drywall has been acknowledge for

nearly four years now. There have been countless studies that seem to prove inconclusive as to whether there are any health or safety hazards. Yet every victim of a defective drywall home can testify of numerous safety hazards in their homes along with varied health conditions caused by the defective drywall.

My family has also been a victim of defective drywall at our Cape Coral, Florida home. And, like the Brincku family, we were the owner/builder that hired all of the sub contractors to build our dream home. Therefore, we had no builder to go back to for any form of restitution for this nightmare. We turned to our builder's risk insurance, only to be denied, due to the pollution exclusion, which is in virtually every insurance policy.

Before discovering that our home was built with defective drywall, we encountered numerous malfunctions of various electrical components throughout our home. Our alarm system would go off for no reason; some of the plastic components of the alarm system completely disintegrated; the control panel on our wall oven (that may have been used a total of ten times) completely malfunctioned and had to be replaced, our pool control panel had to be replaced, brand new computers stopped working, ceiling fans burnt up; and a sprinkler clock had to be replaced. A majority of our plumbing fixtures were pitted, mirrors were blackened along the edges, two year old paint cans were completely rusted through, screws completely rusted and pitted, and various tools rusted.

If the defective drywall can cause such damage to hard metals, imagine the affects it can cause to the delicate tissues of the human body.

I have been an electrician for 32 years and have never seen copper wiring turn black as I did in my own home. I initially did not feel that the electric needed to be completely removed until I stripped several feet of romex wire in various locations throughout my home. To my surprise, the blackened copper had traveled intermittently throughout all of the wiring in the house. The exterior of the romex had also turned brown in various locations on all of the romex. I do not how the CPSC can conclude that the wiring is *not* a safety hazard.

As far as the health affects, everyone in our family was affected differently. I would get sore throats, headaches and cough, my children were always lethargic and slept most of the time, and my wife would get rashes, nose bleeds and headaches. These symptoms would always subside after a few days back home in New Jersey. These are the varied symptoms that are synonymous for every victim of defective drywall. Fortunately for my family, this was not our primary residence, and we had somewhere else to go to breathe clean air and not be sick on a daily basis.

Financially, the defective drywall has devastated our family. We invested over \$500,000.00 to build our dream home. We used our lifelong savings along with taking a mortgage out on our primary residence in New Jersey. When we discovered our home had the defective drywall, we could not just walk away like so many families did, because we would risk losing our New Jersey home, in which the loan had been secured with. We opted to fix our home immediately, instead of waiting years in hopes of any type of lawsuit settlement or help from our government. This was not an easy task, my wife and I were both employed full-time in New Jersey, with two children, then ages 13 and 19. We flew back and forth to Florida over 18 times in one year, along with driving to Florida for one month to completely demo the house and rebuild it. We rented an RV to sleep in on our property and worked 16–18 hours every day for a month to get our home back to a livable condition. We had no cooking facilities, because the Township would not permit us to hook the RV up to any of the utilities, for fear of ground contamination. We kept one toilet bowl in place along with a shower in the house. We showered at night with flash lights for weeks while the electrical was ripped out, with no walls for privacy. We had an outdoor sink for cleaning and brushing our teeth. We also slept on our outside lanai a few nights before we received permission to have the RV on our property.

I understand that you have not received many letters from the thousands of victims of defective drywall. Please realize that we have all been asking for help for several years now, only to have our pleas fall upon deaf ears or have “so called experts” say that there are no health or safety hazards. I invite each and every expert to spend one week in a house with defective drywall, then tell us again that there are no health or safety hazards. During your defective drywall hearing, Senator Warner questioned Dr. Portier of the Center of Disease Control if he would allow his family to live in a house with defective drywall and his response was “probably not”. Those words speak volumes as to how he can then say that there are no health issues with the defective drywall. Unfortunately, many victims have simply given up the fight and have walked away from their homes and are now living in financial ruin. I applaud the Brincku family for not giving up and renewing my faith that someday someone will listen and help the thousands of American people that have been affected by this disaster.

Thank you for the opportunity to share our story.

To Whom It May Concern:

We had built our home in Vero Beach, Florida in 2006. We paid top dollar for it as it was the height of the market. We filled our home with beautiful furnishings and things that we love. We were all prepared, in September 2009, to sell our place in NY, retire and move to Vero Beach. As luck, or should I say, as life happens our move never happened. When we went down to our home in June of 2009 we realized our A/C unit had yet again failed. Upon consultation with our AC repairman, we for the first time heard the term Chinese drywall. Needless to say, after months of painstaking agony we realized that our beautiful home was being eroded from the inside by sulfuric acid.

We contacted the builder, who we learned was in the process of filing for Chapter XI protection. We were devastated to learn that our 10-year structural guarantee was not worth the paper it was written on. We proceeded next to our insurance company. They informed us that they would not be getting involved with CDW because our insurance policy precluded such coverage. No matter who we contacted, no one was interested in our problems.

We next realized the only way to proceed was to hire an attorney which we did. However, we were told that we were required to pay all of the expenses of the home, mortgage, taxes, insurance, etc., on the house. We could try to get our mortgage company to give us a forbearance or we could sell the house. How could be sell a house with toxic drywall to anyone else? So we were doomed to deal with this nightmare alone.

Thereafter, we spent five hours a day for two years trying to contact our Florida and NY representatives, but to no avail. We begged and wrote letters to anyone that we could think of. This too was of no use. There was no one out there who gave us any hope. It was either paying all of our bills in a timely fashion or losing the credit it had taken us a lifetime to build. Not to mention the house was uninhabitable and corroding.

My husband, in the meantime, had sold his business in anticipation of retiring to Florida. He was left unemployed, which has gone on for the past 2.5 years. He has been forced to take menial jobs just to make minimum wage. I was forced to put my retirement off and am working double duty to try to make ends meet. This is the "gold years" for us. A time in of our lives when we were hoping to be able to rest and slow down, we have been forced to work harder than we ever imagined.

Our home in NY in June of 2009 was worth \$200,000 more than it is worth today. My husband and I are unable to sell our NY home, unable to sell our Florida home (it is currently underwater financially) and we are living a meager and depressed existence awaiting a settlement or resolution of this horror. What should be the best years of our life have turned into the worst.

During the course of the past two-and-a-half years I have been shocked to learn that our government has refused to acknowledge the desperate straits that working, responsible, middle class families have been put in due to the corrosive product that was allowed into this country. How can it be that here, in the land of opportunity, when you pay your bills and abide by the laws of the land, that such a devastation can occur? How can there be no criminal repercussions? How can tens of thousands of families be hung out to dry after spending their life savings on what they believed to be their dream homes? How can children not be protected from illness and death due to toxic products being allowed into our country?

Perhaps we are naïve, but these American families, who are responsible, hard working people, were taught to believe their country and the values of right and wrong. These are the same values we teach our children. Many of our victims served in the armed forces to protect our country and the lives of its citizens. Yet the government has chosen to remain silent and let us lose everything we have spent our entire life working for. It just doesn't make any sense.

If we can provide you with any further information, do not hesitate to contact us.

December 8, 2011

To Whom It May Concern:

My family and I are Toxic Chinese Drywall Victims. We built a house with Knauf Drywall and our lives have been turned upside down ever since. The roller coaster of emotions almost tore our marriage apart. We lived there without knowing that we had it, and we all kept getting upper respiratory infections. It got to the point where we were all on antibiotics for something or the other all year. At one point,

they thought my son had Mono. They drew blood and took X-rays. That's the image I have in my mind the most through all this. My son with his arm begrudgingly out having blood taken out. Now, all I worry about are the long term health effects that our exposure will have on our kids. My daughter is having stomach aches for no reason at all. My mind wanders down paths of their children being born with defects or maybe they're sterile. Nobody knows yet what will happen to them. As far as my wife and I are concerned, we have tingling in our hands and definite neurological issues.

As for the house, it is getting remediated. We were one of the lucky ones who hung in there and paid our mortgage and were fortunate to have Knauf and Banner Supply make things right. The stress has been immense. There are days when I feel like I could snap for the least little thing. Not only did the drywall take away our sanity, but it took away thousands of dollars in antiques, car alternators, air handlers, TV's, microwaves, hard drives, air purifiers, jewelry, and God knows what else. But, what about the people who did not have Knauf or any other help? What about the people who rented this houses and were exposed to the gases? What about the workers who installed the original product?

In a few months the "Drywall Family" will be moving back into our neighborhood. Maybe now people will let their kids come over to play with my kids. Maybe now they will come inside instead of standing out in the rain. Maybe now we can move on. Maybe . . . if the health issues go away. I know for a fact that there are going to be long term health issues with myself, and that my exposure to the gasses will shorten my life. That's no problem. But, what's really unsettling is that my grandkids who aren't even born yet, might be dealing with a birth defect because a builder didn't notify me, or that my kids will deal with the harsh realities of a government who did very little in the wake of their countries number one consumer product safety issue to hit during their watch.

December 8, 2011

On behalf of my family I am personally asking for your help. I am an Army Special Forces Lieutenant Colonel with over 20 years of service, and found out a year ago that our house has Chinese Drywall. As you are probably aware, tainted Chinese Drywall emits toxic fumes that erode metals in the home (copper wire) and has been linked to numerous health problems. Since we moved in the house in 2008 my family has had two hospitalizations for respiratory related issues that we attribute to these toxins. Since determining that our house was infected, my family has lived in a single room of the drywall house (most ventilated space), in a camper in the garage, and finally in a small house. To say that two mortgages (with related costs) is a huge financial drain is an understatement—I honestly don't know how long I can maintain this.

