

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1072 Session of
1981

INTRODUCED BY PITTS, WILT, HALUSKA, COCHRAN, PHILLIPS, MORRIS,
BOWSER, PETRARCA, KOWALYSHYN, PISTELLA, TELEK, HORGOS AND
MERRY, MARCH 31, 1981

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, MARCH 31, 1981

AN ACT

1 Relating to urea formaldehyde foam insulation in building
2 materials.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Warning a condition precedent to sale, etc.

6 No manufacturer shall sell any building materials and no
7 builder shall sell or lease a housing unit containing urea
8 formaldehyde foam insulation unless the manufacturer or builder
9 has made the following written or printed disclosure to any
10 purchaser of the materials or housing unit or lessee of the
11 housing unit: "WARNING. THIS PRODUCT (HOUSING UNIT) CONTAINS THE
12 CHEMICAL FORMALDEHYDE. FOR SOME PEOPLE FORMALDEHYDE MAY CAUSE
13 HEALTH PROBLEMS, SUCH AS IRRITATION OF THE EYES, NOSE AND
14 THROAT, SNEEZING, COUGHING, HEADACHES, SHORTNESS OF BREATH, OR
15 CHEST OR STOMACH PAINS. CHILDREN UNDER THE AGE OF TWO, ELDERLY
16 PEOPLE, PEOPLE WITH BREATHING PROBLEMS OR PEOPLE WITH ALLERGIES
17 MAY HAVE MORE SERIOUS DIFFICULTIES. IF YOU HAVE QUESTIONS ABOUT

1 PROBLEMS YOU MAY HAVE WITH FORMALDEHYDE, CONSULT A DOCTOR."

2 Section 2. Disclosure details.

3 The disclosure required by section 1 shall be made clearly
4 and conspicuously on the label or printed warranty of the
5 materials in a manner designed to attract the attention of a
6 prospective buyer or user. It shall be in larger type than the
7 rest of the document. If the product or housing unit has neither
8 a label nor a written warranty the disclosure shall be made in a
9 separate writing or printing included with the product or
10 housing unit.

11 Section 3. Applicability to sale of building materials.

12 No person shall sell for use in a dwelling place urea
13 formaldehyde foam insulation materials subject to the disclosure
14 requirement of section 1 unless the seller has provided to the
15 purchaser a copy of the disclosure provided by the manufacturer.
16 No person shall for gain install or use in a dwelling place
17 building materials subject to the disclosure requirement of
18 section 1 unless the installer or user has provided to the
19 person on whose behalf the materials are installed or used a
20 copy of the disclosure provided by the manufacturer.

21 Section 4. Manufacturer's indemnity; lawsuits.

22 (a) The manufacturer of a product or building or a housing
23 unit that contains materials made with urea formaldehyde foam
24 insulation shall pay the reasonable cost of repair or relocation
25 if the consumer can document that the housing unit contains a
26 significant ambient air level of formaldehyde and in addition
27 has documented medical records of illness related to
28 formaldehyde and a statement from a physician that the consumer
29 must vacate the premises. The party who has received the claim
30 has the right to test the ambient air level of the housing unit

1 at reasonable times.

2 (b) If within 30 days after the presentation of the items
3 set forth in subsection (a) the manufacturer or builder and the
4 consumer do not agree on a remedy the consumer may bring suit to
5 recover the reasonable cost of repair or relocation plus
6 reasonable attorneys' fees. Notwithstanding the remedy under
7 this subsection, the consumer may bring an action for personal
8 injury, if any, if the action is commenced within one year from
9 the presentation of the items required by this subsection.

10 Section 5. Secretary of Health determination.

11 If the Secretary of Health determines that there does not
12 exist a significant health problem, the provisions of this act
13 shall not apply.

14 Section 6. Secretary of Health - right of access.

15 For the purpose of enforcing and administering applicable
16 provisions of this act, the Secretary of Health and inspectors
17 shall have access and entry at reasonable times to any premises
18 on which building materials containing urea formaldehyde foam
19 insulation are held.

20 Section 7. Secretary of Health - injunctive remedy; service of
21 process.

22 (a) The Attorney General or any district attorney may
23 institute a civil action in the name of the Commonwealth in the
24 court of common pleas for an injunction prohibiting any
25 violation of this act. The court, upon proper proof that
26 defendant has engaged in a practice made enjoined by this
27 section, may enjoin the future commission of such practice. It
28 shall be no defense to such an action that the Commonwealth may
29 have adequate remedies at law.

30 (b) Service of process shall be as in any other civil suit,

1 except that where a defendant in such action is a natural person
2 or firm residing outside the State, or is a foreign corporation,
3 service of process may also be made by personal service outside
4 the Commonwealth or in such manner as the court may direct.

5 Process is valid if it satisfies the requirements of due process
6 of law, whether or not defendant is doing business in
7 Pennsylvania regularly or habitually.

8 Section 8. Penalty.

9 Any person who is found in violation of sections 1 to 3 is
10 guilty of a misdemeanor of the first degree.

11 Section 9. Effective date.

12 This act shall take effect immediately.