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| 1. Task Number 090529CBB1741 | | 2. Investigator's ID 9102 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2009 05 14 | 5. Date Initiated YR MO DAY 2009 05 29 | | |
| 6. Synopsis of Accident or Complaint UPC 0-81999-10522-8 The family moved into their home in October 2006 and had to move out in April 2009 due to the ill health affects from the tainted drywall. The owner of the home cut holes in his walls to discover that the drywall was imported from Canada by an American Company and was a medium gray color. The homes two air conditioners coils had both been replaced twice. Chrome fixtures were pitted and electrical wiring was turning black. <div style="text-align: right;"> <p><u>MFR/PRV/LBR NOTIFIED</u> 10/13/09</p> <p>COMMENTS: <u>YES</u> <u>NO</u></p> <p><input checked="" type="checkbox"/> <u>OVERRULED</u>; <u>ATTACHED</u></p> <p><input checked="" type="checkbox"/> <u>EXCISIONS/FOIA Hqs.</u> <i>oche mpr.</i></p> <p><u>DO NOT RE-NOTIFY</u> <input checked="" type="checkbox"/> <u>RE-NOTIFY</u></p> </div> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City CLERMONT | | 9. State FL |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name DRYWALL | | 10C. Model Number (b)(3):CPSA Section 6(b) |
| 10D. (b)(3):CPSA Section 6(b) | | | | |
| 11A. Second Product 381 - Air Conditioners | | Not Responsive | | |
| 11D. Not Responsive | | | | |
| 12. Age of victim 43 | 13. Sex 1 - Male | 14. Disposition 1 - Injured, not Hosp. | 15. Injury Diagnosis 68 - Poisoning | |
| 16. Body Part(s) Involved 85 - ALL OF BODY | 17. Respondent 1 - Victim/Complainant | 18. Type of investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 13 / 3.5 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | 22. Sample Collection Number 098107070 | |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 06/15/2009 | 25. Reviewed By 9001 | | 26. Regional Office Director Dennis R. Blasius | |
| 27. Distribution Streater, Robin; Trotta, Andrew; Blasius, Dennis; Rose, Blake; Woodard, Dean; Khanna, Rohit; Matheson, Joanna | | | 28. Source Document Number 10950507A | |

This investigation was initiated by a complaint received by the U.S. Consumer Product Safety Commission.

The information contained in this investigation was supplied by the following sources:

1. An onsite interview with the owners of the home on 6-03-2009.

Family Members:

Husband – 43 year old male
Wife – 41 year old female
Son – 10 year old male
Daughter – 7 year old female

This incident involves health issues and copper and metal corrosion at the non seasonal home of the victims over an extended period of time as will be detailed later in this report which the owners believe were caused by contaminated *American/Canadian* drywall used in the construction of their home.

The home was a two story all electric, 4 bedrooms, 3 bathrooms new construction, 2,800 square foot townhome in Clermont, FL. The owner contacted the CPSC on 5-14-2009 and that is the incident date. The home was a concrete block and stucco home with wood studs. The bedrooms had carpeting and the main rooms had tile.



The owner of the home also acted as the builder for the home and subcontracted out the electrical, concrete and sheetrock installation etc. He directly purchased the drywall from a local hardware supplier. The receipt is included in the exhibits.

The family moved into the home in October 2006 and began experiencing health symptoms within six months. Eventually, the symptoms became so serious that they moved out of the home on 4-08-2009. The family was not experiencing the following ill effects prior to moving into the home.

The husband was experiencing bloody noses, excessive snoring, sinus congestion, headaches and was "stopped up" all the time. His symptoms did not seem to abate during short periods of time away from the home.

The mother was experiencing constant headaches, sinus infections, poor memory, coughing, eye twitching, a rash on her finger and constant sniffing and eye watering. Her symptoms seemed to abate after about two hours away from the home.

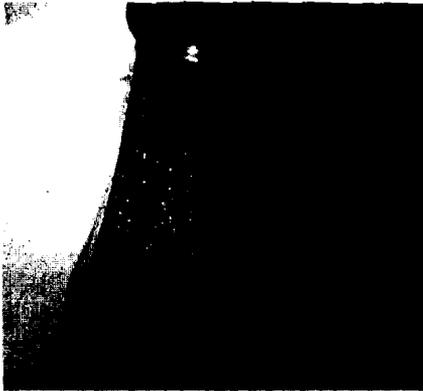
The 10 year old was suffering from constant headaches, coughing, sneezing, breathing difficulties and some blurred vision. The 7 year old was experiencing headaches and some blurred vision. Both the children seemed to feel better after being away from the home at school and their symptoms would begin again an unspecified time back at the home. All of the family felt much better after having been moved out of the home for 10 days. The family members occasionally saw their physician but mainly treated the conditions with over-the-counter medications.

The home had two air conditioner systems and the coils to the upstairs unit were replaced on 1-14-2008 and 7-08-2008. The coils to the downstairs unit were replaced on 12-22-2007 and 8-25-2008. The repair technician could not understand what could cause the corrosion to the evaporator coils but guessed that sulfur could cause the corrosion. Photographs of the newer coils which show corrosion are included in the exhibits.



Photograph of recent corrosion to the downstairs A/C evaporator coils.

Most of the water supply lines to the bathroom fixtures were plastic however in mid 2007 the family started noticing that the chrome plumbing fixtures were showing pitting and corrosion. She noticed that silver jewelry, wine corks and picture frames etc. were showing extreme corrosion.



Photograph of corrosion on a bathroom fixture.

The main circuit board to the microwave had to be replaced in April 2008. In February of 2009 the dishwasher quit working and the repair technician indicated that the copper in the wire nuts "was gone" and had corroded causing a power failure to the unit.

The projector bulb to their new 11 month old 57 inch big screen television bulb blew out. The bulb had to be replaced again two years later in March of 2009.

Speaker wiring which had a clear covering was showing corrosion on the interior of the wiring. Please see photographs in the exhibits.



Photograph of visible corrosion inside the wiring for the speaker system.

The attorney for the complainants was also present during the onsite investigation. He had done extensive research on the subject of the corrosion

caused by drywall. Several scientific papers on the subject were provided by the attorney and are included in the exhibits. This investigator did not thoroughly review the Abstracts but according to the attorney he believed the drywall which was used in the construction of the home was manufactured from the exhaust from a coal fired electrical plant. The plant would scrub their exhaust emissions to eliminate sulphur from the exhaust/pollution and use this as one of the ingredients in the manufacture of the drywall. The drywall was also believed to have organic components and the study included in the exhibits showed that the combination of drywall waste and organics in the drywall were generating Hydrogen sulfide gas in sufficient quantities to be extremely harmful to humans and cause corrosion. A copy of the lawsuit filed by the attorney is included in the exhibits.

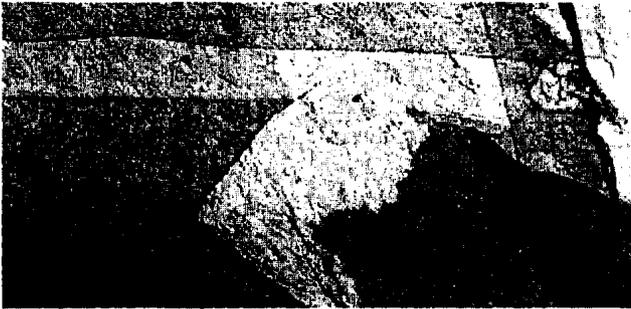
The attorney for the complainants indicated that in 2005, EPA regulations were initiated which required scrubbing of the exhaust for sulphur products from coal fired electrical plants. The waste product was then being used by drywall manufacturers to produce synthetic drywall and in combination with organic compounds and anaerobic conditions; the drywall would then produce hydrogen sulfides as indicated in the attached Abstracts and then the health effects and corrosion being experienced by the complainants.

The complainant purchased the drywall for his home from a local construction supply retailer. A receipt for the drywall is included in the exhibits and shows that 265 sheets for ½ inch 12 foot drywall were purchased, 16 sheets of 5/8 inch drywall (fire code requirement for the garage area of the home) and 7 sheets of ½ inch 8 foot drywall. The complainant wanted to discover what kind of drywall was used in his home so he cut open several large holes to look at the labeling on the back and seams of the product. He discovered much to his amazement that it was not Chinese drywall but imported by an American company from Canada.

The complainant indicated they had an electrician install a hardwired smoke detector system with battery backup in their home. All eight units were linked by wiring so that if one unit sounded all of the smoke detectors in the home would sound simultaneously. The family indicated that on 12 occasions over three years the system would sound a fire alert and the family would have to scramble to evacuate their children in the middle of the night because of a suspect fire. On all occasions there was no fire and the units would have to be reset. Resetting would require locating the original smoke detector which set off the alarm in the entire system and pressing *that* button which would then reset the whole system. The process was very difficult and annoying when it occurred in the middle of the night and especially during the day because the female complainant was not able to easily reach the reset button in many of the units.

A representative from CPSC headquarters accompanied this investigator to the onsite investigation and requested that one unit of the smoke detectors be sent to SSF for possible examination. The husband removed and provided one unit which was submitted to SSF as SCR 09-810-7070.

This investigator and the homeowners examined broken pieces of the drywall and we were both surprised at the granular texture and grey color. Most drywall is very white and has a fine powdery texture. The drywall installers remarked to the homeowner, *"This is the stuff that dulls our razor blades knives really fast."*



Photograph of the grey coloring of the drywall.

A downstairs living room electrical outlet was examined. The hot and neutral wires could not be examined but the ground wire was much corroded with a black discoloration.



Photograph of blackened ground wire on an electrical receptacle.

The complainants indicated that they had not had any problems with flickering lights or breakers flipping but that the home had a constant problem with light bulbs going out frequently. She indicated that bulbs were burning out in six months or less on a consistent basis.

In March of 2009 they saw a program on television explaining the health and home effects due to defective Chinese drywall. They immediately began believing that the problems they were having were due to the fact that their home

was constructed out of Chinese drywall and were amazed when they cut into the walls of their home and discovered that in fact these same problems appear to have been caused by North American drywall.

The homeowners believe that their \$525,000 home was now worth only the value of the lot. They did not believe that simply removing the drywall would remedy the problem because the affects of the hydrogen sulfide gas may have weakened the nails in the wood studs, the metal plates which join the rafters and joists and hurricane structural support strapping. They have attempted to obtain forbearance from the mortgage lender and county tax authorities without success. The home owners indicated their permission to release their name to the manufacturer and to the public. No medical records were provided. Appliance repair receipts were promised but had not been received by the time this report was due. If they are received they will be added as an addendum to this report. This investigator could easily distinguish a sulphur smell upon entry into the home.

The attorneys for the manufacturer of the drywall met with the complainants on 6-12-2009 at their home and indicated that the product was manufactured by their firm. No other data was conveyed.

CNN and CBS news have both done stories on the complainants' health affects and the home's problems. The family contacted their home owner's insurance which indicated that the problem was a product defect situation and indicated the family needed to contact the manufacturer of the drywall for resolution.

Product Information:

Product: Drywall

Manufacturer:

(b)(3):CPSA Section 6(b)

Labeling on Drywall:

(b)(3):CPSA Section 6(b)

(b)(3) CPSA Section 6(b)

Builder:
Home Owner was the General Contractor (Owner-Builder)

Drywall Installer:
Unknown

Drywall Retailer/Supplier:
84 Lumber of Tavares (1320)
3751 County Road 561
Tavares, FL 32778
Phone: (352) 742-8400
Fax: (352) 742-8500

Attachments:

- Exhibit #1 Contacts
- Exhibit #2 Abstract on Hydrogen sulfide in landfill construction debris
- Exhibit #3 Complainants exhibit on damages to their home.
- Exhibit #4 Lawsuit filed by the attorney
- Exhibit #5 Abstract by EPA Drywall Sampling Analysis
- Exhibit #6 Receipt for Drywall purchase
- Exhibit #7 Information on the smoke detector manufacturer
- Exhibit #8 Photographs of the home and drywall (26)
- Exhibit #9 Release of name form
- Exhibit #10 SCR 09-810-7070, Receipt for sample and Photographs of
smoke detector (2)
- Exhibit #11 Abstract on measuring gypsum content in landfill debris
- Exhibit #12 Abstract on Hydrogen Sulfide in construction drywall debris
- Exhibit #13 Heath affects and home repair timeline by complainant
- Exhibit #14 Information on the drywall manufacturer
- Exhibit #15 Information on the drywall retailer

Contacts:

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Reduced sulfur compounds in gas from construction and demolition debris landfills

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Abstract

The biological conversion of sulfate from disposed gypsum drywall to hydrogen sulfide (H_2S) in the anaerobic environment of a landfill results in odor problems and possible health concerns at many disposal facilities. To examine the extent and magnitude of such emissions, landfill gas samples from wells, soil vapor samples from the interface of the waste and cover soil, and ambient air samples, were collected from 10 construction and demolition (C&D) debris landfills in Florida and analyzed for H_2S and other reduced sulfur compounds (RSC). H_2S was detected in the well gas and soil vapor at all 10 sites. The concentrations in the ambient air above the surface of the landfill were much lower than those observed in the soil vapor, and no direct correlation was observed between the two sampling locations. Methyl mercaptan and carbonyl sulfide were the most frequently observed other RSC, though they occurred at smaller concentrations than H_2S . This research confirmed the presence of H_2S at C&D debris landfills. High concentrations of H_2S may be a concern for employees working on the landfill site. These results indicate that workers should use proper personal protection at C&D debris landfills when involved in excavation, landfill gas collection, or confined spaces. The results indicate that H_2S is sufficiently diluted in the atmosphere to not commonly pose acute health impacts for these landfill workers in normal working conditions. H_2S concentrations were extremely variable with measurements occurring over a very large range (from less than 3 ppbv to 12,000 ppmv in the soil vapor and from less than 3 ppbv to 50 ppmv in ambient air). Possible reasons for the large intra- and inter-site variability observed include waste and soil heterogeneities, impact of weather conditions, and different site management practices.

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1. Introduction

Odor problems represent a growing concern at many landfills disposing of construction and demolition (C&D) debris. Reduced sulfur compounds (RSC), particularly hydrogen sulfide (H_2S), have been identified as the primary odor-causing compounds in the gas from these facilities (Johnson, 1986; Gypsum Association, 1992a,b; Flynn, 1998). H_2S has a distinctive “rotten egg” smell at low concentrations and its reported threshold ranges from 0.001 (Thorkild, 2002) to 0.1 ppmv (Flynn, 1998). The formation of H_2S results from the biological conversion of sulfate from gypsum drywall ($CaSO_4 \cdot 2H_2O$), one of the more common components of C&D debris. Sulfate-reducing

bacteria (SRB) can utilize dissolved sulfate as an electron acceptor, resulting in the formation of H_2S . The US EPA estimated that 123 million metric tons of building-related C&D debris was generated in the US in 1996 (US EPA, 1998). The amount of drywall encountered in most building-related C&D debris ranges from 5% to 30% depending on the source (NAHB, 1995). While some of the scrap gypsum drywall in North America is recycled (Musick, 1992), the majority is disposed in landfills (US EPA, 1998).

C&D debris has historically been considered relatively inert. Since SRB need oxidizable organic matter, the lack of biodegradable wastes in C&D debris might be thought to create conditions unfavorable for large amounts of RSC production. However, odor problems resulting from landfilled C&D debris have been reported at facilities co-disposing C&D debris with municipal solid waste (MSW) and at landfills that only manage C&D debris (Johnson,

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1986). In MSW landfills, large amounts of biogas (primarily in the form of CH₄ and CO₂) are produced as a result of anaerobically degrading refuse and studies of MSW landfill gas commonly report measurable concentrations of H₂S and other RSC (Young and Parker, 1983; CWMB, 1987; Carpenter and Bidwell, 1996; Shin et al., 2002). Gas data from C&D debris landfills, however, are much less common.

This paper reports the results of a study characterizing gas samples collected at ten C&D debris disposal facilities in Florida. In recent years, several C&D debris landfills in the state have been the subject of odor complaints which have resulted in heated debate regarding the impact of these facilities on the environment, landfill workers, and the surrounding population. Very few data are available however, characterizing C&D debris landfill gas composition. To help fill this data gap, C&D debris landfills were visited and samples of landfill gas, landfill soil vapor, and ambient air at the surface of the landfill were collected and analyzed for H₂S and other RSC such as methyl mercaptan and carbon disulfide. The objectives of this research were to characterize the range and magnitude of RSC concentrations within and at the surface of typical C&D debris landfills, to examine the variability of such concentrations among different sites and at the same site, and to evaluate potential human health and environmental impacts. This study provides fundamental data that can be used to assess the magnitude of the problem and to aid in the design of future research on the subject.

2. Materials and methods

2.1. Landfills sampled and sampling methodology

Measurements of landfill gas and ambient air were performed at 10 different landfills during the course of the study (designated as sites A–J). Each site, with the exception of sites F and H, were permitted C&D debris disposal facilities. Sites F and H were permitted Class III disposal facilities, which in Florida accept both C&D debris and other non-putrescible wastes such as furniture, carpet and

yard trash. Several of the facilities had been the subject of odor complaints in the past (sites B, D, G, I and J). Only two of the sites were equipped with landfill gas wells. In an effort to mitigate odor problems, operators at site D installed a series of vertical gas wells that were combined into three separate passive candlestick flares at different locations on the surface of the landfill. Site F was closed and contained 19 different vertical gas wells that were passively vented to the atmosphere. Table 1 summarizes the sites visited, the number of visits, and the number of samples collected. More details concerning each site can be found in Townsend et al. (2000).

Measurements were performed on both ambient air above the surface of the landfills and on landfill gas itself. Landfill gas was collected in three different manners. At the sites, where gas wells were installed, gases were sampled directly from the wells. When no wells were available, gas samples were collected by extracting vapor from the interface of the waste and the soil. A soil vapor probe (AMS, American Falls, ID) was inserted into the landfill surface to at least a depth of 0.3 m. The soil vapor probe consisted of a 1.3-cm diameter hollow stainless tube that was 0.9 m in length equipped with a hardened stainless steel tip. The probe was inserted into the landfill surface with a slide hammer, after which the liner rod was removed before gas sampling. Then, a Jerome meter was attached to Teflon tubing attached to the inner tip of soil vapor probe to determine H₂S concentration; in addition to direct measurement, a sample could be extracted for subsequent analysis. At several sites (sites A, B, and E), stainless steel sampling tubes were installed and left in place. These soil vapor wells were capped between sampling events. In some cases, the gas composition was measured directly, while in other cases, gas samples were collected for subsequent dilution and analysis in the laboratory. Grab samples of landfill gas were obtained with a Vac-U-Tube (Model 231-945, SKC Inc., Eighty Four, PA) in I-I Tedlar® bags (Model 232-01, SKC Inc.). H₂S measurements in the ambient air were collected by placing the Jerome meter on the surface of the landfill, in most locations near the location of a soil vapor sample.

Table 1
Description of landfills sampled in Florida

| Site | Type | Location | Gas sampling method | Sampling visits | Number of ambient H ₂ S readings | Number of landfill gas H ₂ S readings |
|------|-----------|------------------|---|-----------------|---|--|
| A | C&D | Pasco County | Soil vapor probe, three soil vapor wells | 3 | 19 | 21 |
| B | C&D | Citrus County | Soil vapor probe, eight soil vapor wells | 11 | 100 | 116 |
| C | C&D | Marion County | Soil vapor probe | 2 | 7 | 8 |
| D | C&D | Volusia County | Soil vapor probe, four existing gas collection flares | 8 | 30 | 26 |
| E | C&D | Volusia County | Soil vapor probe, soil vapor wells | 7 | 61 | 72 |
| F | Class III | Alachua County | Nineteen existing gas passive vents | 2 | 24 | 24 |
| G | C&D | Marion County | Soil vapor probe | 2 | 24 | 24 |
| H | Class III | Columbia County | Soil vapor probe | 2 | 22 | 22 |
| I | C&D | Highlands County | Soil vapor probe | 3 | 27 | 23 |
| J | C&D | Highlands County | Soil vapor probe | 3 | 27 | 26 |

2.2. Sample analysis

H₂S concentrations were analyzed using an Arizona Instruments (Phoenix, AZ) Jerome 631-X H₂S Analyzer. The Jerome meter has a detection range from 0.003 to 50 ppmv. H₂S was measured in the field when the concentrations fell within the operating range of the meter. When H₂S concentrations greater than 50 ppmv were encountered, grab samples were collected and diluted in the laboratory using laboratory air, a glass syringe and a separate clean Tedlar bag. Samples were diluted by filling a clean Tedlar[®] bag with 1000 ml of laboratory air. A 3-ml syringe with a gastight valve was then used to extract 1 ml of the gas sample from the Tedlar[®] bag filled in the field. The 1-ml gas sample was introduced into the Tedlar[®] bag containing the 1000 ml of laboratory air and the diluted mixture was analyzed after 10 min. The concentrations of methane, carbon dioxide, and oxygen were measured using a Landtec (Colton, CA) GEM 500 meter in the field. Reduced sulfur compounds (RSC) other than H₂S were measured in the collected grab samples by analysis with an Entech 2000 Microscale Purge and Trap Concentrator attached to a HP5890 Gas Chromatograph with a Finnigan INCOS XL Single Quadrupole Mass Spectrometer Detector (GC/MS). A gas standard of 14 RSC was purchased from Matheson Tri-Gas Company (Pennsylvania) for peak identification and calibration. The operation of the GC/MS followed US EPA Method TO14; the detection limit of the RSC analyzed with the GC/MS was 0.005 ppmv. Blanks, replicates, and calibration check samples were performed as appropriate.

3. Results

3.1. Hydrogen sulfide concentrations

3.1.1. Hydrogen sulfide in C&D debris landfill gas

As presented in Table 2, H₂S was analyzed in a total of 362 samples of C&D debris landfill gas. The majority of the gas samples (321 of 362) were soil vapor collected from the soil-waste interface at the surface of the landfill. The soil

vapor samples are best characterized as a mixture of landfill gas with ambient air. Gas wells were available at two sites (D and F), and 41 of the total H₂S measurements came from these locations. H₂S concentrations spanned a large range, from less than the detection limit of the Jerome meter (0.003 ppmv) up to 12,000 ppmv. Since the maximum concentration in the calibration range of the instrument was 50 ppmv, many samples required dilution. Over 80% of the gas samples measured contained H₂S above the detection limit.

Table 2 presents the minimum, maximum, standard deviation and arithmetic average concentrations for each site. Even at the sites with the maximum concentrations, some locations were still below the detection of the instrument. This large inter-site variability was attributed to the fact that most measurements were mixtures of landfill gas and ambient air, and the large heterogeneities of the C&D debris landfill system (which are discussed in more depth later). Since the measured concentrations ranged over many orders of magnitude, the median concentrations for each site are presented in Table 2 as this statistic may be a better representation of the central tendency of the data. In most cases, the average H₂S concentrations were much higher than the median concentrations, a result of a few very high concentration measurements.

Site D was found to have the highest average H₂S concentration (2110 ppm), and unlike other sites, the arithmetic mean was similar to the median concentration. This site was unique in that the majority of the gas samples were collected from gas collection wells installed within the waste. Thus, the majority of samples from this site can be characterized as more representative of gas from within the landfill, while the other sites are more reflective of mixtures of gas and air. The gas from three gas collection wells at over 5 different sampling events contained methane in the range of 15.4–44.9%. Another observation of note is the relatively high maximum and average concentration measured for site I. This landfill (along with site J) accepted a large amount of residuals from C&D debris recycling facilities. These recycling facilities remove large recoverable materials with established markets (wood, concrete, and metal).

Table 2
Hydrogen sulfide concentrations in landfill gas from gas wells or subsurface probes at 10 C&D debris landfills

| Site | Number of samples | Samples with detections | Minimum (ppm) | Maximum (ppm) | Standard deviation | Average (ppm) | Median (ppm) |
|-------|-------------------|-------------------------|---------------|---------------|--------------------|---------------|--------------|
| A | 21 | 19 | – | 470 | 100 | 26 | 0.013 |
| B | 116 | 77 | – | 920 | 85 | 8.1 | 0.007 |
| C | 8 | 8 | 0.013 | 12,000 | 5400 | 30 | 25 |
| D | 26 | 25 | – | 7000 | 2200 | 2110 | 1800 |
| E | 72 | 62 | – | 2500 | 295 | 36 | 0.02 |
| F | 24 | 16 | – | 49 | 0.024 | 5.9 | 0.004 |
| G | 24 | 19 | – | 0.64 | 0.16 | 0.007 | 0.005 |
| H | 22 | 20 | – | 3300 | 700 | 151 | 0.025 |
| I | 23 | 22 | – | 11,000 | 2800 | 1200 | 23 |
| J | 26 | 26 | – | 530 | 100 | 26 | 0.35 |
| Total | 362 | 294 | – | 12,000 | | 660 | 0.023 |

“–” Below detection limit (3 ppbv).

Drywall is not typically recycled and thus the residuals stream from these recycling facilities contains greater than normal percentages of drywall.

3.1.2. Hydrogen sulfide in ambient air at the landfill surface

A total of 341 ambient air H₂S measurements were made by placing the Jerome meter on the surface of the landfill. In most cases, one ambient measurement was made for every gas measurement. Landfill surface ambient air H₂S concentrations ranged from below detection to greater than the upper detection limit (50 ppm) of the meter (see Table 3). H₂S was detected in 48% of landfill surface ambient air measurements performed. At least one measurement from every site was below 0.003 ppmv. The sites where the maximum concentrations were recorded (sites I and J) were the two sites that accepted the C&D debris recycling facility residuals. As expected, H₂S concentrations at the landfill surface were much lower than measured in the landfill gas itself, or in the gas–air mixture at the waste–soil interface. As H₂S is emitted from the landfill surface, it becomes diluted as it mixes with air. The degree of dilution is a function of wind speed, direction and other climatic conditions. The H₂S measurements in the soil vapor at a particular location did not correlate well with measurements on the surface at the same location, a result of the variable nature of the H₂S concentrations in the soil vapor and the strong impact of changing weather conditions on H₂S dilution. A common observation made by the researchers was that odors were sporadic, especially on windy days. A strong odor would be noted in one location at a given time, and a short time later the odor would be gone.

3.2. Concentrations of other RSC gases

In addition to H₂S, organic RSC may cause odors, and many of these compounds have very low odor detection thresholds (Devai and Deluane, 1999). A total of 53 analyses for the organic RSC were performed on grab samples from 9 of the 10 sites. Since analysis of the compounds was conducted in the laboratory and not with a field instrument, only a limited number of samples were collected. Sample locations for the analysis of the other RSC were limited to those areas, where the concentration of hydrogen

sulfide was 1 ppmv or above. Table 4 summarizes the RSC detection frequency and average (arithmetic) concentration at the nine landfills where samples were collected. Methyl mercaptan was detected most frequently (51%), followed by carbonyl sulfide (45%) and carbon disulfide (43%). The maximum average concentration for any compound was 164 ppmv of methyl mercaptan at site D. Site C had the highest average concentration of carbonyl sulfide and carbon disulfide.

The concentrations of the organic RSC were compared to H₂S concentration from the same samples. For the most part, H₂S concentrations were several orders of magnitude greater than the organic RSC concentrations. However, individual organic RSC concentrations were noted to be greater than H₂S concentration in some samples at two sites. At site D, carbonyl sulfide, methyl mercaptan, isopropyl mercaptan and *tert*-butyl mercaptan were observed at concentrations greater than H₂S in at least one sample. At site F, carbonyl sulfide and methyl mercaptan were greater than H₂S in most samples. Samples from both of these sites were collected from gas wells, suggesting that the organic RSC will be a greater contributor to the total RSC content in gas from within the landfill relative to gas mixed with air in the surface soil.

4. Discussion

4.1. RSC in C&D debris landfill gas

The production of H₂S in C&D debris landfills results from the biological conversion of sulfate from gypsum drywall. Gypsum drywall contains ≈90% gypsum and 10% paper facing and backing. Sulfate from gypsum is moderately soluble in water, with a solubility of approximately 1300 mg/L (Dean, 1973). Sulfate-reducing bacteria (SRB) can convert the sulfate from gypsum drywall into H₂S. Conditions required for optimal SRB activity include an anaerobic environment, a neutral pH, sufficient moisture, the presence of an organic carbon source and of course, sulfate to serve as an electron acceptor (Postgate, 1984; Gypsum Association, 1992b). The connection between disposed drywall and H₂S production has been previously recognized from odor problems at landfill sites (Johnson,

Table 3
Ambient hydrogen sulfide concentrations measured in air at the landfill surface of 10 C&D debris landfills

| Site | Number of samples | Samples with detections | Minimum (ppm) | Maximum (ppm) | Standard deviation | Average (ppm) | Median (ppm) |
|------|-------------------|-------------------------|---------------|---------------|--------------------|---------------|--------------|
| A | 19 | 5 | – | 0.39 | 0.097 | 0.042 | – |
| B | 100 | 18 | – | 0.11 | 0.011 | 0.003 | – |
| C | 7 | 5 | – | 0.39 | 0.14 | 0.12 | 0.05 |
| D | 30 | 24 | – | 2.4 | 0.55 | 0.19 | 0.007 |
| E | 61 | 41 | – | 0.60 | 0.10 | 0.039 | 0.004 |
| F | 24 | 17 | – | 0.12 | 0.024 | 0.008 | 0.004 |
| G | 24 | 2 | – | 3.5 | 0.71 | 0.15 | – |
| H | 22 | 6 | – | 0.27 | 0.084 | 0.037 | – |
| I | 27 | 23 | – | >50 | 10 | 4.0 | 0.61 |
| J | 27 | 21 | – | >50 | 10 | 2.7 | 0.008 |

Note: Averages are calculated from detected samples and 50% of the detection limit for BDL samples. "–" Below detection limit (3 ppbv).

Table 4
Results of organic RSC measurements^a at 10 C&D debris landfills (sites A–I)^b

| Constituent | Number of samples | % of samples with detections | Average RSC concentration (ppm) | | | | | | |
|------------------------------|-------------------|------------------------------|---------------------------------|------|------|------|------|------|------|
| | | | A | C | D | E | F | H | I |
| Carbonyl sulfide | 51 | 45.1 | 0.04 | 61 | 0.71 | 2.5 | 22 | 0.16 | 0.35 |
| Methyl mercaptan | 51 | 51 | 0.04 | 30 | 164 | 14 | 85 | 4.4 | 1.9 |
| Dimethyl sulfide | 51 | 25.5 | – ^c | 2.1 | 1.7 | 0.07 | 0.53 | 0.02 | 0.04 |
| Ethyl mercaptan | 51 | 7.8 | – | 0.19 | – | – | – | – | 0.03 |
| Carbon disulfide | 51 | 43.1 | – | 91 | 0.06 | 0.03 | 1.7 | 0.04 | 0.03 |
| Isopropyl mercaptan | 51 | 27.5 | – | 0.14 | 2.8 | 0.03 | – | 0.11 | 0.15 |
| <i>tert</i> -Butyl mercaptan | 51 | 5.9 | – | – | 0.13 | – | – | 0.01 | – |
| Ethyl methyl sulfide | 51 | 2.0 | – | – | – | – | – | 0.01 | – |
| Thiophene | 51 | 15.7 | – | 0.14 | 0.06 | – | – | 0.02 | 0.01 |
| Methyl isopropyl sulfide | 51 | 2.0 | – | – | – | – | – | – | 0.01 |
| Dimethyl disulfide | 51 | 2.0 | – | – | – | – | – | – | 0.01 |
| 2-Methylthiophene | 51 | 11.8 | – | 0.19 | 0.13 | – | – | – | – |
| 3-Methylthiophene | 51 | 2.0 | – | 0.24 | – | – | – | – | – |
| <i>sec</i> -Butyl mercaptan | 51 | 5.9 | – | 0.06 | 0.05 | – | – | – | – |

^a Organic RSCs were below detection limit at sites B, G, and J.

^b Sample locations for the analysis of the organic RSC were limited to those areas, where the concentration of hydrogen sulfide was 1 ppmv or above.

^c Below detection limit (5 ppbv).

1986; Gypsum Association, 1992a). The addition of gypsum drywall to simulated landfill reactors was shown to increase H₂S production (Fairweather and Barlaz, 1998) and simulated C&D debris landfills containing drywall showed clear signs of SRB activity and sulfide production (Townsend et al., 1999; Weber et al., 2002; Jang and Townsend, 2003). H₂S was observed in varying concentrations at all 10 sites assayed in this study. While no specific measurements were conducted to confirm the presence of drywall, it is known to be a common component of C&D debris in Florida and many of the landfill operators believed gypsum drywall to be the cause of the odors. Some of the operators of the sites sampled cited the disposal of large amounts of drywall at a given time or location within the landfill as the source of odors.

in All?

Sulfate-reducing bacteria (SRB) are strict anaerobes and thus require the absence of oxygen (Postgate, 1984). In MSW landfills, anaerobic conditions develop relatively rapidly as oxygen is consumed during the decomposition of putrescible wastes such as food scraps. While C&D debris landfills should by and large lack the presence of putrescible materials, the evidence suggests that sufficient biodegradable material exists for anaerobic conditions to develop in at least some parts of a C&D debris landfill. Methane was detected in 45% of the gas samples collected, ranging from below the detection limit of the GEM meter (0.1%) up to 47.5%. The majority of these sampling locations were the waste-soil interface, and thus mixing and dilution with air was a large factor. The gas composition data from site D, which was hypothesized to be more representative of true C&D debris landfill gas since it was collected from gas wells, contained on average 38% methane. While pH was not measured in this study, previous research has found leachate from C&D debris landfills to range in pH from 6.1–7.9, an acceptable range for SRB survival (Townsend et al., 1999; Weber et al., 2002; Jang and Townsend, 2003). Moisture certainly plays a role and many

of the operators visited attributed increased H₂S concentrations to periods of wet weather. The role of rain in C&D debris landfill H₂S production can be attributed to several possible mechanisms, including displacement of H₂S, solubility of sulfate, and pressure changes associated with a rain event.

H₂S produced within the landfill will migrate from the waste to the surrounding environment as a result of advection from gas pressure differences and diffusion from concentration differences. H₂S concentrations in the soil vapor at the surface of the landfill were observed over almost 8 orders of magnitude. Although gas pressures were not measured, the extremely large concentrations observed in some locations suggest that diffusion may be the dominant driving force. The variable results suggest that the production of H₂S may take place in isolated areas or pockets within the landfill which are assumed to be areas where gypsum drywall has been disposed and has become wet. The H₂S concentrations from the gas wells at site D were relatively constant as they represented a composite of gas from many areas within the landfill. Soil vapor samples were extremely variable, both from site to site, and at the same site. Several explanations are hypothesized for this variability. As described earlier, H₂S production likely occurs in discrete areas within the landfill, where wet drywall is located. In the case of MSW and methane production, materials that biodegrade into methane are well distributed throughout the waste stream. For C&D debris, however, some loads may contain large amounts of drywall, while other loads contain very little. During building construction, scrap drywall is produced during a relatively short period of time; drywall is added to a building during a very distinct phase of construction. The authors have observed many loads of debris at construction sites that contained nearly exclusively gypsum drywall. Other factors that impact the variability observed in the soil vapor likely include preferential paths within the waste for gas migra-

tion, heterogeneity in terms of moisture content, and differences in cover soil thickness and content.

H₂S concentrations in the ambient air above the surface of the landfill were lower than concentrations in the soil vapor. This was expected since gas concentrations will be diluted by the atmosphere. The cover soil also acts as a physical barrier that reduces gas migration, and in some cases may remove H₂S by biological or chemical means. A common observation by landfill operators is that H₂S emissions and subsequent odor problems are at their worst in areas where cover soil has been removed or compromised, as might occur from erosion after a rainfall. There was no obvious correlation between ambient and soil vapor H₂S concentrations measured at similar locations. In other words, even if the soil vapor was found to possess an elevated H₂S concentration, the air immediately above the area was not necessarily higher than areas where the soil vapor concentrations were much lower. This was attributed to the major influence of atmospheric conditions such as wind speed and direction on H₂S transport from the landfill surface.

Table 5 presents ranges of RSC concentrations reported for MSW landfill gas. Included on this list are the default concentrations used in the US Environmental Protection Agency's AP-42 landfill emissions estimation methodology (US EPA, 2000). Because of the wide range of H₂S concentrations measured, some data fall below the typical MSW gas concentrations, while others lie above. When the H₂S and organic RSC concentration data from site D are compared to the data in Table 5 (site D was arguably most representative of C&D debris landfill gas because it was collected from gas wells), the measured concentrations are over several orders of magnitude higher than what is typical of MSW landfills. As noted earlier, the relative abundance of some organic RSC compared to H₂S was greater at site D than from other sites. While hydrogen sulfide is produced from sulfate, the formation of the organic RSCs are typically thought to be the product of the anaerobic decay of organic sulfur compounds such as sulfur-containing amino acids and their derivatives (Smet and Langenhove, 1998). Perhaps gas from deeper within the landfill is more likely to contain the organic RSC compared

to soil vapor collected at the surface because conditions are more favorable for the formation of organic RSC. Factors influencing the formation of organic RSC in landfill environments require further investigation.

4.2. Environmental impacts

The results do clearly indicate that H₂S, and possibly other RSC emissions, do represent a nuisance with respect to odor. The odor threshold for H₂S has been reported from less than 0.001 ppmv (Thorkild, 2002) up to 0.1 ppmv (Flynn, 1998). Many of the organic RSCs have low odor thresholds as well. The odor threshold for methyl mercaptan and dimethyl sulfide has been reported to be 0.001 ppmv (Thorkild, 2002).

The presence of H₂S, as well as the other RSC, has several implications for landfill owners and operators with respect to human health risk. It is well known that H₂S is lethal to humans at high concentrations. Exposure to concentrations above 100 ppmv quickly paralyzes the olfactory senses and is considered immediately hazardous to life and health (Flynn, 1998; Merchant et al., 2002). Concentrations above this level were detected in many C&D debris landfill gas samples. This indicates that proper personal protection should be taken for individuals involved in excavation activities at C&D debris landfills, those working with C&D debris landfill gas (as part of the operation of a gas collection system), and those entering confined spaces, where C&D debris landfill gas may have migrated.

The results of the ambient air measurements suggest that H₂S is sufficiently diluted in the atmosphere such that acute health impacts to landfill workers and surrounding residents should be minimal. The National Institute for Occupational Safety and Health (NIOSH) recommends a 10 ppm H₂S exposure limit for a 10-min exposure period (NIOSH, 1979), and the Occupational Safety and Health Administration (OSHA) lists a 20 ppm acceptable H₂S ceiling concentration (Donham et al., 2002). While samples of C&D debris landfill gas and soil vapor certainly exceed these limits on occasion (see Table 6), with the exception of a few measurements, most concentrations at the surface of the landfill were less. Chronic exposure to landfill oper-

Table 5
RSC concentrations reported in MSW landfill gas in previous studies

| Compound | AP-42 (ppm) ^a | Capenter and Bidwell (ppm) ^b | Young and Parker (ppm) ^c | CWMB (ppm) ^d |
|--------------------|--------------------------|---|-------------------------------------|-------------------------|
| Hydrogen sulfide | 35.5 | 28.33 | – | <1.98–14.0 |
| Carbon disulfide | 0.58 | 0.01 | – | <0.03–0.60 |
| Carbonyl sulfide | 0.49 | – | – | <0.20–8.81 |
| Dimethyl sulfide | 7.82 | – | 1.55 | 0.62–9.46 |
| Dimethyl disulfide | – | – | 10.21 | 0.01–3.70 |
| Ethyl mercaptan | 2.28 | 0.62 | – | – |
| Methyl mercaptan | 2.49 | 0.80 | 43.49 | 0.05–214.96 |
| Thiophene | – | – | – | <0.003–0.14 |

^a US EPA (2000).

^b Capenter and Bidwell (1996).

^c Young and Parker (1983).

^d CWMB (1987).

Table 6
Percentage of hydrogen sulfide concentrations exceeding typical worker safety exposure thresholds

| Site | Soil vapor | | | Ambient air | | |
|------|--------------|-----------------------|-----------------------|--------------|----------|----------|
| | # of samples | %>10 ppm ^a | %>20 ppm ^b | # of samples | %>10 ppm | %>20 ppm |
| A | 21 | 19.0 | 9.5 | 19 | 0 | 0 |
| B | 116 | 0.9 | 0.9 | 100 | 0 | 0 |
| C | 8 | 50.0 | 50.0 | 7 | 0 | 0 |
| D | 26 | 80.8 | 73.1 | 30 | 0 | 0 |
| E | 72 | 5.6 | 2.8 | 61 | 0 | 0 |
| F | 24 | 16.7 | 12.5 | 24 | 0 | 0 |
| G | 24 | 0 | 0 | 24 | 0 | 0 |
| H | 22 | 9.1 | 4.5 | 22 | 0 | 0 |
| I | 23 | 60.9 | 56.5 | 27 | 7.4 | 7.4 |
| J | 26 | 26.9 | 19.2 | 27 | 7.4 | 7.4 |

^a NIOSH exposure limit for 10-min exposure period.

^b OSHA ceiling exposure limit.

ators is another concern. Recent data indicate that prolonged exposure to low concentrations of H₂S can result in a lowering of blood pressure, headache, nausea, weight loss, and eye-membrane inflammation (ATSDR, 2003). Recent information also suggests that chronic exposure to individuals with respiratory problems may be impacted by concentrations less than typical worker safety limits (Campagna et al., 2004).

4.3. Gas sampling at C&D debris landfills

In this study, two methods were used to collect landfill gas from C&D debris landfills: gas wells and soil probes. Samples from the gas wells more accurately reflect landfill gas concentrations because these samples were obtained from wells screened within the landfill. In characterizing the gas content from a C&D debris landfill, samples collected from gas wells would be most useful. Most C&D debris landfill operators do not install gas wells, however. Unlike the requirements for large MSW landfills in the US, no regulatory program exists requiring the installation and operation of gas collection systems for C&D debris landfills. The soil vapor probe method used in this study permitted samples to be collected, but the results do represent a mixture of air and landfill gas. Actual gas concentrations would in most cases be higher than those reported for the soil vapor probes.

5. Summary and conclusions

Odor problems associated with RSC in gas from C&D debris landfills have become a growing concern. While MSW landfill gas has been studied and characterized, the chemical composition of C&D debris landfill gas has not been previously presented. Research was conducted to chemically characterize the gases produced at C&D debris landfills by collecting samples from 10 Florida landfills that accept predominantly C&D debris. The results confirmed the presence of H₂S and other RSC in C&D debris landfill

gas. H₂S concentrations were generally much higher than the concentrations of other RSC such as methyl mercaptan, carbonyl sulfide, and carbon disulfide.

Although the amount of gypsum drywall disposed in any of the landfills studied was not measured, gypsum drywall was a known component at all of the sites. At many sites the landfill operators identified drywall as the source or cause of the odor; interviews with landfill employees were valuable in terms of interpreting measurement results. Relatively large concentrations of H₂S (>100 ppmv) were measured in some locations at most of the sites; several of the landfills had no history of odor complaints and were still found to have large H₂S concentrations. H₂S in C&D debris landfill gas was encountered at levels of up to 12,000 ppmv, indicating that workers exposed to undiluted C&D debris landfill gas (during excavation or work near gas well) should be educated on possible risks and should take precaution. Ambient H₂S levels were much lower than those measured in the gas or the soil vapor, and were found to be extremely variable, from below 3 ppbv to over 50 ppmv. In many cases ambient H₂S levels were very low or below detection, but on some occasions ambient samples exceeded OSHA and NIOSH worker exposure limits. The impact on residents living near landfills with similar characteristics as those studied here is less clear. H₂S from C&D debris landfills can pose a nuisance problem to those nearby because of the odor. The potential impact on human health as a result of exposure to lower concentrations should be investigated further.

The variability of H₂S concentrations in the soil vapor was believed the result of waste and soil heterogeneities, impact of weather conditions, and different site management practices. Many factors come into play in determining the extent that odor problems would result from RSC emissions at a landfill site. These include wind speed and direction, temperature, atmospheric stability, terrain, and distance to susceptible sources. Although the study identified and determined the concentrations of H₂S and other RSC, additional research is recommended on measuring

actual RSC emission rates from C&D debris landfills, evaluating potential off-site odor impacts using dispersion model techniques, and identifying methods for control of such emissions. Additional research would also benefit from a more complete evaluation of the variability in waste composition at C&D debris landfills, and its relationship to RSC emission rates.

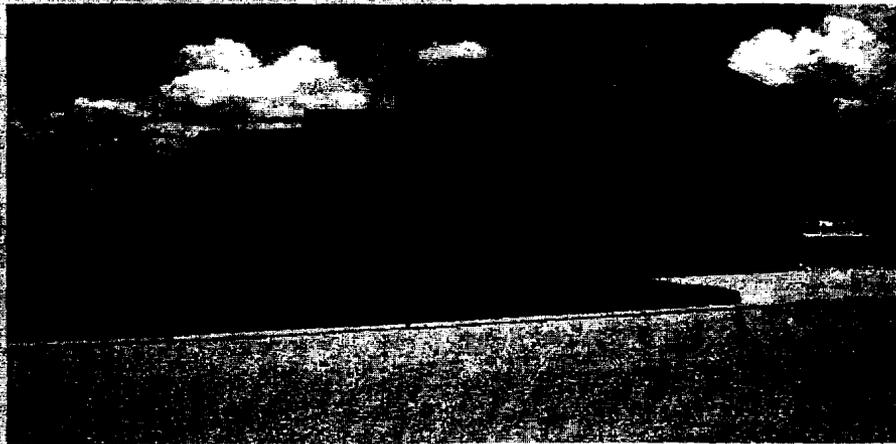
Acknowledgements

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TOXIC AMERICAN DRYWALL Forced Us Out of Our Home



Michael & Jill Swidler

Clermont, FL

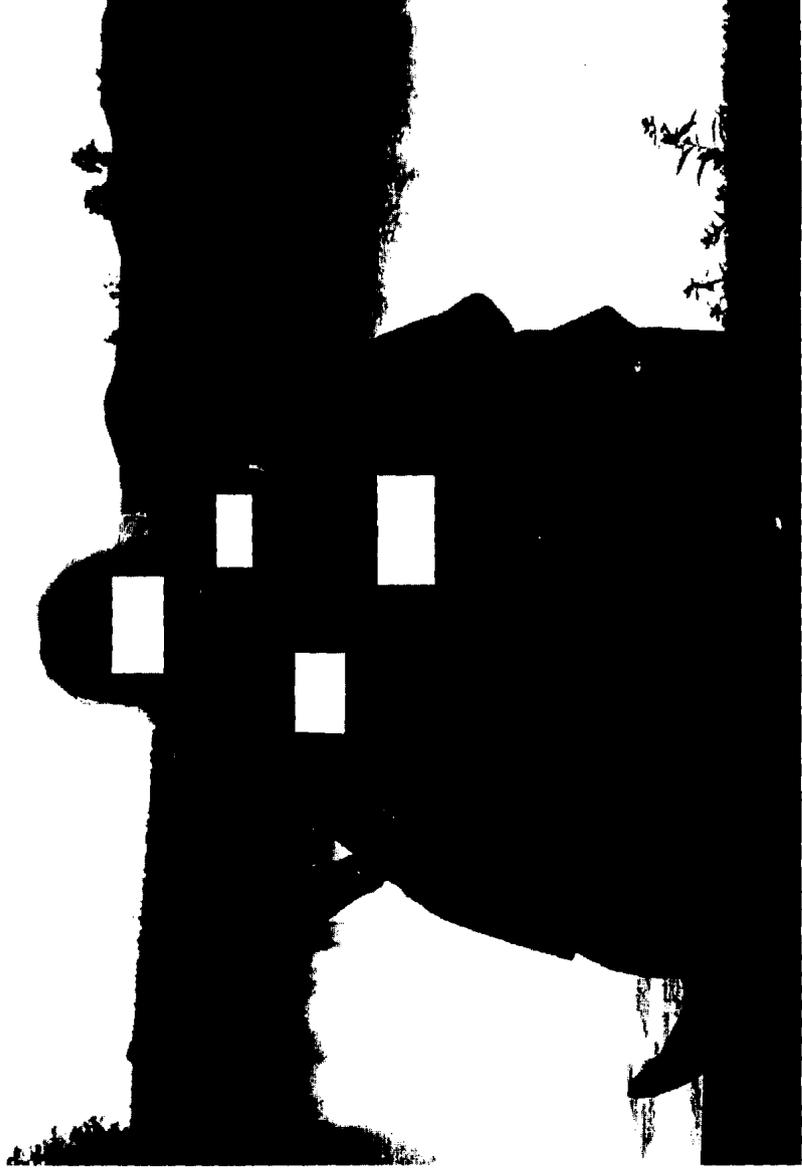
fourswids@msn.com

Our House

- Built as owner/builders in 2006
- 2,784 sq. ft two-story on a beautiful canal on the Clermont Chain of Lakes in Lake County, FL
- Appraised for \$525,000 in January 2009

**Home value today:
\$0 due to toxic sulfur being emitted from the
drywall**

Our Family:



Michael, 43

Jill, 41

Sam, 10

Hanna, 7

Symptoms: Air Conditioning

- Replaced evaporator coils in AC units 5 times in three years.
- The curved coils in this photo should be copper.
- In May '09, the system froze up and no longer works.



Symptoms: Plumbing Fixtures

- Plumbing fixtures corroded within 6 months of moving into home.
- This photo is from our children's bathroom. They brushed their teeth here for 3 years.

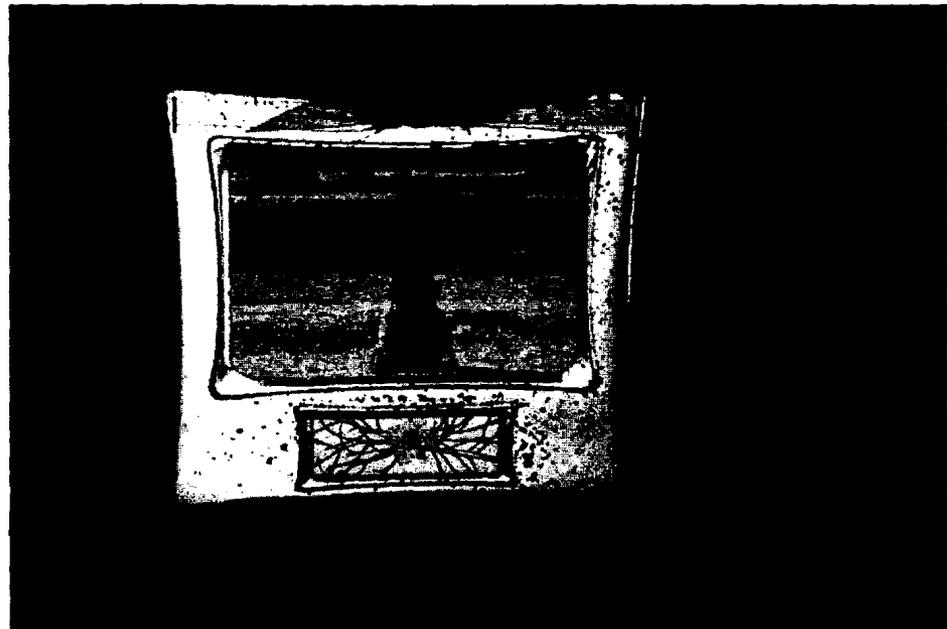


Symptoms: Appliances

- Bulb from new 57" TV burnt out in 10 months. We replaced it and it burnt out again two years later.
- Microwave memory board failed.
- Dishwasher power failure due to copper in wire nuts corroding.

Symptoms: Tarnished Items

- Most of my jewelry is tarnished and ruined.
- Photo frames, picture boxes, gift items all tarnished and ruined.



Health Concerns:

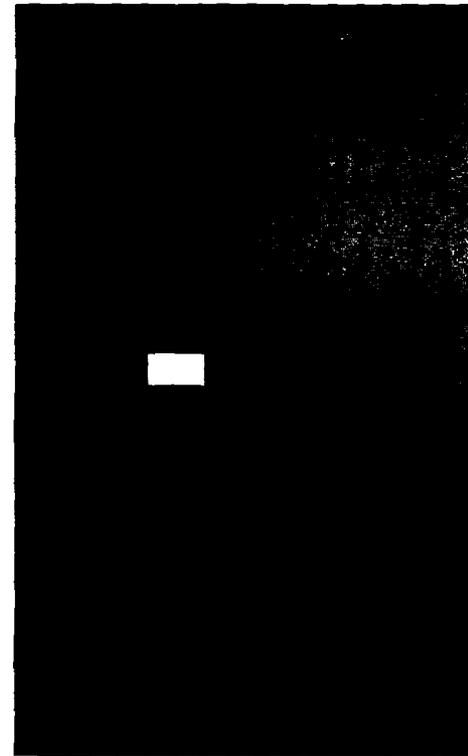
- We have been drinking water coming through corroded plumbing fixtures for 3 years
- We have eaten food that has been stored in the pantry with is made of drywall
- Headaches, irritated eyes, sore throats
- **If the gas is bad enough to corrode copper, what is it doing in our bodies?**

Homeowner Assistance: NONE

- Must wait 3-4 months on possible forbearance from Chase Home Mortgage
- Moved out in May adding \$1500/mth rent to our already strapped budget
- No relief yet from insurance company. Don't expect any since this is a "product defect."
- Looking for property tax relief from Lake County

Personal Impact:

- Kids uprooted and “homeless” for a month.
- Kids over-react about headaches, tummy aches, etc. Afraid something bad will happen from living in the house.
- Unnecessary stress caused to whole family
- Financially devastating



Next Steps:

- Continue to demand public awareness of problem with American-made drywall
- Financial implications including losing good credit rating, foreclosure on home, liens from HOA and county for taxes
- Unable to purchase new home due to financial situation

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

2009 APR 27 PM 2:43

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

**MICHAEL SWIDLER, and
JILL SWIDLER, on behalf of
themselves and all others similarly
situated,**

Plaintiffs,

vs.

(b)(3):CPSA Section 6(b)

Defendants.

CLASS REPRESENTATION

CASE NO.:

5:09-cv-181-OC-106KJ

**JURY TRIAL DEMANDED
INJUNCTIVE RELIEF SOUGHT**

CLASS ACTION COMPLAINT

COME NOW, the Plaintiffs, MICHAEL and JILL SWIDLER, by and through their undersigned counsel and bring this action on their behalf and on behalf of a class of persons defined below against (b)(3):CPSA Section 6(b) and 84 LUMBER COMPANY, L.L.P. ("84 LUMBER") and Defendants, and allege the following upon information and belief except as to the allegations concerning Plaintiffs themselves:

INTRODUCTION

1. Until the filing of this action, the defective drywall causing damage to tens of thousands of homes within the Southeastern United States was thought to have been manufactured exclusively by Chinese companies. However, this consumer class action claims that the issues surrounding the dangerous chemicals used to create the synthetic gypsum used in modern day drywall have infiltrated American-based manufacturers as well.

2. Investigation conducted prior to the filing of this Complaint concluded that drywall manufactured by (b)(3):CPSA Section 6(b) is causing sulfur contamination and damages in much the same manner as the Chinese drywall that is the subject of separate litigation.

3. Plaintiffs bring this class action on behalf of themselves and all owners of homes in the State of Florida that were built using (b)(3):CPSA Section 6(b) drywall manufactured, processed, distributed, delivered, supplied, inspected, marketed and/or sold by Defendant (b)(3):CPSA Section 6(b) and sold to the consuming public by Defendant 84 LUMBER, or other supply companies not yet identified.

4. The drywall manufactured, processed, distributed, delivered, supplied, inspected, marketed, and/or sold by Defendants to build the homes of Plaintiffs and the Plaintiff Class Members is defective and emits levels of sulfur, methane and/or other volatile organic chemical compounds that cause excessive corrosion of HVAC coils and refrigerator units, certain electrical wiring and plumbing components, and other household items, as well as creates noxious odors. Defendants' defective synthetic-gypsum drywall further causes allergic reactions, coughing, sinus and throat infection, eye irritation, respiratory problems and other health concerns. Defendants' drywall is inherently defective and not suitable for its intended use.

JURISDICTION

5. This action is filed in this Federal Court pursuant to diversity jurisdiction under the Class Action Fairness Act of 2005, as codified at 28 U.S.C. § 1332(d)(2).

6. The amount in controversy exceeds five million dollars considering the length of the class period and the number of Plaintiffs and Class Members that have purchased the defective product within the state of Florida.

7. There is complete diversity between Plaintiffs and the Defendants in this matter as Plaintiffs and Plaintiff Class Members are citizens and residents of the state of Florida; Defendant (b)(3):CPSA Section 6(b) is a nationwide company headquartered in (b)(3):CPSA Section 6(b) and, Defendant 84 LUMBER is a national company headquartered in Eighty Four, Pennsylvania.

VENUE

8. Defendant (b)(3):CPSA Section 6(b) has and continues to conduct business throughout the state of Florida at all relevant times, including the Middle District of Florida.

9. Defendant 84 LUMBER has and continues to conduct business throughout the state of Florida at all relevant times, including the Middle District of Florida.

10. Actions giving rise to the named Plaintiffs' claims occurred in Lake County, Florida, which provides for federal jurisdiction in the Middle District of Florida, Ocala Division.

PARTIES

11. Plaintiffs, MICHAEL and JILL SWIDLER, are residents of Lake County, Florida and own a home located at 11101 Versailles Boulevard, Clermont, FL 34711-7346.

12. Defendant (b)(3):CPSA Section 6(b) is a nationwide company doing business in the state of Florida. (b)(3):CPSA Section 6(b) Corporate Headquarters is located at (b)(3):CPSA Section 6(b)

13. (b)(3):CPSA Section 6(b) specializes in the manufacture of numerous building materials including synthetic-gypsum drywall.

14. Defendant 84 LUMBER is a nationwide company doing business in the state of Florida. 84 LUMBER's Corporate Headquarters is located at 1019 Route 519, Eighty Four, PA 15330-2813.

15. 84 LUMBER is a privately held building materials and service supplier for professional contractors and consumers throughout the United States including the state of Florida.

FACTS (GENERAL ALLEGATIONS)

A. History of Drywall

16. "Drywall" is the common term for rigid paper-faced gypsum boards or panels regularly used in the construction industry in the United States. Traditionally, the gypsum used to make drywall was mined from various locations throughout the country. However, recent advancements in technology have created a new form of gypsum known as "synthetic gypsum" which is a byproduct produced by coal burning power plants. On information and belief, it is the synthetic gypsum which is at the heart of the present drywall crisis. An understanding of the connection between sulfur-laden drywall and coal burning power plants is necessary to explain the present situation.

17. Fossil fuels such as coal and oil contain significant amounts of sulfur. When burned, about 95 percent or more of the sulfur is converted to sulfur dioxide that would be released into the environment. Sulfur dioxide is a harmful pollutant known to cause acid rain and significant health issues. Thus, the emissions from coal burning power plants must be "scrubbed" to remove the sulfur dioxide. Specifically, coal burning plants use technology commonly known as "flue gas desulfurization" to scrub or remove sulfur dioxide from the exhaust gasses produced by such facilities.

18. The flue gas desulfurization process typically uses a calcium or sodium based alkaline reagent. Flue gas is ducted to a spray tower where an aqueous slurry of sorbent is injected into the flue gas. A portion of the water in the slurry is evaporated and the waste gas

stream becomes saturated with water vapor. Sulfur dioxide dissolves into the slurry droplets where it is collected.

19. Air is then added to the slurry sorbent causing oxidation. This oxidation process chemically creates a byproduct known as synthetic gypsum (calcium sulfate). Once the remaining water is removed, the synthetic gypsum byproduct is sold for use in various products such as cement, plaster, and drywall.

20. Because synthetic gypsum is created through a desulfurization process by which sulfur is removed from power-plant flue gases, the amount of sulfur-based pollutant in synthetic gypsum is far higher than the levels found in naturally-occurring gypsum.

21. When synthetic gypsum is used to manufacture drywall, the end product contains excessive amounts of sulfur-based pollutants. When the exterior of Florida homes containing synthetic gypsum drywall become heated due to normal Florida temperatures, the air temperature inside the wall cavity between the outer shell of the home and the inner drywall becomes significantly elevated. These elevated temperatures combined with Florida's humidity cause sulfur dioxide gas to be released, once again, from the synthetic gypsum.

22. This sulfur dioxide gas causes significant oxidation of various metals that lie in close proximity to the drywall. Metal components in air conditioning coils, electric motors and other parts in dishwashers, microwaves, smoke detectors, computers and other household appliances oxidize and fail as a result of the sulfur gases found in homes containing synthetic gypsum drywall.

B.

(b)(3):CPSA Section 6(b)

Role is Synthetic Gypsum Drywall

23.

Defendar

(b)(3):CPSA Section 6(b)

ses synthetic gypsum generated though the flue

gas desulfurization process in its gypsum drywall marketed under the trade name

(b)(3):CPSA Section 6(b)

(b)(3):CPSA Section 6(b)

contains excessive amounts of sulfur-based pollutants due to its high content of synthetic gypsum. When the (b)(3):CPSA Section 6(b) temperature becomes elevated sulfur-based gases are released which cause damage to the metal components of products as described above.

24. Defendant (b)(3):CPSA Section 6(b) manufactured, processed, distributed, delivered, supplied, inspected, marketed and/or sold defective synthetic gypsum drywall, which was unreasonably dangerous in its normal use in that the drywall caused, and continues to cause, corrosion to HVAC coils and refrigerator units, certain electrical wiring and plumbing components, and caused allergic reactions, coughing, sinus and throat infections, eye irritations, respiratory problems and other health concerns.

25. (b)(3):CPSA Section 6(b) used waste material from coal burning power plants to create drywall used in American homes. The use of such waste materials causes the emission of one of several sulfur-based gasses including sulfur dioxide and hydrogen sulfide.

26. When combined with moisture in the air, these sulfur compounds create sulfuric acid, which has been known to dissolve solder joints, corrode coils and copper tubing –creating leaks, blackening coils and causing HVAC systems and refrigerators to repeatedly fail. Sulfuric acid has also been shown to corrode copper electrical wiring and plumbing components. Sulfuric acid can also harm metals such as chrome, brass and silver.

27. Defendant, (b)(3):CPSA Section 6(b) defective synthetic-gypsum drywall can detrimentally affect and ultimately require the replacement of a variety of household items, including but not limited to, dishwashers, microwaves, lighting fixtures, faucets and silverware. In addition, the defective drywall has a noxious odor.

28. Considering the size of (b)(3):CPSA Section 6(b) operations, a significant amount, and most likely several million square feet of its defective drywall was used in the construction of Florida homes between 2004 and the date of this Complaint.

C. Facts Pertaining to Class Representatives Michael and Jill Swidler

29. Plaintiffs MICHAEL and JILL SWIDLER began construction of their home located at 11101 Versailles Boulevard, Clermont, Florida on or about March of 2006. Michael Swidler is a builder by trade and has been employed doing residential construction by Lennar Homes, Engle Homes and Deluca Homes for approximately 15 years.

30. Plaintiff, MICHAEL SWIDLER, acted as owner/builder in the construction of his family home.

31. In May of 2006, Plaintiff SWIDLER ordered 289 sheets of half-inch drywall from Defendant, 84 LUMBER's store located in Tavares, Florida.

32. On or about June 1, 2006, 84 LUMBER employees delivered 289 sheets of (b)(3):CPSA Section 6(b) drywall to the building site in Clermont, Florida.

33. The 84 LUMBER delivery crew placed the drywall inside the dried-in structure per Plaintiff SWIDLER's instructions.

34. The (b)(3):CPSA Section 6(b) drywall was installed and finished by Plaintiffs' drywall subcontractor in accordance with industry standards and (b)(3):CPSA Section 6(b) installation guidelines. (b)(3):CPSA Section 6(b)

35. At no time did the drywall at issue become wet or exposed to the elements.

36. Construction was completed and the Plaintiffs moved into their new home in October of 2006.

37. Plaintiffs have two young children who live in the home with them.

38. In early 2007, the plumbing fixtures and several silver picture frames in the Plaintiffs' home started to corrode.

39. On or about January 14, 2008, the coils in the Plaintiffs' upstairs HVAC unit developed a leak and failed despite being less than 2 years old. Plaintiffs paid to have the HVAC coils replaced.

40. On or about July 8, 2008, the coils in the Plaintiffs' upstairs HVAC unit developed another leak and failed again despite the coils being replaced six months prior. Again, Plaintiffs paid to have the HVAC coils replaced.

41. The coils in the Plaintiffs' garage HVAC unit failed on or about December 22, 2007 and had to be replaced. Currently, the coils in both HVAC units have again turned black and are oxidizing rapidly.

42. On or about April of 2008, the microwave in Plaintiffs' home failed due to the keypad failing to operate properly. A new keypad was ordered and installed to remedy the problem.

43. On or about August of 2008, the main bulb in Plaintiffs' television went out although the television was less than one year old.

44. On or about February of 2009, the dishwasher in Plaintiffs home failed due to the copper wiring surrounding the copper leads in the control unit of the device having completely deteriorated. The repairman informed the Plaintiffs that the "copper wiring inside the wire nuts was gone which caused the malfunction." It was subsequently replaced.

45. The smoke detectors in the Plaintiffs' home randomly go off without cause, and the home has a strong sulfur odor throughout.

46. All the copper ground wires attached to every light-switch and outlet in the home have turned black and are rapidly oxidizing. The extent of the damage to the remaining wire inside the walls of the home is yet to be determined.

47. On information and belief, significant damage has been done to other household items such as television and stereo components and computer components within the SWIDLER home. Pieces of Plaintiff, JILL SWIDLER's jewelry have also turned black and prematurely oxidized.

48. On or about April 8, 2009, Plaintiffs MICHAEL AND JILL SWIDLER and their two children moved out of their home as a result of exposure to and damages caused by Defendants' defective synthetic-gypsum drywall.

CLASS ACTION ALLEGATIONS

49. Plaintiffs brings this Class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of themselves and a Class defined as follows:

All persons who own a home in the State of Florida which contains defective Drywall between 2004 and 2009. (b)(3):CPSA Section 6(b)

A subclass exists which is defined as all persons in the State of Florida that purchased defective Drywall from any 84 Lumbar Company location during the class period. (b)(3):CPSA Section 6(b)

50. *Numerosity:* The Class is composed of thousands of persons geographically dispersed throughout the State of Florida, the joinder of whom in one action is impractical. The Class is ascertainable and identifiable. Membership in the Class can be determined easily. Defendants can determine the identity of all Class members from their own records.

51. **Commonality:** Questions of law and fact common to the Class exists as to all members of the Class and predominate over any questions affecting only individual members of the Class. These common legal and factual issues include the following:

- a. Whether Defendant (b)(3):CPSA Section 6(b) manufactured and sold a defective product;
- b. Whether Defendant 84 LUMBER sold a defective product;
- c. Whether (b)(3):CPSA Section 6(b) conduct in manufacturing and/or distributing their drywall fell below the duty of care owed to Plaintiffs and members of the Class;
- d. Whether 84 LUMBER's conduct in selling defective drywall fell below the duty of care owed to Plaintiffs and members of the Class;
- e. Whether Defendants concealed adverse information from Plaintiffs and the Class;
- f. Whether Plaintiffs and the Plaintiff Class Members are entitled to recover compensatory, exemplary, punitive, and/or other damages as a result of Defendants' conduct;
- g. Whether Defendants breached express warranties;
- h. Whether Defendants breached implied warranties of merchantability;
- i. Whether the Plaintiff Class is entitled to compensatory damages and, if so, the nature and extent of such damages; and
- j. Whether Defendants failed to adequately warn of the adverse effects of their drywall.

52. **Typicality:** Plaintiffs' claims are typical of the claims of the Plaintiff Class as all such claims arise out of Defendants' uniform course of wrongful conduct complained of herein.

53. **Adequacy of Representation:** Plaintiffs will fairly and adequately protect the interests of the Members of the Class and have no interests antagonistic to those of the Class. Plaintiffs have retained counsel experienced in the prosecution of complex class actions, including product and construction cases.

54. *Predominance and Superiority:* This Class action is appropriate for certification because questions of law and fact common to the Members of the Class predominate over questions affecting only individual Members, and a Class action is superior to other available methods for the fair and efficient adjudication of this controversy, since individual joinder of all Members of the Class is impracticable. Should individual Class Members be required to bring separate actions, this Court and courts throughout the state of Florida would be confronted with a multiplicity of lawsuits burdening the court system while also creating the risk of inconsistent rulings and contradictory judgments. In contrast to proceeding on a case-by-case basis, in which inconsistent results will magnify the delay and expense to all parties and the court system, this class action presents far fewer management difficulties while providing unitary adjudication, economies of scale and comprehensive supervision by a single Court.

55. This action is also properly certified under the provisions of F.R.C.P. 23 because:

- a. the prosecution of separate actions by individual members of the Class would create a risk of inconsistency of varying adjudications with respect to individual Class Members, thus establishing incompatible standards of conduct for Defendants; and
- b. due to the nature of the relief sought, the prosecution of separate actions by the individual members of the Class would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other members of the Class not parties to such adjudications or would substantially impair or impede the ability of such members of the Class to protect their interests.

56. Defendants' actions will require Plaintiffs and the Plaintiff Class Members to evacuate their homes, remove all defective drywall from the homes, perform extensive remedial repairs to the homes, and then repair the damaged property made visible during the performance of these repairs.

57. Plaintiffs and the Plaintiff Class Members will also be required to repair or replace corroded or damaged household items such as dishwashers, microwaves, lighting fixtures, plumbing fixtures, electronics, jewelry and silverware.

58. As a result, Plaintiffs and the Plaintiff Class Members have suffered, and continue to suffer damages as a result of Defendants' defective drywall and the corrosive effects of the sulfur compounds found therein. These damages include, but are not limited to, the costs of inspection, the costs and expenses necessary to remove and replace the defective drywall, adjoining components, electrical wiring, interior finishes and personal property.

59. Defendants' actions also resulted in substantial diminution in the value of Plaintiffs and the Plaintiff Class Members' homes.

60. Defendants had a duty to exercise reasonable care in inspecting, marketing and/or selling drywall placed into the stream of commerce, including a duty to assure that the product would perform as intended and would not cause and/or did not cause damage as described herein.

61. Defendants breached their duty by failing to exercise ordinary care in the inspecting, marketing and/or selling drywall Defendants placed into the stream of commerce in that it knew or should have known that the product was defective, did not function as intended and/or created a high risk of unreasonable, dangerous side effects, including, but not limited to, corrosion to HVAC coils and refrigerator units, wires, tubes and pipes, and caused allergic reactions, coughing, sinus and throat infections, eye irritations, respiratory problems and other health concerns.

62. Defendants knew or should have known that consumers such as Plaintiffs and the Plaintiff Class Members would suffer damage as a result of Defendants' failure to exercise

ordinary care.

63. As a result of the foregoing acts and omissions, Plaintiffs and the Plaintiff Class Members require and/or will require extensive reconstruction and repairs, and will incur repair and replacement costs, repairs for appliances, incidental, and other related expenses. Plaintiffs and the Plaintiff Class Members are informed and believe, and further allege, that Plaintiffs and the Plaintiff Class Members will in the future be required to pay for additional repairs and/or replacement costs.

COUNT I
BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY

64. Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of all others similarly situated, repeat, reiterate and re-allege paragraphs 1 through 63 of this Complaint, with the same force and effect as if fully set forth herein.

65. This is an action against Defendant 84 LUMBER for breach of the implied warranty of merchantability under the common law and/or Florida Statute §672.314.

66. This is an action against Defendant (b)(3):CPSA Section 6(b) for breach of the implied warranty of merchantability under the common law and/or Florida Statute §672.314.

67. (b)(3):CPSA Section 6(b) is the manufacturer, supplier, and distributor of its drywall products throughout the United States.

68. 84 LUMBER is a merchant of gypsum drywall at its various locations throughout the United States, including the (b)(3):CPSA Section 6(b) drywall which is the subject of this action.

69. The defective drywall used in the construction of Plaintiffs' and the Plaintiff Class Members' homes was sent from (b)(3):CPSA Section 6(b) to 84 LUMBER who delivered the product to Plaintiffs and the Plaintiff Class for use in various construction projects.

70. Homebuilders and/or their agents or employees entered into contracts with either one Defendant or both Defendants to purchase synthetic-gypsum drywall that was intended to be installed in the homes of the Plaintiffs and the Plaintiff Class.

71. Plaintiffs and the Plaintiff Class Members are intended third-party beneficiaries of contracts between Defendants and Homebuilders because it was the clear and manifest intent of Defendants that the contracts were to primarily and directly benefit Plaintiffs and the Plaintiff Class Members who would ultimately own the homes being constructed.

72. Pursuant to Florida Statute 672.314 and/or common law, Defendants warranted that the synthetic-gypsum drywall was merchantable and reasonably fit for the ordinary purpose for which drywall is normally used.

73. Defendants breached the implied warranty of merchantability by selling certain synthetic-gypsum drywall that was defective and not reasonably fit for the ordinary purpose for which drywall is used.

74. The drywall that was manufactured and supplied by (b)(3):CPSA Section 6(b) and sold by 84 LUMBER was installed in Plaintiffs' home and the homes of the Plaintiff Class Members and is defective because it causes damage to various metal components and creates various health issues as described above.

75. As a result of Defendants' breach of the implied warranty of merchantability, Plaintiffs and the Plaintiff Class Members have suffered and continue to suffer damages.

76. As a result of the foregoing acts and omissions, Plaintiffs and the Plaintiff Class Members require and/or will require extensive reconstruction and repairs, and will incur repair and replacement costs, repairs for appliances, incidental, and other related expenses. Plaintiffs and the Plaintiff Class Members are informed and believe, and further allege, that Plaintiffs and

the Plaintiff Class Members will in the future be required to pay for additional repairs and/or replacement costs.

COUNT II
BREACH OF IMPLIED WARRANTY
OF FITNESS FOR A PARTICULAR PURPOSE

77. Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of all others similarly situated, repeat, reiterate and re-allege paragraphs 1 through 63 of this Complaint, with the same force and effect as if fully set forth herein.

78. This is an action against Defendant (b)(3):CPSA Section 6(b) for breach of the implied warranty of fitness for a particular purpose under the common law and/or Florida Statute §672.314.

79. This is an action against Defendant 84 LUMBER for breach of the implied warranty of fitness for a particular purpose under the common law and/or Florida Statute §672.314.

80. (b)(3):CPSA Section 6(b) is a manufacturer and supplier of synthetic-gypsum drywall.

81. 84 LUMBER is a supplier of synthetic-gypsum drywall.

82. Upon information and belief, the defective drywall used in the construction of Plaintiffs' and the Plaintiff Class Members' homes was sent from the (b)(3):CPSA Section 6(b) to 84 LUMBER.

83. Upon information and belief, (b)(3):CPSA Section 6(b) also sent defective drywall that was used in the construction of Class Members' homes through other supply companies and retail outlets. Plaintiffs will amend this complaint when and if such other Defendants are

identified.

84. Homebuilders and/or their agents or employees entered into contracts with one or both Defendants to purchase gypsum drywall that was installed in Plaintiffs Class Members' homes.

85. Plaintiffs and the Plaintiff Class Members are intended third-party beneficiaries of those contracts because it was the clear and manifest intent of Defendants that the contracts were to primarily and directly benefit Plaintiffs and the Plaintiff Class Members.

86. At the time Defendants entered into the contracts with the homebuilders, Defendants had reason to know that the gypsum drywall was being purchased for the particular purpose of being installed in residential homes like those owned by Plaintiffs and the Plaintiff Class Members, and that homebuilders were relying on Defendants' skill and judgment to furnish gypsum drywall that was suitable for this particular purpose.

87. Plaintiffs and the Plaintiff Class Members used the gypsum drywall provided by Defendants without being informed by Defendants that such drywall was unsuitable for the particular purpose of being installed in residential homes owned by Plaintiffs and the Plaintiff Class Members.

88. Pursuant to Florida Statute 672.315 and/or common law, Defendants warranted that the gypsum drywall was fit for the particular purpose of being installed in residential homes.

89. Defendants breached the implied warranty of fitness for a particular purpose by selling certain synthetic-gypsum drywall that was defective and not fit for the particular purpose of being installed in residential homes.

90. The drywall manufactured, supplied, and sold by Defendants and installed in Plaintiffs' home and the homes of the Plaintiff Class Members is defective because it causes

damage as described more fully herein.

91. As a result of Defendants' breach of the implied warranty of merchantability, Plaintiffs and the Plaintiff Class Members have suffered and continue to suffer damages.