The emotional toll that accompanies this issue has dominated my family for the last year. Although we are signed up with the ongoing class action law suit in Louisiana, and have contacted all of our State and local governmental officials, very little progress is being made overall. Local officials look at the problem as a Federal issue, and those in D.C. see it as a litigation and/or Chinese diplomatic issue. Therefore, almost nothing is being done to help those like my family who are having significant challenges. This issue has affected my career, in that I cannot realistically deploy without serious negative repercussions to my family's ability to maintain two houses, one of which requires constant maintenance due to the toxins' effects on the appliances and internal wiring. I'm hoping that you are able to influence our Nation's leaders to introduce legislation, or influence our press corps to report on this issue to force our governmental to acknowledge that more should be done. You have always been supportive of our military, and have made a career of providing a "voice" to those like me who don't have one—thank you.

As a military member I've been conditioned to offer recommendations whenever I have a problem or complaint. Therefore, short-term our government should establish an immediate financial remedy, allowing us to fix and move back into our home. Mid-term, legislation should be established that includes the Chinese Drywall issue as part of a more encompassing package. Because thousands of homes are affected, and it will take 20–30 workers to fix each, the overall "throughput" back into our Nation's economy will be counted in the millions—both in dollars and jobs. By establishing a funding line now, immediate impacts will be felt at the local level, regionally and eventually throughout the Nation as a whole. Finally, long-term solutions must center on addressing China directly, by taking responsibility for the problem and for the forgiveness of a portion of U.S. debt to reimburse the "up front" costs to our government.

I sincerely thank you for taking the time to address this issue.

To Whom It May Concern:

Our drywall story begins back in February 2007. We built our home on land which was given to us by [redacted] father. Within a little over a year of living in the new house, our A/C coils quit working. Within the 2.5 years we lived there we lost 3 sets of A/C coils and other things broke as well: computer, microwave, our doorbell, and an electric dog fence controller that was in a window sill. We had more items malfunction, but those are the main ones that come to mind. As far as the A/C unit we assumed we had gotten a defective one, and even spoke with Penny-Worth Homes (our builder) about this issue. They said there was nothing they could do because our warranty had expired. We had a lot of corrosion to the light fixtures, and the mirrors began to bevel.

Immediately upon moving in, [redacted] began to develop migraine headaches daily. She had headaches in the past but never as frequently as in this home. We both had nose bleeds, and general fatigue. In August of 2007, we welcomed into the world our son, [redacted]. He was born with respiratory issues and was in the NICU for 8 days. When he came home, [redacted] began a battle with chronic ear infections and rashes. Over and over we were at the pediatrician for the same thing. Later, when they began testing of the home and cut into the walls, he developed a nose bleed and from there he had CHRONIC bronchitis. It seems for the past couple of years he has been constantly battling some kind of respiratory issue. We've seen numerous doctors and the best explanation we can get is: "Healthy children can fight off these bacteria they normally are exposed to but since he lived in a toxic drywall home, it can be more difficult to recover quickly." Nebulizers and inhalers have become routine in our home, even though we no longer live in the toxic house. I am convinced this all happened when they opened the walls and exposed us to the drywall dust.

[Redacted]'s mother had heard about Chinese Drywall on the news and said, "Maybe you all have this issue." We laughed it off since things like that do not happen in Interlachen, FL! Then in August of 2009, a friend posted online that she had not been around because they had to move due to Chinese Drywall. She posted a link to the state of Florida site that tells the signs and symptoms. Honestly, some of the pictures were so similar to our home! We were in shock. Immediately we hired an investigator who said that we had all the signs of the problem. . . . *Except* he couldn't find Chinese Drywall . . . only National Gypsum. Over the next several days we spend hours researching defective American drywall and learned of Brenda and George Brincku who had the same problem as us.

We have since had other experts including one of the leading environmental researchers from the University of Florida out to test the house. This particular expert said that our drywall was off gassing sulphur almost as much the Chinese cases. In fact, he said it was the worst American Drywall off gassing he had seen.

Through our attorney's investigation, it has been concluded that our National Gypsum wallboard has come from their Apollo Beach, FL plant. After the chemical testing was completed it was determined that the most problematic board was National Gypsum's greenboard which was removed from the market in 2007.

Our lender is OneWest Bank and they are not working with us. We recently had to hire a foreclosure attorney to help us deal with this issue. This whole ordeal has taken a big financial impact on us as well. Hiring the lawyers, and paying rent for the apartment, which is more expensive than our mortgage payment and smaller, is costly. Jim's credit has already taken a huge hit due to the missed payments, even though it was perfect before the drywall incident.

We now are in a lawsuit with the Brincku's and the Garcia's against National Gypsum. There is a big problem here, and we need answers. My child has suffered from this, and still talks about the drywall even though it's been almost two years since we left the house. He will be four in August, and he really misses his "blue house" and living next door to his Minima (grandmother)! I am worried about future health risks. I need answers about my baby's health. I want to know this is not something that will haunt us for years to come. Please help with this issue!

August 16, 2011

President BARACK H. OBAMA,
Washington, DC.

RE: Chinese Drywall

Dear President Obama:

On August 3, 2010 we found out that we were among the thousands of victims with homes built using defective Chinese drywall. Construction on our 4,000 square foot home commenced in January 2006 and we moved in over the Labor Day weekend 2006. Between the day we moved in and August 3rd of last year we had to replace our HVAC coils three times and we had to replace two flat screen televisions. We thought we were just having an unusual run of bad luck. Little did we suspect that our bad luck would soon turn in to a nightmare. In July 2010 we received an unsolicited letter in the mail from a local attorney which included a copy of an invoice indicating that over 250 sheets of suspected Chinese drywall were delivered to our lot during construction. The letter advised us to have the home tested, which we did, confirming on August 3rd 2010 that we in fact did have defective Chinese drywall in the house.

We immediately joined the support group, Victims of Chinese Drywall.com, started meeting with our elected Representatives and Senators and quickly concluded that any help from our Government would be years, maybe decades down the road. We became part of a class action lawsuit against the Chinese manufacturer of the defective drywall and filed lawsuits against our builder and the supplier of the drywall. We expect to win judgments against both U.S. companies but we also expect both to declare bankruptcy in order to avoid compensating their victims. We have no idea how the litigation against the Chinese will turn out as they are seeking to avoid jurisdiction in the United States. It also appears that the insurance industry has found the loopholes they need to avoid being part of the solution too. Another looming unanswered question was what kind of impact was this contaminated product having on our health? We could clearly see evidence of pitting and corrosion on our lamps and jewelry, what was happening to our lungs? We then decided that, like everything else in our lives, it would be up to us to remedy the unfortunate situation we fell victim to.

In January of this year we hired a contractor, packed up and moved out of the house, tore out everything inside, including drywall, electrical and plumbing fixtures leaving nothing but the studs. We let the gutted house air out for a month, had an environmental engineer certify that all defective drywall had been removed and the remains cleaned, and proceeded to rebuild. We moved back in at the end of May having depleted a significant portion of our life savings to cover all of the costs. The anxiety hanging over our heads was now behind us. We were one of the fortunate ones with the means to take care of ourselves and feel sorry for those victims who are still living with the nightmare. There is a saying that we are all two disasters away from financial ruin. Well we are now down to one. The one bright spot, and the only Government agency to offer any direct help to victims that we know of, was the City of Virginia Beach which reduced the real estate tax assessment on our home for a two year period.

Please give us an update as to where you are in addressing the following questions—Where are you and Secretary of State Clinton in pressuring the Chinese to compensate their victims in removing and replacing the defective Chinese drywall similar to the way the you made British Petroleum set up a “victim’s trust fund” during last year’s oil spill disaster?

How do we get this situation declared as a National Disaster so that Federal assistance dollars can be made available until the Chinese step up to meet their obligations?

Who is pressuring the Insurance industry to step up and share at least some of this burden?

When will CPSC Chairman Tenenbaum finish the CPSC analysis of this defective product and issue final remediation guidance?

When will Fannie Mae President Williams provide clear, uniform guidance to lenders and servicers for the victims of this defective product?

It is our understanding in talking with other victims that these questions have been pending since early 2009. We urgently seek your help in getting answers to the questions posed and look forward to your response as quickly as possible.

OUR CHINESE DRYWALL STORY

I worked part-time last year, after several years home with my son. My entire salary and more is being absorbed by a defective condo that I had to vacate but am still obligated to maintain. I worry *daily* about the financial future of my family and about the possibility of permanent health effects from having lived in a toxic condo for 4 years. I want to go back to school to train for a new career, but I can't afford to, and resent that unforeseen outside forces have so much control over my life and thoughts.

I respond to every plea from a charity (or my child's school) with "No," though I believe in their mission, and I tell them why. When my country aids victims of natural disasters, instead of feeling proud, I am embarrassed at my reaction—what about the loss of *my* home and the thousands of other families whose homes and futures have been ruined by another unforeseen disaster, Chinese Drywall and the nearly complete *absence of responsibility* by involved parties? Recent tornados have me thinking, "Gee, I wish a tornado or hurricane or fire would erase my Florida home, because THEN someone would care, and insurance would pay, and maybe even charitable organizations would help!"

I check the "Made in" tag on *every* item I contemplate purchasing, and walk away from the "Made in China" items whenever possible (I'll pay more for a similar item from elsewhere, or I don't need it). I throw away my son's Halloween candy that is Made in China—at least he won't *eat* their tainted products (my brother who works at Borden says they mix Chinese-made chemicals into some dairy products, so maybe I can't prevent it . . .). I successfully filled the goody bags from his last birthday party with only home-made items, but he receives bags at parties full of potentially toxic Chinese junk.

