

United States Senate

WASHINGTON, DC 20510-4606

COMMITTEES:
BANKING, HOUSING, AND
URBAN AFFAIRS
COMMERCE, SCIENCE, AND
TRANSPORTATION
BUDGET
RECEIVED
RULES AND ADMINISTRATION

October 6, 2009

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Board of Supervisors

Mr. James G. Kennedy
Chairman
Board of Superivisors
James City County
PO Box 8784
Williamsburg, VA 23187-8784

Dear Mr. Kennedy,

Thank you for contacting me about the Chinese drywall issue. I am aware of the economic hardship and medical issues that many homeowners with Chinese drywall have encountered, and I am doing all I can to provide information and assistance to affected homeowners.

I have sought financial relief from the Internal Revenue Service (IRS) for homeowners with Chinese drywall, and the IRS has determined that these homeowners might be eligible for a federal tax casualty loss deduction. That decision will be dependent on the results of tests and analysis being conducted by the U.S. Consumer Product Safety Commission (CPSC).

We also have asked the U.S. Department of Housing and Urban Development (HUD) and the Department of the Treasury for guidance on whether any of their mortgage modification programs might apply for the unique and sudden drop in home values that have confronted owners of homes with Chinese drywall. I also joined with several of my colleagues, including Senators Webb, Landrieu and Nelson, in asking the U.S. Small Business Administration (SBA) to gauge whether SBA funding might be available for Chinese drywall victims.

Last May, I successfully insisted that the CPSC include Virginia in a series of scientific tests it is conducting in the Gulf Coast states. I remain disappointed with the pace of these CPSC tests, and wrote CPSC's Chairman on Sept. 22 reminding her of the urgency of the challenges confronting homeowners who have experienced Chinese drywall-related issues. My letter also requested that the CPSC release an easy-to-understand timeline of when the results will be available to the public. I have attached a copy of that letter for your review.

In addition to contacting me, I also encourage you to report any other Chinese drywall problems or concerns to the CPSC. This helps the CPSC get the data it needs to

ascertain the full extent of the problem in the Commonwealth. If you have not done so already, please visit the CPSC's website at <http://www.cpsc.gov/info/drywall/index.html> or call 1-800-638-2772 to report your specific case.

Attempting to resolve constituent issues and concerns surrounding Chinese drywall is a priority for my office. Thank you for contacting me.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Warner". The signature is written in a cursive, flowing style.

MARK R. WARNER
United States Senator

MRW/jw

United States Senate

WASHINGTON, DC 20510-4606

September 22, 2009

Chairman Inez Tenenbaum
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum:

As you know, several of my constituents have had their homes effectively destroyed by defective Chinese drywall. They have shared horrible stories of countless problems this drywall creates, including the extreme and unusual corrosion of pipes, air conditioning coils and electrical appliances. They also describe the putrid smell emitted by the drywall and the nosebleeds, sinus infections and breathing problems their families have suffered as a result.

In May, representatives from your agency said the CPSC would soon begin a series of tests to gauge the full extent and cause of the Chinese drywall problem. In June, your agency informed us that its indoor air sampling tests would be completed by mid-September. In addition, the letter stated that EPA's elemental analysis would be completed by August 21. Your correspondence also indicated that, by September 2009, the preliminary risk assessment of the chamber studies would be completed and components in affected residences would be sent to contractors to begin engineering testing. None of these deadlines have been met.

Your most recent Status Update reports that both the in-home indoor air sampling study and EPA's elemental analysis would be delayed until October, and that "additional time will needed" to incorporate additional drywall samples collected from China into the chamber studies. And as far as an update of the engineering assessment, the Status Report did not provide enough information to determine whether the delivery deadline to the contractors had been met. This is not acceptable.

My constituents have had their lives turned upside down by Chinese drywall: most have moved out of their homes and several are facing the prospect of having to foreclose on their homes. They need the schedule of these test results in a concise, easy-to-read manner so they will understand what lies ahead. They need the results right away so they can move on with their lives. I respectfully request and urge a more timely CPSC response.

Sincerely,



Mark R. Warner
United States Senator