92. As a result of the foregoing acts and omissions, Plaintiffs and the Plaintiff Class Members require and/or will require extensive reconstruction and repairs, and will incur repair and replacement costs, repairs for appliances, incidental, and other related expenses. Plaintiffs and the Plaintiff Class Members are informed and believe, and further allege, that Plaintiffs and the Plaintiff Class Members will in the future be required to pay for additional repairs and/or replacement costs.

COUNT III
BREACH OF EXPRESS WARRANTY
(Against GEORGIA-PACIFIC Only)

93. Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of all others similarly situated, repeat, reiterate and re-allege paragraphs 1 through 63 of this Complaint, with the same force and effect as if fully set forth herein.

94. (b)(3):CPSA Section 6(b) expressly warranted that its synthetic-gypsum drywall was safe and appropriate for use in a variety of residential building applications, including but not limited to interior walls, and ceilings.

95. Because of the excessive amount of Sulfur-based pollutants involved, Defendant (b)(3):CPSA Section 6(b) synthetic-gypsum drywall did not conform to these express representations because (b)(3):CPSA Section 6(b) synthetic-gypsum drywall is defective and unsafe, and is associated with numerous side effects resulting from excessive amounts of sulfur-based pollutants.

96. As a direct and proximate result of the breach of said warranties, Plaintiffs and the

Plaintiff Class Members suffered, and/or will continue to suffer, and/or are at an increased risk to suffer, extensive damage, economic loss and/or other harm.

97. Plaintiff Class Members relied on the express warranties made by (b)(3):CPSA Section 6 (b)

(b)(3):CPSA Section 6(b) because they used the product in the construction of residential dwellings.

98. (b)(3):CPSA Section 6(b) breached the aforesaid express warranties, as the drywall at issue was defective for its intended use.

99. (b)(3):CPSA Section 6(b) expressly represented to Plaintiffs and the Plaintiff Class Members to their homebuilders that its drywall was safe, efficacious, and fit for use for the purposes intended, that the its drywall was of merchantable quality, that its drywall did not produce any dangerous side effects, and that its drywall was adequately tested and fit for its intended use.

100. (b)(3):CPSA Section 6(b) knew or should have known that the aforesaid representations and warranties were false, misleading and untrue because its drywall was not fit for the use intended and, in fact, produced severe and extensive damage to Plaintiffs' home and to the homes of the Plaintiff Class Members because of the materials used to manufacture its drywall.

101. As a result of the foregoing acts and omissions, Plaintiffs and the Plaintiff Class Members require and/or will require extensive reconstruction and repairs, and will incur repair and replacement costs, repairs for appliances, incidental, and other related expenses. Plaintiffs and the Plaintiff Class Members are informed and believe, and further allege, that Plaintiffs and the Plaintiff Class Members will in the future be required to pay for additional repairs and/or replacement costs.

COUNT IV
VIOLATION OF THE FLORIDA DECEPTIVE AND
UNFAIR TRADE PRACTICES ACT
Defendants 84 LUMBER and (b)(3):CPSA Section 6(b)

102. Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of all others similarly situated, repeat, reiterate and re-allege paragraphs 1 through 63 of this Complaint, with the same force and effect as if fully set forth herein.

103. This action seeks to secure redress for the unlawful, deceptive and unfair trade practices, perpetrated by Defendants (b)(3):CPSA Section 6(b) AND 84 LUMBER against Florida consumers.

104. Plaintiffs and Plaintiff Class Members are "consumers" and the subject transactions are "trade or commerce" as defined by Florida Statute § 501.203(8).

105. Defendants actions and/or omissions as described herein violate Florida Statutes, § 501.201, *et seq.*, which was enacted to protect the consuming public from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.

106. Specifically, (b)(3):CPSA Section 6(b) misrepresented and omitted material information regarding its drywall product by failing to disclose known risks and by selling the product as being fit for use in residential construction projects.

107. (b)(3):CPSA Section 6(b) misrepresentations and concealment of material facts constitute unconscionable commercial practices, deception, fraud, false pretenses, misrepresentation, and/or the knowing concealment, suppression, or omission of materials facts with the intent that others rely on such concealment, suppression, or omission in connection with the sale and use of Defendants' drywall in violation of Florida Statutes, 501.201, *et seq.*

108. (b)(3):CPSA Section 6(b) violated Florida Statutes, §501.201, *et seq.*, by knowingly

and falsely representing that Defendants' drywall was fit to be used for the purpose for which they were intended, when Defendants knew or should have known that it was dangerous, ineffective, unsafe and by other acts alleged herein.

109. (b)(3):CPSA Section 6(b) engaged in the deceptive acts and practices alleged herein in order to sell its drywall to the public, including Plaintiffs and the Plaintiff Class Members, and/or their representatives.

110. Said acts and practices on the part of (b)(3):CPSA Section 6(b) are and are illegal and unlawful pursuant to Florida Statute §501.204.

111. As a direct and proximate result of (b)(3):CPSA Section 6(b) violations of Florida Statutes, §501.201, *et. seq.*, Plaintiffs and the Plaintiff Class Members have suffered damages. Plaintiffs and the Plaintiff Class Members are entitled to compensatory damages, equitable and declaratory relief, punitive damages, costs and reasonable attorney's fees.

COUNT V
VIOLATION OF THE MAGNUSON-MOSS
WARRANTY IMPROVEMENT ACT

112. Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of all others similarly situated, repeat, reiterate and re-allege paragraphs 1 through 63 of this Complaint, with the same force and effect as if fully set forth herein.

113. Plaintiffs and the Class are "consumers" as defined by 15 U.S.C. § 2301(3).

114. Each Defendant is a "supplier," "warrantor," and "service contractor" as defined by 15 U.S.C. §§ 2301(4), 2301(5), and 2301(8).

115. The Drywall is a "consumer product" as defined by 15 U.S.C. § 2301 (1).

116. The Magnuson-Moss Warranty Improvement Act ("MMWA") requires Defendants to be bound by all warranties implied by state law.

117. Section 15 U.S.C. § 2310(d)(1) of the MMWA provides that a consumer who is damaged by the failure of a supplier, warrantor, or service contractor to comply with any obligation under this title, or under a written warranty, implied warranty, or service contract, may bring suit for damages and other legal and equitable relief in any court of competent jurisdiction in any State.

118. As a direct and proximate result of Defendants' breach of warranty, Plaintiffs and the Class are entitled to the remedies prayed for below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and Plaintiff Class Members demand judgment against the Defendants, jointly and severally, as follows:

An Order certifying the Class, appointing MICHAEL AND JILL SWIDLER as Class Representatives and appointing Varnell & Warwick, P.A. as counsel to the Class;

- a. Equitable, injunctive, and declaratory relief;
- b. Damages in an amount to be determined at trial, but in an amount exceeding 75 thousand dollars in Pre-judgment and post-judgment interest at the maximum rate allowable at law;
- c. Treble, exemplary, and/or punitive damages in an amount to be determined at trial;
- d. The costs and disbursements incurred by Plaintiffs and Plaintiff Class Members in connection with this action, including reasonable attorneys' fees;
- e. All statutory damages;
- f. Disgorgement of Defendants' profits from the sale of drywall;
- g. Reimbursement for all costs and expenses incurred in the repair of any

purchase price paid, including, but not limited to, insurance co-payments, interest on these amounts from the date of purchase, attorneys' fees and costs, non-pecuniary damages, as well as any other legal or equitable relief to which Plaintiffs may be entitled;

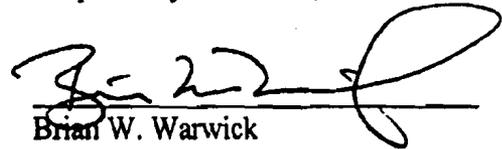
h. Such other and further relief under all applicable state and federal law and any other relief the Court deems just and appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs, MICHAEL AND JILL SWIDLER, individually and on behalf of the Plaintiff Class Members, hereby demand a trial by jury as to all issues so triable.

Dated: April 24, 2009.

Respectfully Submitted,



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Attorneys for Plaintiffs and the Class



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Drywall Sampling Analysis

Background

Consumers from more than 10 States and the District of Columbia have reported concerns related to drywall imported from China that is in their houses. The Consumer Product Safety Commission (CPSC) is the lead federal agency for this issue. The U.S. Environmental Protection Agency (EPA) is working with CPSC and the Centers for Disease Control and Prevention-Agency for Toxic Substances and Disease Registry (CDC-ATSDR), in coordination with State and local authorities, to investigate this matter.

To gather more information about Chinese drywall, CDC-ATSDR requested that EPA conduct an elemental analysis of Chinese drywall and compare it with drywall manufactured in the United States.

Analysis of Drywall Samples

With CDC-ATSDR's concurrence, two wallboard samples from Florida houses known to have been manufactured in China were selected by the Florida Department of Health (FDOH) for analysis. Additionally, four samples of U.S.-manufactured drywall were purchased by EPA from local stores in Edison, New Jersey and included in the analysis.

Prior to analysis, the thin layer of paint was scraped off of the two Chinese drywall samples for metals analysis. The paper was then separated from the solid (gypsum) material of all six drywall samples and placed into separate glass jars. The paper portions of the samples were analyzed for metals, semi volatile organic compounds (SVOCs) and formaldehyde. The gypsum samples were analyzed for metals, SVOCs, volatile organic compounds (VOCs), formaldehyde, sulfide, water soluble chlorides, total organic carbon (TOC), pH and loss on ignition (LOI).

The results of this analysis will inform additional testing by CPSC to help determine the compounds that may be affecting residents and their houses.

Results

The results of the analysis are noted below. It is important to note that the analysis included a very small sample size, and the results of this testing may not be representative of all drywall products. The analysis was conducted to identify the elemental material contained in the drywall samples and is not itself intended to establish a definitive link between the drywall and the conditions being observed in houses.

- Sulfur was detected at 83 parts per millions (ppm) and 119 ppm in the Chinese drywall samples. Sulfur was not detected in the four US-manufactured drywall samples.
- Strontium was detected at 2,570 ppm and 2,670 ppm in the Chinese drywall samples. Strontium was detected in the US-manufactured drywall at 244 ppm to 1,130 ppm. Total acid soluble sulfides were not detected in any samples.
- Iron concentrations of 1,390 ppm and 1,630 ppm were detected in the Chinese drywall samples and in the range of 841 ppm to 3,210 ppm for the US-manufactured drywall samples. Additional drywall samples will be tested to determine whether the iron is present as oxide, sulfide or sulfate.

EPA's analysis showed the presence of two organic compounds in the Chinese drywall that are associated with acrylic paints: propanoic acid, 2-methyl-, 2,2-dimethyl-1-(2-hydroxy-1-methylethyl) propyl ester at estimated concentrations of 58 ppm and 92 ppm, and propanoic acid, 2-methyl-, 3-hydroxy-2,4,4-trimethylpentyl ester at estimated concentrations of 50 ppm and 84 ppm. These compounds were not detected in the US-manufactured drywall.

EPA will continue to work with its federal and state partners to respond to this issue. EPA also is working with a multi-agency and state technical group to develop an indoor sampling protocol for use by CPSC and states to conduct indoor air testing in houses suspected of containing Chinese drywall. The group's goal is to complete the protocol by June 30, 2009. EPA expects that results from the indoor sampling will be evaluated by CDC-ATSDR for possible health implications.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL RESPONSE TEAM
Edison, New Jersey 08837

May 7, 2009

Ms. Lynn Wilder
Environmental Health Scientist
Agency for Toxic Substances and Disease Registry
Department of Homeland Security
4770 Buford Highway, NE
Mailstop F-57
Atlanta, GA 30341-3717

Subject: Drywall Sample Analysis

Dear Ms. Wilder,

The Agency for Toxic Substances and Disease Registry (ATSDR) contacted the Environmental Response Team (ERT) of the USEPA Office of Superfund Remediation and Technology Innovation (OSRTI) for analytical assistance with the Chinese-manufactured drywall used in Florida. On March 5, 2009, a teleconference was held with ERT, ATSDR and the Florida Department of Health (FDOH). The FDOH provided background information, including the work that had been previously performed by contractors from Lennar and Knauf (a German company that manufactures drywall in China). ATSDR requested that ERT conduct an independent elemental analysis of the Chinese drywall and compare it with the drywall manufactured in the U.S. With ATSDR's concurrence, six wallboard samples were selected for analysis. Two drywall samples known to have been manufactured in China were extracted by FDOH from affected homes in Florida. Four samples of U.S.-manufactured drywall were purchased from local stores in Edison, New Jersey.

Drywall Sample Analysis

ATSDR requested that the ERT analytical laboratory provide support to analyze drywall samples from China suspected of emitting rotten egg odors and causing copper corrosion (e.g., power switches, appliances) throughout the houses with complaints. The corrosion of copper containing items may lead to releases of chlorofluorocarbons (CFCs) and natural gases, depending on their construction materials. Individuals complaining about the drywall in their homes have also reported health issues such as problems with asthma, respiratory irritation, breathing difficulties, coughing, insomnia, eye irritation and headaches. At this time, FDOH has been unable to determine if these issues are directly linked to the suspect drywall. To date, a relatively low number of

samples have been analyzed, and the emission levels detected from samples tested in the laboratory are far lower than those typically associated with such symptoms.

Two Chinese painted drywall samples extracted from Florida homes by FDOH were shipped to Edison for analysis by USEPA/ERT. ERT purchased four US-manufactured drywall samples from local stores for comparison. First, the thin layer of paint was scraped off of two Chinese drywall samples for metals analysis. The top and bottom layers of paper were separated from the solid (gypsum) material of all six drywall samples and placed into separate glass jars. The paper portions of the samples were analyzed for metals, semi volatile organic compounds (SVOCs) and formaldehyde. The gypsum samples were analyzed for metals, SVOCs, volatile organic compounds (VOCs), formaldehyde, sulfide, water soluble chlorides, total organic carbon (TOC), pH and loss on ignition (LOI). Also, an optical microscopic examination was conducted to determine the presence of fly ash.

The drywall sample manufacturers and product names are as follows: US Gypsum/Hamilton (US); PROROC/Certainteed (US); National Gypsum/Gold Bond (US); GP/Tough Rock (US); Knauf/33928-20055 (China); and MIC/33966-12077 (China). The ERT/REAC analytical methods were modified to analyze these samples, as standard methods were not available in the area of sample digestion/preparation procedures.

Analytical Methods

Semi Volatile Organic Compounds: The gypsum and paper portions of the drywall samples were analyzed using ERT/REAC SOP #1805. A specific weight of sample in grams is extracted with a 1:1 methylene chloride/acetone mix in a Soxtherm extractor. The extract is concentrated, spiked with an internal standard mixture and subsequently analyzed by gas chromatography/mass spectrometry (GC/MS). Target analytes are identified by comparing the measured mass spectra and retention times with those obtained from calibration standards acquired under the same operating conditions used for the samples. Quantitation of each identified target analyte is calculated based on the internal standard method. The method was modified to determine the presence of any non-target compounds via a library search for the purpose of tentative identification. The NIST/EPA/NIH Mass Spectral Library containing more than 100,000 spectra was used. The elemental sulfur was analyzed using the sample extracts by GC/MS using an ERT/REAC modified method.

Volatile Organic Compounds: The two Chinese and one US-manufactured drywall gypsum samples were analyzed using ERT/REAC SOP #1807. A known amount of gypsum is weighed into a 40-milliliter (mL) Teflon®-lined septum vial, 5 mL of commercially available water suitable for VOC analysis is added, and the sealed vial is placed in the auto sampler. An additional 5-mL portion of VOC-free water containing surrogate/internal standards is added by the autosampler. In order to purge the compounds out of the dry wall, the samples were heated for five minutes at 75°C. These samples were then purged with helium for 20 minutes at the same temperature,

desorbed (trapped) onto the trap for four minutes and injected into the GC and detected using a 5975 MSD. The method was modified to determine the presence of any non-target compounds via a library search for the purpose of tentative identification. The NIST/EPA/NIH Mass Spectral Library containing more than 100,000 spectra was used.

Metals: The gypsum samples were first screened using a NITON x-ray fluorescence detector (XRF) to determine the presence of any metals. The XRF will help to ascertain whether additional metals that are not included in the Target Analyte List (TAL) routinely analyzed by the laboratory need to be added. The gypsum, paper and paint samples were analyzed for TAL metals using ERI/REAC SOP #1811, *Determination of Metals by Inductively Coupled Plasma (ICP) Methods*, and SOP #1832, *Determination of Mercury by Cold Vapor Atomic Absorption (CVAA)*. Based on the XRF screening, strontium and sulfur were added to the list of analytes.

Formaldehyde, Sulfide, Total Organic Carbon: Analyses for these compounds were contracted to outside laboratories. Formaldehyde was analyzed by high pressure liquid chromatography (HPLC), ultraviolet detection (UV) in accordance with modified NIOSH Method 2016. For acid soluble sulfides, the gypsum samples were distilled using EPA SW-846 Method 9030B, which separates the sulfides from the matrix by adding sulfuric acid to the sample and heating to 70°C. The sulfide was quantified using an iodometric method. TOC was determined using a carbonaceous analyzer in accordance with EPA Region II SOP #C-88.

Water Soluble Chlorides: A specific weight of sample was mixed with a known volume of water prior to analysis. Samples were analyzed using a five-point calibration curve by a modified ferricyanide spectrophotometric technique, as outlined in the Standard Methods for the Examination of Water and Wastewater, Method 4500-Cl-E.

Loss on Ignition and pH: Loss on ignition data were obtained by weighing a known amount of sample into a crucible and igniting at 750°C using the modified Standard Methods for the Examination of Water and Wastewater, Method 2540G. A 5 percent weight by volume of a gypsum sample in water was prepared and mixed using a magnetic stirrer. The pH of the resulting aqueous solution was measured electrometrically using a calibrated pH meter.

Alkalinity and Sulfate: Alkalinity was performed in accordance with the Standard Methods for the Examination of Water and Wastewater, Method 2320B, that uses an acid titrant to measure the buffering capacity or ability to react with acids to a specific pH. Sulfates were determined using EPA Region II SOP #C-19

Optical Microscopic Examination: The optical microscopic examination was performed at the ERI-Las Vegas laboratory using an Olympus optical microscope.

Discussion of the Results:

The significant differences between the Chinese drywall and the US-manufactured drywall analysis are as follows:

ERT analysis shows the presence of sulfur at 83 ppm and 119 ppm in the Chinese drywall samples and sulfur not detected in four US-manufactured drywall samples. The metal analysis shows the presence of strontium at 2,570 ppm and 2,670 ppm in the Chinese drywall samples, whereas strontium was detected in the US-manufactured drywall at 244 ppm to 1,130 ppm. The total acid soluble sulfides were not detected in any of the drywalls. Further investigation is critical to determine the presence of strontium as strontium sulfate or strontium sulfide using x-ray diffraction.

Iron concentrations of 1,390 ppm and 1,630 ppm were detected in the Chinese drywall samples and in the range of 841 ppm to 3,210 ppm for the US drywall samples. The highest concentration of iron detected in the National Gypsum/Gold Bond drywall was twice as high as the amount found in the Chinese drywall. An investigation will be done using additional drywall samples to determine whether the iron is present as oxide, sulfide or sulfate.

No evidence of fly ash in the Chinese drywall samples was noted based on the optical microscopic examination.

The ERT/REAC SVOC analysis results show the presence of two organic compounds in the Chinese drywall, as tentatively identified by the mass spectrometry library search for the Chinese drywall. The FDOH has requested that ERT further investigate these compounds. The two compounds were propanoic acid, 2-methyl-, 2,2-dimethyl-1-(2-hydroxy-1-methylethyl) propyl ester (CAS # 74367-33-2) at estimated concentrations of 58 and 92 ppm, and propanoic acid, 2-methyl-, 3-hydroxy-2,4,4-trimethylpentyl ester (CAS # 74367-34-3) at estimated concentrations of 50 and 84 ppm. These compounds were not detected in the US-manufactured drywall. ERT analyzed two samples for VOCs by GC/MS. The analyses confirm the presence of the above two compounds in the Chinese drywall, as tentatively identified by the mass spectrometry library search. ERT is in the process of obtaining standards of propanoic acid, 2-methyl-, 2,2-dimethyl-1-(2-hydroxy-1-methylethyl) propyl ester (CAS # 74367-33-2) and propanoic acid, 2-methyl-, 3-hydroxy-2,4,4-trimethylpentyl ester (CAS # 74367-34-3) to confirm the findings. The literature search reveals that these compounds are found in acrylic paints as reported in the following website:

http://www2.mst.dk/common/Udgi_vramme/Frame.asp?http://www2.mst.dk/udgi/v/publications/2008/978-87-7052-763-7/html/kap02_eng.htm

The summary of analytical results of the six drywall (gypsum, paper, and paint) samples is presented in Summary Table 1. The semi-quantitative XRF data for gypsum

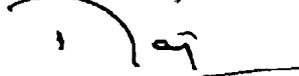
analysis are presented in Table 2. The tentatively identified compounds detected by the GC/MS library search for the SVOC analysis are presented in Table 3 for the gypsum and paper portions of the drywall samples.

Work in Progress

The additional drywall samples to be received from CPSC will be analyzed semi-quantitatively for calcium sulfate, strontium sulfide, strontium sulfate, pyrites and iron oxide by x-ray diffraction. The drywall samples from the United States and China will also be analyzed for VOCs, SVOCs, metals including strontium, sulfide, sulfite, formaldehyde, TOC and LOI. An optical microscopic examination for fly ash will also be conducted. Based on these analyses and the chamber study, ERT will conduct indoor air monitoring in Florida and Louisiana in three test houses for predetermined parameters. A QAPP is under preparation for the Technical Workgroup to review based on the available information to date, and will be modified based on any new information.

If there are any questions, please call me at 732-321-6761.

Sincerely



Raj Singhvi, Chemist

Enclosures

cc: David Krause, FDOH
Barnes Johnson, OSRTI
Arnold Layne, OSRTI/TIFSD
Jeff Heimerman, OSRTI/TIFSD
Dave Wright, ERT
Harry Compton, ERT

Table-1 Results of the Analysis for Metals in Solid Drywall Material, Paper and Paint

| Sample No. | 1 | 2 | 3 | 4 | 5 | 6 |
|---|------------------------|-------------------|-----------------|---|---------------|-----------|
| Sample ID | US Gypsum/Hamilton | Knauf/33928-20055 | MIC/33958-12077 | PROROC/CertainTeed/ational Gypsum/Gold Bond | GP/Tough Rock | |
| | Method | US | China | China | US | US |
| %LOI at 750C | | 21 | 22 | 24 | 21 | 19 |
| pH of 5% slurry | | 7.08 | 7.41 | 7.35 | 7.28 | 7.29 |
| | | | | | | |
| Analyte | | mg/kg | mg/kg | mg/kg | mg/kg | mg/kg |
| Aluminum | Modified REAC SOP 1811 | 305 | 1180 | 948 | 357 | 1140 |
| Barium | Modified REAC SOP 1811 | 5.14 | 33.3 | 42.8 | 14.2 | 15.0 |
| Calcium | Modified REAC SOP 1811 | 278000 | 268000 | 254000 | 267000 | 249000 |
| Chromium | Modified REAC SOP 1811 | 1.92 | 5.28 | 3.98 | 2.81 | 4.34 |
| Cobalt | Modified REAC SOP 1811 | <0.87 | <0.87 | <0.83 | <0.89 | <0.80 |
| Copper | Modified REAC SOP 1811 | <1.62 | 1.79 | 2.80 | <1.71 | 6.15 |
| Iron | Modified REAC SOP 1811 | 841 | 1390 | 1630 | 1170 | 1850 |
| Lead | Modified REAC SOP 1811 | <2.17 | <2.18 | <2.33 | <2.44 | 3.46 |
| Magnesium | Modified REAC SOP 1811 | 463 | 6020 | 10300 | 934 | 4980 |
| Manganese | Modified REAC SOP 1811 | 3.24 | 48.8 | 71.3 | 16.1 | 89.1 |
| Mercury | Modified REAC SOP 1832 | 2.08 | 0.642 | 0.190 | 0.0668 | <0.047 |
| Nickel | Modified REAC SOP 1811 | <1.30 | 1.88 | 1.44 | 1.62 | 5.41 |
| Potassium | Modified REAC SOP 1811 | 106 | 368 | 333 | 195 | 685 |
| Selenium | Modified REAC SOP 1811 | 8.94 | 2.81 | <3.03 | 3.43 | <2.87 |
| Sodium | Modified REAC SOP 1811 | <217 | 428 | 498 | <244 | <220 |
| Vanadium | Modified REAC SOP 1811 | <0.87 | 2.52 | 2.28 | 2.77 | 3.36 |
| Zinc | Modified REAC SOP 1811 | <6.71 | <6.71 | <7.24 | <7.56 | <6.83 |
| Strontium (Drywall/Paper) | Modified REAC SOP 1811 | 244/48 | 2670/670 | 2670/634 | 489/110 | 638/119 |
| Strontium (Paint) | Modified REAC SOP 1811 | NA | 290 | 122 | NA | NA |
| Alkalinity (CaCO3) | SM2320B | <99 | <99 | 970 | <99 | 840 |
| Alkalinity - Bicarbonate | SM2320B | <99 | <99 | 970 | <99 | 840 |
| Sulfide (Lab1) | 9030B | <4 | <4 | <4 | <4 | 12 |
| Sulfide (Lab 2) | 9030B | <10 | <10 | <10 | <10 | <10 |
| Sulfate | Region II SOP#C-19 | 666000 | 535000 | 507000 | 652000 | 668000 |
| Chloride (water soluble) | Modified SM 4500-CI-E | 74 | 250 | 190 | 36 | 66 |
| Sulfur* | Modified REAC SOP 1805 | <8.23 | 119 | 63 | <8.13 | <7.84 |
| Formaldehyde (Drywall/Paper) | Modified NIOSH 2109 | ND/0.58 | ND/0.44 | ND/ND | ND/0.83 | 0.24/0.67 |
| Total Organic Carbon | Region II SOP#C-88 | 4300 | 2900 | 4300 | 2200 | 5600 |
| TOTAL ORGANIC COMPOUND* (Drywall/Paper) | REAC SOP 1805 | 7.775 | 145/125 | 243/246 | 18.3/299 | 31.6/70 |

* GC/MS analysis results from BNA extract including TIC'S

Raj April, 28, 2009

Table 2 Qualitative Analysis of Drywall Gypsum- XRF

| Sample # | Sample ID | | Ca | Fe | Sr |
|--------------|---------------------------|-------|-----------------|--------------|-------------|
| 1 | US Gypsum/Hamilton | US | 222000 +/- 1200 | 410 +/- 90 | 180 +/- 10 |
| 2 | Knauf/33928-20055 | China | 240000 +/- 1300 | 720 +/- 110 | 1970 +/- 32 |
| 2(Duplicate) | Knauf/33928-20055 | China | 241000 +/- 1300 | 730 +/- 100 | 1980 +/- 32 |
| 3 | MIC/33966-12077 | China | 238000 +/- 1300 | 930 +/- 120 | 2130 +/- 34 |
| 4 | Proroc/Certainyeed | US | 226000 +/- 1200 | 990 +/- 120 | 370 +/- 14 |
| 5 | National Gypsum/Gold Bond | US | 210000 +/- 1200 | 2010 +/- 150 | 460 +/- 16 |
| 6 | GP/Tough Rock | US | 220000 +/- 1200 | 1210 +/- 130 | 844 +/- 21 |

A. Major - Calcium

Present - Iron, Strontium, Sulfur

**Note: the sulfur line appears as weak peak in the XRF spectrum of each sample
(sulfur cannot be quantified in these samples with Niton XRF unit)**

B. XRF Results (total concentration) in ppm +/- 1 standard deviation

Table 3 Tentatively Identified Organic Compounds, estimated concentration (mg/kg)

| Sample # | 1 | | 2 | | 3 | | 4 | | 5 | | 6 | | |
|---|--------------------|-------|------------------|--------|----------------|--------|-------------------|-------|---------------------------|-------|---------------|--------------|-------|
| | US Gypsum/Hamilton | | Kraus/3928-20055 | | MCR/3958-12077 | | PROROC/Certaineed | | National Gypsum/Gold Bend | | GPITough Rock | | |
| | US | | China | | China | | US | | US | | US | | |
| Tentatively Identified Organic Compounds | Gypsum | Paper | Gypsum | Paper | Gypsum | Paper | Gypsum | Paper | Gypsum | Paper | Gypsum | Paper | |
| Propylene Glycol | 3.74 | | | | | | | | | | | | |
| Ethanol, 2-butyl- | 0.40 | | | | | | | | | 1.67 | | | |
| Hexylene Glycol | 6.60 | | | | | | | | | 0.99 | | | |
| 2-Propanol, 1-butyl- | 6.94 | | | | | | | | | 1.88 | | | |
| Ethanol, 2,2'-oxybis- | 7.24 | | | | | | 2.62 | | | 0.78 | | | |
| Hexanoic acid | 7.38 | | | | | | | | | | 1.48 | | |
| Ethanol, 2,2'-oxybis- | 7.43 | | | | | | | | | | | | |
| 2-Propanol, 1-(2-methoxy-1-methylethoxy)- | 7.83 | | | 1.17 | | | | | | | | | |
| Ethane, 1,1'-oxybis[2-ethoxy-] | 7.86 | | | 3.29 | 3.15 | | | | | | | | |
| 2-Propanol, 1-(2-methoxypropoxy)- | 8.03 | | | 2.06 | | | | | | | | | |
| dipropylene glycol | 8.52 | | | | | 2.56 | | | | | | | |
| Hexanoic acid, 2-ethyl- | 9.40 | | | | | | | | | 0.65 | | | |
| 1,3-Pentanediol, 2,2,4-trimethyl- | 10.04 | | | | | 1.45 | | | | | | | |
| Ethanol, 1-(2-butylthioxy)- | 10.48 | | | 6.64 | 4.26 | 23.92 | 1.07 | | | | | | |
| Unknown | 11.11 | | | | | 2.39 | | | | | | | |
| Quinoline | 11.27 | | | | | | | | | 0.65 | | | |
| Unknown | 11.45 | | | | | 1.52 | | | | | | | |
| Unknown | 11.49 | | | | | 1.77 | | | | | | | |
| 2-Propanol, 1-[2-(2-methoxy-1-methylethoxy)-1-methylethoxy]- | 11.68 | | | 0.80 | | | | | | | | | |
| 2-Propanol, 1-[2-(2-methoxy-1-methylethoxy)-1-methylethoxy]-isomer | 11.74 | | | 2.22 | | | | | | | | | |
| 2-Propanol, 1-[2-(2-methoxy-1-methylethoxy)-1-methylethoxy]-isomer | 11.78 | | | 0.97 | | | | | | | | | |
| Hexamethylene glycol dimethyl ether (7) | 11.92 | | | 1.37 | | | | | | | | | |
| 2-Propanol, 1-(2-methoxy-1-methylethoxy)-isomer | 11.96 | | | 1.48 | 1.60 | | | | | | | | |
| Cyclohexadecane, dodecylmethyl- | 11.99 | | | | | | | | | 0.65 | | | |
| 2,2,4-Trimethyl-1,3-pentenediol diisobutylate | 12.57 | | | | 18.35 | | | | | 1.00 | | | |
| Propanoic Acid, 2-methyl-, 2,2-dimethyl-, 1-(2-hydroxy-1-methylethyl)propyl ester | 12.57 | | | | | | 2.79 | | | | | | |
| Propanoic Acid, 2-methyl-, 2,2-dimethyl-, 1-(2-hydroxy-1-methylethyl)propyl ester/unknown | 12.83 | | | 57.84 | | 92.38 | | | | | | | |
| Propanoic Acid, 2-methyl-, 2,2-dimethyl-, 1-(2-hydroxy-1-methylethyl)propyl ester/unknown | 12.83 | | | 60.45 | | 83.67 | | | | | | | |
| Vanillin | 13.08 | | | | | | | | 0.66 | 0.53 | 1.56 | | |
| Cyclododecane | 13.75 | | | | | | 6.24 | | | | | | |
| Phenol, 2,6-bis(1,1-dimethylethyl)-4-ethyl- | 14.81 | | | | 1.78 | | | | | | | | |
| Unknown | 15.11 | | | | | | | | | | 1.21 | | |
| Cedrol | 15.47 | | | | | | | | | 1.28 | | | |
| Benzyl Benzoate | 16.84 | | | | | 4.24 | | | | | | | |
| Homomenthyl sebacate | 17.94 | | | 0.58 | | | | | | | | | |
| n-Hexadecanoic acid | 18.27 | | 1.29 | | 1.98 | 1.10 | | | 1.12 | 0.79 | 2.44 | | |
| 9-Octadecenoic acid, (E)- or oleic acid | 19.72 | | 2.76 | | | | | 0.19 | | | 1.23 | | |
| Bis(2-ethylhexyl) maleate | 19.86 | | | | 7.00 | | 1.01 | | | | | | |
| Octadecanoic acid | 19.87 | | | | | | | | | | 1.91 | | |
| C21 alkane | 20.16 | | | | | | 8.16 | 0.20 | | | | 24.51 1.14 | |
| n-alkane | 20.89 | 0.27 | 1.62 | 0.75 | 1.94 | | 0.65 | | 0.63 | | | 78.78 3.36 | |
| Tetraacosane | 21.80 | 0.45 | 3.66 | 1.71 | 3.56 | 2.13 | | 1.56 | 1.32 | 1.69 | 1.83 | 196.23 7.97 | |
| morpholine, 4-phenyl- | 22.26 | | | | | | 2.13 | | | | | | |
| C26 alkane | 22.27 | 0.62 | 6.81 | 2.16 | 6.67 | 2.67 | | 2.76 | 3.29 | 3.03 | 4.96 | 358.70 14.26 | |
| dihydroxyglycol dibenzoate isomer | 22.34 | 0.39 | 8.28 | | 18.13 | | 7.98 | 0.18 | 2.93 | 0.81 | 8.66 | | |
| unknown | 22.88 | | | | | | 1.32 | 0.19 | | | | | |
| C28 alkane | 22.91 | 0.52 | 7.02 | 1.87 | 3.88 | 2.21 | | 2.89 | 3.89 | 3.48 | 3.85 | 455.65 18.01 | |
| C28 alkane | 23.31 | | | | | | | | | | | 18.94 0.86 | |
| C26 alkane | 23.54 | 0.42 | 7.36 | 2.04 | 5.63 | 2.95 | | 3.07 | 4.04 | 3.47 | 4.86 | 690.11 20.86 | |
| Alkane | 23.82 | | | | | | | 0.17 | | | | 32.47 1.32 | |
| Octacosane | 24.15 | | | | | | 1.12 | | 1.37 | 3.06 | 1.64 | 3.68 | |
| Alkane | 23.99 | | | | | | | | | | | 20.41 | |
| Unknown | 24.44 | | | | | | 0.91 | | | | | | |
| C28 alkane | 24.14 | 0.29 | 4.47 | 0.92 | 3.07 | | | | | | | 113.85 5.80 | |
| C29 alkane | 24.77 | 0.25 | 4.09 | 0.83 | 6.83 | 1.08 | 1.20 | 1.20 | 2.68 | 1.16 | 3.88 | 126.96 6.18 | |
| alkane | 26.28 | | 2.46 | | 3.13 | 0.72 | 3.13 | 0.60 | 1.48 | | 3.54 | 126.66 5.77 | |
| alkane | 27.21 | | 1.89 | | 3.11 | | 3.11 | 0.30 | 0.94 | | 2.78 | 108.49 4.35 | |
| Bisphenyl sulfone isomer | 27.30 | 0.27 | | | | | | 0.25 | | | | | |
| Bisphenyl sulfone isomer | 28.19 | | | | | | 0.59 | | | | | | |
| Heptacontane | 28.30 | | 1.33 | | | | | | | | | | |
| C33 n-alkane | 28.30 | | | | | | | | | | 2.02 | 74.28 2.86 | |
| beta-Sitosterol | 29.51 | 0.17 | | | | | | | | | | | |
| Tetracontane | 29.80 | | 0.86 | | | | | | | | 1.65 | 60.23 1.82 | |
| Octadecanoic acid, ethyl ester | 30.82 | | 2.07 | | | | | | 1.43 | | 1.13 | | |
| Alkane | 30.88 | | | | | | | | | | | | 0.84 |
| C35 Alkane | 31.13 | | | | | | | | | | | | 28.45 |
| 18-Pentatriacontanone | 32.78 | | 0.87 | | | | | | | | | | |
| Unknown | 32.79 | | | | | | | | 0.94 | | 0.89 | | |
| Total organic | | 7.56 | 73.72 | 142.11 | 118.61 | 233.80 | 48.84 | 18.31 | 28.91 | 30.46 | 66.11 | 234.74 | 15.80 |

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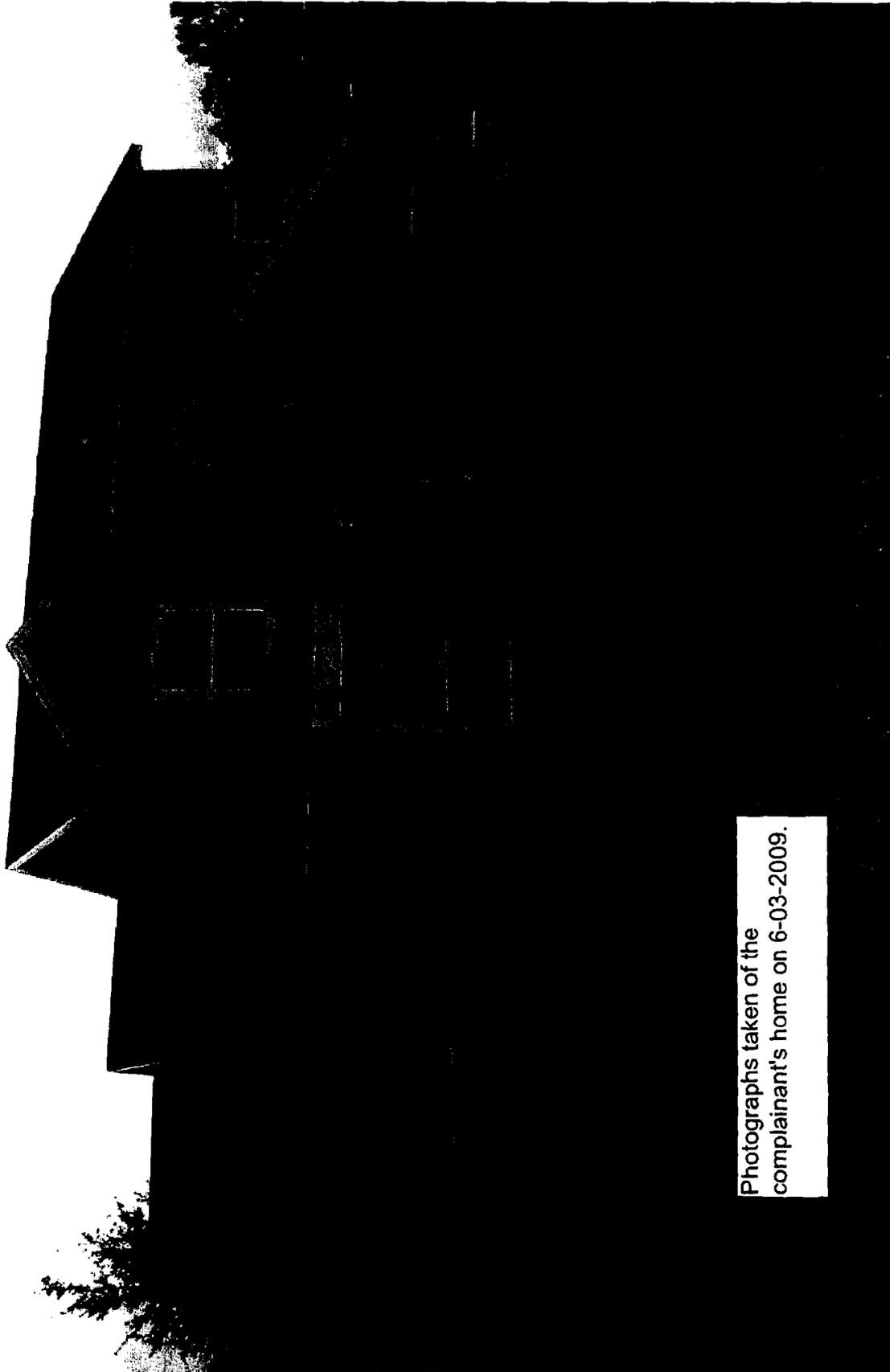
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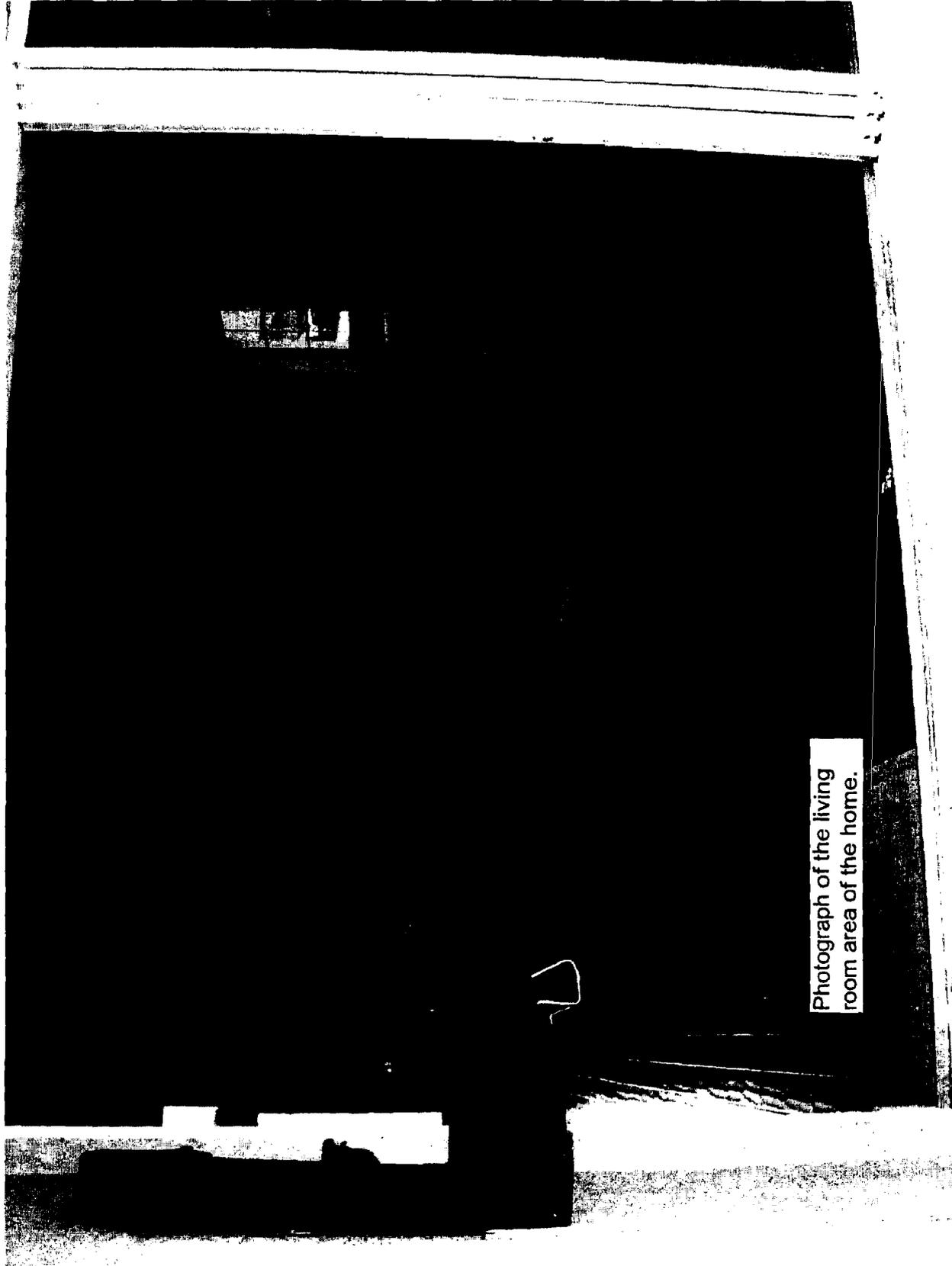
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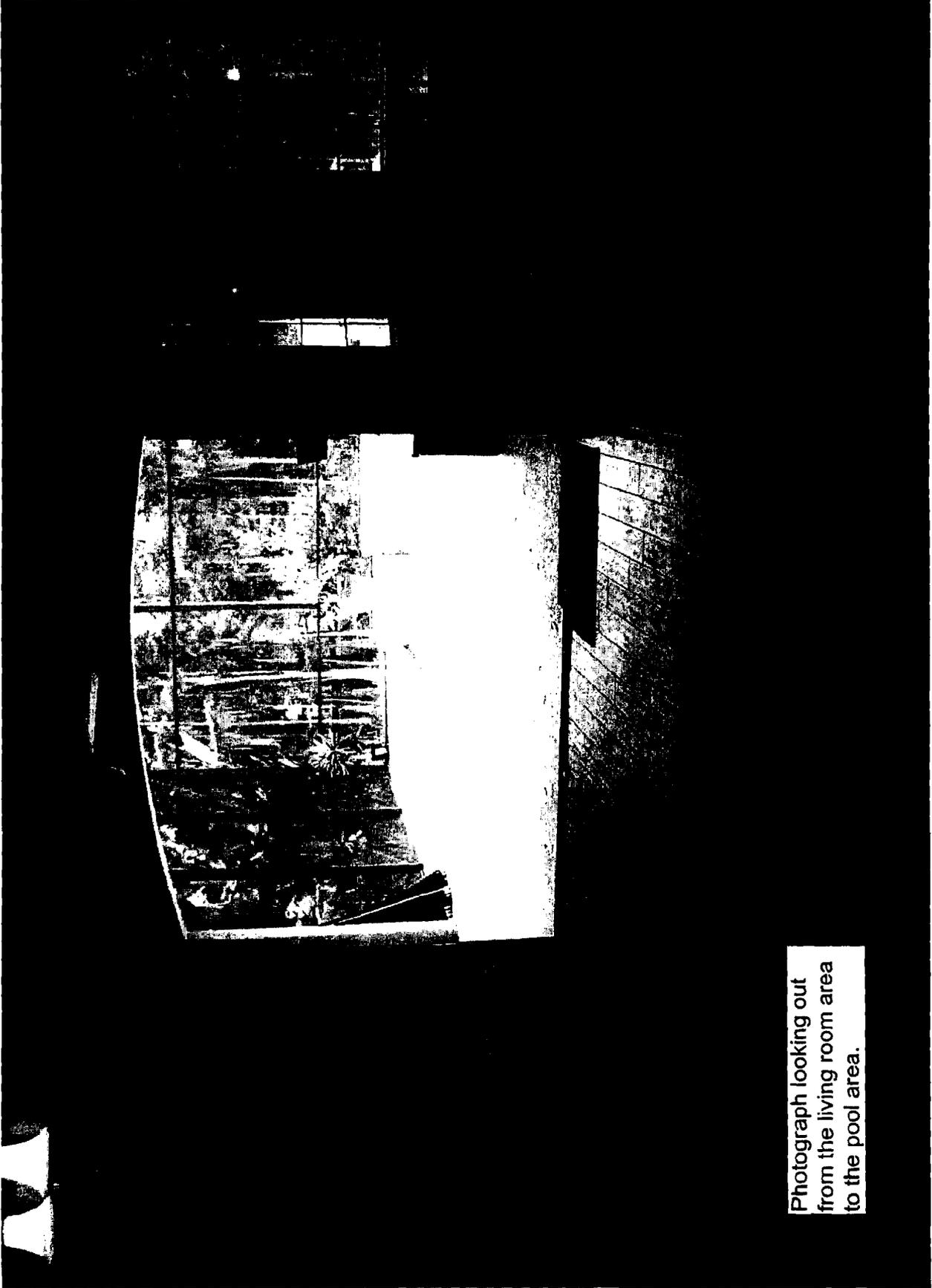
Not Responsive



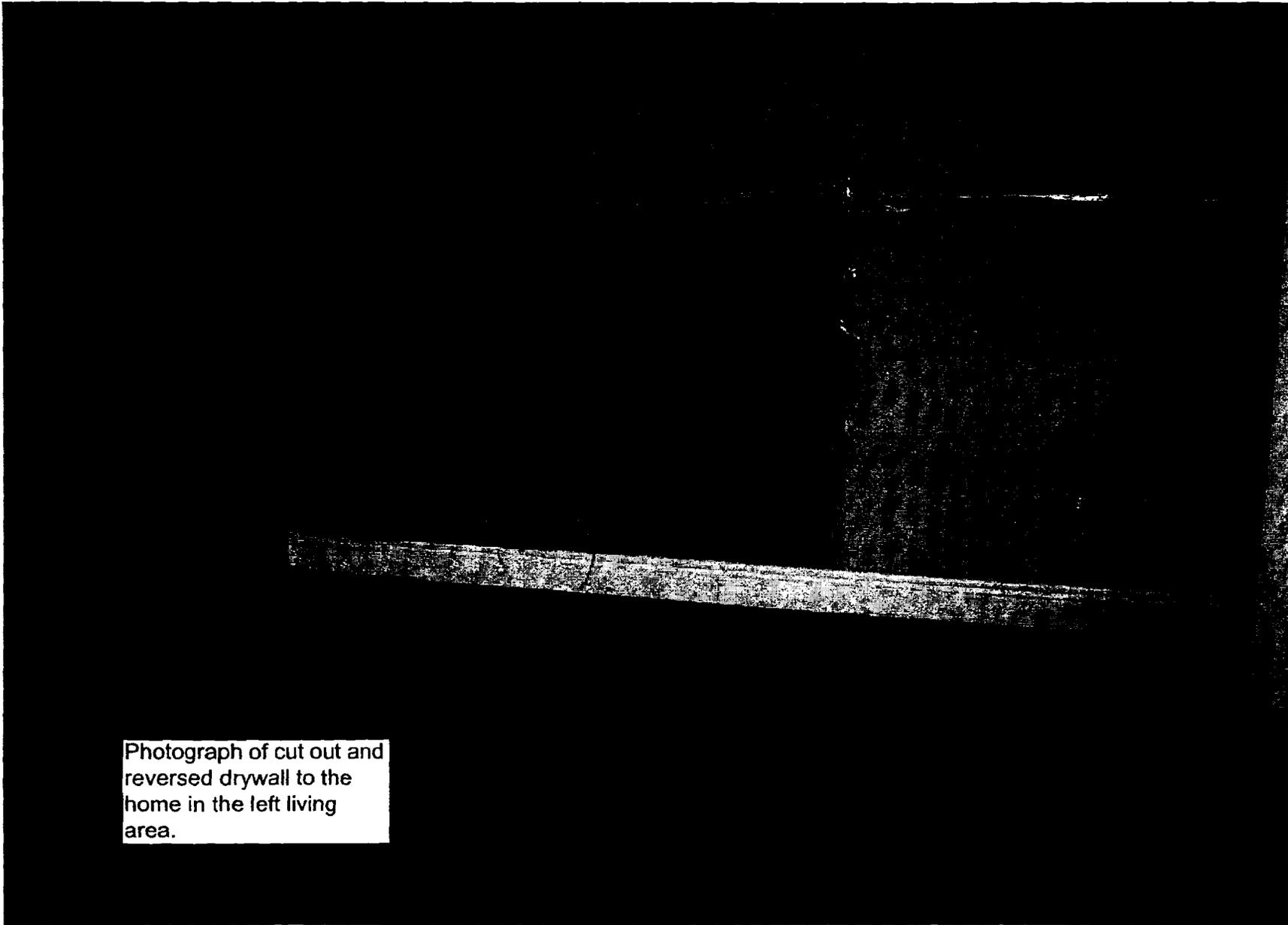
Photographs taken of the complainant's home on 6-03-2009.



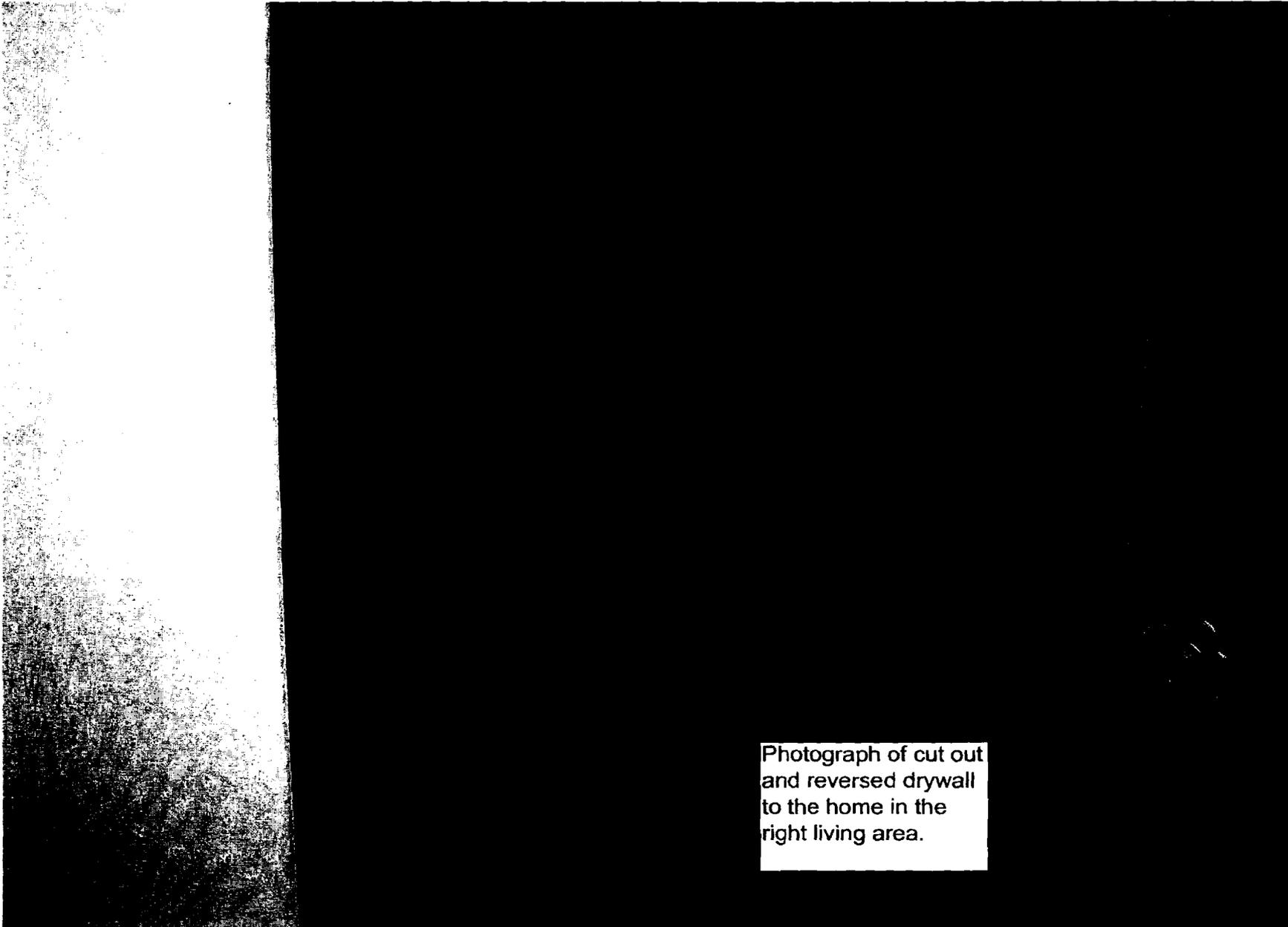
Photograph of the living room area of the home.



Photograph looking out from the living room area to the pool area.



Photograph of cut out and reversed drywall to the home in the left living area.



Photograph of cut out
and reversed drywall
to the home in the
right living area.



Labeling on the back
of the drywall



Labeling on the back of
the drywall

(b)(3):CPSA Section 6(b)

(b)(3):CPSA Section 6(b)

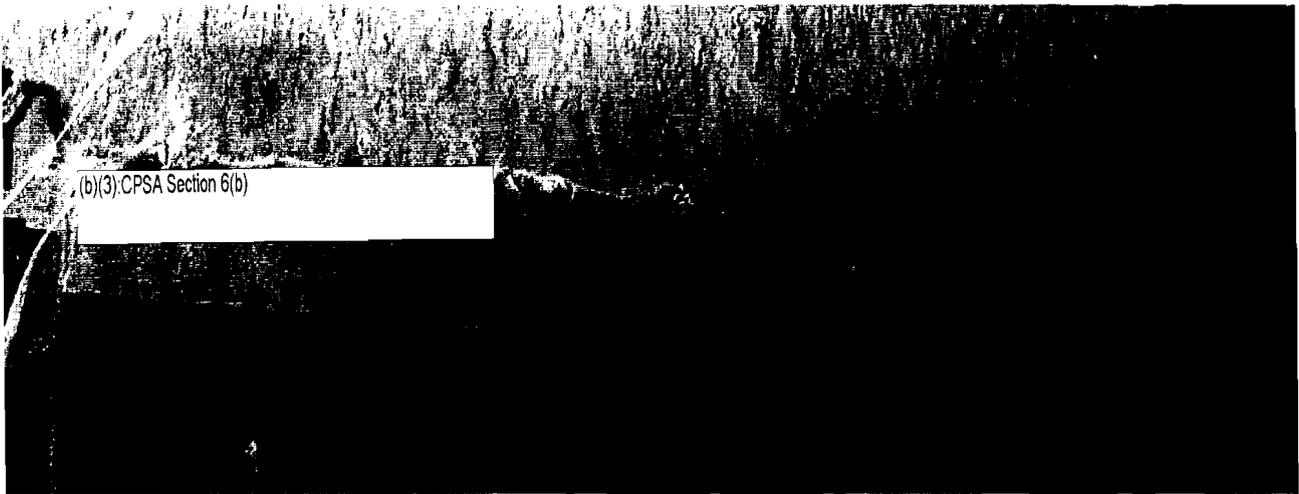
Labeling on the back
of the drywall

(b)(3)-CPSA Section 6(b)

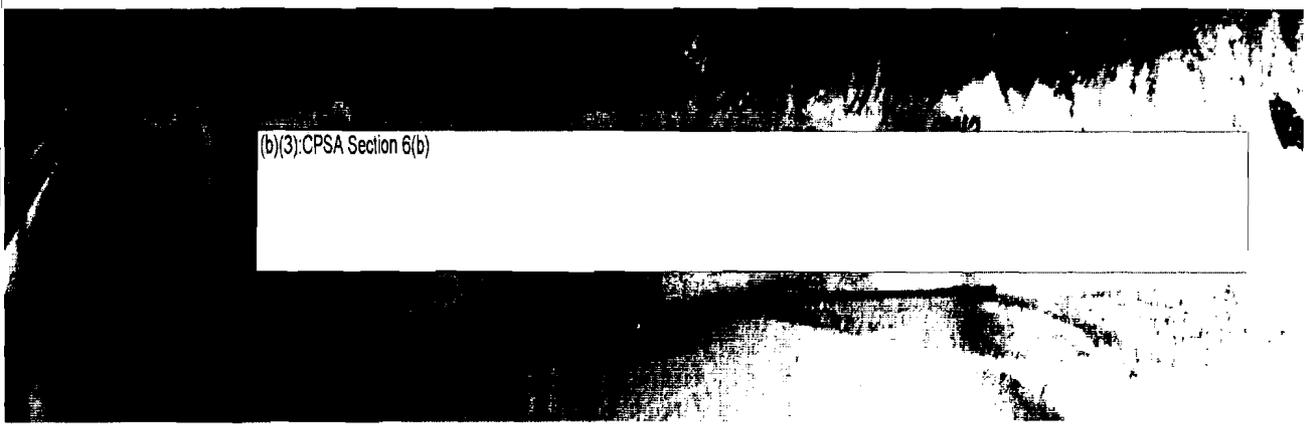
Labeling on the back of
the drywall

(b)(3).CPSA Section 6(b)

Labeling on the back
of the drywall



Labeling on the back
of the drywall



(b)(3):CPSA Section 6(b)

Labeling on the back of
the drywall



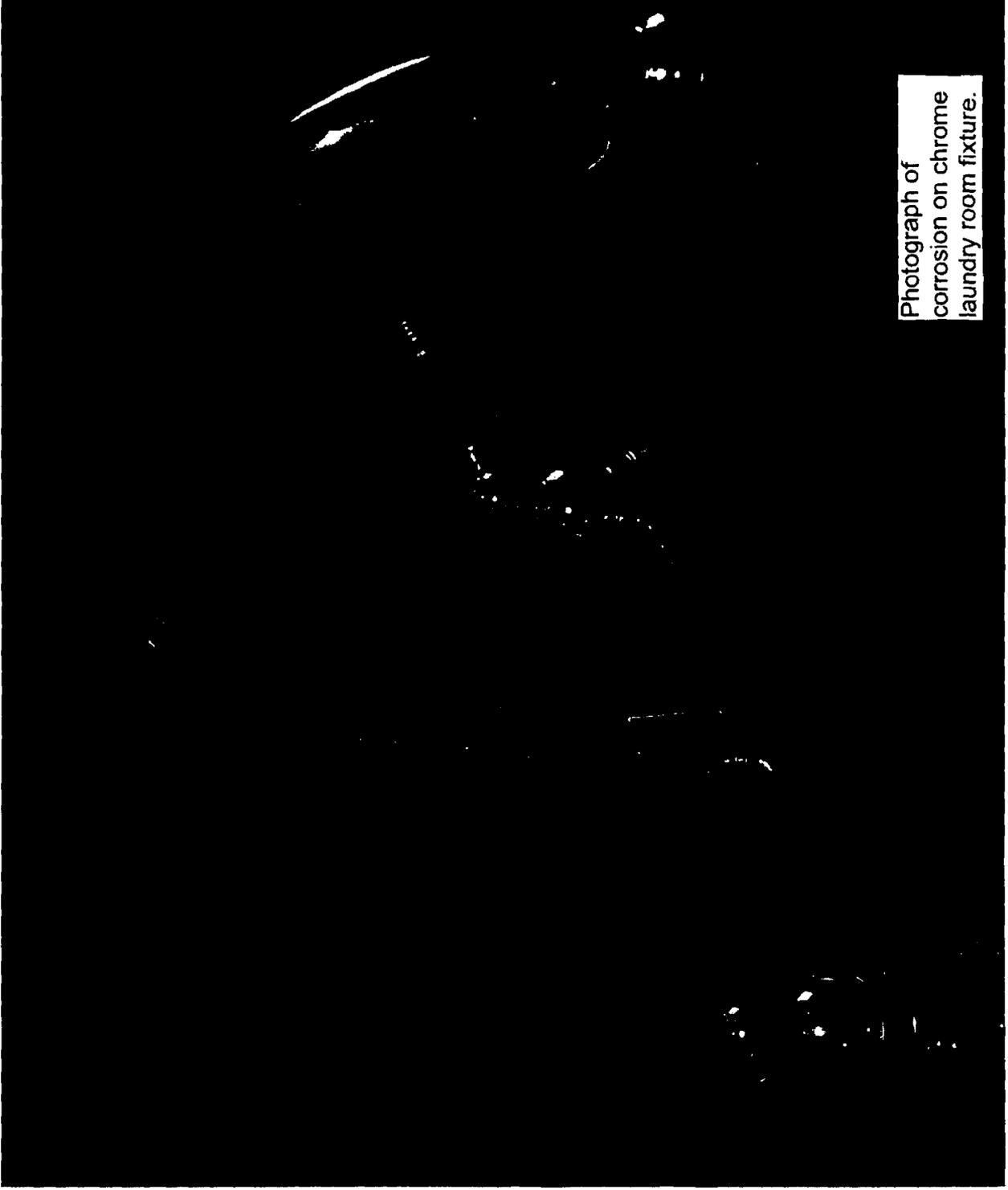
Photograph of corrosion on a bathroom chrome fixture.



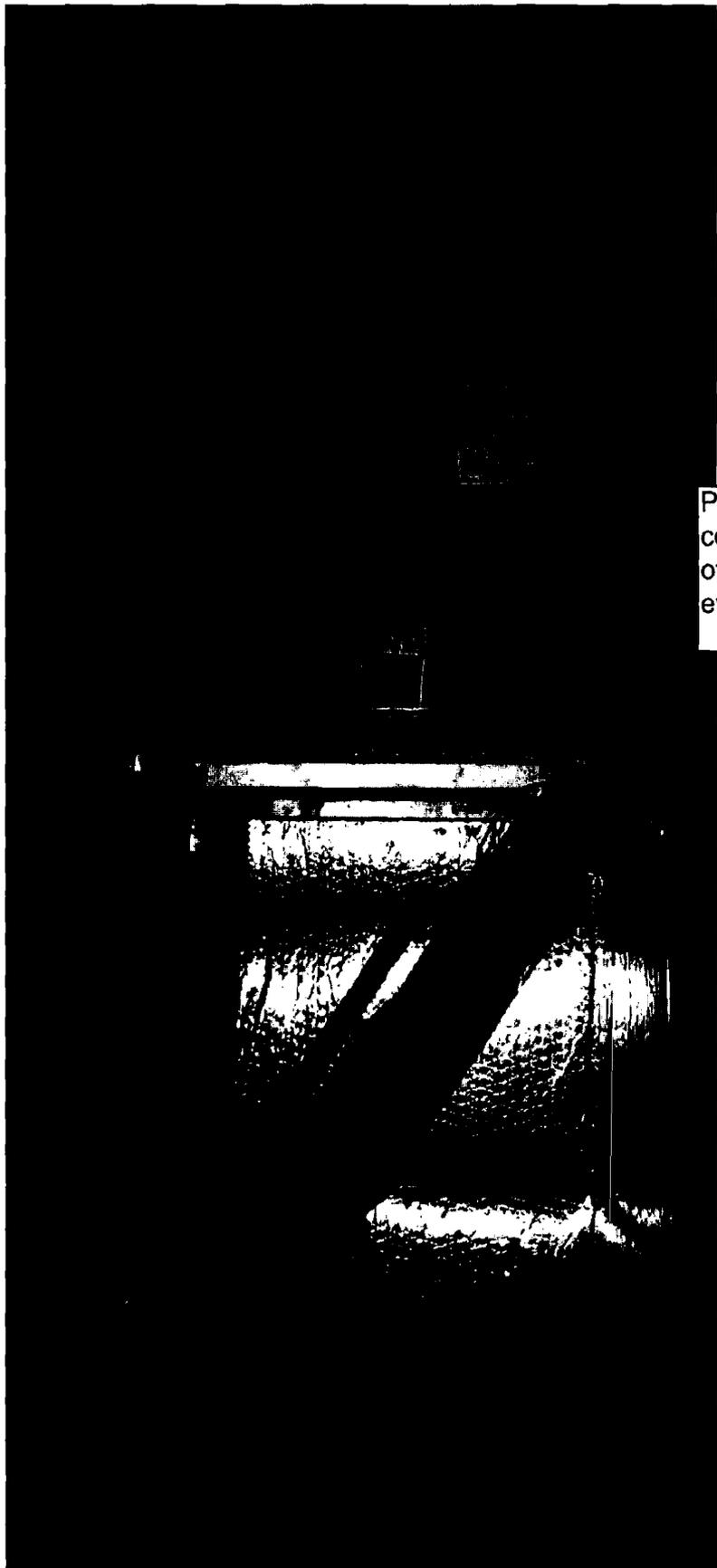
Photograph of corrosion on a bathroom fixture.



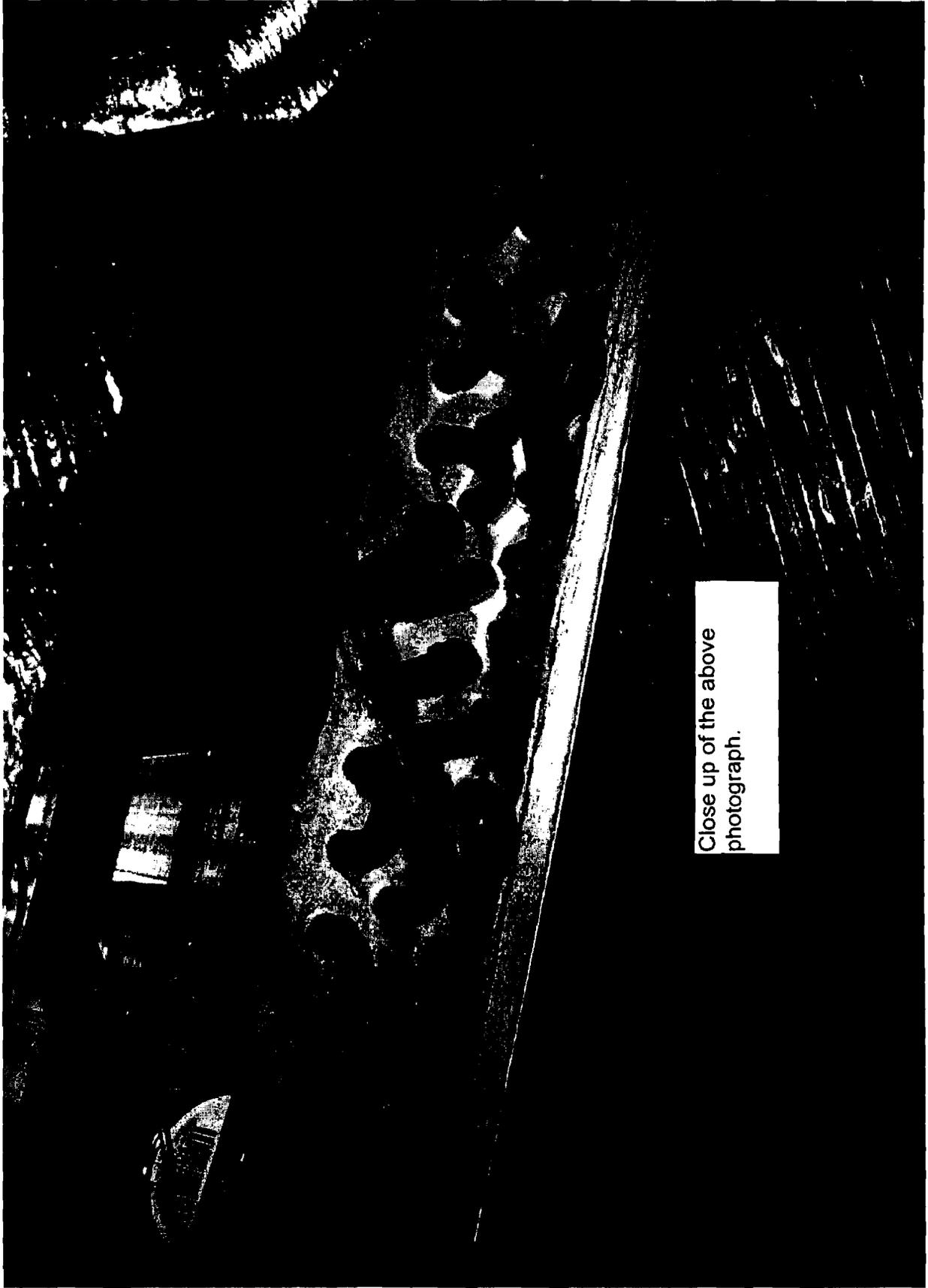
Photograph of black corrosion on the ground wire of the electrical outlet.



Photograph of
corrosion on chrome
laundry room fixture.



Photograph of corrosion on one of the replaced evaporator coils.



Close up of the above
photograph.

Labeling on the above air conditioner.

1/80
D/2011 W/C
DESIGN SIG 450

APPROVED ACCESSORIES

| | | | |
|--------------|--------------|--------------|--------------|
| KFCEH**01H10 | KFCEH**01H15 | KFCEH**01H20 | KFCEH**01N05 |
| KFCEH**01C05 | KFCEH**01N08 | KFCEH**01C08 | KFCEH**01N09 |
| KFCEH**01N10 | KFCEH**01C10 | KFCEH**01F15 | KFCEH**01C15 |
| KFCEH**01315 | KFCEH**01F20 | KFCEH**01C20 | |

** - NUMERIC

ELECTRICAL INFORMATION FOR THIS UNIT
FOR FIELD INSTALLED ELECTRIC HEATERS APPLY ELECTRICAL INFORMATION
PLATE SUPPLIED WITH HEATER IN THIS BLOCK.

| | | |
|--------------------------|-----|-------------------|
| SINGLE SUPPLY CIRCUIT | | |
| L1/L2 HEATER AMPS | 0 | MIN. AMPACITY 3.0 |
| MAX. OVERCUR. PROTECTION | 15 | |
| DUAL SUPPLY CIRCUIT | | |
| L1/L2 HEATER AMPS | N/A | MIN. AMPACITY N/A |
| MAX. OVERCUR. PROTECTION | N/A | |
| L3/L4 HEATER AMPS | N/A | MIN. AMPACITY N/A |
| MAX. OVERCUR. PROTECTION | N/A | |
| HEAT PACK INSTALLED | | N/A |

UNIT HAS INTEGRAL LIMIT CONTROL. MAX. OUTLET TEMP. 200F
 MOTOR THERMALLY PROTECTED.
 SEE INSTALLATION INSTRUCTIONS FOR SPECIFIC INSTALLATION REQUIREMENTS AND
 APPROVED ACCESSORY KIT INFORMATION.
 MAX. VOLTAGE TO GROUND OF SUPPLY CIRCUIT NOT TO EXCEED 120 VOLTS IF HEATER
 HAS CIRCUIT BREAKER CONTROL.
 COIL FOR COOLING ONLY EXCEPT WHEN INSTALLED AS PART OF A LISTED HEAT PUMP.
 APPROVED HEATERS MFG'D BY CAC/BDP, INDIANAPOLIS, IN
 CLEARANCE TO COMBUSTIBLE MATERIALS TO BE 0" FOR CASING, PLENUM AND DUCT FOR
 UNITS WITH 0 TO 18KW HEATERS.
 FOR UNITS WITH HEATERS 20KW AND ABOVE, CLEARANCE TO COMBUSTIBLE MATERIAL IS
 TO BE 0" TO CASING AND 1" FOR FIRST 36" OF PLENUM AND DUCT.

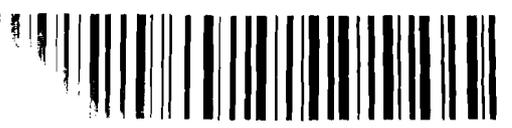
CAUTION METERING DEVICE FOR THIS COIL MUST
 MATCH THAT SHOWN ON OUTDOOR UNIT
 RATING PLATE. REPLACE IF NECESSARY.
 THIS UNIT IS EQUIPPED WITH METERING DEVICE:

TXV

Not Responsive



Model Number FY4ANF036000AAAA

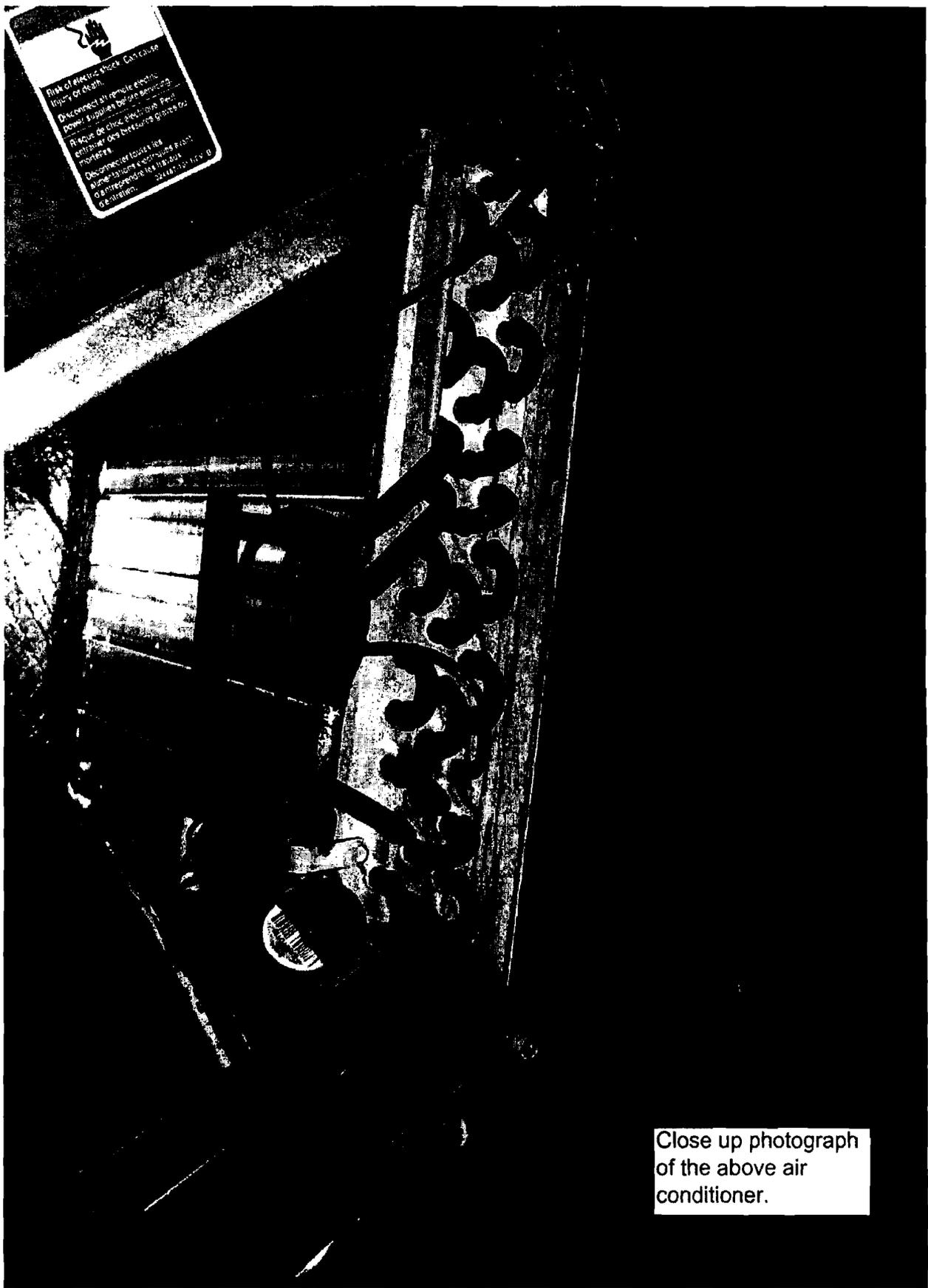


Serial Number 2906A85356

328430

Photograph of
upstairs air
conditioner in the
home.





