CPSA 6 (b)(1) Cleared
12/18/01
No Mfrs./Prvt.Lblrs or Products Identified
Accepted by Bittner
Firms Notified,
Comments Processed.

U.S. Consumer Product Safety Commission
LOG OF MEETING

SUBJECT: Chromated Copper Arsenate (CCA) "Pressure Treated" Wood

Informational Meeting between the CCA Wood Petitoners (Environmental Working Group [EWG] and the Healthy Building Network [HBN]) and the CPSC staff

DATE OF MEETING: October 3, 2001

LOG ENTRY SOURCE: Patricia Bittner

DATE OF LOG ENTRY: October 30, 2001

LOCATION: CPSC Headquarters

CPSC ATTENDEE(S): Ronald Medford, Lowell Martin, Patricia Bittner, Lori Saltzman, Mary Ann Danello, Ken Giles, Kris Hatlelid, Michael Solender, Robert Franklin, Susan Kyle, Mark Kumagai, Treye Thomas, Susan Aitken, Scott Heh, Warren Porter, Geri Smith, Marthena Cowart

NON-CPSC ATTENDEE(S): John Butala, Pat Quinn, John Preston, Jimmy Simien, Julie Hauserman, Sean Gray, Jane Houlihan, Mel Pine, Alison Keane, Connie Welch, Norm Cook, Nader Elkassabany, B.A. Akinlosotu, Has Shah, Sara Beth Watson, Anne Kimball, Scott Conklin, Barbara Beck, John Taylor, John Festa, Michael Clandeim, Derek Walker, Jay Feldman, Bill Walsh, Scott Ramminger, Debbie Ruiz-Shields)

SUMMARY OF MEETING: CPSC requested a meeting with the representatives of the Environmental Working Group (EWG) and the Healthy Building Network (HBN) to discuss their petition to ban the use of CCA treated wood in playground equipment, which was submitted to CPSC in May, 2001. The meeting was opened by Ron Medford, Assistant Executive Director for Hazard Identification and Reduction, CPSC, who discussed the history of the petition before the agency.

Bill Walsh, National Coordinator for the Healthy Building Network, discussed the petition and provided the CPSC staff with copies of his overheads for distribution. Jay Feldman, Executive Director of Beyond Pesticides, provided his perspective on the EPA/CPSC staff evaluations of CCA treated wood. Jane Houlihan, Research Director for the Environmental Working Group, provided the preliminary results of a Monte Carlo analysis that was performed by EWG staff. She stated that the results are preliminary, but that she expects to expand on this work in a presentation to the EPA Science Advisory Panel (SAP) in October, 2001.

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Meeting between the US Consumer Product Safety Commission (CPSC) staff, the Environmental Working Group, and the Healthy Building Network regarding Playground Equipment made with Chromated Copper Arsenate (CCA) Treated Wood

October 3, 2001
Room 410 A/B/C, CPSC

AGENDA

1. **Opening and Introductions - Ron Medford, Assistant Executive Director for Hazard Identification and Reduction, CPSC**

2. **CCA Wood Petition and the Petitioners' Perspective of CPSC Staff Evaluation– Bill Walsh, National Coordinator, Healthy Building Network**

3. **Grassroots Perspective on Intersection of CPSC/EPA Staff Evaluation of CCA Wood– Jay Feldman, Executive Director, Beyond Pesticides**

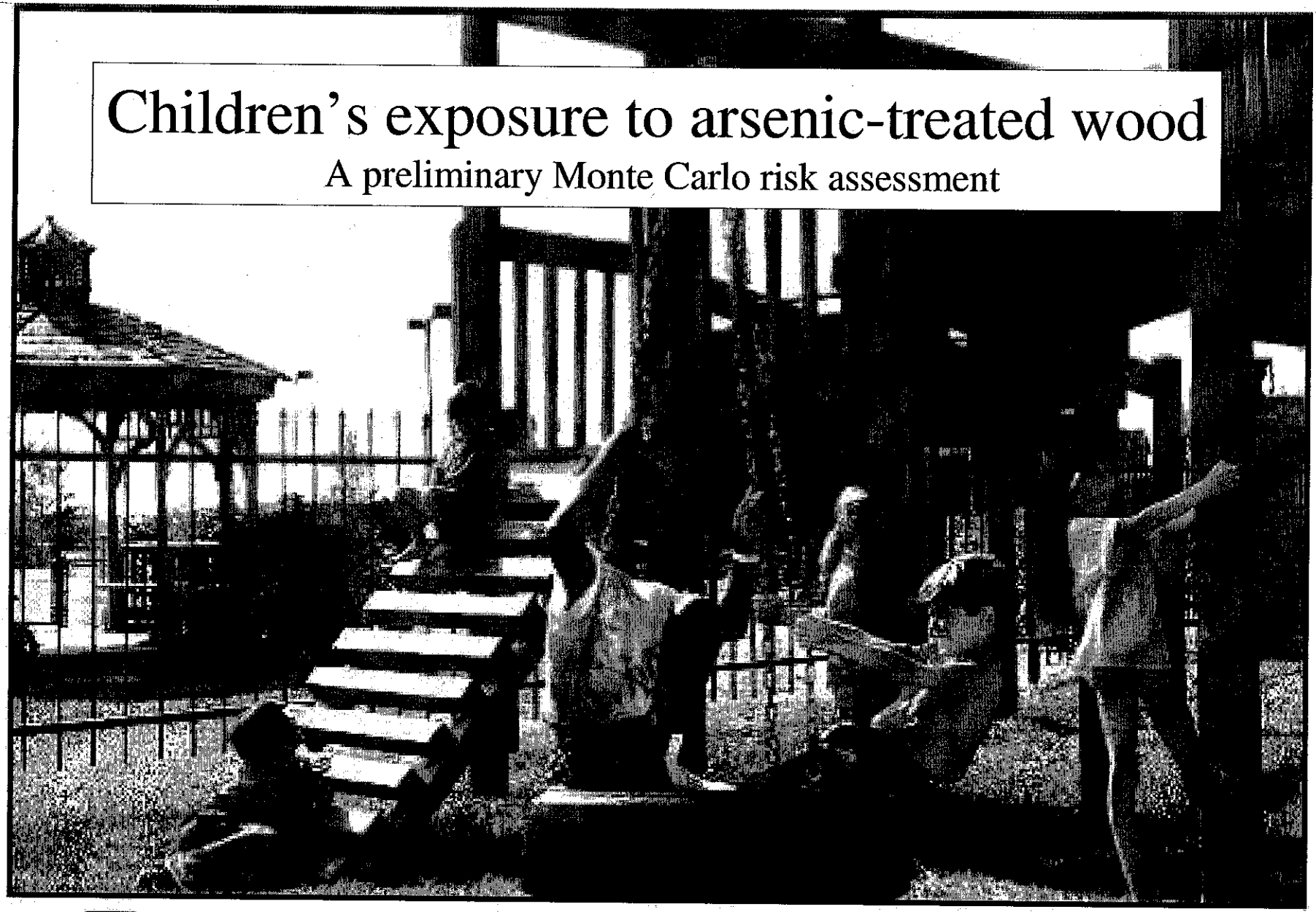
4. **Risk Assessment Issues – Jane Houlihan, Research Director, Environmental Working Group**

