

**Testimony of
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Cape Coral, Florida
Before the United States Senate
Committee on Commerce, Science and Transportation
Subcommittee on Consumer Protection, Product Safety and
Insurance
“HEALTH AND PRODUCT SAFETY ISSUES
ASSOCIATED WITH IMPORTED DRYWALL”
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Thank you, Chairman Pryor and members of the Committee for this opportunity to provide testimony to the Senate Subcommittee on Consumer Protection, Product Safety and Insurance. I would also like to express my personal appreciation to Senator Bill Nelson for his commitment to helping affected homeowners whose houses are contaminated by sulphur compounds emitted from Chinese drywall. I am convinced that these compounds are causing health and safety problems for my family and countless Americans.

My wife Patricia and I are retired career Federal Employees and have been married for 35 years. We have two great children, Kristen, who resides in Philadelphia and Stephen who lives with us and attends High School in Ft. Myers. Our dream was to retire early, build our first ever new home in Florida, and share responsibility with my sister in caring for my 96-year-old Mother, Sophia.

HIGH EXPECTATIONS AFTER RETIREMENT

After spending countless hours researching which home design and homebuilder we would prefer, we settled on a local Cape Coral builder, Aranda Homes., Inc. In July 2007 we finally moved into what we thought would be our dream home. Little did we know we would be embarking on a journey consisting of countless breakdowns of our air conditioning system, a number of computer equipment failures, and various family health problems.

Beginning in July 2007 our air conditioning system failed fifteen (15) times in one year. Since we did not have air conditioning, we could not care for

my mother and the full burden of caretaking fell to my sister and her husband, Carol and Delbert Cochran. During the many visits by the air conditioning company the unit was charged and recharged with R22 refrigerant, as many as ten (10) times, all of which leaked into the air ducts and throughout our home.

Our air conditioning coil has been replaced four (4) times. The most recent coil was installed in December 2007. The manufacturer, Trane Inc., sent the coil to Aero-Marine Engineering, Inc., located in Texas, prior to installing it in our house. Aero-American Marine's literature indicates the coil is protected "with Technicoat 10-2", an anti-corrosion coil coating.

HOW WE FOUND WE HAD A PROBLEM

With so many breakdowns of the air conditioning unit, we asked the manufacturer, Trane Inc., if we could purchase an extended warranty. They have never responded to that request. The only time we ever heard from Trane was on October 24, 2007 when the Fort Myers technical representative informed us that we likely had contaminated drywall imported from China installed in our home. The representative said other air conditioning manufacturers were experiencing similar breakdowns and they confirmed that the drywall combined with high humidity exacerbates the corrosion of the copper coils causing premature failure. We were devastated. Our first thought was, what about our health?

We made many calls and wrote letters to our builder, Aranda Homes, Inc., asking for help. Their representative consistently pushed us off to the supplier of the drywall, Banner Supply Company in Fort Myers, Florida. Aranda's representative arranged for Banner Supply to inspect our home on October 27, 2007. Banner's representative (accompanied by a representative from Aranda Homes) confirmed that "Knauf-Tianjin China," was embossed on the back side of the drywall. Banner's representative said, "I can deliver 250 sheets of drywall in your driveway tomorrow." I declined because no offer was made to install it.

We also made telephone calls to the Florida Health Department who referred us to the Sarasota County Health Department, who at the time was taking the lead on this emerging crisis. Mr. Robert Kollatte was very aware of the problem and informed us that the only remedy at this time would be complete removal of the drywall. Mr. Kollatte also said that other factors

need to be addressed in the remediation, including removal of any corroded copper piping, electrical wiring and possibly other metals. He explained that the corrosion caused by sulphur, once started, continues even if the contaminated drywall is removed. Try to imagine how many products used in your daily lives contain copper? Mr. Kollatte also said the corrosion is not limited to just copper. Again, we thought, if it's doing this to copper and other metals, what's it doing to our lungs?

We started looking through our home, and found mirrors turning black, electrical switches stopped working for no reason, our son's computer and game console both broke down three times and were finally replaced by the manufacturers under warranty.