I once had a different attitude. I contributed thousands of dollars over the years to charities. I used to enjoy shopping. Now, it is a game of Keep Away from China! What happened? My home, built in 2006, contains Chinese Drywall and the concomitant corroding metal and vanishing value. My builder? Gone. My homeowner's insurance? Not their problem. My attorneys? They'll get nearly half of any settlement, if there even is a settlement, *unless* a U.S. judge can get the involved *foreign* companies not only to remediate the homes, but to cover all attorney and court costs—unlikely. Now, I wonder not only if my son will go to college, but if my husband and I will ever retire. We have both volunteered time and energy to help build Habitat for Humanity homes—but no one will help us re-build our home? My husband and I gladly put together a care package to send to an unknown family after Hurricane Katrina. Ironically, that hurricane indirectly caused my problem, by helping cause a domestic drywall shortage because of post-hurricane re-building. We volunteered at a post-tornado clean-up a few years ago; where are the post-drywall volunteers? The Wizard of Oz has nothing in his bag for *us*.

We didn't go blindly into the abyss. Our home inspector detected nothing amiss. If only he had been in on the communications between Banner Drywall Supply and Knauf Plasterboard Tianjin! *They were aware* that something was smelly in the drywall business, soon enough that we, and many other families, could have backed out of the purchase and been spared all this agony. But *they conspired in silence*, so we had no way of knowing about the Chinese Drywall problem at that time. We excitedly closed the deal, and got take-out food to eat on our new kitchen floor that evening. Hey, as long as the fine folks at Banner and Knauf and Taishan are making money, well that's what's really important!

What led us to this home? In 2006 my husband accepted a career opportunity which moved us to Lee County in Florida; this was to be a stop of 3–4 years before moving on to the next opportunity (his career benefits from his working in different locations). We sold our home in Tennessee, and logically desired to put *all* that money into a new home. We were fortunate enough to get a mortgage and purchase price within our means. (Nevertheless, we have watched our home value decline as the market has declined, and so started singing the blues!) After 6 months of renting, we moved ourselves and our healthy two-year hold into a new condominium in Avalon Preserve in Ft. Myers.

In under two years, I noticed bathroom fixtures corroding—drain covers in the tubs are pitted and flecked with black, mirrors have black spots of de-silvering, and lavatory faucets we had upgraded are pitted/flecked. I called the customer help line at Peerless to get advice on these faucets, hoping that they were still under warranty (no such luck). I was advised to clean them with vinegar and to keep them waxed; some of the black did come off when cleaned, but built up again quickly, despite the waxing. The other items? The builder must have put in the cheapest possible stuff, we figured. Also in under two years, we had to replace a smoke detector

and a ceiling fan due to malfunction; both of these were still under warranty. We also replaced a vacuum cleaner, and threw out a VCR and two “boom boxes.”

In Dec. 2008, I read the first article in the *NewsPress* about families having defective drywall that required replacement of the AC condenser coils as often as several times in a year. Because we had no trouble with our AC, I didn’t connect the dots to discover the source of my bathroom fixture troubles. Suspicion began when I noticed AC service trucks frequently parked in driveways on my street, and recalled that there had been talk of defective AC parts in units on our street since the first were occupied in summer 2006. When the unit below mine was inspected and found to have defective drywall, I called for AC service and learned that we, too, have defective drywall and a deteriorating AC coil. Two drywall inspections and the video we took during construction confirm the drywall source as China.

Our neighborhood has 104 condominium units in 26 buildings, all completed in 2006 and 2007. It is unclear at this time how many units have bad drywall. Our neighborhood clubhouse also has defective drywall. Discovery of defective drywall has been a factor in several foreclosures and sales well below expected market value. This in turn has stressed *all other owners*, because the neighborhood association is not receiving quarterly dues from owners of many affected units, resulting in higher dues for the rest. And the reputation of the neighborhood is tainted in the realty market.

In our building, two families that were renting on a yearly lease moved out upon discovery of defective drywall. We were the only owner-residents, and became solo residents of the building in 2009. We also experienced our first AC coil failure that year. We didn’t feel we could afford to move out, but my husband began looking for a new position in earnest, and in Nov. 2010 we vacated our condo and moved away from Florida. We may have to pay for not only our own remediation (or just walk away from lots of equity), but also be forced to help pay for the clubhouse remediation.

Now, we pay a mortgage, electricity, and association dues for a nearly new condo we do not live in, can not rent out, and are afraid to sell at the price that defective drywall homes command. In addition, we are paying monthly rent and utilities where we are now living. While we are grateful to have a place to live, this rental house does not meet our needs but we can’t afford better rental property or a second mortgage. Could my husband have delayed his job search until this situation is resolved? I suppose, but why should a circumstance like this be allowed to *permanently alter* our life course? And how long will it take to resolve in the courts? And what are the long-term health consequences? After reading the suspicions that several infant deaths at Ft. Bragg may be associated with defective drywall, it was clear that we had to put the health of our child before our financial fears.

Time will tell if it has affected our health. While living with defective drywall, I was diagnosed with irritable bowel syndrome and had my gall bladder removed. Recently I was diagnosed with thyroiditis, which is known to be affected by pollutants.

Please, please, please Mr. Obama and others—*acknowledge* that this disaster is on par with “natural” ones, help all affected families, and stop doing business with irresponsible, unrepentant China!

To Whom It May Concern:

June 21, 2002: How excited and proud I was that day when I moved into my first home. Just four months later, on October 22nd, the air conditioner stopped cooling. There was a leak, and when I called the builder, his A/C contractor added Freon.

That day was the beginning of my story—a different one because over the past **nine** years I have had numerous air conditioning technicians look at the A/C coil failures with curiosity. They could only speculate on what was causing black soot to appear on the copper. Each time, they charged the A/C unit with Freon until, ultimately, the coil had to be replaced. I have had **eleven** coils installed at my expense, spent thousands, including a very expensive coil coated with a substance made to sustain salt corrosion in the islands. It started leaking 8 months after installation. I told myself that was it—I am not putting in another coil, however, with the cost of putting in Freon once a week . . . I even bought my own tank! It only made sense to purchase yet another on Sept 3, 2011, knowing in 6 months it will need to be replaced. Every 6 months I listen for the last bit of Freon to run out from a corroded coil .

Unfortunately I will be long gone by then, having finally exhausted myself mentally and physically—fearful of what 9 years of stress has done to my body, let alone

wondering what the toxicity that has blackened 11 coils could've done, tarnished jewelry, electrical wiring corrodes. I have had to replace five projection lamps in my Samsung DLP TV. My 2006 Jeep, which I keep in the garage with the A/C air handler, has had mysterious electrical issues. I have been afraid to turn the gas on in winters, in fear those wires have become corroded as well. Eventually I can repair my credit (the only way for me to escape completely was to file bankruptcy), however, no repairing my health. I absolutely can't do this anymore.

My home was inspected by a certified inspector. He sent core drywall samples and pictures showing "Made in China" to Atlanta, confirming the problem originated from **contaminated Chinese Drywall**. My entire house was built with tainted drywall.

I feel my situation is atypical because I am not in a neighborhood with others that have the Chinese Drywall. My lot sat empty for a couple years before Kimball Hill Homes built on it. My builder filed Chapter 11 bankruptcy in 2008. It seems to be a no-win situation, so much for the American dream.

THE CHINESE DRYWALL TOXIC ENTOMBMENT—LET OUR STORY BE HEARD

On January 10, 2007 we bought and moved into our home at [redacted] home in Founder's Pointe. We were so excited to have finally bought our dream home that we had saved for all our lives in a great neighborhood. We met many friendly neighbors and thought we could not be happier.

We noticed (even before purchasing our home) from the start that this house had a peculiar odor that was hard to describe. It was not pleasant but was a sharp, caustic chemical unusual smell that is hard to describe as we had never smelled anything like this before. We believed when we questioned the bad smell, the Founder's Pointe East West realtor, Amy Geaphart, told us, "It is a new home smell." I mentioned that none of the other new homes we were looking at had this smell but she insisted, "That different builders use different glues and products that make each house smell different". She was aware evidently as she didn't disagree that the house smelled of something odd. We innocently believed her. We continued for 3 years to notice the smell that we referred started to refer to as the "Chip Smell" (builder's first name) since he was the builder. We could not understand but hoped it would eventually go away.

Then the nightmare began to unfold.

I developed a chronic "choking" cough immediately that sent me to the doctor. This was something I had never had in my life. Finally after changing doctors three times, in attempt to find out the cause and treatment I was being treated for asthma. I continuously coughed each morning and night as if I was choking to death. I woke in the night gasping for breath on more than one occasion. My husband started having nose bleeds that he had never had in all the years together. Our HVAC went out after turning it on the first summer. The builder ([redacted] with ABT Custom Builders, formally known as Area Builders of Tidewater) replaced the parts. Then the upstairs HVAC unit went out within the same time frame. This happened continuously throughout each of the three summers until they had been replaced/repared a total of 9 times. The last time our builder, [redacted] informed us we had nothing but Chinese Drywall in our home. We were devastated beyond words. Over the 3 years living there, we have lost 2 flat screens TV's (\$3800.00), computers, cameras, heirloom silver tea set, jewelry, all lamps wiring are black and corroded. Since leaving this toxic chamber or horror, three years living in a house of 100 percent CDW was too long. After moving, we realized how bad everything smells (furniture, sofas, mattresses, rugs, comforters, pillows, blankets, curtains, clothing, linens, sheet, etc.). We've had to dispose of all the big items such as sofas and mattresses). Also, our appliances and electrical items will most likely not last as they were already coded (refrigerator, stove, microwave, dryer, washer, lamps all have coded cords). The casualty losses have been devastating not even including the CDW house loss.