5. **Q&A**

6. **Summary - Ron Medford**

Children's exposure to arsenic-treated wood

A preliminary Monte Carlo risk assessment



ENVIRONMENTAL WORKING GROUP™

Jane Houlihan
Sean Gray
Richard Wiles

Monte Carlo method of risk analysis

Monte Carlo simulation

One million children

Age 6 months through age 5

Subset of population playing on play structure three days a week

Varies by child

Body weight and surface area

Range of arsenic concentrations in contaminated soil

Range of dislodgeable arsenic that adheres to hand

Contaminated soil ingested daily

Fixed (2 scenarios considered)

Dislodgeable arsenic - hand loads per day ingested

Bioavailability of ingested dislodgeable arsenic

Fraction of dislodgeable arsenic absorbed through skin

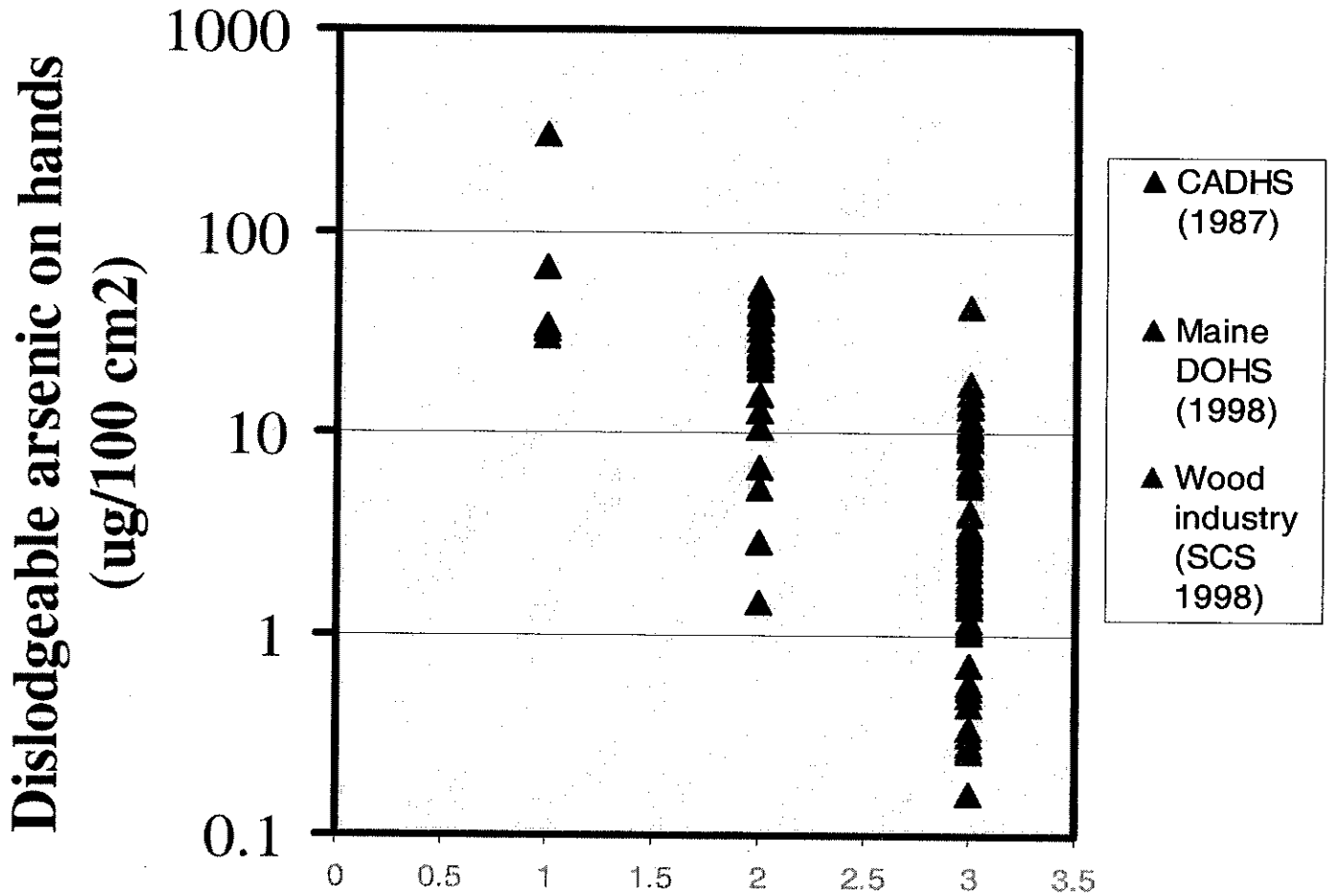
Bioavailability of arsenic from ingested soil

