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Timeline of Key Events Regarding Defective Chinese Drywall¹

- 2005** Major hurricanes in 2004 and 2005, including Hurricane Katrina, coupled with a nationwide housing boom spur a demand for drywall.
- 2006** Imports of Chinese drywall spike to nearly 500 million pounds, up from less than 2 million pounds in 2005. The drywall is shipped to more than 15 U.S. cities, including New York, Houston, Los Angeles, New Orleans, Wilmington, Miami, Port Everglades, Tampa, Pensacola, Port Canaveral, Manatee and Jacksonville.
- Complaints surface about an odor in the drywall and Knauf Tianjin hired experts to investigate testing air quality in homes in South Florida. They found no health concerns related to the odor or any emissions in the residences.
- 2007** After the housing boom crashes, most Chinese manufacturers stop shipping drywall to the U.S. However, Taishan (Chinese drywall manufacturer) still sends 4.7 million pounds of drywall to the U.S.
- June 2008** Florida Department of Health (DOH) receives its first call from homeowner about sulfur and carbon disulfide odor related to the imported drywall.
- August 2008** Florida DOH receives inquiries about homes with mysterious sulfur-like odor and copper corrosion from a private consultant and the US Environmental Protection Agency (EPA). The EPA considers gypsum drywall as a possible source of odors and corrosion, but believes the problem is likely not widespread.

¹This timeline is periodically updated on AAJ's Newsroom Web page, <http://www.justice.org/cps/rde/xchg/justice/hs.xsl/743.htm>. For updated current developments in MDL 2047, see the Web site for the United States District Court for the Eastern District of Louisiana at <http://www.laed.uscourts.gov/Drywall/Drywall.htm>.

September 2008 A consultant, Environ, investigates odors and corrosion in homes with Chinese drywall for a south Florida homebuilder, Lennar, and offers to share their findings with Florida DOH.

October 2008 Florida DOH hires Dr. David Krause as the state toxicologist.

November 2008 Florida DOH makes initial contact with the federal Consumer Product Safety Commission (CPSC).

December 2008 Forensic inspectors start to investigate allegedly toxic drywall.
CPSC first discovers tainted drywall.

January 2009 Florida health officials log more than 50 complaints stemming from Chinese drywall.
Florida DOH receives a report from Lennar's consultant, Environ, and Knauf regarding testing done on homes with failures of AC evaporator coils.
In Florida, the Environmental Health division of DOH conducts an inspection of 12 homes affected by the drywall in six counties to identify any common traits, develop a case definition, and collect samples of drywall for analysis.
The first class action lawsuit is filed in federal court in Fort Myers on January 30 regarding defective Chinese drywall.

February 2009 Florida DOH meets with representatives from the Department of Agriculture and Consumer Services (DoACS), the Florida Department of Consumer Affairs (DCA), and the Attorney General's office.
U.S. Senator Bill Nelson (D-FL) asks CPSC to consider adding drywall to the existing standards for consumer products and to work with the EPA in investigating and potential health threats posed by the defective drywall. The CPSC and EPA launch a federal investigation of Chinese drywall problems.
Homebuilder Lennar Corp. files suit against Knauf Tianjin, a Chinese export company, and several drywall suppliers.
So far, 90 complaints have been filed with Florida DOH from 14 counties.
Defective drywall in homes is confirmed in Florida, Michigan, Virginia, Georgia, Mississippi, Alabama, Louisiana, Texas, Maryland, North

Carolina, South Carolina, New York, New Jersey, Arizona, Colorado, Nevada, and New Mexico.

March 2009

Florida DOH receives a memo from Environ concerning detection of elemental sulfur at a concentration 20 times higher in Chinese versus domestic drywall.

Testing commissioned by Florida DOH and conducted by a private lab, Unified Engineering, Inc., finds that samples of Chinese manufactured drywall contained trace levels of strontium sulfide.

Florida DOH receives at least 155 homeowner complaints.

Environmental testing shows defective drywall has been found in homes in 41 states.

At least 4 class actions are filed in Florida, with others filed in California, Louisiana and Alabama.

Governor Charlie Crist (R-FL) requests assistance from the EPA and Centers for Disease Control and Prevention (CDC).

U.S. Sen. Bill Nelson, (D-FL) and Sen. Mary Landrieu, (D-LA) introduce federal legislation, the Drywall Safety Act of 2009, S.739, calling for the CPSC to recall defective Chinese drywall, ramp up its investigation and temporarily prohibit further importation of drywall and similar building products from China until new safety standards can be created.

April 2009

Florida DOH Surgeon General and Representative Robert Wexler (D-FL) tour homes; DOH Chief of Staff and DOH State Toxicologist tour homes with Senator Bill Nelson (D-FL).

Florida DOH requests a health hazard evaluation to assess occupational hazards related to cleanup of homes with Chinese drywall from the National Institute for Occupational Safety and Health (NIOSH).

Florida begins to test the air in homes with Chinese drywall in order to determine whether fumes emitted are actually sickening people.