Close up photograph of the above air conditioner.

Photograph of the labeling.



REFRIGERANT R10A DESIGN PSIG 450
L121N W.C.
1/60

APPROVED ACCESSORIES

- KFCEH**01N01
- KFCEH**01C05
- KFCEH**01C10
- KFCEH**01H15
- KFCEH**01N08
- KFCEH**01F15
- KFCEH**01N03
- KFCEH**01C08
- KFCEH**01C15
- KFCEH**01N05
- KFCEH**01N10

** - NUMERIC

ELECTRICAL INFORMATION FOR THIS UNIT

FOR FIELD INSTALLED ELECTRIC HEATERS APPLY ELECTRICAL INFORMATION PLATE SI

INSTALLER: APPLY THIS INFORMATION PLATE OVER SPACE INDICATED ON DOOR RATING PLATE SEE INSTALLATION INSTRUCTIONS FOR 1" CLEARANCE REQUIREMENTS

| | | | | | |
|---------|----------------|-----------------------------|---------------|-----------|---------|
| L1/L2 H | SINGLE | SUPPLY CIRCUIT | VOLTS | 208/230 | PHASE 1 |
| L1/L2 | HEATER AMPS | 18.1 20.0 | MIN. AMPACITY | 31.2 33.5 | |
| L1/L2 H | SUPPLY CIRCUIT | MAX. OVERCURRENT PROTECTION | MIN. AMPACITY | 36/35 | |
| L1/L2 H | HEATER AMPS | MAX. OVERCURRENT PROTECTION | MIN. AMPACITY | | |
| L3/L4 Y | HEATER AMPS | MAX. OVERCURRENT PROTECTION | MIN. AMPACITY | | |
| | HEAT PACKAGE | MAX. OVERCURRENT PROTECTION | MIN. AMPACITY | | |

IN THIS UNIT KFCEH050 1N05

LABEL P/N 324515-106

REV B

UNIT HAS INTEGRAL LIMIT CONTROL. MAX. OUTLET TEMP 200F
 MOTOR THERMALLY PROTECTED.
 SEE INSTALLATION INSTRUCTIONS FOR SPECIFIC INSTALLATION REQUIREMENTS AND APPROVED ACCESSORY KIT INFORMATION.
 MAX. VOLTAGE TO GROUND OF SUPPLY CIRCUIT NOT TO EXCEED 120 VOLTS R.M.S. AFTER HAS CIRCUIT BREAKER CONTROL.
 COIL FOR COOLING ONLY EXCEPT WHEN INSTALLED AS PART OF A...
 APPROVED HEATERS MFG'D BY CAC/BDP, INDIANAPOLIS, IN
 CLEARANCE TO COMBUSTIBLE MATERIALS TO BE 0" FOR CASING
 UNITS WITH 0 TO 18KW HEATERS.
 FOR UNITS WITH HEATERS 20KW AND ABOVE, CLEARANCE TO...
 TO BE 0" TO CASING AND 1" FOR FIRST 36" OF PLENUM AND...

CAUTION

METERING DEVICE FOR THIS COIL MUST MATCH THAT SHOWN ON OUTDOOR UNIT RATING PLATE. REPLACE IF NECESSARY. THIS UNIT IS EQUIPPED WITH METERING DEVICE

Not Responsive

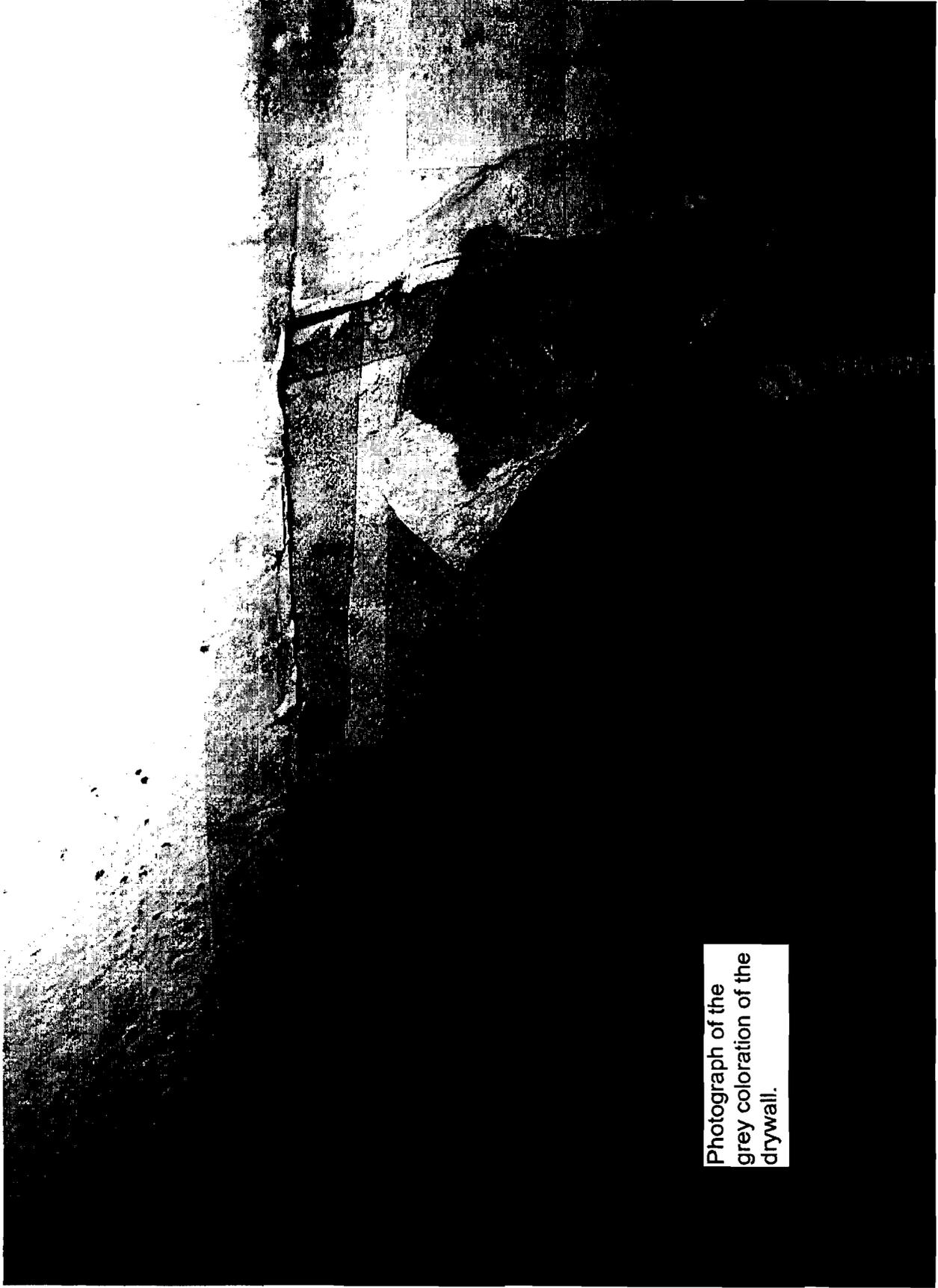


Model Number FYAAN1024000AAAA

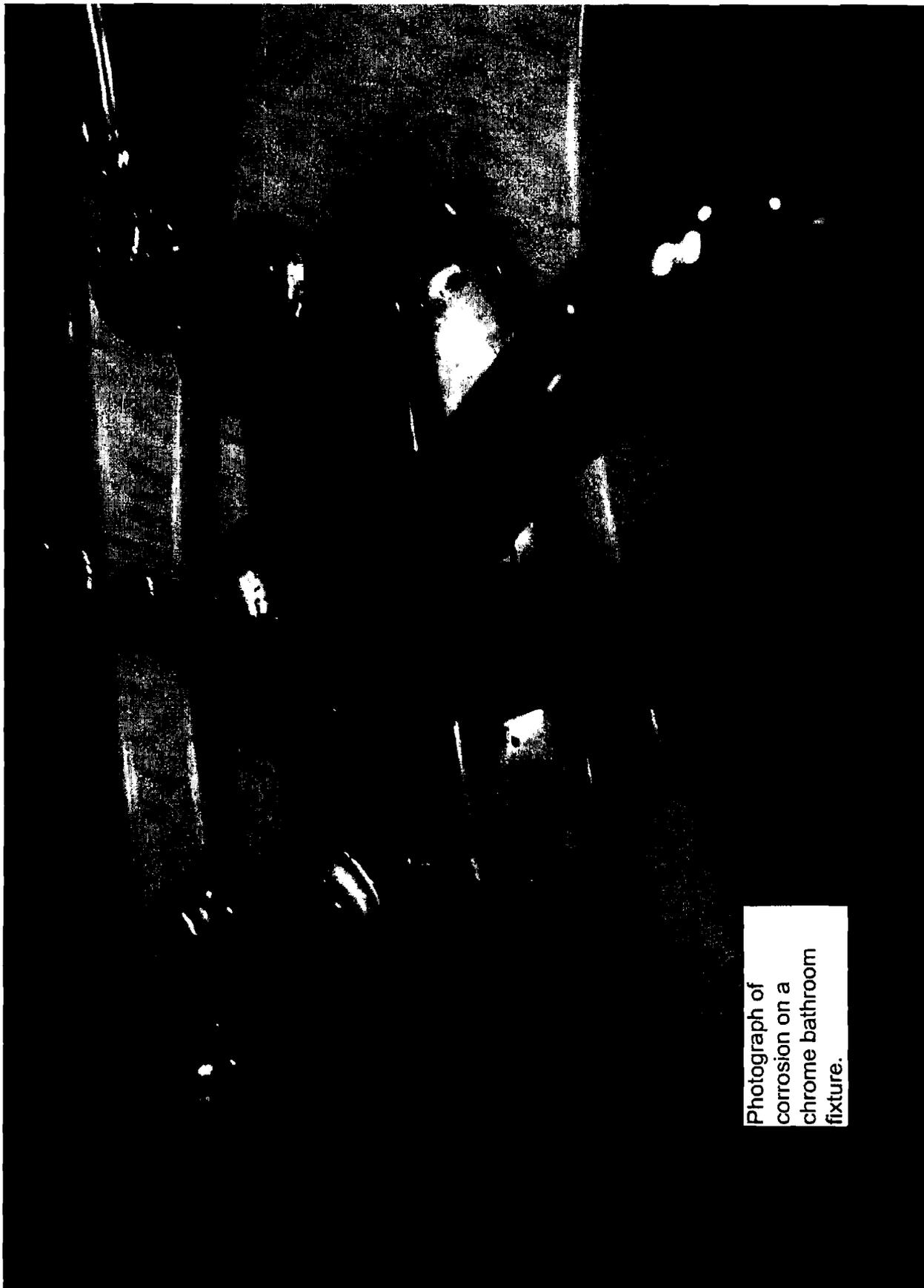


Serial Number 2806A75889

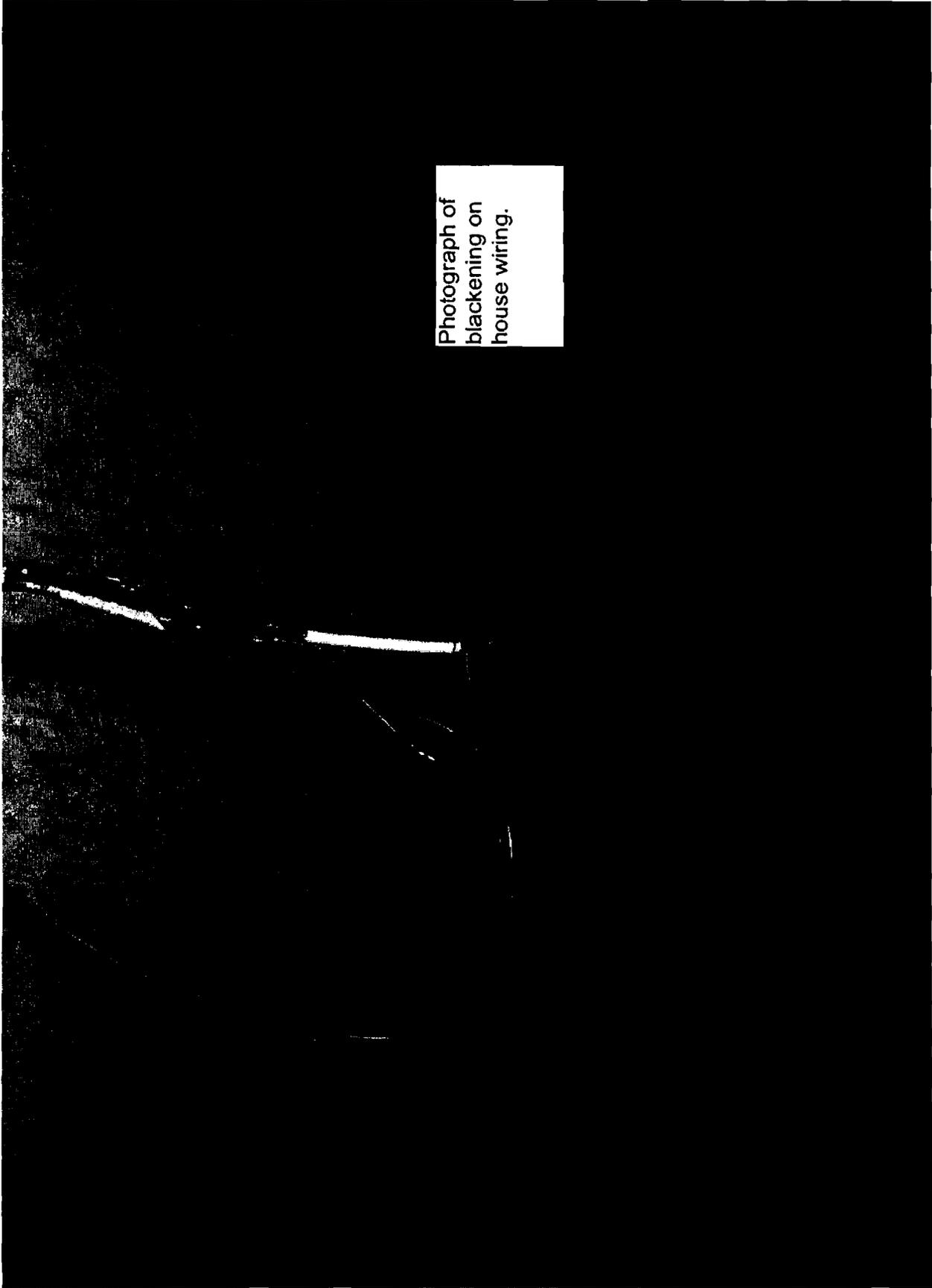
101 REV. D



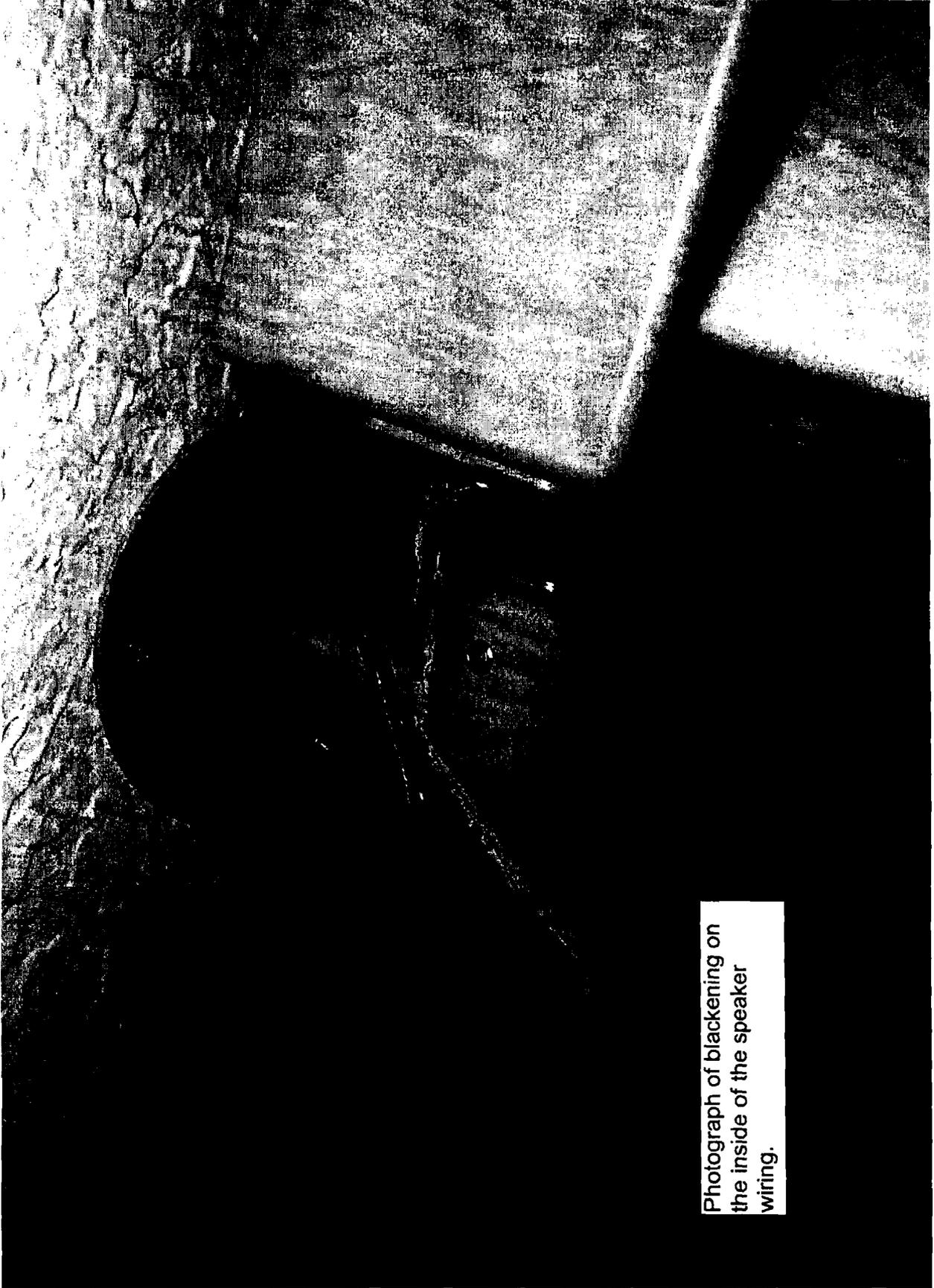
Photograph of the
grey coloration of the
drywall.



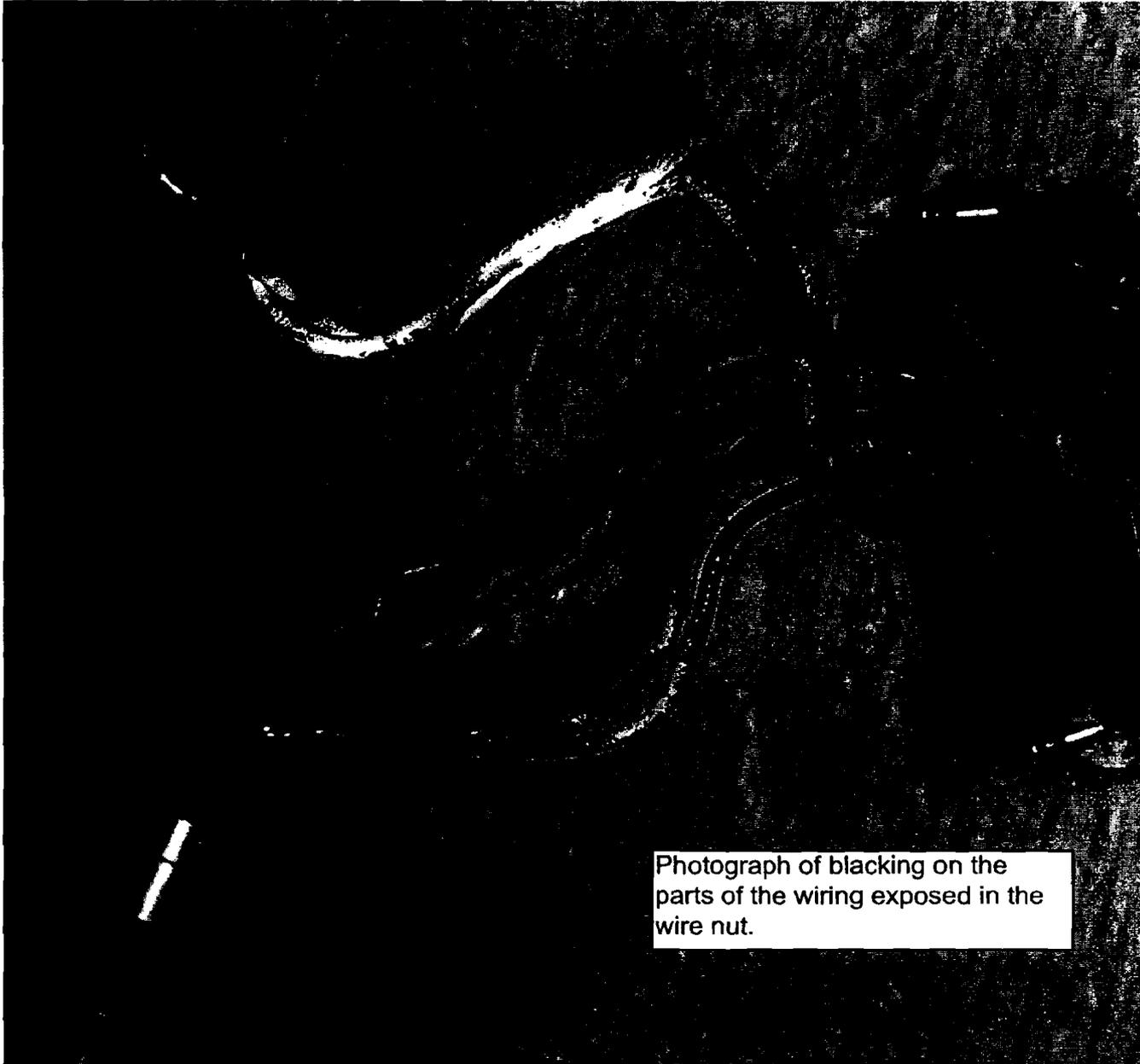
Photograph of corrosion on a chrome bathroom fixture.



Photograph of
blackening on
house wiring.



Photograph of blackening on the inside of the speaker wiring.



Photograph of blacking on the parts of the wiring exposed in the wire nut.

U.S. Consumer Product Safety Commission

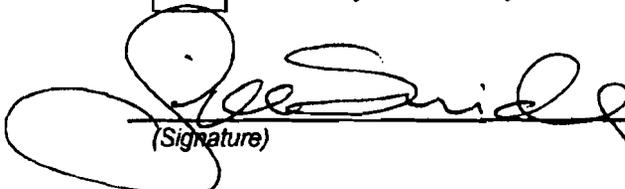
AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

- I request that you do not release my name. My identity is to remain confidential.
- You may release my name to the manufacturer but I request that you do not release it to the general public.
- You may release my name to the manufacturer and to the public.

 6/3/09
(Signature) (Date)

PRODUCT IDENTIFICATION

Issue No. 70,047 ***"

FIELD SUMMARY

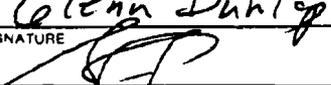
homes 8 alarms are interconnected by hard wiring and when one would sound they would all sound. There was no master control panel/monitoring system.

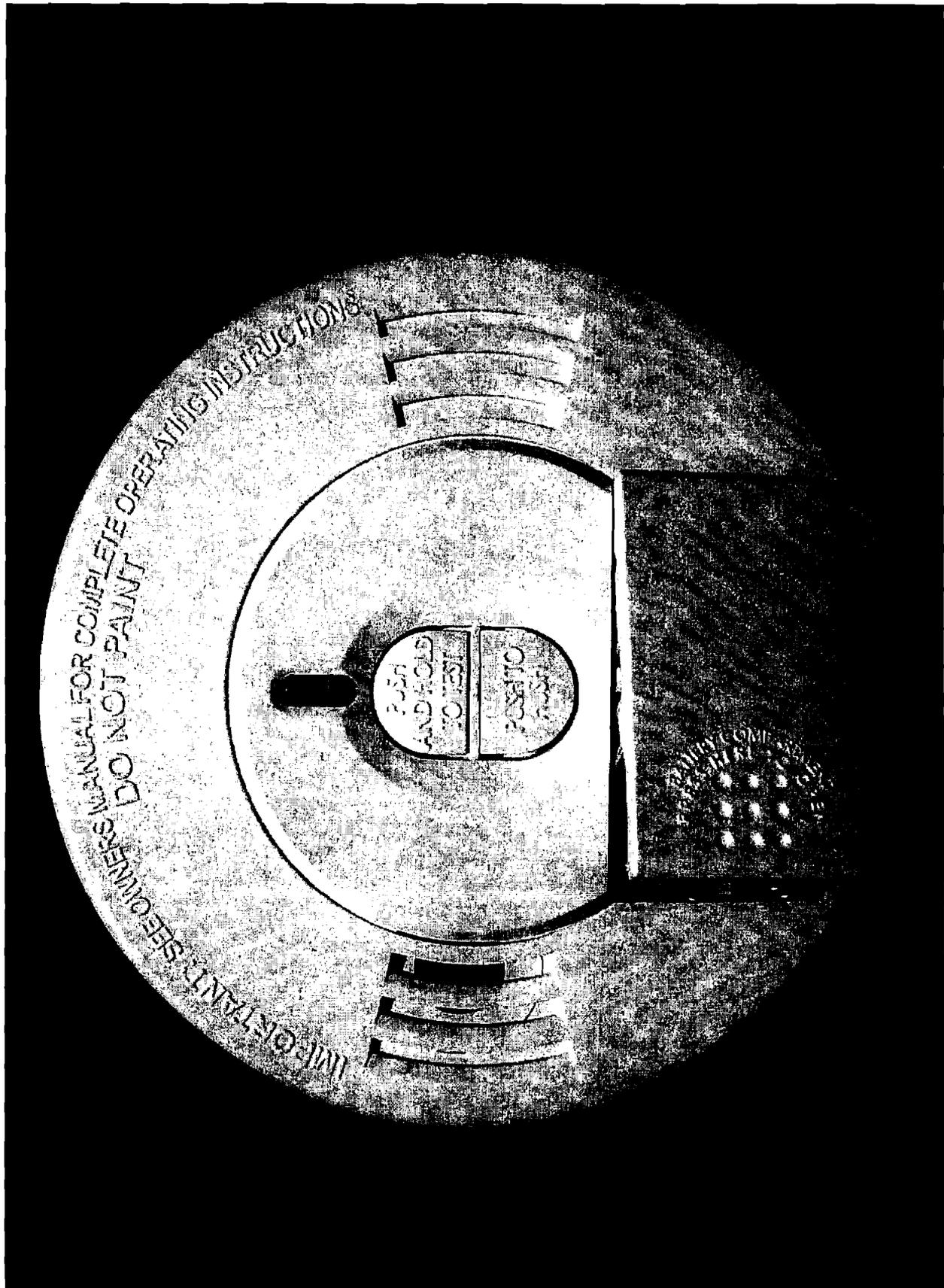
METHOD OF COLLECTION

that was provided by the complainant to this investigator. The sample was identified as in Box #21 and officially sealed as in Box #22 in a cardboard box. Sample remained under lock & key; or in investigator's possession from the time of collection until submission.

REMARKS

It should also be noted that the unit has a battery backup and is hard wired into their home. On 6-08 at this investigator's residence station it did a "beep, beep, beep, pause, beep" once at night. On 6-09 it did that three times only at night. Finally at 4 am I heard it beep again and realized it was the complainant's smoke detector! The beeping was never continuous or periodic and never sounded during the day.

| | | | |
|---|---|---|--|
| U.S. CONSUMER PRODUCT SAFETY COMMISSION | | 1. AREA OFFICE Glenn Dunlap 407-671-5737 US Consumer Prod Safety Comm 2344 Pear Tree Court Orlando, FL 32807 | |
| 2. NAME OF INDIVIDUAL Jill Swidler | 3. TITLE OF INDIVIDUAL home owner | 4. DATE 6-3-09 | |
| 5. FIRM NAME NA | | 6. SAMPLE NUMBER 09-810-7070 | |
| 7. NUMBER AND STREET 1101 Versailles Blvd | 8. CITY AND STATE (Include Zip Code) Clermont, FL 34711 | | |
| 9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification) <p>The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2078(f) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form.</p> <p>I, Glenn L. Dunlap received from Mr & Mrs Swidler one</p> <div style="border: 1px solid black; width: 150px; height: 100px; margin: 10px 0;"> <p>Not Responsive</p> </div> <p style="margin-left: 150px;">Smoke Alarm possible</p> <p>review by the CPSC due to alarm sounding when no fire / smoke present</p> | | | |
| 10. SAMPLES | 11. SAMPLES WERE | 12. COLLECTOR | |
| a. AMOUNT RECEIVED FOR SAMPLE | <input type="checkbox"/> PURCHASED | a. NAME (Print or type) Glenn Dunlap | |
| b. SIGNATURE (Person from whom sample received) Sent by mail | <input type="checkbox"/> BORROWED (to be returned) | b. SIGNATURE  | |





Measuring the gypsum content of C&D debris fines

Stephen E. Musson, Qiyong Xu, Timothy G. Townsend *

Department of Environmental Engineering Sciences, University of Florida, Gainesville, FL 32611-6450, USA

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Abstract

Construction and demolition (C&D) debris recycling facilities often produce a screened material intended for use as alternative daily cover (ADC) at active landfills or for shaping and grading at closed landfills. This product contains soil and small pieces of wood, concrete, gypsum drywall, shingles and other components of C&D debris. Concerns have been raised over the contribution of gypsum drywall in C&D debris fines to odor problems at landfills where the product is used. To address such concerns, limitations may be placed on the percentage of gypsum (or sulfate) that can occur, and standardized testing procedures are required to permit valid compliance testing. A test procedure was developed for measuring the gypsum content in C&D debris fines. The concentration of sulfate leached in an aqueous solution was used to estimate the initial gypsum content of the sample. The impact of sample size and leaching time were evaluated. Precision and accuracy increased with increasing gypsum content. Results from replicate samples had an average relative standard deviation of 9%. The gypsum content of fines obtained from different facilities in the US varied widely from 1% to over 25%. These variations not only occurred between differing facilities, but within batches produced within a single facility.

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1. Introduction

Construction and demolition (C&D) debris recycling is a growing industry attempting to address the growing C&D waste stream in environmentally friendly manners by providing an alternative to C&D debris landfills. These facilities accept incoming loads of C&D debris and process the mixed material into separate fractions, with a goal of creating as many product streams as possible that do not require direct landfilling. In addition to product streams consisting of at a minimum wood, concrete/masonry/brick, and metal, a product consisting of fine materials typically results. In some cases C&D debris fines are produced by simply screening incoming waste to separate large and small materials. In other cases, part of the C&D debris is mechanically size-reduced to manufacture the fines. The fines contain a blend of soil and small pieces of building materials such as wood, concrete, gypsum drywall, and shingles. The goal of the facility operator is to find a

regulatory permissible market for the fines that is less expensive than paying a landfill disposal fee. Thus, to be economically feasible and successful, C&D recycling programs rely upon finding markets for all of their major products, including C&D fines.

Well screened C&D debris fines that contain predominantly soil may under some circumstances be permitted for beneficial use as a substitute for soil. These uses may be limited, however, by the presence of trace metals and organic chemicals (Townsend et al., 2004; Jang and Townsend, 2001a). Recycling facility operators thus turn to markets that entail placement of the fines within a landfill. One such application is use as alternative daily cover (ADC) at landfills. The ADC is used as a substitute for earthen material placed on the active face of an operating municipal solid waste (MSW) landfill at the end of each operating day to control vectors, fires, odors, litter, and scavenging. If permissible, these facilities may also use fines for longer-term uses such as intermediate and final cover. Another use practiced at some closed landfills in the US is shaping and grading. Closed landfills that need additional materials to reach elevations and slopes for

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E-mail address: ttown@ufl.edu (T.G. Townsend).

proper storm water control have in some cases added C&D debris fines for these purposes.

Concerns have been raised over the contribution of gypsum drywall in the ADC to odor problems at landfills, including a temporary ban on the use of C&D fines as ADC in New Hampshire in 2004 (O'Connell, 2005). C&D fines can contain a large portion of gypsum ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$), the primary component in drywall; previous research found C&D debris fines to contain gypsum at levels of 1.5–9.1% by mass (Jang and Townsend, 2001b). The gypsum can then result in the production of hydrogen sulfide gas in a landfill when sulfate-reducing bacteria consume and convert the sulfate under anaerobic conditions (Lee et al., 2006; Townsend et al., 2000, 2005). Although the most notable problem related to the hydrogen sulfide is the disagreeable odor, other health problems due to a high exposure to the gas have been reported (O'Connell, 2005; Flynn, 1998; WHO, 2000; Selene and Chou, 2003; Campagna et al., 2003).

To control odor production from C&D debris fines, limitations may be placed on the percentage of gypsum (or sulfate) in the fines. However, no standard test procedure has been developed for measuring gypsum content in C&D debris fines and industry groups report varying laboratory test results. This paper presents the work conducted to develop a standard operating procedure (SOP) for determining the gypsum content of C&D debris fines produced from C&D debris. The development of the SOP had several objectives: (1) readily performed by most major environmental analytical laboratories, (2) provide consistent testing results among laboratories, and (3) be cost effective and rapid.

2. Materials and method

The developed method utilizes the leaching of gypsum from the fines into an aqueous solution and measuring the resulting sulfate concentration in the leachate. If all (or nearly all) of the gypsum is leached, the original percentage of gypsum can be calculated. Synthetic samples were prepared by mixing ground gypsum wallboard, ground construction lumber (white pine), sand, soil, cardboard, and concrete. Gypsum wallboard, of a composition of 90% gypsum and 10% backing paper, was ground to a powder. Wood blocks were ground to particles less than 3 cm^3 in size. Concrete particles varied from pea size gravel to powder, and cardboard squares of 4 cm^2 were used. Coarse sand was obtained from a local building supply store and local topsoil was used as the soil component. Test samples consisted of 0%, 2%, 5%, 10%, and 20% by weight of gypsum. The percentage of sand was varied to correspond with the changing gypsum content. The mixture percentages are shown in Table 1 and were based upon composition measurements of a field sample obtained from a C&D recycling facility. Four experiments were conducted using the synthetic samples to define procedure factors such as sample size, leaching time, and endpoint determination.

Table 1
Percentage by weight of artificial C&D debris fines samples used in method determination

| % Gypsum | % Sand | % Concrete | % Wood | % Soil | % Cardboard |
|----------|--------|------------|--------|--------|-------------|
| 0 | 22 | 5 | 30 | 40 | 3 |
| 2 | 20 | 5 | 30 | 40 | 3 |
| 5 | 17 | 5 | 30 | 40 | 3 |
| 10 | 12 | 5 | 30 | 40 | 3 |
| 20 | 2 | 5 | 30 | 40 | 3 |

2.1. Experiment 1 – time required for gypsum dissolution

Many standardized leaching protocols such as the toxicity characteristic leaching procedure (TCLP) and the synthetic precipitate leaching procedure (SPLP) require an 18 h leaching time (US EPA, 2000). However, due to its solubility, it was expected that gypsum would dissolve and come to equilibrium rapidly and allow the test duration to be shortened. Two synthetic mixtures, 2% and 20% gypsum content, were leached in triplicate and the sulfate content measured at various leaching times.

One hundred gram samples were created in 2 L HDPE vessels by measuring the individual components of the mixture (i.e., 20 g gypsum, 2 g sand, 5 g concrete, etc.) into each container. Two liters of deionized water were placed into the extraction vessel and the vessel rotated end over end at 30 rpm in a 12 vessel rotary extractor (Analytical Testing Corporation). Samples were initially tested at 2, 4, 8, 12, and 18 h intervals. At each interval, the rotation apparatus was stopped and 50 ml of extract removed. The 50 ml samples were analyzed for sulfate concentration using a Dionex DX500 ion chromatograph. Based on these results, testing was repeated using a 5% gypsum mixture but at new time intervals of 15, 30, 45, 60, and 120 min.

2.2. Experiments 2 and 3 – methods for complete gypsum dissolution

Based upon interviews with industry personnel and prior research (Jang and Townsend, 2001b), the typical gypsum content of C&D debris fines was expected to be from 5% to 20%, or 5–20 g per 100 g sample. However, the solubility of gypsum permits a maximum of 5.28 g to dissolve in the 2 L extraction solution. Therefore, it was necessary to reduce the solid to liquid ratio utilizing a smaller sample size, larger extraction vessels, or to leach the sulfate into solution in multiple steps.

The use of multiple leaching steps was examined to determine if this method would be unduly labor or time intensive. The number of leaching steps required to completely dissolve the gypsum of the 5% and 20% samples was assessed by leaching triplicate samples. Samples were prepared as described previously and rotated for a 2 h period. After rotating, the solution conductivity was measured using an ECTestr High (Eutech Instruments, Singapore). One liter of solution was removed from the sample and

filtered using pressure filtration and a 0.7 μm glass fiber filter; 250 ml of the filtrate were collected for sulfate ion concentration determination using the Dionex 500X ion chromatograph. The used filter paper and the filtered solids were returned to the extraction vessel and 1 L of deionized water was added to replace the removed water. The rotation, filtering, and sampling were repeated for a total of 5 repetitions. It should be noted that initial attempts to filter the entire 2 L solution were unsuccessful due to clogging of the filter paper. Use of alternate, more porous filter papers was also ineffective as fine material in the extract passed through the filter paper.

An additional experiment examined the effects of reduced sample size upon test results. To be fully soluble in the 2 L extraction solution, a 20% gypsum sample would require a sample size of less than 26 g. The researchers believed that a sample of this size was not sufficient to be representative of the heterogeneous mixture. Therefore, it was decided that a 50 g sample size would be the smallest sample size to be tested, and a comparison of 50 g samples and 100 g samples of a 5% gypsum mixture was conducted. The test methodology and analysis was identical to the methods described previously, utilizing multiple leaching and filtering steps but at 30 min intervals. The use of larger extraction vessels was not examined since a goal of the procedure was to use equipment commonly available in environmental labs.

2.3. Experiment 4 – standard procedure verification

Based on the results of the prior experiments, a standard procedure was created. The procedure was validated by testing three C&D debris fines mixtures from actual processing operations and 6 artificial configurations containing known gypsum contents (0.5%, 1%, 2%, 5%, 10% and 20%). The composition of the field samples was extremely variable. Thus mixing and sampling were significant factors in obtaining a representative sample. Approximately 5 kg (approximately 20 L in volume) of each sample were placed into a large laboratory sorting tray and mixed thoroughly to obtain an even distribution of materials across the tray. The tray was sectioned into quarters and two opposing quarters were transferred to a second sorting tray (approximately 2.5 kg). This procedure was repeated, obtaining a 1 kg and then 500 g subsample.

The 500 g sample was examined for any granules or pieces 0.5 cm or larger in size of materials that were potential sulfate sources such as gypsum drywall, cement, or soil. To promote leaching of the sulfate from these sources, these pieces were manually removed from the sample, ground using a mortar and pestle, and returned to the sample. The final 500 g sample was then mixed to obtain a uniform distribution; 100 g of the sample were then transferred into each of three extraction vessels; and 2 L of deionized water were placed into each extraction vessel and the vessels rotated at 30 rpm for 30 min intervals. At each 30 min interval, the rotation apparatus was stopped

and the particulate matter allowed to settle for 30 min to allow quicker filtration.

The conductivity of the solution was measured, and 1 L of extract was removed and filtered using a 0.7 μm filter paper with pressure filtration. A minimum of 50 ml of the extract was collected. Based upon prior experimentation, if the measured conductivity was less than 500 $\mu\text{s}/\text{cm}$, extraction steps were ceased. If the conductivity was greater than 500 $\mu\text{s}/\text{cm}$, the filter was removed from the filter holder and returned with any solid materials to the extraction vessel. One liter of deionized water was placed into the extraction vessel and the 30 min extraction and filtration process repeated. Extract samples were analyzed using ion chromatography as described for the previous experiments. The total gypsum content of each sample was determined by the summation of the sulfate content of each 1 L extract sample and 2 L for the final vessel content. The formula is shown in Eq. (1):

$$\% \text{ Gypsum wallboard} = 0.001991 * \left(\sum_{i=1}^{n-1} C_i + 2C_n \right) \quad (1)$$

where n is the number extractions performed; $\sum_{i=1}^{n-1} C_i$: sum of sulfate concentrations (mg/L) of extracts 1 through $n-1$; C_n sulfate concentration in mg/L of the last extract sample n ; 0.001991: conversion constant assuming a 100 g sample, 1 L extraction solution exchanges, and a 90% gypsum/10% paper composition for wallboard.

3. Results and discussion

The purpose of experiment 1 was to determine the time necessary to completely dissolve gypsum into solution or to reach saturation of the solution. This would determine the leaching time necessary for the standard procedure. Lange's Handbook of Chemistry (2005) lists the solubility of gypsum (calcium sulfate dihydrate) as 0.264 g/100 g water at 25 °C. This is equivalent to approximately 1500 ppm or a maximum of 5.28% gypsum in the 100 g sample. Thus any C&D debris fines sample composed of a percentage of gypsum greater than 5.28% would be expected to reach a maximum concentration near 1500 ppm. ✖

Initial testing using the 2% and 20% gypsum samples showed that by the first sampling interval of 2 h, maximum sulfate concentration had already been acquired. Thus to determine the minimum effective leaching time, further tests were required. Tests were performed with samples taken at 15, 30, 45 min, 1 h, and 2 h for a 5% gypsum sample. Fig. 1 shows the results of these tests. Based upon these results, 30 min was selected as the appropriate leaching time based on the decrease in slope at that time interval. This time would allow sufficient gypsum to enter solution yet provide an adequately short period of time for analysis.

Since the gypsum concentrations of C&D debris fines were expected to be greater than 5%, multiple extractions were anticipated. To minimize the number of extractions,

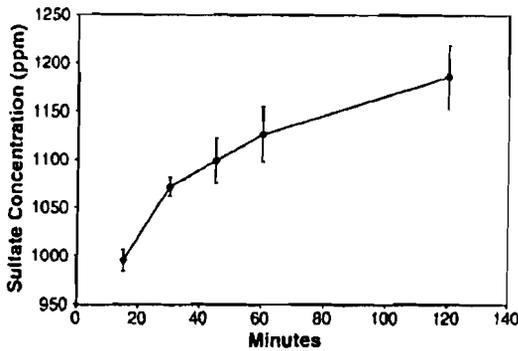


Fig. 1. Time to reach equilibrium (5% gypsum sample).

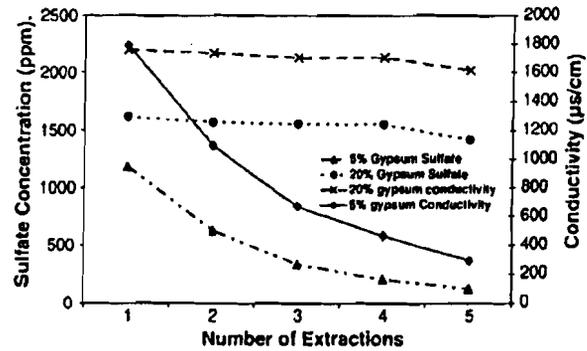


Fig. 2. Determination of extractions/conductivity trends for complete sulfate extraction.

a small sample size of 50 g was compared with a larger sample size of 100 g for accuracy and precision; 5% gypsum samples were used and the results are presented in Table 2. Statistical analysis (*T*-test) of the mean values shows that there is no significant difference. However, due to the heterogeneous nature of the field samples, it was determined that a 100 g sample is preferred. This increases the probability of obtaining a representative sample. Furthermore, to increase the accuracy of the procedure, the average of triplicate extractions would be used to determine the percentage of gypsum in the sample.

A goal of experiment 2 was to develop a simple means to determine when the analyst could discontinue further extractions. Immediate analysis of the sulfate concentration was cumbersome and required extended ion chromatograph operation. Another parameter would be necessary. Fig. 2 presents the conductivity and sulfate concentration of the 5% and 20% gypsum samples over five, 2 h extraction periods. An excellent correlation of conductivity to the sulfate (gypsum) content of the leaching solution was demonstrated. Furthermore, the conductivity could be quickly and accurately measured at the end of each extraction period. Based upon these results, it was determined that a conductivity value of 500 µs/cm corresponded to a sulfate concentration (approximately 400 ppm) sufficiently below saturation to ensure that all of the gypsum had entered into solution and the extraction procedure could be discontinued.

The results of field sample tests are presented in Table 3. Measurements were performed on three C&D debris fines

Table 3

Gypsum content results for C&D debris fines field and lab standard samples

| | Gypsum concentration (%) | | | | Number of leaching steps |
|--------|--------------------------|----------|----------|--------------|--------------------------|
| | Sample 1 | Sample 2 | Sample 3 | Average | |
| ADC #1 | 9.80 | 8.49 | 7.53 | 8.61 ± 1.14 | 7 |
| ADC #2 | 21.50 | 20.27 | 18.03 | 19.93 ± 1.76 | 10 |
| ADC #3 | 21.41 | 23.87 | 20.89 | 22.06 ± 1.59 | 10 |
| 0.5% | 0.38 | 0.39 | 0.42 | 0.40 ± 0.02 | 1 |
| 1.0% | 0.75 | 0.74 | 0.76 | 0.75 ± 0.01 | 2 |
| 2.0% | 1.79 | 1.59 | 1.64 | 1.68 ± 0.10 | 3 |
| 5% | 5.07 | 5.28 | 5.01 | 5.12 ± 0.14 | 4 |
| 10% | 10.80 | 9.62 | 6.57 | 9.00 ± 2.18 | 6 |
| 20% | 22.64 | 19.17 | 19.01 | 20.28 ± 2.05 | 9 |

Table 2

Determination of reduced sample size on accuracy of gypsum percentage measurements for a 5% gypsum sample

| Sample (g) | % Gypsum measured | Sample (g) | % Gypsum measured |
|------------|-------------------|------------|-------------------|
| 50 #1 | 4.00 | 100 #1 | 4.63 |
| 50 #2 | 3.96 | 100 #2 | 4.68 |
| 50 #3 | 4.63 | 100 #3 | 4.00 |
| 50 #4 | 4.43 | 100 #4 | 4.69 |
| 50 #5 | 4.41 | 100 #5 | 4.39 |
| 50 #6 | 4.30 | 100 #6 | 4.22 |
| Average | 4.29 ± 0.26 | Average | 4.43 ± 0.28 |

mixtures from actual processing operations and six artificial configurations containing known gypsum contents (0.5%, 1%, 2%, 5%, 10% and 20%). The results indicate greater accuracy for higher gypsum concentrations with the average concentration of the 1% gypsum test samples within 20% of the true value and the average concentration of the 20% gypsum test samples within 1% of the actual value. The standard deviation of the samples was sufficiently low with relative standard deviations ranging from less than 1% to 24% and an average relative standard deviation for all samples of 9%. As expected, the number of leaching steps required was directly proportional to the gypsum content with a maximum of 10 leaching steps required for samples of approximately 20% gypsum content. Additionally, to reduce required analytical time, composite samples were created from extract solutions to reduce the amount of Ion Chromatograph analysis per sample to one. Thus for each sample, 20 ml of the final 2 L extraction solution were mixed with 10 ml from each preceding 1 L removed from the vessel. This created a composite sample from which the final gypsum content could be determined. The change in calculation is shown by Eq. (2):

$$\% \text{ Gypsum wallboard} = 0.001991 * n * C_c \quad (2)$$

where *n* is the number of extractions performed; *C_c* is the sulfate concentration in mg/L of the composite sample.

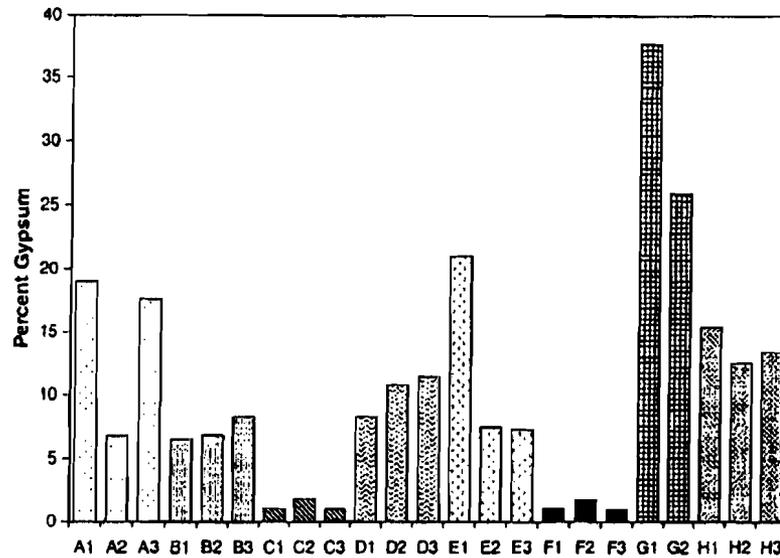


Fig. 3. Gypsum content of C&D debris generated ADC from varying field sites.

0.001991; conversion constant assuming a 100 g sample, 1 L extraction solution exchanges, and a 90% gypsum/10% paper composition for wallboard.

Use of this method upon a known 20% gypsum sample resulted in a measured content of 21.20%.

4. Summary and conclusions

The method for the determination of gypsum content developed in this research will provide landfill operators and C&D debris fines producers assurance of the gypsum content placed on the landfill. With these measurements, manufacturers and landfill operators can establish guidelines containing an allowable percentage of gypsum in the C&D debris fines. This should prevent the generation of hydrogen sulfide in quantities resulting in odor complaints from surrounding communities and health risks to landfill operators.

The method was developed to minimize analytical costs and to be readily performed by most environmental analytical labs. Using readily available laboratory supplies, minimal reagents, and simple analysis, the method maximizes the efficiency of the analysis while minimizing costs. Requiring 10 leaching cycles for a 20% sample results in a total of 5 h of leaching time. Since most samples are expected to be less than 20% gypsum, it should be possible to complete the procedure and analysis within one, 8 h work day. However, an advantage of the procedure is its flexibility in allowing the analyst to extend leaching times or suspend analysis when required to meet their work schedule. Work is continuing to further examine steps to reduce analysis time and effort, such as reduced filtering requirements.

Due to the heterogeneous composition of C&D debris fines products, special emphasis should be placed on obtaining a representative sample of the product. Fig. 3

shows the results of testing performed on actual field samples from eight differing C&D debris fines producers. The gypsum content of the material may vary widely due to the variation of the incoming waste stream used to create it. This is true not only between differing facilities but between individual batches within a single facility. Measured field values ranged from 1% to nearly 38% gypsum. The selection of a representative 5 kg sample at the manufacturer was not examined during this study and test results may be affected by the initial sample selected. Use of partitioning, grinding of large particles, and triplicate analysis were effective in minimizing variability. While no instances were noted during method development, standard quality assurance and control practices should be utilized to detect possible interferences from the heterogeneous materials comprising C&D debris fines.

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Hydrogen Sulfide Generation in Simulated Construction and Demolition Debris Landfills: Impact of Waste Composition

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ABSTRACT

Hydrogen sulfide (H₂S) generation in construction and demolition (C&D) debris landfills has been associated with the biodegradation of gypsum drywall. Laboratory research was conducted to observe H₂S generation when drywall was codisposed with different C&D debris constituents. Two experiments were conducted using simulated landfill columns. Experiment 1 consisted of various combinations of drywall, wood, and concrete to determine the impact of different waste constituents and combinations on H₂S generation. Experiment 2 was designed to examine the effect of concrete on H₂S generation and migration. The results indicate that decaying drywall, even alone, leached enough sulfate ions and organic matter for sulfate-reducing bacteria (SRB) to generate large H₂S concentrations as high as 63,000 ppmv. The codisposed wastes show some effect on H₂S generation. At the end of experiment 1, the wood/drywall and drywall alone columns possessed H₂S concentrations >40,000 ppmv. Conversely, H₂S concentrations were <1 ppmv in those columns containing concrete. Concrete plays a role in decreasing H₂S by increasing pH out of the range for SRB growth and by reacting with H₂S. This study also showed that wood lowered H₂S concentrations initially by decreasing leachate pH values. Based on the results, two possible control mechanisms to mitigate H₂S generation in C&D debris landfills are suggested.

INTRODUCTION

The disposal of gypsum drywall in landfills has been linked to the formation of hydrogen sulfide (H₂S) gas.¹⁻³ When gypsum drywall (~90% CaSO₄·2 H₂O and 10% paper) becomes wet in a reducing environment, such as a landfill, sulfate-reducing bacteria (SRB) use sulfate as an

IMPLICATIONS

H₂S generation in C&D debris landfills has been a concern because of its adverse environmental and health effects. This study examined the H₂S generation in a series of columns and explored the effect of codisposed waste on H₂S generation. Results demonstrated that H₂S generation is the result of the biological conversion gypsum drywall and is affected by the presence of codisposed wood and concrete. The results suggest that concrete or other alkaline materials may be used to help control H₂S formation and emission from C&D debris landfills.

electron acceptor to produce H₂S.⁴ Characterized by an offensive odor at relatively low detectable concentrations (reported as low as 0.5 ppbv^{5,6}), H₂S emissions have been documented as a nuisance at several communities surrounding disposal facilities that accept large amounts of construction and demolition (C&D) debris.^{1-4,7} Concentrations as high as 12,000 ppmv were measured from gas produced in various C&D debris landfills in Florida.⁷ Although concentrations in the ambient air surrounding landfills do not approach dangerous levels because of dilution, concentrations are large enough to create odor problems. Recent research does indicate, however, that prolonged exposure to low H₂S concentrations may pose adverse health effects on susceptible populations.⁸

Despite the potential problems resulting from the land disposal of gypsum drywall, the majority of this waste stream continues to be managed by landfilling. Although drywall recycling is technically feasible and does occur in some locations, economic and logistic issues surrounding its collection, processing, and marketing have limited widescale recycling efforts.⁹ For the most part, H₂S production at landfills has only been addressed after a problem has been noted (e.g., odor complaints). Limited research has been conducted characterizing the role of gypsum drywall in the landfill environment. In laboratory simulations, Moreau-le-Golvan et al.¹⁰ discuss laboratory studies to determine sulfate concentrations in leachate, which retard methanogenesis. Fairweather and Barlaz¹¹ evaluated the effects of several landfill inputs on H₂S production, including municipal solid waste, C&D waste, and sludge, and found that gypsum drywall was the major cause of H₂S. Experiments designed to generate and characterize C&D debris landfill leachate have resulted in H₂S production, as evidenced by strong H₂S odors^{12,13} or dissolved sulfide in the leachate.¹⁴ These experiments, however, were not designed to measure H₂S concentrations in the gas.

This paper presents research conducted to examine the range of H₂S concentrations that might occur within a C&D debris landfill and to explore the role that C&D debris composition might have on H₂S production and fate. In one experiment, the impact of three major C&D debris components (drywall, wood, and concrete) on H₂S production was explored. In a second experiment, the relationship between H₂S generation from drywall and the presence of concrete was examined in greater detail. The results provide insight into H₂S production in C&D

debris landfills and to methods that might be used to control H₂S production and emission.

EXPERIMENTAL WORK

Experiment 1

Eight simulated C&D debris landfill columns were constructed, and five materials were used: gypsum drywall, wood, concrete, pea gravel, and sand. The pea gravel was selected to represent an inert material that would not impact the chemical conditions within the columns, and sand was used for a leachate drainage layer. Gypsum drywall, wood, and concrete were mixed to simulate C&D debris. Those constituents were size reduced and screened before being loaded into the columns. Sheets of new gypsum drywall were purchased and cut into 2.5 x 2.5-cm pieces. Crushed concrete was collected from a local concrete recycling facility. Southern yellow pine dimensional nontreated lumber was purchased and size reduced using a wood chipper. The concrete and the wood were screened to remove fine particles <0.64 cm. Table 1 summarizes the content added to each column. The columns were loaded so that each component represented approximately one third of the total waste by volume. Three columns (A1, A2, and A3) contained equal volumes of drywall, wood, and concrete. In two columns (B1 and B2), the concrete was omitted and substituted with pea gravel. Two additional columns (C1 and C2) contained only drywall with the remaining volume occupied by pea gravel. A final column (D) contained concrete and wood without drywall and was expected to result in minimal H₂S production.

Each column was constructed using 10-cm-diameter polyvinyl chloride (PVC) pipe cut to a length of 90 cm (see Figure 1). A slip cap was glued to the bottom of each column, and a valve was installed for removing leachate. A layer of clean silica sand was placed as a drainage layer at the bottom of the column. The waste components were added in two separate lifts. After the first lift was loaded, gas extraction ports were drilled, and valves were installed to provide a mechanism for extracting gas. A 6-cm stainless steel tube was attached to each valve so that the gas samples could be collected from the center of the columns. Once the gas extraction ports were in place, the second lift of the waste was loaded. An additional sand layer was added above the top lift of waste to provide a mechanism for uniform distribution of water added to the

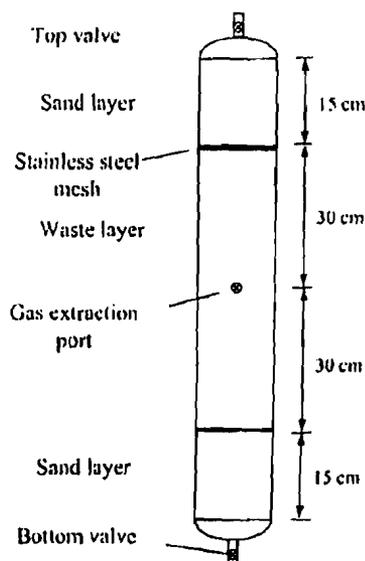


Figure 1. Column schematic for experiment 1.

column. Sections of stainless steel screen were placed between the sand layer and the waste to prevent sand from filling the voids of the waste. A slip cap equipped with a valve was glued to the top of the column. Before the start of the experiment, the columns were flushed with nitrogen gas to remove oxygen. Simulated rainwater was added to the columns weekly (400 mL per week) in a batch fashion. The water addition rate was not selected to simulate any particular rainfall rate but rather to simply keep the simulated landfills moist and at field capacity. The rainwater solution was created following procedures outlined for the synthetic precipitation leachate procedure [SPLP; U.S. Environmental Protection Agency (EPA) SW-846 Method 1312¹⁵] and possessed a pH of 4.20 ± 0.05. Leachate was drained from the columns weekly. Experiment 1 was conducted for a duration of 192 days.

Experiment 2

Experiment 2 was designed to follow up observations regarding the effects of concrete on the H₂S concentrations observed in experiment 1. Four additional columns were constructed using 8-cm-diameter PVC pipe cut to a length of 100 cm (see Figure 2). Slip caps were again affixed to the top and bottom of the columns to facilitate

Table 1. Summary of columns and their waste components.

| Column | Components | Mass (g) | | | | Total Volume (cm ³) | Final Depth of Waste (cm) |
|--------|-------------------------|----------|----------|------|--------|---------------------------------|---------------------------|
| | | Drywall | Concrete | Wood | Gravel | | |
| A1 | Wood, drywall, concrete | 402 | 1766 | 308 | | 4942 | 52 |
| A2 | | 402 | 1766 | 308 | | 4942 | 54 |
| A3 | | 402 | 1766 | 308 | | 4942 | 52 |
| B1 | Drywall, wood | 402 | | 308 | 2298 | 4942 | 53 |
| B2 | | 402 | | 308 | 2298 | 4942 | 51 |
| C1 | Drywall | 402 | | | 4590 | 4942 | 51 |
| C2 | | 402 | | | 4590 | 4942 | 51 |
| D | Wood, concrete | | 1766 | 308 | 2297 | 4942 | 56 |

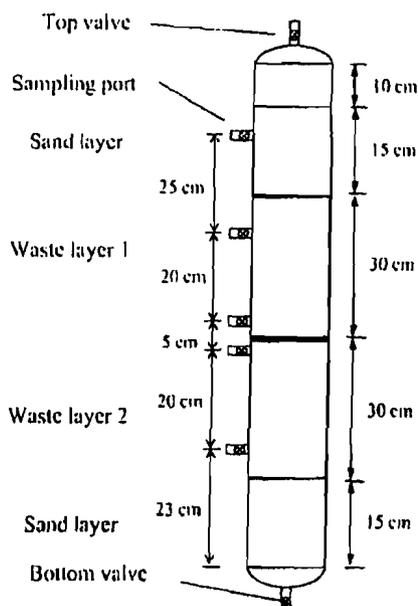


Figure 2. Column schematic for experiment 2.

water addition and leachate collection. Only two waste components were added to the columns in experiment 2: gypsum drywall and concrete. Each waste component was prepared in a similar fashion to the previous experiment. A silica sand drainage layer was placed at the bottom of the columns. Two columns (E1 and E2) were first loaded with a 30-cm layer of concrete followed by a 30-cm layer of drywall. The other two columns (F1 and F2) were loaded in the opposite fashion, with a 30-cm layer of drywall being placed first, followed by a 30-cm layer of concrete. Five gas sampling ports were installed in each column, as shown in Figure 2. The SPLP solution was added to the columns every week (225 mL per week) in a batch fashion. The columns in experiment 2 were monitored for a period of 27 days.

Sampling Collection and Analysis

Gas Samples. Gas samples were collected from the gas extraction ports and from the valves at the bottom of the columns. Gas samples from the waste layers were collected using various size glass syringes connected to the gas extraction ports via a neoprene nipple. Gas samples from the bottom of the columns were collected from the headspace above the Tedlar bags, which collected the drained leachate. Pure nitrogen (99.999%) was used to replace the volume of gas extracted for the various sampling parameters. Gas samples from experiment 1 were analyzed for H₂S, CH₄, CO₂, and volatile sulfur compounds (VSCs), and gas samples from experiment 2 were analyzed for H₂S. H₂S concentrations were analyzed using a Jerome 631-X H₂S analyzer (Arizona Instruments) with a detection range from 0.003 to 50 ppmv. In experiment 1, the H₂S was measured daily in the middle of the columns until day 52. From day 53 to 124, the Jerome meter required maintenance and was sent to the manufacturer for recalibration; the columns continued to be maintained during this period. Beginning on day 125, H₂S monitoring resumed at a frequency of once every 2 days.

Gas sampling for experiment 2 was conducted weekly before adding the SPLP solution.

In addition to H₂S, some samples were also characterized for the concentration of CH₄, CO₂, and a suite of VSCs (which included several mercaptans, sulfides, and disulfides). These gases were analyzed every 2 weeks in gas from the middle of the columns in experiment 1. CH₄ and CO₂ were analyzed using an HP5890 gas chromatograph equipped with a thermal conductivity detector calibrated for a range of 1% (10,000 ppmv) to 100%. EPA method 3C¹⁵ was followed for CH₄ and CO₂ analysis, each using a separate column. The VSCs were measured using an Entech 2000 purge and trap concentrator attached to a HP5890 gas chromatograph connected to a Finnigan IN-COS XL single quadrupole mass spectrometer detector. The VSC detection limit was 0.1 ppmv. A gas standard of 14 VSCs was purchased from Matheson Tri-Gas Company for peak identification and calibration.

Leachate Samples. Leachate samples were collected weekly by draining the leachate by gravity from the bottom of the columns into Tedlar bags connected to the bottom valves. This procedure was conducted at the same time that SPLP solution was added to the tops of the columns. As stated previously, the gas collected in the headspace above the leachate in the Tedlar bags was used to characterize gas from the bottom of the columns. The leachate samples from experiment 1 were analyzed for sulfide, dissolved oxygen (DO), conductivity, pH, oxidation-reduction potential (ORP), sulfate, and chemical oxygen demand (COD). Leachate samples from experiment 2 were analyzed for sulfide and pH. The methylene Blue Method (EPA method 376.2 and Standard Method 4500-S2-D)¹⁶ was used to measure sulfide concentrations weekly in experiments 1 and 2. DO was measured using the DO Meter Model 55/12 FT (YSI, Inc.). Conductivity was measured weekly following Standard Method 2510 B.¹⁶ The methods used for pH and ORP were equivalent to Standard Method 4500-H+B and Standard Method 2580,¹⁶ respectively. Sulfate was analyzed bimonthly using a Dionex DX 500 Chromatography System with dual columns according to SW 846 Method 9056,¹⁵ and COD was measured bimonthly with a HACH DR/4000U spectrophotometer (Standard Method 5220 days).¹⁶ Blanks, replicates, and calibration check samples were performed as appropriate.

RESULTS

Experiment 1

Biogas Characteristics. The majority of H₂S measurements were performed on samples collected using the gas extraction port located in the middle of the waste. The H₂S analyzer, a Jerome meter, was daily checked using 25-ppm standard H₂S gas. Before any gas samples were analyzed, laboratory air was used as a blank, and the blank was always below the detection limit of the Jerome meter (3 ppb). Seventy-four samples were analyzed over a 192-day period. Figure 3a presents the H₂S concentrations measured in the center of the columns during the length of experiment 1. Measurements collected from columns of the same composition were averaged together. A dramatic difference in H₂S concentrations among the different

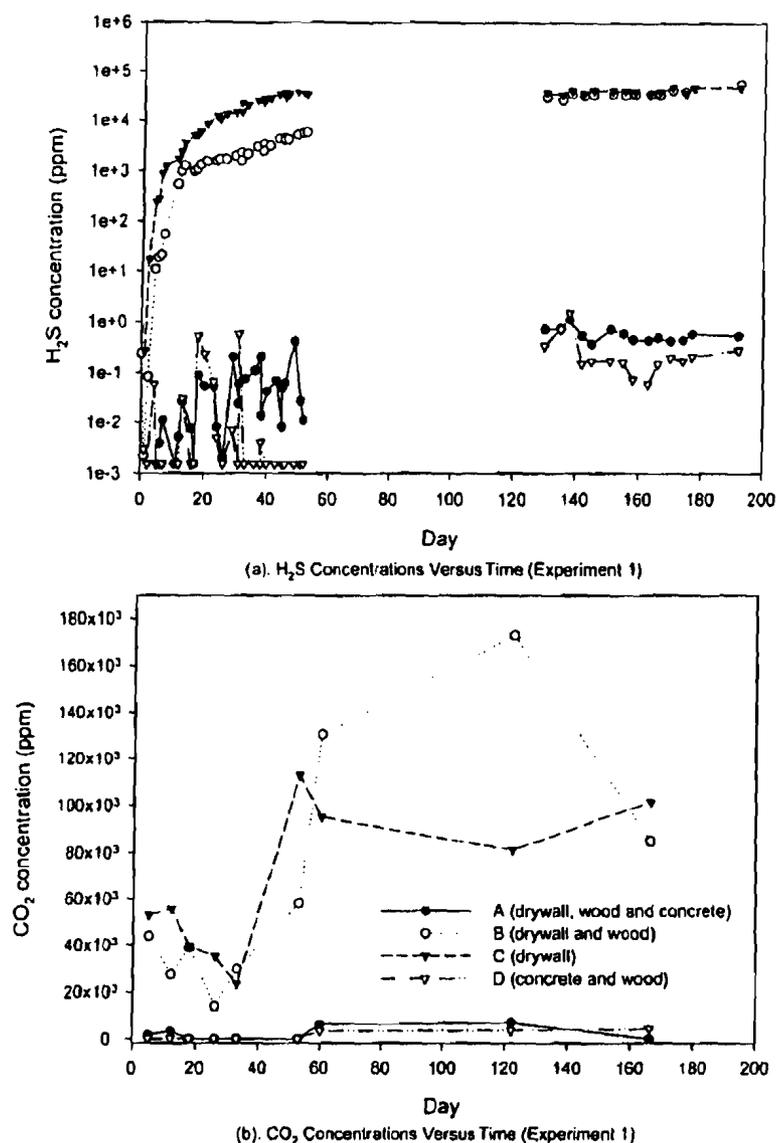


Figure 3. (a) H₂S and (b) CO₂ concentrations vs. time (experiment 1).

waste compositions was observed, as were changing concentrations over time. Both the B columns (drywall and wood) and the C columns (drywall alone) finished the experiment with H₂S concentrations >40,000 ppmv. H₂S concentrations in the B columns lagged behind those measured in the C columns during the early phases of the experiment. H₂S was detected at much lower concentrations in the A and D columns. The D columns contained no drywall, and only 37 of 74 samples from the middle of the waste contained H₂S above the instrument detection limit. H₂S concentrations measured in the center of waste from the A columns (which contained drywall, wood, and concrete) were also very low relative to the B and C columns.

H₂S concentrations were also measured in the gas collected from the bottom of the columns when the leachate was drained. In most cases, H₂S concentrations in this gas were on the same order of magnitude as gas from the middle of the columns. However, this was not

true for the A columns during the early phases of the experiment. Figure 4 presents the H₂S concentrations measured from the middle and bottom of the columns for 2 days: a day from the beginning portion of the experiment (day 38) and a day from the later part of the experiment (day 138). Concentrations for the two different locations were similar for the columns containing wood-drywall and drywall alone. The column containing wood, drywall, and concrete was found to have (at day 38) a much greater concentration in the bottom gas compared with gas collected from the middle of the waste.

Table 2 summarizes the results of the other gas compounds measured, including CH₄, CO₂, and several of VSCs that were routinely observed. These compounds were analyzed on 11 occasions from day 5 to 170. Methane was found only in the A1 and B columns, with concentrations of 0.5% starting around day 53. Methane concentrations continued to rise to ~5% (measured on day 122) and then dropped to ~3% at day 166. CO₂ was

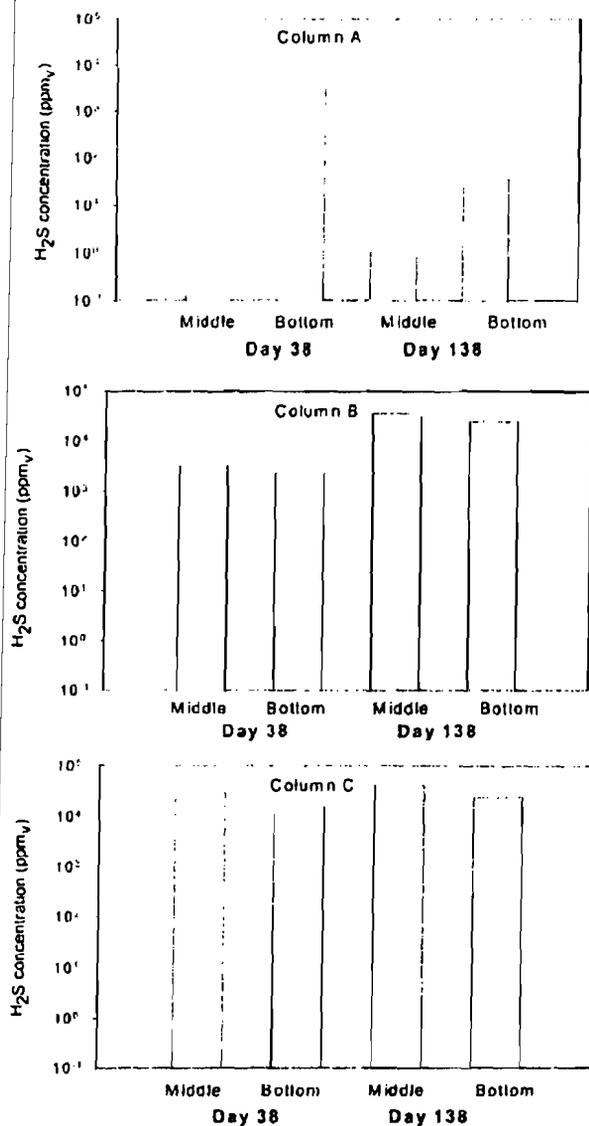


Figure 4. Comparison of average H₂S concentrations measured in and below the waste.

found in all of the columns (see Figure 3b). In general, CO₂ concentrations and VSC concentrations were greatest in those columns containing the greatest concentrations of H₂S. Carbon disulfide, carbonyl sulfide, and dimethyl sulfide were found in all of the columns. Methyl mercaptan was found only in the B and C columns, whereas sec-butyl mercaptan was present only in the C columns. Although other VSCs, such as tert-butyl mercaptan, ethyl methyl sulfide, ethyl mercaptan, 2-methylthiophene, isopropyl mercaptan, and 3-methylthiophene, were detected, their concentrations were below the detection limit (<0.1 ppmv) of the technique.

Leachate Characteristics. Leachate samples were collected from day 10 to day 173, the same days when simulated rainfall was added. Figure 5 presents the average leachate concentrations for several water quality parameters as a function of time (a, pH; b, COD; c, conductivity; and d,

sulfide). Although the initial pH of the simulated rainfall was 4.2, the chemical and biological conditions within the columns resulted in leachate pH measurements typically >6. The columns containing wood and drywall (B) and the columns containing drywall only (C) both finished at pH near neutral, although the pH in the B columns began lower and took longer to reach this condition. Column D increased to alkaline conditions (pH >11) within a few weeks after leaching commenced. The A columns started near neutral but increased during the course of the experiment to a pH >10. For the most part, sulfide levels followed the same trend observed with H₂S in the gas. One noted exception to this was sulfide in the A columns during the first half of the experiment. This observation falls in line with the H₂S measurements observed in the bottom of the A columns described above. COD concentrations decreased with time, with the columns containing wood having higher concentrations than the one column without wood (D). The electrical conductance was greatest in those columns containing drywall.

Experiment 2

Several observations from experiment 1 led to development of experiment 2. H₂S concentrations in the waste from columns containing drywall, wood, and concrete were much lower than that observed in the columns containing wood and drywall or drywall alone. The initial hypothesis was that the alkaline pH created by the concrete simply suppressed SRB activity (this will be discussed in greater detail in the next section). However, H₂S concentrations were measured in gas below the waste in columns A at much higher concentrations than in the waste. Thus, whereas activity may have been suppressed in the waste, activity was evident beneath the waste (at least during the first half of the experiment), and somehow H₂S was being removed from the gas phase upon contact with the waste. It was hypothesized that concrete in some manner impacted H₂S concentrations.