Soil adherence to skin

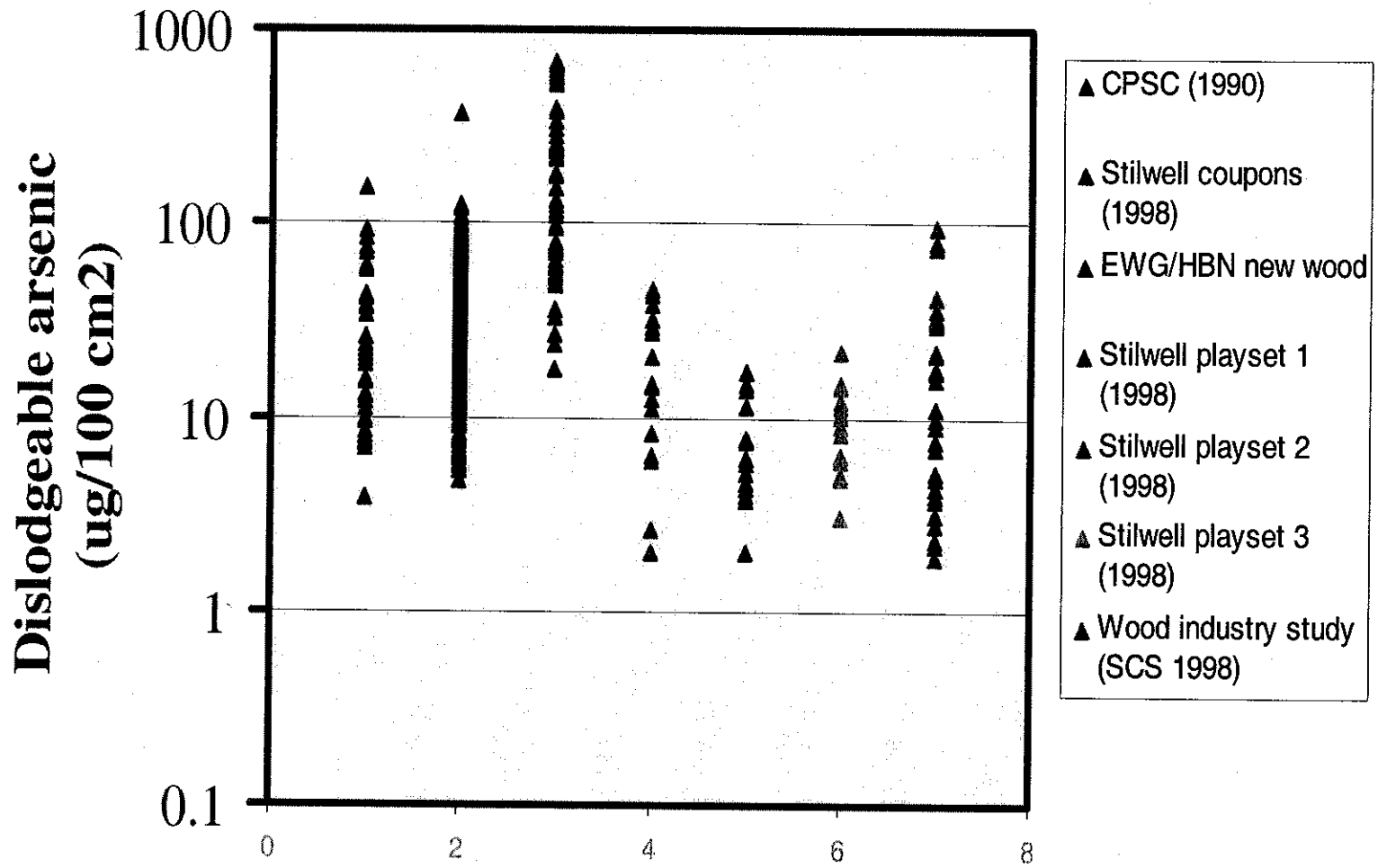
Fraction of soil arsenic absorbed through skin

Exposure frequency and duration

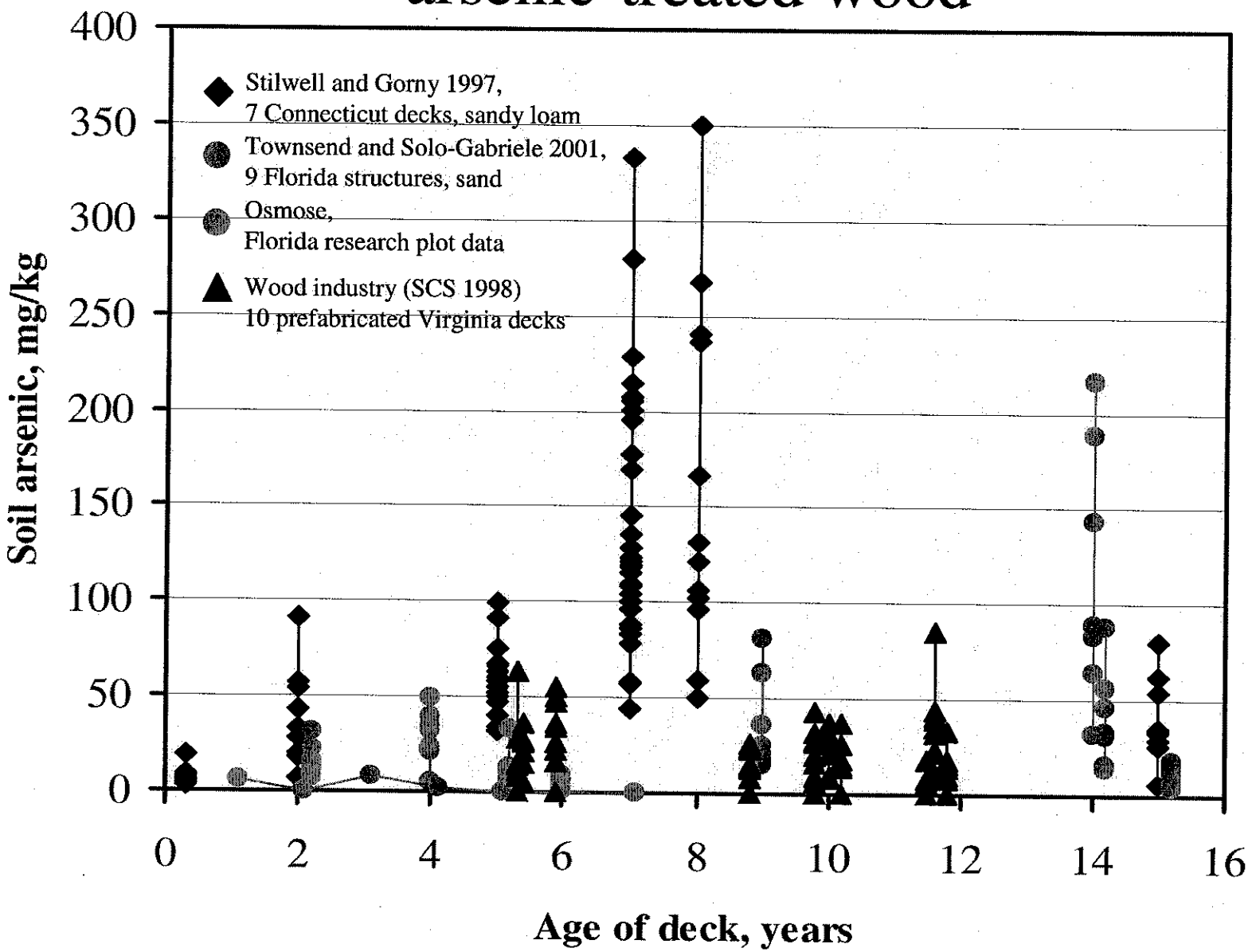
Arsenic that rubs off onto hands from contact with arsenic-treated wood