REALIZING OUR DREAMHOUSE MAY BE KILLING US

Nearly every day I have a nosebleed; some days they are not as severe as others, but none-the-less, I did not have them before moving into my home. Stuffy noses and raspy throats are commonplace in our household; there is not a night that goes by that I don't wake up worried that I may be harming my family by allowing them to stay in the house. My wife, Patti keeps vials of eye drops at her bedside because her eyelids become so dry that they are difficult to open if she wakes up during the night. My son, Stephen, who is very healthy and rarely sick, came down with a respiratory ailment recently. He lost five days of school and we made two visits to the physician in that same period. The doctor could not understand why he was not responding to the medication. Stephen was tested for mononucleosis and the flu, both which were negative. Finally after being bedridden for seven consecutive days he was able to return to his classes. But he continued to complain of weakness for at least a week or two afterward. He even took naps after school which we have never seen him do. I am convinced that the background sulphur contamination emitted from the drywall contributed to his lengthy recovery.

ARANDA HOMES, INC., RESPONSE

Feeling abandoned by our builder, we hired an attorney who filed a latent defect complaint against Aranda Homes, Inc., under Chapter 558 of the Florida Statute. The 558 Notice claims that Aranda Homes, Inc. is responsible for installing defective drywall in our home and provided Aranda Homes 45 days to respond as to how they intended to remediate.

On March 4, 2009, Counsel for Aranda Homes, Inc., responded to the Chapter 558 Notice. The response says, “Notwithstanding the assertions in the notice that scientific tests have proven that the Knauf plasterboard causes corrosion of interior metal fixtures and electronics, potentially posing a risk of fire and a risk of human health, Aranda Homes, Inc., has neither received any such test results, nor heard of any such test results”. It further states, “Aranda Homes, Inc. has made several inspections of the premises and cannot conclude there are any construction defects that need a response.” Needless to say, we are disappointed with and insulted by this response.

Shortly before receiving the builder’s response we were informed by our law firm that our attorney was no longer with the firm and we have not retained another attorney since.

We also inquired with Aranda Homes, Inc., as to who their insurance carrier was. The Counsel for the builder said that our claim was sent to their insurer. However, Aranda Homes, Inc. has refused to tell us who their insurance carrier is.

REGULATORY RESPONSE TO OUR DRYWALL PROBLEM

The Florida Health Department has been in the forefront trying to confirm whether any health or other risks exist from the drywall emissions. Dr. David Krause, in particular, has been a wonderful resource to us and we want to bring this to your attention.

We also had the opportunity to have our house inspected by the U.S. Consumer Products Safety Commission, the U.S Environmental Protection Agency, and the Agency for Toxic Substance and Disease Registry. Representatives from these agencies sampled our home for potential sources of contamination caused by the drywall. In addition, we provided one of our smoke detectors to the Florida State Fire Marshall for inspection to determine if the corrosion could cause our fire alarm system to malfunction during a fire.

Lastly, we have been asked to allow the U.S. Environmental Protection Agency’s Emergency Response Team and the Florida Department of Health to install indoor air monitors in our home during the first week of June 2009

for a three day period, during which we may be asked to vacate. Coincidentally, we are attending a wedding in Pennsylvania during this time period. We are only too happy to accommodate these agencies in their efforts for the benefit of all those impacted by this unfortunate tragedy.

I ASK THAT THE COMMITTEE CONSIDER THE FOLLOWING IDEAS:

- ✚ Establish a Federal Task Force led by U. S. EPA or FEMA and made up of Federal agencies charged with looking at existing regulatory authorities to fund the removal and remediation of the drywall contamination. This would be similar to having a response to a hurricane, earthquake or other natural catastrophe. I suggest this activity be coordinated with the appropriate State and local entities, which can provide their expertise in the various elements of the remediation process.
- ✚ Direct the U.S. EPA and U.S. Department of Housing and Urban Development the responsibility of establishing a protocol for cleanup and remediation. This protocol should provide standard guidelines so that remediation of the drywall and corrosion problem is consistent from State to State or builder to builder.
- ✚ Require the U.S. Consumer Products Safety Commission to issue a recall of the defective drywall, and a directive that no other drywall imports from China be permitted until such time as minimum health and safety standards can be developed by this agency.
- ✚ The manufacturers of the contaminated drywall need to be held accountable for any remediation costs rather than the taxpayer. I think that enforcement of this effort could be performed by several federal agencies with the lead agency efforts being undertaken by the U.S. Consumer Products Safety Commission.
- ✚ In developing the costs of remediation, I would suggest that the Federal Task Force consider other costs for complete remediation as: moving and relocation expenses of the homeowners during reconstruction, including utilities; storage costs for contents of their homes; replacement of all corroded items including but not limited to: televisions, computers, smoke detectors, refrigerators, mirrors.

In conclusion, I would like to again express my appreciation to the Committee and to Senator Nelson for this opportunity to provide testimony on this important issue. I stand ready to answer any questions the Committee may have. Thank you.