H₂S gas profiles from experiment 2 are presented in Figure 6. In columns E1 and E2, relatively large concentrations of H₂S were measured in the top drywall layer (maximum H₂S concentration of 360 ppmv), whereas concentrations in bottom layer of concrete were <10 ppmv. The opposite occurrence was observed when the layers were switched in the F columns. Large concentrations of H₂S were generated in the lower drywall layer, but H₂S migration into the upper concrete layer did not occur. The pH of columns containing a drywall layer above a concrete layer (E1 and E2) ranged from 7.9 to 11.6, whereas pH from columns in which the layer order was reversed (F1 and F2) were around neutral. A difference in the sulfide concentrations between the E and F columns was also observed: the sulfide concentrations from the F columns (24.8 mg/L) were higher than those of the E columns (0.558 mg/L).

DISCUSSION

When gypsum drywall in a C&D debris landfill becomes wet as a result of infiltrating rainfall, sulfate becomes solubilized. Under anaerobic conditions, SRBs use sulfate

Table 2. Biogas results in experiment 1.

| Biogas | Results | Column | | | | | | | |
|---------------------|-----------------|--------|------|------|-------|-------|-------|-------|------|
| | | A1 | A2 | A3 | B1 | B2 | C1 | C2 | D |
| H ₂ S | No. of detected | 56 | 62 | 64 | 73 | 74 | 73 | 73 | 37 |
| | Min | BDL | BDL | BDL | BDL | 0.003 | BDL | BDL | BDL |
| | Max | 1.6 | 1.03 | 0.67 | 63000 | 48000 | 47000 | 50000 | 1.5 |
| | Average | 0.277 | 0.20 | 0.15 | 14075 | 11155 | 21636 | 24389 | 0.13 |
| CH ₄ | No. of detected | 5 | 0 | 0 | 5 | 5 | 0 | 0 | 12 |
| | Min | BDL | — | — | BDL | BDL | — | — | BDL |
| | Max | 1.14 | — | — | 5.49 | 3.41 | — | — | BDL |
| | Average | 0.68 | — | — | 3.33 | 1.71 | — | — | 0.05 |
| CO ₂ | No. of detected | 4 | 2 | 2 | 9 | 9 | 8 | 9 | 3 |
| | Min | BDL | BDL | BDL | 1.85 | 0.95 | BDL | 1.35 | BDL |
| | Max | 0.72 | 0.34 | 0.22 | 18.10 | 16.50 | 10.64 | 12.20 | 0.45 |
| | Average | 0.53 | 0.22 | 0.16 | 6.74 | 6.62 | 6.0 | 6.24 | 0.38 |
| Carbon disulfide | No. of detected | 2 | 2 | 2 | 4 | 5 | 5 | 6 | 1 |
| | Min | BDL | BDL | BDL | BDL | BDL | BDL | BDL | BDL |
| | Max | 0.2 | 0.2 | 0.1 | 1.1 | 0.8 | 2.9 | 1.7 | 0.1 |
| | Average | 0.15 | 0.15 | 0.15 | 0.48 | 0.5 | 1.0 | 0.53 | 0.1 |
| Carbonyl sulfide | No. of detected | 5 | 4 | 2 | 6 | 6 | 7 | 6 | 3 |
| | Min | BDL | BDL | BDL | BDL | BDL | BDL | BDL | BDL |
| | Max | 25.6 | 3.7 | 0.5 | 119.8 | 151.6 | 32.1 | 122.9 | 0.4 |
| | Average | 11.88 | 1.85 | 0.35 | 30.1 | 37.74 | 7.04 | 24.81 | 0.2 |
| Dimethyl sulfide | No. of detected | 10 | 10 | 8 | 8 | 7 | 10 | 9 | 6 |
| | Min | BDL | BDL | BDL | BDL | BDL | 0.1 | BDL | BDL |
| | Max | 11.4 | 11.1 | 5.2 | 2.2 | 3.9 | 3.6 | 3.3 | 0.3 |
| | Average | 3.74 | 2.75 | 1.44 | 0.9 | 1.25 | 0.98 | 1.08 | 0.15 |
| Methyl mercaptan | No. of detected | 0 | 0 | 0 | 9 | 7 | 11 | 11 | 0 |
| | Min | — | — | — | BDL | BDL | BDL | BDL | — |
| | Max | — | — | — | 221.9 | 175.4 | 243.2 | 254.9 | — |
| | Average | — | — | — | 29.26 | 29.89 | 48.76 | 44.86 | — |
| Sec-butyl mercaptan | No. of detected | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 0 |
| | Min | — | — | — | — | — | 5.7 | 5.9 | — |
| | Max | — | — | — | — | — | 85.4 | 29.5 | — |
| | Average | — | — | — | — | — | 37.9 | 14.35 | — |

Notes: BDL = below detection limit; — = not detected.

as an electron acceptor and produce H₂S. In the experiments described above, H₂S production was evident from the large concentrations observed in many of the simulated landfill columns. Concentrations in the range of 10,000–50,000 ppmv were encountered in the columns containing wood and drywall and the columns containing only drywall. When samples of gas and soil vapor from C&D debris landfills in Florida were characterized, a wide range of H₂S concentrations were observed; maximum concentrations were on the order of 10,000 ppmv.¹⁷ The results suggest that large concentrations of H₂S can occur within a C&D debris landfill, although they would tend to be lower in actual landfills because of advection and diffusion of gas from the waste. For those involved with excavation or gas extraction at C&D debris landfills, H₂S concentrations lethal to humans should be anticipated, and proper safety precautions should be used. As described elsewhere, H₂S concentrations in the atmosphere above and surrounding C&D debris landfills should be much less as a result of cover soil attenuation and air dilution.¹⁸

Biological sulfate reduction requires a carbon source and results in the production of CO₂. The columns with the greatest H₂S concentrations also displayed the greatest

CO₂ concentrations. Sources of organic carbon (OC) in the columns included wood and the paper coating of the drywall. The results indicate that paper contained on the drywall provides sufficient OC for the reaction to proceed.¹⁹ Evaluation of whether the OC resulting from the wood would have supplied appropriate OC for the sulfate reduction process was not evaluated. Organic compounds from the wood would be expected to be primarily in the form of larger molecular weight compounds (e.g., tannic and humic substances). The OC leaching from the wood did appear to impact H₂S production. Unlike the drywall columns, the columns containing drywall and wood contained a pH as low as 5.5 initially. The pH then increased slowly and until it was similar to that in the drywall columns. The increase in pH corresponded with a similar increase in H₂S. pH has been shown to impact SRB activity, with optimum SRB growth reported at a pH of ~7.0.^{20,21}

The H₂S concentrations measured in the gas from the middle and bottom of the columns and the sulfide concentrations measured in the leachate suggest that perhaps the concentrations started to become inhibitory, that is, the concentrations appeared to be at or near a maximum level. A similar observation was made by the authors in a

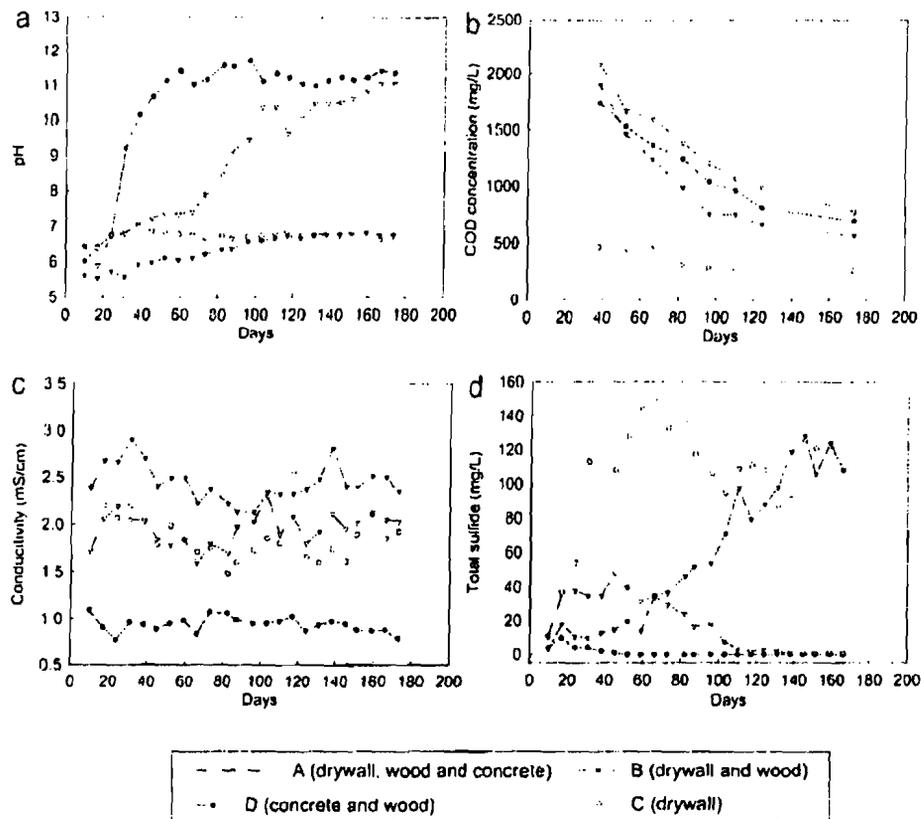


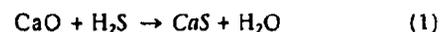
Figure 5. Leachate characteristics from the simulated landfills in experiment 1. (a) pH; (b) COD concentration (mg/L); (c) conductivity (mS/cm); (d) total sulfide (mg/L).

more limited study where H₂S production from drywall was measured in small-scale assays.¹⁷ SRB activity has been shown to be inhibited by high concentrations of H₂S.²² Another possibility is that carbon source became limited, although mass balance estimates indicate that this should not be the case.

The presence of concrete impacted H₂S concentrations in the columns. Portland cement concrete is one of the larger components of C&D debris, and the mixture of concrete, wood, and drywall was considered to be the most representative of the simulated landfills in experiment 1. H₂S concentrations measured from the middle of the waste containing all three components were dramatically lower than concentrations measured in the wood and drywall columns and the drywall only columns. Because concrete is an alkaline material, an early hypothesis was that low H₂S concentrations resulted from inhibition of SRB activity caused by the extreme pH. Although the pH in the column A leachate was alkaline in the later months of the experiment and certainly inhibited SRB activity, leachate pH during the first months of the experiment was in a suitable range. Sulfide concentrations in the column A leachate during the first months of the experiment were greater than sulfide concentrations in the column B leachate. This confirms what was described in Figure 5, that H₂S was being produced in the layer underneath the mix of concrete, wood, and drywall. In some fashion, H₂S gas was reduced in concentration by several orders of magnitude 30 cm into the waste layer.

This suggested that some mechanism for H₂S removal was occurring.

Experiment 2 resulted in a similar observation. H₂S was being produced in the layer of drywall (and below the layer of drywall in the case when drywall was on the bottom), yet it was being removed from the gas phase once in contact with the concrete. To further verify that concrete was in some fashion removing H₂S from the gas phase, a simple experiment was conducted. Drywall was placed into a Tedlar bag, and concrete was placed into another. The bags were de-aired and then filled with the 25-ppmv H₂S standard gas used to calibrate the Jerome meter. H₂S concentrations were then performed every 2 min. The H₂S concentrations were observed to quickly drop in the bag containing concrete, whereas H₂S in the bag containing drywall remained nearly constant. One possible mechanism for the interaction between concrete and the H₂S gas is that as H₂S sorbs to the concrete surface, the alkaline nature of the concrete results in H₂S being converted to sulfide. For example, a primary component of concrete is calcium oxide (CaO); a reaction such as the following is hypothesized²³:



The authors are currently conducting research to test this hypothesis.

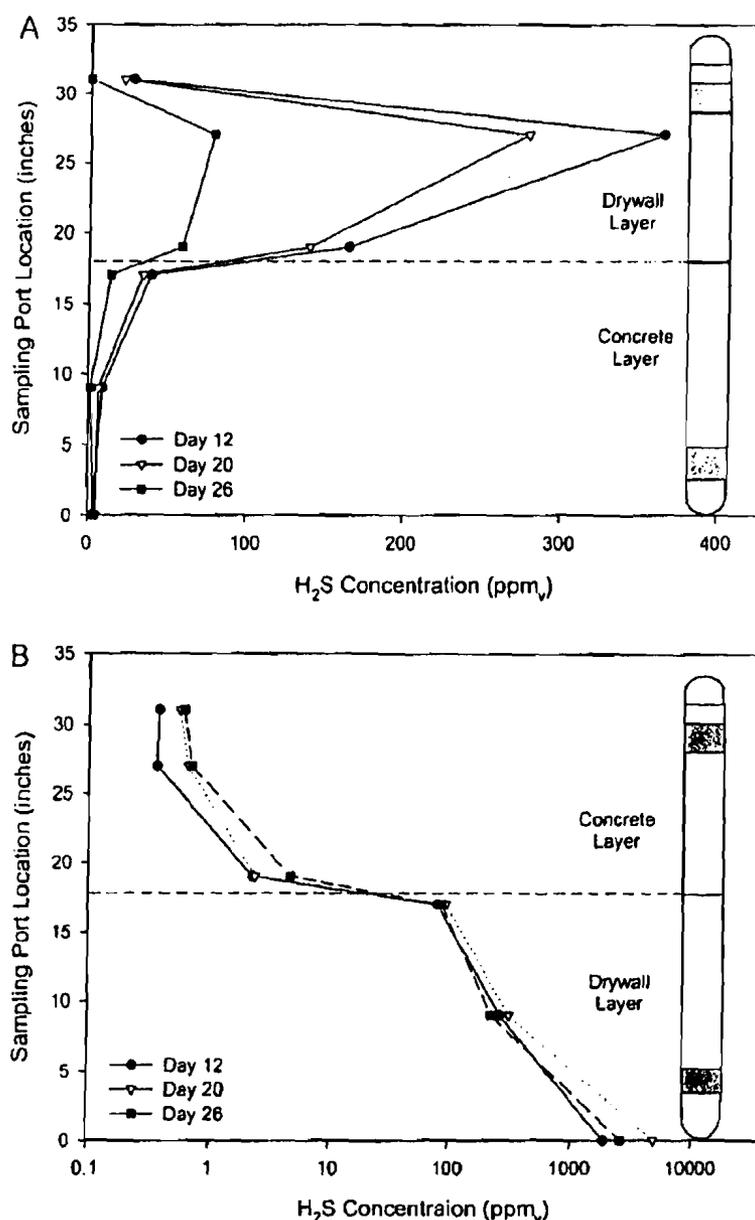


Figure 6. H₂S Concentration profiles in simulated landfills from experiment 2: (A) E1 and E2 average; (B) F1 and F2 average.

CONCLUSIONS

Two laboratory experiments were conducted to simulate H₂S generation when drywall was codisposed with different C&D waste constituents. Experiment 1 consisted of different combinations of drywall, wood, and concrete and was designed to determine whether H₂S could be generated in a controlled environment and what impact different waste constituents have on H₂S production. Experiment 2 was designed to research the impact of concrete on H₂S production. In many of the columns, high concentrations of H₂S were measured when drywall was present. This demonstrated that H₂S could be produced in a laboratory environment and that drywall provided the sulfate ions and the organic matter required for SRB activity. The paper backing on the drywall was a carbon

source for the SRB to produce a large concentration of H₂S.

H₂S generation is affected by the presence of codisposed wood and concrete. The H₂S concentrations in columns containing wood and drywall lagged behind those columns containing only drywall but eventually reached similar levels. The organic acids leaching from the wood lowered the pH of the leaching solution out of the ideal pH range of SRB. SRB activity increased once the concentration of the organic acids decreased. Concrete plays a role in the reduction of H₂S production by two possible mechanisms. One mechanism is that concrete can increase leachate pH, making the environment less favorable for SRB. The other mechanism is that concrete can react with H₂S in an adsorptive or absorptive process.

The results of this study have implications for understanding H₂S generation at C&D debris landfills and possible control mechanisms for the gas. C&D debris landfills that accept drywall can expect H₂S generation, even without additional carbon sources. A possible H₂S control mechanism could be the addition of a material to loads of C&D debris that contained large amounts of drywall that would buffer the pH out of the ideal SRB pH range (e.g., lime). The results of concrete interaction with H₂S provide another possible H₂S control mechanism; by adding crushed concrete either with the waste or as a cover layer, H₂S emission from the landfill could possibly be reduced.

ACKNOWLEDGMENTS

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Swidlers Home timeline
11101 Versailles Blvd.
Clermont, FL 34711

- We built our home in 2006 as owner-builders.
- Purchased our lot in 2004 with plans to build our dream house.
- Started in March 2006 and our drywall arrived on June 1, 2006.
- Purchased the drywall from 84 Lumber in Tavares (have the receipt)
- Dan Raines to install the drywall which he did in about 5 days.
- Paint was delivered on July 7 and the home was painted in approximately 3 days
- Moved into the home in October 2006

- AC unit repairs:
 - 9/17/07 – Piston housing very loose. Tightened and reset. \$204.47
 - 12/28/07 – Condenser replaced \$215.19
 - 12/31/07 Leak in evaporator coil. Replaced. No charge
 - 1/14/08 – new evaporator coil \$311
 - 7/8/08 – Diagnostic on upstairs condenser. Charged Freon \$79
 - 8/7/08- Large leak in upstairs evaporator No charge
 - 8/22/08 Charged condenser due to Freon leak. No charge
 - 8/25/08 Replaced coil, new dryer. \$256
 - 4/6/09 Found charge low. We refused to charge. \$79
 - 4/15/09 System completely broken
 - Average electric bills in the summer were \$300+ since the units were running all the time

- Mid-07 started noticing kids plumbing fixtures were corroding.
- Random pieces of silver (wine corks, picture frames, etc) were tarnishing
- End of 07, noticed guest bath plumbing corrosion

- April 2008 replaced main board on microwave
- August 2008 main bulb on new big screen blew out (11 months old)
- October 2008 noticed all of Jill's jewelry was tarnishing (she is a jeweler for Premier Designs Jewelry)

- January 2009 had all carpets cleaned
- February 2009 dishwasher power failure. Repair man stated the copper in the wire nuts were gone which caused the malfunction.
- April 2009 main bulb blew out again (\$250)

- Every three months since we've lived in the home our electric smoke detectors have gone off at random when all batteries are still charged.

- March 2009 Jill saw story on local CBS station on Chinese drywall. Pulled off electrical outlets and realized we didn't have any copper wiring.
- Mike found (b)(3):CPSA
Section 6(b) drywall in the attic – so we thought we didn't have Chinese drywall.
- Larry Cerro from the AG's office inspected the house on April 5, 2009.
- April 8, 2009, Adam Harden inspected the house and we realized we had bad American drywall. We stopped living in the house that day.
- May 23 moved furniture out of the house
- May 26 cut drywall in office, master bedroom, Hanna's room. All (b)
(3):CP

Health issues:

Mike

- Excessive snoring
- Headaches

Jill

- Constant headaches
- Sinus infection when moved in Oct 06
- Poor memory (better now we're out of the house)
- Eye twitching (gone now)
- Coughing
- Rash on wedding ring finger for 6 months
- Constant sniffing/eye watering

Sam (age 10)

- Constant headaches
- Coughing
- Sneezing
- Heavy breathing
- Blurred vision

Hanna (age 7)

- Headaches
- Blurred vision



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- [STORE FINDER](#)
- [PRODUCTS](#)
- [PRESS ROOM](#)
- [CONTACT US](#)

>

Stores Closest to 34711 (Clermont, FL)

(Click on store name for map and driving directions)

> [Stores](#)

Stores with the 84 Marketplace symbol have in-store specials.

Click on the symbol for more information.

Winter Garden (1337)
 1011 Pineloch Ind Drive
 Winter Garden, FL 34787

Phone: (407) 656-1484
Fax: (407) 905-9784
Hours: Mon-Fri: 7-6 Sat: 8-12 Sun: CLOSED

Tavares (1320)
 3751 County Road 561
 Tavares, FL 32778

Phone: (352) 742-8400
Fax: (352) 742-8500
Hours: Mon-Fri: 7-6 Sat: 8-4 Sun: 9-4

Sanford (1302)
 3050 Mellonville Av
 Sanford, FL 32773

Phone: (407) 708-7400
Fax: (407) 708-7408
Hours: Mon-Fri: 7-5 Sat: CLOSED Sun: CLOSED

Haines City (1339)
 3777 Cr 544 East
 Haines City, FL 33844

Phone: (863) 422-1184
Fax: (863) 422-1162
Hours: Mon-Fri: 7-5 Sat: CLOSED Sun: CLOSED

Brooksville (1334)
 2281 Broad St
 Brooksville, FL 34604

Phone: (352) 544-8084
Fax: (352) 799-1184
Hours: Mon-Fri: 7-6 Sat: 8-12 Sun: CLOSED

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Doc No: I0950507A

Issue: 33

05/15/2009

05/14/2009 08:49:32

Name = Jill Swidler
Address = 11101 Versailles Blvd.
City = Clermont
State = Florida
Zip = 34711
Email = fourswids@msn.com
Telephone = 352-227-8024
Name of Victim = Swidler Family
Victim's Address = 11101 Versailles Blvd.
Victim's City = Clermont
Victim's State = Florida
Victim's Zip = 34711
Victim's Telephone = 3522278024

Incident Description = We have had to move out of our three year old home due to toxic AMERICAN drywall. Two different investigators have found that we have all of the symptoms of Chinese drywall, but ours has (b)(3):CPSA Section 6(b) labeling which is manufactured in the US by (b)(3):CPSA Section 6(b). We are now trying to get a forbearance agreement with our mortgage company and then will have the house condemned so that maybe our insurance will pay for our rental. We have also filed a class action suit against (b)(3):CPSA Section 6(b) and 84 Lumber.

Victim's age at time of incident =
Victim's sex =
Date of incident = 4/6/09
Product involved = Toxic AMERICAN drywall
Product brand name/manufacturer = (b)(3):CPSA Section 6(b)
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased = June 2006
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Release name to the manufacturer and public

10950507A

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

We need help from our bank, insurance company & county. We can't afford a home that is so sick & toxic that we can not live in it!

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Scott Swidly
Signature

5/12/09
Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

| | | | | |
|---|--|--|--|---|
| 1. Task Number 090504CBB1667 | | 2. Investigator's ID 2118 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2004 10 25 | 5. Date Initiated YR MO DAY 2009 05 05 | | |
| 6. Synopsis of Accident or Complaint UPC The 46 year old female complainant's home was flooded with five feet of water from hurricane Ivan. The home was severely damaged and had to be renovated. Drywall was replaced throughout the home. There were no injuries. But the consumer is suffering from headaches as a side effect from the replaced drywall. The complainant did not know the exact amount of the property damage, but it was in excess of over \$100,000 dollars. | | | | |
| <p>NEP PRIVACY NOTIFIED 10/13/09</p> <p>COMMENTS: <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED</p> <p><input checked="" type="checkbox"/> EXCISIONS/FOIA Hrs. 6</p> <p><input checked="" type="checkbox"/> DO NOT RE-NOTIFY DO NOTIFY</p> <p>LA-MR-05 (b)(3):CPSA Section 6(b)</p> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City GULF BREEZE | | 9. State FL |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name UNKNOWN | | 10C. Model Number UNKNOWN |
| 10D. Manufacturer Name and Address UNKNOWN | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 46 | 13. Sex 2 - Female | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 2 - Telephone | 19. Time Spent (Operational / Travel) 10 / 0 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 05/26/2009 | 25. Reviewed By 9084 | | 26. Regional Office Director Dennis R. Blasius | |
| 27. Distribution Rose, Blake; Blasius, Dennis; Kohen, Beverly | | | 28. Source Document Number I0930625A | |

090504CBB1667

The information in this report was obtained during a telephone interview with the complainant on May 14, 2009. This investigation was initiated from an internet complaint that was received on March 26, 2009.

The 46 year old female complainant resides in a four bedroom rancher in Gulf Breeze, Florida. The brick home is approximately 3,000 square foot and was built in 1994. It is located roughly two lots away from the Gulf Coast. The complainant moved into the home in 1996. They have not experienced any problems with the home until Hurricane Ivan and Dennis.

On September 16, 2004, Hurricane Ivan came ashore the Gulf Coast of Florida. The complainant's home was flooded with five feet of water. The home was severely damaged and had to be renovated. They replaced the roof, carpet, sink, cabinets and drywall throughout the house. They did not have to replace the nine foot ceiling. The water was in the home for approximately six hours. During the renovation, the complainant stayed in a hotel for approximately two months. There were no injuries. The complainant did not know the exact amount of the property damage, but it was in excessive of over \$100,000.

On October 25, 2004, the complainant purchased several sheets of drywall from a nationwide home improvement retailer. The drywall sheets were installed by a local company. They placed eight feet of drywall throughout the home, and laid the sheets side by side from the floor to the ceiling. There is a foot of molding extending down from the ceiling which did not need to be replaced. The home contained wooden studs.

On July 11, 2005, the complainant's home was flooded again by Hurricane Dennis. A small amount of water seeped into their home. It did not leave a water line. The home experienced minor damage. They replaced the carpets and changed the grout inside the tile floor. They did not have to replace the drywall. The complainant did not have to leave her home during the repairs.

There have been no electrical problems in the home. There were no signs of flickering lights, arcs, sparks, buzzing or sizzling noise. The circuit breaker is working properly.

The complainant felt that the two light switches with dimmers in the living room and dining room were unusually hot to the touch when in use.

There was no damage or corrosion to any of the electrical outlets. There was no odor coming from them. There were no signs of corrosion or any problems with the smoke detectors. They did not have sprinklers in the home.

There were no signs of fire or smoke from any of the appliances.

090504CBB1667

On March 26, 2009, the complainant contacted the Commission to report that she was experiencing headaches and her home smelled like rotten eggs odor. But she was not sure what was causing them.

During our interview, the complainant described the odor in her home as being similar to the smell of debris or decaying seaweed, not rotten eggs. The smell was primarily in the master bedroom coming from the wall behind her bed. It was stronger during the summer months because of the humidity. She placed three dehumidifiers throughout the home, and operates them from April through November. It has minimized the odor.

The complainants neighbors do not have an odor in their home. They used a different installer. She did not know what type of drywall they used or if they purchased it from the local retailer. She will ask them as soon as possible. She did not have their contact information available. At the time of this report, it has not been forthcoming and has been added to the missing document form. (Exhibit #2)

The complainant stated that she started getting headaches after her dad passed away in June 2007. The headaches are located behind her temple on the left side and she gets sharp pains in her head. In 2008, she started going to a chiropractor and he told her that her headaches were from the bulging disc in her neck and not the drywall. He has been treating her with steroid injections. She has to receive one shot per week for three weeks. She stated that it helps calm down the bulge in her disc, and she is feeling better. The complainant does not suffer from sinusitis.

The complainant has not had her air conditioner, air quality, or drywall tested. She said she may call a heating and air conditioning company to come in and check their central air conditioning system. I asked her to send me a copy of the results of their assessment.

The fireplace, water heater, and furnace are fueled by natural gas. She examined the copper wires in the appliances and they appeared to be in good condition and showed no signs of corrosion.

She has not notified the retailer, builder, or installer of her concerns, but she has notified an attorney who is handling a civil action suit.

The complainant does not know who manufactured the drywall.

On May 21, 2009, this investigator contacted the retailer to determine if they knew who manufactured the dry wall in 2004. The manager stated that they do not keep that information available. He provided two names, saying that it may have been one of them. It is highlighted under the product section.

090504CBB1667

The complainant verbally stated that she did not want her name released to the general public or to the manufacturer. It has been properly marked on the 182 form. She also listed it on the original internet form.

The complainant did not know the history of the land that her home was built on. But she did know the name of the builder. This investigator requested the builder's name and address. At the time of this report, it has not been forthcoming and has been added to the missing document form. (Exhibit #2)

The complainant was going to email me copies of photographs, purchase receipt, and the name and address of the installer. At the time of this report, they have not been forthcoming and have been added to the missing document form. (Exhibit #2)

PRODUCT IDENTIFICATION

Product..... Drywall
Brand Name.....Unknown
Size..... 4 x 8
Model Number..... 11732

MANUFACTURER

The manager at the retail store speculated that it may have been was one of two manufacturers: LaFarge or (b)(3):CPSA Section 6(b) He could not verify that information.

RETAILER

Lowe's Of Gulf Breeze, #1073
1421 Tiger Park Lane
Gulf Breeze, FL 32563
Tel: (850) 932-0762
Fax: (850) 932-1257
Website: <http://www.lowes.com>

EXHIBITS

#1: Contact Sheet
#2: Missing Document Form

CONTACT SHEET

COMPLAINANT

(b)(6)

A rectangular box with a dashed border, indicating a redacted area. The text "(b)(6)" is written in the top-left corner of the box.

RETAILER

Lowe's Of Gulf Breeze, #1073
David Jackson, Manager
1421 Tiger Park Lane
Gulf Breeze, FL 32563
Tel: (850) 932-0762
Fax: (850) 932-1257
Website: <http://www.lowes.com>

TASK NUMBER: 090504CBB1667

INCIDENT DATE: 10/25/2004

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report could not be obtained.

- 1. Builder's name and address**
- 2. Installer's name and address**
- 3. Drywall purchase receipt**
- 4. Photographs**
- 5. Neighbor's name and phone number**

Date: 05/21/2009

Investigator No: 2118

Regional office: ___CFIEB___ Supervisor No: ___9084___

| | | | | |
|---|--|--|---|--|
| 1. Task Number 090520CBB2638 | | 2. Investigator's ID 2147 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2005 01 01 | 5. Date Initiated YR MO DAY 2009 05 22 | | |
| 6. Synopsis of Accident or Complaint UPC 081099000355 A 37 year old female reported that her family has experienced health problems and that electrical products in her home have malfunctioned. The complainant's house was renovated in 2004/2005 and she believes drywall that was installed during the renovation may be the cause of the problems. The family moved out of the house in 2008 because of health concerns. | | | | |
| MER. PRULBR NOTIFIED 10/19/09 COMMENTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OVERRULED; ATTACHED EXCISIONS FOLLOWS 3/25/09 DO NOT RE-NOTIFY <input checked="" type="checkbox"/> RE-NOTIFY USG (b)(3):CPSA Section 6(b) | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City MACON | | 9. State GA |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name USG SHEETROCK | | 10C. Model Number UNKNOWN |
| 10D. Manufacturer Name and Address UNITED STATES GYPSUM COMPANY 125 South Franklin Street Chicago, IL 60606--4678 | | | | |
| 11A. Second Product 1876 - House Structures, Repair Or (b)(3):CPSA Section 6(b) | | (b)(3):CPSA Section 6(b) | | 11C. Model Number UNKNOWN |
| 11D. M | | | | |
| 12. Age of Victim 41 | 13. Sex 1 - Male | 14. Disposition 1 - Injured, not Hosp. | | 15. Injury Diagnosis 71 - Other |
| 16. Body Part(s) Involved 85 - ALL OF BODY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | | 19. Time Spent (Operational / Travel) 19 / 4 |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 06/03/2009 | | 25. Reviewed By 9085 | | 26. Regional Office Director Dennis R. Blasius |
| 27. Distribution Rose, Blake; Woodard, Dean; Blasius, Dennis | | | 28. Source Document Number I0950711A | |

This investigation was initiated as a result of an internet complaint filed with the Consumer Product Safety Commission (CPSC) on May 19, 2009. The complainant, a 37 year old female, reported that her family has experienced health problems and that electrical products in her house have malfunctioned. The complainant's home was renovated in 2004/2005 and she believes drywall that was installed during the renovation may be the cause of the problems. The family moved out of the house in 2008 because of health concerns. The complainant was interviewed outside of the incident home on May 27, 2009.

House Construction

The incident brick house is a one-story single family residence that was built in 1959. The ranch style home sits on a partial daylight basement and has approximately 1,700 square feet of heated living space.

The house is equipped with a natural gas hot water heater and a natural gas central heating system. All other appliances are electric.

The complainant and her family moved into the house in 1996. On April 22, 2004, a fire damaged the home. The fire started when a can of spray paint fell in a carport utility room and was punctured. The nearby natural gas water heater ignited the paint fumes. The complainant believed that the house was a total loss due to fire, smoke, and fire suppression damage. However, her homeowner's insurance company determined that the house was repairable and did not provide enough funds to totally rebuild the house.

The complainant, acting as her own general contractor, renovated the interior of the house (including the basement). The interior wood studs were replaced. The wood studs around the exterior of the house were sealed with primer and remained in place. New drywall was installed in the walls and ceilings throughout most of the house. The complainant estimated that 12 square feet of the original drywall was not removed in the kitchen/laundry room area.

The complainant purchased the new drywall from a home improvement retailer in a nearby town (a closer store of the same retailer was out of stock). On December 19, 2004, she purchased 150 pieces of ½" x 4' x 12' drywall. On January 3, 2005, she purchased 22 pieces of ½" x 4' x 8' water resistant drywall (see purchase receipts found as Exhibits C and D). The complainant believes a small quantity of additional drywall was later purchased from the same retailer but she could not provide a receipt. A sub-contractor installed the drywall. The water resistant drywall was installed along the bottom four feet of the walls in the basement.

The electrical system throughout the house was replaced as well as much of the plumbing. New appliances, wall receptacles, light fixtures, cabinets, etc. were

also installed. New carpet was placed in most of the house (except the kitchen, bathrooms, hallway, and part of the basement) and the walls were painted.

The exterior bricks of the house were discolored in the fire and the complainant was unable to clean them. Consequently, the bricks were sealed with a primer and covered with vinyl siding.

The complainant estimated that one third of the roof was replaced. The wood in the rest of the roof was blackened in the fire but not replaced. The wood was sealed with a primer.

The renovation was completed in May of 2005 and the family moved back into the house at the end of the month. The home was occupied by the complainant (a 37 year old female), her husband (41 years old), three children (a 9 year old male, 11 and 13 year old females), and the complainant's mother (70 years old). The ages in parentheses are the ages of the individuals as of the on-site interview. There were no pets present in the house.

The complainant estimated that later in 2005 is when she first noticed an odor in the house. She described it as an old, musty, sulfuric, vinegar smell. At first the odor was worse during the summer months, but more recently (in 2007 and 2008) became more persistent year round. The odor was present throughout the house and was noticeable at all times, not just when the house had been shut up. A heating/air conditioning technician visited the house in 2005 and determined that the odor was not coming from the central heating/air conditioning system (see Exhibit E).

Health Effects

After moving back into the renovated house, family members began to experience various health problems that they had not suffered from previously. The complainant believes that many of the adverse health issues began in 2006 and worsened over time. She reported the following list of health problems (approximate dates of on-set or diagnosis, if known, are in parenthesis and ages are as of May 2009):

9 year old male: stomach ache, headache, nausea, acid reflux (August 2007), diagnosed with Ketoacidosis (hospitalized with type one diabetes and is currently insulin dependent, October 2007), uncontrollable blood sugar levels

11 year old female: stomach aches, headaches, tiredness, skin rashes, and little energy, bloody nose during sleep (once)

13 year old female: skin rashes, headaches, tiredness, stomach aches, constipation

37 year old female: tiredness, heaviness/pressure in chest (2006), sinus infection (2007), numbness in upper and lower extremities, limbs would go to sleep during the night (2008), heavy or hard sleeping, gas, bloating, lower back pain in kidney area, respiratory discomfort (asthma-like), constipation

41 year old male: tiredness, headaches, uncontrolled muscle drawing in hands and cramps in legs/hands (2008), finger numbness/tingling (2008), chest discomfort, constipation, irritated itchy eyes

The complainant's mother suffered from rheumatoid arthritis and diabetes prior to 2005. Her health deteriorated after moving into the house (including respiratory problems, uncontrollable blood sugar levels, and losing approximately 25 pounds). She moved into an assisted living facility around November of 2006 and her health somewhat improved over time. She later moved to a retirement community.

The complainant reported several instances when visitors to the house suffered unexplained symptoms including:

The complainant's 39 year old brother told her that he suffered from burning eyes and sinus problems during weekend visits to the house (dates unknown). He did not have these problems while away from the house. He stayed in the basement during his visits. The complainant placed a humidifier in the basement in an attempt to mitigate the problem but she does not know if it helped.

On one occasion the complainant's mother-in-law began to feel poorly and needed to go outside for fresh air (date unknown).

In late 2007 or in 2008 an aunt of the complainant's husband had a rapid heartbeat, clammy skin, and almost fainted at the house.

The complainant began to home school her son in September of 2007 because of the health problems associated with his soon to be diagnosed diabetes. The two female children started home school in October of 2008 because of their severe allergies. The complainant's youngest daughter developed allergies after the renovation but her son and older daughter had allergies beforehand. The complainant believes that school food played a role in the children's allergies. She reported that their skin related problems (including eczema) improved after starting home school but that other complaints (headaches, ill feelings, etc.) increased. She believes that the additional time spent in the house by the children for home school was detrimental to their health.

The complainant visited her physician in 2006 for "heaviness" or pressure in her chest in addition to heart palpitations. She did not receive a diagnosis or

treatment. She tried using dietary supplements and natural remedies but believes that being out of the house more (she started going to school) helped her feel better. She continued to have these symptoms off and on until she moved out of the house. She suffered from a severe sinus infection in 2007 that required her to receive a shot.

In 2008, the complainant visited her physician for numbness problems. She would regularly (approximately three times per week) wake up in the night with one or more of her extremities asleep. On one occasion her leg and pelvis were both asleep. She did not receive a diagnosis or treatment. Her physician recommended a nerve study but she did not have one completed.

Since moving out of the house, the complainant has only experienced similar numbness on two occasions. They both occurred on nights when her husband had been at the house during the day. She believes these episodes were caused by residual odor from the house in her husband's clothes. She now makes him promptly wash his clothes when he has been at the house.

The complainant's medical records were requested but have not been received.

The family members physical symptoms lessened when they were away from the house and returned once they were home again. It was not until 2008 that the complainant became aware that she and her family members felt better when they were away from the house. She could not estimate how quickly symptoms subsided and returned in association with being in or out of the house on a daily basis.

The complainant and her three children moved out of the house and into an apartment in early November of 2008. Her husband did not move out until mid to late December of 2008. He did not feel that there was a problem with the house and continued to primarily live there. However, after the medical issue discussed in the next paragraph, he reconsidered and eventually decided he should join his family in the apartment.

On November 24, 2008, (after the rest of the family had moved out), the complainant's husband was taken to the emergency room after spending three or four days in the house. The complainant went over to the house and found that her husband was suffering from tightness in his chest, leg and hand cramps, and numbness/tingling in the tips of his fingers. His finger numbness/tingling had been present for several months but had recently intensified. That day her husband's fingers had also begun to draw away from each other (separate) involuntarily. He was transported by emergency response personnel to a nearby hospital. The hospital ran numerous tests but no cause was identified (although he was diagnosed with microscopic hematuria, see Exhibit H). He has been in and out of the house on many occasions since moving out in December of 2008 without incident. However on Saturday, May 30, 2009, he went back to the

house to move some things. By late Sunday/early Monday he experienced numbness/tingling in his fingertips again.

The complainant was in and out of the house over the next several months after she moved. She estimated that her symptoms generally lessened 24 to 36 hours after being out of the house and reappeared four hours after returning to it. The complainant considered herself to be the most sensitive member of the family to the conditions in the home.

On May 24, 2009, the complainant went into the house wearing a dust particle respirator. She was in the house for about 15 minutes. Within half an hour she became "gassy". Three to four hours later she felt bloated, nauseous, light-headed, clammy, and experienced a rapid heartbeat. She went to sleep and felt better the next day. The complainant decided that she will no longer go into the house.

Electrical and Corrosion Complaints

In addition to health issues, the complainant also reported problems with items in the house that began around the year 2006. She reported flickering lights (mostly on the main floor), circuit breakers tripping for no apparent reason, buzzing noises at light switches that have dimmers, short-lived light bulbs, and plugs that were warm to the touch (the wall receptacles and the light switches themselves were not unusually warm). She did not report any unusual odors (other than the odor that permeated the entire house) in the vicinity of any wall receptacles, switches, or light fixtures.

The complainant installed several compact fluorescent lights in an effort to extend the life span of light bulbs in the house. However, these lights appeared to smoke once installed and were removed for fear of starting a fire.

The recessed lights in the kitchen would regularly go out after being on for about 15 minutes. The complainant would turn the light switch off for a couple of minutes before turning the lights back on.

The smoke alarms in the home are hard-wired with a battery back-up. The complainant feels that the batteries are short-lived but did not report any other problems with the smoke alarms.

In 2007 the motion floodlights around the exterior of the home began to malfunction. The floodlights are hardwired into the electrical system and the motion sensors are battery powered. The lights would come on for no apparent reason, they would blink on and off, and sometimes they would not turn off when they should (after a set amount of time). The motion sensors also had problems with short-lived batteries.

In 2008 the ground fault circuit interrupter (GFCI) wall receptacles (both interior and exterior) around the house began to trip for unknown reasons.

Several problems were reported with the home's central heating/air conditioning unit. The unit was installed during the renovation and it is located entirely outside of the house (referred to as a single outdoor package). The complainant specifically denied having any part of the unit inside of the house and this investigator did not observe any indoor heating/air equipment during a walk-through of the house.

In January of 2006 the digital thermostat and the heat relay were replaced. The technician recommended increasing the size of the transformer in the unit because it was not sending the proper voltage to the thermostat. The complainant did not replace the transformer. In December of 2008 the unit's pilot light igniter was replaced after the complainant smelled gas.

The air conditioner has never been recharged with refrigerant. However, the complainant reported that she was told by a service technician that there were holes in the evaporator coils of the air conditioning unit (which is located outside of the house).

The complainant never received an explanation concerning the cause of any of the heating/air conditioning unit's problems. Three service orders regarding the heating/air system are attached as Exhibit I.

The complainant's electric cook top, installed in November of 2004, malfunctioned in 2007 or 2008. The complainant had previously noticed that when the right rear burner was turned to "low" it would actually heat to "high". The control knob for that burner was removed from the cook top. On an unknown date in 2007 or 2008, the complainant's husband decided to use the right rear burner again so he put the control knob back on. The area around the knob began sparking when he turned the burner on. He was not injured and the complainant thinks the circuit breaker may have tripped. The entire cook top was replaced under warranty with a similar unit.

The complainant reported only one instance of a product blackening in the home. The frame around a mirror that she removed from the living room of the house in late 2008 or in 2009 appeared to her to be unusually tarnished. She used a cleaner and rag to remove the tarnish and the rag quickly turned black.

The complainant advised this investigator that an identical mirror and frame were still in the incident house in one of the children's bedrooms. Per the complainant's suggestion, I removed the mirror from the wall and brought it outside for examination (the complainant would not enter the house). The complainant said it appeared to look tarnished like the other frame. She unsuccessfully attempted to wipe what she thought was tarnish from the frame

with a dry cloth. The frame on the mirror appeared to be made of wood. The wood appeared to have been painted a metallic gold/silver color with additional black accents painted on. When I informed the complainant that the frame was probably made of wood, she agreed and determined that the cleaner she used on the other mirror was likely removing the paint and causing the rag to turn black.

She did not report any signs of corrosion or pitting on pipes, faucets, light fixtures, jewelry, etc.

Some of the furniture in the house had been relocated to the complainant's apartment when she moved. She had the upholstered furniture professionally cleaned to remove the offensive odor of the house. She threw away one of her daughter's mattresses because of the odor. The complainant brought some of the children's furniture to the apartment and cleaned it herself but it still made the children feel ill for a short period. She is concerned that bringing more items from the house to the apartment will cause additional adverse health reactions.

Examination of the House

During the on-site visit, the complainant unlocked a door and allowed me to examine the interior of the house. She would not go inside because of health concerns. The house was still full of personal effects and furniture.

The hot water heater and the circuit breaker panel were locked in a carport utility room. The complainant did not have the key. She contacted her husband in an effort to obtain the key. He stated that he was going to come to the house but had not arrived after one hour. Therefore, the water heater and the circuit breaker panel were not examined.

I examined the exposed wires behind several wall receptacles and light switches in the living room, kitchen, and basement. The wires were not corroded. Examination of the wires was limited because electricity could not be turned off to the switches and receptacles (the circuit panel was not accessible).

The copper on a coaxial cable and from speaker wires coming out of the wall in the living room were not corroded. None of the metal light switch plates located throughout the house appeared corroded, blackened, or pitted. Fixtures in the kitchen were examined and none showed evidence of pitting, blackening, or corrosion.

One toilet water supply valve located in a bathroom near the kitchen and living room appeared corroded. No other metal objects in the bathroom showed evidence of pitting, blackening, or corroding. Similar toilet water supply valves in other bathrooms had little to no corrosion and did not show evidence of pitting or

blackening. No other bathroom fixtures that were examined appeared corroded, blackened, or pitted.

An outlet wiring tester was placed in several wall receptacles in the house. They appeared to be wired properly. The test button of a GFCI wall receptacle in the kitchen appeared to function properly.

The drywall in a basement bathroom was examined for markings. The back of the drywall (floor to ceiling) on one small wall was accessible from an unfinished part of the basement. No markings of any kind were visible on the exposed drywall (see Exhibit B photos 2 and 3). The unfinished basement area was damp and had a hole in the ground with standing water in it (a sump pump may have been in the water).

I entered the house's low height attic and found that it had been largely covered with plywood and used for storage. Blown insulation around the edge of the plywood flooring was moved aside in several locations but no markings of any kind were visible on the back of the ceiling drywall.

I did not note any unusual odors in the house. However, I was suffering from allergies at the time of the examination and my sense of smell was impaired.

Other

The complainant reported that mold or mildew was discovered on some baseboards in the basement in 2008. A section of baseboard, estimated by the complainant to be six feet in length, was removed and mold or mildew was discovered growing on the moisture resistant drywall. The complainant estimated that a one foot by two foot section of drywall was removed and the accessible area between the exterior and interior walls was sealed. She could not recall how the area was sealed (foam sealant, a plastic barrier, etc.).

No outside experts or professionals (other than heating/air conditioning technicians) have visited the house to investigate the cause of the various health and electrical problems. The complainant believes that the source of the problems in her home may be the drywall. She has not contacted the drywall retailer or manufacturers.

The complainant contacted several government agencies for assistance including her county health department, the Environmental Protection Agency, and the Occupational Safety and Health Administration. These entities advised her that she needed to arrange for professional help on her own. She was not able to provide any names, dates, or specific information about these contacts. She contacted CPSC after discovering reports of similar problems blamed on imported drywall in Florida.

In early to mid-May of 2009, the complainant spoke with a representative of her homeowner's insurance company and explained the situation. The representative did not offer any solutions and mentioned that they were not her insurance carrier at the time the drywall was installed.

The complainant's next door neighbor moved out due to health problems several months ago. The neighbor's home was renovated around the same time as the complainant's home. The complainant was not sure if the neighbor's health problems and home renovation are related. She is not aware of any community action in regards to drywall issues.

The complainant is not sure of her short or long term plans with the house. The family is trying to cope with the financial burden of paying their mortgage and apartment rent as well as two sets of utilities. She is afraid to bring any more of her personal belongings from the house to her apartment because the odor makes her ill.

She agreed to provide a sample of the home's drywall to CPSC if requested in the future.

On May 27, 2009, a visit was made to a location of the retailer where the drywall was purchased (note that this is the same retail chain but not the same location where the complainant bought her drywall). Consumer Product Safety Commission credentials and a Notice of Inspection were presented to the manager on duty. In addition to the manager on duty, an assistant manager, the store manager, and a district operations manager were asked about any similar complaints regarding drywall. They were not aware of any similar consumer complaints. One of the product SKUs found on the complainant's purchase receipts (150 pieces of ½" x 4' x 12' drywall) was located in the store and the manufacturer information was recorded. The managers checked the SKU for the water resistant drywall in their computer system. It returned as "item not found" at the store as well as at the store where the incident drywall was purchased. The managers believe this means that the SKU is not likely sold in the region.

PRODUCT DESCRIPTION / LABELING

Drywall (A)

The product is ½" x 4' x 12' drywall. The purchase receipt lists the product SKU as 258-377. The SKU was located at the retailer and was found to be **USG Sheetrock** brand.

The product found at the retailer was labeled in part:

**** USG SHEETROCK Brand *** ½" x 4' x 12' *** 0 81099 00035 5 ***
WB2035- 12/1 – 2000 *** Gypsum Panel Tapered Edge *** United States
Gypsum Company *** 125 South Franklin Street *** Chicago, IL 60606-

4678 *** A Subsidiary of USG Corporation *** Manufactured to meet
ASTM Standard C36 *** Conforms to CAN/CSA – A82.27 – M91 ***”

Manufacturer:

United States Gypsum Company
125 South Franklin Street
Chicago, IL 60606-4678
(800) 950-3839
www.usg.com

150 pieces of drywall were purchased on December 19, 2004, for \$10.12 each
from:

Home Depot
2620 Watson Blvd.
Warner Robins, GA 31093
(478) 923-4594

SKU 258-377 was found for sale at the following retailer on May 27, 2009:

Home Depot
4635 Presidential Parkway
Macon, GA 31206
(478) 477-0266

Drywall (B)

The product is ½” x 4’ x 8’ water resistant drywall. No markings were located on
the drywall in the incident house. The SKU (258-393) found on the purchase
receipt was not located in the retailer’s computer system. However, the
complainant reported that the product was manufactured by (b)(3):CPSA Section 6(b)

22 pieces of drywall were purchased on January 3, 2005, for \$10.29 each from:

Home Depot
2620 Watson Blvd.
Warner Robins, GA 31093
(478) 923-4594

Manufacturer:

(b)(3):CPSA Section 6(b)

(b)(3):CPSA Section 6(b)

Cook Top

The incident product is a Not Responsive brand cook top, model Not Responsive. The electric, smooth surface unit was installed new on November 11, 2004. No further identifying information was provided.

Manufacturer:

Not Responsive

Heating / Air Conditioning Unit

The incident product is a Not Respons brand central heating/air conditioning unit. The single outdoor package system was installed during the renovation. The entire unit is located outside of the house. No further identifying information was provided.

Manufacturer:

Not Responsive

ATTACHMENTS

- Exhibit A - List of Respondents
- Exhibit B - Photographs (12)
- Exhibit C - Purchase Receipt (December 19, 2004)
- Exhibit D - Purchase Receipt (January 3, 2005)
- Exhibit E - Statement from AC Technician Concerning Odor
- Exhibit F - Medical Records - 9 Year Old Male (Reflux)
- Exhibit G - Medical Records - 9 Year Old Male (Diabetes)
- Exhibit H - Medical Records - 41 Year Old Male
- Exhibit I - Heating/Air Service Orders
- Exhibit J - Cook top Warranty
- Exhibit K - Notice of Inspection
- Exhibit L - Release of Name
- Exhibit M - Missing Document Form

LIST OF RESPONDENTS

COMPLAINANT

- Adrianna Gantt
1720 Winston Drive
Macon, GA 31206
(478) 254-2969
dgantts@cox.net

May 22, 2009

Currently living at:

312 Juniper Lane
Macon, GA 31220

HOSPITAL

- Unknown Representative
Medical Records - Release of Information
777 Hemlock St
Macon, GA 31201-6884
(478) 633-1067

May 22, 2009

RETAILER

- Art Wright, Manager on Duty
- Gina Defranco, Assistant Manager
- Calvin Martin, Store Manager
- Mike George, District Operations Manager
Home Depot
4635 Presidential Parkway
Macon, GA 31206
(478) 477-0266

May 27, 2009

PHYSICIAN'S OFFICE

- Maggie (last name unknown)
Macon Family Health Center
1051 Pio Nono Avenue
Macon, GA 31204
(478) 755-8400
(478) 755-10730 fax

May 27, 2009

HEATING / AIR (contacted by the complainant)

- Adam Guesin, Service manager
Air Temperature Control, Inc.
7067 Cochran Field Road
Macon, GA 31216
(478) 784-1109

Unknown date in 2005

INSURANCE (contacted by the complainant)

- Mary (last name unknown)
Allstate
4917 Suite-B Mercer University Drive
Macon, GA 31210
(478) 474-8785

Early to Mid-May 2009

Photo 1: View of the incident house.



Photo 2: View of the back of drywall installed in the basement bathroom. No markings of any kind were visible on the drywall.



Photo 3: View of the back of additional drywall installed in the basement bathroom. No markings of any kind were visible on the drywall.



Photo 4: View of the attic space. Insulation around the edge of the plywood flooring was moved aside in several locations but no markings of any kind were visible on the drywall. Note that the wood that forms the roof has been sealed with primer (from the 2004 fire).



Photo 5: View of the attic space. Insulation around the edge of the plywood flooring was moved aside in several locations but no markings of any kind were visible on the drywall. Note that the wood that forms the roof has been sealed with primer (from the 2004 fire).



Photo 6: View of a corroded toilet water supply valve located in a bathroom near the kitchen and living room. No other metal objects in the bathroom showed evidence of pitting, blackening, or corrosion.



Photo 7: View of a mostly uncorroded toilet water supply valve located in a bathroom off of the hallway.

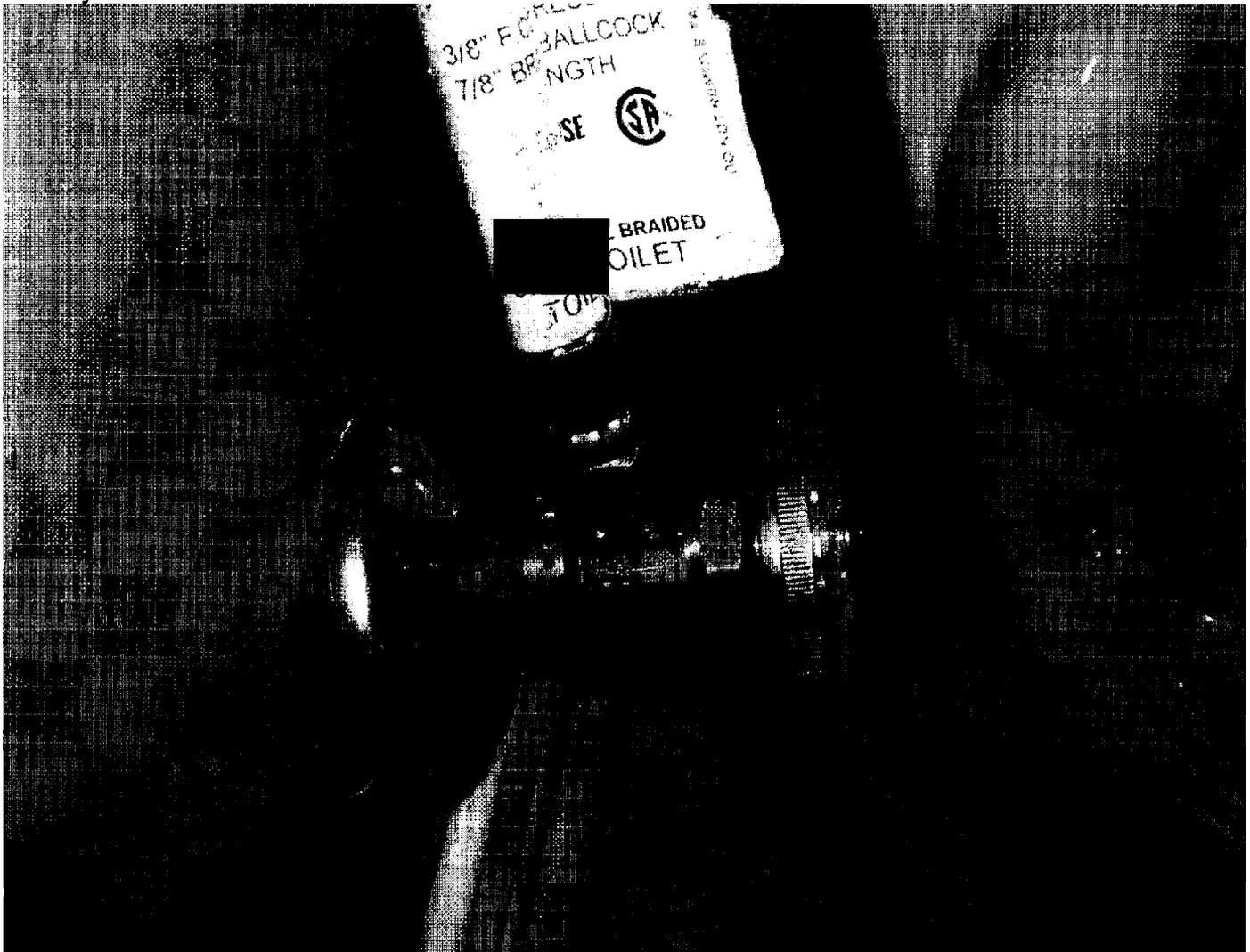


Photo 8: View of exposed copper wires in a living room wall receptacle. The wires did not appear blackened or corroded (the receptacle and wires are speckled with paint).

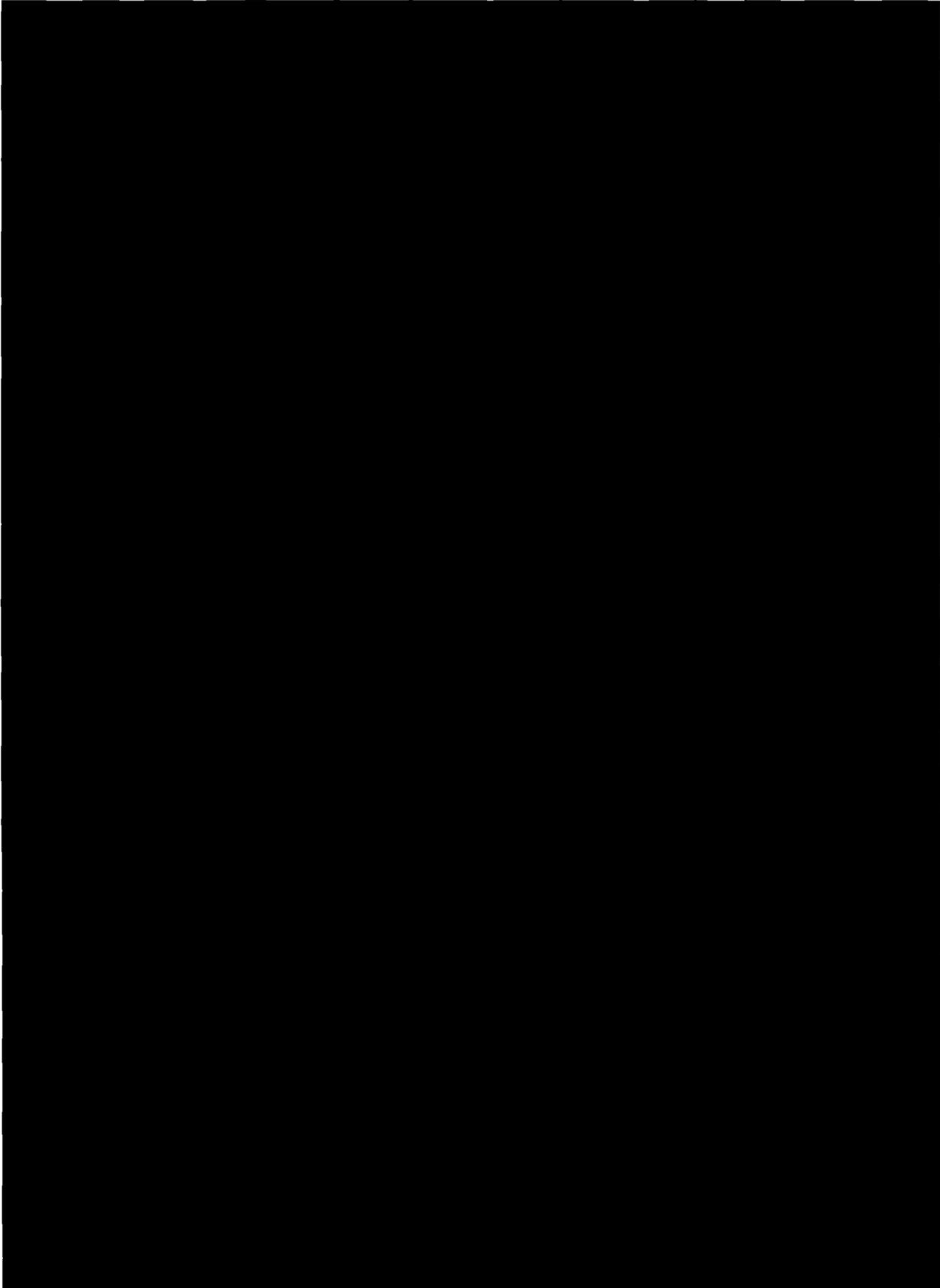


Photo 9: View of the replacement cooktop.



Photo 10: View of the central heating/air conditioning unit (single outdoor package).

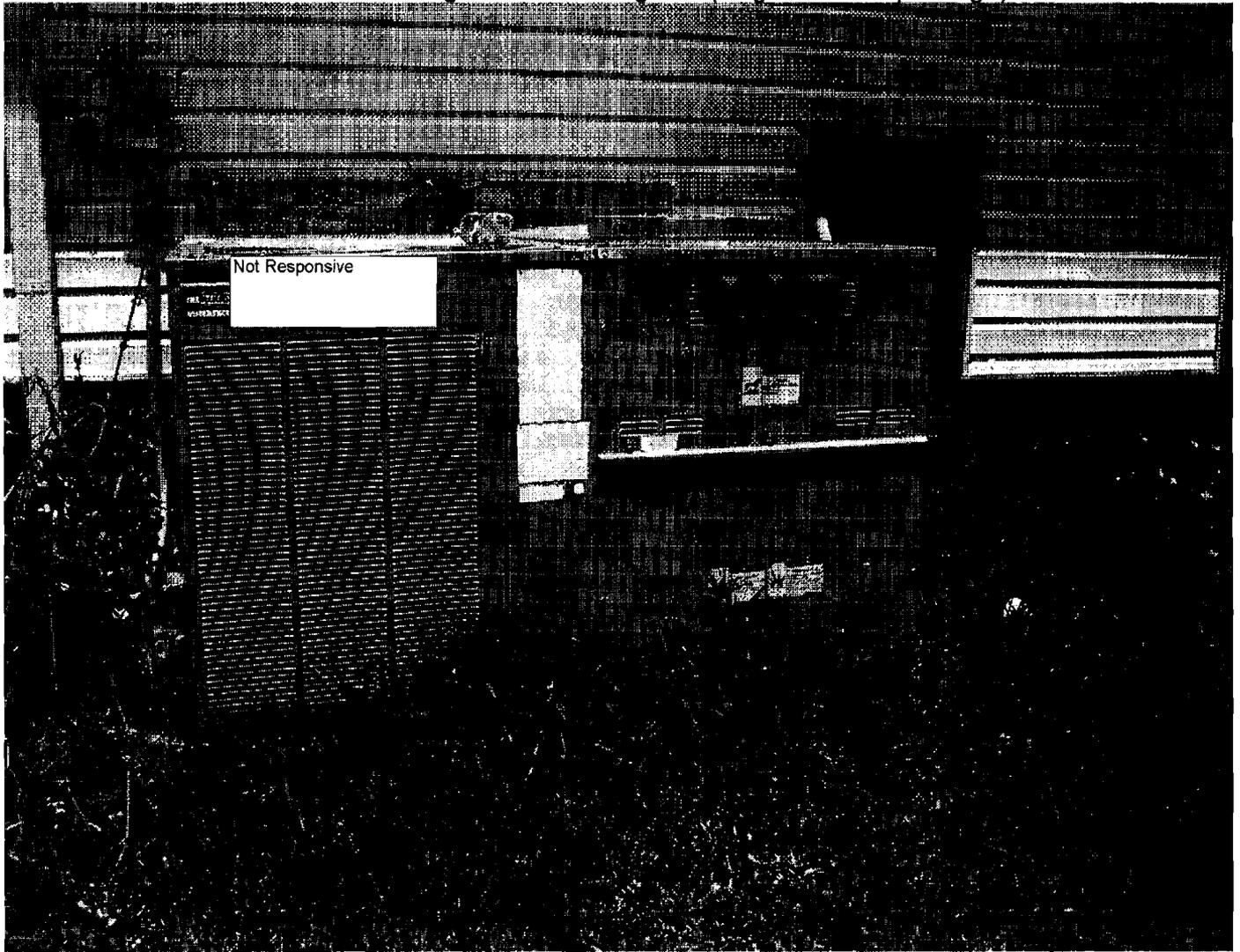


Photo 11: View of the central heating/air conditioning unit (single outdoor package).

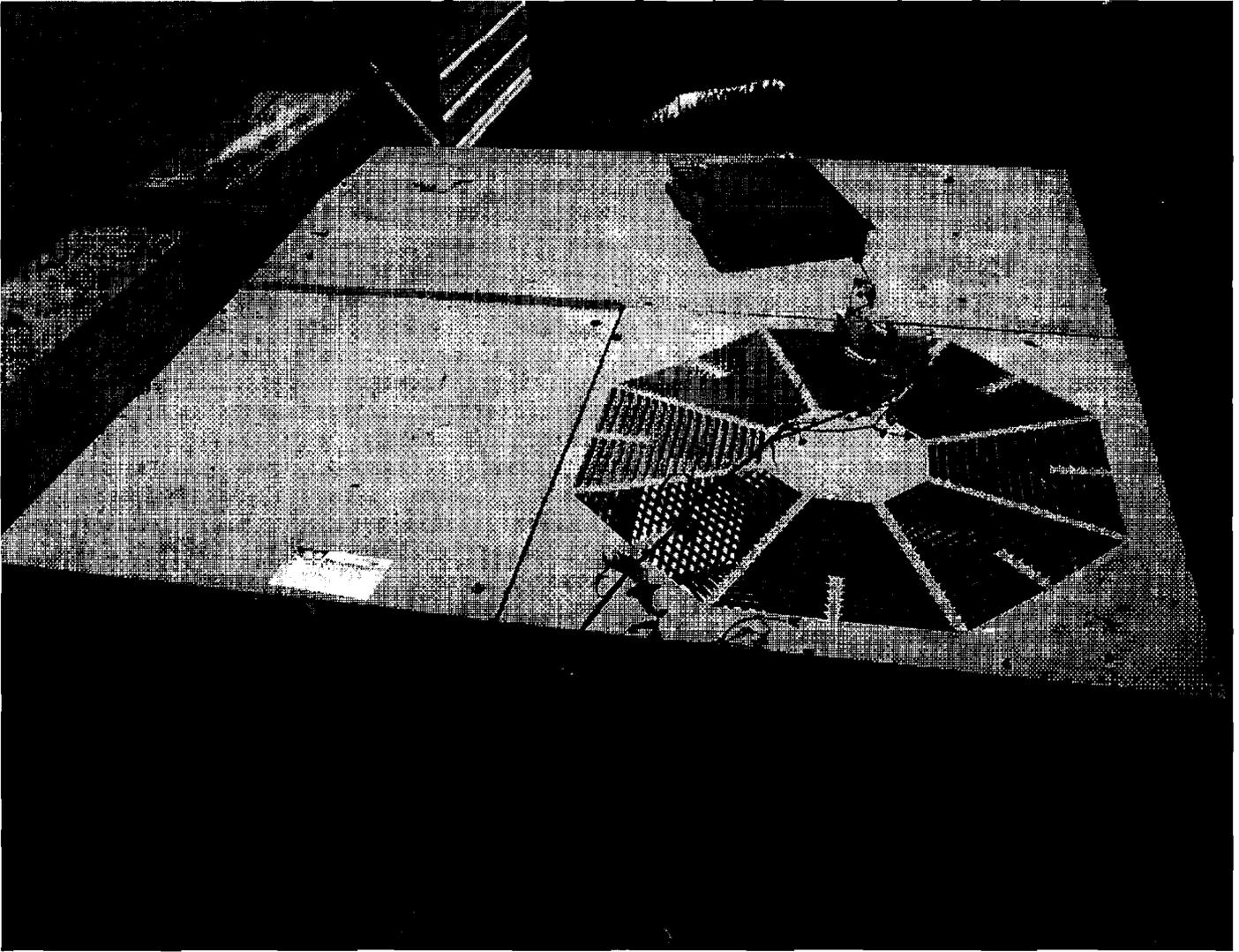


Photo 12: View of the 2004 fire damage (scanned photo provided by the complainant). The photo depicts the side of the house and shows the carport/utility room area.





Store 0163 WARNER ROBINS
2620 WATSON BLVD
WARNER ROBINS, GA 31093

Phone: (478) 923-4594
Salesperson: YML766
Reviewer:

VALIDATION AREA

This is only a [†]QUOTE for the merchandise and services printed below. This becomes an Agreement upon payment and an endorsement by a Home Depot register validation.

| | | | | | |
|----------------|------------------|---------|-----------------|--------|--|
| SOLD TO | Name | | Home Phone | | |
| | GANTT | | ADRIANA | | |
| | Address | | Work Phone | | |
| | 1720 WINSTON DR. | | (478) 319-3535 | | |
| | City | | Job Description | | |
| MACON | | REMODEL | | | |
| State | | Zip | | County | |
| GA | | 31206 | | BIBB | |

[†]QUOTE is valid for this date: 12/19/2004

| HOME DEPOT DELIVERY #1 | | MERCHANDISE AND SERVICE SUMMARY | | | We reserve the right to limit the quantities of merchandise sold to customers. | | |
|---|---------|---------------------------------|----|--|--|-----------------------------------|------------|
| | | REF #V08 | | | | | |
| STOCK MERCHANDISE TO BE DELIVERED: | | | | | | | |
| REF # | SKU | QTY | UM | DESCRIPTION | TAX | PRICE EACH | EXTENSION |
| R01 | 258-377 | 150.00 | EA | 1/2" X4X12 DRYWALL /WE DO NOT CARRY INSIDE | Y | \$10.12 | \$1,518.00 |
| R02 | 430-684 | 7.00 | EA | 500FT ROLL JOINT TAPE / | Y | \$2.88 | \$20.16 |
| R03 | 423-629 | 12.00 | EA | 1 1/4X8FT GALV CORNERBEAD-EA / | Y | \$1.39 | \$16.68 |
| R04 | 370-714 | 1.00 | BX | 1-3/8 PC DRYWALL NAIL 30LB BUCKET / | Y | \$34.54 | \$34.54 |
| R05 | 258-725 | 25.00 | EA | 5 GALLON ALL PURPOSE JT.COMPOUND | Y | \$9.99 | \$249.75 |
| | | | | | | MERCHANDISE TOTAL: | \$1,839.13 |
| DELIVERY INFORMATION: | | | | SCHEDULED DELIVERY DATE: 12/21/2004 | | | |
| V08 | 515-663 | 1.00 | EA | CURBSIDE DELIVERY SERVICE | Y | \$55.00 | \$55.00 |
| | | | | | | DELIVERY SERVICE SUBTOTAL: | \$55.00 |
| *** CONTINUED ON NEXT PAGE *** | | | | | | | |

No. 0163-59264

Customer Copy



(9801) 0100068667

HOME DEPOT CUSTOMER INVOICE - CONTINUED

HOME DEPOT DELIVERY #1
(Continued)

REF #V08

HOME DEPOT WILL DELIVER MDSE TO: GANTT, ADRIANA

ADDRESS: 1720 WINSTON DR.

CITY: MACON

STATE: GA ZIP: 31206

COUNTY: BIBB

SALES TAX RATE: 6.000

PHONE: (478) 471-8684

ALTERNATE PHONE: (478) 319-3535

MDSE & DELIVERY TOTALS: \$1,894.13

DRIVER SPECIAL INSTRUCTIONS: 175 N GET OFF EISENHOWER EXIT MAKE LEFT OFF EXIT GO TWO AND 1/2 MILES AT OLD SERVICE MERCHANDISE EXIT MAKE LEFT AT LIGHT MAKE
FIRST LEFT ON KENT SECOND RIGHT ON WINSTON FOURTH HOUSE ON LEFT.

END OF HOME DEPOT DELIVERY - REF #V08

TOTAL CHARGES OF ALL MERCHANDISE & SERVICES

| | |
|--------------------|------------|
| ORDER TOTAL | \$1,894.13 |
| SALES TAX | \$113.65 |
| TOTAL | \$2,007.78 |
| BALANCE DUE | \$2,007.78 |

END OF ORDER No. 0163-59264

Curbside Deliveries. If You are purchasing merchandise for CURBSIDE DELIVERY only, i.e., Your purchase DOES NOT provide for delivery beyond curbside or for installation/hook-up, YOU ASSUME THE RISK OF, AND THE FULL LIABILITY FOR, ANY RESULTING PERSONAL INJURY, DAMAGE TO PROPERTY, OR DAMAGE TO MERCHANDISE IF YOU REQUEST THAT THE DELIVERY AGENT DELIVER BEYOND CURBSIDE OR PROVIDE INSTALLATION/HOOK-UP.

Roads. The delivery address(es) indicated above must be completely accessible by vehicle over roads rated to handle nine (9) ton loads or heavier. Otherwise, You will be responsible for seeking a waiver, at Your expense, from the appropriate authority. If You are unable to obtain a waiver, delivery will not be available to Your delivery address(es).



SPECIAL SERVICES CUSTOMER INVOICE

Store 0135 MACON
2525 PIO NONO AVENUE
MACON, GA 31206

Phone: (478) 781-2151
Salesperson: ELE042
Reviewer:

VALIDATION AREA

This is only a [†]QUOTE for the merchandise and services printed below. This becomes an Agreement upon payment and an endorsement by a Home Depot register validation.

| | | | | | |
|----------------|---------|-------------------------|-----------------|---------------------|-----------------------|
| SOLD TO | Name | GANTT ADRIANA | | Home Phone | (478) 471-8684 |
| | Address | 1720 WINSTON DR. | | Work Phone | (478) 319-3535 |
| | | | | Company Name | |
| | City | MACON | Job Description | DRYWALL ACC. | |
| | State | GA | Zip | 31206 | County |

[†]QUOTE is valid for this date: 01/03/2005

| CUSTOMER PICKUP #1 | | MERCHANDISE AND SERVICE SUMMARY | | | We reserve the right to limit the quantities of merchandise sold to customers. | | |
|--|---------|---|----|---------------------------------------|--|--|-----------------|
| | | REF #W04 SKU #515-664 Customer Pickup / Will Call | | | | | |
| STOCK MERCHANDISE TO BE PICKED UP: | | | | | | | |
| REF # | SKU | QTY | UM | DESCRIPTION | TAX | PRICE EACH | EXTENSION |
| R01 | 258-393 | 22.00 | EA | 1/2IN 4X8 WATER RESISTANT DRYWALL / | Y | \$10.29 | \$226.38 |
| R02 | 632-716 | 12.00 | EA | EZ SAND45-LITE ST CMPND 18LB-JLQ120 / | Y | \$8.19 | \$98.28 |
| R03 | 423-629 | 20.00 | EA | 1 1/4X8FT GALV CORNERBEAD-EA / | Y | \$1.39 | \$27.80 |
| SCHEDULED PICKUP DATE: 01/30/2005 | | | | | | MERCHANDISE TOTAL: | |
| | | | | | | \$352.46 | |
| | | | | | | END OF CUSTOMER PICKUP - REF #W04 | |
| TOTAL CHARGES OF ALL MERCHANDISE & SERVICES | | | | | | | |
| | | | | | | ORDER TOTAL | \$352.46 |
| | | | | | | SALES TAX | \$21.15 |
| | | | | | | TOTAL | \$373.61 |
| | | | | | | BALANCE DUE | \$373.61 |
| END OF ORDER No. 0135-138538 | | | | | | | |

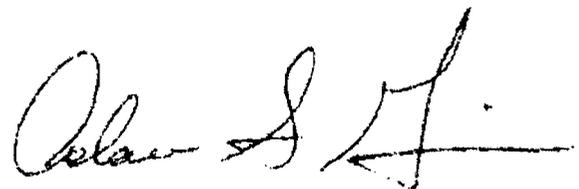
WILL-CALL MERCHANDISE PICK-UP

Will-Call items will be held in the store for 7 days only.

**FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICE DESK AREA
(Pro Customers, Proceed To The Pro Desk)**



At some point in 2005 I made a site visit at 1720 Winston Dr. concerning an odor. To the best of my knowledge I determined it was not coming from the central heat/air system. The odor was in the area around the return going downstairs to basement.



Adam S. Guerin
Service Manager
Air Temperature Control
(478) 784-1109

The Medical Center of Central Georgia

777 Hemlock Street | Macon, GA 31201 | www.mccg.org
Part of Central Georgia Health System



5925 Zebulon Rd., Macon, GA 31210
* (478) 757-7865



G7280

I have received and understand the instructions in this handout.