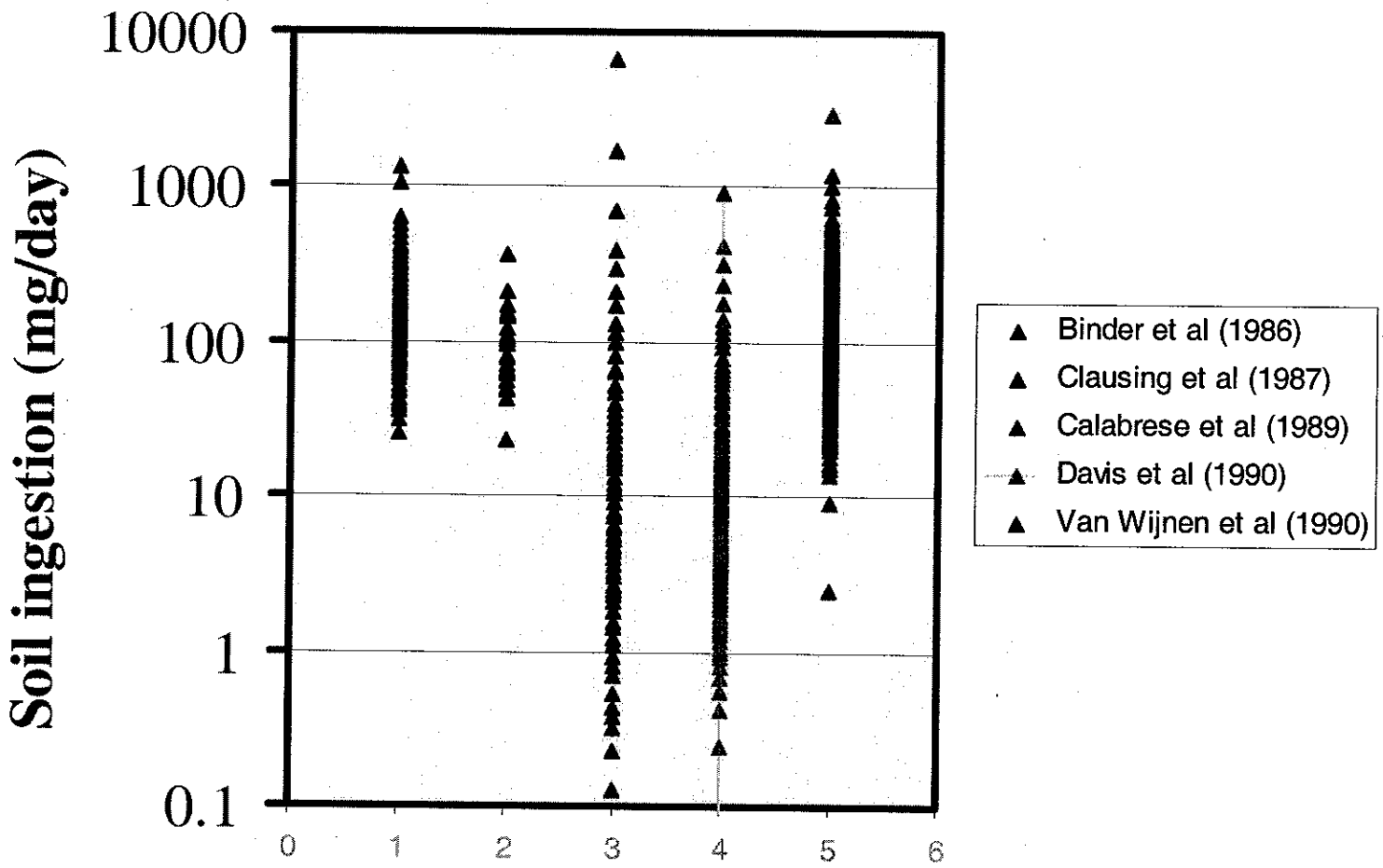
Dislodgeable arsenic on the surface of arsenic-treated wood