The smell was in our furniture and everything to include our coats and clothing. Our losses are overwhelming not to even mention our health!! Plus financial devastation of our huge down payment and house loss entirely. The house is now valued by Isle of Wight at \$1,000.00 dollars.

The nightmare continues like a black cloud following us. Aside from the financial losses and major health problems there is no words to describe the mental torture we've had to endure. We lived in this homes for 3 years before this toxin was realized and we watched and felt our health deteriorate, never imagining that it was from toxic drywall used in their home. Our health, home, and finances are destroyed.

There is no help for the victims. We just had to leave with 247 sheets of this toxic drywall (entire house—worst in the neighborhood). On our moving day, I had to go to the Chesapeake General Hospital Emergency Room for chest pains, heart and respiratory issues. It just got too bad and we had to go. We hope someone will help us.

We are approaching retirement age and have lost our home—couldn't take it anymore. The depression and health problems were too much to bear after realizing no one is helping. Not the builder, builder's insurance, home owner's insurance, installer, supplier, and we are left with the Chinese manufacturing company that will not even respond to the court hearings. The class action law suit is nothing but an empty judgement. It is like looking up a giant mountain to move and we are holding two little shovels all on our own. It is bigger than us—we've given up. We've recently discovered after moving that all our lamp wiring is totally corroded and black (clear, gold tint cords show this evidence). Also, couches, mattresses, pine furniture, chairs with cushions and worst of all, my lifetime work of original oil paintings all ruined with toxic sulfur smell. What will happen to them eventually? We are afraid of the fire hazard from the corroded lamps now in our new home and all our electrical items—refrigerator, stereo, DVR, phones, 3 flatscreen tv's, cameras, microwave, computers, etc. etc. The nightmare continues. More importantly we are very worried about long term health effects since living in this toxic chamber of horror entombment for 3 years before our builder told us we have 100 percent nothing but CDW. He or anyone has done nothing to help us. We cannot remediate as it would be too expensive and the house would never be value it should have been for resale. We have moved out and are done with this. The health effects remind me of Agent Orange. At first the medical authorities said Agent Orange had no major health risks and it turned out to be just the opposite. Also, radon—2nd leading cause of lung cancer. This is such a shame and tragedy for our entire country.

We have suffered enough emotionally, financially and mentally through this toxic tragedy and our lives have been turned upside down and inside out. We would have been much better if a tornado, hurricane, flood or fire destroyed our house. As it is now, the house is worthless and has in addition destroyed our lives. At least tornado, hurricane, flood and fire victims are covered by home owner's insurance. Nothing is helping or covering our loss. My husband [redacted] served in the United States Marine Corp for 26 years and is a retired officer. He feels as though he has been left on the battleground to die.

"The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing."—Albert Einstein

To: Whom it may concern 12/8/2011

We have Chinese drywall

We built our home in 2006/2007 with Monopoly Builders, who are now bankrupt, and the 2 principals have fled to Mexico to be outside of our legal system. [Redacted] the owner, placed all funds in a trust for his wife and together they fled to Mexico protected by the trust in her name

I am 60 years old, and have had my same job for 33 years. [Redacted], my life partner, owns the home with me and we live here full time

We bought a lot in the Cape for appx \$ 175,000, planning to build our dream retirement home.

We built the home and have just over \$500,000, in cash tied into the home plus the \$175,000 for the lot.

The home today is valued at, \$61,370 by the Lee County Tax appraiser. That's value is based on the pool and the land . The House is of Zero value due to the Chinese Drywall

We have Pro-wall which was made by *Taishan* a company that's owned by the Chinese Government. They claim that the U.S. courts have no jurisdiction over them. They said Judge [redacted] rulings do not apply to them.

Our 2 AC units have had the coils replaced twice. Home Tec, a local service provider in SW Fl will no longer repair any AC damages under our 5 year home a maintenance agreement.

State Farm has now taken our insurance rates up from just over \$3,000 per year to over \$7,000 for the same coverage. They of course denied any liability on the defective drywall issues.

I believe that the rate increase is their way of forcing us to fine new coverage which would then release them of any liability should a court find that the Insurers are accountable

We have had 2 inspections of the home and both have confirmed the drywall

Our attorney believes that it came from Stock Building supply.

[Redacted]'s daughter and son in law live here in the area as well they used to often stay the weekends with us. They will no longer stay and visit us much less often as they are concerned about their 3 year olds exposure to the contaminated drywall.

I see the government spending billions of dollars to other countries.

I have been a productive, taxpaying, law abiding citizen my entire adult life.

What now? How do I stay here and continue to live in fear of the effects of the drywall. I do not have the funds to walk away and buy another home. As it is I will need to work way past my retirement age.

My neighbors have asked what you are doing to fix the problem. Our reduced value of the infected home is reducing the average market value in the neighborhood. I guess that's the world we live in today.

Please do use all measure possible to force the Chinese Government to come to the table in Jan in Hong Kong and make resolution so we can remediate and live our lives in that American Dream we have worked so long and hard to achieve

Please do contact me with any questions that you may have.

What joy filled my heart in 2006 as I moved into my 'golden years' dream home that I had built with a supposedly fine builder, WCI. I had found the perfect place to live and enjoy golfing, traveling, fun stuff, and lots of volunteer activities, so many wonderful things available here in Sun City Center!

Why was some of my 14 karat jewelry turning dark? Why couldn't I keep my silver polished as I had been doing all my married life? Why was I suddenly getting headaches which I had never, ever had before? Why were my eyes burning all the time?

Why within the warrantee period did my kitchen TV go bad? Happily it was replaced without any cost to me. But within the next two years my microwave went bad (a microwave???? I've had several built-ins in houses I have owned and never a problem!!!) costing \$145 to repair, labor only. Then my 32" and 42" TVs went bad. The 32" was \$480 to repair and the 42" \$535, but of interest: when my repair man called the Toshiba repair desk about the 42" one to get some help, they informed him that in all their years of business they had never, ever had this problem before with one of their sets!

I've had to replace the a/c coils (\$878), the disposal (\$205), the ever-hot water at the sink (\$365), the ice and water dispensers of my refrigerator replaced (\$538) and when the microwave went out the second time, I opted for a countertop model which is now showing signs of not working (three and six don't work). And I have now had to replace the 42" TV (\$695) and my computer (\$469). My telephone set-up consists of a base-station with a hands-free set and three chargers each with a hands-free set. Two of those chargers no longer charge. I'll have to replace the system (\$200 approximately). We're talking about lots of \$\$\$\$\$\$s here that I cannot afford! And when will it end.

My home owners insurance company took my claim quite seriously and employed an engineering firm to study my situation at a cost of \$3500. Their report shows my home riddled with bad dry wall, but did not identify what causes the problem. I have the pictures showing the corrosion of receptacles, mirrors, jewelry, air conditioning coils, etc.

I feel like I am sitting on all kinds of 'time bombs,' not knowing when the next one is going to explode and cost me additional funds I do not have, were certainly not in my tight budget, should not ever have had to spend, keeping me from traveling or do other things I should be able to do in my 'golden years,' but can't because my house is worthless, just ask any real estate agent. You can't put it on the market. No one would buy it.

All this through no fault of my own I did not cause this, am in no way responsible for this. I don't know which way to turn. I cannot afford to fix my home, cannot afford to take out a low interest rate loan to fix it, can barely get by on my present income. I planned very well to live very comfortable here and even when the economy turned sour, I have been able to manage, but to have this Chinese drywall (CDW) dumped on me is just too much. The strain, the pressure is just wearing me down the stress is getting to me, and that is totally wrong.

Testing of the CDW is going on, but it is taking too long. We need answers now. We need to know what can be done and who is going to do it and pay for it. Those in our neighborhood who have been told they don't have the problem want to know how they can assure buyers of their homes that they are free of CDW, so they are just about as involved in this problem as we are.

We get some feedback off and on from our elected officials, but it isn't enough. We need action quickly in the form of pushing CPSC, FEMA, the Chinese government, and others harder to fix our problem quickly.

This horrible stress is like a knife cutting into every minute of our lives, causing us to bleed our 'golden years' out in pain, instead of enjoying those years.

To Whom It May Concern:

While living in a home at [redacted] St Estero Florida our family experienced many serious health related issues, including hospitalization for pneumonia, bronchitis and later pulmonary embolism. I was 48 years old at the time and in good health. Once we moved from the rented home our health issues resolved and have not been present since. This entire situation almost took my life, I spent 18 days in intensive care in Naples Florida. I feel most likely others have lost their lives in this fight to prove that Chinese Drywall is harmful to your health. My story is long and painful, I would be happy to elaborate with the health issues if anyone is interested in listening.

MY CHINESE DRYWALL PROBLEM

This is my story about a condo I purchased in the summer of 2009 from Fannie Mae. Fannie Mae short sold the unit to me with no disclosure that the unit had Chinese drywall. After some investigating I found out the unit and approximately 80 other units have Taishan drywall and were unlivable. To date I have not slept one day in the unit and it is financially running my life. This is the general timeline of the events that happen to me and my family.