Patient/Guardian's Signature

Patient's Name: STERLING A GANTT

Caregiver's Signature

Caregiver's Name: MCNW--D 

Special Instructions:

- 1. TAKE PRESCRIPTIONS AS DIRECTED**
- 2. INCREASE WATER/FLUID INTAKE**
- 3. AVOID SPICY, HOT AND GREASY FOODS**
- 4. FOLLOWUP WITH DR. BARROSO**
- 5. RETURN TO MED CENTER NORTHWEST AS NEEDED AND/OR CALL US IF ANY QUESTIONS/CONCERNS AT 757-7865**

Gastroesophageal Reflux in Children

WHAT YOU SHOULD KNOW:

- Gastroesophageal (gas-tro-e-sof-uh-g-ull) reflux is also called "GER." It is when the food or stomach acid in the stomach comes back up the esophagus (e-sof-uh-gus). The esophagus is the tube that takes food from the mouth to the stomach. GER is most common in infants (less than 1 year old), but can occur at any age. GER is usually gone by the time a child is 12 to 18 months old. A muscle on the bottom of the esophagus that does not work properly is the cause of GER. If this muscle does not work properly the food or stomach acid can come back up the esophagus.
- Some of the most common problems seen with GER are spitting up, vomiting, crying, coughing, gagging, and heartburn. Your child's caregiver may want to change your child's feeding habits to help the GER. Special medicine may also be needed to help with GER. Proper positioning after feeding may help prevent GER. Ask your child's caregiver

about the best position for your child. Surgery is usually only needed when GER is very serious.

AFTER YOU LEAVE:

Your child's medicines are: ZANTAC, TAKE AS DIRECTED .

- Keep a written list of what medicines your child takes and when and why your child takes them. Bring the list of your child's medicines or the pill bottles when you visit your child's caregivers. Ask your child's caregiver for more information about the medicines. Do not give any medicines to your child without first asking your child's caregiver. This includes prescriptions, over-the-counter drugs, vitamins, herbs, or food supplements.
- Always give your child's medicine as directed by caregivers. Call your child's caregiver if you think your child's medicines are not helping. Or if you feel your child is having side effects. Do not quit giving the medicines to your child until you discuss it with your child's caregiver. If your child is taking antibiotics (an-ti-bi-ah-tiks), give them until they are all gone. Even if your child seems to feel better.
- Never give aspirin to your child without first asking your child's caregiver. Giving aspirin to your child when he is ill may cause a very serious illness called Reye's syndrome. Read medicine labels to see if your child's medicine has aspirin.

Diet:

- Proper positioning after feeding may help prevent GER. The position your child needs to be in after eating may depend on the age of your child. It may also depend on how bad your child's symptoms are. Some caregivers may suggest placing infants on their back after eating. This is especially true if an infant sleeps after eating. Ask a caregiver about the best position for your infant or child.
- Feed your child more frequently with smaller amounts of food. Adding 1 teaspoon or tablespoon of rice cereal for every 1 ounce of formula can thicken your child's formula. This may help your child keep the formula in the stomach. Talk to your child's caregiver before thickening your child's formula. Hold your child in an upright position during feedings. Burp your child frequently during and after each feeding. Try to feed your child 2 hours before bedtime.
- Do not place your child in a child safety seat (car seat) after feeding your child. Try to avoid putting pressure on your child's tummy after feeding, such as tight diapers.
- Children old enough to eat solid foods, should avoid the following foods or drinks to prevent GER:
 - Chocolate
 - Drinks with caffeine
 - Foods high in acid such as citrus fruits or tomatoes
 - Fried or fatty foods

- o Spicy foods

CALL DR. BAROSSO IF:

- Your child continues to spit up.
- Your child is irritable or fussy during or after feedings.
- Your child is not eating.
- Your child is not gaining weight normally.
- Your child has a temperature over 101 F (_____ C).
- Your child vomits (throws up) forcefully.
- You have any questions about your child's care, condition, or medicine.

SEEK CARE IMMEDIATELY IF:

- The spitting up causes your child to cough or choke.
- Your child spits up blood.
- Your child has trouble breathing.

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GASTROESOPHAGEAL REFLUX IN CHILDREN - Discharge Care, English Printed on Wednesday, August 15, 2007 9:16:03 AM

IMPORTANT NOTICE: The examination and treatment you have received is provided on an episodic basis and is not intended to be a substitute for or an effort to provide complete medical care. It is your responsibility to follow the instructions provided. It is also your responsibility to follow up with your regular health care provider and/or the health care provider to whom you have been referred. If your condition seems to be worsening or if any new problems occur before your follow up appointment, please return immediately to the Emergency Center/Urgent Care Center.

X-rays and other tests done in our Center initially are reviewed by the physician on duty and/or any other non-physician provider who may be involved in patient care. A final official reading will be performed by the appropriate specialist (Radiologist, Pathologist, etc.). If the radiologists' or other specialist's reading varies significantly from the initial provider's interpretation, you may be contacted and given further instructions, including a possible need for further tests or a return visit to the Emergency Center/Urgent Care Center.

AVISO IMPORTANTE: El examen y tratamiento que usted ha recibido son suministrados en forma episódica; la intención no es de sustituir o proveer cuidados médicos completos. Su responsabilidad es de seguir las instrucciones suministradas. También es su responsabilidad suya de continuar el seguimiento con su proveedor de salud y/o con cualquier otro proveedor de salud al cual fue referido. Vuelva de inmediato a la sala de emergencia (Emergency/Urgent Care Center) si su condición se empeora o si aparecen complicaciones nuevas antes de su próxima cita.

Las radiografías y otros exámenes llevados a cabo en nuestro Centro son revisados por el médico de turno y/o por cualquier otro proveedor dedicado a los cuidados del paciente. Un especialista apropiado (radiólogo, patólogo) leerá los resultados finales del examen. Estaremos en contacto con usted si los resultados finales de los radiólogos u otros especialistas varían considerablemente con los resultados iniciales del proveedor; le daremos información adicional, incluyendo la necesidad de hacerse más exámenes si hacen falta o darle una cita de seguimiento en la sala de emergencia (Emergency Center/Urgent Care Center).



PEDIATRIC ENDOCRINOLOGY CENTER

a Service of the Children's Hospital

Tarek Bisar, MD

Frank Bowyer, MD

710 Pine Street, Suite 360 • Milledgeville, Georgia 31120 • Phone: 478-633-8391 • FAX: 478-633-8395

FOLLOW-UP CONSULTATION

NAME: Sterling Gantt

DOB: 08/23/99

DATE OF VISIT: 12/06/07

CHIEF COMPLAINT: Diabetes mellitus.

PRESENT ILLNESS:

Sterling is an 8 year 3 month old African-American male who was admitted to the Children's Hospital on 10/15/07 with what was thought to be insulin dependent diabetes mellitus. At the time of admission he had a blood sugar of 553, a bicarbonate of 21 but only low grade ketones in his urine. He responded very promptly to fluids and insulin. He did have an elevated blood sugar and his Hgb A1C was 12 percent on admission and he was thought to be an early type-1 diabetic. He was sent home on 70/30 NovoLog, 16 units in the morning, 12 units at night. He quickly tapered off on this because of sugars now becoming low. By 10/30/07 he had tapered completely off of insulin. He has remained off all insulin since that time. The family continues to check blood sugars several times a day and they are generally in the 90-120 range. He has felt quite well. He is active. He is home schooled, so he stays at home most of the day. He has no particular new problems and has pretty much resumed his normal activity. When seen today, he has no new complaints.

EXAM:

Height: 133.8 cm. Weight: 28 kg. Blood pressure: 112/74. Pulse rate: 80. General appearance is that of an adequately nourished young man who does not appear acutely or chronically ill. HEENT: unremarkable. The cranial nerves are intact. PERRLA. He does have areas of depigmentation of the sclera on his eyes, which he has had since birth. The tympanic membranes are clear. The pharynx is clear. The neck is supple with no thyromegaly. The chest is clear to auscultation. The heart has a regular rate with no murmur. The abdomen is soft with no organomegaly. Genitalia was not examined. The extremities were otherwise normal. He has normal muscle tone. He has normal gait and normal mentation. His general neurologic exam is normal and appropriate for age. Hgb A1C: 8.8%, down from his initial level of 12% on admission to the Children's Hospital.

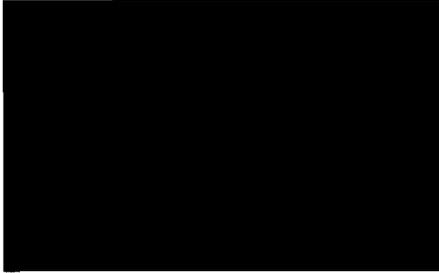
ASSESSMENT:

Diabetes mellitus. It is unclear whether this is a true type. He may be a MODY which can present along this type of line. The sugars were high enough and sustained enough with an elevated Hgb A1C, I would not think this was simply a transient stress hyperglycemia. Finally, he does not have the classic phenotype for his age to be associated with a type-2 diabetes. Therefore, MODY, or a simply prolonged honeymoon phase of type-1 would be the most likely etiology to explain his course.

He is asymptomatic. I would not restart insulin. I told the family I would continue to check sugars about twice a day. As long as they remain in a normal range we will not initiate further therapy. If they begin to elevate, they are to call me and we will reinstitute insulin therapy appropriately.

Page Two
Sterling Gantt

There are genetic probes for MODY. Unfortunately, however, they are so expensive that we are having problems getting them paid for by the third party payers at this time, but I think these will become available in the not too distant future and will be something to check on if he continues with his current course. I discussed this with his family. I will see him back in three months with instructions to call me sooner if the sugars start elevating.



PEDIATRIC ENDOCRINOLOGY CENTER

Page 3 of 3
Eric S. Smith, MD

Frank B. Sorely, MD

1000 Peachtree Street, N.W. • Atlanta, Georgia 30309 • Phone: (404) 854-8900 • Fax: (404) 854-8901

Dear Mr. Smith:

Thank you for

your letter of

the 10th of

the month of

the year 2009.

I am sorry to

hear that you

are unable to

visit our

facility at this

time.

We will be

pleased to

assist you

in any way

possible.

Very truly,

Yours sincerely,

Eric S. Smith, MD

Frank B. Sorely, MD

090520CBB2638
Exhibit H

THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

Name: GANTT, CHARLES LAMAR **Age:** 41 years **Sex:** Male
Med. Rec. #: 098015571 **Loc:** EDET **Room:** ED08
Acct. #: 0980155718329 **Dr.:** [REDACTED] MD [REDACTED]
Printed: 5/28/2009 4:04:35 PM

COMPLETE BLOOD COUNT AND DIFFERENTIAL

Day 0
 Date 11/24/2008
 Time 18:29:00

| Procedure | | Ref Range | Units |
|------------|-----------|--------------|-------|
| WBC | 4.39 | [3.07-11.77] | K/mm3 |
| RBC | 4.93 | [4.28-5.48] | m/mm3 |
| HGB | 14.9 | [12.9-16.9] | gm% |
| HCT | 44.1 | [38.7-49.1] | % |
| MCV | 89.5 | [81.1-98.4] | fL |
| MCH | 30.3 | [27.2-34.0] | UUG |
| MCHC | 33.8 | [32.2-35.9] | % |
| RDW | 13.1 | [10.4-13.9] | % |
| PLT | 190 | [129-355] | K/mm3 |
| MPV | 8.3 | [7.4-11.4] | fL |
| Auto NRBC | 0 | | % |
| Diff? | Auto Diff | | |
| Auto PMN | 46 | [40-80] | % |
| Auto Lymph | 39 | [15-40] | % |
| Auto Mono | 14 H | [0-10] | % |
| Auto Eos | 1 | [0-7] | % |
| Auto Baso | 0 | [0-2] | % |

URINALYSIS

Day 0
 Date 11/24/2008
 Time 20:30:00

| Procedure | | Ref Range | Units |
|--------------|----------|---------------|-------|
| UA Color | YELLOW | | |
| UA Character | CLEAR | | |
| UA SpGr | 1.009 | [1.001-1.035] | |
| UA pH | 7.5 | [5.0-8.0] | |
| UA Protein | NEGATIVE | | mg/dL |
| UA Gluc | NEGATIVE | | mg/dL |
| UA Ketones | NEGATIVE | | mg/dL |
| UA Bilirubin | NEGATIVE | | |
| UA Blood | SMALL | | |

| | |
|-------------------------------|------------|
| NAME: GANTT, CHARLES LAMAR | ROOM: ED08 |
| MED REC: 098015571 | |
| ACCT #: 0980155718329 | |
| DR: [REDACTED] MD, [REDACTED] | |

I LAB RESULTS

090520CBB2638
Exhibit H

Page 2 of 15

THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

| | | |
|-----------------------------------|----------------------------|-------------------|
| Name: GANTT, CHARLES LAMAR | Age: 41 years | Sex: Male |
| Med. Rec. #: 098015571 | Loc.: CPBT | Room: ED08 |
| Acct. #: 0980155718329 | Dr.: [REDACTED] MD, | |

Printed: 5/28/2009 4:04:35 PM

URINALYSIS

Day 0
Date 11/24/2008
Time 20:30:00

| Procedure | | Ref Range | Units |
|-------------------------|-----------------------|-----------|-------|
| UA Urob | 0.2 | [0.0-1.0] | |
| UA Nitrite | NEGATIVE | | |
| UA Leukocyte Esterase I | NEGATIVE | | |
| UA WBC | 0 | [0-4] | /hpf |
| UA RBC | 1 | [0-4] | /hpf |
| UA Squamous Epi Cells | 0 | [0-3] | /hpf |
| UA Bacteria | NEG | | |
| Hyaline Cast | 0 | [0-7] | /lpf |
| Microscopic? | Urinalysis with Micro | | |

11/24/2008 20:30:00 UA Leukocyte Esterase:
Cephalexin, Gentamicin and high levels of Albumin (>500 mg/dl) may interfere with Leukocyte Esterase reaction.

GENERAL CHEMISTRY PANEL

Day 0
Date 11/24/2008
Time 18:29:00

| Procedure | | Ref Range | Units |
|-------------------------------|-------|------------|--------|
| NA | 143 | [135-145] | mEq/L |
| K | 3.5 | [3.5-5.0] | mEq/L |
| Chloride | 103 | [99-109] | mEq/L |
| CO2 | 32 | [22-32] | mmol/L |
| AGAP | 8 | [3-11] | mEq/L |
| Glucose Level I | 113 H | [70-99] | mg/dL |
| BUN | 14 | [5-22] | mg/dL |
| Creatinine | 1.2 | [0.5-1.4] | mg/dL |
| Bun/Creat Ratio | 11.7 | [8.0-20.0] | Ratio |
| GFR if African American | >60 | | |
| GFR if Non-African American I | >60 | | |

| | |
|----------------------------|------------|
| NAME: GANTT, CHARLES LAMAR | ROOM: ED08 |
| MED. REC.: 098015571 | |
| ACCT #: 0980155718329 | |
| DR.: [REDACTED] | |

I LAB RESULT

Page 2 of 4

090520CBB2638
Exhibit H

Page 3 of 15

THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

| | | |
|-----------------------------------|---|-----------------------|
| Name: GANTT, CHARLES LAMAR | Age: 41 years | Sex: Male |
| Med. Rec. #: 098015571 | Loc.: EDFT | Room: ED08 |
| Acct. #: 0980155718329 | Dr.: (b)(3):CPSA Section 25(c) MD, | |
| | | 11/28/2009 4:04:35 PM |

Calcium 9.4 [8.5-10.2] mg/dL

GENERAL CHEMISTRY PANEL

Day 0
Date 11/24/2008
Time 18:29:00

| Procedure | MG | Ref Range | Units |
|-----------|-----|-----------|---------|
| CPK | 2.2 | [1.7-2.5] | mg/dL |
| | 134 | [39-195] | Units/L |

11/24/2008 18:29:00 Glucose Level:
 Normals are for fasting specimens.
 The critical limit for outpatient specimens is <40 mg/dl.

11/24/2008 18:29:00 GFR if Non-African American:
 GFR Normal Ranges (African American and NonAfrican American):

| AGE | Average GFR Result ml/min/1.73m2 |
|--------------|----------------------------------|
| 18 - 29 yrs | 116 |
| 30 - 39 yrs | 107 |
| 40 - 49 yrs | 99 |
| 50 - 59 yrs | 93 |
| 60 - 69 yrs | 85 |
| 70 - 150 yrs | 75 |

GFR is not calculated for ages less than 18 years.

CARDIAC MARKERS

Day 0
Date 11/24/2008
Time 18:29:00

| Procedure | Ref Range | Units |
|--------------|------------------|---------|
| Troponin I I | 0.02 [0.00-0.09] | ng/mL |
| CKMB | 2.0 [0.6-6.3] | ng/mL |
| CPK | 134 [39-195] | Units/L |
| RINX I | 1.5 [0.0-2.3] | Index |

| | |
|-------------------------------|------------|
| NAME: GANTT, CHARLES LAMAR | ROOM: ED08 |
| MED. REC.: 098015571 | |
| ACCT #: 0980155718329 | |
| DR: (b)(3):CPSA Section 25(c) | |

I LAB RESULT

Page 3 of 4

090520CBB2638
Exhibit H

Page 4 of 15

THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

Name: GANTT, CHARLES LAMAR
Med. Rec. #: 098015571
Acct. #: 0980155718329

Age: 41 years
Loc.: (b)(3):CPSA Section 25(c)
Dr.: MD,

Sex: Male
Room: ED08

Printed: 5/28/2009 4:04:35 PM

CARDIAC MARKERS

11/24/2008 18:29:00 Troponin I:
Troponin I interpretative ranges: (ng/ml)

99th % for normal population: 0.0 - 0.05
Myocardial injury: >= 0.10
Optimal ami cutoff: >= 0.50

11/24/2008 18:29:00 RINX:

| CK-MB NG/ML (0-5.0) | RELATIVE INDEX (0-2.1) | Interpretation |
|---------------------------|------------------------------|----------------|
|---------------------------|------------------------------|----------------|

| | | |
|-----------|--------------------------|---|
| Normal | Normal | Normal |
| Normal | Increased | Nonspecific vs Normal |
| Increased | Normal or Not Calculated | Indeterminate Myocardial vs Skeletal Origin |
| Increased | Increased | Probable Myocardial Origin |

Note: Relative Index is not calculated if Total CPK is <80 U/L.

| | |
|-------------------------------|------------|
| NAME: GANTT, CHARLES LAMAR | ROOM: ED08 |
| MED. REC.: 098015571 | |
| ACCT #: 0980155718329 | |
| DR: (b)(3):CPSA Section 25(c) | |

I LAB RESULT

Page 4 of 4

090520CBB2638
Exhibit H

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Emergency Center Dictation

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

Result Type: Emergency Center Dictation
 Result Date: November 24, 2008 6:08 PM
 Result Status: Auth (Verified)
 Result Title: EC
 Performed By: (b)(3):CPSA Section 25(c) in November 24, 2008 6:54 PM
 Encounter info: 0980155718329, MCCG, Emergency Room, 11/24/2008 - 11/24/2008

* Final Report *

EC

EMERGENCY CENTER DICTATION

Document Number: 2122693
Encounter Number: 980155718329

CHIEF COMPLAINT:

HISTORY OF PRESENT ILLNESS: The patient is a 40-year-old male who started having some cramping in his hand and then started with cramping in his legs, later felt some cramping in his chest, sharp in nature, and it resolved, still having some cramps in the right leg. The patient is going to nursing school.

FAMILY HISTORY: Per the patient there is coronary artery disease in his father.

SOCIAL HISTORY: Does not smoke or drink. No drugs.

REVIEW OF SYSTEMS: CONSTITUTIONAL: No fever or chills. HEENT: No sore throat, no earache. CARDIOVASCULAR SYSTEM: Sharp pain in the chest. RESPIRATORY SYSTEM: No shortness of breath. GASTROINTESTINAL SYSTEM: No abdominal pain. NEUROLOGIC: No headache, no syncope. PSYCHIATRIC HISTORY: None. DERMATOLOGIC: No rash. MUSCULOSKELETAL: Cramping in all extremities.

ALLERGIES: NONE.

MEDICATIONS: None.

PHYSICAL EXAMINATION: General appearance: The patient appears to be anxious, with reassurance started calming down. Vital Signs: Temperature 96.8, pulse 79, respirations 16, blood pressure 115/21, pulse oximetry 100% on room air normal saturation.

Printed by: Atkinson, Letrice
Printed on: 5/28/2009 3:54 PM

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090520CBB2638
Exhibit H

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Operative Report

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

and 70-degree lens with completely cystoscopy. No mass, lesions or filling defects. There are a couple of air bubbles noted on retrogrades but no masses or significant stones.

OPERATIVE NOTE

The patient was taken back to the operative suite, placed in the supine position. Once anesthesia was initiated, the patient was adequately sedated. He was then placed in lithotomy position, making sure to pad all pressure points.

He was prepped and draped in standard surgical fashion.

We entered the ureteral meatus with a 21-French rigid cystoscope. A penile urethra and prostatic urethra appeared without abnormalities. Slightly high bladder neck but minimal prostatic hypertrophy. Entered the bladder, visualized both ureteral orifices with clear efflux and did a complete cystoscopy with both 30-degree and 70-degree lenses, appreciating normal mucosa without any mass, lesions or stones.

We then performed retrograde pyelogram with a cone-tip catheter. Retrograde on the left side showed normal delicate ureter and collecting system. No mass, lesion or stone. A few small air bubbles were noted on retrograde.

Then, we performed a retrograde on the right side again with the cone-tip catheter injected with contrast. The distal was _____ no mass, filling, no hydronephrosis or hydroureter. The kidney itself showed a delicate system with normal calices and normal collecting system. No abnormalities.

The patient's bladder was drained. We then placed the Uro-jet pre-urethra and the patient tolerated it well.

Report Dictated By: (b)(3):CPSA
Section 25(c) M.D.
Dictator Status A

ELECTRONICALLY AUTHENTICATED BY:

(b)(3):CPSA
Section 25(c)

M.D. 09/30/2008 15:05

M.D.

FC/FC/OSI/000110257
D: 09/25/2008 12:06 P T:09/25/2008 9:29 P
cc: Frank Casey, M.D.

Printed by: Atkinson, Letrice
Printed on: 5/28/2009 3:55 PM

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(Continued)

090520CBB2638
Exhibit H

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Operative Report

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

Completed Action List:

- * Perform by ^(b)MD, Frank on September 25, 2008 12:06 PM
- * Transcribe by ^{(3):CPSA}OST-UNKNOWN, PERSONNEL on September 25, 2008 9:29 PM

090520CBB2638
Exhibit H

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Surgery Retrograde Pyelogram

GANTT, CHARLES LAMAR - 098015571

*** Final Report ***

Medical Center of Central Georgia

Result Type: Surgery Retrograde Pyelogram
 Result Date: September 25, 2008 12:05 PM
 Result Status: Auth (Verified)
 Result Title: Surgery Retrograde Pyelogram
 Performed By: (b)(3):CPSA Section 25(c) on September 25, 2008 1:53 PM
 Verified By: (b)(3):CPSA Section 25(c) on September 25, 2008 2:29 PM
 Encounter info: 0980155718254, MCCG, Outpatient Surgery, 9/25/2008 - 9/25/2008

*** Final Report ***

Reason For Exam

hematuria

Surgery Retrograde Pyelogram

History: Hematuria.

Retrograde pyelogram, 9/25/2008.

The preliminary film reveals no definite renal calcification. The film #1 reveals retrograde injection of contrast into the left collecting system with a few filling defects seen in the proximal left ureter which may represent air bubbles. The film labeled #3 reveals retrograde injection of contrast into the right collecting system with no definite filling defects seen. There was a filling defect seen in the right renal pelvis on film #4 which is probably an air bubble. The study is felt to be essentially negative.

Signed By: Hall MD, Lee H

Transcribed By: Campbell, Reiko

Completed: (b)(3):CPSA Section 25(c)
 * Order: September 25, 2008 11:42 AM
 * Perform: (b)(3):CPSA Section 25(c) on September 25, 2008 12:05 PM
 * VERIF: (b)(3):CPSA Section 25(c) on September 25, 2008 2:29 PM

Printed by: Atkinson, Letrice
Printed on: 5/28/2009 3:55 PM

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(End of Report)

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THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

| | | |
|-----------------------------------|------------------------------------|------------------|
| Name: GANTT, CHARLES LAMAR | Age: 41 years | Sex: Male |
| Med. Rec. #: 098015571 | Loc: JFTK | Room: |
| Acct. #: 0980155718254 | Dr.: (b)(3):CPSA Section 25 | |

Printed: 5/28/2009 4:04:52 PM

COMPLETE BLOOD COUNT AND DIFFERENTIAL

Day -1
Date 09/23/2008
Time 10:45:00

| Procedure | | Ref Range | Units |
|------------|-------------|--------------|-------|
| WBC | 3.57 | [3.07-11.77] | K/mm3 |
| RBC | 4.71 | [4.28-5.48] | m/mm3 |
| HGB | 14.2 | [12.9-16.9] | gm% |
| HCT | 42.2 | [38.7-49.1] | % |
| MCV | 89.6 | [81.1-98.4] | fL |
| MCH | 30.1 | [27.2-34.0] | UUG |
| MCHC | 33.6 | [32.2-35.9] | % |
| RDW | 13.0 | [10.4-13.9] | % |
| PLT | 174 | [129-355] | K/mm3 |
| MPV | 8.5 | [7.4-11.4] | fL |
| Auto NRBC | 0 | | % |
| Diff? | Auto Diff | | |
| Auto PMN | 53 | [40-80] | % |
| Auto Lymph | 33 | [15-40] | % |
| Auto Mono | 11 H | [0-10] | % |
| Auto Eos | 3 | [0-7] | % |
| Auto Baso | 0 | [0-2] | % |

09/23/2008 10:45:00 CBC w/ Auto Diff:
Special Instructions: PreOp, DOS

GENERAL CHEMISTRY PANEL

Day -1
Date 9/23/2008
Time 10:45:00

| Procedure | | Ref Range | Units |
|-----------|-----|-----------|-------|
| NA | 142 | [135-145] | mEq/L |
| K | 4.1 | [3.5-5.0] | mEq/L |
| Chloride | 105 | [99-109] | mEq/L |

| | |
|----------------------------|-------|
| NAME: GANTT, CHARLES LAMAR | ROOM: |
| MED REC: 098015571 | |
| ACCT #: 0980155718254 | |
| DR. (b)(3):CPSA Section 25 | |

I LAB RESULTS

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THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

| | | |
|-----------------------------------|---|------------------|
| Name: GANTT, CHARLES LAMAR | Age: 41 years | Sex: Male |
| Med. Rec. #: 098015571 | Loc.: IETK (b)(3):CPSA Section 25 | Room: |
| Acct. #: 0980155718254 | Dr.: (c) | |

Printed: 5/28/2009 4:04:52 PM

GENERAL CHEMISTRY PANEL

Day -1
Date 9/23/2008
Time 10:45:00

| Procedure | | Ref Range | Units |
|-------------------------------|------|--------------|---------|
| CO2 | 31 | [22-32] | mmol/L |
| AGAP | 6 | [3-11] | mEq/L |
| Glucose Level I | 89 | [70-99] | mg/dL |
| BUN | 14 | [5-22] | mg/dL |
| Creatinine | 1.1 | [0.5-1.4] | mg/dL |
| Bun/Creat Ratio | 12.7 | [8.0-20.0] | Ratio |
| GFR if African American | >60 | | |
| GFR if Non-African American I | >60 | | |
| Total Protein - Serum | 7.0 | [6.2-8.0] | g/dL |
| Albumin - Serum | 4.0 | [3.5-5.0] | g/dL |
| A/G Ratio | 1.3 | [1.2-3.1] | Ratio |
| Calcium | 9.2 | [8.5-10.2] | mg/dL |
| Corr Calcium I | 9.20 | [8.50-10.20] | mg/dL |
| Total Bilirubin | 0.8 | [0.2-1.3] | mg/dL |
| Alk Phos | 58 | [30-112] | Units/L |
| AST/GOT | 30 | [15-38] | Units/L |
| ALT/GPT | 22 | [5-37] | Units/L |

09/23/2008 10:45:00 Glucose Level:
Normals are for fasting specimens.
The critical limit for outpatient specimens is <40 mg/dl.

09/23/2008 10:45:00 GFR if Non-African American:
GFR Normal Ranges (African American and NonAfrican American):

| AGE | Average GFR Result ml/min/1.73m2 |
|--------------|----------------------------------|
| 18 - 29 yrs | 116 |
| 30 - 39 yrs | 107 |
| 40 - 49 yrs | 99 |
| 50 - 59 yrs | 93 |
| 60 - 69 yrs | 85 |
| 70 - 150 yrs | 75 |

GFR is not calculated for ages less than 18 years.

| | |
|--------------------------------|-------|
| NAME: GANTT, CHARLES LAMAR | ROOM: |
| MED. REC.: 098015571 | |
| ACCT #: 0980155718254 | |
| DR.: (b)(3):CPSA Section 25(c) | |

I LAB RESULT

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THE MEDICAL CENTER OF CENTRAL GEORGIA
DEPARTMENT OF PATHOLOGY AND LABORATORY MEDICINE
777 HEMLOCK STREET, MACON, GA 31201
O. EUGENE BATTLES, M.D. - MEDICAL DIRECTOR

Name: GANTT, CHARLES LAMAR **Age:** 41 years **Sex:** Male
Med. Rec. #: 098015571 **Loc.:** JFTK **Room:**
Acct. #: 0980155718254 **Dr.:** (b)(3):CPSA Section 25(c)

Printed: 5/28/2009 4:04:52 PM

GENERAL CHEMISTRY PANEL

09/23/2008 10:45:00 Corr Calcium:

Corrected Calcium is Total Calcium adjusted for the deviation of Albumin from Normal, using the formula:

Corrected Calcium = Total Calcium + 0.8 (4.0 - Albumin).

09/23/2008 10:45:00 Chem 14:

Special Instructions: (G) PreOp, DOS

| | |
|--------------------------------|-------|
| NAME: GANTT, CHARLES LAMAR | ROOM: |
| MED. REC.: 098015571 | |
| ACCT #: 0980155718254 | |
| DR.: (b)(3):CPSA Section 25(c) | |

I LAB RESULT

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Emergency Center Dictation

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

HEENT: Pupils are round and reactive to light. Nostrils, pharynx and TMs normal.
 NECK: Supple. Trachea in the midline. No jugular venous distention.
 CHEST: Chest wall nontender.
 CARDIOVASCULAR SYSTEM: Regular heart sounds. No murmur. No gallop.
 RESPIRATORY SYSTEM: Clear. No rales, no rhonchi. No wheezing.
 ABDOMEN: Soft, nontender. No guarding. No rebound tenderness.
 EXTREMITIES: No edema. No phlebitis. Distal pulses felt well.
 NEUROLOGIC: Cranial nerves intact. Sensory and motor normal. Reflexes hyperreflexic plantar withdrawal.
 PSYCHIATRIC: Is oriented to place, person and time. No suicidal or homicidal thoughts.

INTERPRETATIONS:

LABORATORY DATA: CPK 134, CK-MB is 2.0, troponin 0.02, WBC 4300, hemoglobin 14, hematocrit 41. Urine sodium 143, potassium 3.5, glucose 113, BUN 40, creatinine 1.2, magnesium 2.2, calcium 9.4.

ED COURSE/PROCEDURES: The patient is being observed in the emergency room, administered IV fluids. The patient is being observed in the emergency room, resting comfortable. The patient is asymptomatic.

DISPOSITION: Pending.

Report Dictated By: (b)(3):CPSA Section 25(c) M.D.
 Dictator Status A

ELECTRONICALLY AUTHENTICATED BY:
(b)(3):CPSA Section 25(c) M.D. 12/08/2008 02:08

 M.D.

KP/KP/MW/000420444
 D: 11/24/2008 8:54 P T:11/25/2008 3:07 P
 cc:

Completed Action List:

Printed by: Atkinson , Letrice
 Printed on: 5/28/2009 3:54 PM

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 (Continued)

090520CBB2638
Exhibit H

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Emergency Center Dictation

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

- * Perform by (b)(3):CPSA Section 25(c) on November 24, 2008 8:54 PM
- * Transcribe by MW -UNKNOWN, PERSONNEL on November 25, 2008 3:07 PM

090520CBB2638
Exhibit H

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Port Chest Routine

GANTT, CHARLES LAMAR - 098015571

*** Final Report ***

Medical Center of Central Georgia

Result Type: Port Chest Routine
 Result Date: November 24, 2008 9:02 PM
 Result Status: Auth (Verified)
 Result Title: Chest Routine Port
 Performed By: (b)(3):CPSA Section 25(c) on November 25, 2008 8:44 AM
 Verified By: (b)(3):CPSA Section 25(c) on November 25, 2008 1:25 PM
 Encounter info: 0980155718329, MCCG, Emergency Room, 11/24/2008 - 11/24/2008

*** Final Report ***

Reason For Exam

Chest Pain

Port Chest

Portable chest

History: Chest pain

One view reveals the heart, great vessels, pulmonary vasculature and mediastinum are normal. The lungs are clear. There are no significant osseous abnormalities.

IMPRESSION: Normal chest.

(b)(3):CPSA Section 25(c)

Signed By

Transcribe

Completed Action List:

- * Order by (b)(3):CPSA Section 25(c) on November 24, 2008 8:48 PM
- * Perform (b)(3):CPSA Section 25(c) 2008 9:02 PM
- * VERIFY (b)(3):CPSA Section 25(c) November 25, 2008 1:25 PM

Printed by: Atkinson , Letrice
Printed on: 5/28/2009 3:54 PM

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(End of Report)

090520CBB2638
Exhibit H

Operative Report

GANTT, CHARLES LAMAR - 098015571

* Final Report *

Medical Center of Central Georgia

Result Type: Operative Report
 Result Date: September 25, 2008 8:33 AM
 Result Status: Auth (Verified)
 Result Title: OP
 Performed By: [REDACTED] on September 25, 2008 12:06 PM
 Encounter info: 0980155718254, MCCG, Outpatient Surgery, 9/25/2008 - 9/25/2008

* Final Report *

OP

Document Number: 2089364
Encounter Number: 980155718254

PROCEDURE DATE: 09/25/2008

PREOPERATIVE DIAGNOSIS
Microscopic hematuria.

POSTOPERATIVE DIAGNOSIS
Microscopic hematuria.

PROCEDURE
Cystoscopy and retrograde pyelograms.

SURGEON
Dr. Frank Casey.

ANESTHESIA
GET.

INTRAVENOUS FLUIDS
Per Anesthesia.

ESTIMATED BLOOD LOSS
None.

COMPLICATIONS
None.

SPECIMENS
None.

FINDINGS
Normal _____ pyelograms bilaterally, normal cystoscopy with both 30-degree

Printed by: Atkinson , Letrice
Printed on: 5/28/2009 3:55 PM

Page 1 of 3
(Continued)

SERVICE ORDER/INVOICE

BILL TO

Madiana Grant
1720 W. Astor Dr.
Macon Ga

THIS WORK IS TO BE

C.C.D. CHARGE NO CHARGE

MAKE *not readable*
MODEL *not readable*
SERIAL NUMBER

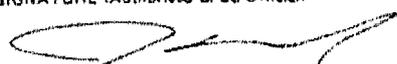
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| STREET | <i>Same</i> | | | DATE | <i>7/3/06</i> | | | WORK PERFORMED | QTY | TYPE/DISPOSITION | CONDENSING UNIT | COND STATE DRAINS | | |
| CITY | | | | PROMISED | | | | <input type="checkbox"/> RECOVERED | | | <input type="checkbox"/> OILED | <input type="checkbox"/> CLEANED MAIN DRAIN | | |
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SERVICE ORDER/INVOICE

BILL TO
 CHARLES GANTT
 1720 W. Winston
 MHCOR, GA.

THIS WORK IS TO BE
 C.O.D. CHARGE NO CHARGE
 MAKE *Kelco* MAKE
 MODEL *RLT* MODEL
 SERIAL NUMBER *1000-10015* SERIAL NUMBER

| NAME | | | | ENVIRONMENTAL CHECK LIST | | | | WORK PERFORMED | |
|---|----------------------|---|--------|--|-------------------------|---------------------|---------------|----------------|--|
| STREET | DATE | WORK PERFORMED | QTY. | TYPE/POSITION | CONDENSING UNIT | CONDENSATE DRAIN | | | |
| | 7-23-08 | <input type="checkbox"/> RECOVERED | | | LEVELLED | CLEANED MAIN DRAIN | | | |
| | | <input type="checkbox"/> RECYCLED | | | CLEANED COIL | REPAIRED MAIN DRAIN | | | |
| | | <input type="checkbox"/> RECLAIMED | | | CHECKED CHARGE | CLEANED MAIN DRAIN | | | |
| | | <input type="checkbox"/> RETURNED | | | REPAIRED LEAK IN COIL | REPAIRED MAIN DRAIN | | | |
| | | <input type="checkbox"/> DISPOSAL | | | REPAIRED LEAK IN COPPER | FLINN OR FAN COIL | | | |
| | | <input type="checkbox"/> DISMANTLED | | | TOTAL \$ | REF | REPLACED BELT | | |
| | | <input type="checkbox"/> CHANGED OUT/REPLACED | | | CHECKED MOTOR | ADJUSTED BELT | | | |
| WORK TO BE PERFORMED | | | | | | | | | |
| QTY. | MATERIALS & SERVICES | UNIT PRICE | AMOUNT | DESCRIPTION OF WORK PERFORMED | | | | | |
| | REFRIGERANT R-134A | LBS. | | Leak has failed | | | | | |
| | Technician | | | APRIL 2008 | | | | | |
| | 1-22-09 | CK 4984 | 50.00 | Refrigerant | | | | | |
| | 1-30-09 | Balance | 50.00 | 194.00 | | | | | |
| | FILTERS | X | | 3-2-09 Rd 194.00 | | | | | |
| | FILTERB | X | | CK 251292 | | | | | |
| | BELTS | | | | | | | | |
| TOTAL MATERIALS | | | | | | | | | |
| HRS. | LABOR | RATE | AMOUNT | RECOMMENDATIONS | | | | | |
| | SERVICE HEAT | | 59.95 | | | | | | |
| TOTAL LABOR | | | | | | | | | |
| TERMS | | | | LIMITED WARRANTY. As materials, parts and equipment are warranted by the manufacturer's or supplier's written warranty only. All labor performed by the above named company is warranted for 30 days or as otherwise indicated in writing. The above named company makes no other warranties, express or implied, and its agents or technicians are not authorized to make any such warranties on behalf of above named company. | | | | | |
| I have authority to order the work outlined above while the above information is correct. I agree that before starting the work, the equipment must be turned off and the technician must be notified. If the work is not done as agreed, the customer will be responsible for the equipment. Any damage to the equipment or to the property of the customer shall not be the responsibility of the technician. | | | | <input type="checkbox"/> REGULAR <input type="checkbox"/> WARRANTY <input checked="" type="checkbox"/> SERVICE CONTRACT | | | | | |
| CUSTOMER SIGNATURE | | | | DATE | | | | | |
| | | | | Thank You | | | | | |
| | | | | TOTAL SUMMARY | | | | | |
| | | | | TOTAL MATERIALS | | | | | |
| | | | | TOTAL LABOR | | | | | |
| | | | | Quote 384.00 | | | | | |
| | | | | TRAVEL CHARGE | | | | | |
| | | | | TAX | | | | | |
| | | | | TOTAL 394.00 | | | | | |

| U.S. CONSUMER PRODUCT SAFETY COMMISSION NOTICE OF INSPECTION | |
|---|---|
| 1. DATE 5-27-09 | 3. FROM (Area Office and Address) Po Box 72357 Newnan, GA 30271 |
| 2. TIME 2:10 P.M. | |
| A. NAME AND TITLE OF INDIVIDUAL Art Wright, Manager on Duty | |
| B. FIRM NAME Home Depot | |
| 4. TO C. NUMBER AND STREET ADDRESS 4635 Presidential Pkwy | |
| D. CITY, STATE AND ZIP CODE Macon, GA 31206 | |
| Notice of Inspection is hereby given pursuant to: <ul style="list-style-type: none">• Flammable Fabrics Act (15 U.S.C. 1191 <i>et seq.</i>);• Federal Trade Commission Act (15 U.S.C. 41 <i>et seq.</i>);• Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)• Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 <i>et seq.</i>)] and/or• Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)). | |
| Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language. | |
| 5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED <p>The purpose of this inspection is to obtain information, to review and obtain copies of items including but not limited to records, reports, books, documents, and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.</p> | |
| 6. FREEDOM OF INFORMATION REQUIREMENTS <p>Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.</p> | |
| 7. SIGNATURE (Authorized CPSC Official)  | |

U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.

Adriana Gant
(Signature)

5/27/09
(Date)

Task No. 090520CBB2638

Date: May 19, 2009

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report but could not be obtained.

- 1. Medical Records
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Date: June 3, 2009

Investigator No: 2147

Regional office: CFIE

Supervisor No: 8978



U.S. CONSUMER PRODUCT SAFETY COMMISSION
ATLANTA FIELD OFFICE
P.O. BOX 72357
NEWNAN, GA 30271

Justin McDonough
Investigator

Tel: (770) 252-9602
Fax: (866) 689-7190
Email: jmcdonough@cpsc.gov

May 28, 2009

Macon Family Health Center
1051 Pio Nono Avenue
Macon, GA 31204

To whom it may concern,

The United States Consumer Product Safety Commission (CPSC) is a Federal Agency responsible for investigating deaths, injuries, and potential hazards associated with consumer products. I am an investigator with the U.S. Consumer Product Safety Commission in the Atlanta, Georgia, area.

Please see the attached medical records release form signed by Mrs. Adrianna Gantt. The records for Mrs. Gantt from 2005 to the present are needed. The records can be faxed to 866-689-7190, emailed to jmcdonough@cpsc.gov, or mailed to me at:

Justin McDonough
U.S. Consumer Product Safety Commission
PO Box 72357
Newnan, GA 30271

Please do not hesitate to contact me if you have any questions. I appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "JMcD", is written over a light blue horizontal line.

Justin McDonough
Product Safety Investigator

APPENDIX VII-D-7 MEDICAL RECORDS DISCLOSURE FORM

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

This form authorizes release of information in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. Parts 160 and 164, 5 U.S.C. 552a, and 38 U.S.C. 5301 and 5302. I understand that my disclosure of the information requested on this form is voluntary. I further understand that the Social Security Number will be used to locate records for release and if not voluntarily furnished completely and accurately, the health or medical facility will be unable to comply with the request.

TO WHOM IT MAY CONCERN:

I request and authorize Macon Family Health Center (name of health or medical facility) to furnish the United States Consumer Product Safety Commission all information and copies of any and all records you may have pertaining to my case (the case of)

Patient Name Adriana Gantt

Relationship to you _____

Patient Social Security Number 

including, but not limited to, medical history, physical reports, laboratory reports and pathological slides, and X-ray reports and films.

AUTHORIZATION: I certify that this request has been made freely, voluntarily and without coercion and that the information given above is accurate and complete to the best of my knowledge. I understand that I will receive a copy of this form after I sign it. I may revoke this authorization, in writing, at any time except to the extent that action has already been taken to comply with it. Written revocation is effective upon receipt by the unit or office at the facility housing the records. Redisclosure of my medical records by those receiving the above authorized information may be accomplished without my further written authorization and my records may no longer be protected. Without my express revocation, the authorization will automatically expire: (1) upon satisfaction of the need for disclosure, (2) on 6/1/09 (date supplied by patient), or (3) under the following conditions:

5/27/09
(DATE)

Adriana Gantt
(SIGNATURE OF PATIENT OR PERSON AUTHORIZED TO SIGN FOR PATIENT)

(WITNESS)

090520 CBB2638



USG Corporation
Legal Department
550 West Adams Street
Chicago, IL 60661-3676
312 436-4000
Fax: 312 672-7721

August 13, 2009

Founded in 1902

By e-mail tstevenson@cpsc.gov

Mr. Todd A. Stevenson
Director, Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

**Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512, and 09-F-00825:
Chinese Drywall Investigations**

Dear Mr. Stevenson:

This letter is in response to your July 22, 2009 correspondence to United States Gypsum Company regarding the above referenced FOIA requests. We have reviewed all the documents enclosed with your letter, which include the FOIA requests and the CPSC files that the commission is considering producing in response.

United States Gypsum Company has the following comments for your consideration:

1. First, we want to make clear that United States Gypsum Company has never manufactured wallboard in China. Our SHEETROCK® brand gypsum drywall has always been manufactured in North America only. Therefore, we believe that to the extent any CPSC documents mention wallboard made by U.S. Gypsum Company, those documents are not responsive to FOIA requests that are specifically directed at CPSC investigations into Chinese drywall.

Second, in more than 90 years of making wallboard, U.S. Gypsum Company has not had complaints about its SHEETROCK® brand drywall similar to those being made regarding Chinese wallboard.

Third, production of some of these documents by the CPSC in response to Chinese wallboard inquiries would inaccurately and unfairly suggest to the public that our company's primary product, SHEETROCK® brand gypsum drywall, may have been manufactured in China or that the CPSC believes our product may cause problems similar to those that some Chinese wallboard apparently has

caused. Neither is true, and nothing in the documents sent to us suggests otherwise.

2. The following are brief comments on each of the six files that you sent to us for review :

No. 090504CBB1656

No comment or objection.

No. 09054CBB1662

This investigation file relates to a homeowner who believes that his family has developed numerous health conditions related to Chinese drywall in his home. However, neither the homeowner nor the CPSC investigator was able to locate a label on the drywall to confirm the drywall manufacturer. A letter in the file from drywall supplier Seacoast Supply indicates that it did supply some drywall to the home but that based on the delivery date the drywall delivered was manufactured by U.S. Gypsum Company in the United States and is not Chinese-made drywall.

Because no Chinese drywall has been identified in the home, this investigation file is not responsive to FOIA requests for "Chinese Drywall Files". Further, production of the file at this time – prior to a full inspection of all the wallboard in the home and a full investigation into the health issues described by the homeowners – would inaccurately and unfairly suggest to the public that that the family's health issues are related to U.S. Gypsum wallboard. There is no evidence that this is true and the CPSC file does not reveal any reason to believe that such a suggestion is true.

Therefore, U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090505CBB1683

As with the previous file, this file reports a homeowner complaint that various health symptoms and copper blackening in his house are related to Chinese drywall. Again, there has been no inspection of all of the drywall in the home to confirm the presence of any Chinese material. The only drywall that has been identified in the report is U.S. Gypsum SHEETROCK® brand drywall, which was reportedly visible only in the attic and is not made in China. There is nothing in the file to confirm the presence of any Chinese drywall in the home. We are aware of other homes where Chinese-made ½" drywall was installed in the walls

Mr. Todd A. Stevenson
August 13, 2009
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of home, and U.S. Gypsum or other 5/8" inch drywall was installed in the ceiling or attic (5/8 inch wallboard typically is used on ceilings, while walls are typically 1/2 inch board).

Production of this complaint file before a full inspection of all the wallboard in the home and before a full investigation into the health issues described by the homeowners, would inaccurately and unfairly suggest to the public that the family's health issues are related to U.S. Gypsum wallboard.

If any of this homeowner's alleged problems are caused by wallboard in the home, it is more likely that the problems are caused by undiscovered Chinese wallboard than by U.S. Gypsum Company wallboard, which has never been associated with the complaints being made regarding Chinese drywall.

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090505C1688

This investigation was initiated by a tenant who complained of health issues and copper blackening in her rented home. The manufacturer of the drywall in the home is not confirmed; however, the tenant believes her problems are related to Chinese drywall. As with prior claims addressed herein, the only drywall that was accessible and inspected was located in the attic of the home.

There has been no confirmation that any wallboard in the home was manufactured in China and no investigation into what may be causing the tenant's complaints. Because there is only one unverified reference to U.S. Gypsum Company wallboard in the file, production of these documents by the CPSC in response to FOIA requests would unfairly and inaccurately suggest that U.S. Gypsum wallboard may be a part of the tenant's problems – and there is nothing either in the file or outside the file to support that suggestion.

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

X No. 090520CBB2638

This file relates to an investigation into a homeowner complaint of health symptoms and electrical component failures that the homeowner believes might be related to Chinese drywall. The CPSC investigator found no evidence of Chinese drywall – although he did obtain information (a purchase receipt

Mr. Todd A. Stevenson
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Page 4

produced by the homeowner) that suggests that some of the drywall in the house was manufactured by two U.S. companies – United States Gypsum and Georgia Pacific. However, there was no visual confirmation that the wallboard in the home was in fact manufactured by the two companies. The investigator did not notice any unusual smell in the home and found no visible blackening of copper wire or other metal surfaces – the symptoms frequently reported in homes with the Chinese drywall problems.

There is no evidence of Chinese drywall in the home, the CPSC investigator did not observe any unusual smell or copper blackening, and there is no evidence that the wallboard in the home is causing any problems whatsoever. Therefore, this report is not responsive to the FOIA request. Production of these material in response to the pending FOIA requests may inaccurately suggest that the homeowner's reported problems are related to the presence of wallboard manufactured by two U.S. manufacturers, and there is nothing to support that conclusion..

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090504CBB3555

No comment or objection.

Thank you again for the opportunity to comment on the CPSC response to these FOIA requests. We appreciate your consideration of our comments and concerns. Please feel free to call me if you have any questions or require further information. (312-436-4006)

Very truly yours,



John A. Donahue
Senior Corporate Counsel
Telephone: (312) 436-4006

JAD/cw
#172623

| | | | | |
|--|--|--|---|--|
| 1. Task Number 090504CBB3555 | | 2. Investigator's ID 9105 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 840 | 4. Date of Accident YR MO DAY 2008 09 15 | 5. Date Initiated YR MO DAY 2009 05 07 | | |
| 6. Synopsis of Accident or Complaint UPC A 47 year old woman filed an on-line incident report indicating that that drywall was causing her and her spouse to suffer headaches, tiredness, bloody noses, and other symptoms. These symptoms began two to three months after returning to their self-built home. The drywall in question was installed by the Consumer while building two room additions to their home. The symptoms would go away after living outside of the home for about one week. They have not sought any medical attention for their symptoms. | | | | |
| MFR/PRYLR NOTIFIED 10/16/09 COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED <input checked="" type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA HLR. <i>SLSC Oth...</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input checked="" type="checkbox"/> RE-NOTIFY <small>(b)(3):CPSA Section 6(b)</small> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City LAKE HAVASU CITY | | 9. State AZ |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name DRYWALL | | 10C. M... <small>(b)(3):CPSA Section 6(b)</small> |
| 10D. Ma... <small>(b)(3):CPSA Section 6(b)</small> | | | | |
| 11A. Second Product 960 - Paints, Varnishes Or Shellacs Not Responsive | | 11B. Trade/Brand Name Not Responsive | | 11C. Model Number |
| 11E | | | | |
| 12. Age of Victim 47 | 13. Sex 2 - Female | 14. Disposition 1 - Injured, not Hosp. | 15. Injury Diagnosis 71 - Other | |
| 16. Body Part(s) Involved 75 - HEAD | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 16 / 13 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 05/28/2009 | | 25. Reviewed By 9035 | | 26. Regional Office Director Frank J. Nava |
| 27. Distribution Rose, Blake | | | 28. Source Document Number I0940364A | |

090504CBB3555

This investigation was based on a Consumer Incident Report (Document # I0940364A) that reported health issues to the two residents possibly caused by drywall building materials fully identified below under the product Information caption. The information in this report was obtained from an on-site visit and interview of the Complainant on 05/07/2009. Additional information was obtained from a personal visit and interview on 05/22/2009 of the Store Manager of the National Home Improvement Store identified as where the drywall was purchased.

Complainant is a 47 year old female who indicated that she is not taking any medications or had any medical conditions described below prior to June/July 2008. The other resident is a 52 year old male who also indicated he is not taking any medications or had any medical conditions described below prior to Jun/July 2008. Both stated they live a healthy lifestyle and do not take any medications. There are no other persons living in this home. Complainant disclosed that because of the extreme heat in the region and not having air conditioning in the building they usually lived in the building from approximately September/October to about April/May. She stated that in the summer of 2008 they lived in their camper while they built additions to the building.

The residence where this on-site investigation was conducted is a steel building approximately 50 feet by 75 feet that was built by the Complainant and her Spouse. Complainant stated that they built this home themselves because of the extreme remote location of the property. Complainant said the building was completed in about 2003 and was used as both a residence and art studio. She related that all of the art supplies and material are stored at the east end of the building and the west side is used as the living quarters. Both related that there is no carpeting in the building and the added rooms and storage area are the only places in the building that any drywall has been used. The remainder of the interior of the building is the metal beams and exterior walls. They related that the only wood structure in the building is the frame work for the additions they added with the drywall. They stated the ground floor is bare concrete. Complainants Spouse also related he installed all of the electrical wiring in the building himself. He also indicated that the building is powered by solar cells he installed himself. The batteries use to power the residence are located in a room adjacent to the main building. Complainants Spouse also disclosed that the only non-electrical appliance in the home is a propane stove with the fuel tank being located outside of the building.

Complainant reported that in about May 2008 they purchased approximately 110 sheets of 12 foot by four foot by one half inch drywall at the Home Improvement Store closest to their residence to build a bedroom and enclosed office. She indicated they paid approximately \$1,000.00 for the drywall. Complainant said that they finished the project in June/July 2008. She also related they used an environmentally friendly paint (also identified below) to finish the bedroom. The enclosed office was not painted due to the health problems that started appearing a few months later.

Complainant stated that in June/July 2008 they left the residence for about two months due to the extreme heat. She stated that when they returned to the residence they began sleeping in the bedroom on a nightly basis and using the office regularly. She said that about shortly after returning in about Sept

090504CBB3555

2008 both she and her Spouse began noticing a slight smell of rotten eggs and they both began to get ill. Complainant said she began having trouble sleeping, developed almost daily headaches, a soreness that she felt behind her eyes, and her voice began getting hoarse. Her Spouse stated he began getting a bloody nose on weekly basis, constant headaches, watery eyes, and felt run down on a daily basis.

Complainant said that the above describe symptoms slowly developed over a one to two week period. She stated that after researching on the internet and hearing about the possibly toxic drywall being found they decided to live in their camper to see if the symptoms would go away. Complainant commented that one week after living in the camper the symptoms for both of them went away. She indicated that within five to ten days after moving back into the building the symptoms returned. Complainant stated they have since move back into the camper and the symptoms have not returned.

Complainant related that for a short time they had the camper parked immediately next to the exterior wall where the rooms had been built and occasionally she would still smell the rotten egg odor. Both Complainant and her spouse reported that the smell seemed to be stronger late at night and early in the morning when the humidity was higher. They indicated that when they opened the two large sliding doors located on the South and North ends of the building to allow the warm air into the building the smell would not be as strong or even non- existent.

Complainant indicated that because neither have medical insurance have not sought medical treatment for the symptoms described above. Complainants Spouse said that after reading about the possible electrical problems reported on the internet with the drywall issue, he turned off the power to the room additions. During this on-site interview the electrical outlets both in the room additions and the rest of the home were examined by this investigator and Complainants Spouse. No corrosion was noted on any of the wiring. Complainants Spouse disclosed that when he was using the office addition he noticed his laptop computer would flicker but he attributed that to the batteries from his solar power system going flat. He said that when they were sleeping in the bedroom addition they never noticed any flickering lights in the bedroom.

Both individuals confirmed that neither have noticed any pitting or corrosion on jewelry or metal trim in the home. Complainant said that they contacted the local health department and were told they were unaware of any health issues related to installed drywall. They also said that their closest neighbors are approximately two miles away and they have no contact with them. Complainant said the homes in this area have been built at different times and none were built by the same builder. Complainant said they have contacted the National Home Improvement Store where they purchased the drywall and were told that they are unaware of safety issues with any of the drywall they sell. She said that for now they intend on staying out of the building as much as possible. As for long term plans, they both said that they don't know what to do since they cannot afford to remove and replace they drywall in the building.

On 5/22/2009 the Store Manager of the National Home Improvement Store where the drywall was purchased was interviewed. He indicated he had talked to Complainant about her problem and had telephonically contacted the corporate office. He stated he was told that they were aware of several

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consumer complaints about the drywall identified below. He said he was told the matter was researched and that drywall used by Complainant was considered to be safe. The Store Manager further said that drywall he sells in his store is usually purchased for him by a company merchandiser located in North Carolina. The Manager also stated he is unaware of any other customers complaining about the drywall sold at his store. At the time of this visit this store did not carry any of the drywall brand involved in this consumer incident report.

Telephonic contact with the Lead Merchandiser for the National Home Improvement Store branch where the involved drywall was purchased disclosed that she has been in contact with five manufacturers who provide drywall to this retailer. She provided letters she received from the manufacturers indicated they do not sell imported drywall (see attachment #5). She related that she buys directly from these manufacturers and is aware of the ongoing investigations involving various types of drywall.

PRODUCT IDENTIFICATION

The drywall involved in this consumer complaint is the Grid MarX model manufactured by (b)(3):CPSA

(b)(3):CPSA Section 6(b)

Section 6(h)

Individual sheets measure 12 feet (L) x 4 feet (W) x ½ inch (T) and are a grayish white in color. The only markings that were legible on the drywall located in Complainants residence were the following:

(b)(3):CPSA Section 6(b)

The type of paint used in Complainants bedroom was identified as (b)(3):CPSA Section 6(h) No other identifying information about the paint was available.

090504CBB3555

ATTACHMENTS

1. Authorization to Release Name (1 page)
2. Notice of Inspection (1 page)
3. Digital Photographs (7 frames) (4 pages)
4. Building Diagram (1 page)
5. Manufacturer Letters (5 pages)



**U.S. Consumer Product Safety Commission
Las Vegas Office
420 N. Nellis Blvd., A-3, PMB 132
Las Vegas, NV 89110**

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.

(b)(3)-CPSA Section 25(c)
[Redacted Signature Box]

5.7.09
(Date)

112490001
2. TIME 1051 A.M. P.M.
Richard A. Otero
420 N. Nellis Blvd, A-3, PMB 132
Las Vegas, NV 89110
702-431-8180

4. TO
A. NAME AND TITLE OF INDIVIDUAL
Rob Silguero, Store Manager
B. FIRM NAME
Lowe's Home Improvement
C. NUMBER AND STREET ADDRESS
4000 Highway 95N
C. CITY, STATE, AND ZIP CODE
Lake Havasu City, AZ 86404

Notice of Inspection is hereby given pursuant to:

- Section 5(a) of the Flammable Fabrics Act (15 U.S.C. § 1194(a));
- Sections 6(a), 9, and 10 of the Federal Trade Commission Act (15 U.S.C. §§ 46(a), 49, and 50);
- Sections 16, 19, and 27 of the Consumer Product Safety Act (15 U.S.C. §§ 2065, 2068, and 2076)
- Sections 301(e) and (f) and Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 331(e) and (f) and 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. § 1471 *et seq.*)]; and/or
- Sections 4(e), 11(b), and 12 of the Federal Hazardous Substances Act as Amended (15 U.S.C. §§ 1263(e), 1270(b), and 1271).

Refer to the back of this form for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED

The purpose of this inspection is to obtain information; to review and obtain copies of items including, but not limited to, records (including electronic records), reports, books, documents, and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (5 U.S.C. § 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.

7. SIGNATURE (Authorized CPSC Official)

Richard A. Otero

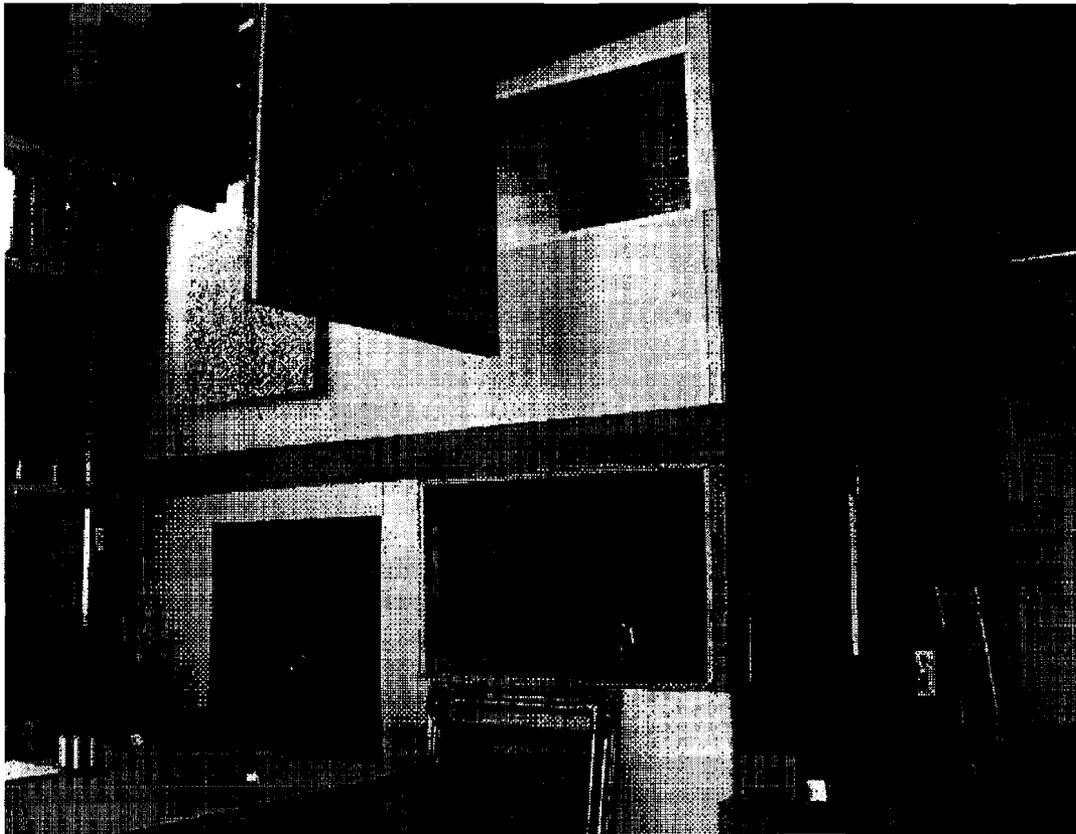


Photo 1 of 7-
Interior photograph
of room built by the
Complainant using

(b)(3):CPSA Section 6(b)

drywall. Building
and rooms were
constructed by the
Complainant and
her partner. Full
length sheets were
1/2 in.(T) X 12 ft. (L
X 4 ft. (W).

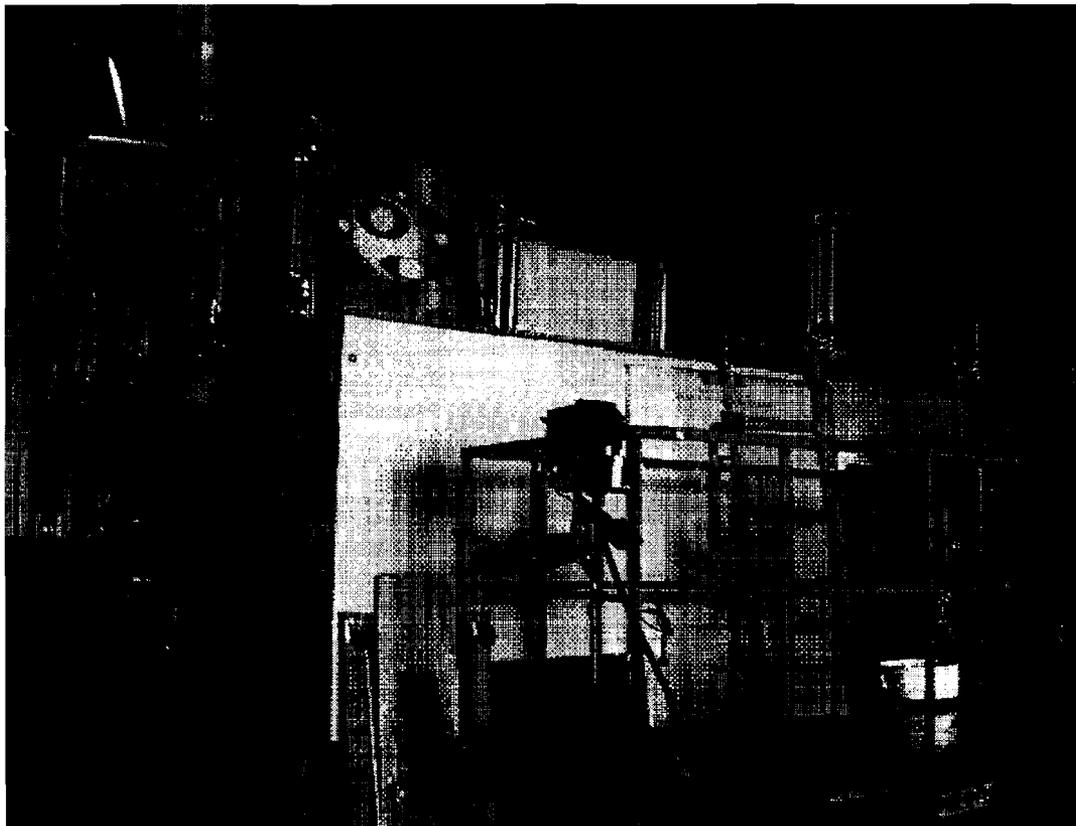


Photo 2 of 7- Art
supply storage
room built by
Complainant and
her partner using

(b)(3):CPSA Section 6(b)

drywall.



Photo 3 of 7-
Exterior view of metal building built by complainant and her partner. Building is used as an art studio and residence. Rooms shown above are located behind the wall behind the automobile.

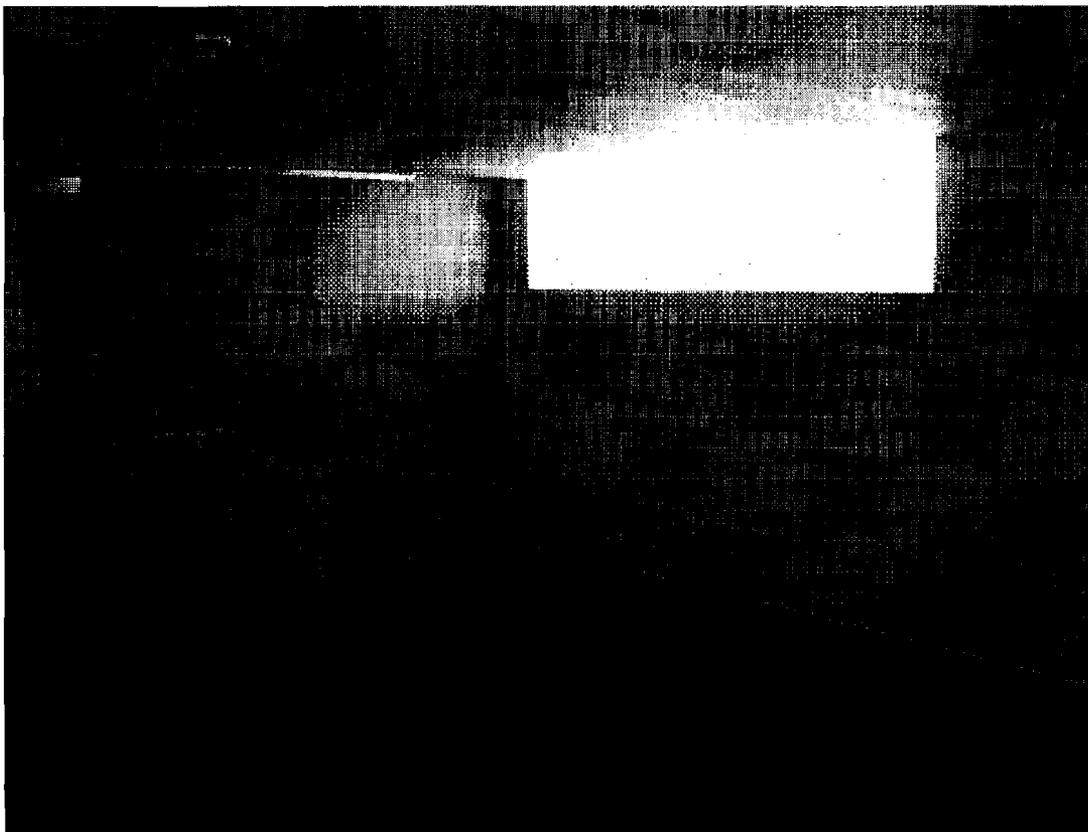


Photo 4 of 7-
Interior view of second story room used as a bedroom. The paint in this room was described as environmentally safe paint by Complainant.

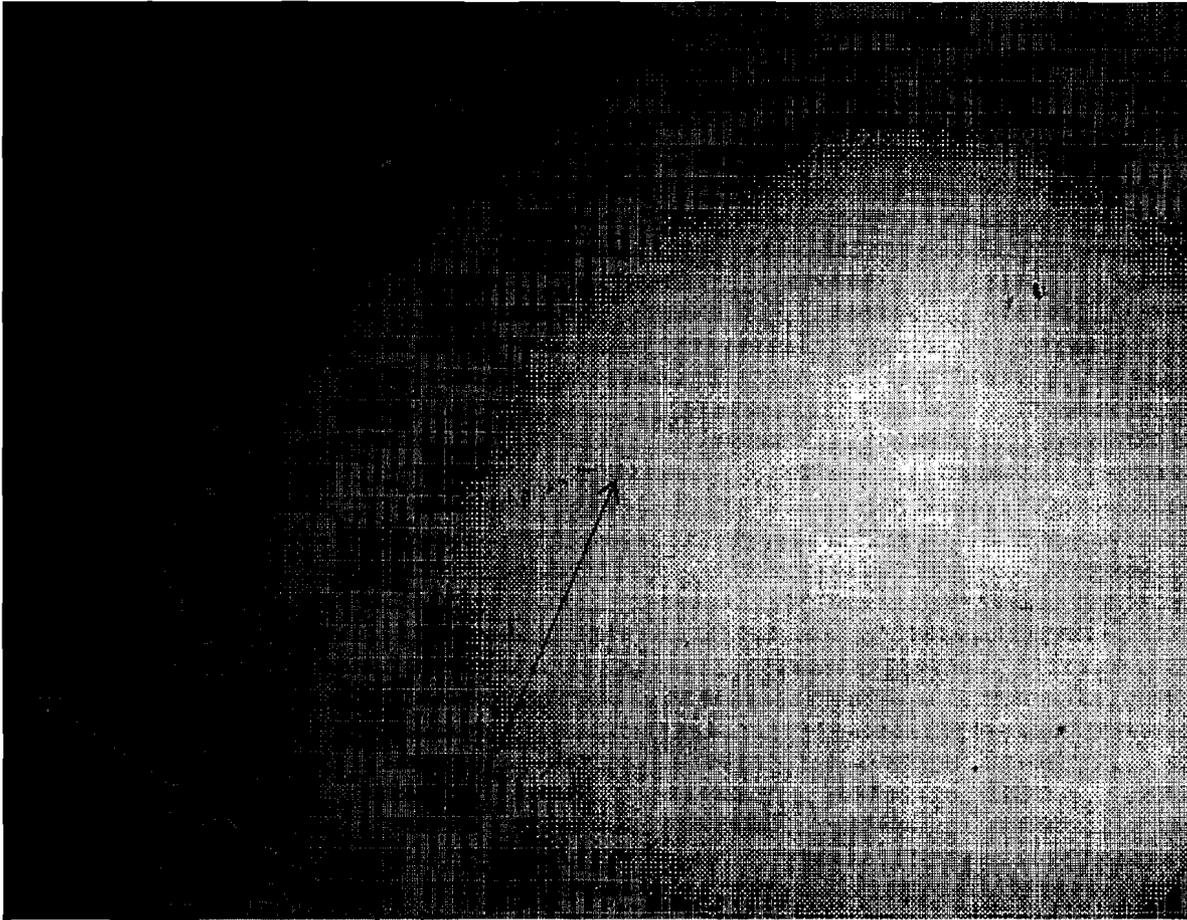


Photo 5 of 7- Close-up of imprinted information located on the
drywall. Markings read (b)(3):CPSA Section 6(b)

(b)(3):CPSA Section 6(b)

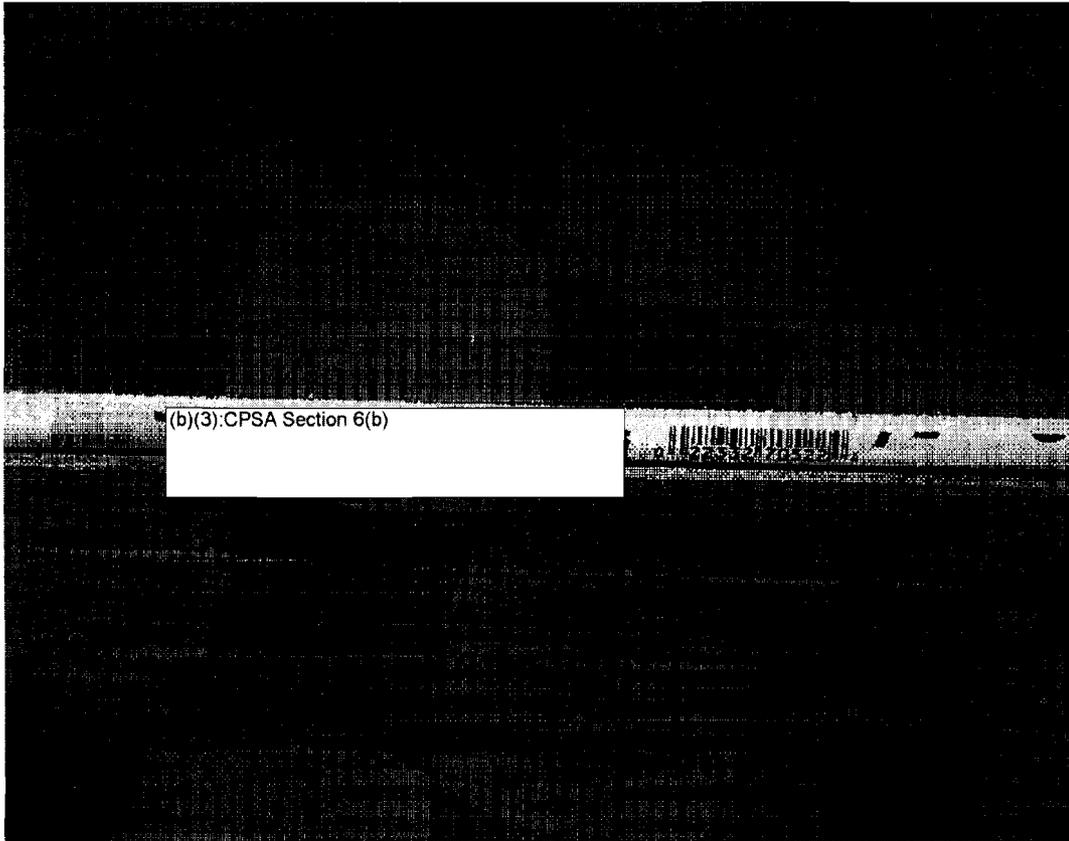


Photo 6 of 7-
Marking legible on
the edge of the
drywall used in the
room construction.
Marking show a
barcode and
number

(b)(3):CPSA Section 6(b)

partial words and
numbers ((2) per
and (2) por).

