

Toronto Star

Chinese drywall creating crisis

Saturday, June 20, 2009

Bob Aaron

The issue of toxic Chinese drywall may well become the biggest environmental crisis to hit North American homeowners and builders in decades. The defective Chinese drywall emits toxic hydrogen sulphide, sulphur dioxide and other gases. It is believed that humidity in the air causes the sulphur in the drywall to off-gas, or migrate into the indoor air. This creates a noxious odour, and can result in serious health conditions and illnesses, such as breathing problems, eye irritation, fatigue, dizziness, insomnia, sore throat, bloody nose, and headaches.

When the sulphide gas comes into contact with normal home humidity, it gives off a rotten egg smell, and begins to corrode any exposed copper or lead in the home. Affected homeowners have reported blackened and scorched wiring behind wall plugs and switch plates, and corroded evaporator coils on air conditioning units. Light bulbs and fixtures may also stop working.

Appliances and other electrical equipment may fail prematurely, and personal jewelry and silverware as well as the wiring in cable televisions and converters can turn black.

Hundreds of millions of sheets of the defective drywall were imported into the United States between 2001 and 2007. It has been reported in as many as 14 states, and may have been used in an estimated 100,000 renovated and newly-built homes, with up to 40,000 in Florida alone.

In addition, an estimated 929,000 square metres arrived in Canada through Vancouver in the same period.

Much of the product imported into Canada was used in the lower B.C. mainland, but some may have reached the Prairies and as far east as Toronto.

In addition to being used in new construction and renovations, a huge amount of the Chinese drywall was used to repair thousands of homes damaged by Hurricanes Katrina and Wilma in Louisiana, Mississippi, Florida, and Texas. Sadly, many will have to be rebuilt a second time.

One prevalent theory about the toxicity in the drywall is that it was manufactured in gypsum mines in China using fly ash, a by-product of coal-powered electrical generation. Coal fly ash can become airborne and emit toxic sulphur compounds.

(Coincidentally, defective fly ash was the critical ingredient in ready-mix concrete used in the crumbling foundations of hundreds of homes in Eastern Ontario. This resulted in 16 years of litigation, almost \$20 million in damages and another \$20 million in court costs.)

Several lawsuits and class actions, including one by a group of Florida homeowners, have been launched against German drywall company Knauf Gips KG, a Chinese subsidiary and a number of American home builders.

The Environmental Protection Agency, the federal Consumer Product Safety Commission and the Florida Department of Health in the United States are all investigating the extent of the problem. In the United States House of Representatives, the Drywall Safety Act was introduced in April. Currently under study in a House committee, it would mandate a recall of drywall imported between 2004 and 2007.

Houses built or renovated with contaminated Chinese drywall cannot be repaired. The only possible fix for affected homes is to have the owners move out for several months, gut the house and rebuild the interior. Anything inside the house that may have been contaminated by the sulphur gases will also have to be destroyed and replaced.

Industry watchers have estimated that as few as three sheets of drywall in a house can be enough to contaminate it to the point of making it uninhabitable.

House insurance policies do not normally cover environmental issues, and there have been reports of some home insurers refusing to pay for replacement of drywall. In cases like these, homeowners could be facing financial ruin. Thomas Martin, president of America's Watchdog, says the crisis is "the worst case of sick houses in U.S. history."

The full effect of the Chinese drywall crisis in Canada remains to be seen.

If you suspect you have this product in your home, consult an environmental engineer or qualified home inspector.

Bob Aaron is a Toronto real estate lawyer and board member of the Tarion Warranty Corp. He can be reached at bob@aaron.ca His website: aaron.ca.