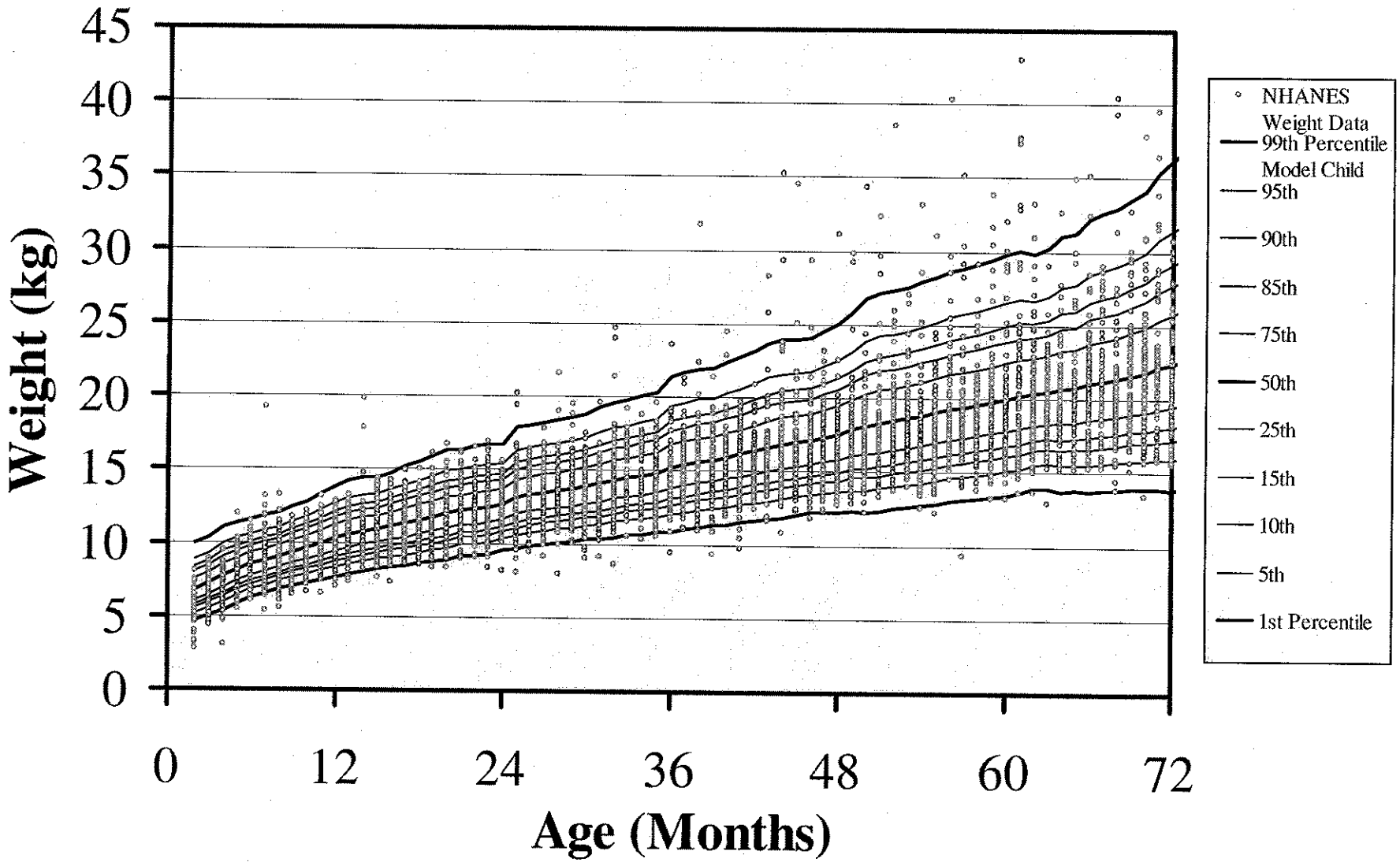
Arsenic levels in soil beneath arsenic-treated wood