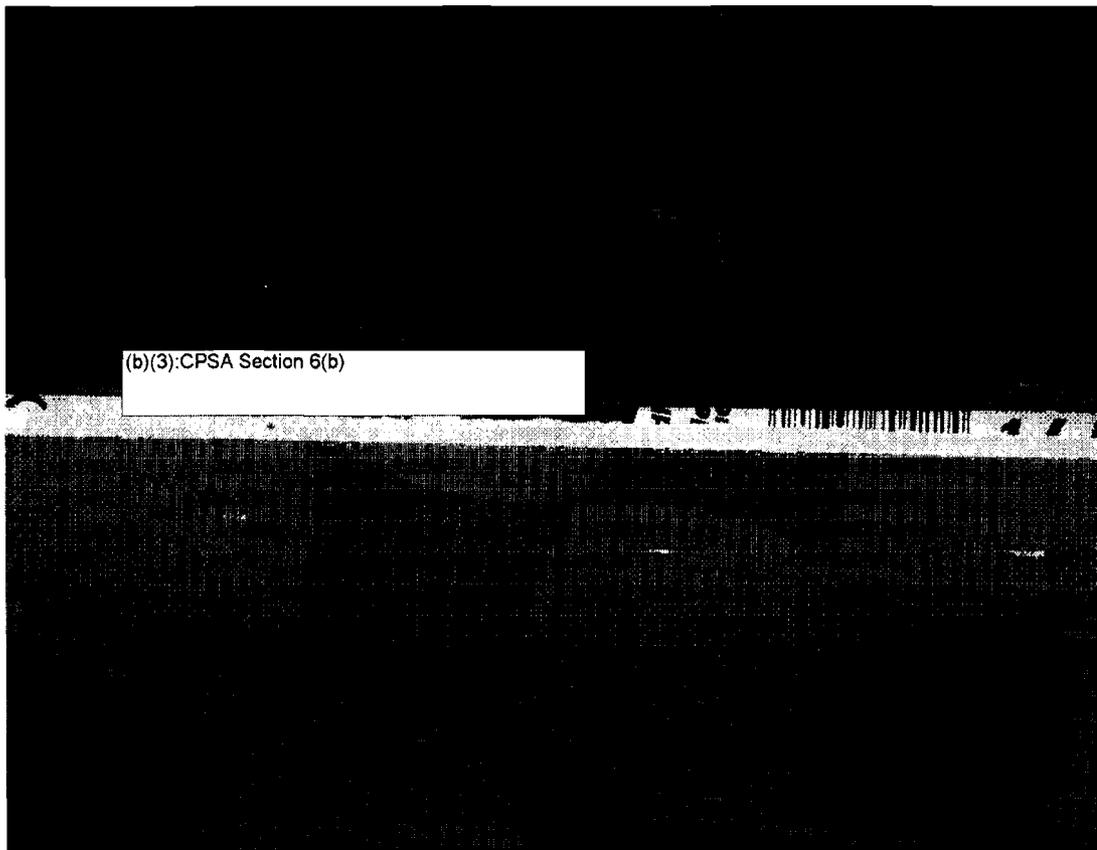


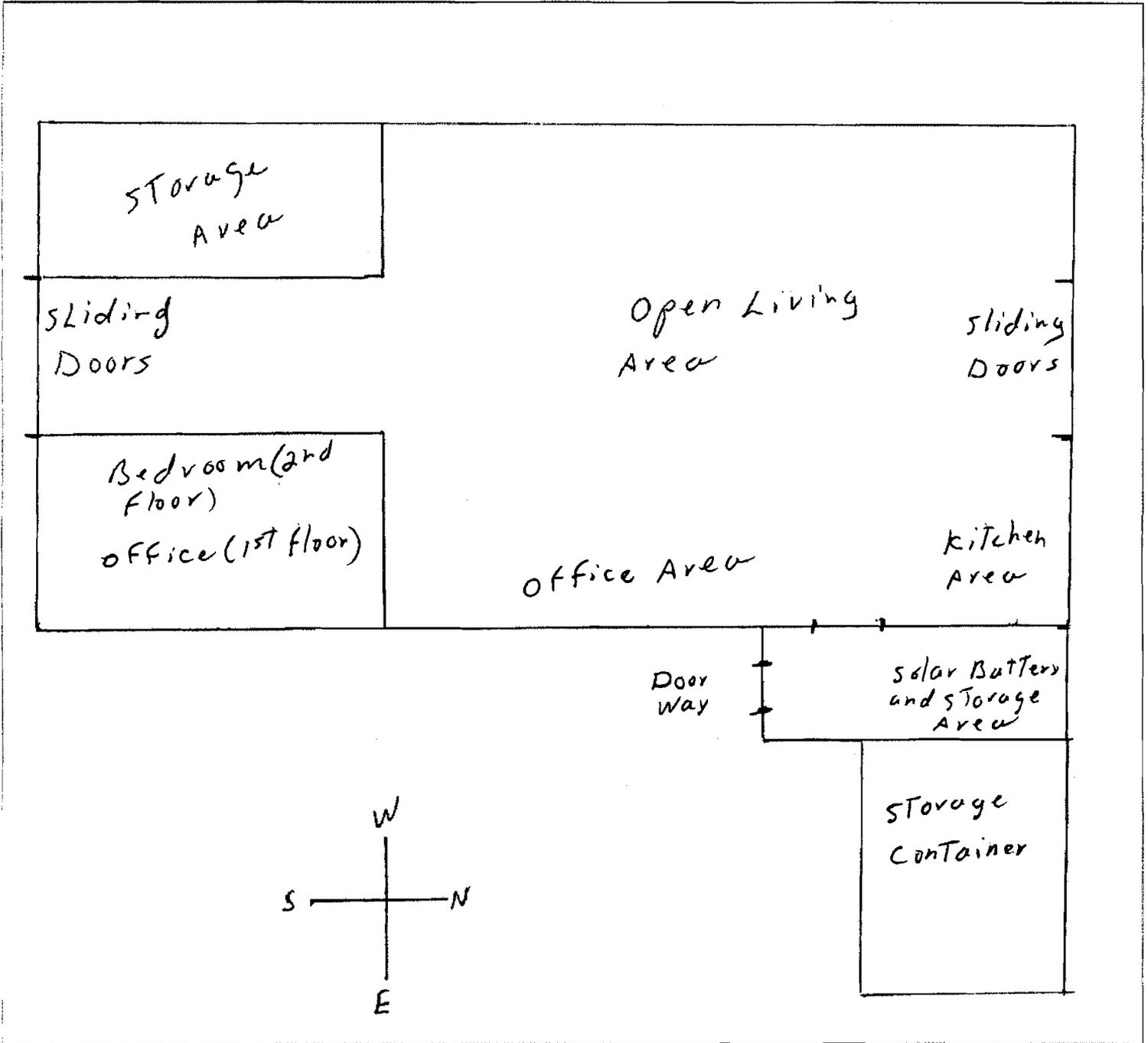
Photo 7 of 7-
Marking legible on
the edge of the
drywall used in the
room
construction.
Marking show a
partial word

(b)(3):CPSA Section 6
(b)

Task Number: 090504CBB3555

Attachment 4

Page 1 of 1





March 17, 2009

Subject: American Gypsum Wallboard

To Whom It May Concern:

Wallboard manufactured and sold by American Gypsum comes from our own plants located in:

- ◆ Gypsum, CO
- ◆ Albuquerque, NM
- ◆ Bernalillo, NM
- ◆ Duke, OK
- ◆ Georgetown, SC

American Gypsum has never handled or re-marketed gypsum wallboard from any foreign manufacture or source.

Regards,

Bob Ek
Technical Service Manager
1-800-545-6302 ext. 5607
www.americangypsum.com



United States Gypsum Company

1975 North Lincoln Street

Chicago, Illinois 60612

Phone: (312) 436-4165

Fax: (312) 436-4166

www.usg.com

© 2006 USG

To Our Valued Customers:

In recent weeks there have been a number of reports of problems related to Chinese-made wallboard that was imported into the United States in the 2005-2006 time frame. We wanted to take this opportunity to reaffirm USG's unwavering commitment to product quality and safety. Specifically, we would like you to know:

- **All of United States Gypsum Company's gypsum wallboard is and always has been manufactured exclusively in North America.**
- **United States Gypsum Company's gypsum wallboard is manufactured and sold exclusively under the brand name SHEETROCK.**
- **USG-manufactured products are not involved in any of the complaints related to Chinese wallboard; we have never received complaints of this nature in more than 90 years of making wallboard.**

The wallboard involved in the complaints and lawsuits was apparently made in China and sold in the U.S. in 2005 and 2006. One of the manufacturers is apparently Knauf Plasterboard (Tianjin) Co. Ltd., a Chinese wallboard manufacturer. The Knauf wallboard is labeled with the Knauf Tianjin company name. Questions about Chinese wallboard can be directed to Knauf (Tianjin) representatives in the U.S. at the offices of Everett Clay and Associates at (305)-261-6222.

We value your business and our relationship with you. If you have any questions pertaining to any USG products, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. A. Khan', with a long horizontal stroke extending to the left.

Fareed A. Khan
President, USG Building Systems
(312) 436-4165



March 9, 2009

To Whom It May Concern:

Subject: Lafarge Gypsum Board Products

Lafarge's gypsum board products are manufactured in North America in conformity with all ASTM and UL specifications. Lafarge identifies the origin of production on the back of each board it manufactures.

Lafarge has never imported, repackaged or sold Chinese produced drywall into the North American market.

For more information about gypsum board, please visit the industry association's website at www.gypsum.org.

If you require additional information or clarification about Lafarge's products, please contact our Technical Services Department at 703-480-3813.

Sincerely,

Brad Wing,
Technical Manager - Marketing

090504CBB3555

Complainant- (b)(3):CPSA Section 25(c) South, Lake Havasu City, AZ 86403, Tel: (b)(3):CPSA Section 25(c)
interviewed in person 5/7/2009

Complainant's Spouse- (b)(3):CPSA Section 25(c) South, Lake Havasu City, AZ 86403, T
(b)(3):CPSA interviewed in person 5/7/2009

National Home Improvement Store- Lowe's Home Improvement, 4000 highway 95N, Lake Havasu City, AZ 86404, Visited in person 05/22/2009

Store Manager- Rob Silguero, Lowe's Home Improvement, 4000 highway 95N, Lake Havasu City, AZ 86404, interviewed in person 05/22/2009

Lead Merchandiser- Paula Bunton, Lowes, 1000 Lowes Blvd., Mooresville, NC, 28115, Tel: 704-758-2947, contacted via telephone 05/27/2009

04/14/2009 00:46:14

(b)(3):CPSA Section 25(c)

Name = [Redacted]
 Address = [Redacted]
 City = Lake Havasu
 State = Arizona
 Zip = 86403
 Email = (b)(3):CPSA Section 25(c)
 Telephone = [Redacted]

Name of Victim =
 Victim's Address =
 Victim's City =
 Victim's State =
 Victim's Zip =
 Victim's Telephone =

Incident Description = May 8, 2008 Purchased 110 sheets of Dry Wall from Lowe's Lake Havasu City AZ
 My partner, Ray, who owns the building where we installed the Dry Wall and I are self home builders. We built four rooms using this Dry Wall. We were both involved in the handling cutting and installing of the Dry Wall. We moved into one room to sleep and within two months we were experiencing headaches, extreme sinus problems, bloody nose (Ray got almost everyday night during this time), shortness of breath when laying down to sleep, insomnia, hoarse voice like the beginning stages of laryngitis (although Jane did not have a cold) and lung irritation. Basically during the three and a half months sleeping in this room our health began to drastically deteriorate. At three in the morning one morning Jane said: we have to leave this room NOW! We moved out of this room...and could not figure out what was the problem. Jane kept smelling this stinky garbage type smell (Ray could not smell anything because he his nose was so congested) and could not find where it was coming from but she did smell it more strongly if she put her nose up to the wall. This rotten smell had permeated our sheets blankets so much that we had to wash everything that had been in that room during this time. We thought that there might be something toxic coming from the paint, so we spent the next three months in our free time, peeling off the paint from the walls in this room. Then we repainted the walls with a green environmentally healthy No VOC paint from [Redacted] In the meantime, we slept in our camper and noticed that within a week we could fall asleep easily and Ray's severe congestion bloody nose subsided and my lungs felt better. Although we had been using one of the Computer Rooms everyday 10am to 7 pm during this entire time, we still had a headache at the end of the day. Anyway...We moved back to sleep in this room. Twenty days later, thoroughly exhausted from lack of sleep, headaches, congestion, lung irritation and overall fatigue we moved out of the room again. Just before we moved out of the room I noticed that my vision was blurry both far away and close up, which I thought was very strange since I have very good eyesight, I do not wear glasses or have ever worn glasses. Again our health was deteriorating since we had slept in this room, so, we stopped sleeping in that room. At first we were just concerned about the Bedroom. What could the problem be ? we thought, " It couldn't be something in our insulation because we had purposely gone out of our way to find an insulation that had no formaldehyde and no toxins in it. Nevertheless, we decided that we would send our insulation to a lab to have it tested. In the process of looking for a lab to test our Insulation, a man from one of the labs called us. He asked us what the situation was, we told him. and he said that he highly doubts that the problem was in our insulation. but instead he thought it would be in our Dry Wall. Then he told us about Toxic Dry Wall and to look it up online. We did...and found out the symptoms such as frequent burn out of light bulbs and electronic problems such as our new computer was having mini black outs that we could not figure out why...and the health problems people were having were just like ours ! Interestingly enough, because we are busy people and home builders, we only putty and painted one room: the room that we were going to and did sleep in. The other three rooms still have the new Dry Wall and there is still the Bar Code and Skew # completely visible...and what is left of half of the [Redacted] Logo. In our research we called Lowe's and they said that their Dry Wall manufacturers never imported any Dry Wall. And, we also read that [Redacted] that they did not import any Dry Wall. But we feel and intuitively know that this [Redacted] Dry Wall is giving off a toxin. Therefore, when everyone is in an uproar about Chinese Toxic Dry Wall, for [Redacted] just say, we did not import any Dry Wall is like the Fox getting the Hunter to start chasing after a bird. We are becoming frustrated, disappointed, angry and depressed just thinking about the terrible mess that this Toxic Dry Wall has made and continues to make in our lives. Basically our whole life and our health is being destroyed because of this Toxic Dry Wall. And we really have no where to turn to. If we tear down the Toxic Dry Wall we will not be able to prove that toxic fumes are being emitted from the Dry Wall. Yet we cannot use the space until we tear down the Toxic Dry Wall. In addition, we cannot tear down the Dry Wall and replace it because we do not have the health energy to do so. Also, we used our allocated savings for building the rooms but do not have any extra funds for tearing down the walls and re-Sheet Rocking them. We cannot hire anyone to tear the Toxic Dry Wall out because we would be liable for jeopardizing the health of the people who tear down these toxic walls. And [Redacted] because of the Toxic Dry Wall, it would be difficult if not impossible to sell our place and move out. Housing prices are extremely low already and if we add the Toxic Dry Wall into this, we will not be able to sell our property at a fair our reasonable price. Basically we are stuck here with this Toxic Dry Wall that is deteriorating our health and contaminating our environment. Please help!

environment. Please help !

When we learned via the internet that they have found Toxic Dry Wall in Arizona and we realized that we have been exposed to Toxic Dry Wall, we immediately called our Local & State Public Health & Building Departments to see if they had any information on this or if there had been a warning issued to Arizona home owners regarding "Toxic Dry Wall". Every Department we called seemed to know nothing about "Toxic Dry Wall" Wouldn't you think that the State Government would be on top of this and extremely concerned about the people of their State being exposed to these toxins. The vapors given off by the "Toxic Dry Wall" are similar to Carbon Monoxide, where all of the oxygen in the room can be absorbed, thus asphyxiating the occupants of an enclosed room with this Toxic Dry Wall on the wall. Plus, there is a question as to whether or not this Dry Wall is emitting "radioactive waves" as they have found "fly ash from Power Plants" in some of the Toxic Dry Wall they have tested. There is nowhere to turn for the many unanswered questions we have. Therefore we turn to our State & Local Government to protect us. We and homeowners throughout Arizona need our State & Local Government to be able to tell us:

How dangerous is it for us to be in a room with this "Toxic Dry Wall" ?

Is this "Toxic Dry Wall" Radioactive?

In doing our research we read an article on the internet stating that Labs in Florida found fly ash residue from Power Plants in the (b)(3):CPSA Dry Wall. Are the Power Plants they are referring to Nuclear Power Plants?

How dangerous is it to be outside of a room built with the Toxic Dry Wall but still within range of it? For example if you have an older home with a new addition built with this Toxic Dry Wall.

How far away should we move from it?

If we take down the Dry Wall, (a huge mess) how dangerous is it for us to do so?

Where do we find the financial means to take this Toxic Dry Wall out of our place?

Where do we dispose of the Toxic Dry Wall ?

Do we need to replace all of the wiring in these rooms to prevent a fire hazard?
Will the wiring in this room become a fire hazard if we do not change it?

Will we have to throw away all of our insulation ?
(ie: have these toxic gases contaminated our insulation?)

Where can we go to find Doctors who understand the Health Issues dealing with exposure to Toxic Dry Wall ?

What can we do as subjects of exposure to Toxic Dry Wall now to help us prevent further damage to our health ?
(ie: take any herbs/medicines that rid the body of heavy metals, accumulated in the body due to exposure to these toxic gases)

Who is responsible for this Toxic Dry Wall ?

What are the type of/names of the tests needed to be done in order to prove that we have Toxic Dry Wall?
...and what companies are able to do these tests?

What is our County, State and Federal Government doing about this Toxic Dry Wall ?

Please help us to find the answers to these questions now.

Victim's age at time of incident =
Victim's sex =
Date of incident = May 2008 to Present
Product involved (b)(3):CPSA Dry Wall purchased at Lowe's Lake Havasu, AZ
Product brand name/manufacturer = National
Manufacturer street address = unknown
Place where manufactured (City and State or Country) = unknown (b)(3):CPSA Section 6(b)
Product model and serial number, manufacture date = Bar Code & S 2 4 (#on installed dry wall label)
Product damaged, repaired or modified = yes

Doc No: I0940364A

Issue: 29

04/15/2009

If yes, before or after the incident = before

Description of damage, repair or modification = TOXIC

Date product purchased = may 8, 2008

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

Name Release = Do not release name

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

THIS ADDRESS IS MY MAILING ADDRESS IT IS NOT THE BUILDING WHERE THE DRY WALL IS ON THE WALLS. I AM WRITING THIS ON BEHALF OF MYSELF AND MY PARTNER RAY WHO OWNS THE PREMISE WHERE THE DRY WALL WAS INSTALLED.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b)(3):CPSA Section 25(c)

| | |
|-----|--------|
| | 5-5-09 |
| Sig | Date |

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.



August 4, 2009

VIA FAX, FEDERAL EXPRESS AND E-MAIL

Mr. Todd A. Stevenson
Director
Office of the Secretary
Division of Information Management
Office of Information and Technology Services
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814-4408

2009 AUG -6 A 11:45
OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION

Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512 and 09-F-00825: Chinese Drywall, Gypsum Board, Wallboard, Plasterboard or Sheetrock/Complaints, Reported Incidents, Investigations of Incidents and Commission Investigation Records

Dear Mr. Stevenson:

This letter shall serve as American Gypsum Company's response to your letter dated July 22, 2009 to the President of American Gypsum. In that letter you stated that the United States Consumer Product Safety Commission (the "Commission") has identified certain records (enclosed with your letter) about American Gypsum's products as responsive to Freedom of Information Act ("FOIA") requests sent to the Commission. In addition to the FOIA requests, your letter also contained materials relating to two (2) consumer complaints. We have reviewed the information and submit the following comments:

Complaint #090504CBB1657

First, American Gypsum Company manufactures all of its wallboard in the United States. American Gypsum has not imported, relabeled or rebranded any wallboard from China or any where else outside the United States.

With respect to the substance of the complaint, we believe it is important to note that this incident report seems to indicate that Chinese wallboard in conjunction with U.S. manufactured wallboard was used in the development in which the home is located. In particular, the text of the complaint describes a statement from the chairman of the housing development's ad hoc homeowner's committee that up to 25% of the homes in that development have had to replace

Mr. Todd A. Stevenson
United States Consumer Product Safety Commission
August 4, 2009
Page 2

wallboard was installed in the attic of the consumer's home, it is important to note that during the 2004-2006 time frame, when wallboard was in short supply, it was not unusual for distributors to stock homes with multiple brands of wallboard. In other words, it is possible for a home to have both Chinese wallboard in some areas and U.S. wallboard (like American Gypsum wallboard) in others. However, it appears that the consumer has not performed a thorough inspection of the other areas of the consumer's home to determine the source of wallboard throughout the home.

Complaint #090504CBB3555

We have no comment on this complaint as it involves wallboard manufactured by

(b)(3):CPSA Section 6(b)

Regards,



David B. Powers
President

090504CBB3555



USG Corporation
Legal Department
550 West Adams Street
Chicago, IL 60661-3676
312 436-1000
Fax: 312 672-7721

August 13, 2009

Founded in 1902

By e-mail tstevenson@cpsc.gov

Mr. Todd A. Stevenson
Director, Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

**Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512, and 09-F-00825:
Chinese Drywall Investigations**

Dear Mr. Stevenson:

This letter is in response to your July 22, 2009 correspondence to United States Gypsum Company regarding the above referenced FOIA requests. We have reviewed all the documents enclosed with your letter, which include the FOIA requests and the CPSC files that the commission is considering producing in response.

United States Gypsum Company has the following comments for your consideration:

1. First, we want to make clear that United States Gypsum Company has never manufactured wallboard in China. Our SHEETROCK® brand gypsum drywall has always been manufactured in North America only. Therefore, we believe that to the extent any CPSC documents mention wallboard made by U.S. Gypsum Company, those documents are not responsive to FOIA requests that are specifically directed at CPSC investigations into Chinese drywall.

Second, in more than 90 years of making wallboard, U.S. Gypsum Company has not had complaints about its SHEETROCK® brand drywall similar to those being made regarding Chinese wallboard.

Third, production of some of these documents by the CPSC in response to Chinese wallboard inquiries would inaccurately and unfairly suggest to the public that our company's primary product, SHEETROCK® brand gypsum drywall, may have been manufactured in China or that the CPSC believes our product may cause problems similar to those that some Chinese wallboard apparently has

caused. Neither is true, and nothing in the documents sent to us suggests otherwise.

2. The following are brief comments on each of the six files that you sent to us for review :

No. 090504CBB1656

No comment or objection.

No. 09054CBB1662

This investigation file relates to a homeowner who believes that his family has developed numerous health conditions related to Chinese drywall in his home. However, neither the homeowner nor the CPSC investigator was able to locate a label on the drywall to confirm the drywall manufacturer. A letter in the file from drywall supplier Seacoast Supply indicates that it did supply some drywall to the home but that based on the delivery date the drywall delivered was manufactured by U.S. Gypsum Company in the United States and is not Chinese-made drywall.

Because no Chinese drywall has been identified in the home, this investigation file is not responsive to FOIA requests for "Chinese Drywall Files". Further, production of the file at this time – prior to a full inspection of all the wallboard in the home and a full investigation into the health issues described by the homeowners – would inaccurately and unfairly suggest to the public that that the family's health issues are related to U.S. Gypsum wallboard. There is no evidence that this is true and the CPSC file does not reveal any reason to believe that such a suggestion is true.

Therefore, U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090505CBB1683

As with the previous file, this file reports a homeowner complaint that various health symptoms and copper blackening in his house are related to Chinese drywall. Again, there has been no inspection of all of the drywall in the home to confirm the presence of any Chinese material. The only drywall that has been identified in the report is U.S. Gypsum SHEETROCK® brand drywall, which was reportedly visible only in the attic and is not made in China. There is nothing in the file to confirm the presence of any Chinese drywall in the home. We are aware of other homes where Chinese-made ½" drywall was installed in the walls

Mr. Todd A. Stevenson
August 13, 2009
Page 3

of home, and U.S. Gypsum or other 5/8" inch drywall was installed in the ceiling or attic (5/8 inch wallboard typically is used on ceilings, while walls are typically 1/2 inch board).

Production of this complaint file before a full inspection of all the wallboard in the home and before a full investigation into the health issues described by the homeowners, would inaccurately and unfairly suggest to the public that the family's health issues are related to U.S. Gypsum wallboard.

If any of this homeowner's alleged problems are caused by wallboard in the home, it is more likely that the problems are caused by undiscovered Chinese wallboard than by U.S. Gypsum Company wallboard, which has never been associated with the complaints being made regarding Chinese drywall.

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090505C1688

This investigation was initiated by a tenant who complained of health issues and copper blackening in her rented home. The manufacturer of the drywall in the home is not confirmed; however, the tenant believes her problems are related to Chinese drywall. As with prior claims addressed herein, the only drywall that was accessible and inspected was located in the attic of the home.

There has been no confirmation that any wallboard in the home was manufactured in China and no investigation into what may be causing the tenant's complaints. Because there is only one unverified reference to U.S. Gypsum Company wallboard in the file, production of these documents by the CPSC in response to FOIA requests would unfairly and inaccurately suggest that U.S. Gypsum wallboard may be a part of the tenant's problems – and there is nothing either in the file or outside the file to support that suggestion.

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

No. 090520CBB2638

This file relates to an investigation into a homeowner complaint of health symptoms and electrical component failures that the homeowner believes might be related to Chinese drywall. The CPSC investigator found no evidence of Chinese drywall – although he did obtain information (a purchase receipt

Mr. Todd A. Stevenson
August 13, 2009
Page 4

produced by the homeowner) that suggests that some of the drywall in the house was manufactured by two U.S. companies – United States Gypsum and Georgia Pacific. However, there was no visual confirmation that the wallboard in the home was in fact manufactured by the two companies. The investigator did not notice any unusual smell in the home and found no visible blackening of copper wire or other metal surfaces – the symptoms frequently reported in homes with the Chinese drywall problems.

There is no evidence of Chinese drywall in the home, the CPSC investigator did not observe any unusual smell or copper blackening, and there is no evidence that the wallboard in the home is causing any problems whatsoever. Therefore, this report is not responsive to the FOIA request. Production of these material in response to the pending FOIA requests may inaccurately suggest that the homeowner's reported problems are related to the presence of wallboard manufactured by two U.S. manufacturers, and there is nothing to support that conclusion.

U.S. Gypsum requests that this file not be produced or in the alternative that any mention of our company be deleted.

X No. 090504CBB3555

No comment or objection.

Thank you again for the opportunity to comment on the CPSC response to these FOIA requests. We appreciate your consideration of our comments and concerns. Please feel free to call me if you have any questions or require further information. (312-436-4006)

Very truly yours,



John A. Donahue
Senior Corporate Counsel
Telephone: (312) 436-4006

JAD/cw
#172623



Rec'd in OS
OCT 19 2009

October 15, 2009

VIA FAX, FEDERAL EXPRESS AND E-MAIL

Mr. Todd A. Stevenson
Director
Office of the Secretary
Division of Information Management
Office of Information and Technology Services
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814-4408

Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512 and 09-F-00825: Chinese Drywall, Gypsum Board, Wallboard, Plasterboard or Sheetrock/Complaints, Reported Incidents, Investigations of Incidents and Commission Investigation Records. Additional FOIA Requests 09-F-00902, 09-F-00906, 09-F-00932, 09-F-00945, 09-F-00951, 09-F-01021, 09-F-01034, and 09-F-01047.

Dear Mr. Stevenson:

This letter shall serve as American Gypsum Company's response to your letter dated October 6, 2009 to the President of American Gypsum, which was received on October 9, 2009. In that letter you stated that the United States Consumer Product Safety Commission (the "Commission") has received new FOIA requests (copies enclosed with your letter) that were filed after your letter to American Gypsum dated July 22, 2009. In your October 6, 2009 letter you state that some of these requests are seeking the same information previously sent to us.

We have no further comment on the material included with your July 22, 2009 letter or the material included with your letter dated October 6, 2009, except to note that American Gypsum Company manufactures all of its wallboard in the United States of America. American Gypsum has not imported, relabeled or rebranded any wallboard from China or any where else outside the United States of America.

Regards

Peter Bauer
VP Manufacturing - West

American Gypsum Company.
3811 Turtle Creek Blvd
Dallas, Texas 75219
USA
Tel. (214) 530- 5500



| | | | | |
|--|--|--|--|---|
| 1. Task Number 090504CBB1657 | | 2. Investigator's ID 8919 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2009 04 14 | 5. Date Initiated YR MO DAY 2009 05 05 | | |
| 6. Synopsis of Accident or Complaint UPC 7 5228 21212 7 The 70 year old male consumer reported that he experienced constant headaches and his 62 year old wife suffered eye irritation during a recent visit to their retirement home in Estero, FL. In addition to their health problems, the consumer stated that the air conditioner's coils and the copper wiring inside a light switch in the home's foyer have been corroded by sulfuric mist from Chinese drywall used to manufacture the home in 2005. <u>MEM/PRV/BR NOTIFIED</u> COMMENTS: <u>YES</u> <u>NO</u> 6/6/09 <u>OVERRULED; ATTACHED</u> <u>EXCISIONS.FOLA Hrs. 325c other mfr</u> <u>DO NOT RE-NOTIFY</u> <u>RE-NOTIFY</u> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City ESTERO | | 9. State FL |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name AMERICAN GYPSUM | | 10C. Model Number UNKOWN |
| 10D. Manufacturer Name and Address AMERICAN GYPSUM 3811 Turtle Creek Dr. Dallas, TX 75219 | | | | |
| 11A. Second Product 381 - Air Conditioners | | 11B. Trade/Brand Name Not Responsive | | 11C. Model Number |
| 11D. Not Responsive | | | | |
| 12. Age of Victim 62 | 13. Sex 2 - Female | 14. Disposition 1 - Injured, not Hosp. | 15. Injury Diagnosis 71 - Other | |
| 16. Body Part(s) Involved 77 - EYEBALL | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 15 / 1 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 05/22/2009 | 25. Reviewed By 8930 | | 26. Regional Office Director Dennis R. Blasius | |
| 27. Distribution Woodard, Dean; Rose, Blake; Blasius, Dennis | | | 28. Source Document Number I0940830A | |

All of the information contained in this report was obtained from telephone interviews with the consumer on 5/5/2009, 5/19/2009 and an on-site interview with the remediation specialist hired by the consumer on 5/15/2009. The consumer reported this incident to CPSC via the Internet on 4/28/2009.

The consumer is a 70 year old male. The consumer stated that he and his 62 year old wife are in generally good health. He stated however that he was diagnosed with prostate cancer on 5/1/2009. The consumer also stated that his wife has "sensitive eyes" and that her eyes will burn if they are exposed to strong chemicals.

The consumer stated that he and his wife live in Farmington Hills, MI and had a home built in a new housing development in Estero, FL in 2005. The consumer stated that he paid \$467,000 for the house. The consumer stated that he and his wife occupied the house during brief vacation trips to Florida from 2005 to April 2009. The consumer stated that he and his wife were the only occupants of the house. The consumer and his wife do not have any pets.

The consumer's house is a Mediterranean style, second floor coach house that measures 2,800 square feet, has 3 bedroom, 2 ½ baths and a large family room. The house is carpeted throughout except for the kitchen, dinette and bathrooms. The house has electric service to all appliances. The consumer did not know if wood or metal studs were used in the home. The consumer stated that he and his wife visited the house for 7 to 10 days at a time. The consumer stated that they spent a total of 2 or 3 months in the home. The consumer stated that they had planned to move to Florida and live in the house full time when they retired.

The consumer stated that they last visited the house over the Easter holiday from 4/11/2009 to 4/21/2009. He said during that visit his wife complained that her eyes were burning. The consumer stated that he also experienced a dull headache throughout the visit. The consumer stated that their symptoms lessened when they left the house, but reappeared when they returned. The consumer stated that they did not seek medical treatment for their symptoms.

The consumer stated that when he and his wife were not at the house, the doors and windows were closed and the appliances were unplugged. The consumer stated that a friend who lives in the housing development opened the house to air it out before he and his wife arrived. The consumer said he did not notice an odor when he entered the home, but his friend reported that he immediately smelled an odor of "rotten eggs" when he entered the house.

In addition to their physical symptoms, the consumer stated that the central air conditioning never worked properly. He said it never seemed to cool the house entirely. He said during his last visit to the house in April, the air conditioner barely cooled the house. The consumer stated that the refrigerator was also acting erratically during his last visit. He said that the refrigerator did not run when he plugged it in, and that he had to pull it away from the wall, unplug it, and plug it again to get it to operate. The consumer also reported that the lights on the lanai stopped working in 2007. He reported the problem to the property manager's office and the lights were repaired by the builder in February 2009.

On 4/14/2009, a friend of the consumer, who is also the chair of the housing development's ad hoc homeowner's committee, stopped by the consumer's house. The friend removed the cover of the consumer's air conditioner unit and showed the consumer that the evaporator coils on the bottom of the unit were black (see exhibit 2). The consumer's friend told him that the blackened coils may indicate that Chinese drywall was in his home. The consumer's friend told him that approximately 25% of the houses in the development have had the evaporator coils in their air conditioners replaced within the last two years due to Chinese drywall in the homes.

On 4/15/2009 a remediation specialist retained by the consumer's attorney conducted a visual examination of the home's air conditioning unit. The remediation specialist told the consumer that the air conditioner had a Freon leak due to corroded evaporator coils. The remediation specialist also examined the electrical wiring inside the

home's light switches. The remediation specialist told the consumer that the copper wires in some of the home's light switches were black and corroded. The consumer stated that the remediation specialist told him that the corrosion was caused by a sulfuric mist created when moisture hits the Chinese drywall. The remediation specialist told the consumer that the sulfuric mist is attracted to metal objects. I requested a copy of the remediation specialist's written report however she stated that the attorney would not permit her to release the report. My phone calls to the attorney's office were not returned. Refer to the remediation specialist and attorney contact information in exhibit 14.

The consumer stated that his attorney wants him to join a class action lawsuit filed by homeowners with Chinese drywall in their homes. The consumer said he has declined to join the suit at this time as he is examining all options available to him.

On 4/20/2009, the consumer e-mailed the homebuilder and the finance company that owns the development and reported that he believed Chinese drywall was present in his house (refer to a copy of the e-mail in exhibit 9.) The consumer did not receive a response to his e-mail message from the homebuilder or the finance company.

The consumer then called the Sarasota County Health Department and reported the corrosion on his air conditioner coils to an inspector in the department's environmental division. The inspector told him that based upon his description of the evaporator coils, Freon gas was leaking out of the unit. The consumer asked the representative how he could make this determination, and the representative told the consumer that they had been "swamped" with similar complaints. He stated that sulfuric acid had corroded the coil.

On 4/24/09 the remediation specialist e-mailed the consumer photos of the insulation in the attic and wiring in the light switch in the foyer which showed the ground wire copper wire was corroded. Refer to copy of the e-mail and photos in exhibit 10.

On 4/24/2009 the consumer e-mailed the homebuilder and finance company and reported his discussion with the Florida department of health. The consumer did not receive a response to this second email (exhibit 11).

On 5/18/2009 the consumer spoke to the president of the finance company by phone and was informed that the finance company has hired a private testing company to conduct inspections of 17 homes in the development on 5/27/2009.

During my 5/15/09 on-site, I observed and photographed the following: blackened/corroded coils on the consumer's air conditioning unit (exhibit 2-3), blackened copper wiring in the foyer light switch (exhibit 4), manufacturer information/labeling for drywall in attic (exhibits 5-7) labeling manufacturer identification for insulation in attic, (exhibit 8). No other metal fixtures, faucets, mirrors, etc. exhibited any signs of pitting or corrosion. It should be noted that a strong odor was observed in the first floor foyer of the consumer's home where a blackened copper wire was found inside the light switch.

PRODUCT IDENTIFICATION:

The drywall in the attic of the consumer's home is stamped: "02/26/2006 R. Edwards." The drywall is labeled: "CUSTOMER SERVICE INFORMATION 1-800-545-6302 7 52278 21212 7", (exhibits 5-7). **NOTE: The Customer Service number is for: American Gypsum, 3811 Turtle Creek Blvd., Suite 1200, Dallas, TX 75219.**

The remediation specialist removed the medicine cabinet in the master bathroom to avoid creating obvious damage to the home while looking for labeling on the drywall during her 4/15/2009 examination. The remediation specialist stated that the drywall behind the medicine cabinet was not labeled. No additional search for labeling on the drywall in the consumer's home was conducted.

The fiberglass insulation in the attic was labeled, "KNAUF" (exhibit 8). **NOTE: The consumer's incident report indicates that the drywall is labeled KNAUF, however no drywall was found with the "KNAUF" brand name in the two locations examined by the remediation specialist.**

House Structures: (Product Code 1876)
UPC: 7 52278 21212 7
Brand: "R. Edwards"
Model: Unknown
Manufacturer: American Gypsum
3811 Turtle Creek Blvd.
Suite 1200
Dallas, TX 75219
1-800-545-6302

Builder: Shelby Homes
6363 NW Way, Suite 205
Fort Lauderdale, FL 33309
(954) 318-1000

Development: Meadows of Estero
Estero, FL

Finance Company: Hearthstone Homes
16133 Ventura Blvd., Suite 1400
Encino, CA 91436
(818) 385-0005

EXHIBITS:

Exhibits 1-8 Photographs

- Exhibit 9 Copy of 4/20/2009 e-mail from the consumer to the homebuilder and the finance company.
- Exhibit 10 Copy of 4/24/2009 e-mails from the consumer to homebuilder and finance company.
- Exhibit 11 Copy of 4/24/2009 e-mail and photographs of drywall and insulaton in attic from the remediation specialist to the consumer.
- Exhibit 12 Copy of 4/24/2009 e-mail and photo of light switch from the remediation specialist.
- Exhibit 13 Respondent List
- Exhibit 14 Consumer Contact List
- Exhibit 15 Status of Missing Document

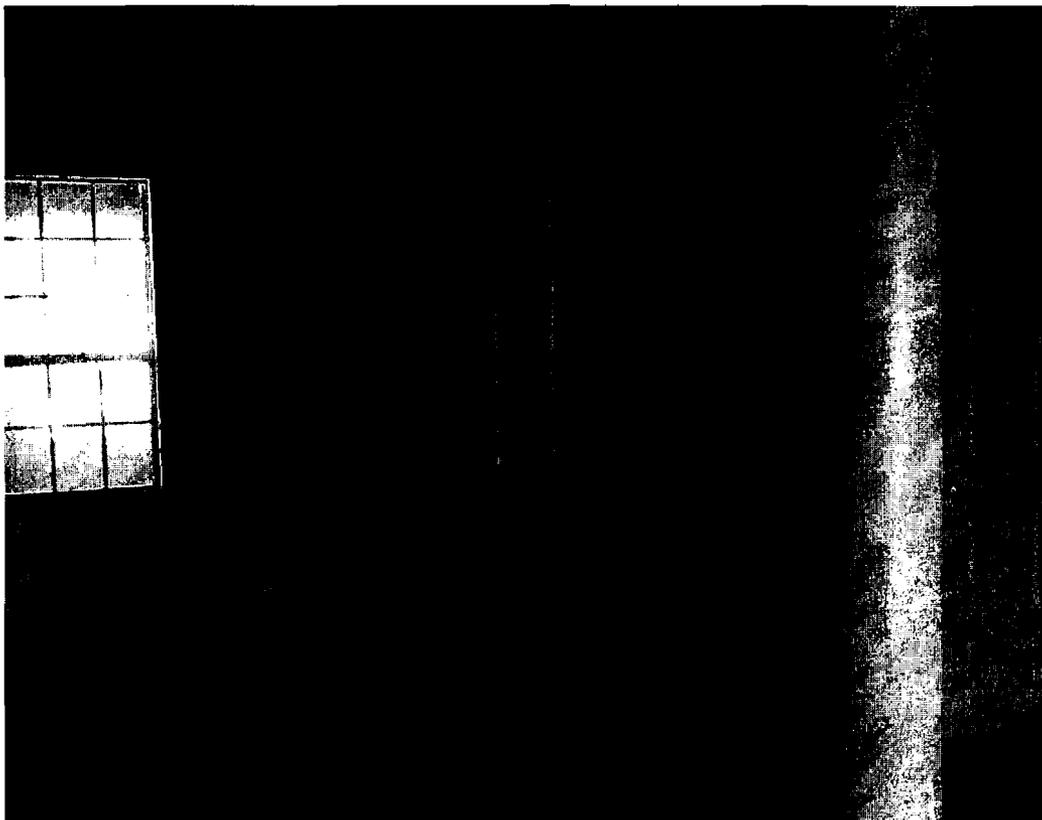


Exhibit 1 - Photograph of living area inside the consumer's second floor coach house.



Exhibit 2 - Photograph of the evaporator coils of the central air conditioner in the consumer's home.



Exhibit 3 - Close up of the evaporator coils at the bottom of the air conditioner unit.



Exhibit 4 - Photograph of the blackened copper wire inside the light switch in the foyer of the consumer's house.



Exhibit 5 - Photograph of drywall inside the consumer's attic. The drywall is labeled "02/26/06 R. EDWARDS."



Exhibit 6 - The drywall is labeled "CUSTOMER SERVICE INFORMATION 1-800-545-6302". This phone number is for American Gypsum, Dallas, TX.



Exhibit 7 - The drywall is bar coded: "7 52278 21212 7"



Exhibit 8 - Photograph of the fiberglass insulation inside attic labeled in part, "KNAUF".

Phillips, Elizabeth

(b)(3):CPSA Section 25(c)

From:
Sent:
To:
Subject:

Phillips, Elizabeth
FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

(b)(3):CPSA Section 25(c)

Subject: Re: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

<http://www.newsinferno.com/archives/5666>

(b)(3):CPSA Section 25(c)

Sent: Tuesday, April 21, 2009 9:45 AM
Subject: FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

(b)(3):CPSA Section 25(c)

Email
Visit (b)(3):CPSA Section 25(c)

(b)(3):CPSA Section 25(c)

Start receiving your monthly statements, trade confirms, prospectuses and more online for details.

(b)(3):CPSA Section 25(c)

Subject: FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

(b)(3):CPSA Section 25(c)

Subject: FW: "Chinese Drywall" (b)(3):CPSA Section 25(c)

(b)(3):CPSA Section 25(c)

Last Tuesday I removed the cover in the air conditioning in my unit (b)(3):CPSA Section 25(c), Meadows of Estero, Estero, Florida. The filter had a black crusted substance on it. The coils of the air handling unit had black on them. Based on a visual exam it appeared that CHINESE DRYWALL is present. Lisa Girardi (phn 239-682-3110), who is a home remediation specialist, come in to inspect and she found that there is Chinese Drywall in this unit. The electrical lights did not work on the lanai for over a year. that was repaired in february this year. I will contact you further. th (b)(3):CPSA Section 25(c)

Reminder: E-mail sent through the Internet is not secure. Do not use e-mail to send us confidential information such as credit card numbers, changes of address, PIN numbers, passwords, or other important information. Do not e-mail orders to buy or sell securities, transfer funds, or send time sensitive instructions. We will not accept such orders or instructions. This e-mail is not an official trade confirmation for transactions executed for your account. Your e-mail message is not private in that it is subject to review by the Firm, its officers, agents and employees.

Phillips, Elizabeth

(b)(3):CPSA Section 25(c)

From: [Redacted]
Sent: [Redacted]
To: Phillips, Elizabeth
Subject: [Possibly Spam]: FW: Own a newer home? Tainted drywall - What you need to check to save your health -

Importance: Low

(b)(3):CPSA Section 25(c)

[Redacted]

To: 'ryuter@shelby-homes.com'
Subject: FW: Own a newer home? Tainted drywall - What you need to check to save your health -

(b)(3):CPSA Section 25(c)

[Redacted]

Sent: Friday, April 24, 2009 10:00 AM
To: 'ryuter@shelbyhomes.com'
Subject: FW: Own a newer home? Tainted drywall - What you need to check to save your health -

(b)(3):CPSA Section 25(c)



(b)(3):CPSA Section 25(c)

From:
Sent:
To:
Cc:

Subject: Own a newer home? Tainted drywall - What you need to check to save your health -

Sub-Navigation

-
-

YOUR HOME

Own a newer home?

What you need to check to save your health

Reported by: Marchelle Lee
Email: mlee@abc15.com
Last Update: 4/23 1:37 pm



(Courtesy of Angie'sList.com. Photograph: courtesy of Angie'sList.com)

Tainted drywall is a hot topic right now because many homeowners are discovering corrosion from the Chinese-made drywall.

According to Angie'sList.com, residents living in homes that were built during the housing boom earlier this decade may be surrounded by a potentially home and health-threatening compound.

About 500 million pounds of drywall shipped from China to the United States between 2004 and 2006 contained potentially toxic sulfur compounds.

This compound is believed to be responsible for damaging hundreds of homes and creating possible health problems for homeowners.

A string of lawsuits against builders and drywall manufacturers have been filed but many homeowners may not even know their home was built with the tainted product.

The majority of known affected homes appear to be in south Florida, but homes in several other states could be at risk, according to Angie's List.

According to NewsInferno.com here in the Valley, area home builder Lennar Homes is being named in a major class-action lawsuit over the tainted drywall.

4 ways to determine if your home has Chinese-made drywall:

1. Your home was built between 2004-06: There was a shortage of drywall during this period, so more than 500 million pounds were shipped to the U.S. from China.
2. Your home has a foul smell: Homeowners with Chinese-made drywall complain of a strong odor of sulfur, or what smells like rotten eggs.
3. You notice metal and copper corroding: Chinese drywall is reported to corrode metal and copper, notably air-conditioning coils and electrical wiring, with a black coating.
4. You identify your drywall as made in China: Some affected drywall will state it is made in China. Other Chinese drywall bears the mark of manufacturers, including Knauf Plasterboard Tianjin, Knauf Gips, and Taishan Gypsum Co.

Determining the risk is fairly simple; the remedy is likely more complex.

Some builders who used the imported drywall have addressed the issue by removing it from affected homes and replacing it with new drywall.

Angie Hicks, founder of Angie's List, said that even if they do be sure to contact an attorney. "Just replacing the drywall might not be enough to fix this problem."

"If your builder offers to replace the drywall, ask if they'll also replace materials like carpet and insulation, as these might also be contaminated," says Hicks. "There is also concern that corroded electrical wiring could pose a fire hazard, so that might need to be replaced as well. Once the drywall has been replaced, all the dust in your home should be removed with a HEPA air scrubber."

Studies are still being done to determine possible health issues, but many homeowners are concerned about the potential effects of long-term exposure to the drywall.

If you suspect your home contains this drywall, call a well-qualified home inspector to check it out immediately.

Companies targeted in various lawsuits:

Knauf Plasterboard Tianjin, Knauf Gips, and Taishan Gypsum Co. are among the known manufacturers of the product and have been targeted in various lawsuits. Lennar Corp., Aubuchon Homes, Meritage Homes, Ryland Homes, Standard Pacific Homes, Taylor Morrison and WCI Communities are all builders confirmed to have used drywall imported from China.

For more information, head to AngiesList.com.

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Phillips, Elizabeth

(b)(3):CPSA Section 25(c)

From:

Sent:

To:

Subject:

Phillips, Elizabeth

FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

Richard A. Doherty

(b)(3):CPSA Section 25(c)

Subject: FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

(b)(3):CPSA Section 25(c)

Subject: FW: ATTENTION MARK PORATH ,PRESIDENT HEARTHSTONE

Subject: FW: "Chinese Drywal" in

(b)(3):CPSA Section 25(c)

(b)(3):CPSA Section 25(c)

090504CBB1657
Exhibit 10 Page 5 of 5

(
E
V

To: 'ryuter@shelby-homes.com'

Cc: 'mporath@hearthstone.com'

Subject: "Chinese Drywal" in

(b)(3):CPSA Section 25(c)

(b)(3):CPSA Section 25(c)

Last Tuesday I removed the cover in the air conditioning in my unit in the Meadows of Estero, Estero, Florida. The filter had a black crusted substance on it. The coils of the air handling unit had black on them. Based on a visual EXAM it appeared that CHINESE DRYWALL is present. Lisa Girardi (phn 239-682-3110), who is a home remediation specialist, come in to inspect and she found that there is Chinese Drywall in this unit. The electrical lights did not work on the lanai for over a year. that was repaired in february this year. I will contact you further. thx

IN CONTINUATION OF MY ISSUES : I DISCRIBED WHAT I SAW ON THE COILS OF THE A/C UNIT TO THE FLORIDA STATE HEALTH DEPT AND THEY SAID THE A/C COILS HAD A LEAK AND THE BLACK WOULD BE FROM SULFER FUMES AND THE DIFFERENCE IN COLOR FROM BLACK TO RED TO COPPER, WAS BECAUSE OF A LEAK IN THE COILS.

Reminder: E-mail sent through the Internet is not secure. Do not use e-mail to send us confidential information such as credit card numbers, changes of address, PIN numbers, passwords, or other important information. Do not e-mail orders to buy or sell securities, transfer funds, or send time sensitive instructions. We will not accept such orders or instructions. This e-mail is not an official trade confirmation for transactions executed for your account. Your e-mail message is not private in that it is subject to review by the Firm, its officers, agents and employees.

Phillips, Elizabeth

From: (b)(3):CPSA Section 25(c)
Sent:
To: Phillips, Elizabeth
Subject: FW: Drywall in Attic
Attachments: P1020188.JPG; P1020186.JPG; P1020187.JPG

(b)(3):CPSA Section 25(c)

-----Original Message-----

From: Lisa [mailto:lisa1220g@yahoo.com]
Sent: Friday, April 24, 2009 4:10 PM
To: (b)(3):CPSA Section 25(c)
Subject: Drywall in Attic

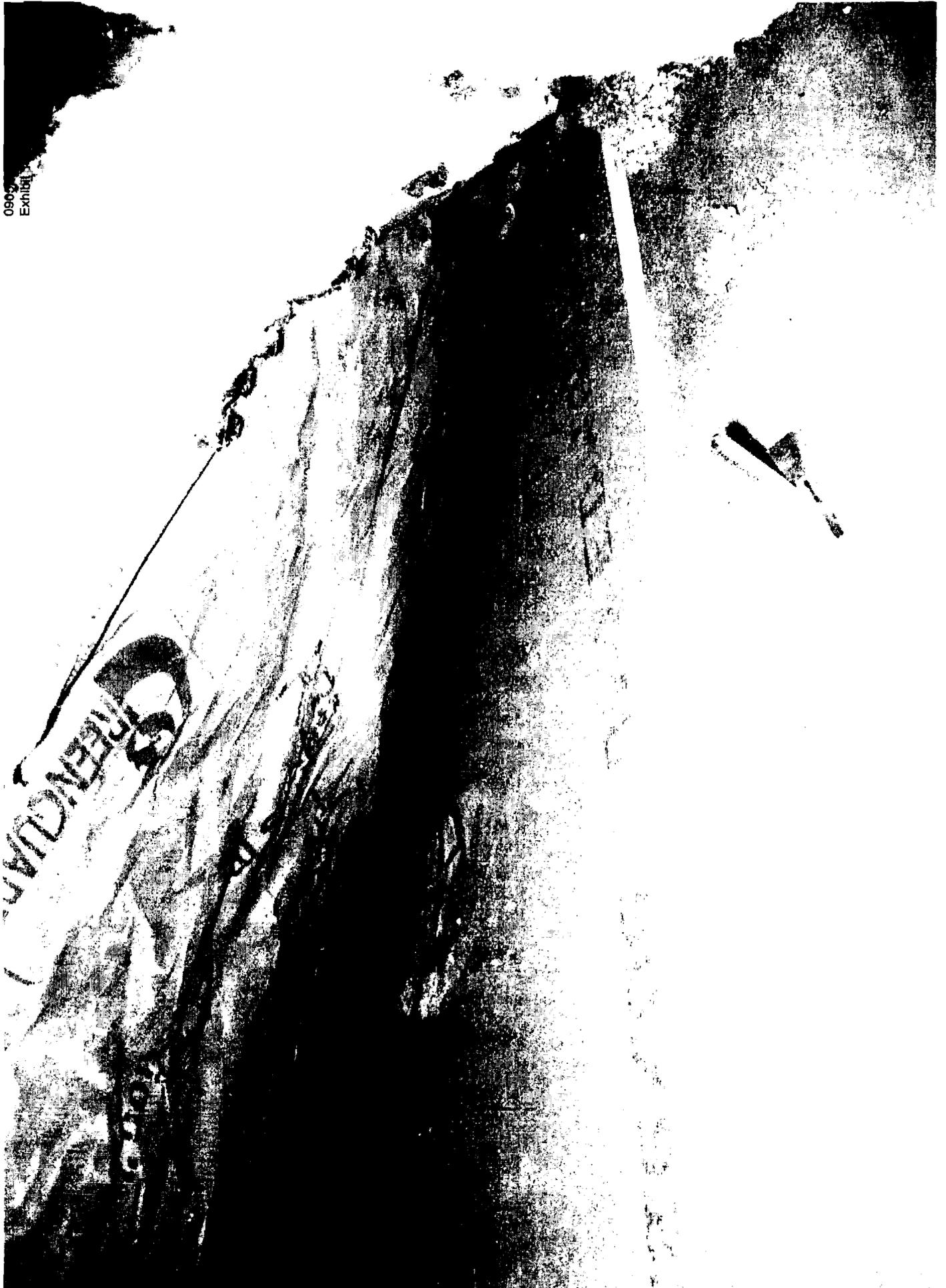
Reminder: E-mail sent through the Internet is not secure. Do not use e-mail to send us confidential information such as credit card numbers, changes of address, PIN numbers, passwords, or other important information. Do not e-mail orders to buy or sell securities, transfer funds, or send time sensitive instructions. We will not accept such orders or instructions. This e-mail is not an official trade confirmation for transactions executed for your account. Your e-mail message is not private in that it is subject to review by the Firm, its officers,

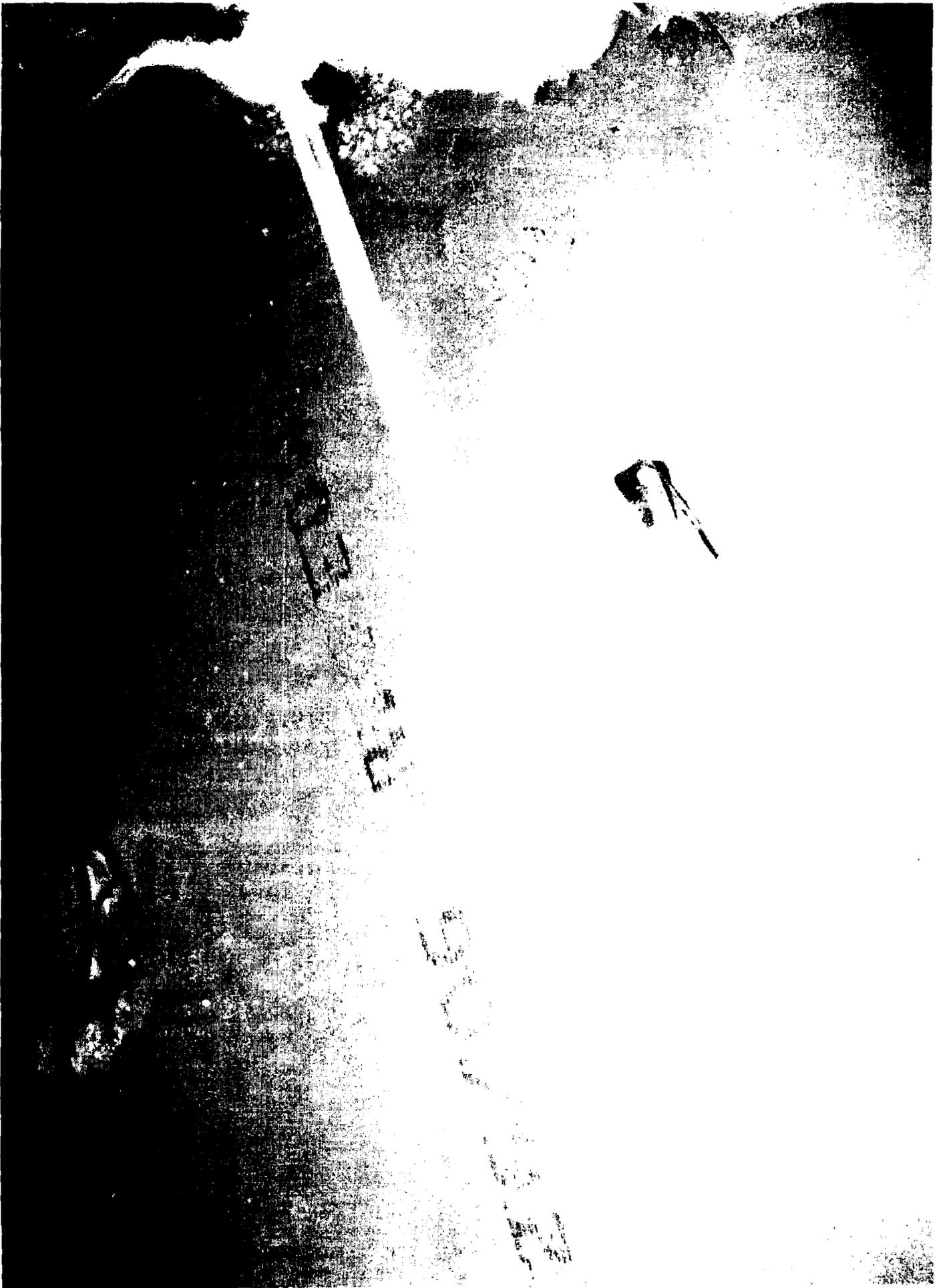


CLASS INSURANCE

KIA

0909
Exhibit





Phillips, Elizabeth

(b)(3):CPSA Section 25(c)

To: Phillips, Elizabeth
Subject: FW: Ground wire
Attachments: P1020203.JPG

(b)(3):CPSA Section 25(c)

-----Original Message-----

From: Lisa [mailto:lisa1220g@yahoo.com]

Sent: Friday, April 24, 2009 4:22 PM

To: (b)(3):CPSA Section 25(c)

Subject: [REDACTED]

Reminder: E-mail sent through the Internet is not secure.
Do not use e-mail to send us confidential information
such as credit card numbers, changes of address, PIN
numbers, passwords, or other important information.
Do not e-mail orders to buy or sell securities, transfer
funds, or send time sensitive instructions. We will not
accept such orders or instructions. This e-mail is not
an official trade confirmation for transactions executed
for your account. Your e-mail message is not private in
that it is subject to review by the Firm, its officers,
agents and employees.





IDI # 090504CBB1657
Exhibit 13

RESPONDENT LIST:

1.

| | |
|---------------------------|-----------|
| (b)(3):CPSA Section 25(c) | Homeowner |
| | rt |
| Estero, FL 33928 | |
| (b)(3):CPSA Section 25(c) | |

Initially contacted on 5/5/2009

2.

| | |
|---------------------------|-----------|
| (b)(3):CPSA Section 25(c) | Caretaker |
| | |

Initially contacted on 5/5/2009 to arrange on-site at consumer's home.

3. Lisa Girardi, Remediation Specialist
(239) 682-3110

Initially contacted on 5/5/2009 to arrange on-site at consumer's home.



IDI # 090504CBB1657

Exhibit 14

CONSUMER CONTACT LIST:

(b)(3):CPSA Section 25(c) homeowner, Meadows of Estero,
reported problems associated with Chinese drywall to:

1. Shelby Homes, Builder
Ron Yuter, CEO
6363 NW Way
Suite 205
Fort Lauderdale, FL 33309
(954) 318-1000
ryuter@shelbyhomes.com

The consumer initially contacted the builder on 4/20/2009

2. Hearthstone Homes, Finance Company
16133 Ventura Blvd.
Suite 1400
Encino, Ca 91436
(818) 385-0005
Mark Porath, President
mporath@hearthstone.com

The consumer initially contacted the finance company on
4/20/2009.

3. C. David Durkee
Roberts & Durkee
121 Alhambra Plaza
#1603
Coral Gables, FL 33134
(305) 442-1700

The consumer contacted his attorney on 4/14/2009.

IDI # 090504CBB1657

Exhibit 14

Page 2

4. Lisa Giarardi, Remediation Specialist
(239) 682-3110

Initially contacted on 4/15/2009 .

5. Sarasota County Department of Health
2200 Ringling Blvd.
Sarasota, FL 34237
Bob Kalletti, Investigator
(941) 861-6059

Exact date of contact not known.

Task No. 090405CBB1657

Date: 5/21/2009

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report but could not be obtained.

1. Remediation Specialist's Report

2. _____

3. _____

4. _____

5. _____

Date: 5/21/2009 Investigator No: 8919

Regional office: CFIE Supervisor No: 9001

Doc No: **10940830A**

Issue: **31**

04/30/2009

04/28/2009 17:20:22

(b)(3):CPSA Section 25(c)
Name
Address
City =
State
Zip =
Email
Telephone
Name

Victim's City = **ESTERRO**

Victim's State = **Florida**

Victim's Zip = **33928** (b)(3):CPSA Section 25

Victim's Telephone = (c)

Incident Description = MY WIFE ,KATE,AND I,RICHARD,SAW BLACK ON THE COPPER COILS OF THE A/C UNIT IN OUR CONDO ON 4/14/2009.WE WERE WITH KENNY KING .THE NEXT DAY LISA GIRARDI A REMEDIATION CONTRACTOR FOUND MORE OF WHAT APPEARS TO BE DAMAGE FROM CHINESE DRYWALL.WE CANNOT LIVE IN THE CONDO.THE WIRES ON THE SWITCHES ARE BLACK FROM WHAT APPEARS TO BE SULFURIC ACID FUMES.

Victim's age at time of incident = 62

Victim's sex = female

Date of incident = 04-14-2009

Product involved = CHINESE DRYWALL

Product brand name/manufacturer = KNAUF ON THE DRYWALL////BUILDER'S NAME SHELBY HOMES

Manufacturer street address = 6363 NW 6TH WAY ,SUITE 250 ,FT LAUDERDALE,FL.,33309

Place where manufactured (City and State or Country) = CHINA

Product model and serial number, manufacture date =

Product damaged, repaired or modified = no

If yes, before or after the incident =

Description of damage, repair or modification = AIRCONDITIONER HAS LEAKS OF FREON.

Date product purchased = 2005 ON INSTALL TAG

Product involved still available = yes

Have you contacted the manufacturer = yes

If not, do you plan to contact them =

Name Release = Release name to manufacturer only



August 4, 2009

VIA FAX, FEDERAL EXPRESS AND E-MAIL

Mr. Todd A. Stevenson
Director
Office of the Secretary
Division of Information Management
Office of Information and Technology Services
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814-4408

2009 AUG -6 A 11:45
OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION

Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512 and 09-F-00825: Chinese Drywall, Gypsum Board, Wallboard, Plasterboard or Sheetrock/Complaints, Reported Incidents, Investigations of Incidents and Commission Investigation Records

Dear Mr. Stevenson:

This letter shall serve as American Gypsum Company's response to your letter dated July 22, 2009 to the President of American Gypsum. In that letter you stated that the United States Consumer Product Safety Commission (the "Commission") has identified certain records (enclosed with your letter) about American Gypsum's products as responsive to Freedom of Information Act ("FOIA") requests sent to the Commission. In addition to the FOIA requests, your letter also contained materials relating to two (2) consumer complaints. We have reviewed the information and submit the following comments:

Complaint #090504CBB1657

First, American Gypsum Company manufactures all of its wallboard in the United States. American Gypsum has not imported, relabeled or rebranded any wallboard from China or any where else outside the United States.

With respect to the substance of the complaint, we believe it is important to note that this incident report seems to indicate that Chinese wallboard in conjunction with U.S. manufactured wallboard was used in the development in which the home is located. In particular, the text of the complaint describes a statement from the chairman of the housing development's ad hoc homeowner's committee that up to 25% of the homes in that development have had to replace

Mr. Todd A. Stevenson
United States Consumer Product Safety Commission
August 4, 2009
Page 2

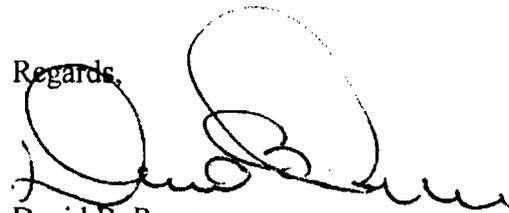
wallboard was installed in the attic of the consumer's home, it is important to note that during the 2004-2006 time frame, when wallboard was in short supply, it was not unusual for distributors to stock homes with multiple brands of wallboard. In other words, it is possible for a home to have both Chinese wallboard in some areas and U.S. wallboard (like American Gypsum wallboard) in others. However, it appears that the consumer has not performed a thorough inspection of the other areas of the consumer's home to determine the source of wallboard throughout the home.

Complaint #090504CBB3555

We have no comment on this complaint as it involves wallboard manufactured by

(b)(3): CPSA Section 6(b)

Regards,



David B. Powers
President



Rec'd in OS
OCT 19 2009

October 15, 2009

VIA FAX, FEDERAL EXPRESS AND E-MAIL

Mr. Todd A. Stevenson
Director
Office of the Secretary
Division of Information Management
Office of Information and Technology Services
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814-4408

Re: FOIA Requests 09-F-00427, 09-F-00495, 09-F-00512 and 09-F-00825: Chinese Drywall, Gypsum Board, Wallboard, Plasterboard or Sheetrock/Complaints, Reported Incidents, Investigations of Incidents and Commission Investigation Records. Additional FOIA Requests 09-F-00902, 09-F-00906, 09-F-00932, 09-F-00945, 09-F-00951, 09-F-01021, 09-F-01034, and 09-F-01047.

Dear Mr. Stevenson:

This letter shall serve as American Gypsum Company's response to your letter dated October 6, 2009 to the President of American Gypsum, which was received on October 9, 2009. In that letter you stated that the United States Consumer Product Safety Commission (the "Commission") has received new FOIA requests (copies enclosed with your letter) that were filed after your letter to American Gypsum dated July 22, 2009. In your October 6, 2009 letter you state that some of these requests are seeking the same information previously sent to us.

We have no further comment on the material included with your July 22, 2009 letter or the material included with your letter dated October 6, 2009, except to note that American Gypsum Company manufactures all of its wallboard in the United States of America. American Gypsum has not imported, relabeled or rebranded any wallboard from China or any where else outside the United States of America.

Regards,

Peter Bauer
VP Manufacturing - West

American Gypsum Company.
3811 Turtle Creek Blvd
Dallas, Texas 75219
USA
Tel. (214) 530- 5500



| | | | | |
|---|--|--|---|--|
| 1. Task Number 090504CBB1658 | | 2. Investigator's ID 8919 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2009 04 06 | 5. Date Initiated YR MO DAY 2009 05 06 | | |
| 6. Synopsis of Accident or Complaint UPC The 63 year old homeowner and her 41 year old daughter have experienced headaches, skin irritation, runny noses and congestion since moving into a new house in August 2006. The electrical wiring have cause the lights to flicker on and off and the smoke alarms activate for no reason. Also, the hot water heater's copper pipes have turned black and there is pitting on the faucets, light fixtures and mirrors in the home. The drywall manufacturer is a U.S. based firm but the consumer believes the drywall was made in China. MFR PRVLBR NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 10/7/09 OVERRULED; <input type="checkbox"/> ATTACHED EXCISIONS FOIA <input checked="" type="checkbox"/> YES <input type="checkbox"/> DO NOT RE-NOTIFY <input checked="" type="checkbox"/> RE-NOTIFY | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City CAPE CORAL | | 9. State FL |
| 10A. First Product 1876 - House Structures, Repair Or | | (b)(3):CPSA Section 6(b) | | 10C. Model Number UNKNOWN |
| 10D. Manufacturer Name (b)(3):CPSA Section 6(b) | | | | |
| 11A. Second Product 4062 - Electric Wire Or Wiring Syst | | 11B. Trade Brand Name TIMBERLINE BUILDERS | | 11C. Model Number UNKNOWN |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 63 | 13. Sex 2 - Female | 14. Disposition 1 - Injured, not Hosp. | | 15. Injury Diagnosis 68 - Poisoning |
| 16. Body Part(s) Involved 85 - ALL OF BODY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | | 19. Time Spent (Operational / Travel) 14 / 2.5 |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 06/02/2009 | | 25. Reviewed By 9057 | | 26. Regional Office Director Dennis R. Blasius |
| 27. Distribution Blasius, Dennis; Woodard, Dean; Rose, Blake | | | 28. Source Document Number H0940083A | |

All of the information contained in this report was obtained during an on-site interview with the consumers on 5/14/2009. The consumer's daughter reported this incident to the CPSC Hotline on 4/7/2009.

The 63 year old female consumer purchased a custom built home on April 1, 2006. The house was built in Cape Coral, FL between April 1, 2006 and June 19, 2006. The consumer and her 41 year old daughter moved into the house in August 2006. The ranch house measures 1,863 square feet, has 3 bedrooms, 2 baths, a study, an open dinette, dining room, great room and a two car garage. The bedrooms are carpeted. There is electric service to all appliances. Metal studs were used in the house; wood studs were used on the roof.

The consumer stated that the first day they moved into the house they noticed an odor. They kept asking each other why the house smelled. The consumers' friends and relatives kept saying the house smelled because it was new.

The consumer's daughter described the smell as similar to the odor created after someone lights a match. She said the odor is very pungent. The consumers stated that the odor is always the same whether the house has been closed up or not. The consumers stated that the odor is the same from winter to summer. The consumers stated that even when the windows are open they still smell the odor. The consumers said the smell is most noticeable in the spare bedroom, the garage, the kitchen and the great room. Six months ago the consumers screened the front porch in so that they could leave the front door open in an attempt to get more air into the house.

The 63 year old consumer stated that within a month of moving into the house she began having headaches, itchy skin, skin rashes, difficulty breathing, and congestion which she experiences toward the end of the day and when she wakes up in the morning. The consumer said she feels as if a cold is coming on at all times. She said she lies down and sleeps most of the day. The consumer stated that she started going to a dermatologist for her allergies at the end of 2006. The consumer is taking Fexofenadine for allergies, a muscle relaxant for osteoarthritis, Baclofen, and Propranolol for headaches. (Refer to a copy of the consumer's prescriptions in Exhibit 13.)

The consumer's daughter stated that she has rheumatoid arthritis and is always at the doctor. She said she has experienced sinus trouble and runny nose. She said her symptoms are less severe than her mother's symptoms. The consumer's daughter said her sinus' drain when she is away from the house.

The consumers have two dogs; a Maltese and a Yorkshire Terrier. The consumer stated that the Maltese vomits often, is constantly sneezing and is on allergy medication and antibiotics a for skin irritation. She said both dogs have skin irritation and runny eyes. She said the dogs never exhibited these problems before she moved into the house. The dogs were prescribed Desonide lotion 0.05% for skin irritation.

In addition to the consumers' physical symptoms, the lights in the house dim or flicker on and off for no reason. The consumer's daughter stated that sparks come from the electrical outlet when she unplugs the vacuum cleaner and that they are always losing power or having power surges.

A year ago the smoke alarms started going off in the house for no apparent reason. The smoke alarms are hard-wired into the home's electrical system and that every smoke alarm's back up battery has been replaced because the copper head tops have blackened. The computer monitor also started blinking on and off six month ago. An electrician has not evaluated the electrical system.

The central air conditioning unit stopped working in October 2008. A technician examined the unit on 10/24/2009 and replaced the thermostat and refilled the Freon. In February 2009 the air conditioning stopped working again and the A/C technician visited the home on 2/17/2009. The technician found that the air conditioner's evaporator coil piping was blackened. He told the consumer's daughter that the air conditioner would continue to leak Freon due to the blackened coils. (Refer to copies of the air conditioner service invoices in Exhibit 14.)

The garage door has been re-oiled and realigned four times and the sliding glass patio door has been repaired three times. (Refer to copies of automatic door service invoices dated 7/23/2007 and 2/20/2009 in Exhibit 15 and the last service bill for sliding glass door repair on 4/8/2009 in Exhibit 16.)

The consumer also stated that the hot water heater pipes have turned black, the electric outlet wires are black, the electrical panel in garage wires are black, the kitchen and dining room chandelier is pitted, the faucets and drains in the bathroom are pitted and the sides of the mirrors have turned black (see photos in exhibits 1-11).

On 2/19/2009 the homebuilder's vice president visited the consumer's house and searched for manufacturer information on the home's drywall. The representatives found drywall inside the master bedroom closet that was labeled: (b)(3):CPSA Section 6(b)
(b)(3):CPSA Section 6(b) (see photo Exhibit 11) Drawn (b)(3):CPSA Section 6(b)
(b)(3):CPSA Section 6(b) labeled: (b)(3):CPSA Section 6(b)
(b)(3):CPSA Section 6(b) (Refer to photocopy of photos taken by home builder representative in Exhibit 12.)

On 3/25/2009 the builder's vice president sent the consumer's daughter an e-mail stating that he did not believe her home had imported drywall. He advised her to contact the Home Buyers Warranty Company, Denver, CO to address the problems in her mother's house. (Refer to a copy of the 3/25/2009 e-mail in Exhibit 17.)

The consumers contacted the inspector who performed the assessment after the house was completed. The inspector opened 5 electrical outlets, saw corrosion of copper ground wires. He offered to take samples and conduct testing for \$300-\$500. The consumer could not afford to have testing performed and declined his offer.

On 4/10/2009 the consumer's daughter e-mailed (b)(3):CPSA Section 6 (b) and reported the corrosion and pitting of metal objects in her mother's house due to Chinese drywall. As of 5/14/2009 the consumer had not received a response from the firm. (Refer to a copy of the e-mail in Exhibit 18.)

On April 22, 2009 the builder filed a structural claim with their insurance company, Home Buyers Warranty, Denver, CO. (Refer to a copy of the letter in Exhibit 19.)

On April 24, 2009 the builder's insurance company sent the consumer a letter stating that an engineer had been assigned to arrange a time to conduct an inspection at her home. The letter states that in order for her to qualify for compensation under the Structural Coverage Provision of the Warranty, "...there must be damage to an actual load-bearing member of the home, as defined in the Warranty." (Refer to a copy of the letter from National Home Insurance Company in Exhibit 20.)

The consumer's daughter has contacted the Florida Department of State, the Florida State Department of Health, the Florida Attorney General's Office, and the Environmental Protection Agency. (Refer to copies of e-mail messages from the consumer's daughter to various state and federal agencies in Exhibit 21.)

The consumer stated that she does not have a short term plan to address the drywall problem. The consumer said that went to her dermatologist a days before this on-site and he told her to, "Flee the house." The consumer said that poured her lifesavings into the house and cannot afford to rent another house and pay mortgage on the affected home at the same time. The consumer's attorney is attempting to work with the mortgage company to defer her payments so she can rent another house until the drywall situation is resolved.

During my 5/14/09 on-site, I observed and photographed the following: a section of drywall from the closed in the master bedroom labeled [REDACTED] (exhibit 1). Pitting on the chandeliers in the living room (exhibit 2) and dining room (exhibits 3-4). A blackened silver spoon (exhibit 5). Pitted shower head and blackened mirror edges in the master bathroom (exhibits 6-7). Blackened copper piping for the air handler (exhibit 9) and blackened copper pipes on the water heater (exhibits 10-11).

PRODUCT IDENTIFICATION:

The drywall in the master bedroom closet is labeled [REDACTED] [REDACTED] (see photo Exhibit 1). Drywall samples in other areas of the house were additionally labeled: [REDACTED] [REDACTED] 07:12 02-18-06." Refer to photocopy of photos taken by the home builder vice president on 2/19/2009 in Exhibit 12.

House Structures: (Product Code 1876)

Brand:

Manufacturer:



Builder: Timberline Builders, Inc.
3618 Del Prado Blvd.
Cape Coral, FL 33904
George Diggs III, Owner
(239) 541-1441

EXHIBITS:

Exhibits 1–11 Photographs.

Exhibit 12 Photocopies of photos taken by the homebuilder's representative at the consumer's house on 2/19/2009.

Exhibit 13 Copy of the consumer's prescriptions.

Exhibit 14 Copy of Air Conditioner Service Invoice.

Exhibit 15 Copies of Garage Door Service invoices.

Exhibit 16 Copy of service bill for sliding glass door.

EXHIBITS CONT.:

- Exhibit 17 3/03/2009 e-mail from the homebuilder's vice president to the consumer.
- Exhibit 18 4/10/2009 e-mail to (b)(3):CPSA Section 6(b)
- Exhibit 19 Copy 4/22/2009 letter from Home Buyers Warranty.
- Exhibit 20 Copy of 4/24/2009 letter from the National Home Insurance Company.
- Exhibit 21 E-mail messages from consumer's daughter to various agencies.
- Exhibit 22 Print out of Business Professional Regulation for Timberline builders, Inc.
- Exhibit 23 Authorization for Release of Name Form.
- Exhibit 24 Respondent List.
- Exhibit 25 Consumer Contact List.