China offers to send someone to the CPSC to help with the investigation into tainted Chinese drywall.

Florida DOH complaints grow to 265 cases.

The Louisiana state health department receives complaints from at least 350 people.

U.S. Rep Robert Wexler, (D-FL), sends a letter to Gov. Charlie Crist (R-FL) asking him to declare a state of emergency, which would make residents eligible for federal funds for assistance.

Gov. Crist sends requests to the EPA and CDC asking for help- with problems attributed to tainted Chinese drywall.

U.S. Rep Robert Wexler (D-FL) introduces legislation, H.R. 1977 (a companion to the Drywall Safety Act of 2009 introduced in the Senate) in Congress calling for a study and federal ban on dangerous drywall.

State Sen. Dave Aronberg, (D-Greenacres), asks Gov. Crist (R-FL) to create a task force to investigate the drywall problem and develop statewide policies and possibly legislation related to the defective drywall.

Senator Mary Landrieu, (D-LA), sends a letter to the Senate Commerce Committee requesting a hearing on the Chinese drywall problem.

U.S. Sen. Nelson (D-FL) calls for CPSC Chairwoman Nancy Nord's resignation over Chinese drywall.

The Drywall Safety Act of 2009 is introduced in Congress. The legislation requires the CPSC to study drywall that was imported from China and initiate a proceeding on whether a safety standard regulating drywall materials is necessary.

May 2009

CPSC submits an emergency budget request to Congress asking for \$2 million to pay for various expenses related to its probe of tainted Chinese drywall. CPSC is working with the EPA and health departments, the CDC, the Agency for Toxic Substances and Disease Registry, and U.S. Customs and Border Protection.

Number of complaints received by Florida DOH now 365.

CPSC has more than 18 complaints from 13 states and D.C. of health problems or corrosion of metal components.

At least 150 lawsuits have been filed across Florida representing at least 15,000 plaintiffs.

Chinese drywall lawsuit consolidation hearing is scheduled for May 27, 2009

The first piece of legislation related to defective Chinese drywall is passed by Congress: an amendment to the Mortgage Reform and Anti-Predatory Lending Act, which calls for the Secretary of Housing and Urban Development (HUD), in consultation with the Secretary of Treasury, to conduct a study of the effect of the presence of contaminated Chinese

drywall on residential mortgage loan foreclosures. The amendment also requires these agencies to study the availability of property insurance for homes where Chinese drywall is present.

The Senate Subcommittee on Consumer Protection, Product Safety and Insurance holds a hearing on Chinese drywall and the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts holds a hearing on holding foreign manufacturers accountable, using Chinese drywall as an example.

The EPA tests confirm Chinese drywall contains sulfur not found in U.S. drywall tested, also contains strontium, at ten times the level of domestic drywall, and identifies two compounds found in acrylic paint.

Sen. Bill Nelson (D-FL) and Sen. Landrieu (D-LA) file a budget amendment seeking \$2 million in emergency funding for Chinese drywall testing. This request fails to move forward in the U.S. Senate after procedural wrangling blocks its advance.

Senator Daniel Inouye (D-HI) pledges to help CPSC get necessary testing done using their current budget. CPSC says resources are being moved around to allow testing of drywall to begin in case additional \$2 million is not approved.

June 2009

Representatives Robert Wexler (D-FL) and Mario Diaz-Balart (R-FL) send a letter to respective leaders of the House and Senate Committees on Appropriations urging for emergency funding be included in the Supplemental Appropriations Act of 2009 for Chinese drywall investigations by the CPSC and other federal agencies.

The Florida Department of Health completes three days of air-quality tests at a home in Parkland, FL built with defective Chinese drywall.

CPSC launches the Drywall Information Center, where consumers can report incidents and track the CPSC's investigation. As of June 26, 2009, CPSC has received more than 460 reports from residents in 19 states and the District of Columbia. The majority come from consumers residing in Florida while others come from consumers in Alabama, Arizona, California, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Tennessee, Texas, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia.

The Judicial Panel on Multidistrict Litigation assigns U.S. District Judge Eldon Fallon in New Orleans to hear a batch of lawsuits against Chinese drywall manufacturers and other companies linked to the product. The judges consolidated cases from Louisiana, Florida, Ohio and other states.

Senators Mark Warner (D-VA), Jim Webb (D-VA), Bill Nelson (D-FL), and Rep. Glenn Nye (D-VA) write to the Internal Revenue Service (IRS) asking the agency to provide clarity on whether casualty loss deductions could apply to effected homeowners. Casualty loss deduction is meant to cover losses from the complete or partial destruction of property resulting from a sudden, unexpected and unusual identifiable event.

The lawsuit over Chinese drywall brought by Melissa and Jason Harrell against South Kendall Construction, Palm Holdings, Keys Gate Realty and Banner Supply Co. has been scheduled to go to trial in Miami-Dade Circuit Court in September 2010.

Two experts with China's General Administration for Quality Supervision, Inspection and Quarantine -- known as AQSIQ -- arrived in the U.S. the week of June 15 to investigate Chinese drywall in the United States and meet with CPSC officials.