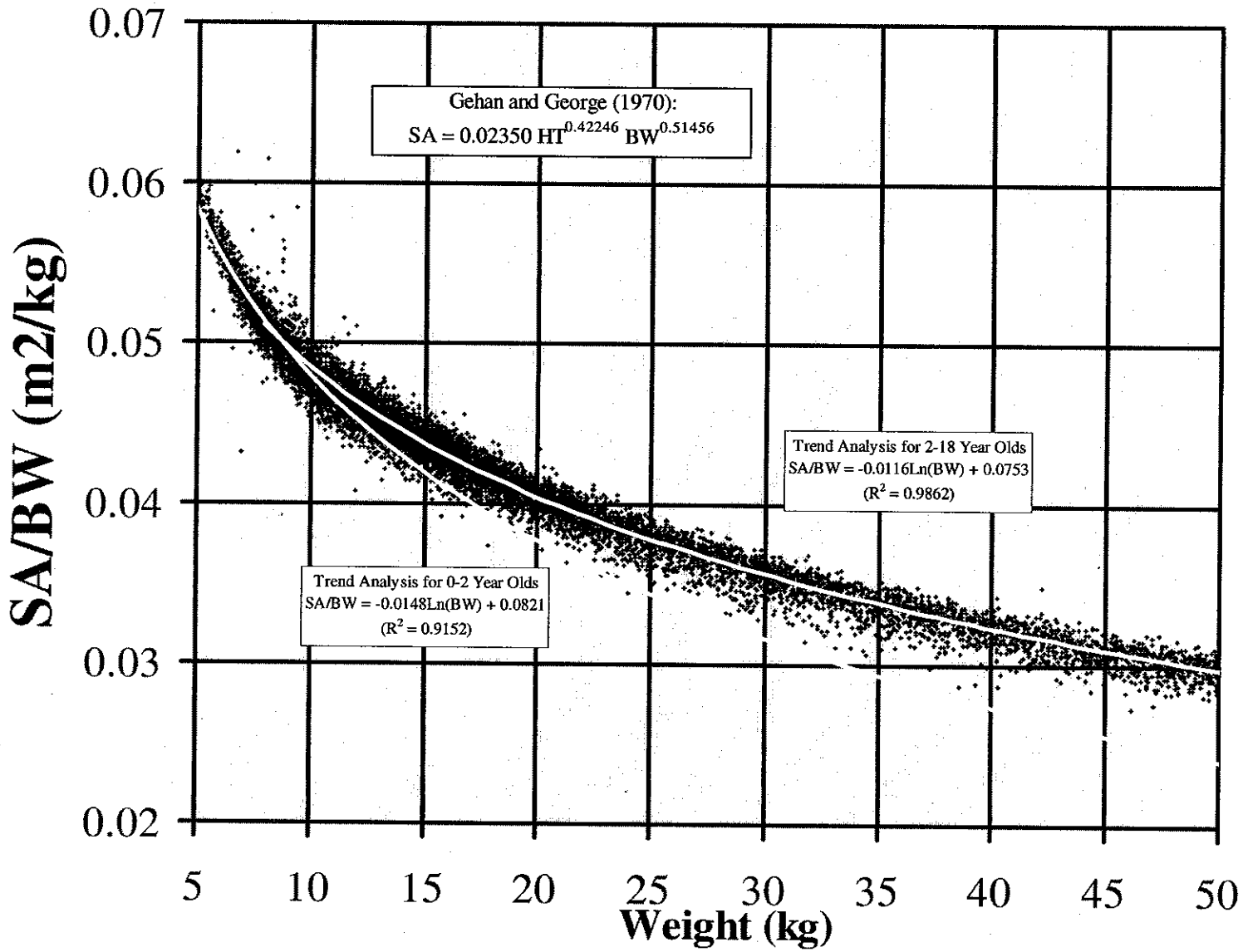
Soil ingestion



Body Weight: 1st to 99th percentiles

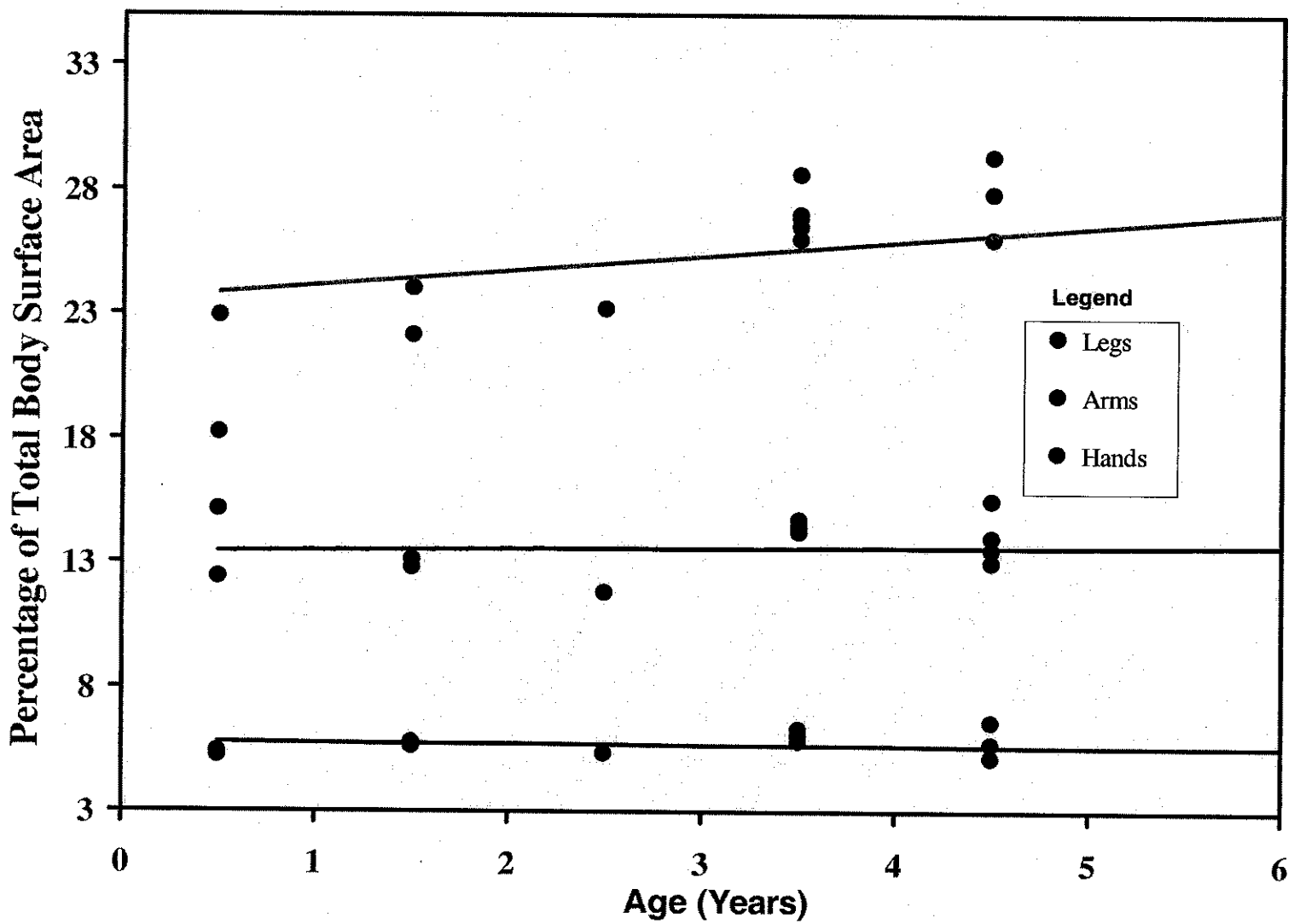


Surface area calculated from body weight



Source: Environmental Working Group analysis of NHANES III height-weight data using Gehan and George (1970).