090504CBB1658

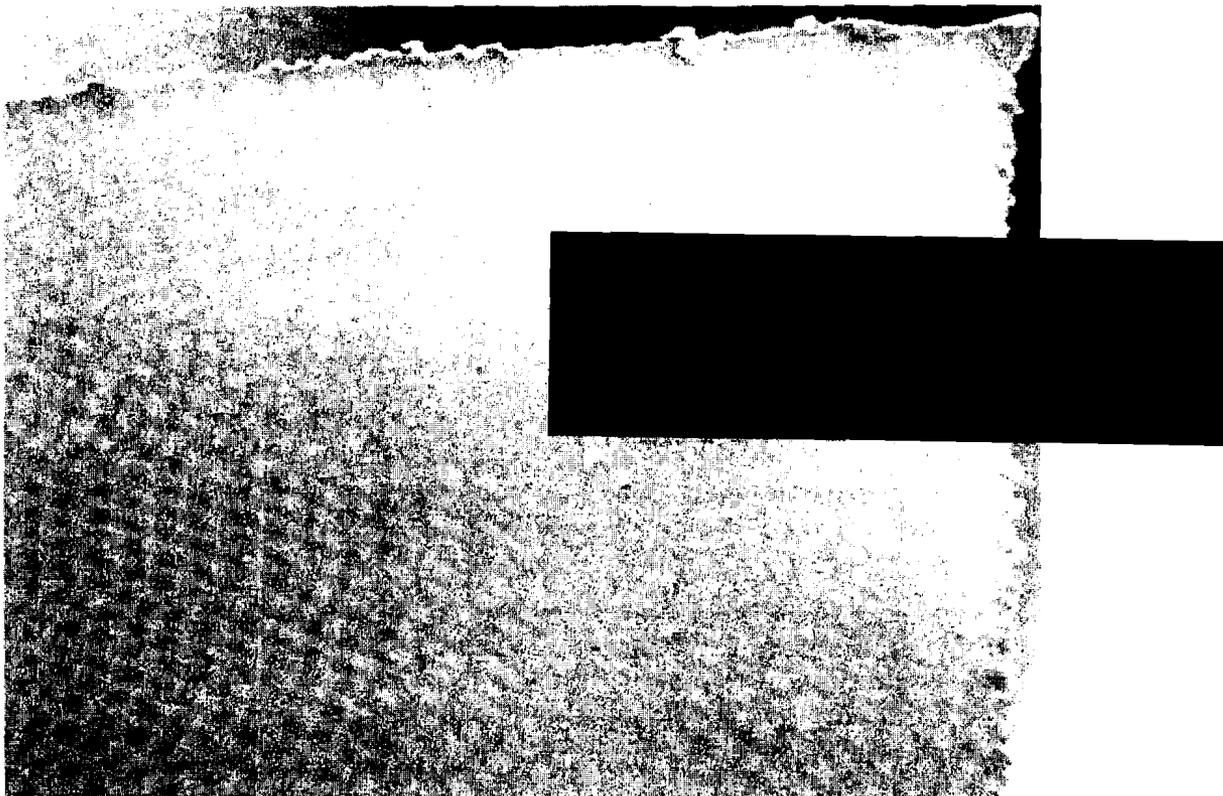


Exhibit 1 - Photograph of section of drywall taken from the master bedroom closet.

090504CBB1658

-7-

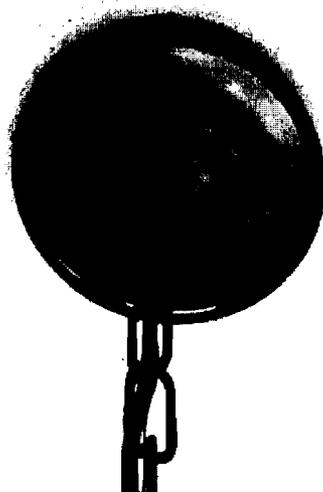


Exhibit 2 - Photograph showing pitting of chandelier top in living room.



Exhibit 3 - Photograph of chandelier in the dining room.

090504CBB1658

-8-



Exhibit 4 - Close up pitting on the chandelier in the dining room.



Exhibit 5 - Photograph of silver spoon that has blackened since the consumer moved into the house.

090504CBB1658

-9-



Exhibit 6 - Photograph of pitting on the shower head in the master bedroom.



Exhibit 7 - Photograph of blackening around the mirror edge in the master bathroom.

090504CBB1658

-10-

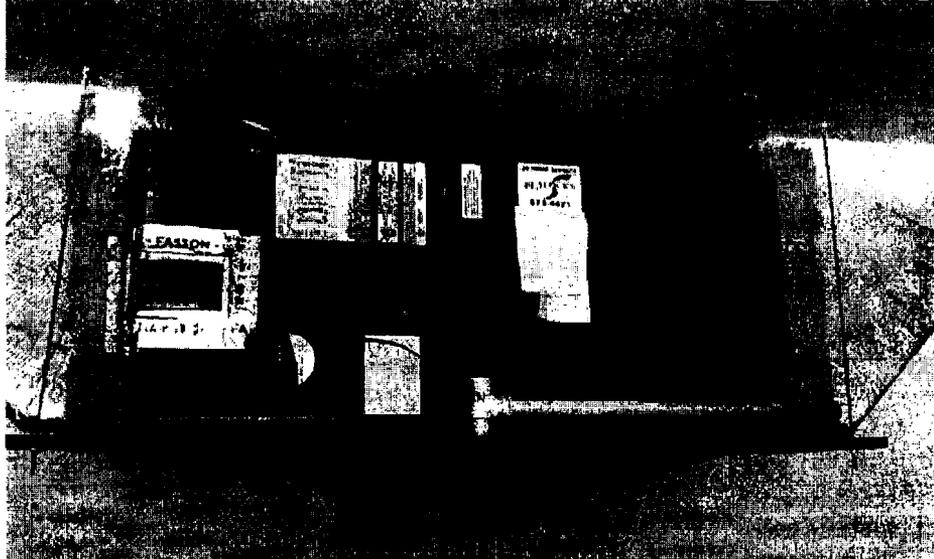


Exhibit 8 - Photograph of the air conditioner unit inside the consumer's garage.



Exhibit 9 - Photo of blackened copper pipe outside of air handler.

090504CBB1658

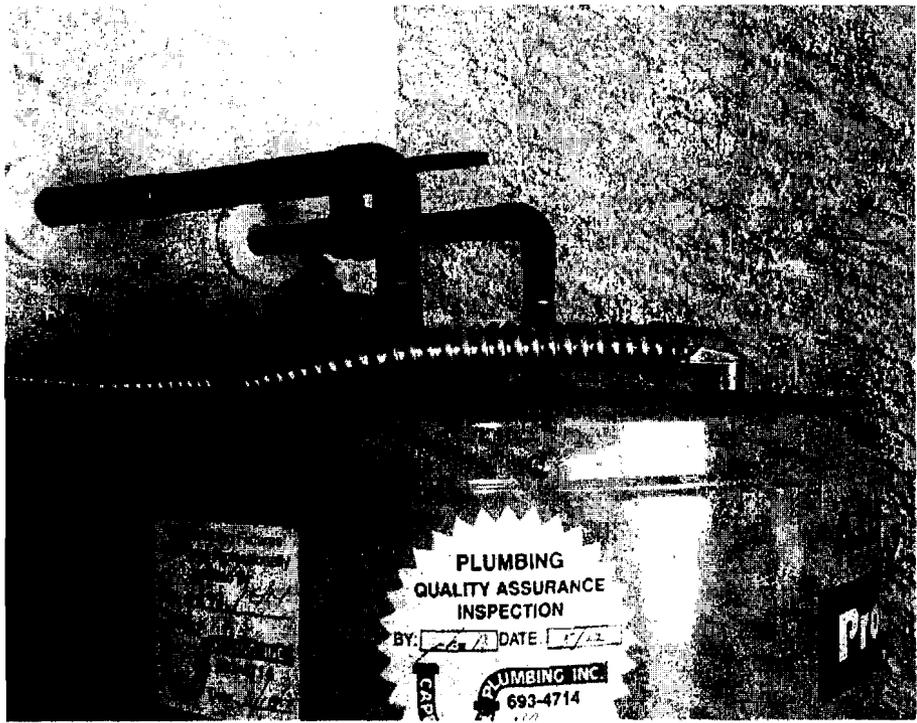


Exhibit 10 - Photograph of blackened copper pipes on the water heater inside consumer's garage.

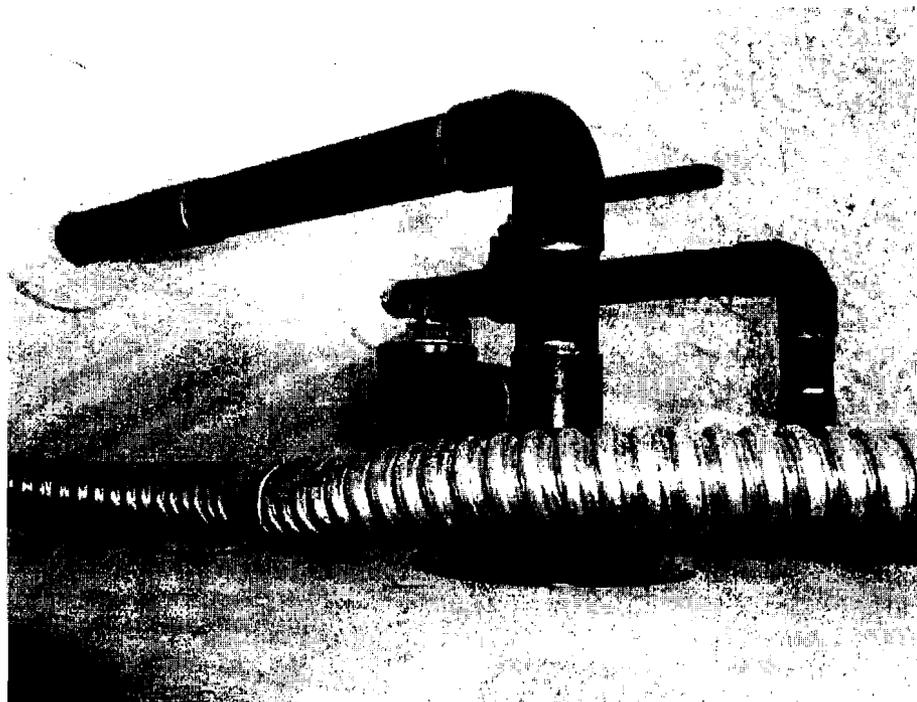


Exhibit 11 - Closer view of blackened copper pipes on the water heater.

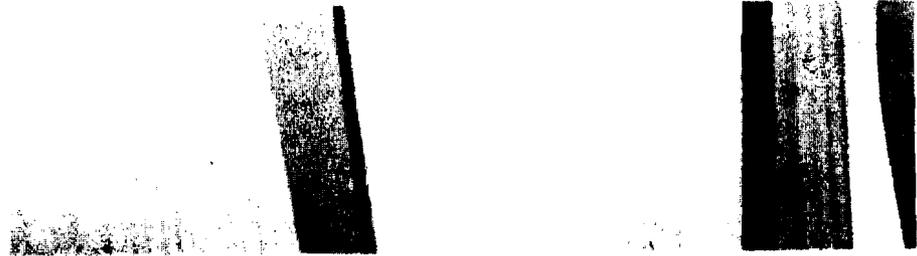


Cattano 9.jpg



<http://by112w.bay112.mail.live.com/mail/InboxLight.aspx?n=660701203>

3/24/2009



Cattano 1 .jpg



Cattano 2 .jpg

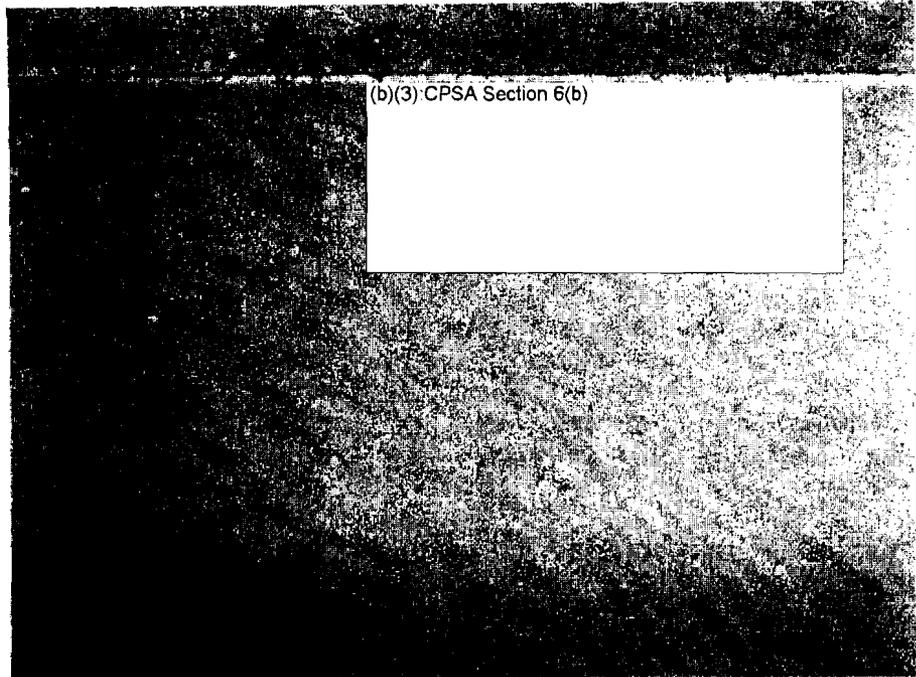




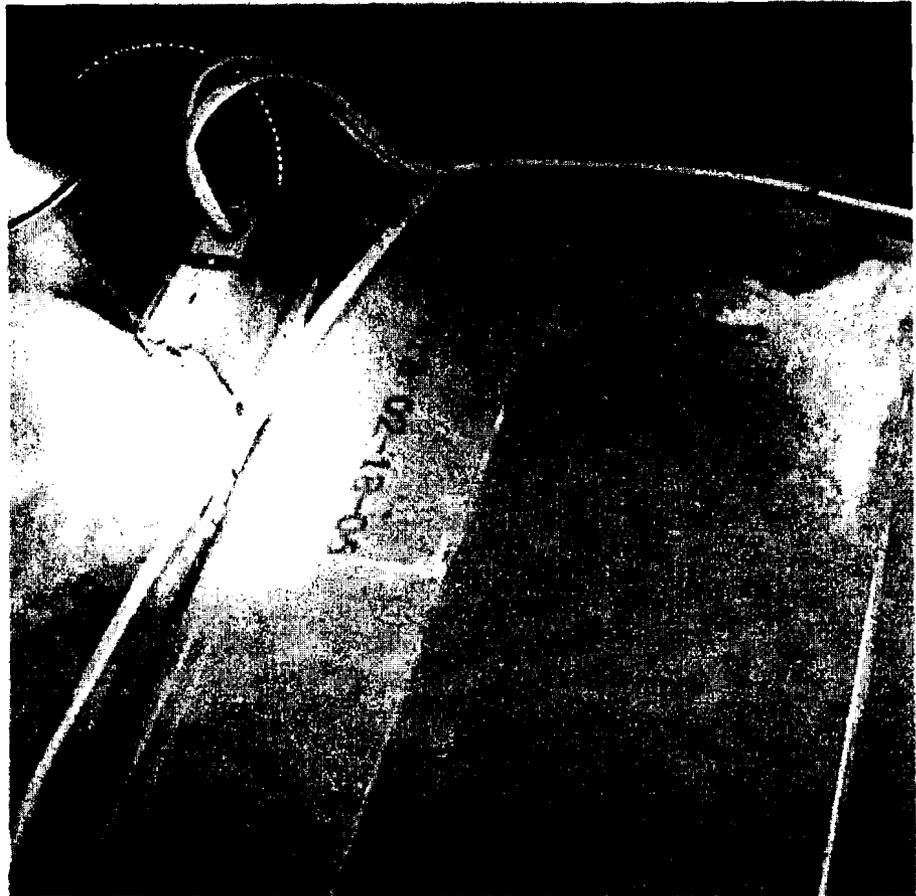
Cattano 3.jpg

Cattano 4.jpg

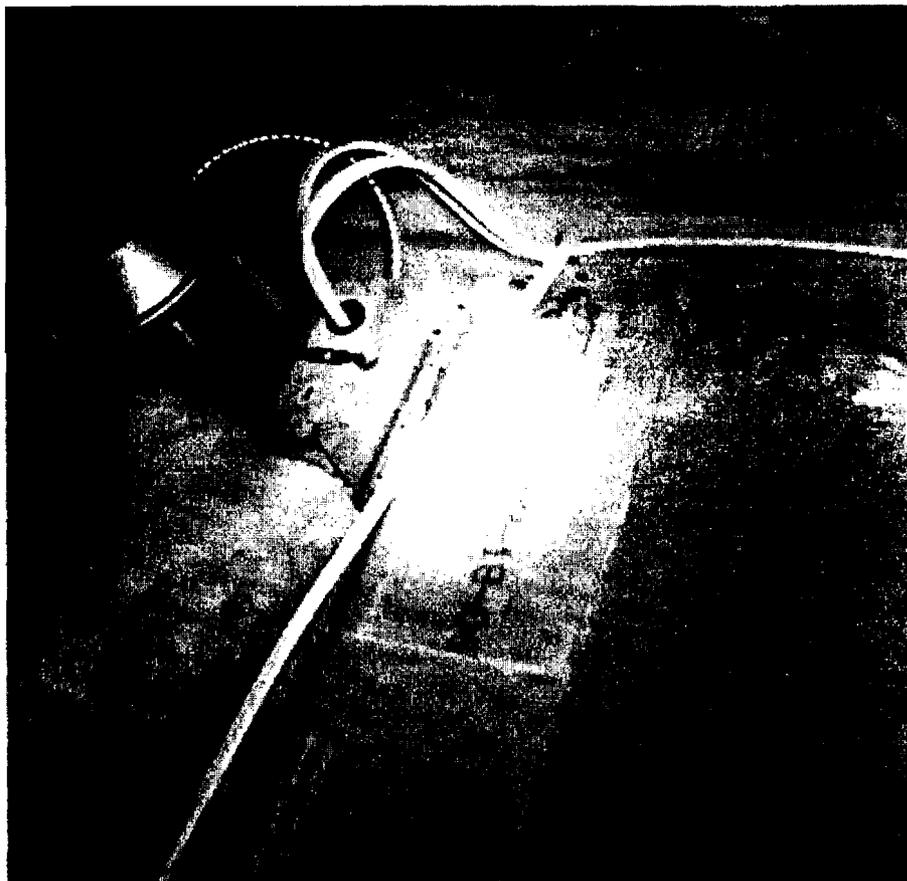




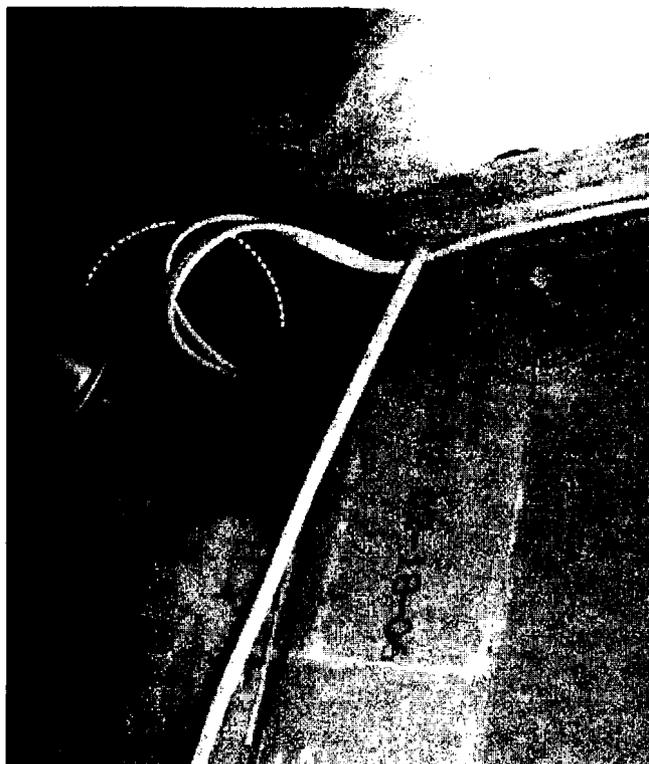
Cattano 5.jpg



Cattano 6.jpg



Cattano 7.jpg



while you are using this medicine, check with your doctor or pharmacist to discuss the risks to your baby.

090504CBB1658
Exhibit 13 Page 1 of 2

POSSIBLE SIDE EFFECTS: SIDE EFFECTS, that may go away during treatment, include drowsiness or difficulty sleeping, dizziness,

KEEP OUT OF REACH OF CHILDREN: STORE IN SAFETY CONTAINER OR SECURE AREA.

W/C# 959610

PHYLLIS G CATTANO

2107 NE Juanita Place, Cape Coral, FL 33909
12391573-8973

RX # 0782359-05856

DATE: 01/05/09

BACLOFEN 10MG TABLETS

QTY: 45 1+ REFILLS BEFORE 10/02/09

Refill NDC: 00172-4096-60

Retail Price: \$21.29 Your Insurance Saved You: \$11.29

(b)(3):CPSA Section 25(c)

\$ 10.00

XXX / / /GDC

CLAIM REF# 00000199695208000010

PHYLLIS G CATTANO

2107 NE Juanita Place, Cape Coral, FL 33909
12391573-8973

RX # 0782359-05856

DATE: 01/05/09

BACLOFEN 10MG TABLETS

QTY: 45 1+ REFILLS BEFORE 10/02/09

Refill NDC: 00172-4096-60

Retail Price: \$21.29 Your Insurance Saved You: \$11.29

(b)(3):CPSA Section 25(c)

\$ 10.00

MFG ZENITH

XXX / / /GDC

GROUP# JPMRX

CLAIM REF# 00000199695208000010

Walgreens

4 PINE ISLAND RD NE CAPE CORAL FL 33909
PH: (239)242-2231

Customer
Receipt

Walgreens

4 PINE ISLAND RD NE CAPE CORAL FL 33909
PH: (239)242-2231

Duplicate
Receipt

Pharmacy use only

TUE 12:00PM

Refill

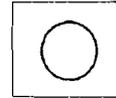
BACLOFEN 10MG TABLETS

00172-4096-60

ALPHA

QTY 45

10 DRAM



WHITE
FRONT: Z 4096
BACK: 10

XXX / / /GDC

5/3/81
1493
pd 10/30/08

| CHECK LIST | QUANTITY | ITEM OR PART DESCRIPTION | PRICE | AMOUNT |
|---|----------|--------------------------|-------|--------|
| <input type="checkbox"/> COMPRESSOR | | | | |
| <input type="checkbox"/> SUCTION _____ PSI | | | | |
| <input type="checkbox"/> HEAD _____ PSI | | | | |
| <input type="checkbox"/> VOLTS _____ AMPS | | | | |
| <input type="checkbox"/> ELECTRICAL CONNECTIONS | | | | |
| <input type="checkbox"/> CONTACTS TIGHT & CLEAN | | | | |
| <input type="checkbox"/> OIL LEVEL & CONDITION | | | | |
| <input type="checkbox"/> CONDENSER COIL | | | | |
| <input type="checkbox"/> CLEAN COIL & CHECK FIN COND | | | | |
| <input type="checkbox"/> ENT _____ °F LVG _____ °F | | | | |
| <input type="checkbox"/> REFRIGERANT | | | | |
| <input type="checkbox"/> LEAK <input type="checkbox"/> CHARGE | | | | |
| <input type="checkbox"/> FAN AND MOTOR | | | | |
| <input type="checkbox"/> VOLTS _____ AMPS | | | | |
| <input type="checkbox"/> ELECTRICAL CONNECTIONS | | | | |
| <input type="checkbox"/> CONTACTS TIGHT & CLEAN | | | | |
| <input type="checkbox"/> FAN PULLEYS (ADJUST BELT) | | | | |
| <input type="checkbox"/> CHECK LUB BEARINGS & MOTOR | | | | |
| <input type="checkbox"/> CFM _____ | | | | |
| <input type="checkbox"/> EVAPORATOR COIL | | | | |
| <input type="checkbox"/> CLEAN COIL & CHECK FIN | | | | |
| <input type="checkbox"/> ENT DB _____ °F LVG DB _____ °F | | | | |
| <input type="checkbox"/> ENT WB _____ °F LVG WB _____ °F | | | | |
| <input type="checkbox"/> CONDENSATE AREAS | | | | |
| <input type="checkbox"/> INSPECT & CLEAN DRAIN PAN | | | | |
| <input type="checkbox"/> INSPECT & CLEAN DRAIN | | | | |
| <input type="checkbox"/> AIR FILTERS | | | | |
| <input type="checkbox"/> CLEANED <input type="checkbox"/> REPLACED | | | | |
| <input type="checkbox"/> FILTER SIZE _____ | | | | |
| <input type="checkbox"/> HEATING ASSY. | | | | |
| <input type="checkbox"/> BURNER & HEAT EXCHANGER | | | | |
| <input type="checkbox"/> FUEL SUPPLY & PRESSURE | | | | |
| <input type="checkbox"/> PILOT ASSEMBLY | | | | |
| <input type="checkbox"/> FLAME ADJUSTMENT | | | | |
| <input type="checkbox"/> PRIMARY RELAY & FLUE | | | | |
| <input type="checkbox"/> FAN & LIMIT SWITCH OPER | | | | |
| <input type="checkbox"/> BLOWER ASSEMBLY | | | | |
| <input type="checkbox"/> RV VALVE | | | | |
| <input type="checkbox"/> STRIP HEAT | | | | |
| <input type="checkbox"/> DEFROST CYCLE | | | | |
| <input type="checkbox"/> ELECTRICAL COMP'TS. | | | | |
| <input type="checkbox"/> RELAYS <input type="checkbox"/> CONTACTORS | | | | |
| <input type="checkbox"/> OVERLOAD <input type="checkbox"/> PRESS SWITCH | | | | |
| <input type="checkbox"/> THERMOSTAT | | | | |
| <input type="checkbox"/> C.K. <input type="checkbox"/> REPLACE | | | | |
| <input type="checkbox"/> RELOCATE | | | | |
| TRAVEL TIME | | | | |
| TIME ARRIVED _____ | | | | |
| TIME DEPARTED _____ | | | | |
| TRAVEL TIME _____ | | | | |
| MILEAGE | | | | |
| ENDING _____ | | | | |
| START _____ | | | | |
| TOTAL MILES _____ | | | | |
| X /HR. = _____ | | | | |
| X /MI. = _____ | | | | |
| TRIP CHARGE \$ _____ | | | | |

NAME _____

STREET _____

CITY _____ STATE _____ ZIP _____

MAKE _____ MODEL _____ SERIAL NUMBER _____

JOB LOCATION _____

DATE _____

DATE ORDERED _____

DATE SCHEDULED _____

PHONE _____

WK PHONE _____

WARRANTY
 CONTRACT
 SERVICE CONTRACT
 NORMAL
 RES COMM.

| LABOR | | REGULAR | | OVERTIME | |
|----------------------------|-------|--------------|-------|---------------------------|--|
| TECH #1 | HRS @ | HR. = | HRS @ | HR. = | |
| TECH #2 | HRS @ | HR. = | HRS @ | HR. = | |
| TECHNICIAN SIGNATURE _____ | | CERT # _____ | | TOTAL OTHER CHARGES _____ | |

PARTS WARRANTY
All parts as recorded are warranted as per manufacturer specifications.

LABOR GUARANTY
The labor charge as recorded here relative to this equipment serviced as noted, is guaranteed for a period of 30 days.

We do not, of course, guaranty other parts than those we supply. If repairs later become necessary due to other defective parts, they will be charged separately.

WRITE OR CODE AMOUNT

PS - Don't forget
Don't change

TOTAL OTHER CHARGES \$ _____

| ENVIRONMENT | | CHECK | |
|--------------------------|--|-------|---------|
| TYPE | SYSTEM | QTY. | REMARKS |
| REFRIG. | | | |
| RECOVERED? | YES <input type="checkbox"/> NO <input type="checkbox"/> | QTY. | |
| RECYCLED? | YES <input type="checkbox"/> NO <input type="checkbox"/> | QTY. | |
| RECLAIMED? | YES <input type="checkbox"/> NO <input type="checkbox"/> | QTY. | |
| RETURNED TO THIS SYSTEM? | YES <input type="checkbox"/> NO <input type="checkbox"/> | QTY. | |
| DISPOSAL | | | |
| NON USEABLE | YES <input type="checkbox"/> NO <input type="checkbox"/> | QTY. | |
| DISPOSAL | | | |

OWNER'S INITIALS
ACCEPTED _____ DECLINED _____

TERMS: DUE UPON COMPLETION

I HAVE THE AUTHORITY TO ORDER THE ABOVE WORK AND DO SO ORDER AS OUTLINED ABOVE. IT IS AGREED THAT THE SELLER WILL RETAIN TITLE TO ANY EQUIPMENT OR MATERIAL FURNISHED UNTIL FINAL & COMPLETE PAYMENT IS MADE, AND IF SETTLEMENT IS NOT MADE AS AGREED, THE SELLER SHALL HAVE THE RIGHT TO REMOVE SAME AND THE SELLER WILL BE HELD HARMLESS FOR ANY DAMAGES RESULTING FROM THE REMOVAL THEREOF.

AUTHORIZED SIGNATURE _____

ABOVE ORDERED WORK HAS BEEN COMPLETED AND I ACKNOWLEDGE RECEIPT OF MY COPY DATE _____

X



Corporate Offices:
11360 Metro Parkway
Fort Myers, Florida 33966
(239) 768-3667
(800) 375-3667
Fax (239) 768-3740

275 Airport Road North
Naples, Florida 34104
(239) 643-3667
(800) 651-3667
Fax (239) 643-4467

Visit our website at
www.ActionDoor.com

090504CBB1658
Exhibit 15 Page 1 of 2

INVOICE



The Home of the Talking Door
Over 30 Years of Service Excellence

INVOICE NO. **B-52399**
~~36156~~

INVOICE DATE **7/23/07**

S
O
L
D

T
O

S
H
I
P
T
O
2107 NB JUANITO PL
MAP
NO. **CAD COCAL**
HOME PHONE
896-2273 WORK PHONE

| STARTING TIME | ORDER TAKEN BY | DATE ORDER TAKEN | PAYMENT TERMS | MC CARD NO. | EXPIRATION DATE | | | | | | |
|--|----------------|------------------|-----------------------|--------------------|-----------------|----------|----------------|-------|----------|-----------|-------|
| | | | CASH | | | | | | | | |
| | | | CHECK # | VISA NAME | | | | | | | |
| | | | ACCOUNT - NET 10 DAYS | | | | | | | | |
| ORDER QUANTITY | DOOR WIDTH | DOOR HEIGHT | MODEL | DOOR STOP | GLAZE | LOCK | TYPE OF SPRING | TRACK | TEAR OUT | UNIT COST | TOTAL |
| | | | | | | | | | | | |
| SERVICE REQUESTED | | | QTY | MATERIALS | UNIT COST | | | | | | |
| Opener not working | | | | | | | | | | | |
| DESCRIPTION OF WORK PERFORMED | | | | | | | | | | | |
| RE CONTACT OP. ARM BELT BRK. Customer want extra new remote. | | | | 1 TRA 371 Lm | 29.95 | | | | | | |
| | | | | parts chest # 1290 | | tax 1.80 | | | | | |
| DATE ORDERED | ORDERED BY | TRUCK NO. | DATE | | | | | | | | |
| 7/23/07 | Jane | 43 | 7/23/07 | | | | | | | | |
| SPECIAL INSTRUCTIONS | | | MATERIALS | | | | | | | | |
| | | | SALES TAX | | | | | | | | |
| | | | LABOR | | | | | | | | |
| | | | TOTAL | | | | | | | | |
| | | | DEPOSIT | | | | | | | | |
| | | | BALANCE DUE | | 31.75 | | | | | | |
| PROPOSAL ATTACHED | | | YES | NO | | | | | | | |
| | | | | | | | | | | | |

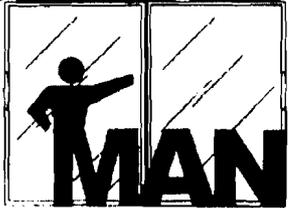
ALL GOODS AND SERVICES ARE TO BE PAID FOR WHEN THE GOODS ARE DELIVERED OR THE SERVICES ARE RENDERED, OR UPON RECEIPT OF THE FIRST INVOICE IF INVOICES ARE NOT PAID WITHIN 10 DAYS AFTER THE INVOICE DATE. WE WILL ASSESS A LATE PAYMENT CHARGE EQUAL TO 1.2% OF THE BALANCE DUE FOR EACH DAY. THE LATE PAYMENT CHARGE WILL BE ASSESSED EACH MONTH UNTIL THE ACCOUNT IS PAID TO A CURRENT CONDITION. THIS CHARGE IS THE EQUIVALENT OF AN ANNUAL PERCENTAGE RATE OF 18%.

HEREBY CERTIFY THAT THE ABOVE WORK HAS BEEN SATISFACTORILY PERFORMED.

CUSTOMER COPY

SLIDER®

Invoice# 40809



1740 Dockway
Ft. Myers, Florida 33903
997-1969 Business
997-4220 Fax

Date: 04-08-09

Customer Name: PHYLLIS CATTANI

Address: 2107 NE JUANITA PL

City: CC

Phone# Fax # 573-8973

Items:

- 1 - 4'x8' SGD, 129.00
- 2 - 178 N COMM ROLLERS 201421 40.00
- 1 - HANDLE 17.00

\$ 186.00

(Circled handwritten note)
PAID
CHK# 1603

*Note: SGD = Sliding Glass Doors / W.S. = Weatherstripping 3-4

ONE YEAR LIMITED WARRANTY ON ROLLERS (DATE INSTALLED) 4-8-09
NO WARRANTY ON LOCKS OR HANDLES

Windows Live™

Home Profile People Mail Photos More v MSN v
Search the web

Hotmail

New Delete Junk Mark as v Move to v

pcattano@msn.com

Reply Reply all Forward v

Inbox (78)

Junk (448)

Drafts

Sent

Deleted (216)

all e-mail

Saved (9)

Manage folders

Related places

Today

Contact list

Calendar

Pictures

From: **Brian Gomer** (brian@timberlinebuilders.com)

Sent: Tue 3/03/09 12:31 PM

To: pcattano@msn.com

10 attachments

Blank Bkg...gif (0.1 KB), Cattano 9...jpg (157.1 KB), Cattano 1...jpg (157.1 KB), Cattano 3...jpg (157.1 KB), Cattano 4...jpg (157.1 KB), Cattano 5...jpg (157.1 KB), Cattano 6...jpg (157.1 KB), Cattano 7...jpg (157.1 KB), Cattano 8...jpg (157.1 KB)

Ms. Cattano,

I have attached copies of the pictures I took while at your home on Feb. 19th. In meeting at Harborside Convention Center on Wednesday of last week regarding concerns with imported drywall. There still isn't a lot of available information regarding concerns. Dr. Krause from the Florida Department of Health was at the meeting. State is now conducting tests on the drywall. He stated that based on the information that there does not appear to be a public health concern from the drywall. Though it does appear to be a reaction to A/C units and other metals in homes that have this

Based upon the information I gathered while inspecting the drywall in your home has this imported drywall. I have spoken with the Home Warranty insurance customer's concerns and they have told me that if you are concerned about this, please contact them at:

Home Buyers Warranty Corporation

Warranty Administration Office

One Denver Highlands

10375 East Harvard Avenue, Suite 100

Denver, CO 80231

Phone (720) 747-6000

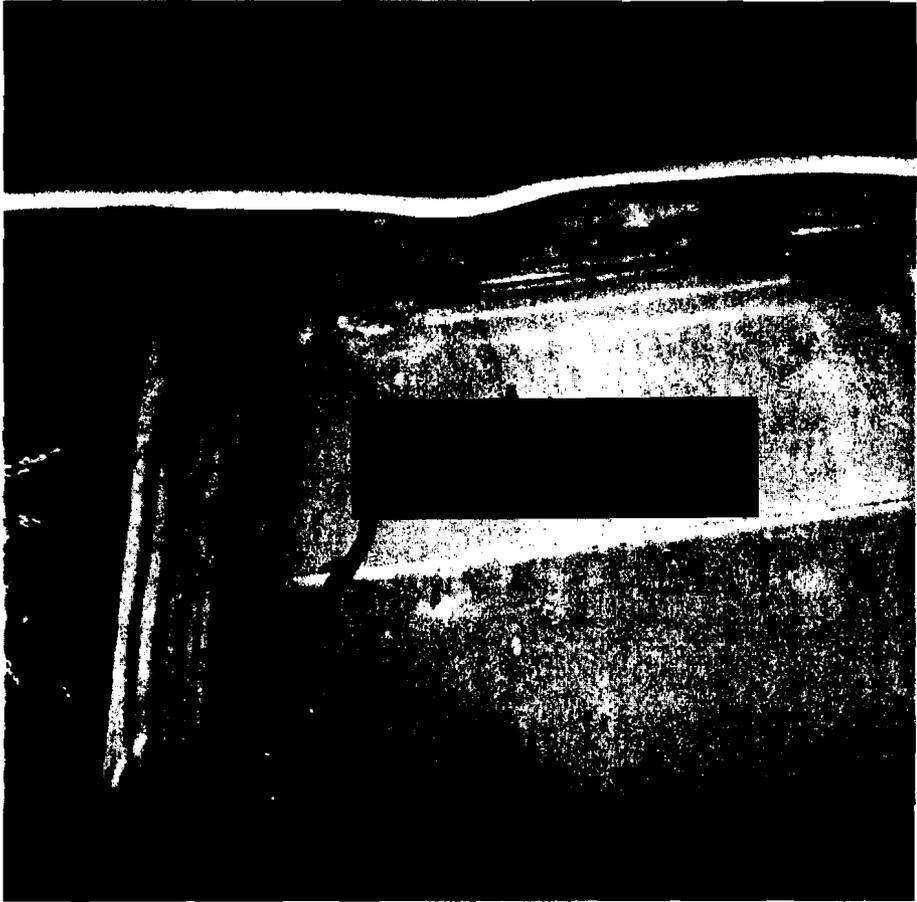
Should you have any other questions, please give me a call or send me an email

Kind Regards,

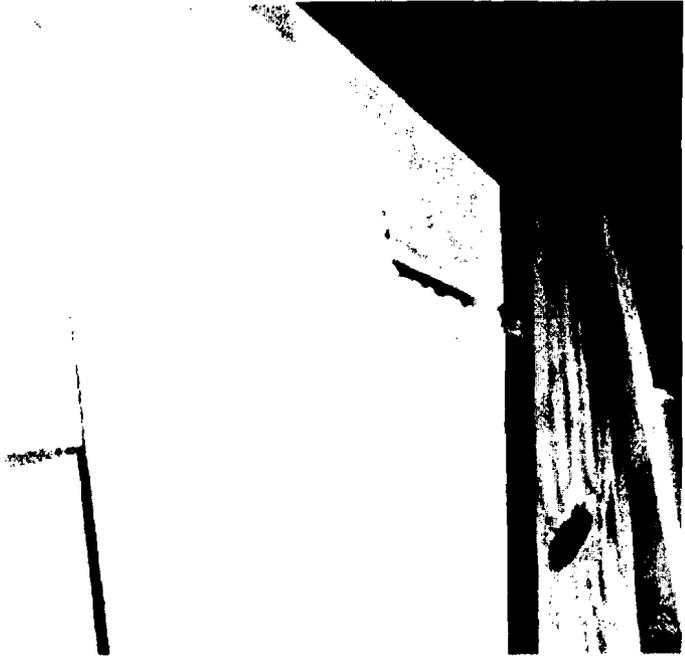
Brian D. Gomer

Timberline Builders, Inc.

(239) 541-1441 x11

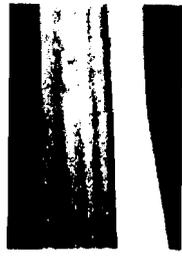


Cattano 9.jpg



<http://by112w.bay112.mail.live.com/mail/InboxLight.aspx?n=1538149813>

3/5/2009

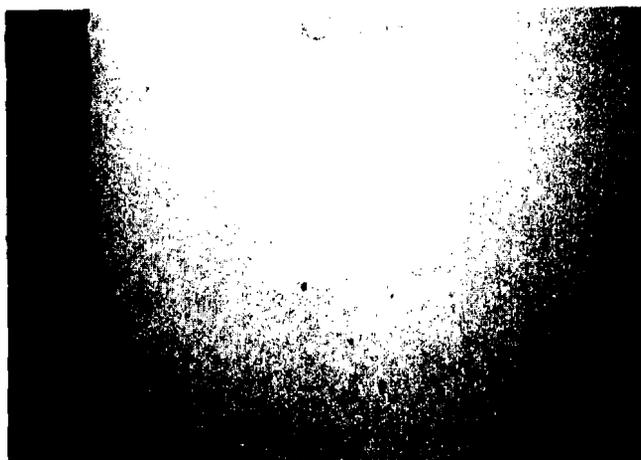


Cattano 1.jpg



Cattano 2.jpg

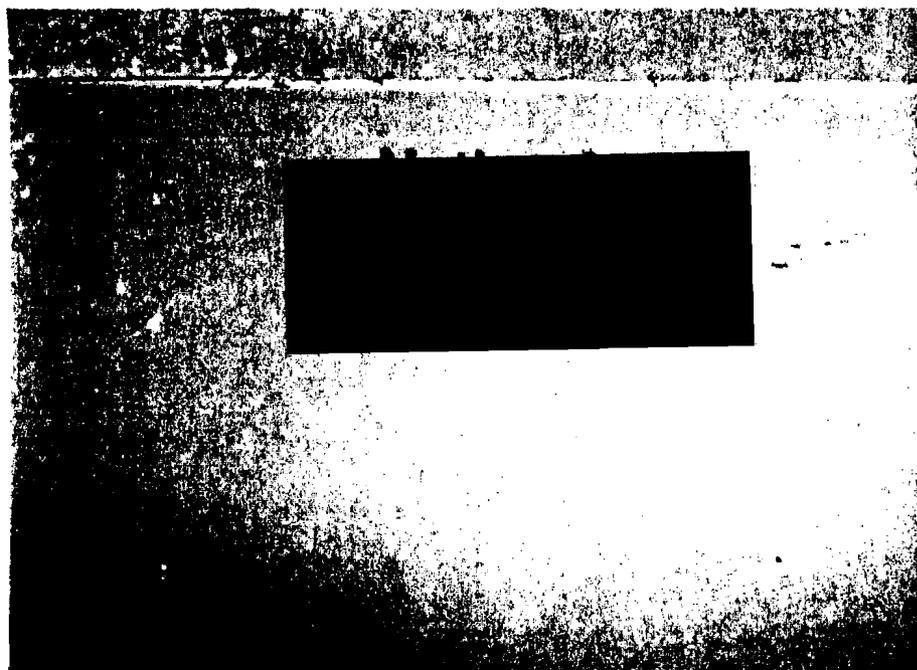




Cattano 3.jpg

Cattano 4.jpg





Cattano 5.jpg



Cattano 6.jpg

090504CBB1658
Exhibit 17 Page 5 of 7



Cattano 7.jpg





Cattano 8.jpg

NATIONAL
Gypsum
COMPANY

information needed on drywall

From: **Lisa Servellon** (l_servellon@hotmail.com)
Sent: Fri 4/10/09 3:39 PM
To: ng@nationalgypsum.com

Hi my name is Lisa,

I saw a news clip today on NBC-2 NEWS about a homeowner that is undergoing testing on their Alva Fl home by your company in regards to possible tainted chinese drywall. My Moms home was built in 2006 and she also is having corrosive problems in her home as well as the AC breaking down not once but twice. All copper in home, electrical outlets, electrical circuit panel in the garage, hot water heater pipes turning black, chandeliers pitted and black, etc. We contacted our home builder and they came out and inspected as well as taken photographs of the drywall in certain areas of the house. It has been marked in some of the photos National Gypsum, with a date and a code. Unfortunately they did not take samples or go throughout the entire house and we were told by the builder they dont believe it is the defective drywall and proceeded to say that (this problem is new to us and our attorney advises that if there is a breakdown in the home of any appliance to contact the Home Warranty company to come out and fix it). Well after that response we did get a licensed home inspector in just to see what he could find and advise us to do . The result verbally was that something is **seriously** wrong with the house and testing should be done at our expense of \$300-\$500 of the drywall (sample testing). We have waited for that due to the hefty price tag and the health dept stating that (it is not recommend that anyone have their drywall tested. Since there is not an accepted test method for determining if the drywall is problematic.)

I have contacted the Consumer Product Safety Commisisions and made a complaint report with them, Contacted EPA (waiting for a callback)as well as calling the health dept again in what we should do. We are just trying to resolve and reachout to the proper personel to see what we can do to take further steps in resolving this matter. Thank you for any information or assistance you might have to offer us.

Lisa Servellon
2107 NE Juanita Place
Cape Coral, Florida 33909

(917) 837-6750

Quick access to your favorite MSN content and Windows Live with Internet Explorer 8. Download FREE now!



Home Buyers Warranty[®]

America's
Choice[®]

April 22, 2009

PHYLLIS CATTANO
2107 NORTHEAST JUANITA PLACE
CAPE CORAL, FL 33909

Dear PHYLLIS CATTANO:

This will acknowledge receipt of a Structural Claim filed by your builder.

We will be forwarding your file to the warranty insurer. Upon receipt of the file, one of their representatives will be contacting you with further information.

Respectfully,

A handwritten signature in cursive script that reads "Donna E. Herbert".

Donna Herbert
Warranty Administration Specialist

File No: FL246269-01

cc: Timberline Builders, Inc.



**NATIONAL HOME INSURANCE
COMPANY®**
(A Risk Retention Group)

April 24, 2009

Phyllis Cattano
2107 Northeast Juanita Place
Cape Coral, FL 33909

Re: File No. FL246269-01

Dear Ms. Cattano:

We have received a structural claim regarding the problems your builder has indicated that your home is experiencing. An engineer has been assigned and will contact Brian Gomer of Timberline Builders, Inc. to arrange a time to conduct an inspection of your home. The engineer is conducting an inspection in order to provide National Home Insurance Company, (A Risk Retention Group) with a report describing the problems.

We know that you have concerns regarding the handling of your claim and we would like to take this opportunity to give you a brief description of our claim evaluation process. After we have received the inspector's report, we will analyze the listed defects and prepare a written summary that will explain which defects are covered and, if any are denied, the reason(s) will also be discussed or explained. It is possible that other experts such as a soils engineer will need to inspect your home.

If there is coverage under the Warranty, generally a cost to repair the covered defect(s) is obtained. In many cases, it is necessary to have a contractor or other expert provide repair costs. It may also be necessary to obtain an engineer's plan of repair to determine what repair is proper to take care of the covered defects. When the repair costs are confirmed, they will be communicated to you. Generally, the claim will be settled with a cash payment to you, based on the cost to repair. It will be your responsibility to undertake repairs.

Please understand that for an item to qualify under the Structural Coverage Provisions of the Warranty, there must be damage to an actual load-bearing member of the home, as defined in the Warranty. The damage must affect the load-bearing member's function to the extent that the home becomes unsafe, unsanitary or otherwise unlivable. Our inspection will focus on your claimed damages to see if they meet these criteria or if other exclusions, conditions or definitions of the Warranty apply.

If you have any questions or concerns, please contact the undersigned at (800) 521-4736 or (720) 747-6035.

Sincerely,

Glenn Cleek
Litigation Specialist

GC/rs

US Consumer Product
Safety Commission

Untitled

1-800-638-2727

TO: info@cpsc.gov
4/6/2009 1:10PM

SUBJECT: Imported Drywall and Copper Corrosion

My Mom had her home built in 2006 and she has evidence of corrosion going on. The AC coil has turned black, hot water heater pipes are turning black, faucets are pitted, odor in home. She has had the AC repaired from freon leaking out, and also has a report from the AC company technician about the corrosion. My Mom contacted the home builder they had taken photos and looked around and said that it was NOT from what they saw chinese drywall. They never took a sample but they did contact their attorney I guess for their protection and told my Mom if she has a problem in the future of something breaking down in the house to call the warranty company. We did have a licensed home inspector there he had said there was something SERIOUSLY wrong with the home and he would like to do a sample testing of the drywall for a fee of \$300-\$500. We have waited for that to be done due to financial issues. We have contacted attorney's that will mail out packets of information to us. But in the mean time is there something else we should be doing. We are concerned like everyone else but to sit and see what happens is very disturbing. We need someone to come into the house to confirm if it is Chinese drywall without a hefty price tag attached to it. If you could possibly give us information regarding consumer protection or air sampling that would be greatly appreciated. I would like to get someone at my Moms house to see what other steps need to be taken.

Thank you for your time

LISA SERVELLON
2107 NE JUANITA PLACE

Untitled

*4/6/2009 2:56pm 240-487-0109 (Marrissa) US Consumer
Product safety commissions*

*Spoke to Marrissa from the US Consumer Product safety commissions
she called and gave me a # to the Florida Dept of State
1-850-245-6500 and said maybe they can steer us in the right
direction on having the home tested or just supply us with some more
information on the drywall. She responded to my email on Mom's house
and will mail us out a packet in regards to my writting an email to them
for assistance. and if we want to add any other information to this
consumer complaint so they can keep a record along with other
consumers complaints on Chinese drywall . The more complaints they
have on the issue the more they can be able to help a consumer*

Untitled

*CAPE CORAL, FLORIDA 33909
(917) 837- 6750*

LETTER SENT TO CONSUMER AGENCY

From: **Craig** (chetta@embarqmail.com)
Sent: Mon 4/06/09 1:17 PM
To: PCATTANO@MSN.COM

----- Original Message -----

From: Craig
To: info@cpsc.gov
Sent: Monday, April 06, 2009 1:07 PM
Subject: Imported Drywall and Copper Corrosion

*My Mom had her home built in 2006 and she has evidence of corrosion going on. The AC coil has turned black . hot water heater pipes are turning black , faucets are pitted, odor in home. She has had the AC repaired from freon leaking out, and also has a report from the AC company technician about the corrosion. My Mom contacted the home builder they had taken photos and looked around and said that it was NOT from what they saw chinese drywall. They never took a sample but they did contact their attorney I guess for their protection and told my Mom if she has a problem in the future of something breaking down in the house to call the warranty company. We did have a licensed home inspector there he had said there was something SERIOUSLY wrong with the home and he would like to do a sample testing of the drywall for a fee of \$300-\$500. We have waited for that to be done due to financial issues. We have contacted attorney's that will mail out packets of information to us. But in the mean time is there something else we should be doing. We are concerned like everyone else but to sit and see what happens is very disturbing. We need someone to come into the house to confirm if it is Chinese drywall without a hefty price tag attached to it. If you could possibly give us information regarding consumer protection or air sampling that would be greatly appreciated. I would like to get someone at my Moms house to see what other steps need to be taken.
Thank you for your time*

LISA SERVELLON
2107 NE JUANITA PLACE
CAPE CORAL, FLORIDA 33909
(917) 837- 6750

L_SERVELLON@HOTMAIL.COM

Information needed

From: **Lisa Servellon** (l_servellon@hotmail.com)
Sent: Mon 4/06/09 3:56 PM
To: jkdavis@dos.state.fl.us

Hi My name is Lisa I'm writing to see if I can get information to help my Mom in regards to Chinese drywall? he had a home built in 2006 and as of today she has evidence of corrosion going on, on AC coils, hot water heater, electrical outlets and an odor in the home. We first were shown when the AC unit failed a few months ago, the freon had leaked out. The AC technician showed us the corrosion and had made a written statement that the unit would need replacement soon due to the corrosion . My Mom had notified the home builder,they had come out did an inspection and had taken photos of the drywall. They notified my Mom and told her that there was NO evidence of the Chinese drywall in the house.(They never took samples it was just photos) They told her they had contacted their attorney and was told by him that if my Mom had any thing that broke down in the house to put a claim through her home warranty insurance company. After that we contacted a home inspector he came out and said that there was something SERIOUSLY wrong with the home and he would like to take samples of the drywall and there would be a fee of \$300-\$500 to have it tested. We have waited for that due to the hefty price tag. We contacted a few attorney's and they are in the process of mailing out information packets to us. I contacted the Consumer Product Safety Commissions dept and spoke to a representative named Marissa she told me we could file a complaint with them and also gave us the # to the FL Dept Of State. I chose to email you in hoping that you can maybe steer us in the right direction of what we can do now. We would like to confirm if this is actual Chinese drywall in the house and take the steps we need to in rectifying this situation I appreciate your time in this matter and any information you can give us.

Thank you,

LISA SERVELLON
2107 NE JUANITA PLACE
CAPE CORAL, FLORIDA 33909

239-573-1694
917-837-6750

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Drywall Sampling-analysis data submission

From: **Lisa Servellon** (l_servellon@hotmail.com)

Sent: Mon 4/06/09 4:16 PM

To: corrosioninvestigation@doh.state.fl.us

Hi My name is Lisa I'm writing to see if I can get information to help my Mom in regards to Chinese drywall? he had a home built in 2006 and as of today she has evidence of corrosion going on, on AC coils, hot water heater, electrical outlets and an odor in the home. We first were shown when the AC unit failed a few months ago, the freon had leaked out. The AC technician showed us the corrosion and had made a written statement that the unit would need replacement soon due to the corrosion. My Mom had notified the home builder, they had come out did an inspection and had taken photos of the drywall. They notified my Mom and told her that there was NO evidence of the Chinese drywall in the house. (They never took samples it was just photos) They told her they had contacted their attorney and was told by him that if my Mom had any thing that broke down in the house to put a claim through her home warranty insurance company. After that we contacted a home inspector he came out and said that there was something SERIOUSLY wrong with the home and he would like to take samples of the drywall and there would be a fee of \$300-\$500 to have it tested. We have waited for that due to the hefty price tag. We contacted a few attorney's and they are in the process of mailing out information packets to us. I contacted the Consumer Product Safety Commissions dept and spoke to a representative named Marissa she told me we could file a complaint with them and also gave us the # to the FL Dept Of State. Jennifer K. Davis from the Florida Dept of State gave me Product safety commissions web site and your website so now Im hoping that you can get us in the right direction for sampling Thank you,

LISA SERVELLON
2107 NE JUANITA PLACE
CAPE CORAL, FLORIDA 33909

239-573-1694
917-837-6750

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Thank you,

LISA SERVELLON
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CAPE CORAL, FLORIDA 33909

239-573-1694
917-837-6750

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RE: Drywall Sampling-analysis data submission

From: **Corrosioninvestigation@doh.state.fl.us**

Sent: Tue 4/07/09 9:55 AM

To: L_servellon@hotmail.com

Dear Ms Servellon:

Thank you for your inquiry about imported drywall. At this time we can not recommend that anyone have their drywall tested. There is not an accepted test method for determining if your drywall is problematic. We have heard stories of laboratories charging thousands of dollars for evaluations which make no sense to us. If you or anyone in your household is experiencing adverse health effects please contact your personal physician for advice as each individual's health profile is unique.

Our current recommendation is to review the case definition (<http://www.doh.state.fl.us/environment/community/indoor-air/casedefinition.html>) in order to determine if you have a problem. If none of the indications or only one of the indicators is present, you do not meet the case definition and you are not likely to get any value from the analysis of the drywall. Our drywall webpage also has additional information and images (<http://www.doh.state.fl.us/environment/community/indoor-air/drywall.html> - see power point) to guide you in your investigation..

It will be several months before we have sufficient data to recommend any testing methodology. We will continue to update our webpage with information relevant to this issue. Consider checking our webpage periodically for now: (<http://www.doh.state.fl.us/Environment/community/indoor-air/drywall.html>).

The first step in any investigation is to review existing data and then begin the field investigation process. We have collected samples of marked Chinese drywall, marked domestic drywall and unmarked drywall (origin unknown) from locations around the state and commissioned materials analysis testing from an independent testing laboratory that has the specialized equipment necessary to help us identify the elements that may be causing the odor and corrosion of copper and other metals. The lab recently sent us their preliminary results which you can review on our website: <http://www.doh.state.fl.us/environment/community/indoor-air/drywall.html>. The US Environmental Protection Agency recently agreed to take samples of the drywall for laboratory air chamber analysis. When the results of that testing is available, we will post it to the website. Our goal is to answer health related questions/concerns as it relates to this phenomenon. We are working with numerous federal, state and local agencies as well as homeowners, builders, consultants and other interested parties in an effort to answer health related concerns and questions. In addition, Governor Crist (<http://www.flgov.com/release/10642>) has formally requested that the US Environmental Protection Agency and the Centers for Disease Control and Prevention get more involved in this issue.

So that your concerns are known to all agencies involved in the investigation, may I suggest you contact the consumer agencies you have not talked to listed at this website: <http://www.doh.state.fl.us/environment/community/indoor-air/complaint.html>. The Office of the Attorney General of Florida (www.myfloridalegal.com) is collecting information from consumers on this issue (case # L093-3-1024).

Should the Department of Health be able to offer scientifically-sound guidance, we will publish this guidance on our website and publicly announce the information. Once again, I appreciate your inquiry, we are moving forward, but making sure we are basing our efforts on real science so you can depend on our results when they become available.

Sincerely,

Jorge Laguna, M.S.
Environmental Manager
Florida Department of Health
Division of Environmental Health
800-543-8279

850-245-4288
SC 205-4288

For Additional information see:

On Radon - <http://www.doh.state.fl.us/environment/community/radon/index.html>

On Indoor Air Quality - <http://www.doh.state.fl.us/environment/community/indoor-air/index.html>

Please tell us how we are doing...

<http://survey.doh.state.fl.us/survey/entry.jsp?id=1178550967662>

FDOH Mission: Promote, protect and improve the health of all people in Florida.

FDOH Vision: A healthier future for the people of Florida

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

U.S. Surgeon General Health Advisory

"Indoor radon gas is the second-leading cause of lung cancer in the United States and breathing it over prolonged periods can present a significant health risk to families all over the country. It's important to know that this threat is completely preventable. Radon can be detected with a simple test and fixed through well-established venting techniques." January 2005.

Environmental Health. Core Public Health at your Service!

From: Lisa Servellon [mailto:l_servellon@hotmail.com]

Sent: Monday, April 06, 2009 4:17 PM

To: HSEC_CorrosionInvestigation

Subject: Drywall Sampling-analysis data submission

Hi My name is Lisa I'm writing to see if I can get information to help my Mom in regards to Chinese drywall? he had a home built in 2006 and as of today she has evidence of corrosion going on. on AC coils, hot water heater, electrical outlets and an odor in the home. We first were shown when the AC unit failed a few months ago, the freon had leaked out. The AC technician showed us the corrosion and had made a written statement that the unit would need replacement soon due to the corrosion. My Mom had notified the home builder, they had come out did an inspection and had taken photos of the drywall. They notified my Mom and told her that there was NO evidence of the Chinese drywall in the house. (They never took samples it was just photos) They told her they had contacted their attorney and was told by him that if my Mom had any thing that broke down in the house to put a claim through her home warranty insurance company. After that we contacted a home inspector he came out and said that there was something SERIOUSLY wrong with the home and he would like to take samples of the drywall and there would be a fee of \$300-\$500 to have it tested. We have waited for that due to the hefty price tag. We contacted a few attorney's and they are in the process of mailing out information packets to us. I contacted the Consumer Product Safety Commissions dept and spoke to a representative named Marissa she told me we could file a complaint with them and also gave us the # to the FI Dept Of State. Jennifer K. Davis from the Florida Dept of State gave me Product safety commissions web site and your website so now Im hoping that you can get us in the right direction for sampling Thank you.

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CAPE CORAL, FLORIDA 33909

239-573-1694
917-837-6750

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here is the reply from the health dept

From: **Lisa Servellon** (l_servellon@hotmail.com)
Sent: Tue 4/07/09 10:35 AM
To: mom (pcattano@msn.com)

Subject: RE: Drywall Sampling-analysis data submission
Date: Tue, 7 Apr 2009 09:55:29 -0400
From: Corrosioninvestigation@doh.state.fl.us
To: l_servellon@hotmail.com

Dear Ms Servellon:

Thank you for your inquiry about imported drywall. At this time we can not recommend that anyone have their drywall tested. There is not an accepted test method for determining if your drywall is problematic. We have heard stories of laboratories charging thousands of dollars for evaluations which make no sense to us. If you or anyone in your household is experiencing adverse health effects please contact your personal physician for advice as each individual's health profile is unique.

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<http://by112w.bay112.mail.live.com/mail/PrintShell.aspx?type=message&cpids=f2a9fb85-0...> 4/7/2009

Sincerely

Jorge Laguna, M.S.
Environmental Manager
Florida Department of Health
Division of Environmental Health
800-543-8279
850-245-4288
SC 205-4288

For Additional information see:

On Radon - <http://www.doh.state.fl.us/environment/community/radon/index.html>

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U.S. Surgeon General Health Advisory

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Environmental Health: Core Public Health at your Service!*

From: Lisa Servellon [mailto:l_servellon@hotmail.com]

Sent: Monday, April 06, 2009 4:17 PM

To: HSEC_CorrosionInvestigation

Subject: Drywall Sampling-analysis data submission

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LISA SERVELLON
3407 NE JUANITA PLACE
DADE COUNTY, FLORIDA 33134

39-573-1634

917 837-6750

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Live Hotmail Print Message

Page 1 of 1
Florida
Attorney
General

Corrosion investigation

From: **Lisa Servellon** (l_servellon@hotmail.com)
Sent: Tue 4/07/09 11:26 AM
To: ag.mccollum@myfloridalegal.com

Hello Mr. McCollum

My name is Lisa Servellon and I have decided to contact you in hopes that you can inform and help my Mom with her home? She has evidence of corrosion on her AC unit, electrical outlets, chandeliers, faucets, hot water heater and a pungent odor in the home. Her AC unit failed about 2 months ago and the AC technician had made a written statement that the corrosion will continue and she will need to replace the unit. She contacted her home builder after that and voiced her concern and they had come out and taken pictures of just the drywall and responded back by saying that it seems her home does NOT have any evidence of Chinese drywall and that they had contacted their attorney and was told to tell my mom that if anything breaks down in the house for her to call her home warranty insurance at her expense to have it fixed. (They never had taken any type of sample of the dry wall they just took photos) My mom decided to call a home inspector that she had hired previously after the home was built to make sure everything was structurally sound in the house. He came out and inspected the home and saw all of the corrosion throughout the house and said something is SERIOUSLY wrong with the home and that he would recommend taking samples of the drywall to find out if it is in fact the Chinese drywall in conversation. She has not done that yet due to the price tag of \$300-\$500 just for the testing. We have contacted a few attorney's and they are in the process of mailing out packets to her. I have emailed the Health dept., Consumer Product Safety Commissions dept and Florida dept of State. Everyone has responded to me and gave me all the information on contacting people I already have contacted. The health dept emailed me links and people who to contact and you are one of them . I would like to know if you can advise us on what we can do next. We don't want to sit here and wait for the corrosion to get worse and to be directed to people we have already contacted, we just don't know who we could call to help us fix this problem. We are in the process of filing a complaint with the Consumer product safety commissions but that will not help the situation inside the house. We would like to confirm if this is actual Chinese drywall and if it is to have it fixed. Thank you for your time and hopefully your assistance in helping with my mothers home.

*Lisa Servellon
2107 NE Juanita Place
Cape Coral, florida 33909
(917) 837-6750*

Untitled

Hello Mr. McCollum

My name is Lisa Servellon and I have decided to contact you in hopes that you can inform and help my Mom with her home? She has evidence of corrosion on her AC unit, electrical outlets, chandeliers, faucets, hot water heater and a pungent odor in the home. Her AC unit failed about 2 months ago and the AC technician had made a written statement that the corrosion will continue and she will need to replace the unit. She contacted her home builder after that and voiced her concern and they had come out and taken pictures of just the drywall and responded back by saying that it seems her home does NOT have any evidence of Chinese drywall and that they had contacted their attorney and was told to tell my mom that if anything breaks down in the house for her to call her home warranty insurance at her expense to have it fixed. (They never had taken any type of sample of the dry wall they just took photos) My mom decided to call a home inspector that she had hired previously after the home was built to make sure everything was structurally sound in the house. He came out and inspected the home and saw all of the corrosion throughout the house and said something is SERIOUSLY wrong with the home and that he would recommend taking samples of the drywall to find out if it is in fact the Chinese drywall in conversation. She has not done that yet due to the price tag of \$300-\$500 just for the testing. We have contacted a few attorney's and they are in the process of mailing out packets to her. I have emailed the Health dept., Consumer Product Safety Commissions dept and Florida dept of State. Everyone has responded to me and gave me all the information on contacting people I already have contacted. The health dept emailed me links and people who to contact and you are one of them. I would like to know if you can advise us on what we can do next. We don't want to sit here and wait for the corrosion to get worse and to be directed to people we have already contacted, we just don't know who we could call to help us fix this problem. We are in the process of filing a complaint with the Consumer product safety commissions but that will not help the situation inside

Untitled

the house. We would like to confirm if this is actual Chinese drywall and if it is to have it fixed. Thank you for your time and hopefully your assistance in helping with my mothers home.

*Lisa Servellon
2107 NE Juanita Place
Cape Coral, florida 33909*

(917) 837-6750

850-
414-3823

Untitled

4/10/2009

12:00 spoke to Ed Larry from Attorney generals office he is in charge of investigations for Chinese drywall.

Hands are tied no new news. Timberline in in line for first offense on the list. No other homeowners have complained from that comapny. He said to call the Health dept, consumer safety commission dept and epa. Have done all of the above waiting for a call back from Henry Slack (EPA)

I told hime we have an appointment w/attorney on 4/14/2009 not much can be done right now . Advises no inspector to take samples in home due to no know proof of toxicity , damage or anything else at this point. He will keep us updated as to any new findings.



Untitled

2:00pm 4/10/2009

Called Mr Henry Slack from region #4 EPA in charge of air quality and toxicity

404-562-9143

He will be in the office 4/13/2009

left a message in regards to assisting or finding the right channels for testing home for air quality or toxicity in drywall.

Untitled

*Jorge Laguna, M.S.
Environmental Manager
Florida Department of Health
Division of Environmental Health
800-543-8279
850-245-4288
SC 205-4288*

4/10/2009 2:15pm

Waiting for a call back on what to do next

Left him a message in regards to my email. I still have not gotten an answer why some peoples homes are tested while others are not. we did review the case definition we do have multiple problems as far as corrosion in the home (so now what?) we have unmarked drywall in garage and marked some in the home of

(b)(3):CPSA Section 6(b)

4/13/09

Untitled

Mr Slack from EPA 404-562-9143

THE GOOD NEWS IS NO EVIDENCE OF ILLNESS ALL TESTS SO FAR ARE NOT EVIDENT OF ILLNESS. IF SYMPTONS ARE THERE THEY ARE USUALLY TEMPORARY. THERE ARE NO REGULATIONS TO HAVING DRYWALL REMOVED, NO REGULATIONS FOR ANY TYPE OF FDA DISCONTINUING SALE FROM CHINA. GET A LETTER IN WRITTING FROM INSPECTOR. SHOW IT TO THE BUILDER AND SEE WHAT THEY ARE WILLING TO DO FOR YOU. ALL DRYWALL MUST BE REMOVED AND HOME AIRED OUT. IF NEED BE REPLACE ALL WIRING AND THERE MIGHT EVEN BE A SPECIAL COATING FOR AFTER THE FACT OF REMOVAL TO PROTECT WIRING FROM FUTURE CORROSION. FIRE DEPT HAS BEEN TESTING COPPER AND CORROSION NO EFFECTS OF HAZARDS AS OF YET. IF THERE WAS A COATING FOR DRYWALL IT WOULD HAVE TO BE ON BOTH SIDE SINCE THE PANEL HAS TWO SIDES. SO BETTER OFF REMOVED. THERE IS NO IMMEDIATE SOLUTION EXCEPT TO HAVE SOURCE REMOVED. TRY A JELLY JAR TEST TAKE A PIECE OF DRYWALL AND COPPER PUT IT IN A JAR WITH A DAMP PAPER TOWEL AND SEE EFFECTS IN A FEW WEEKS. CUT OUT PARTS OF DRYWALL AND SEE IF MADE IN CHINA. unmarked drywall is a suspicion and be sought after. IF ALL ELSE FAILS SUE BUILDER CLASS ACTION SUIT AS WELL.

Untitled

*850-245-4288 Mr Jorge Luguna manager of the health dept.
4/13/2009*

The chinese drywall is thicker on the inside of the wall cavity . You must look down inside the wall to see the actual writting. Mom meets the charatiristics of the chinese drywall due to the corrosion inside the house .Have inspector put the findings in a report in writting and submit it to the builder if the builder has no response then take legal action .By just looking in the attic or garage on the top of the drywall that is not defining the drywall has the name made in China a piece must either be cut out or looked at behind and down the wall. Drywall is thinner on top.. so that would not be an indicator of bad drywall. A scope is generally used for the drywall. Drywall is usually placed 4x12 then every 2 feet from the ground up it is cut and looked at to see if made in China is on the wall. See if Mr bob kallotte can set an appointment up to have home tested 941-861-6059. You can cut a circle out on drywall and insert mirror in to see the writting. You must look behind the wall not on top.

Business Professional



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10:17:30 AM 4/13/2009

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- [View Continuing Ed](#)



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[Online Help \(FAQs\)](#)

Licensee Details

Licensee Information

Name: **DIGGS, GEORGE CHRISTIAN III (Primary Name)**
TIMBERLINE BUILDERS INC (DBA Name)

Main Address: **3618 DEL PRADO BOULEVARD**
CAPE CORAL Florida 33904

County: **LEE**

License Mailing:

License Location: **3618 DEL PRADO BLVD**
CAPE CORAL FL 33904

County: **LEE**

License Information

License Type: **Certified General Contractor**

Rank: **Cert General**

License Number: **CGC062922**

Status: **Current,Active**

Licensure Date: **12/11/2001**

Expires: **08/31/2010**

Special Qualifications **Qualification Effective**

Bldg Code

Core Course

Credit

Qualified Business License Required **02/20/2004**

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U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.

Myllis G. Cotton
(Signature)

5/14/09
(Date)



IDI # 090504CBB1658
Exhibit 24

RESPONDENT LIST:

1. Lisa Servellon, Consumer's daughter
2107 NE Juanita Place
Cape Coral, FL 33909
(917) 837-6750

The consumer was initially contacted on 5/5/2009.

2. Phyllis Cattano, Consumer
2107 NE Juanita Place
Cape coral, FL 33909
(917) 837-6750

The consumer was initially contacted on 5/14/2009.



IDI # 090504CBB1658

Exhibit 25

CONSUMER CONTACT LIST:

Lisa Servellon, consumer's daughter, Cape Coral, FL reported problems associated with drywall to:

1. Timberline Builders, Inc.
3618 Del Prado Blvd.
Cape Coral, FL 33904
(239) 541-1441
Brian Gomer, Vice President

2/19/2009 Brian Gomer, Vice President visited the consumer's home and photographed drywall manufacturer information.

2. Jorge Laguna
Environment Manager
Florida State Department of Health
Division of Environmental Health
(800) 543-8279

Initially sent an e-mail message to K. Davis of the Florida Department of Health on 4/6/2009.

3. Ed Larry
Florida Attorney General's Office

The consumer's daughter initially contacted the Florida Attorney General's Office on 4/7/2009.

4. Henry Slack
Region IV Environmental Protection Agency
(404) 562-9143

The consumer's daughter initially contacted the EPA on 4/10/2009.



IDI # 090504CBB1658
Exhibit 25

5. Jeremy W. Alters, Attorney
21 Southeast 5th St.
Suite 200
Boca Raton, FL 33432
(561) 955-0045
Jeremy@abbrclaw.com
www.abbrclaw.com

The consumers initially met with the attorney on 4/14/2009.

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

| | | | | | |
|---|--|--|--|--------------------------|-------------------------|
| 1. NAME OF RESPONDENT Lisa Servellon (respondent) | | 2. PHONE NO. (HOME) 917-837-6750 | | (WORK) unknown | |
| 3. STREET ADDRESS 2107 NE Juanita Place | | 4. CITY Cape Coral | | ST FL | ZIPCODE 33909 |
| 4a. EMAIL ADDRESS L_SERVELLON@HOTMAIL.COM | | 4b. INCIDENT CITY Cape Coral | | ST FL | ZIPCODE 33909 |

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Respondent feels the drywall is unsafe and poses a serious health hazard to consumers.
 - cont -

| | | |
|---|--|--|
| 6. DATE OF INCIDENT(S) 04/06/2008 | 7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX O Y/N AND DESCRIBE INJURY none | 8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME none RELATIONSHIP none |
|---|--|--|

| | |
|---|----------------------------------|
| 9. DESCRIPTION OF PRODUCT drywall | 10. BRAND NAME unknown |
|---|----------------------------------|

| | |
|--|---|
| 11. (b)(3): CPSA Section 6(b) NAME, ADDR. & PHONE ISSUE 28 04/08/2009 unknown unknown unknown | 12. MODEL, SERIAL #'S, DATE OF MFR M# unknown DOM unknown |
| | 13. DEALER'S NAME, ADDRESS & PHONE Timberline Builders unknown Cape Coral, FL 239-772-4663 |

| | |
|--|---|
| 14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE: | 15. PRODUCT PURCHASED NEW DATE PURCHASED 04/01/2006 AGE 3 Y |
| | 16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown |

| | | |
|--|---|---|
| 17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? no | 18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION | 19. MAY WE USE YOUR NAME WITH THIS REPORT? YES |
|--|---|---|

FOR ADMINISTRATION USE

| | | |
|--|--|--|
| 20. DATE RECEIVED 04/07/2009 | 21. RECEIVED BY (NAME & OFFICE) myg/HL | 22. DOCUMENT NO. H0940083A |
| 23. FOLLOW-UP ACTION | | 24. PRODUCT CODE(S) 1876 |
| 25. DISTRIBUTION | | 26. ENDORSER'S NAME & TITLE myg 04/07/2009 |

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0940083A

Narrative Continued

Respondent is calling on behalf of mother, who has evidence of corrosion in A/C coils, water heater and black wiring behind at least 5 outlets and electrical panel box.

2008 Consumer initially made the discovery after her A/C unit discontinued working. A/C technician (name unknown) discovered that the entire unit was completely black and causing the evaporator coil/piping to leak slowly.

02/2009 A/C unit discontinued working.

02/17/2009 A/C Technician (name unknown) revisited home and stated that the leaking will continue to occur due to existing issue.

02/19/2009 Home builder reps. Brian Gomer and George Diggs visited home. Both searched for drywall mfr. markings and found only certain panels provided the mfr. name; however the place of origin was not noted. Builder reps. indicated they do not feel the drywall was made in China or believe there is a public health concern with the material. Reps. stated that they are new to the unsafe drywall concerns, but plan to work with consumer (mother) and respondent regarding the matter. No notes were taken and both reps. left the premises.

(date unknown) Builder rep. communicated with respondent and stated they have consulted with their attorney, who advised them (builder reps.) to inform both consumer and respondent to report any break downs within the home to their warranty company for coverage. No further information.

Respondent stated that consumer and herself have always noticed an odor since they moved in.

03/2009 Respondent contacted original home inspector (name unknown), who revisited and inspected home. Inspector removed approx. 5 outlet covers and the electrical panel box where encountered black wiring. Inspector found all copper material in home had also turned black. Inspector could not determine cause, but noted that he has never come across this discovery before. Inspector offered to take sample testing; however the cost would \$300 to \$500 for each sampling. Consumer is unable to cover the cost at this time and declined offer.

Respondent e-mailed Florida Health Department and requested a list of inspectors who can conduct an inspection of the home to determine whether the drywall is unsafe. Consumer received an e-mail response from Florida Health Dept. who stated that there is no such thing as "sample testing" of drywall; however if she has signs of corrosion or black wiring to contact CPSC.

Distributor Phone #:

CPSC Source: MEDIA

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

AS OF 4/15/09 MOTHER HAS NO CONCERN
IN CONTACTING MY MOM NEVER HAS CALLED
AFTER FEB 2009 TO SEE IF ANY NEW ACCIDENT
HAS TAKEN PLACE HOME IS SHOWING NEW
SIGNS OF CORROSION EVERYDAY

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

W. Small 4/15/09
Signature Date

I request that you do not release my name.

- You may release my name to the manufacturer but I request that you not release it to the general public.
- You may release my name to the manufacturer and to the public.

| | | | | |
|--|--|---|--|---|
| 1. Task Number 090505CBB1690 | | 2. Investigator's ID 9101 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2006 12 01 | 5. Date Initiated YR MO DAY 2009 05 05 | | |
| 6. Synopsis of Accident or Complaint UPC The consumer and his family have experience health issues, appliance failures and metal corrosion issues since purchasing their residence in 2008. The consumer believes that imported drywall from China was used in constructing his residence, and that the drywall is emitting chemicals into the atmosphere of the residence and resulting in some or all of the aforementioned issues. <div style="text-align: right;"><u>MER-TRVLBR NOTIFIED</u> COMMENTS: <u>YES</u> <u>NO</u> 12/7/09 <u>OVERRULED</u>; <u>ATTACHED</u> <u>EXEMPTIONS/FOIA Hqs.</u> <i>Att. mps.</i> <u>DO NOT RE-NOTIF</u> (b)(3); CPSA Section 6(b)</div> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City PARKLAND | | 9. State FL |
| 10A. First Product 1876 - House Structures, Repair Or | | 10B. Trade/Brand Name IMPORTED CHINESE DRYWALL | | 10C. Model Number UNKNOWN |
| 10D. Manufacturer Name and Address UNKNOWN | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 34 | 13. Sex 1 - Male | 14. Disposition 1 - Injured, not Hosp. | 15. Injury Diagnosis 71 - Other | |
| 16. Body Part(s) Involved 84 - 25 - 50% BODY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 17 / 7.5 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only | | | | |
| 24. Review Date 05/21/2009 | | 25. Reviewed By 9071 | | 26. Regional Office Director Dennis R. Blasius |
| 27. Distribution Rose, Blake; Blasius, Dennis | | | 28. Source Document Number I0940417A | |

SYNOPSIS:

This investigation was initiated from a Consumer Product Incident Report submitted by the consumer via the CSPC website. An on-site investigation was conducted on May 11, 2009.