CPSC awards a contract to Environmental Health and Engineering (EHE) to carry out in-home indoor air sampling on 50 homes—35 target homes selected from CPSC's incident and investigation databases, plus 15 control homes.

July 2009

The U.S. District Court for the Eastern District of Louisiana designates Russ Herman as Plaintiffs' Liaison Counsel and appoints Kerry J. Miller as Defendants' Liaison Counsel for the consolidated Chinese drywall cases, MDL 2047.

The initial monthly status conference is held on July 9 in New Orleans, LA. The Court considers numerous issues, including separation of property damage from personal injury claims, deferral of class certification, preservation of evidence, and service and personal jurisdiction on foreign defendants.

On July 27, the Court appoints Defendants' and Plaintiffs' Steering Committees, with Arnold Levin as lead counsel for the Plaintiffs' Steering Committee.

August 2009

As of August 6, 2009, CPSC has received more than 810 Chinese drywall incident reports from residents in 23 states and the District of Columbia. In-home sampling by EHE is expected to be completed by the end of August.

Sen. Nelson went to Shanghai to discuss the issue of toxic drywall and other issues with Chinese officials.

Senators Sheldon Whitehouse (D-RI), Jeff Sessions (R-AL), and Assistant Senate Majority Leader Dick Durbin (D-IL) introduce the "*Foreign Manufacturers Legal Accountability Act of 2009* (S. 1606), legislation that

would make it easier to hold foreign manufacturers accountable in the U.S. civil justice system.

The status conference for the consolidated Chinese drywall cases held on August 11.

September 2009

On September 4, photos of toxic drywall trademarks are released by the multidistrict litigation panel for the Chinese-Manufactured Drywall Products Liability Litigation.

<http://www.laed.uscourts.gov/drywall/drywall.htm>

CPSC announces test results of the drywall has been pushed back from September to October. The results of air testing will be released in November.

September 14

A Miami-Dade County Circuit Court Judge holds a hearing to determine if a class action can be certified for homeowners with Chinese drywall in the Keys Gate subdivision in Homestead, FL.

September 22

Louisiana Recovery Authority set aside \$5 million of federal Community Development Block Grant disaster recovery money to help homeowners who rebuilt their houses with contaminated drywall. The program for distributing the money has not been developed yet.

http://www.nola.com/politics/index.ssf/2009/09/lra_sets_aside_5_million_for_p.html

September 22

Sen. Warner (D-VA) sent a letter to the CPSC scolding them for their slow response to the Chinese drywall problem.

http://warner.senate.gov/public/index.cfm?p=Blog&ContentRecord_id=ffb53b0e-cdc3-48dd-bfbc-fe37550fc265

September 23

Members of Congress, CPSC and other federal agencies meet to discuss the slow response of the federal agencies to the Chinese drywall problem, and possible creation of a federal remediation program. CPSC acknowledges recall of drywall unlikely because of complexity with having drywall installed in consumers' homes.

<http://www.heraldtribune.com/article/20090924/ARTICLE/909241080/2107/BUSINESS?Title=Quicker-pace-urged-in-tackling-drywall-problems>

Lawyers discuss publically considering seizing Chinese government owned ships that come into U.S. harbors and holding U.S. investment bankers responsible for Chinese drywall. This is in direct response to only two of the 28 companies identified with drywall responding to U.S. filed lawsuits.<http://www.cbsnews.com/stories/2009/09/28/ap/national/main5346998.shtml>

In Louisiana, homeowners have until the end of October to file suits related to Chinese drywall.

- September 24 U.S. District Court found, Taishan Gypsum in preliminary default for failing to respond to the court proceedings. <http://www.justice.org/cps/rde/xchg/justice/hs.xsl/10537.htm>
- October 2009** CPSC has received about 1,501 reports from residents in 27 states, the District of Columbia, and Puerto Rico who believe their health symptoms or the corrosion of certain metal components in their homes are related to the presence of drywall produced in China.
- October 1 Louisiana State Sen. Julie Quinn (R-Metairie) visits Washington, DC on behalf of victims of Chinese drywall to meet with members of the Senate Judiciary Committee. State Senator Quinn calls on President Barack Obama to bring up the Chinese drywall issue, and China's responsibility, when he visits China in November.
- October 15 Monthly status hearing on drywall multidistrict litigation in New Orleans.
- Mid-October President Obama plans visit to Gulf Coast to visit areas continuing to recover from Hurricane Katrina.
- October 21-26 Consumer Product Safety Summit between the CPSC and its counterpart agency, the General Administration of Quality Supervision, Inspection, and Quarantine of the People's Republic of China (AQSIQ), will be held in Wuxi, Jinhua, and Beijing, China October 21-26, 2009. Chinese drywall is on the agenda.
- November 2009 President Obama visit to China.
- January 2010 Trial to begin in multidistrict litigation on Chinese drywall in New Orleans. <http://www.laed.uscourts.gov/drywall/drywall.htm>