- July 1st my wife went to Bayshore management office and spoke to Burt Kelly about requirements for the door handle. She also asked: "Is there *anything* we need to know before we start to move to the apartment". *He said "No"*. Nataliya, my wife, as well asked for the key to the pool. Then Burt said that we can not be moving in yet because they don't know who we are and they don't have a deed.
- May 2nd we mailed Bayshore management an application to be approved for the full time residence.
- June 25 we were going to close but the letter from the board allowing me to move in was not in the packet and the lawyer for Bayshore management was negotiating back fees. To date \$11500 was owed to Bayshore for previous maintenance fees. The president of the Board of Directors had to sing off allowing me and my family to move in as my new full time residence.
- July 1st, 2009 was a second closing date and we did not close again, because Bayshore management's lawyer agreed on amount to be paid back but did not sing documents of our approval. My wife went to [redacted], the manager of Bayshore Management, asking him for pool key. He refused to give key, questioned her about fees.
- July 3rd, 2009 Liberty title closed property through mail and computer with Fannie Mae. I wired money to Liberty title about two weeks prior.
- July 4th and 5th three families moved out from our street. Out of 22 units next to mine only 5 units have people in them.
- July 6th at 9:30 am I was outside with furniture deliveries and lady across a street and another neighbor told me I can't move small child into the unit because it was toxic. I said "It can not be, the inspector check it". I refused to believe that. I went upstairs with the neighbor and start taking out electrical outlets. The ground wires were black along with AC coil. Two appliances were missing. The empty neighborhood, moving out neighbors. Now it all made sense.
- July 6th about 10:30-11:30 I went to the satellite office of Bayshore Management to speak to [redacted]. I asked him if my unit has Chinese drywall. The receptionist had a colored chart on her desk that he looked at and said "Yes, your unit has a 'mild case' of Chinese drywall. I would not bring my child in there." He also recommended not taking the furniture out from there, suggesting cross contamination.

When I asked why he did not tell us prior to closing he replied "I can be sued for blowing a sale. And you should have been told by the seller."

The chart that [redacted] was referring to was created by the president of the Board, Howard. He owns the Chinese Drywall screening company. The Bayshore Management paid him \$2300 to do the screening of all apartments. Howard did the screening back in March and with the Board of Directors did the mailing to the residents telling them of the intensity of toxic drywall in each unit. This letter went out in April certified mail.

The letter for my unit went out and was signed by the previous owner that was foreclosed on 1.5 years previous by Traditions and the bank.

- July 10th at 11:30am I called the PSL Property Appraisers office. I told them about my problem and they said to contact [redacted], The president of the Board of condo association for help. Howard was in here month ago giving them a list of all the toxic properties in the Promenade. Their # is 772 337 5760. The list would let the Property Appraisers office deduct the amount of money to fix unit called "Right to Fix" from the Appraised value which in turn lowers your taxes.
- July 10th at 12:30 pm I called Fannie may at 972 773 4663. I told them that unit they sold us is toxic, and I and my family are homeless. They said they will do a "Page send" and someone will call me in two days.
- July 13th or 14th a rep called from Fannie Mae saying that it was my job to do Due Diligence to find out history of the unit. I told them that they did not disclose the findings of the unit knowing that last owner foreclosed because of it. The inspection service for the bank is First American Field service 1 800 873 4532. I called them and they said to call the bank if I have a problem.
- Fannie Mae 972 773 4663 in Texas. File #[redacted]. [Redacted] of, as partner of Adolno & Yoss LLP, Attorney in fact of Fannie Mae A/IC./A/Federal National Mortgage Association.
- Liberty Title Company of America inc. 10060 South Federal Hwy., Port Saint Lucie, FL, 34952 (772 335 7474). [Redacted] was handling the closing.
- Property Appraisers office PSL (772) 337 5760. "Cost to cure" adjust value paperwork was given to them by [redacted] for the Promenade at Tradition.
- Business Tax Office. A&A Inspections is inspector we hired to check the apartment for Chinese Drywall. I called them if inspector is licensed and insured. He is licensed in PSL. However, inspector is not a "trade" in Florida, therefore NO insurance is required. The owners name is [redacted] at [redacted], Port Saint Lucie, FL, 34983. The office number is (772) 336 0936, cell (772) 240 6219. He is in the phone book as Licensed and Insured, but does not have insurance. I called him to put in claim. Hi said "NO insurance, sorry"?
- First American Field Services for Fannie Mae 1 800 873 4532, inspected the place for the bank prior to me buying it.
- Chinese Drywall Screening LLC, [redacted]. Office (772) 224 8660, cell (772) 201 0006.
- [Redacted] is a property manager for the Promenade section at Tradition for Bayshore Management. On site number (772) 345 0596. He told me that I do not own outside walls, walls touching another condo, ceiling and floors of my condo. However they did not disclose to us that "their" part of the condo I purchases is toxic. He is on the Board of Directors.

I am 76 years old; my wife is 72. Our retirement dream home has been devastated and our health has been severely compromised by the "silent, invisible hurricane of toxic Chinese drywall."

We retired to Florida ten years ago, initially living in a condo along the beach in the Clearwater area. In mid-August, 2004 we had our first experience of hurricanes. Clearwater residents were warned to prepare for a direct hit. As Hurricane Charley gathered strength, heading for the Gulf Coast, we evacuated our 16th floor condo. Reaching winds of 145 miles per hour, Charley turned towards land further south at Charlotte Harbor and Punta Gorda, inflicting unbelievable devastation on the residents there. While we were enormously relieved, we realized that every serious hurricane threat would require evacuation.

Within a month, Hurricane Jeanne, made its way northward through the center of the state. While we were not in the direct path of destruction, we were amazed at the ferocity of 70 to 80 mile per hour winds. At one point we heard two loud crashes as the winds swept loose pieces of tile from the roof of a neighboring condo,

smashing into the glass sliders of the condo immediately above and immediately below us, exposing the condo interiors to the wind and rain, inflicting extensive damage, ruining drapes, rugs and furniture. We were grateful for being spared again!

As we reflected on the widely circulated projection of 10 years of more intense storm activity, we decided to move to a more secure inland location. We began to search out 55+ communities within driving distance of Tampa. We visited the impressive WCI Sales Center and heard the story of how Del Webb selected the Sun City Center location because of its elevation, distance from the water and history of no hurricanes. We were fascinated with the gracious, outgoing, welcoming way of being of almost everyone we met and the incredible number of activities available. We closed on our new home on December 1, 2006. Not having children, this was to be our retirement dream home until age or decreased mobility required a move to a Continuing Care Facility offering Independent Living, Assisted Living & Nursing Care. Equity in our home was foundational to our planning for later years. Today, our primary asset, a mortgage free home, has little or no value; it is basically unsellable.

Since moving into our home in December 2006, we have experienced many health problems. Early on, we experienced nose bleeds, eye irritation, constant runny nose, chest congestion and uncharacteristic susceptibility to the flu before we knew anything about toxic drywall. Two years ago, I was diagnosed with "early Parkinson's disease. In April of this year, my wife, [redacted], was diagnosed with breast cancer, followed by a lumpectomy, 18 weeks of chemotherapy and is currently completing 35 sessions of radiation. In August, breathing difficulties resulted in my being hospitalized with an eventual diagnosis of severe bronchitis; it took weeks to regain my strength.

In our very senior years, after a lifetime of careful and conservative financial planning, we find ourselves financially devastated by the unforeseeable and catastrophic storm of Chinese drywall. Since moving in, our health has been seriously compromised.

We are beginning to lose hope for any positive results from the complex and extended legal procedures. Our builder, WCI, declared bankruptcy; our toxic drywall was manufactured by Taishan, a Chinese company. The anxiety about our situation is incredibly stressful.

Along with many of our friends and neighbors, we need the assistance of government, at local, state and national levels to help us recover from the effects of this unforeseeable catastrophe.

We hired Aranda Homes to build our Florida dream house. We moved in October 2006. From the start we had an unspecific smell in our home. We assumed it was a "new" house smell. We chalked it up to everything being brand "new". About 6 months later, as I was walking across the floors with heels, I could hear "hollow" sounds. I became a little concerned. I called [redacted] at Dom Izzo Tile. Through Aranda we were connected to Dom Izzo Tile. (Aranda and Dom Izzo are partners.) It was there that we picked out our carpet, cabinets, knobs, granite, tile, etc. . . . [redacted] said there was nothing wrong. A couple of months later I was hearing much more hollow sounds. Some of the tiles began to crack. Pete had someone come to our house to fix the cracked tiles. As the repairman tried to chisel out the broken tile(s) a domino effect would take place. The surrounding tiles would "pop" up. Sometimes they cracked and could not be reused and sometimes they didn't. After numerous repair jobs we were running out of spare tiles. [Redacted] had the repairman drill holes sporadically in the tiles and fill it with some kind of adhesive. This did not work. The tiles tented. Again the repairman came. Finally, one man came who said the tiles just could not be replaced anymore. The tenting was in too many spots. In July 2008 we had all our tile floors pulled up and replaced. We could not get the same tiles anymore as they were discontinued. We were very unhappy since this was a major factor to us building this home. The inside tiles flowed to the outside lanai. When the slider and pocket doors were open it all looked like one. However, this was another problem as we later learned. Dom Izzo Tile used indoor tiles on our outside lanai. When we first moved in, we'd get out of the pool and the floor became very slippery when it was wet. We called [redacted] and he came over with something that he brushed on the tiles. They became very dull but it did fix the slipping problem for a period of time.