The consumer and his family have experience health issues, appliance failures and metal corrosion issues since purchasing their residence in 2008. The consumer believes that imported drywall from China was used in constructing his residence, and that the drywall is emitting chemicals into the atmosphere of the residence and resulting in some or all of the aforementioned issues.

INCIDENT INFORMATION:

The information contained in this investigative report from the consumer (34-year-old male). The consumer is a doctor of oral surgery and the consumer's wife is a dentist specializing in children's dentistry. The consumer and his wife have three children (4 years, 2 years, and 10-months-old) and one dog (13-years-old) living in the home.

The consumer and his wife purchased their home (See Exhibit A-1) in February 2008. The consumer asserts that the home was built and purchased by a real estate investor in 2006. The home was not lived in between 2006 and February 2008, when the consumer and his wife purchased the home.

The consumer believes the home was heated and air conditioned continuously from the time of completion up until the time of his purchase.

The consumer believes the home is built with wood studs.

The consumer had the home inspected prior to the time of purchase. The home inspector found three wall receptacles that were not working. The three wall receptacles were replaced prior to purchase. The consumer does not recall which of the receptacles were replaced.

The home is the Emerson-Expanded Spanish model. The home is approximately 4300 sq. ft. in size. There are three bedrooms and a play room on the second floor. All of the second floor rooms were carpeted prior to the consumer's purchase of the home in 2008. The main floor is comprised of the kitchen, dining room, living room, master bedroom, office and guest room. The home does not have natural gas or propane service. The home is equipped with three air handling units (central air/furnace units). Two air handler units are on the home's main floor and one is on the second floor.

In February 2008 the consumer found that the intercom system for the residence was not working. He claims that the inspector missed this issue during the home inspection. The consumer does not know why the intercom system failed and he has not had the system repaired.

Between February 2008 and May 2008 the consumer had carpet added to the master bedroom and office. In addition, all of the interior walls and ceilings were painted. Due to the work performed after purchase, the consumer and his family moved into the residence in May 2008.

Between February 2008 and May 2008, while work was being performed on the residence, the consumer asserts that he and/or his wife entered the residence on three different occasions to find the microwave oven (Kitchen Aid, Model-unknown; the unit came with the home) "ON". He claims that no one was in the residence at the times of occurrence, and he does not know how long the microwave had been operating before it was found. After the third occurrence, the consumer unplugged the unit and then discarded it in June 2008 when a replacement unit was purchased.

Shortly after purchasing the residence, the consumer asserts that the drywall of one wall in the master bedroom sitting room was replaced due to a water leak. The wall size is approximately 6'10" wide by 12' high. The wall repair was performed by Florida Executive Builders, 1935 NW 18th Street, Pompano Beach, FL 33069. The consumer does not know where the contractor obtained the drywall used in the repair.

Prior to moving into the residence, the consumer had the evaporator coils in all three air handler units

professionally acid washed. The consumer asserts this was done not because of any perceived performance issue, but was done to clean the coils of any contaminates. The consumer was not aware of any corrosion issues at this time.

The consumer asserts that he discovered that the float switches on the three air handler units were not working in or around April 2008. All three floats were replaced. After April 2008, the consumer asserts that two of the float switches stopped working and were replaced in November 2008. The consumer claims the technician, on the first or second repair, stated that the float switches failed because they were improperly wired, another technician, on the first or second repair, stated that the failed float switches were faulty.

Since moving into the residence the consumer asserts that one of the three air conditioning units needed refrigerant added to the system on one occasion. He does not recall which of the three units was involved or when this work was performed. The consumer does not know the cause of why the unit needed refrigerant.

In May 2008 the consumer had a 1000 watt dimmer switch installed in the dining room of the residence. He claims that shortly after having the switch installed he noticed that the exposed screws on the face plate of the switch were very hot to the touch. He asserts that he thought that the switch may be faulty and he hired an electrician to replace the switch in July 2008. The electrician replaced the switch and informed the consumer that the switch may generate an abnormal amount of heat because it is a 1000 watt dimmer switch.

In January 2007 the consumer purchased a Not Responsive E1505 (or E1508) laptop computer. He asserts that the laptop was always used inside the residence. In January 2009 the laptop stopped working and would not power up. The consumer purchased a new battery for the computer but this did not resolve the issue. The consumer does not know why the laptop stopped working and he no longer has the unit.

In February 2009 the consumer purchased a Not Responsive laptop to replace the failed Not laptop. The consumer asserts that this laptop has always been used inside the

residence. In March 2009 the consumer noticed that the laptop was making "popping" noises from the left side wrist rest area after it was powered "ON". The consumer does not know the cause of this issue.

The consumer asserts that since February 2008 he has had three portable DVD players stop working. He claims that all of the DVD players were used primarily in the house. One of the DVD players that stop working was a Phillips Portable DVD Player, Model PET824, MFG in 10-06. The consumer was unable to provide identifying information on the other two players. The consumer does not know why the players stopped working.

The consumer claims that since February 2008 two consecutive cable television boxes used in the residence have stopped working. The two television boxes were always used in the residence. The first television box stopped working in September 2008, and the second stopped working in December 2008. The consumer does not know why the television boxes stopped working, and he was unable to provide any identifying information for the television boxes. The consumer asserts that he obtained the television boxes through his local Comcast cable provider.

In or around the first week of May 2009, the consumer asserts that a smoke alarm (See Exhibit's A-13 to A-17; hard wired with battery back-up), positioned on the ceiling at the top of the stair case on the second floor, began sounding an alarm at 3:00 a.m. The consumer asserts that the sound was the regular alarm and not the low battery "beep". The consumer claims there was no fire and no perceivable cause as to why the smoke alarm activated. The consumer disconnected the smoke alarm at this time. The consumer does not know the reason why the alarm malfunctioned. The consumer believes that the smoke alarm was installed at the time the house was built, and he claims the smoke alarm was present when he purchased the home.

The consumer asserts that over the last couple of months, he has found that the batteries in several of the children's toys are corroded. He believes that the level of corrosion he has found is not normal after having been in the house for a little over a year. The consumer believes that the level of corrosion he has found would be representative of batteries left in devices for several years.

In February 2009 the consumer asserts that the dishwasher (See Exhibit's A-18 to A-19), which was present when he purchased the home, began stopping in mid-wash cycle. He claims that since February 2009 this has occurred once every ten wash cycles. He asserts that when this occurs it is necessary to start the wash cycle over. The consumer does not know the reason for this performance issue.

The consumer asserts that in 2009 he purchased a new Staples Paper Mate electric paper shredder and placed it in the office of the residence. He claims that he used the paper shredder 1-2 times per week for durations of up to 1-2 minutes during each use. He asserts the paper shredder would not turn "ON", for unknown reasons, after approximately one month.

The consumer asserts he has replaced the incandescent lights in his home more frequently than he considers to be normal. He claims that for the lights in the ceiling of the kitchen (See Exhibit A-21), he has replaced the lights along the right side of that room at least three times since February 2008. He asserts the ceiling kitchen lights are on approximately five hours per day. He claims he has replaced the lights on the left side of the kitchen ceiling approximately 1-2 times. The lights used in the kitchen are rated at 60 watts.

The consumer asserts that the hanging lights (See Exhibit A-22) in the kitchen use incandescent bulbs. These light fixtures were installed in or around May 2008. The consumer asserts that these fixtures have been turned on, for short durations, approximately ten times since May 2008, and that he had to replace two bulbs in the fixtures in December 2008.

The consumer claims that starting in or around October/November 2008 all of the toilets in the home have begun having flushing issues. Sometimes the toilets in the home require daily plunging to remedy stoppage issues.

The consumer claims that he first learned of a possible issue with the drywall used in the homes of his community in or around April 2009. He asserts that prior to this time he was unaware that there was any particular issue with his home, or that all of the aforementioned issues and the issues cited below may be due to the presence of imported drywall from China in his home.

After learning of the imported drywall issue and some of the possible signs of its presence, the consumer removed the access panels to his homes three air handlers and found corrosion on the copper of the evaporator coils on two units (main floor unit by garage, see Exhibit's A-2 to A-5; and the upstairs unit, see Exhibit's A-28 to A-30). The consumer asserts that the evaporator coil in the air handler unit near the master bedroom (See Exhibit A-23) does not appear to have similar corrosion issues.

After learning of the drywall issue, the consumer noticed that when the air conditioning units activated in his home the lights in the home would dim. In addition, the consumer found that wiring at the electrical outlets and switches throughout the house showed signs of corrosion to the exposed copper (See Exhibit A).

The consumer has not had to replace any of the evaporator coils in the three air handlers in the residence.

The consumer asserts that in general he does not notice a sulfur or "rotten egg" smell in the house. However, he claims that upon turning on the shower in the morning there is a rotten egg smell for a short period of time. In addition, since moving into the residence, after the faucets in the house have not been used overnight, upon turning on a faucet in the morning it produces white foam for a short period of time before the stream of water appears.

The consumer claims that since moving into the residence, when entering the laundry room on the main floor of the house, which is a closed and contained area, there is a strong sulfur smell and the consumer experiences immediate stinging in his eyes and has trouble breathing.

In addition to the odor issues cited above, the consumer asserts that after removing the face plate of an outlet or light switch, there is a strong sulfur odor inside.

The consumer claims that has not experienced any flickering lights, circuit breakers tripping for no apparent reason, arcs or sparks in the electrical system, or sizzling or buzzing in the home. The consumer has experienced unusual odors in the vicinity of outlets and switches, and has a dimmer light switch that is hot to the touch, as cited above.

In addition to the corrosion issues cited above, the consumer asserts that some silver candle stick holders in the house became tarnished since May 2008. The consumer's mother cleaned the candles stick holders in March 2009.

The consumer does not know if any of the corrosion issues cited above have or could have led to a fire safety issue to date.

The consumer has not noticed any other evidence of corrosion on metal surfaces other than those cited above.

The consumer asserts that his 10-month-old child has been living in the residence since shortly after his birth. The child has a milk allergy. The consumer asserts that the child has experience eczema on his ankles every other week since birth. The consumer has treated this condition with an over-the-counter ointment. The consumer has not had a physician determine the possible causes for this condition.

The consumer claims that his 2-year-old (DOB: August 2006) child had a constant eczema condition around his ankles prior to moving into the residence in May 2008. His son was diagnosed with the following food allergies in May 2008: milk, egg, soy, and wheat. In addition, since moving into the residence his son's ankle eczema areas have grown in size and have started bleeding at times. The consumer has treated the eczema condition with an over-the-counter ointment. The consumer has not had a physician determine the possible causes for this condition.

The consumer asserts that his 4-year-old daughter began having nasal breathing difficulty issues after moving into the residence in May 2008. In addition, his daughter has experienced a persistent cough since January 2009.

The consumer asserts that since moving into the residence all of his children have been constantly coughing after going to bed.

The consumer claims that his wife began experiencing persistent nasal congestion, coughing and headaches in or around February 2009. He asserts that she did not have similar issues prior to moving into the residence.

The consumer asserts that he experienced allergy and sinus issues prior to moving to Florida from Michigan in 1997. He claims that since moving to Florida in 1997, and up until moving into the residence in 2008, his allergy and sinus issues were minor. He claims his issues with sinus congestion began worsening in December 2008. In addition, he began experiencing persistent eye irritation in early 2008. The consumer uses over-the-counter eye drops to treat his eye irritation.

The consumer claims that his 4-year-old daughter began having nose bleeds approximately one time per month since the summer of 2008. In addition, his 2-year-old son began experiencing nose bleeds approximately one time every other month since the fall of 2008.

The consumer asserts that in November 2008 his 2-year-old son had a petite mal seizure that lasted approximately 2 minutes. The consumer informed the son's pediatrician of the incident and the pediatrician told the consumer to watch and see if the child developed a fever within a day or so. The pediatrician stated that if the child developed a fever the seizure was probably related to an illness. The consumer asserts that his son did develop a fever shortly after the seizure and he believes that the seizure was related to an illness and probably not to any issues with the residence.

The consumer asserts that his 13-year-old dog experience one petite mal seizure in 1999. He claims that the cause of this seizure was unknown. The consumer asserts that in 2009 his dog has experienced three petite mal seizures. The consumer does not know the cause of the dog's seizures and the dog is on no medications for the condition. The dog has not been seen by a veterinarian for this issue.

The consumer claims that his entire family took a vacation away from the residence during the last week of December 2008. He asserts that all of the family member's nasal, sinus and headache issues improved while they were away from the residence.

The consumer asserts that when he leaves for work during the day his sinus and nasal issues seem to improve, and then they worsen upon returning to the residence in the evening.

The consumer does not have any medical records related to the medical issues cited above for himself or his family. He claims that he and his family have not sought treatment for the health issues cited above, and that they normally do not seek out medication treatments for health issues.

The consumer asserts that he does not know if the possible presence of imported drywall from China in his home is the cause of any of the structural or health issues cited above.

The consumer does not have any identifying information or documents that show that imported drywall from China was used in the construction of his residence.

The consumer asserts that he contacted the builder of his home via email (copy not available) on April 15, 2009. An inspector (name unknown) for the builder contacted him by telephone the following day and he informed the inspector of the metal corrosion issue in his residence.

During the week of April 27, 2009 an inspector (name unknown) for the home builder came to his residence. The consumer showed the inspector the corrosion issue on the two air conditioning condenser coils, the copper wiring at the outlets and switches, and the odor in the laundry room. The consumer asserts that the inspector stated that he detected a "rotten egg" smell at the outlet and switch areas and he confirmed the corrosion issues with the copper wiring and condenser coils. The consumer asserts that the inspector did not take any notes, provided no business card, and did not provide him with any documents or a report. The consumer claims the inspector informed him that the visit was conducted as research for the home builder and that there was no "next step" or process further than the inspection.

The consumer claims that the inspector did inform him that the drywall work performed on his residence was done by a subcontractor (name unknown) and not the builder.

The consumer believes that the drywall used in his residence was purchased by the builder and then installed by the subcontractor.

The consumer asserts that he has had no contact from the home builder since the visit by the inspector.

The consumer claims that he is not a party to a legal action against the home builder.

In addition to contacting the home builder and the CPSC regarding the drywall issue, the consumer asserts that he completed an online survey, on the Town of Parkland website for the drywall issue on April 15, 2009. He claims that he has had no response to his completed survey.

The consumer asserts that he would like to stay in his home. He is awaiting guidance from the CPSC or another agency on how to resolve the issue.

The consumer claims that he is willing to provide samples of his drywall to the CPSC if needed.

This investigator provided the consumer with a copy of the CPSC document *Important Information on Drywall* document during the on-site visit.

This investigator did observe, upon entering and while in the residence, an odor similar to that generated when a wooden matchstick is ignited. The odor was consistent throughout the residence, and was of increased intensity in the laundry room.

PRODUCT DESCRIPTION:

| | |
|---------------|---|
| Product: | Imported Drywall from China |
| Model #: | 1/2" in thickness |
| Price: | Unknown |
| Retailer: | Unknown |
| Manufacturer: | Unknown |
| Home Builder: | WCI Communities, Inc. 24301 Walden Center Drive Bonita Springs, FL 34134 Telephone Numbers: 800-924-3545, 954-575-4200, 239-738-7010 |

No identifying information was available for the possible Chinese drywall in the consumer's home.

Two areas of drywall in the consumer's residence did have identifying information present and are shown at Exhibit's A-24 to A-27.

It is the understanding of this investigator that the drywall used in the garage walls and ceilings, and the interior ceilings, of the homes in the geographic area of the consumer's home are required to use 5/8" fire resistant drywall. 1/2" drywall is commonly used on all other interior walls.

ATTACHMENTS:

- Exhibit-A: Photographs (30)
- Exhibit-B: Release of Name
- Exhibit-C: Contact Information

IDI 090505CBB1690

Exhibit A

Page 1 of 30

Exhibit A-1 is a view of the incident residence. The home is the Emerson-Expanded Spanish model.



Exhibit A-1 is a view of the air handler on the main floor of the residence near the laundry room by the garage.

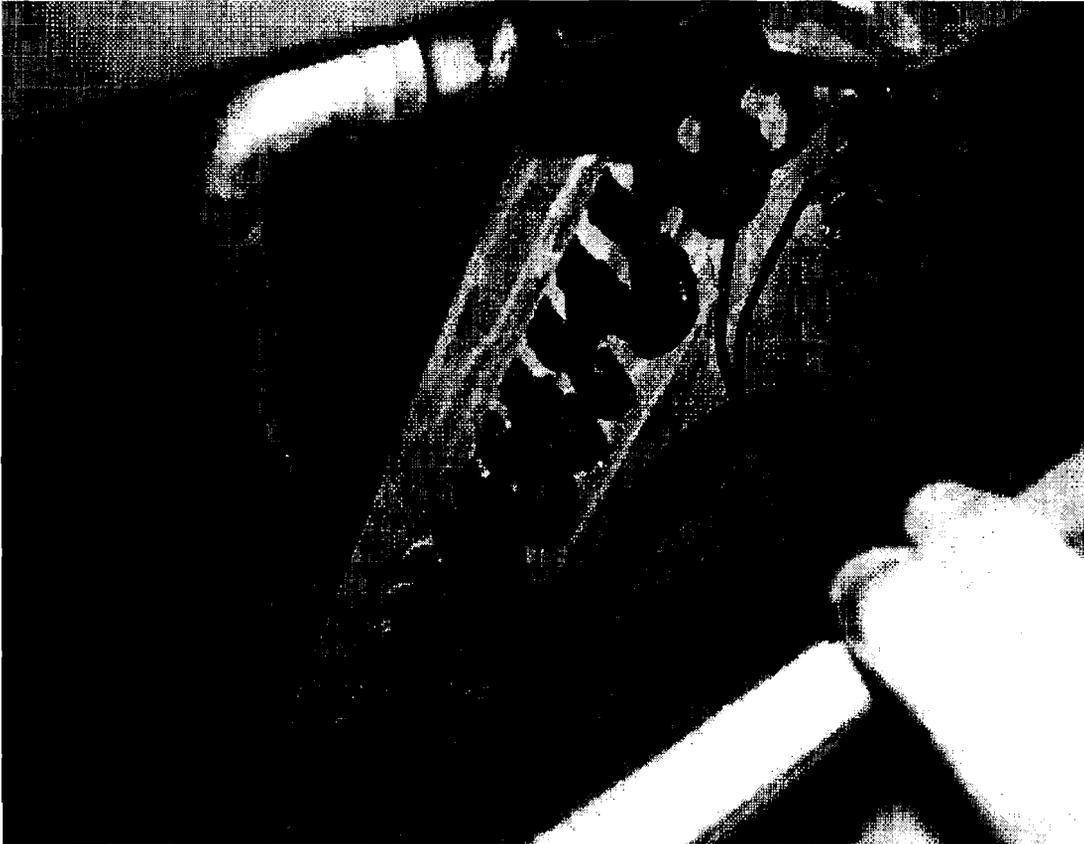


IDI 090505CBB1690

Exhibit A

Page 4 of 30

Exhibit A-4 is a view of the condenser coil on the air handler on the main floor of the residence near the laundry room by the garage.



IDI 090505CBB1690

Exhibit A

Page 5 of 30

Exhibit A-5 is a view of the condenser coil on the air handler on the main floor of the residence near the laundry room by the garage.



IDI 090505CBB1690

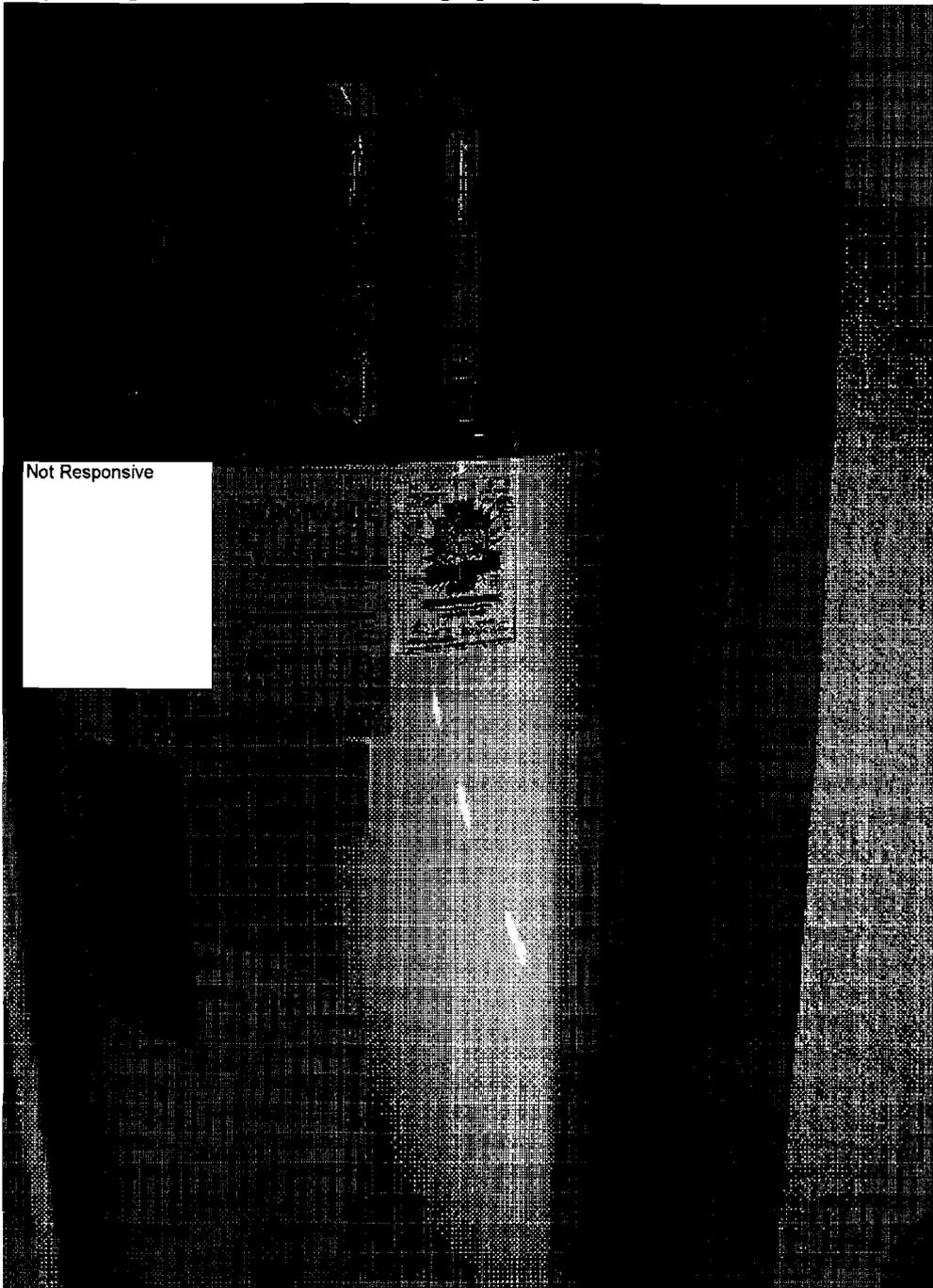
Exhibit A

Page 6 of 30

Exhibit A-6 is a view of exposed coaxial copper wiring in the laundry room.



Exhibit A-7 is a view of water heater on the main floor of the residence. Copper bands are seen at all of the 90 degree joints on the PVC piping seen in this view.



IDI 090505CBB1690

Exhibit A

Page 8 of 30

Exhibit A-8 is a close-up view of two of the copper bands shown at Exhibit A-7.



Exhibit A-9 is a view a light switch on the main floor of the residence with the face plate removed.



Exhibit A-10 is a view a of the copper ground wire for the switch seen at Exhibit A-9.

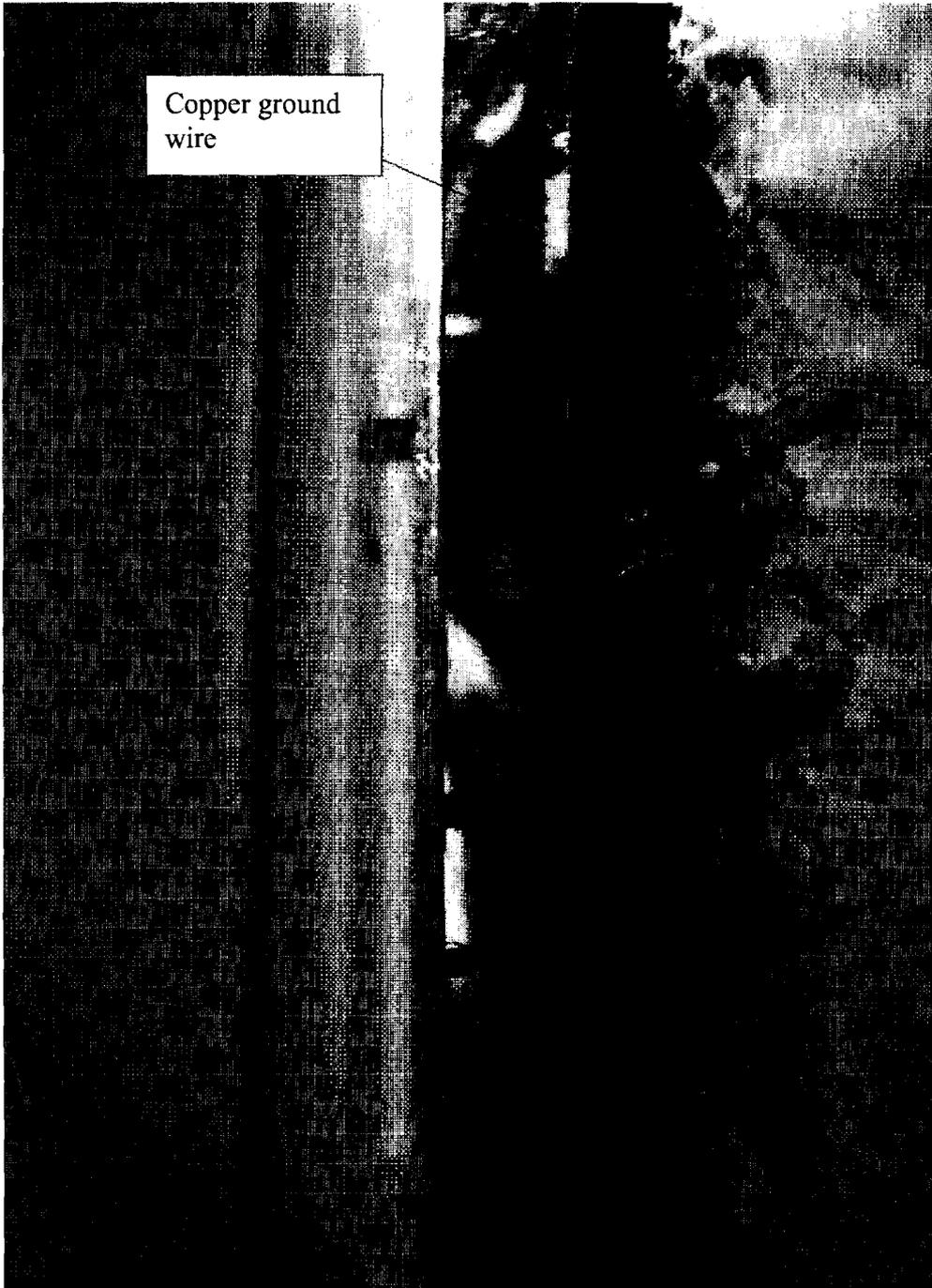
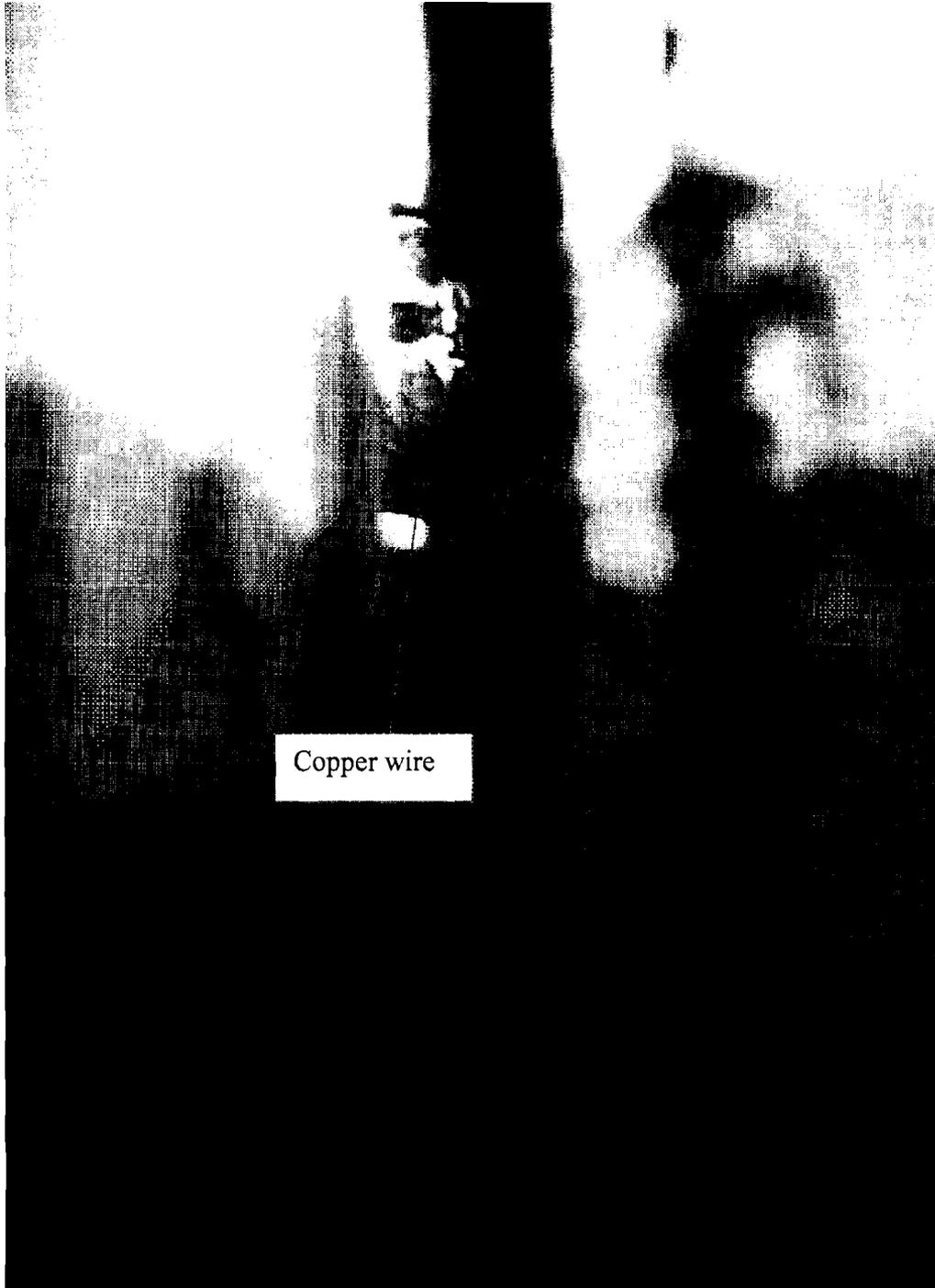


Exhibit A-11 is a view of the exposed copper wire of an insulated wire for the switch seen at Exhibit A-9.



Not Responsive

Exhibit A-12 is a view of the

laptop.

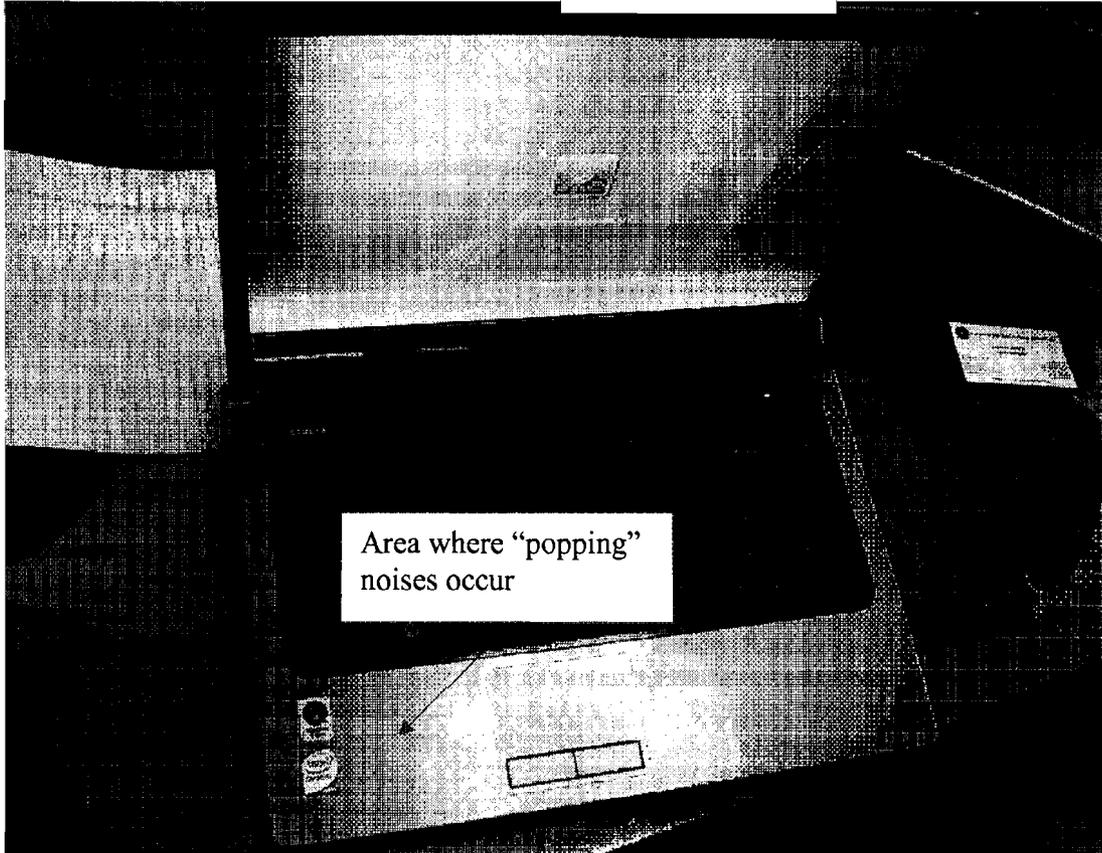


Exhibit A-13 is a view of the smoke alarm that malfunctioned.

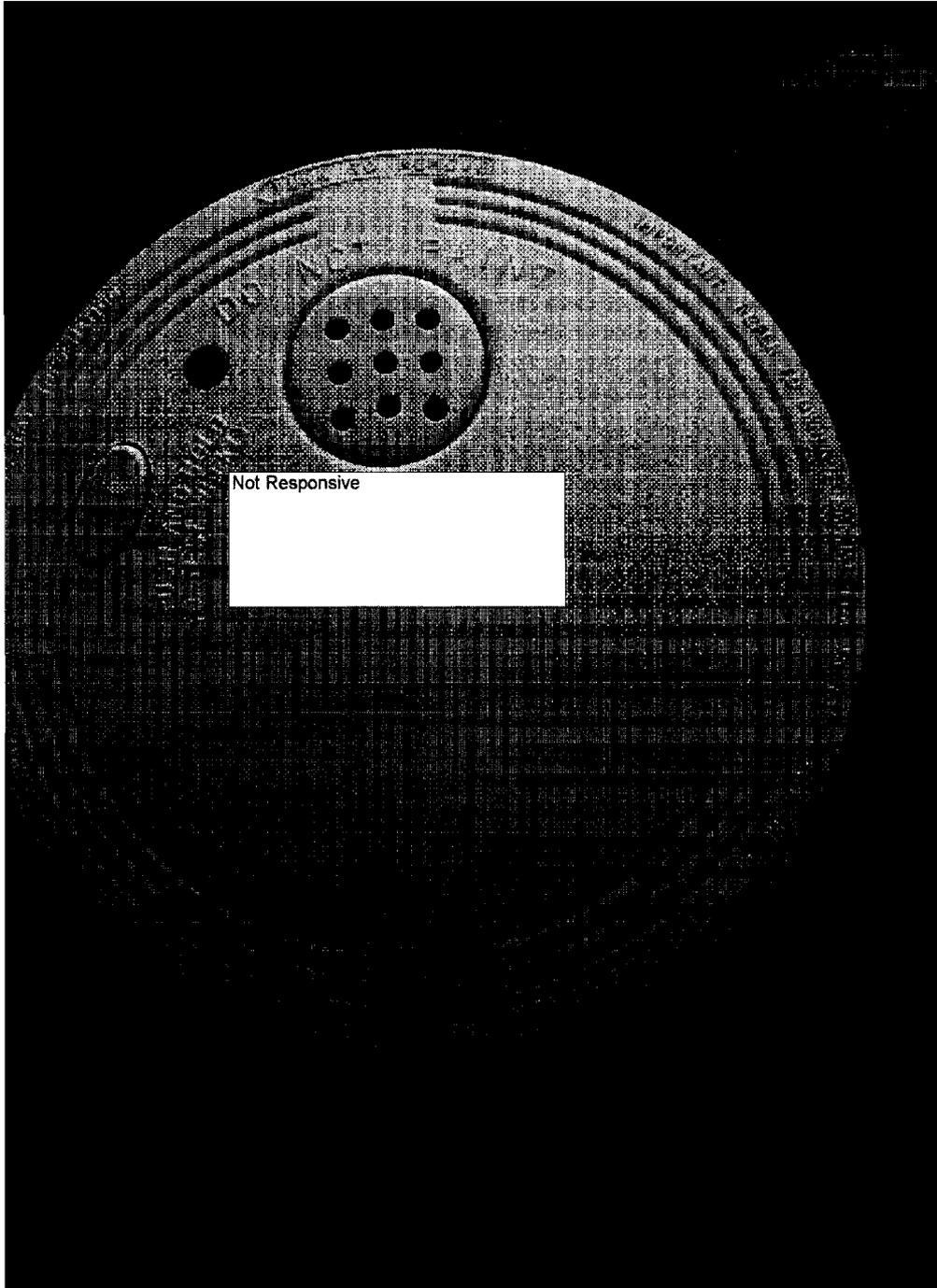


Exhibit A-14 is a view of the smoke alarm that malfunctioned.

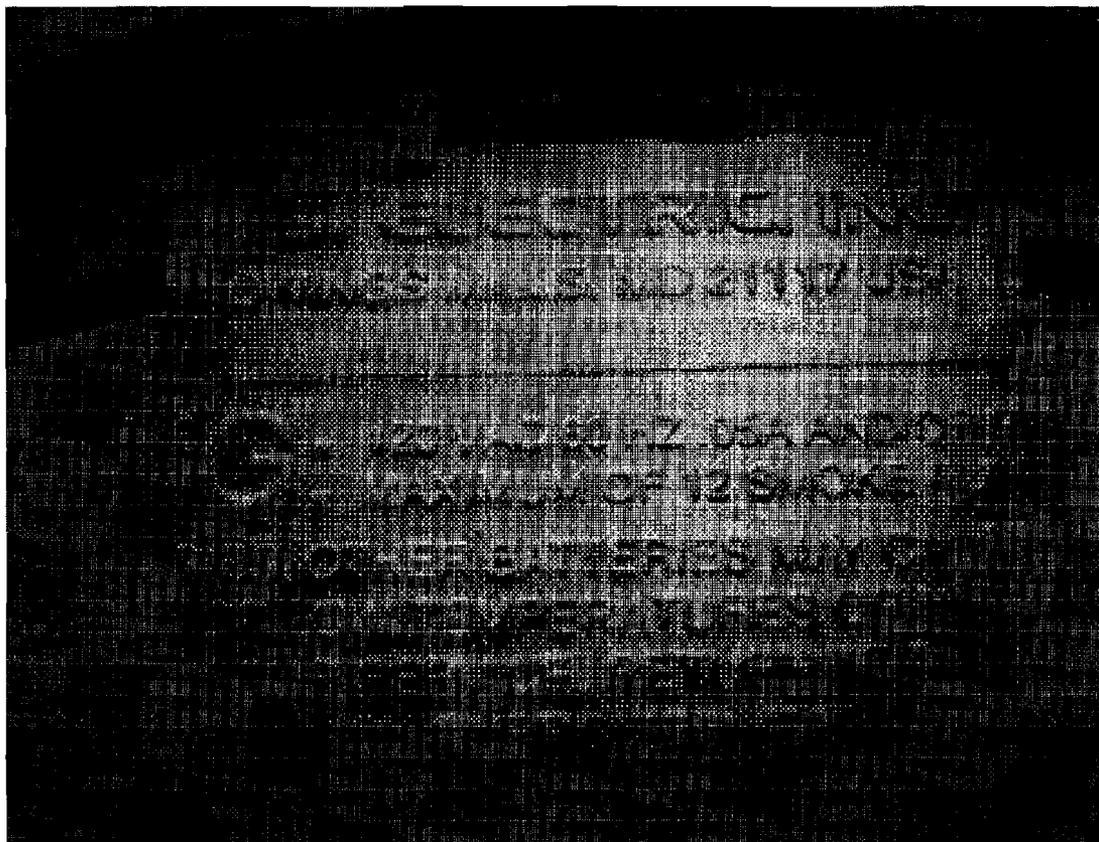


Exhibit A-15 is a view of the smoke alarm that malfunctioned.

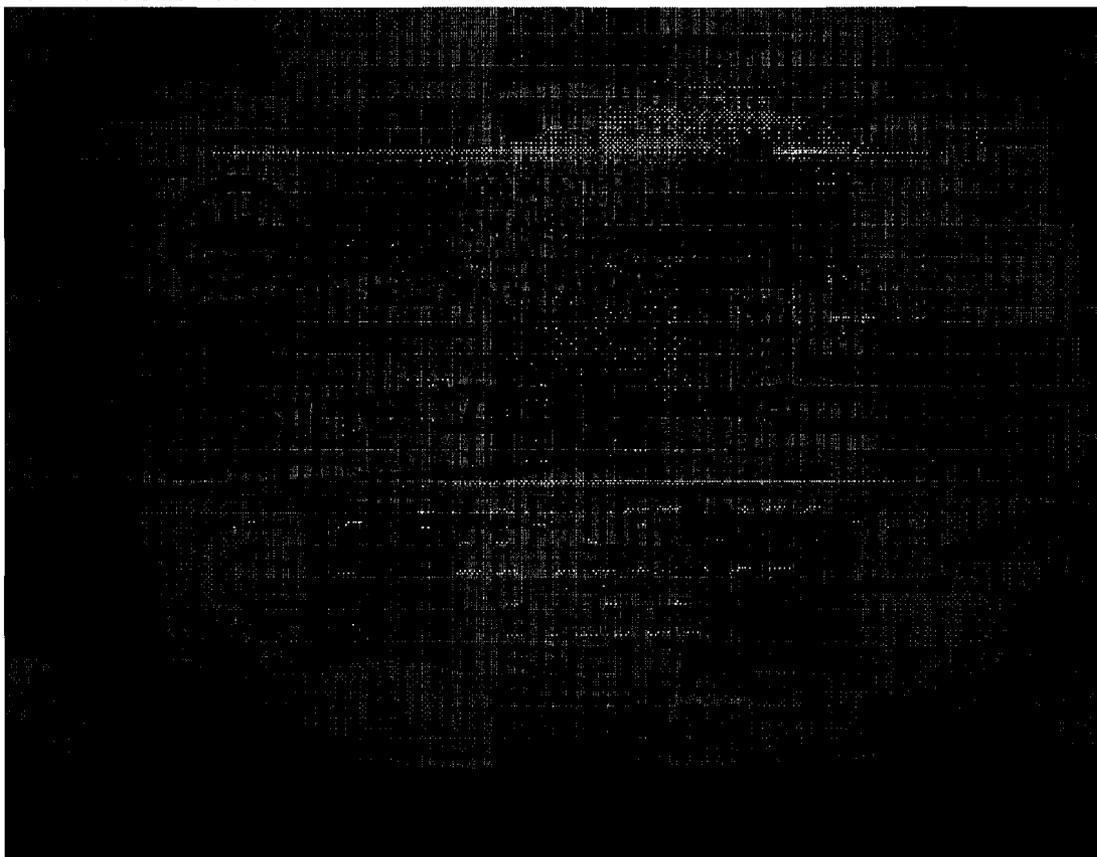


Exhibit A-16 is a view of the smoke alarm that malfunctioned.

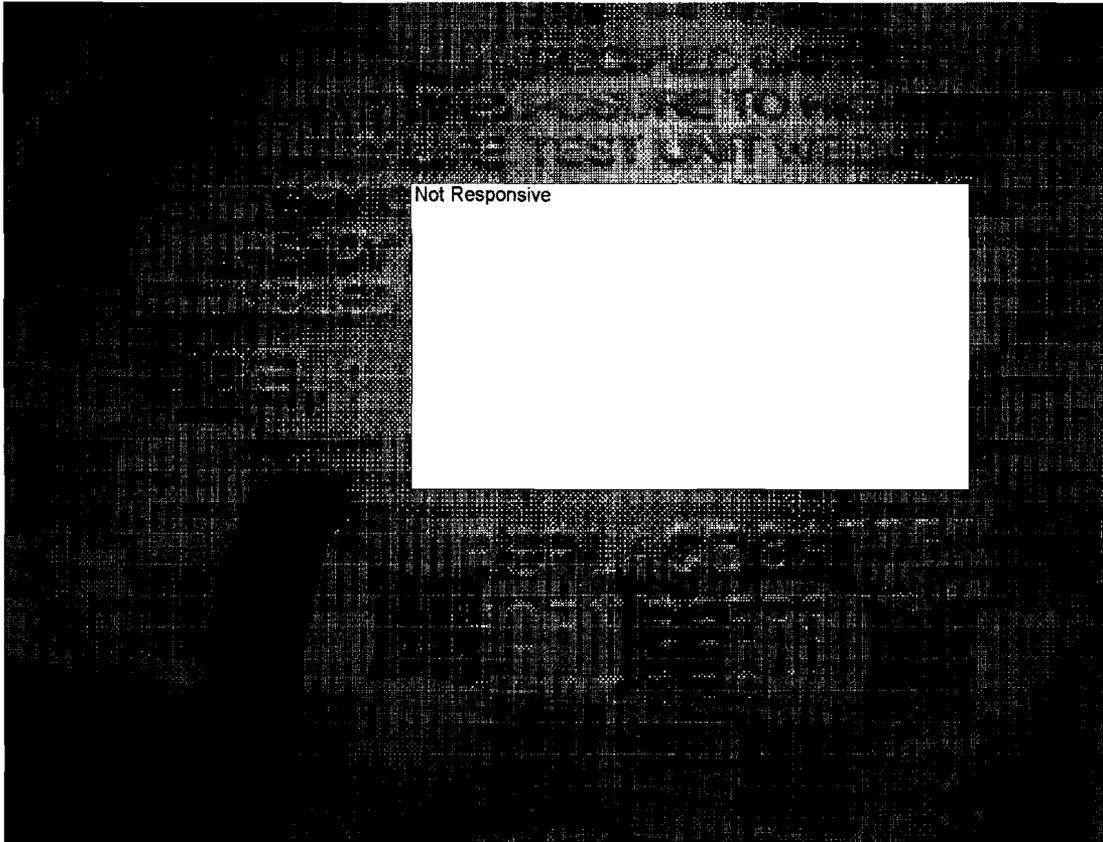


Exhibit A-17 is a view of the smoke alarm that malfunctioned.



Exhibit A-18 is a view of the dishwasher.



Exhibit A-19 is a view of the dishwasher.

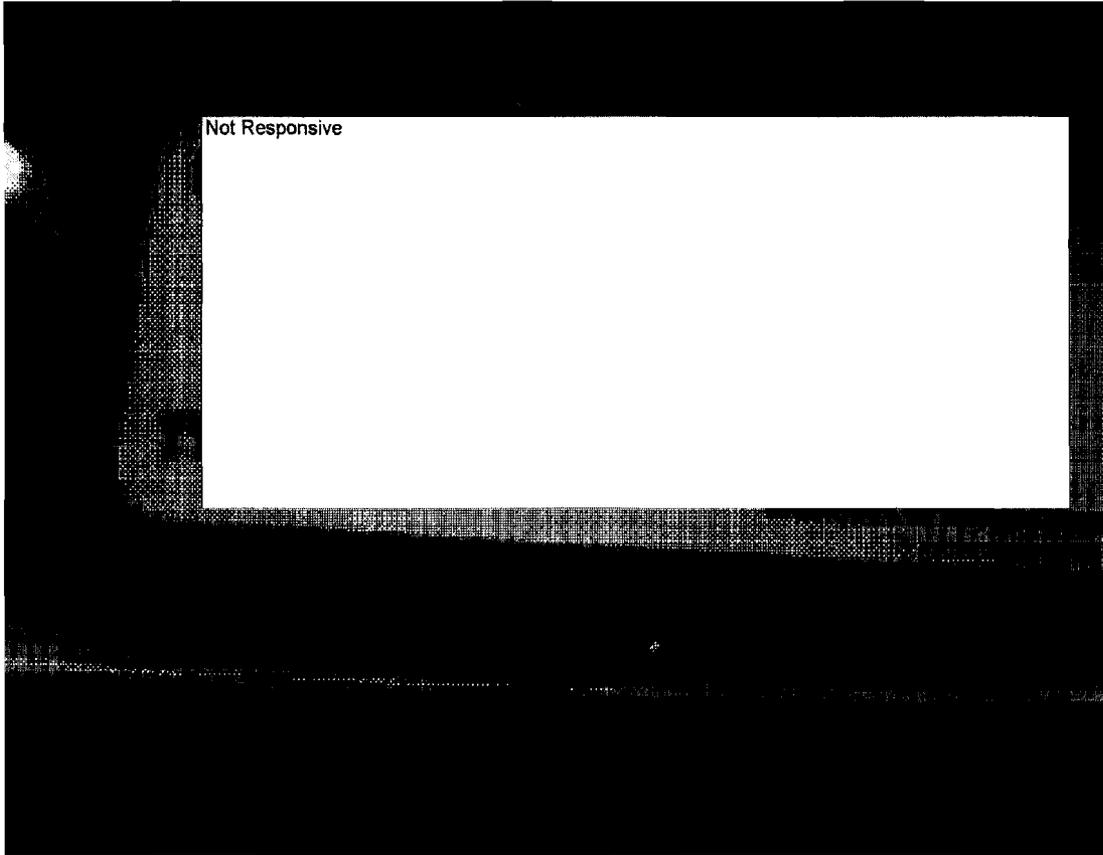


Exhibit A-20 is a view of the dishwasher.

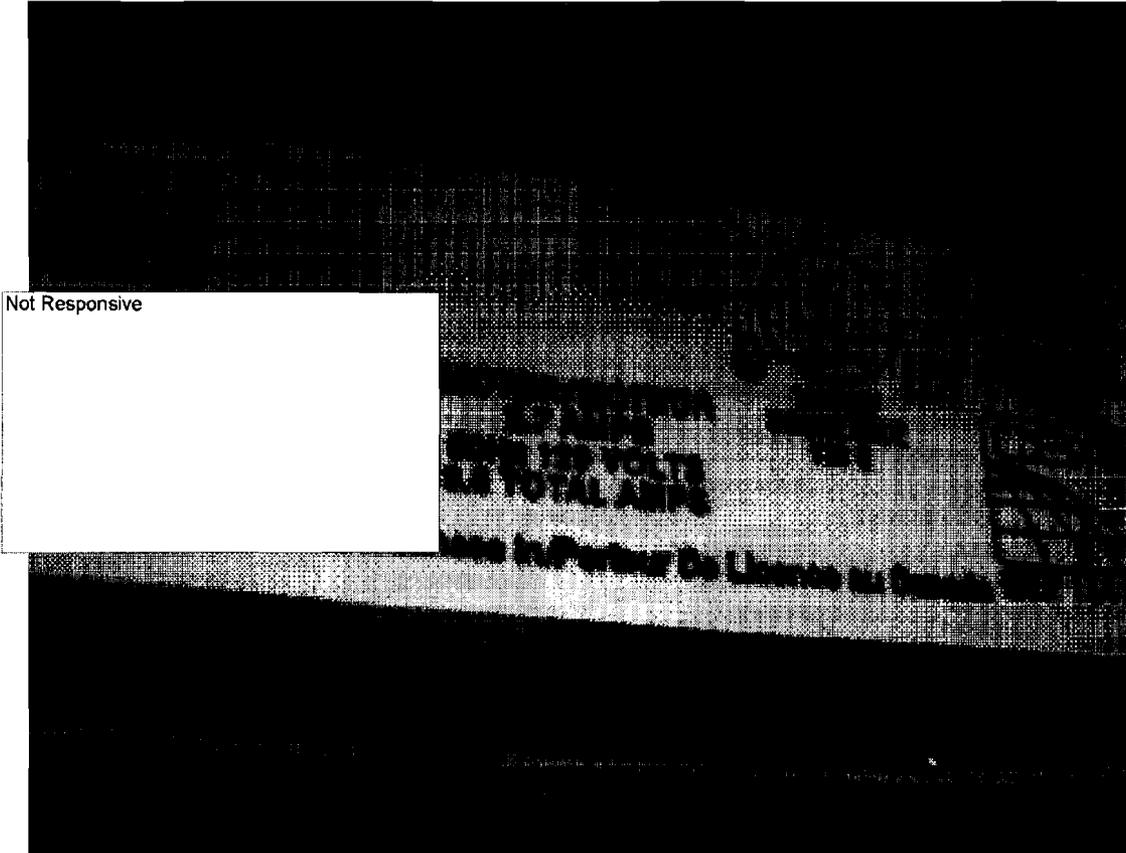
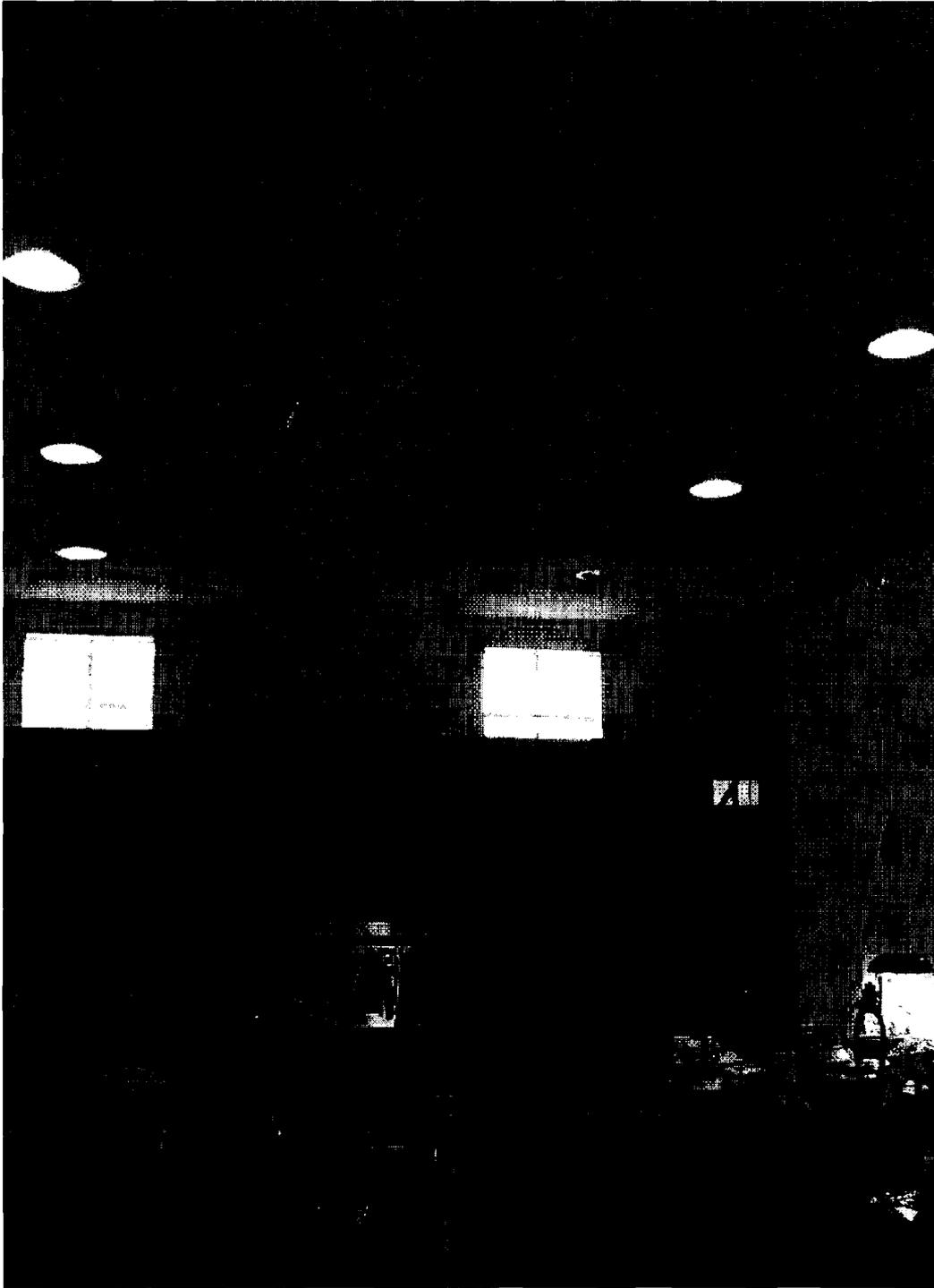


Exhibit A-21 is a view of the ceiling lights in the kitchen.



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Exhibit A-22 is a view of the hanging lights in the kitchen.



Exhibit A-23 is a view of the main floor air handler near the master bedroom. Below the air handler is a section of drywall that was removed by the consumer.

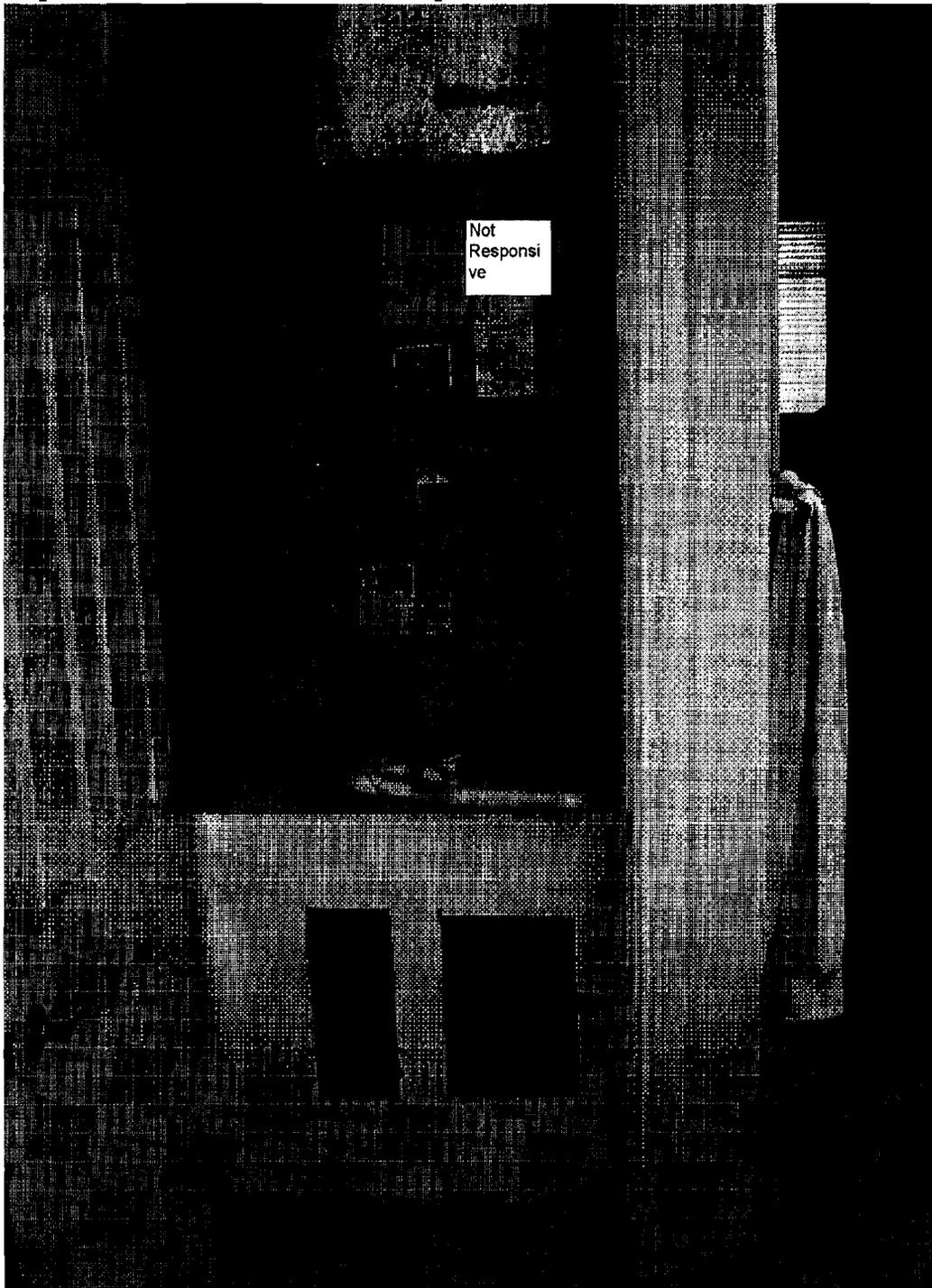


Exhibit A-24 is a view inside the area below the air handler where the drywall was removed. The drywall is labeled ** (b)(3):CPSA Section 6(b) No other markings were found on the drywall in this area.



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Exhibit A-25 is a view the back side of the drywall for the ceiling of an upstairs bathroom. The view was obtained by accessing the attic space of the residence.

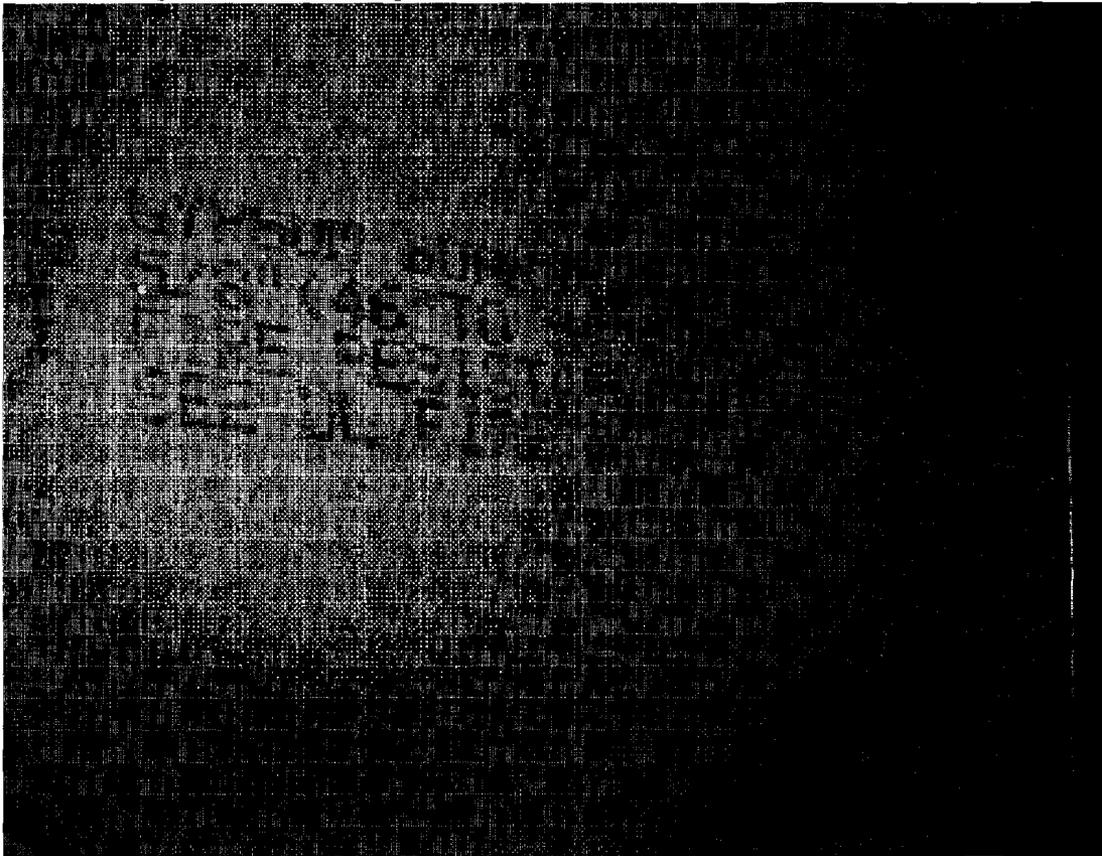


Exhibit A-26 is a view the back side of the drywall for the ceiling of an upstairs bathroom. The view was obtained by accessing the attic space of the residence.

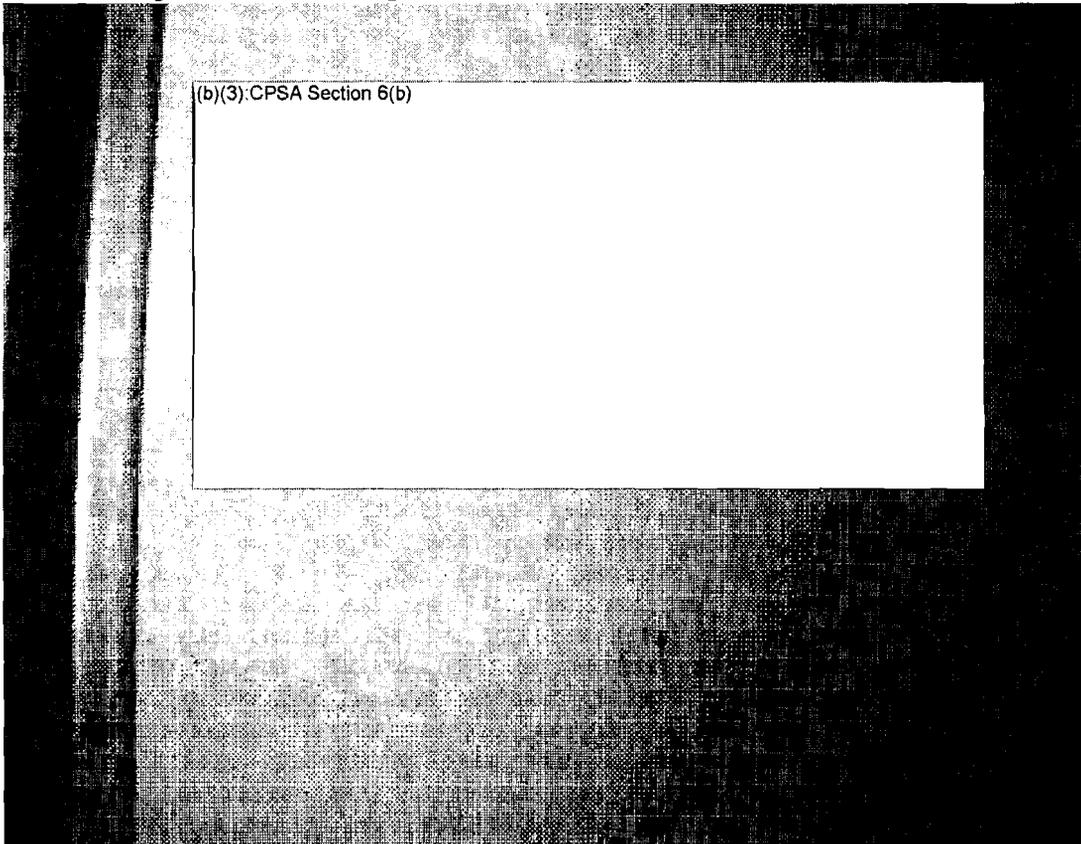
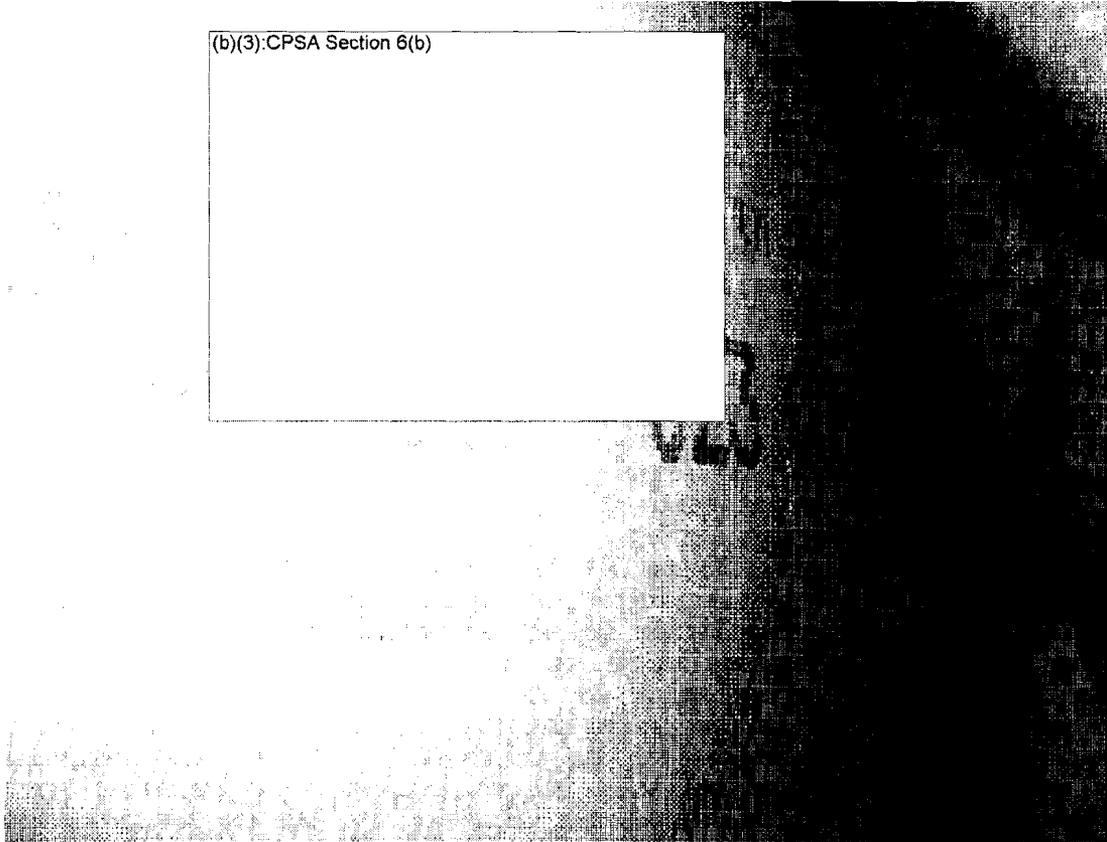


Exhibit A-27 is a view the back side of the drywall for the ceiling of an upstairs bathroom. The view was obtained by accessing the attic space of the residence.



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Exhibit A-28 is a view of the air handler on the second floor of the residence.

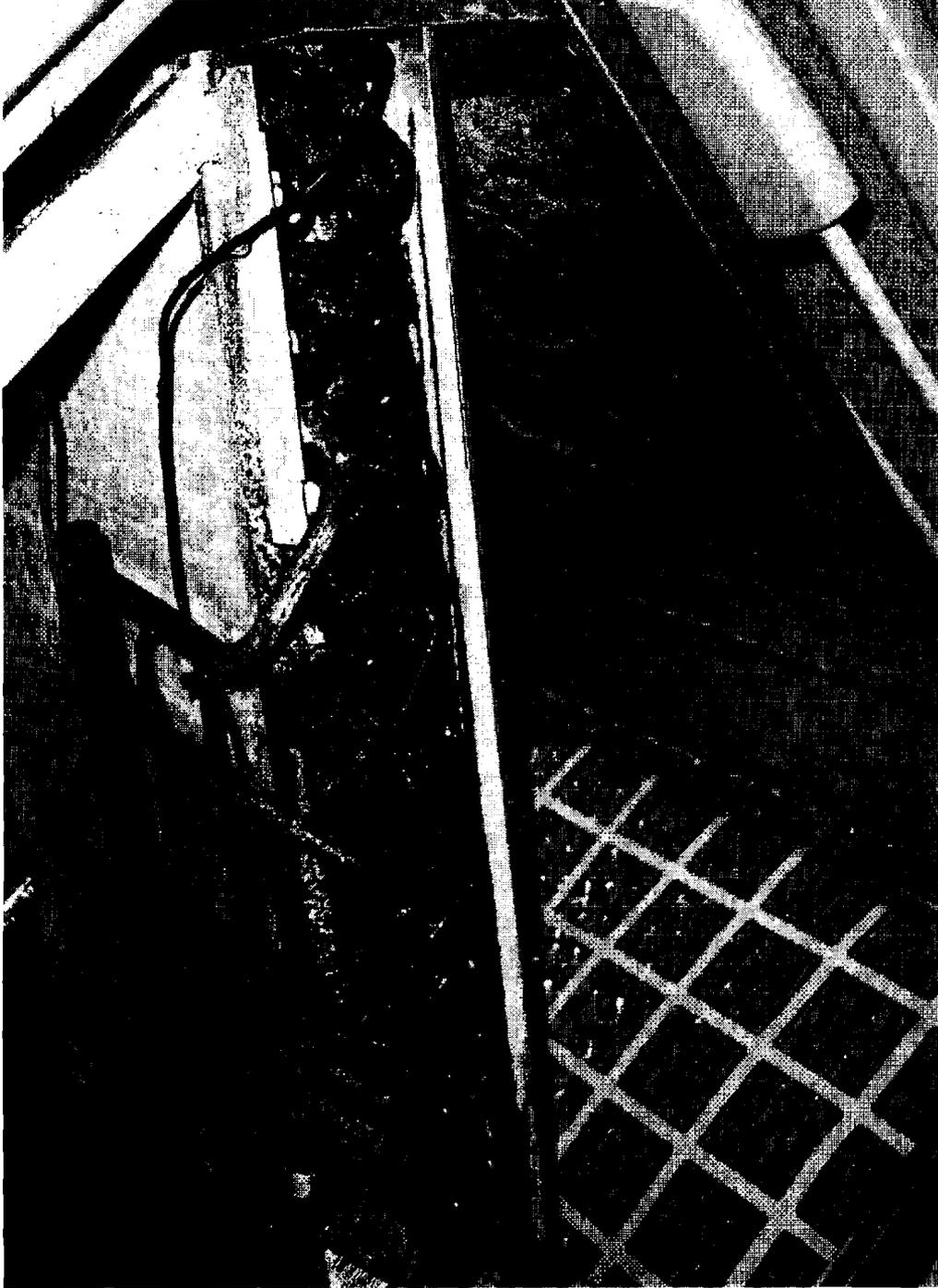


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Exhibit A-29 is a view of the evaporator coil in the air handler on the second floor of the residence.



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Exhibit A-30 is a view of the evaporator coil in the air handler on the second floor of the residence.



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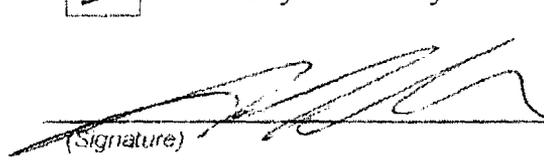
AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

- I request that you do not release my name. My identity is to remain confidential.
- You may release my name to the manufacturer but I request that you do not release it to the general public.
- You may release my name to the manufacturer and to the public.

 _____
(Signature) (Date) 05/11/09

PERSONS CONTACTED BY THIS INVESTIGATOR

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Telephone Number: 954-529-5436
Initial Contact: May 05, 2009

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Telephone Numbers: 800-924-3545, 954-
575-4200, 239-738-7010

Inspector: Name Unknown
WCI Communities, Inc.
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