

112TH CONGRESS
2D SESSION

H. R. 4212

To designate drywall manufactured in China a banned hazardous product,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2012

Mr. RIGELL (for himself, Mr. DEUTCH, Mr. POSEY, Ms. WASSERMAN SCHULTZ, Mr. WITTMAN, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Mr. FORBES, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To designate drywall manufactured in China a banned
hazardous product, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 3. BAN ON CONTAMINATED DRYWALL.**

4 (a) TREATMENT AS BANNED HAZARDOUS SUB-
5 STANCE.—Any contaminated drywall shall be treated as
6 a banned hazardous substance under the Federal Haz-
7 ardous Substances Act (15 U.S.C. 1261 et seq.) and as
8 an imminent hazard under section 12 of the Consumer
9 Product Safety Act (15 U.S.C. 2061).

10 (b) TREATMENT AS A REGULATION UNDER THE
11 FEDERAL HAZARDOUS SUBSTANCES ACT.—The ban im-
12 posed under subsection (a) shall be treated as regulations
13 of the Commission promulgated under or for the enforce-
14 ment of section 2(q) of the Federal Hazardous Substances
15 Act (15 U.S.C. 1261(q)).

16 (c) ADDITIONAL REGULATIONS.—

17 (1) EXEMPTION.—Not later than 180 days
18 after the date of enactment of this Act, the Commis-
19 sion shall promulgate a rule that allows the Commis-
20 sion to exempt certain drywall that the Commission
21 has determined to be non-hazardous.

22 (2) DISPOSAL AND TEST.—Not later than 180
23 days after the date of enactment of this Act, the
24 Commission shall promulgate a rule on—

25 (A) the disposal of—

- 1 (i) contaminated drywall, including
2 during remediation or renovation; and
3 (ii) any such drywall that was im-
4 ported into the United States but not used;
5 and
6 (B) a standard test to identify any such
7 drywall.

8 **SEC. 4. ENFORCEMENT.**

9 (a) PENALTIES.—Any failure of a person subject to
10 a requirement of section 3 to comply with such require-
11 ment shall be treated as a violation of section 4 of the
12 Federal Hazardous Substances Act (15 U.S.C. 1263) and
13 subject to the penalties set forth in section 5 of such Act
14 (15 U.S.C. 1264).

15 (b) REPORTS.—Not later than 1 year after the date
16 of the enactment of this Act, and annually thereafter for
17 the next 2 years, the Commission shall submit to Congress
18 a report on the actions taken by the Commission to en-
19 force the provisions of this Act, including a summary of
20 the criminal and civil penalties imposed under subsection
21 (a).

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

24 (1) COMMISSION.—The term “Commission”
25 means the Consumer Product Safety Commission.

1 (2) CONTAMINATED DRYWALL.—The term
2 “contaminated drywall” means drywall that are
3 goods of the People’s Republic of China classifiable
4 under subheading 6809.11.00 or 6809.19.00 of the
5 Harmonized Tariff Schedule of the United States.

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