

**Testimony of
Brenda Brincku
Alva, Florida
Before the United States Senate
Committee on Commerce, Science and Transportation
Subcommittee on Consumer Protection, Product Safety and
Insurance**

**Contaminated Drywall: Examining the Current Health,
Housing and Product Safety Issues Facing Homeowners**

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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 defective drywall. I am convinced that these compounds are causing health and safety problems for my family and countless Americans.

My husband George and I are just one of tens of thousands of homeowners who, through no fault of our own, have been devastated by having defective drywall in our home. Unlike the common complaint about Chinese Drywall, we had National Gypsum American made drywall in our home. We had no Chinese drywall in our home yet our American drywall was causing the same effects as those experienced with Chinese drywall.

American drywall has destroyed our home. Both American and Chinese drywall have destroyed our landscape business. Many of George's landscape clients had Chinese toxic drywall in their million dollar homes. Some of our clients that lived in the neighborhoods with Chinese Drywall homes but did not have the defective drywall in their homes felt the toxic drywall homes were bringing down the value of their homes. Both sets of clients decided to stop investing money in their homes and landscaping due to the contaminated Chinese drywall homes. A lot of my husband's clients

have walked away from their million dollar homes since their builder wouldn't step up to the plate and the legal cases are being dragged out in the court system.

We had to move out of our defective American drywall home on March 14, 2009 and we moved into a rental home about 25 minutes away. We have been trying to run our landscape business traveling back & forth between our toxic and our rental home. Our landscaping business was run from our acre and a quarter property where the toxic home sat. Now that we are no longer able to live there we cannot keep our inventory on hand for fear of it being stolen from the property of the abandoned toxic home. Our rental home is in a community which won't allow us to run a landscape business out of our home. George has had to obtain a new position at a nursery and we continue to service our last few clients from the landscaping business.

In 2003, George and I invested our savings and our hearts into the purchase of a property in Alva, Florida. We acted as owner/contractor in building our home. We made a full effort to employ local subcontractors to help with construction. I remember the many days and nights both George and I fell exhausted from the days work only to strive for the next days tasks to build our dream together.

Shortly after completion of the home in October 2004, we experienced failures of 3 coils in one AC unit and 4 coils in our other air conditioning unit, blackening of electrical wiring and failure of household appliances. After we found out we had the defective drywall our homeowners insurer asked us to turn the electric off to our home when we were not there because they feared there would be a fire. I realize that much of the attention has been paid to those with defective Chinese drywall, yet there is a universe of homeowners like us, with American made drywall, who have yet to be acknowledged as having a problem.

The impact that this has had on my family is unimaginable. My three children lived in this toxic environment and then had their lives turned upside down when we were forced to abandon our home and leave many of our personal items behind for fear of contamination of our new residence. My son lived in this house for half of his life and now, for the rest of our lives, we have to wonder what impact this will have on his future health, the health of all of our family members. If this toxic product has corroded the silver and copper items in our home what has it done to our lungs, our

health, our bodies. We know we were horrendously sick living in that toxic home and we must ponder the long term effects forever.

For today, however, I represent everyone across the United States and abroad who continue to suffer the ill effects--physical, emotional and financial—resulting from having defective drywall in their homes.

George and I are among a few outspoken homeowners who have been advocates for these victims. We have been involved from the very start of this problem, yet little help has been provided to us to date.

I would like to summarize what has occurred at the Federal level. However, I preface my comments by stating that, short of some homeowners receiving local property tax relief, the **federal agencies working on this problem for over four years have failed us.**

The US Consumer Product Safety Commission Failed Us

The CPSC is the lead federal agency responsible for addressing the safety issues surrounding the defective drywall problem in the United States and its Territories. This Agency is ill equipped to deal with such a large scale defective product issue. The CPSC has invested millions of dollars in testing homes with the defective drywall and has made a valiant effort to find a solution. We have been provided with study after study, many which are not peer reviewed. The findings of the studies have often been published late on a Friday afternoon to avoid media attention.

The Final report released by the CPSC provided its recommended remediation protocol which told homeowners that it is acceptable to leave the electrical wiring in a home. To me this protocol is useless and I would never put my family in a situation where we may be killed in a fire cause by an electrical malfunction from defective drywall. I invite the CPSC to talk to some of the contractors who have remediated these homes. In every case they have found that the corrosion caused by the defective drywall has spread far beneath the casing of the electrical wires. CPSC did offer some advice to homeowners. They suggested that we have the wiring checked every forty (40) years. Imagine that, how would one do that when the average home is sold once every 7-10 years.

I realize that the CPSC has just over 400 employees nationwide and that they spent a major portion of their budget on the drywall problem. Much of the

cost could have been avoided if they had in-house expertise. Early on there was a Multi-Agency Task Force Formed to address this, but I found that coordination and communication among the agencies involved was inconsistent at best and should be considered a failure.