Dermal absorption: Regression analysis of body part area percentages

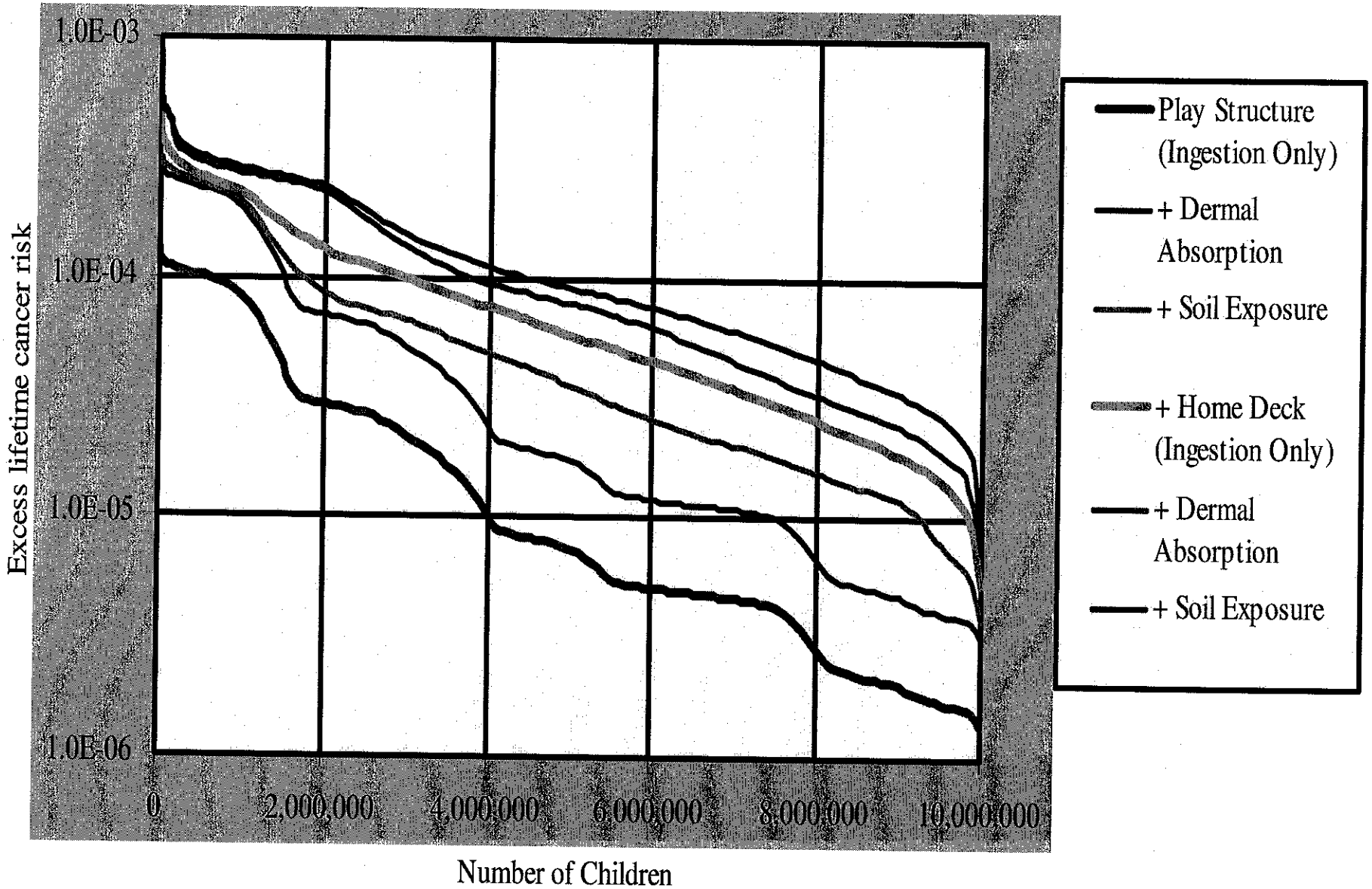


Source: Environmental Working Group analysis of U.S. Environmental Protection Agency Data (1985).