Approximately April 2009 we hired a handyman to install a ceiling fan in the master bathroom because it was just too hot in there. About a week after the installation he called us. He said he was troubled about the wiring when he changed the fixture. He told us the wires were very black for a new house and that they should

have been a copper color. We had recently heard about Chinese Drywall and the problems it was causing. His concerns set off an alarm in our heads. We began investigating. We took the switch plate covers off all the outlets and sure enough the wires were black. Our mirrors, faucets, and toilet valves were pitted. We originally thought this was due to the fact that we live on the canal and the water and humidity had something to do with it. We also thought maybe they were just cheap fixtures. But now everything was beginning to make sense. In May 2009 our air conditioning broke. Turned out the coils were all black. Needless to say we were in denial for a while even though the facts were all there. Eventually, reality sunk in and we knew we had to do something. We had a professional home inspection done. We had too much money invested in this house. We bought the land and built during the housing boom. With the Chinese Drywall it was worth nothing! In June 2010 we began remediation with Shannon Holland of Abisso Cleanse. He and his company did an outstanding job.

As I write this I am thinking about my next project. The outside lanai tiles tented just last week. Does it never end?

I find it very disheartening that our government is turning its back on us. There are so many people that have become ill because of this contamination in our homes. We were fortunate enough to be able to remediate. There are many families who can not afford to leave their homes. I feel so sad for the families that lost innocent babies at Fort Bragg. Coincidence? I don't believe it! Will it take 10 years like it did with September 11 to realize these sulfurs and chemicals are harmful? We even have to pay taxes on a house that is worth \$0. I think if this happened in another country or to a group of well knowns it would have been dealt with already. However, we are just a group of middle class people, barely audible. When is the United States government going to take a stand and do something to help—Go after the companies that knowingly brought this crap into the our country!

To Whom It May Concern,

I have a historical house in Ft Lauderdale Florida. In 2005/2006 I put an addition on my home using chinese drywall. I have had numerous electrical problems, but mostly I have had eye and throat irritation. I was getting nose bleeds for no reason. I tried to get my bank to lower my interest rate to the then current rate. This would free up money to repair my home slowly. I am a building contractor. I was told I do not qualify since my income had dropped. I only qualify for the higher rate. For health reasons I moved out of the house and stopped making payments. I am still trying to keep my house, but I need help in fixing my house. IndyMac just says they are a debt collector and no one can answer my questions and they have never answered any of my suggestions of how to work out a modification so I can keep the house. Now since I do not live in the house I am not eligible for any help. The bank would rather sell the house in foreclosure for 50 percent of the loan value then work with me. Because our government has guaranteed, the loan so why work with me. Chinese lead base paint in baby toys, tainted dog food, drywall, etc, etc, no one in government cares.

In case my previous e-mail didn't go thru here it is again. My name is [redacted]. I closed on my townhouse on December 21st 2007. I found about the chinese drywall in October 2009 from my neighbor. I filed my lawsuit with Richard Serpe on December 18th 2009. Unfortunately, I cannot afford to move out for financial reasons. There is a rotten egg smell that comes from the sulfur emitted from the walls. My girlfriend's silver jewelry turned black. I have replaced about 4 or 5 evaporator coils. I have lost a lot of weight due to the toxic drywall. Thanks for your concern.

My husband and I had our house built by Aranda homes in 2006. Two years later we found out the house was built with toxic drywall. We do not have Knauf so we do not qualify for the Knauf remediation project and our builder took \$300,000 of our money, gave us a defective and worthless product and walked away with absolutely no responsibility or accountability. At the age of 55 we had to take out a loan for \$75,000 to fix our home. We will have to work until we are 80 to pay it off. We were forced to move out in July of this year due to my sinus problems and my husband's daily headaches. We were told that the United States government has all but abandoned us. They have left the homeowner to fight the Chinese government to try and get restitution. The United States government allowed this toxic drywall into our country and into our homes and now they want me to fight a foreign gov-

ernment to fix this mess. There have been a lot of Americans hurt by this and financially ruined. Thanks to the Chinese Government and the United States government. I will never be able to retire. I will have to work until my dying day to pay off a loan I never should have had. I paid cash for my home in 2006 and three years later I am paying for it a second time. It is certainly not fair that some people will get their homes restored at no out of pocket to themselves and yet others are left holding the bag. Where is the United States government? I have paid my taxes my entire life. Why isn't the government taking care of its people?

To Whom It May Concern:

We bought our CDW home (the dream retirement home) in 2006 and we had health problems beginning in 2008. It began with running eyes, followed by throat irritation, cough, headaches, tooth aches, hair loss, breathing problems, insomnia etc. The smell was so bad it gave us severe head aches, to a point that we had to wear charcoal filter masks to breath in my home. We pretty much lived out side of our house except to sleep and go to the bathroom. We could not turn the air condition on it the Florida heat, could not turn the heater on in the winter time. It was a horrible time for us. Our builder declared bankruptcy so we did not have any recourse, we took money out of our retirement fund and had to rebuild it.

Your help in this matter would be appreciated.

I am writing to you to voice my frustration with the very slow progress and inconclusive results of testing being conducted by the Consumer Product Safety Commission on the harmful effects that the presence of Chinese drywall may be having on homeowners throughout Florida and the rest of the country.

I can't stress enough how serious this catastrophe is and the negative affect it is having on the thousands of homeowners victimized?

I live in a retirement community. On my street alone, 75 percent of the homes have defective drywall present. These are people who have put most of their life savings into what was to be their dream home and now are being saddled, through no fault of their own, with a situation where their homes are in some cases unlivable and in all cases unsalable. These homes present potentially dangerous health and fire hazards, and the homeowners still have no answers from government officials on what to do to fix the problem. The cost once determined to fix the problem will, in fact, seriously impact their retirement income and in some cases bankrupt these individuals.

The longer the testing process takes, the longer homeowners are put at risk of contracting serious health conditions and potential electrical fire hazards. This protracted testing timeline is also putting tremendous financial strain on affected homeowners.

Many have had to move out of their homes and are now paying rent as well as their mortgage. All homeowners affected by this disaster are faced with homes that are unsalable and are seeing the value of their homes reduced to zero. Many homeowners are being notified by their homeowner's insurance companies that there is no coverage for Chinese drywall damage and additionally their insurance coverage will be dropped and HO policies will not be renewed until the problem is remediated. Because there is still no conclusive word forthcoming from state or Federal agencies on the proper process for remediation, many homeowners will be left with their homes totally unprotected by insurance.

This is an untenable situation and requires immediate action on the part of local, State and Federal elected officials. We need help now. Without immediate help the problem will continue to worsen. The longer people are left exposed to the health, fire hazard, and financial stresses created by this catastrophic situation the more long term lasting horrific effects will be realized by affected homeowners.

We need your help and we need it now.

To Whom It May Concern,

My husband and I have owned a Chinese drywall home for almost five years now. We have not been able to live in this home for practically three years now. We are having to rent a home which has put an enormous financial strain on us on a retirement income. Our home was built by WCI (which filed bankruptcy but now is building new homes across the street from our home) with Taishan drywall and it has caused us many health issues. While living in the home I had weekly nose bleeds, gastroenterologist problems, insomnia, eye irritations, and enormous fatigue. After

undergoing an MRI. I had developed vertigo, the doctors found that I have a vestibular disorder and I have also lost hearing in one ear. My husband developed a rash and a cough that has not left him to this day. He has undergone many tests and the only diagnosis from the Doctor is Chinese Drywall Syndrome. I cannot express to you the life we have been living in this nightmare. This travesty has drained us not only financially but physically and emotionally. Someone has got to help all the victims of Chinese drywall! I don't know how much longer my husband and I will be able to continue renting. We still have a mortgage on the Chinese drywall home, we rent and pay all the utilities and we have had all kinds of medical bills. When is the government going to step up and help all the victims in this country? *Please Help!*

My name is [redacted]. My wife and I purchased a home in Parkland Golf and CC in Parkland, FL in 2007 from the now bankrupt WCI. Who by the way is now building again after reorganization. They built many homes containing CDW and sold homes even after knowing the product was defective. We both have been living in the home not wishing to default in the hopes of remediating. We both have experienced health related respiratory issues as well as headaches, etc. After 3 years of legal battling we are pursuing remediation with Knauf, one of the companies who supplied the drywall. If the government was smart they would pursue financial remuneration to help all the homeowners to fix their homes. This would put the entire construction industry to work on over 100K homes and solve much of the unemployment issues which in turn stimulates the economy.

TRAPPED IN BIRMINGHAM!! SOMEONE HELP!!

Built our new dream home in December 2005 completed in June 2006, and from the first week we moved in my new wife said there's a smell in this house? Call the builder!!! (Eddelman Builders, Birmingham) and get them to find this smell? Our new home was under warranty so the builder sent his people out to try and resolve the smell issue, everyone smelled the smell, but no resolution! After 6-7 months of complaining to the Builder I contracted with a Home inspector to come in to find the problem 4 hrs later the home inspector said he could not find the smell? "Everything looks ok" That will be \$400 please, I paid the man and my wife kept complaining & we kept calling the builder. Our first air conditioner went out in April 2007 the builder had it repaired 6 more service calls that summer, both HVAC units were replaced! the paint in the bathrooms started streaking? called a paint contractor no answer! the builders people said that "we were taking to hot showers" More calls to the builder more people came out with no resolution, called the gas co. they smelled something too, but it wasn't Gas? and all the while my wife was having one medical issue after the other! No answers doctors bills, prescriptions, it seemed like everything was caving in all around us, and then the letter came (certified mail) from the builder that our home was suspected of having been built with Chinese Drywall? Two teams (4-6 guys) each time came to the house and both confirmed that we had the defective product!! Now it all made sense!!!! By March of 2010 my wife's medical problems had become so acute that her Doctors recommended that the house could be causing the health problems? and she should get out!! So in April 2010 we have leased another home, and now I have a Mortgage on the defective home that no one can live in, and a lease for a home that costs me and additional \$\$\$\$ every month and a house that I can't sell and that has lost more than Half its value!! This is a nightmare we are trapped and there is no end in sight. We have found out that after Katrina Jan 05 that there was a shortage of Drywall in the U.S. and the National Home Builders Association was putting pressure on the Feds to strike down the Drywall standards that were in effect and let the product from China to be allowed in the U.S. The PAC's got their way, and the drywall was allowed in more than 15M tons of the stuff!! And the suppliers/builders bought it up (@ a lower price than U.S. drywall) And passed it along as U.S. drywall at the higher price mind you!! And here we are left to hang in the wind!! The Birmingham Homebuilders Assoc. has recently stated in the Birmingham News that they were unaware of any homes in the Birmingham market that had been built with the defective product!!! Something is wrong with that statement (my builder alone has a reported 40+ homes with the product! How many more of them are in this market let alone the U.S.