The US Internal Revenue Service Failed Us

I would like to personally thank Senator Nelson for his involvement in directing the IRS to provide homeowners with defective drywall the ability to claim a casualty loss on their income taxes if they had remediated their drywall homes themselves. This provision only helped homeowners who were wealthy enough to have remediated their homes and did nothing for the tens of thousands of other homeowners. While in principal, this tax relief is welcomed, under the provisions issued by the IRS, homeowners who may receive compensation in the courts would then be required to declare that compensation as income making the casualty loss useless once/if court cases were settled and compensation was distributed.

The Federal Emergency Management Administration Failed Us

As homeowners searched for every opportunity for resources, we quickly turned to FEMA to declare the defective drywall problem as a national emergency, thus releasing emergency funding for temporary housing, and for low or no interest loans. The damages from the defective drywall are likened to damages suffered in a hurricane or other disaster. In fact, both Senators Warner (Va.) and Nelson (Fl.) referred to the defective drywall problem as a “Silent Hurricane.” We were told by FEMA that they could only act if the Governor of our State requested a federal declaration.

Homeowners in Florida began petitioning then Governor Charlie Crist to request the necessary declaration; however, the Governor had his Director of Emergency Management request FEMA assistance, which was quickly declined because the request was not from the Governor. Further attempts to have the Governor directly request FEMA help failed.

The US Department of Housing and Urban Development Failed Us

Once again Senator Bill Nelson petitioned another Federal agency for assistance for homeowners. Senator Nelson thought there may be an opportunity to utilize Community Development Block Grant Funding for remediating homes with defective drywall, the premise being that these

funds could be used if the homes with defective drywall were considered blight. This idea gave us hope, yet in practice, we found that the funds were administered by the local government and were already allocated; and we quickly found that we would be competing for the funding with Victims of Domestic Violence, the homeless, and Victims with AIDS. In reality, the CDBG funding was so small it would only help 1-2 homeowners if the entire budget was used solely for the defective drywall home.

The Center for Disease Control Failed Us

There are many health symptoms that homeowners and especially children have, as a result of being exposed to defective drywall. Nosebleeds, skin rashes, respiratory issues, sore throats, dizziness, and burning eyes and autoimmune disease are just some of the health problems homeowners are experiencing. Others have reported greater problems including central nervous system effects, restless leg syndrome, hair falling out and some even claim that deaths have occurred from the off-gassing. With all of these complaints, the State Health Department in Florida did not have the resources for individual testing of homeowners and once again Senator Bill Nelson asked CDC to look into the health aspects.

The CDC reviewed available data and drew a conclusion that the symptoms that homeowners were experiencing were similar to common ailments like having a cold or allergies. The CDC response in their online drywall document was that homeowners should "Go outside to get fresh air" if they could not breath in their own home!

The CDC recently issued a final decision that there will not be a long term health study associated with the effects of having defective drywall in a home.

The US House of Representatives Drywall Caucus on Defective Drywall has Failed Us

We appreciate those Members of the House of Representatives who have come to our assistance by becoming members of this Caucus. Having said that, it should be noted that until recently, the group rarely met and attendance was dismal.

Statistics reveal that millions of board-feet of defective drywall enter the United States and its Territories--enough to build 100,000 homes

nationwide. Defective drywall has been discovered in at least 41 of the 50 United States. There are 435 Members of the US House of Representatives. These statistics are telling because the problem of defective drywall is so widespread yet there are only a handful of Members of the House of Representatives who actively participate on the Drywall Caucus. How can that be? I realize that each Member has a lot to do but there seems to be a lack of attention to the defective drywall problem on a national scale.

I ASK THAT THE COMMITTEE CONSIDER THE FOLLOWING IDEAS:

- ✚ Require the Consumer Product Safety Commission to arrange for a peer review of its final remediation guidance, particularly because leaving electric wiring in a contaminated home is clearly an unsafe condition. Peer reviews are a normal part of any technical decision that affects the public and in this case the CPSC issued its final guidance without a formal peer review process or public hearing and/or public input as required by the Federal Code of Regulations.
- ✚ Direct the CPSC to declare this product a hazard
- ✚ Direct the CPSC to create standards for drywall content
- ✚ Direct the Center for Disease Control, in conjunction with State Health Departments across the United States, to conduct a long term health assessment of the effects of defective drywall on humans.
- ✚ This Committee should be the catalyst for Members of Congress to be made aware of and actively participate in the Congressional Drywall Caucus.
- ✚ This committee should undertake the responsibility to pursue the availability of low or no interest loans to homeowners who wish to remediate their homes. Perhaps the Small Business Administration would be one avenue to pursue.
- ✚ This committee should work to restore the credit of families who, through no fault of their own, have lost their homes due to this toxic product be it via short sale, bankruptcy or foreclosure.

✚ Lastly, the committee should consider the possibility of homeowners receiving federal grants under a declaration similar to that of a hurricane or flood, and administered by FEMA. At a minimum the grants should be available to those wishing to relocate to temporary housing.

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.