

**MODIFICATION NO. 2 TO CPSC-I-10-0007  
INTERAGENCY AGREEMENT  
BETWEEN THE  
U.S. CONSUMER PRODUCT SAFETY COMMISSION  
AND THE  
U.S. GEOLOGICAL SURVEY REFERENCE MATERIALS PROGRAM**

**1. Introduction**

The U.S. Consumer Product Safety (CPSC) and the U.S. Geological Survey's Reference Materials Program (USGS-RMP) entered into Interagency Agreement CPSC-I-10-0007 on March 12, 2010 to attain the expert services of USGS-RMP staff to support the CPSC's investigation of imported drywall. In order to further support the investigation, additional technical services have become necessary and the following document describes modifications to the basic agreement to obtain these services. This additional work covers the testing of additional gypsum (e.g., rock, FGD powder, wall board) samples as detailed in MOD #1 to CPSC-I-10-0007.

This modification does not alter the requirements set forth in the basic agreement other than the testing of additional samples as described under Section 4 (Proposed New Work) and additional funding of \$36,000.

**2. Authorities**

The authorities for USGS-RMP and CPSC to enter the Agreement are:

- a. USGS-RMP 43 USC 36c Acceptance of Contributions
- b. CPSC Authority 15 U.S.C. 2076(g)

**3. Title**

Trace Element Analysis of Gypsum

**4. Proposed New Work**

This new work will be comprised of testing additional gypsum samples in the following two major tasks:

Task 1. Exploration for and identification of biological organisms that could be a source of gases emanating from gypsum wallboard. This work will be conducted at the USGS laboratory in Tallahassee, FL under the direction of Dr. Dale Griffin. An additional twelve gypsum samples will be evaluated for the presence of microorganisms. For wallboard samples: the wallboard will be subdivided into four fragments: front paper, back paper, filler, and paper glue. Matched fragment samples will be taken to allow evaluation using direct staining and a sonication-based approach that has been utilized to accurately enumerate microorganisms associated with soil particles.

Task 2. Analysis of new gypsum samples provided by the CPSC. These samples may be a combination of wallboard, geologic, flue gas derived or other samples related to wallboard production or starting supplies. An additional twenty-nine samples will be analyzed in this phase of the study. All samples will be analyzed under USGS chain of custody guidelines. The USGS will analyze samples for their major, minor and trace element content using a combination of wavelength-dispersive x-ray fluorescence (WDXRF), inductively-coupled plasma mass spectrometry (ICP-MS) and selected single element methods of analysis.

#### **5. USGS-RMP Furnished Materials and Equipment**

USGS-RMP agrees to furnish all necessary personnel, equipment, materials, services, and facilities to complete the tasks listed in **Proposed New Work**.

#### **6. CPSC Furnished Materials and Equipment**

CPSC will provide USGS-RMP with drywall samples and other gypsum samples (e.g., rock, wallboard and FGD powder). Additional samples could be provided as necessary.

#### **7. Deliverables**

The USGS will provide CPSC with all relevant original data and provide an oral and written presentation of analytical results. The USGS will provide an evaluation of analytical results from both a chemical (accuracy, reproducibility) and geochemical perspective.

a. Draft Report on *Chemical Analysis/Sculpture Speciation* – June 15, 2011

b. Draft Report on *Microbiological Assessment* – June 30, 2011

#### **8. Confidentiality Requirements**

This work is being funded to support a federal investigation that has potential for litigation. Except as may be required by the Freedom of Information Act or any other provisions of law or order from a court of competent jurisdiction, any information developed from this IAG must be held in the strictest of confidence and may not be shared with outside entities unless permission is granted by CPSC in writing. USGS-RMP shall notify CPSC immediately about any request from an outside party for any information related to this IAG.

Notwithstanding the foregoing, USGS-RMP shall submit to the Commission any report, manuscript, presentation or other document containing the results of work performed under this Agreement, before such document is published or otherwise disclosed to the public, to assure compliance with Section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)), Commission regulations (16 C.F.R. Part 1101), and a Commission directive (Order 1450.2). These provisions restrict disclosure of information that (1) permits the public to identify

particular consumer products or (2) reflects on the safety of a class of consumer products. Prior submission allows the Commission staff to review the information and comply with applicable restrictions. CPSC should be advised of USGS-RMP's desire to submit or publish an abstract or report as soon as possible.

#### **9. Period of Performance**

The period of performance shall be extended to September 30, 2011 from the end date originally agreed to in the basic agreement.

#### **10. Funding and Accounting**

a.	For CPSC:	For USGS-RMP:
	ALC: 61-00-0001	ALC: 14 08 0001
	TIN: 520978750	TIN: 530196958
	DUNS: 069287522	DUNS: 927033126
	US TREAS CODE: 6110100	US TREAS CODE: 14-00804

b. 0100A11DPS 2011 3371200000 EXFM004400 253A0 \$36,000

#### **11. Disagreements**

In the event that CPSC and USGS-RMP have a disagreement arising under this Interagency Agreement, the parties shall cooperatively seek to resolve the disagreement by themselves. If the disagreement cannot be resolved between them, the parties agree to seek the assistance of a third party in resolving the disagreement.

#### **12. Termination and Modifications**

Either party may terminate the Agreement at any time with 90 days written notification. If the CPSC cancels the order, USGS-RMP is authorized to collect costs incurred prior to the cancellation of the order. This Agreement may be modified through written amendment agreed to by both parties.

#### **13. Liaison Officers**

a. USGS-RMP Project Officer  
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- b. USGS-RMP Administrative Officer  
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Approved and Accepted for  
USGS-RMP

BY: *[Signature]*

TITLE: SCIENCE CENTER DIRECTOR

DATE: 6/17/11

Approved and Accepted for  
CPSC

BY: *[Signature]*

Donna Hutton

TITLE: Contracting Officer

DATE: 6/21/11