



U.S. CONSUMER PRODUCT SAFETY COMMISSION

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The Honorable Bill Nelson
United States Senate
716 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Nelson:

Knowing of your interest in the safety of drywall, I want to update you on actions being taken by the U.S. Consumer Product Safety Commission (CPSC) to investigate this matter of deep mutual concern. As you know, last week I accompanied a team of CPSC scientists, lawyers, engineers and compliance staff to Capitol Hill to provide a briefing to interested parties in Congress. I was pleased that you took advantage of that opportunity to address and question the CPSC staff present.

Earlier this year, I directed CPSC staff to develop an action plan and launch an urgent intergovernmental and multi-disciplinary investigation to define the scope of the problem and find a solution that is based on sound science and factual evidence. In conducting this investigation, it is critical that CPSC's technical evaluation on drywall and the related compliance inspections be done with a thoroughness and exactness that will assure that future potential remedies, when made available for homeowners, will not be jeopardized by incomplete or short-circuited investigative work.

To support this project, the CPSC is working with the Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), and the Agency for Toxic Substances and Disease Registry (ATSDR) in the U.S. Department of Health and Human Services. By coordinating with these other agencies, CPSC is pursuing a multi-track approach that addresses this matter aggressively, systematically and comprehensively.

The first track is the work of CPSC's Directorate for Health Sciences (HS) which is developing the quantitative and qualitative data that will enable the staff to perform a thorough health risk assessment. Work entails elemental characterization of drywall, chamber studies, and in-home air monitoring. CPSC staff is working with EPA staff to fully characterize the chemical components of Chinese and U.S. drywall in order to identify any differences. By conducting chamber studies on multiple drywall samples subject to various environments, the scientists in HS are pursuing a testing plan that will determine exactly what gases are emanating from the drywall. This plan includes studies that will test both Chinese and American samples so that health effects that are directly and specifically related to the drywall can be assessed. This research is

critical to accurately identifying the precise source of current and potential health problems and thus equipping the agency to develop an appropriate remedy. Field studies to collect air monitoring data in homes are also planned. As with the chamber studies, this data will provide information for risk characterization. The field study data can not only confirm the gas emissions detected by the chamber study, but may also indicate the presence of additional chemicals that may not be detected in the chamber studies. As has been observed with other products, there may be lot-to-lot differences in the manufacture and post-manufacturing treatment of the drywall.

The second track involves CPSC's Directorate for Engineering Sciences (ES) which will be examining and testing components in the home that may be affected by drywall emissions that could put home owners at risk of fire and shock. These components include electrical wiring and devices, natural/propane gas pipes, and fire protection equipment. Samples will be collected by CPSC staff at first from homes in Florida and tested to determine if and when they may pose a fire or electrical hazard. This testing consists of two major phases: the examination of various components harvested from affected residences and the reaction of new components to elevated levels of gases in a controlled corrosive environment. These assessments are being coordinated closely with CPSC's Directorate for Health Sciences' chamber studies but are progressing independently.

The third track is the investigation being conducted by CPSC's Office of Compliance and Field Operations which is collecting, analyzing and investigating incident reports. Compliance staff is working closely with U.S. Customs and Border Protection to monitor whether additional shipments of drywall may be entering the country. Because drywall is a product not previously investigated by the CPSC, Compliance staff has also been meeting with representatives of both the gypsum industry and the U.S. Geological Survey to better understand the geology and chemistry of the product, as well as the mining, manufacturing and shipping processes associated with drywall production. Certain findings of the Compliance staff that may lead to and support enforcement actions are restricted at this time.

The fourth track involves CPSC's communication and interactions with our counterpart agency in China, the Administration for Quality Supervision and Inspection and Quarantine (AQSIQ). CPSC staff has discussed the drywall issue with representatives of the Chinese government during our monthly videoconference calls with AQSIQ. AQSIQ has initiated an investigation and brought the Chinese Ministry of Commerce into the case. Importantly, the CPSC has accepted AQSIQ's offer to send a representative to the United States, and the CPSC plans to perform drywall related travel to China.

The fifth track involves CPSC's Office of Public Affairs (OIPA). OIPA staff has established a website dedicated to the drywall problem which includes answers to frequently asked questions by affected homeowners. Additionally, OIPA staff is receiving special training to able to respond fully and accurately to inquiries from the public.

The sixth track involves working not only with our federal agency partners, but also with our state agency partners. CPSC's Field staff has a well-developed relationship with state health departments and other consumer-related state agencies that play a critical role in providing immediate relief to their citizens.

Finally, as you know, Commissioner Moore and I have submitted an emergency budget request to Congress to advance CPSC's investigation. These funds will pay for an automated response system and website

dedicated to drywall; additional compliance and public affairs specialists on the drywall issue; drywall related travel to China and US gypsum plants; additional in-home monitoring, elemental analysis and chamber emissions studies; and upgraded component analysis and fire protection evaluations.

In seeking a solution, the Commission will use every asset available to us – our engineers, scientists, lawyers, compliance officers and the authorities granted to us by Congress – in cooperation with these other federal and state agencies. I have been pleased to make CPSC staff fully available to your office and I will continue to keep you informed of our progress as we work to find the solutions and the answers that will allow your constituents to live healthfully and safely in their homes.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Nord". The signature is fluid and cursive, with the first name "Nancy" and last name "Nord" clearly distinguishable.

Nancy A. Nord
Acting Chairman