

111TH CONGRESS  
1ST SESSION

# S. 739

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

---

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2009

Mr. NELSON of Florida (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drywall Safety Act  
5 of 2009”.

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

7 **DRYWALL.**

8 (a) IN GENERAL.—

1           (1) STUDY.—Within 120 days after the date of  
2           enactment of this Act, the Consumer Product Safety  
3           Commission, working in conjunction with the Na-  
4           tional Institute for Standards and Technology and  
5           the Environmental Protection Agency, shall initiate  
6           and conclude a study of the material and chemical  
7           composition of at least 10 samples of drywall that  
8           was—

9                   (A) imported from China during the period  
10                  2004 through 2007; and

11                  (B) used in residential dwellings in the  
12                  United States.

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

17           (b) CONTENTS.—The study shall include an analysis  
18           of—

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

22                   (2) the effect of these chemicals and organic  
23                  compounds (or the gasses or other emissions ema-  
24                  nating from the drywall) on metal wiring, air condi-

1       tioning and heating units, and other metal fixtures  
2       commonly found in those residences; and

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

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

11 **SEC. 3. CONSUMER PRODUCT SAFETY STANDARD PRO-**  
12 **CEEDING.**

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

19 **SEC. 4. INTERIM BAN ON DRYWALL EXCEEDING FIVE PER-**  
20 **CENT ORGANIC COMPOUNDS.**

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

23               (1) designate drywall containing over 5 percent  
24       organic compounds by weight as a product with a  
25       product defect which constitutes a substantial prod-

1       uct hazard (within the meaning of section 15(a)(2)  
2       of the Consumer Product Safety Act (15 U.S.C.  
3       2064(a)(2))); and

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

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

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

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

○