

112TH CONGRESS
2D SESSION

H. R. 4212

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To prevent the introduction into commerce of unsafe drywall,
to ensure the manufacturer of drywall is readily identifiable,
to ensure that problematic drywall removed from
homes is not reused, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Drywall Safety Act
3 of 2012”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the Secretary of Commerce should insist
7 that the Government of the People’s Republic of
8 China, which has ownership interests in the compa-
9 nies that manufactured and exported problematic
10 drywall to the United States, facilitate a meeting be-
11 tween the companies and representatives of the
12 United States Government on remedying home-
13 owners that have problematic drywall in their homes;
14 and

15 (2) the Secretary of Commerce should insist
16 that the Government of the People’s Republic of
17 China direct the companies that manufactured and
18 exported problematic drywall to submit to jurisdic-
19 tion in United States Federal Courts and comply
20 with any decisions issued by the Courts for home-
21 owners with problematic drywall.

22 **SEC. 3. DRYWALL LABELING REQUIREMENT.**

23 (a) LABELING REQUIREMENT.—Except as provided
24 in subsection (b), not later than one year after the date
25 of enactment of this Act, the Consumer Product Safety
26 Commission shall promulgate a final rule under section

1 14(c) of the Consumer Product Safety Act (15 U.S.C.
2 2063(c)) requiring that each sheet of drywall manufac-
3 tured or imported for use in the United States be perma-
4 nently marked with the name of the manufacturer and the
5 month and year of manufacture.

6 (b) EXCEPTION.—

7 (1) VOLUNTARY STANDARD.—Subsection (a)
8 shall not apply if the Consumer Product Safety
9 Commission determines that—

10 (A) a voluntary standard pertaining to
11 drywall manufactured or imported for use in
12 the United States is adequate to permit the
13 identification of the manufacturer of such
14 drywall and the month and year of manufac-
15 ture; and

16 (B) such voluntary standard is or will be
17 in effect not later than 2 years after the date
18 of enactment of this Act.

19 (2) FEDERAL REGISTER.—Any determination
20 made under paragraph (1) shall be published in the
21 Federal Register.

22 (c) TREATMENT OF VOLUNTARY STANDARD FOR
23 PURPOSES OF ENFORCEMENT.—Except as provided in
24 subsection (d), if the Commission determines that a vol-
25 untary standard meets the conditions under subsection

1 (b)(1), then the labeling requirement of that standard
2 shall be enforceable as a Commission rule promulgated
3 under section 14(c) of the Consumer Product Safety Act
4 (15 U.S.C. 2063(c)) beginning on the date that is the later
5 of—

6 (1) 180 days after publication of the determina-
7 tion under subsection (b); or

8 (2) the effective date contained in the voluntary
9 standard.

10 (d) REVISION OF VOLUNTARY STANDARD.—If the la-
11 beling requirement of a voluntary standard that met the
12 conditions of subsection (b)(1) is subsequently revised, the
13 organization responsible for the standard shall notify the
14 Commission no later than 60 days after final approval of
15 the revision. The labeling requirement of the revised vol-
16 untary standard shall become enforceable as a Commis-
17 sion rule promulgated under section 14(c) of the Con-
18 sumer Product Safety Act (15 U.S.C. 2063(c)), in lieu of
19 the prior version, effective 180 days after the Commission
20 is notified of the revision (or such later date the Commis-
21 sion may specify), unless within 90 days after receiving
22 that notice the Commission determines that the labeling
23 requirement of the revised voluntary standard does not
24 meet the requirements of subsection (b)(1)(A), in which

1 case the Commission shall continue to enforce the prior
2 version.

3 **SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.**

4 (a) RULE ON SULFUR CONTENT IN DRYWALL RE-
5 QUIRED.—Except as provided in subsection (c), not later
6 than 1 year after the date of enactment of this Act, the
7 Consumer Product Safety Commission shall promulgate a
8 final rule pertaining to drywall manufactured or imported
9 for use in the United States that limits sulfur content to
10 a level not associated with elevated rates of corrosion in
11 the home.

12 (b) RULE MAKING; CONSUMER PRODUCT SAFETY
13 STANDARD.—A rule under subsection (a)—

14 (1) shall be promulgated in accordance with
15 section 553 of title 5, United States Code; and

16 (2) shall be treated as a consumer product safe-
17 ty rule promulgated under section 9 of the Con-
18 sumer Product Safety Act (15 U.S.C. 2058).

19 (c) EXCEPTION.—

20 (1) VOLUNTARY STANDARD.—Subsection (a)
21 shall not apply if the Commission determines that—

22 (A) a voluntary standard pertaining to
23 drywall manufactured or imported for use in
24 the United States limits sulfur content to a

1 level not associated with elevated rates of corro-
2 sion in the home; and

3 (B) such voluntary standard is or will be
4 in effect not later than two years after the date
5 of enactment of this Act.

6 (2) FEDERAL REGISTER.—Any determination
7 made under paragraph (1) shall be published in the
8 Federal Register.

9 (d) TREATMENT OF VOLUNTARY STANDARD FOR
10 PURPOSES OF ENFORCEMENT.—If the Commission deter-
11 mines that a voluntary standard meets the conditions in
12 subsection (c)(1), the sulfur content limit in such vol-
13 untary standard shall be treated as a consumer product
14 safety rule promulgated under section 9 of the Consumer
15 Product Safety Act (15 U.S.C. 2058) beginning on the
16 date that is the later of—

17 (1) 180 days after publication of the Commis-
18 sion's determination under subsection (c); or

19 (2) the effective date contained in the voluntary
20 standard.

21 (e) REVISION OF VOLUNTARY STANDARD.—If the
22 sulfur content limit of a voluntary standard that met the
23 conditions of subsection (c)(1) is subsequently revised, the
24 organization responsible for the standard shall notify the
25 Commission no later than 60 days after final approval of

1 the revision. The sulfur content limit of the revised vol-
2 untary standard shall become enforceable as a Commis-
3 sion rule promulgated under section 9 of the Consumer
4 Product Safety Act (15 U.S.C. 2058), in lieu of the prior
5 version, effective 180 days after the Commission is noti-
6 fied of the revision (or such later date as the Commission
7 may specify), unless within 90 days after receiving that
8 notice the Commission determines that the sulfur content
9 limit of the revised voluntary standard does not meet the
10 requirements of subsection (c)(1)(A), in which case the
11 Commission shall continue to enforce the prior version.

12 (f) FUTURE RULEMAKING.—Notwithstanding any
13 other provision of this Act, the Commission, at any time
14 subsequent to publication of the consumer product safety
15 rule required by subsection (a) or a determination under
16 subsection (c), may initiate a rulemaking in accordance
17 with section 553 of title 5, United States Code, to reduce
18 the sulfur content limit or to include any provision relating
19 to the composition or characteristics of drywall that the
20 Commission determines is reasonably necessary to protect
21 public health or safety. Any rule promulgated under this
22 subsection shall be treated as a consumer product safety
23 rule promulgated under section 9 of the Consumer Prod-
24 uct Safety Act (15 U.S.C. 2058).

1 **SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR**
2 **DRYWALL DISPOSAL REQUIRED.**

3 Not later than 120 days after the date of enactment
4 of this Act, the Consumer Product Safety Commission
5 shall revise its “Remediation Guidance for Homes with
6 Corrosion from Problem Drywall” to specify that problem-
7 atic drywall removed from homes pursuant to the guidance
8 should not be reused or used as a component in production
9 of new drywall.

Passed the House of Representatives September 19,
2012.

Attest:

KAREN L. HAAS,
Clerk.