Dear Senator,

We bought our brand new house in Year 2006, from beginning, we noticed some strange smell in our house, and we thought it is new house smell. After we lived in the house for about four months, my son started to have nose bleeding, I started to have muscle pain and my wife started to have headache.

I went to doctor/specialist many times and had CT scan, X-ray. The doctors couldn't find the problems with my kidney, foot and arm where I had pain.

After one year, our A/C units, TVs, computers started to fail again and again. The A/C coil copper pipes corroded and became complete black color. We didn't know what caused the problems until one of mechanic told us we must have Chinese Drywall installed in our house when he replaced our A/C coil, and he run to attic and pulled out insulation material away and found out the drywall labeled "Venture Supply, Made in Taihe, China". He also gave us the layer phone number and let us call lawyer to join the Class lawsuit.

Then I started to find the information related to Chinese Drywall and check more evidences in our house. I found out our copper wire in switch blacked out. Copper strings of baby grand piano became black color.

For safety and health reason, we decided to hire builder to repair our house this year. Because of Chinese drywall, City lowered our house structure value to \$100. Bank of America declined our refinancing due to the value of the house. We have to lie to other bank and say remodeling house to get home equity loan (Fortunately, it doesn't require house appraisal). After builder spent over four months and we spent about \$240,000, our house got repaired. Now we have to pay back the money to bank from our own pocket.

This is most painful experience in our life.

Thank you.

After the recent Senate Hearing on Chinese Drywall (CDW), I was told I needed to send correspondence to this e-mail address to tell about our CDW experience.

I would like to tell our experience for the last (4) years in trying to have responsible parties listen and help us resolve our problem. We were totally destroyed by the hurricanes Jennie and Frances, in the fall of 2004. The condo association and our insurance replaced all the damage caused by these hurricanes. The condo association contracted to replacing all of the drywall to a licensed contractor who replaced all of the drywall in the *entire* condo in 2005. We moved back in January of 2006. We began noticing a corrosion of the pipes and electrical wiring. We also noticed a strong odor, which later we were told was sulfur dioxide. It was not livable unless we aired the *entire* apartment, which we did by leaving all our windows open all day and night unless it rained. We were later informed that all of the drywall which was replaced was defective and that the contractor nor the condo association were responsible for the defective material. My insurance also refused to pay saying that they would not cover defective material. After hiring an attorney and threatening the condo association with a law suit they agreed to remove and replace only the defective drywall which accrued in June 9f 2011. All of the additional cost related to being damaged by the CDW and expense incurred to achieve this task was a financial burden imposed on the homeowner. When the task of removing and replacing all of the items required a toaal cost out of pocket to us was \$15,000.00 and I do not believe that the homeowner should have been responsible for this disaster. The tainted drywall which came from the Chinese Manufacturers should have been inspected and approved by the U.S. Government, prior to being allowed to installed in our homes. I don't believe that the financial responsibility should be imposed on innocent homeowners

Thank you for your cooperation.

Sir/Madam

I am not poor yet. I have a home which I bought with all my savings (So I don't have a mortgage in my retirement) This house has Chinese drywall. It is so bad I cannot live in the house. I cannot sell or walk away from the house. If I don't get relief I don't know what to do. I pray to GOD that government look into this matter quickly and do the right thing. Save me from poverty.

Both of my parents are immigrants who came to America with nickels in their pockets and huge dreams. My father [redacted] has built some of the most incredible skyscrapers that exist in New York City and its surrounding boroughs today. My

mom [redacted], amazing singer and actress who even made the original cuts for the Original West Side Story production, successfully raised two beautiful children tending to home as a domestic homemaker. My parents, as hard as they worked never lived in a new home. The built at [redacted] was not only a dream of mine, but that of my parents. My father was onsite of the building of the home daily and in contact with everyone who worked on the site. All the bells and whistles were added to this home from custom granite throughout, custom moldings, polished nickel, upgraded tiles inside and outside, indoor Jacuzzi bathtub, outdoor Jacuzzi with waterfall pool, upgraded center island in the kitchen, a 4th bedroom for a playroom for the children, a golf cart plug, and the most gorgeous palms, hedges, fruit trees, and flowers you could imagine. Lastly, we had someone come in and custom paint each bedroom, bathrooms, ivy on the arches, vineyard settings in our niche's . . . You name it. It's here.

With Joy we all celebrated the home closing and enjoyed every holiday and weekend family event. This home wasn't my home—it was our home—for family, cousins, friends, etc.

In April of 2007, I went through a very difficult divorce with my ex-husband who had physically abused me. Because I was only a school teacher, I could not afford the home myself, and my parents couldn't let this home leave us. It took many, many months for us to come to a solution. In the meantime, I had met and fell in love with my husband. Together with his family—His father [redacted] a Yale Graduate and [redacted] a Harvard Business and Smith graduate, all came to the conclusion and agreed with my parents to allow my parents to take out a mortgage on their free and paid home—at [redacted] in order to pay this home off here at [redacted]. My husband and I never miss a payment. My in-laws graciously added to our already incredible home with priceless pieces of fine art that has been in the Hattermer and Maynard families for generations.

Then, to find out about our drywall. Currently, we are still here in the house. Financially we're a mess. So far beyond in bills, creditors keep calling us. My husband and I have four jobs between us. We are both public school teachers—educating tomorrow's leaders—giving back to our community daily. I suffer constantly from Vertigo and nausea. My baby boy wheezes constantly in his chest. His immune system cannot clear his cold that has lasted for months. We now have moved his crib into our room—sleep with the doors open. My older daughter and son both have sleep issues. My elder son has bloody noses. We are totally despondant. We cannot leave, for we would foreclose on my parents home. My in-laws cannot help because the stock markets have depleted their finances.

We have done nothing wrong. My parents have done nothing wrong. I cannot get help from the banks. There is no equity in this home. A home that was worth 425,000 when I closed is now worth literally 5,000 according to the Lee County Property Appraiser.

We can't even gut this house ourselves—because we cannot afford renting a home that will fit five people.

We desperately need your help to give back 325,000 to a mortgage company who has no sympathy for our predicament. When I call to explain what's going on and seek help—They sell my parents loan to another mortgage company. I still have home insurance, but that is because I cannot tell them I have drywall. If I do, I lose my insurance. We have nothing. Please,

Please, Please help us!

Natasha,

You do not have our testimony but I would like you to include.

We learned of CDW like all other Floridians in early 2009.

Our home was built in 2001. We always wondered why our AC coils would fail approx every 9 months since we moved in. No one had answers so we blamed it in the "crappy brand" the builder gave us. After replacing coils 8 times in 7 years, we had enough and spent \$5000 on a BRAND NEW Trane AC unit (Oct 2008), learn of CDW in 2009 and have the coils fail before the unit was 1 year old and again replaced 2 months ago in our new unit.

I thought and only knew that AC coils were black until learning about CDW.

We know understand why my cat of 10 years, suddenly died of a brain tumor, after being in this home 5 years. Why she had unexplained allergies, and respiratory problems in this home and not in homes we lived in before 2001. Why my husbands burning in his mouth, ear pain, nose bleeds and scabs in his nose could not be explained. Why both our stomachs make terrible noise at any time and we have intestinal problems. Why both of us have been embarrassed in front of people

(work included) when our stomachs make various sounds. Why my dry eyes, hoarseness and ear ringing cannot be explained. I know understand why my silver jewelry that I keep in “tarnish free” chests and some pieces in zip lock bags inside the tarnish free chest, still tarnish. My we had to keep replacing bathroom fixtures when they rusted within a few months.

Why I have had to throw away decorative items and jewelry because they had blacken beyond repair.

Our builder is not longer in business, my mortgage company stopped calling me once they understood I have CDW.

Our home has been inspected by Spider Man Mulholland, a toxicologist, the builders inspector, dry wall distributor inspector and I’ve lost count of who else has walked through my home to conclude we have CDW. The Consumer Safety Protection Commission has used this home as part of their environmental air quality test; having multiple units in my home for months.

Our home has 218 pieces of CDW supplied by Seacoast Supply, owned by L&W, a subsidiary of U.S. Gypsum. Seacoast Supply was caught in a lie and has admitted ownership for installing the 218 pieces in my home.

The attorney for Seacoast, David Connor, says they will remediate but has not carried through on any promise—mediation, remediation, protocol and client testimony. In fact, he asked us to provide our initial remediation estimate to assist him in suing their importer, Shamrock. All parties cry that they are the victim, but the only victim is the actual homeowner. We did nothing to contribute or create this situation.

We are frustrated with our local attorney who has included us in class action lawsuits, which we never wanted, nor agreed to but were told we are in them. We are encouraged not to opt out. We are promised a lower fee to the attorney but he does not commit to the percentage. The replies I have received from senators and representatives are outright insulting. The CDW homeowner is the only one getting the short end of this and again, we have done nothing to contribute or deserve this.

