

# U.S. drywall now targeted as harmful

## Lawsuit claims Charlotte-based National Gypsum's drywall releases corrosive and toxic sulfur gas.

By Joaquin Sapien and Aaron Kessler  
ProPublica and Sarasota Herald-Tribune  
Posted: Wednesday, Dec. 15, 2010

Two years after thousands of Americans learned that defective Chinese drywall had contaminated their houses, a new group of homeowners say they are experiencing similar problems - but their homes are built with drywall made in the United States.

Ninety-seven homeowners in four states have joined lawsuits against U.S. drywall manufacturers in the past year, claiming that their drywall is releasing enough sulfur gas to corrode wiring and appliances and cause headaches, nosebleeds, labored breathing and irritated eyes - complaints that until now have been mostly associated with Chinese drywall. Many families have abandoned their homes, fearing long-term health problems. Some are facing foreclosure, or even bankruptcy.

Plaintiffs in the largest lawsuit, which involves 93 Florida homes, blame the problem on drywall made by Charlotte-based National Gypsum, one of the nation's largest drywall manufacturers. Separate cases have been filed against National Gypsum in Arizona and Alabama.

Two other lawsuits, each involving a single homeowner, have also been filed. One, in South Dakota, is against Chicago-based U.S. Gypsum. The other, filed by a Florida couple against Georgia Pacific of Atlanta, has been settled out of court.

All the manufacturers deny that anything is wrong with their products.

Lawsuits represent one side of a legal dispute, and none of the American drywall cases has come to trial. But court records show that many of the plaintiffs have test results from independent laboratories that show high levels of sulfur gas coming from the walls of their homes.

The plaintiffs' attorneys say in court documents that the outgassing may somehow be connected to synthetic gypsum, a form of coal ash produced by the scrubbing process that removes sulfur dioxide from the emissions of coal-fired power plants. Nearly half of American drywall is now made with this synthetic product, known as flue gas desulfurized gypsum or FGD gypsum.

Despite its increasing popularity, synthetic gypsum isn't regulated by the federal government. In fact, the Environmental Protection Agency supports the reuse of FGD gypsum because it protects the air, recycles waste that would otherwise go to a landfill and creates useful products.

The industry has voluntary standards for drywall, but they apply only to fire resistance and strength. Michael Gardner, executive director of the Gypsum Association, a trade group that represents the drywall industry, said additional oversight is unnecessary.

"There has never been a problem with the use of FGD gypsum wallboard since its inception," Gardner said.

At least one of the lawsuits also points to another possible cause: that the defective drywall was made with scrap from recycled drywall - perhaps Chinese drywall.

In September, the U.S. Consumer Product Safety Commission commissioned a study of a small group of homes with problematic American drywall, similar to the study it completed last year of homes with Chinese board.

But figuring out what is causing the problems - and who should pay to fix them - is likely to be a long and laborious process. After two years of studying Chinese drywall, the agency still hasn't figured out what caused it to release sulfur gases, and the homeowners' lawsuits are still mired in the courts.

The CPSC's main theory in the Chinese drywall cases is that one or several of the mines that supplied the manufacturers with natural gypsum contained a high concentration of sulfur. But CPSC inspectors say it's also possible that some of the defective Chinese drywall was produced with synthetic gypsum from Chinese power plants.

For homeowners who believe their houses have been contaminated by U.S.-made drywall, the scientific question of what is causing the problem is overshadowed by the more immediate question of how they will survive the financial disaster they now face. The CPSC's preliminary guidelines for remediating homes made with defective drywall say all the drywall and electrical wiring should be replaced, an undertaking that can cost \$100,000 or more.

### Conflicting science claims

In Alva, Fla., George and Brenda Brincku were trying to figure out what was wrong with the 3,160-square-foot home they had built for themselves and their three children.

Between 2006 and 2009, the Brinckus replaced the coils on their air-conditioning units seven times, and other appliances, from two washers to a microwave, faltered, too. Someone always seemed to be coughing, and nearly everyone had severely irritated eyes. The Brinckus' then-20-year-old daughter, Ashley, had frequent bouts of dizziness and once fainted in her room.

After Chinese drywall began making headlines, George Brincku crawled into the attic to check for signs of corrosion. When he emerged he said he was nauseated for three days and began having frequent nosebleeds.

The Brinckus contacted the Florida Department of Health, the Consumer Product Safety Commission, their homeowner's insurance company and their builder's insurance company. Each

time they were told that their house was exhibiting the signs of corrosion that are normally linked to Chinese drywall. But they couldn't find any Chinese insignias on their board.

