

**Suspend the Rules And Pass the Bill, H.R. 4212, with Amendments**

**(The amendments strike all after the enacting clause and insert a new text and a new title)**

112TH CONGRESS  
2D SESSION

# H. R. 4212

To designate drywall manufactured in China a banned hazardous product,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2012

Mr. RIGELL (for himself, Mr. DEUTCH, Mr. POSEY, Ms. WASSERMAN SCHULTZ, Mr. WITTMAN, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Mr. FORBES, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To designate drywall manufactured in China a banned  
hazardous product, 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 2012”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

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

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

19 **SEC. 3. DRYWALL LABELING REQUIREMENT.**

20 (a) LABELING REQUIREMENT.—Except as provided  
21 in subsection (b), not later than one year after the date  
22 of enactment of this Act, the Consumer Product Safety  
23 Commission shall promulgate a final rule under section  
24 14(c) of the Consumer Product Safety Act (15 U.S.C.  
25 2063(c)) requiring that each sheet of drywall manufac-  
26 tured or imported for use in the United States be perma-

1 nently marked with the name of the manufacturer and the  
2 month and year of manufacture.

3 (b) EXCEPTION.—

4 (1) VOLUNTARY STANDARD.—Subsection (a)  
5 shall not apply if the Consumer Product Safety  
6 Commission determines that—

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

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

16 (2) FEDERAL REGISTER.—Any determination  
17 made under paragraph (1) shall be published in the  
18 Federal Register.

19 (c) TREATMENT OF VOLUNTARY STANDARD FOR  
20 PURPOSES OF ENFORCEMENT.—Except as provided in  
21 subsection (d), if the Commission determines that a vol-  
22 untary standard meets the conditions under subsection  
23 (b)(1), then the labeling requirement of that standard  
24 shall be enforceable as a Commission rule promulgated  
25 under section 14(c) of the Consumer Product Safety Act

1 (15 U.S.C. 2063(c)) beginning on the date that is the later  
2 of—

3 (1) 180 days after publication of the determina-  
4 tion under subsection (b); or

5 (2) the effective date contained in the voluntary  
6 standard.

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

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

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

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

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

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

17 (c) EXCEPTION.—

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

20 (A) a voluntary standard pertaining to  
21 drywall manufactured or imported for use in  
22 the United States limits sulfur content to a  
23 level not associated with elevated rates of corro-  
24 sion in the home; and

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

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

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

15 (1) 180 days after publication of the Commis-  
16 sion's determination under subsection (c); or

17 (2) the effective date contained in the voluntary  
18 standard.

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

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

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

Amend the title so as to read: “A bill 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.”.