We can only say that back in 2001 and earlier since I’ve heard that CDW has been in the U.S. since 1999, the construction industry only wanted to cut corners and save on their cost while creating a false promise of quality.

Our home was built to be our “retirement” home but it is worth nothing except the land it sits on and even with that, the real estate market is still at a low point. It has prevented us from moving on with our lives and careers.

No one can put a price to the horrible arguments my husband and I have had about our CDW, the attorneys, mediation, remediation and our future. No one can put a price on our future health despite considering ourselves to be pretty healthy. We are stuck paying on a mortgage for a home that is worthless and we prefer not to walk away and ruin our credit. We are the only ones being taken advantage of by those who are out to make money on this horrible situation.

Information contained within this report was obtained from an on-site visit with the homeowners at their house. During this visit, photographs were taken and are attached as Attachment 1.

The homeowners consist of a 67-year-old female and a 62-year-old male. No one else has lived with them in the home. The homeowners had this house built as their dream home. They added many “top of the line” extras when the house was built.

The builder began construction of the house on February 14, 2006. The homeowners moved into the house on February 16, 2007. The house was built by Bender Construction and Development Company, Inc, 3775 7th Avenue N.W., Naples, FL 34120. The homeowners have lived in this house full time since then, except for an occasional short time vacation.

The house is a two-story Florida house. It has 4,900 square feet that includes a three to four car garage area on the back of the house. There is a screened-in porch on the back of the house that runs the length of the back of the house. On the front of the house, there are two screened-in patios on the first floor and two screened-in porches on the second floor. The house has five bedrooms, four bathrooms, a kitchen, a dining room, a family room, a laundry room and a large foyer. The bedrooms and the stairs are carpeted. The family room has hardwood floors and the kitchen, the laundry room and the bathrooms have tile floors.

The house is constructed of concrete block stucco on the first floor and a combination of wood frame and stucco on the second floor. The house has a metal roof. The homeowner related that the house has wood studs. All of the appliances were new Kitchen Aid appliances when the homeowners moved into the house. The house is equipped with all electric appliances. There is no natural gas or propane gas con-

nected to this house. The homeowners had an osmosis water filtering system and a Hepa air filtering system installed when the house was built.

The walls in the house were painted before the homeowners moved into their home. Since they have moved into the home, they have put up window treatments and pictures but have not done any other major changes to the house.

The homeowner related that when the house was in the middle of construction, the builder told him that they were having a problem obtaining drywall because of a shortage of drywall at the time. The builder eventually found drywall for sale at a lumber store and purchased the drywall used in this house from this lumber store. The male homeowner remembered when the drywall was delivered to the property because the delivery people left the drywall outside and he carried the drywall inside the house so it would not get wet. At the time, he noticed that the drywall had "CHINA" printed on the back of the drywall. The builder hired a crew to install the drywall.

The female homeowner began having nose bleeds occasionally after they moved into this house. She had never had nose bleeds before they lived in this house. Also, she has had allergies in the past but they have gotten progressively worse since they have lived in this house. Also, the female homeowner had been in good health prior to living in this house but in December of 2008, she had to go to the local emergency room because of high blood pressure. She was diagnosed with a blockage in her interior arteries and had to have two stents inserted in her arteries. The male homeowner was concerned that his wife's medical problems may have been because of the Chinese drywall that was installed in their home.

The male homeowner has had respiratory congestion which has gotten progressively worse since living in this house. He added that when he and his wife are on vacation, there is a noticeable difference because he does not have the respiratory congestion problems and his wife's allergies disappear.

The male homeowner related that he never noticed an exact time when these symptoms started but stated that since they have lived in this house, the symptoms have gotten progressively worse.

The homeowners have five mixed breed dogs. All of their dogs are healthy and do not appear to have any medical problems. The male homeowner stated that the dogs rarely come inside the house. They stay in the yard or on the porches.

The homeowners noticed a slight odor when they first moved into the house. They attributed the odor to a "new house" odor. Also, they have lived in Florida for many years and are used to a slight sulfur odor, so they were not concerned about it.

This house has two air conditioning systems. One is a three ton Carrier unit that is for the upstairs part of the house and the other one is a two ton Carrier unit that is for the downstairs part of the house. In February 2008, the three-ton air conditioner stopped working. The air conditioning technician who came to determine the problem with the air conditioner said the evaporator coils had to be replaced because they had corroded. The homeowners had the evaporator coils replaced. In June 2009, the homeowners began to have problems with this same air conditioning unit. The technician came out again and said the coils had to be replaced again because they were corroded. The coils were replaced in July 2009 (Attachment 1, Photos 2-5).

The smaller air conditioning unit for the downstairs is not used as frequently as the larger unit that is for the upstairs part of the house. However, the coils in the smaller air conditioning unit had to be replaced in March 2008 because the coils had corroded and the air conditioning unit would not work (Attachment 1, Photo 6). Both of the air conditioning units are top of the line Carrier units.

In the summer of 2007, the new electric Kitchen Air range stopped working altogether. The technician who came out to repair it said that the computer chip in the range stopped working and had to be replaced. The new refrigerator that they purchased for the house when they had the house built also stopped working. The technician who came out to repair the refrigerator said that the relay inside the refrigerator failed and it needed a new one. The female homeowner related that the motherboard inside her sewing machine stopped working and she had to have it replaced. Also, since they have lived in this home, she has two IPODS stop working. She has returned them each time to the store to receive a new one. The homeowners' stereo equipment has a scratching sound on it when they try to use it. They believe the drywall is emitting sulfur gases that affect the electronics in their appliances and air conditioning units.

The female homeowner had several antique pieces of silver that had been passed down to her from her grandmother. Since they have lived in this house, the silver has turned black. She stated she had these pieces for many years and they have never turned black until they moved into this house (Attachment 1, Photos 10-12).

The male homeowner pointed out the copper pipes behind the washing machine (Attachment 1, Photo 9). These pipes are copper and have turned black. Also, he pointed out the copper pipe that runs outside of the air conditioning units. The pipe has turned completely black. The homeowner took several of the outlets apart and each one showed black corrosion on the ground wires (Attachment 1, Photos 7–8).

The male homeowner is an experienced electrician and believes this is a major safety issue because of the wires within the house. He stated that the appliances and light fixtures and many other electrical units are always plugged into the outlets whether they are operating or not. When the wires are corroded, it may cause a fire.

The homeowner first learned of Chinese drywall problems when his air conditioning unit coils had to be replaced the second time. He had heard of problems with outside units that could be affected by a sprinkler system that would be hitting the unit everyday because the water may have some sulfur content. But he could not understand how the coils in the units that are located in a closet inside their home would corrode because they would never have been exposed to any type of sulfur. The homeowner researched this problem on the computer and heard about the Chinese drywall problems in the news. He remembered the shipment of drywall that was delivered to his home site when they were building the house and remembered that it was from China. The homeowner pointed out where the drywall in the attic had printing on it that reads “KNAUF CHINA TIANJAN” (Attachment 1, Photo 13). After he learned about the problems with the Chinese drywall on the news, he realized he and his wife were having the same problems with their drywall which came from China.

The homeowners contacted an attorney and registered with him to represent them in a class action suit for the people affected by the Chinese drywall. Their attorney contacted their builder, Bender Construction who sent out an inspector. Their inspector examined the entire house. He told the homeowners that he could detect a sulfur odor in the house. The builder’s attorney contacted the supplier of the Chinese drywall, the Lumber Company. The Lumber Company also sent out an inspector to examine their house. He was also able to detect the sulfur odor in the house. He examined the entire house and saw the printing on the drywall in the attic. So far, the homeowners have not received any of the reports from the two inspectors.

The homeowners are concerned about the effects the Chinese drywall is having on their health. This is their dream home and do not want to move out. They hope there is some remediation from either the builder or the supplier so they can continue to live in their home.

The male homeowner added that his neighbors (his son-in-law and step-daughter) had their home built at the same time by the same builder. They also have the Chinese drywall in their home. Their home was built in 2006 and they moved into their new home in approximately November 2006. They have two young sons, a 9-year-old and a 5-year-old. Both of their sons have developed nose bleeds since they have lived in that house. They never had any nose bleeds before living in the house. Also, their allergies have intensified since living there. The homeowner was not sure if they have had any major problems with their air conditioning units but did recall that they had to have their dishwasher repaired since they have lived in the house.

Product Identification

The manufacturer of the drywall in the house was shown as KNAUF CHINA TIANJAN. According to the homeowner, the drywall was purchased from a store called 84 Lumber.

Photo 1—View of the homeowner's home



Photo 2—View of the three-ton air conditioning unit that is used for the upstairs of the house



Photo 3—View of the copper wire that runs alongside the air conditioning unit that has turned black



Photo 4—Close up view of the copper wire that runs alongside the air conditioning unit where it has turned black



Photo 6—Close up view of the maintenance record attached to the smaller air conditioning unit showing the coils had to be replaced on March 3, 2008

[illegible]

Photo 7—View of the ground wire that corroded and turned black in one of the outlets



Photo 8—View of another outlet where the ground wire has corroded and turned black



Photo 9—View of copper pipes behind the washing machine in the laundry that have corroded and turned black



Photo 10—View of some antique silver that has signs of blackening and pitting marks



Photo 11—View of an antique gravy bowl that has signs of blackening and pitting marks



Photo 12—View of a silver plated serving spool that has signs of blackening and pitting marks



Photo 13—View of drywall in the attic where the drywall had printing that reads “KNAUF CHINA TIANJAN”