The Brinckus eventually learned that most of their drywall was manufactured by National Gypsum, which told them it came from the company's Apollo Beach drywall plant, about 130 miles north in Tampa. Some of the drywall was also made by U.S. Gypsum, but the Brinckus said test results later showed that the U.S. Gypsum board was not outgassing.

In March 2009, National Gypsum sent 11 people to inspect the Brincku home. The team stayed for a week, removing dozens of pieces of drywall and taking samples of their water. The Brinckus prepared lunch for them almost every day.

"It seemed like they were trying to cut as many samples out of the house as they could to see if they could find some Chinese board," George Brincku said, while taking a reporter through the now vacant home. "By the time they were done the house looked like Swiss cheese."

The Brincku case began attracting national attention when CBS News asked the University of Florida to test samples of defective drywall, including samples from the Brinckus' home. Timothy Townsend, the environmental engineering professor whose team conducted the tests, said some of the Brinckus' samples released an unusually high amount of sulfur gas. Townsend also tested several pieces of newly purchased American board and found that some released more sulfur than new Chinese drywall that CBS bought in China.

When CBS showed National Gypsum the University of Florida findings, spokeswoman Nancy Spurlock said the company had commissioned its own tests, from Packer Engineering, which showed that its drywall didn't produce enough sulfur gases to cause corrosion.

"We have science on our side now," Spurlock said in a transcribed interview provided by CBS. "We believe that there's no scientific evidence to show that our wallboard, or any domestic wallboard that we know of causes the same problems as corrosive drywall."

But two later tests of the Brinckus' drywall, conducted by environmental engineering firms, backed up the University of Florida results.

In a recent interview, Spurlock said National Gypsum stands by its claim that its drywall isn't outgassing sulfur at levels that can cause corrosion.

The Brinckus' case against National Gypsum has been put on hold by Miami-based federal Judge Jose Martinez, who has determined that a similar lawsuit filed against National Gypsum in Arizona should be heard first.

Meanwhile, the Brinckus are trying to avoid foreclosure. Last week they got some good news: Their lender, Fannie Mae, agreed to defer their loan payments until April 30.

### **Questions about coal ash**

According to court documents filed by the Brinckus' attorneys, 93 families now claim that drywall from National Gypsum's Apollo Beach drywall plant is causing the problems in their homes.

The lawsuit alleges that the FGD gypsum in the drywall has something to do with the outgassing. It also says that some recycled scrap drywall, perhaps Chinese drywall, may have been mixed in with the FGD gypsum. But Spurlock, the company spokeswoman, said the Apollo Beach plant doesn't use recycled drywall.

Apollo Beach uses FGD gypsum provided by Big Bend, a nearby coal-fired power plant operated by TECO Energy, a South Florida electric utility company. TECO didn't return calls for comment on this story.

Although the federal government does not regulate drywall, the EPA has spent the last two years drafting a rule on the ash produced by coal-fired power plants, which forms the synthetic gypsum used in drywall.

According to the EPA, several kinds of coal ash are produced when coal is burned to generate energy. Some types are potentially hazardous. Other types, including FGD gypsum, are considered relatively harmless.

A draft of the EPA's proposed rule includes tighter regulations for the disposal of some forms of coal ash, but would exempt FGD gypsum. The draft said that the coal ash used in building products and fertilizer "can be beneficially reused," and "no documented cases of damage to human health or the environment have been identified."

But the proposed rule notes that the EPA didn't conduct specific risk assessments for the use of coal ash in building materials and acknowledges that the ash could become problematic if improved scrubbing technologies remove more contaminants from the air. Most of the EPA's past research into the reuse of gypsum has been done in conjunction with the gypsum industry, through its Coal Combustion Products Partnership.

National Gypsum and the Gypsum Association have hired teams of lobbyists to try to shape the EPA's new rules. Spurlock said the manufacturers fear that labeling any form of coal ash hazardous will create a "negative stigma" about FGD gypsum and that customers will be afraid to buy drywall made from it.

Meanwhile, the Consumer Product Safety Commission recently began talking with a committee of drywall makers and builders about developing standards that would help prevent future outgassing problems. Gardner, of the Gypsum Association, said the trade group will be closely involved in those discussions.

*ProPublica is an independent, non-profit newsroom that produces investigative journalism in the public interest. For more information about defective drywall, including a searchable database of affected homes, go to [projects.propublica.org/drywall](http://projects.propublica.org/drywall).*