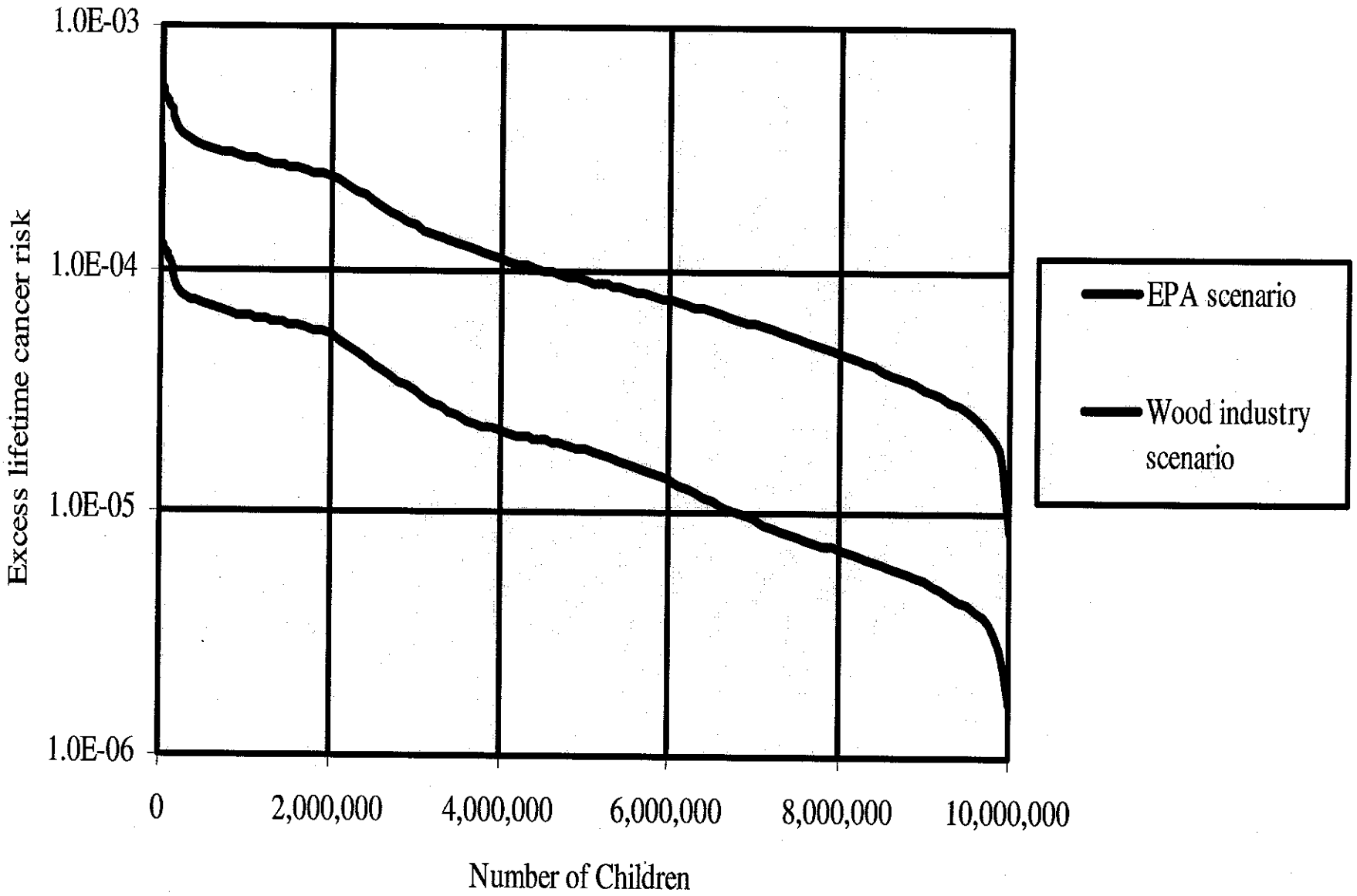
Differences in exposure parameters

Exposures assessment parameter	Gradient (2001)	EPA (2001)
Dislodgeable arsenic - hand loads per day ingested	0.25	0.8 and 4.95 (3 fingers, 50% removal efficiency, 9.5 or 20 times per hour, 1 hour per day or 3 hours per day)
Bioavailability of ingested dislodgeable arsenic	47%	100%?
Fraction of dislodgeable arsenic absorbed through skin	0% (considered negligible)	6.4%
Contaminated soil ingested daily	25 mg/day (half of assumed daily ingestion of 50 mg/day)	100 mg/day and 400 mg/day
Bioavailability of arsenic from ingested soil	16.3%	25%
Soil adherence to skin	0.2 mg/cm2	1.45 mg/cm2
Fraction of soil arsenic absorbed through skin	3%	6.4%

Excess lifetime cancer risk to children exposed to arsenic-treated wood



Comparison between EPA and wood industry exposure assumptions



ARSENIC TREATED WOOD: A CONSUMER'S PERSPECTIVE

A BRIEFING BEFORE THE
CONSUMER PRODUCT SAFETY
COMMISSION

OCTOBER 3,2001

THE HEALTHY BUILDING NETWORK

Only a ban on arsenic treated wood will protect children from needless arsenic exposures.

- Since 1986, the wood treatment industry and chemical industry have been entrusted with the task of educating, informing, and protecting children from the arsenic in treated wood products.

- The following are representative examples of this effort in operation at the retail level.

- This record shows that in order to protect children from arsenic exposures that are routine, unavoidable, and needless, the CPSC must act unambiguously to ban this product from uses where where it is foreseeable that children will encounter it..

- This record shows that any governmental action short of a ban is likely to be misrepresented, and indeed turned on its head and used as an endorsement of the product.

CCA Makers Arch, CSI, and Osmose, communicate with the public about the safety of arsenic treated wood in 3 ways:

- The American Wood Preservers Institute, a trade association
- Direct Communication
- Retailers
- Consumer Safety Information Program

The American Wood Preservers Institute

From the FAQ section of www.preservedwood.com:

Q. Does contact with treated wood playground equipment, fences or decking pose health risks for children?

A. No. Wood that has been pressure-treated is widely used for playground equipment and decking. There is no reason to avoid using wood treated with a waterborne preservative in the playground environment or to avoid walking barefoot on pressure-treated decks and docks. In its publication Handbook for Public Playground Safety, the U.S. Consumer Product Safety Commission states, "CPSC has found that technology and practices exist to treat playground equipment wood with CCA so that dislodgeable arsenic is below detectable levels."

" An ***extensive 1990 report*** by the CPSC found that CCA-preserved wood is an appropriate material for playgrounds." 8/6/01 Briefing to the CPSC (emphasis added).

What the CPSC did say in 1990:

- CPSC's 1990 analysis of arsenic treated wood contained no "finding" that treated wood was "appropriate material for playgrounds."
- The 1990 CPSC analysis: 8 wood samples, 7 prepared and submitted by manufacturers, 4 were stained/ 3 sanded, one raw lumber sample.
- "This suggests that a possible hazard might be created when playground equipment is built with unfinished pressure treated wood from retail sources." CPSC memorandum 8/2/90 (Executive Summary)
- Four recommendations for more warnings, safety measures (sealing) and study of raw wood.

Manufacturer's Direct Communication: News Media

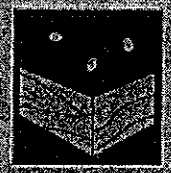
- "Arsenic is a highly toxic poisonous and deadly substance . . . . Wolmanized pressure treated wood does not contain arsenic. Instead Wolmanized pressure treated wood contains a preservative formulated by Hickson, 'Wolmanized in-wood preservative.'" William J. Baldwin, Vice-President Hickson (now Arch Wood Treatment) June, 2000. Reported in St. Petersburg Times, April 16, 2001.

Manufacturer's Direct Communication: Advertising

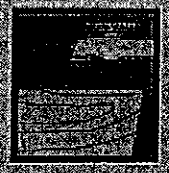
- "CCA TREATED WOOD IS NOT HAZARDOUS"
- " . . .No more acutely toxic to humans than ordinary table salt."
- "USE IT FOR FOR PLAYGROUNDS"
- " . . . Water from animal troughs made with CCA treated wood met human drinking water standards."

CCA FACTS

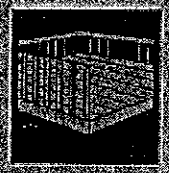
OSMOSE BRAND PRESSURE TREATED WOOD HAS A FORTY-FIVE YEAR HISTORY OF SAFE USE AND INDEPENDENT EXPERTS AGREE*



USE IT FOR GARDENS
After exhaustive testing, the Texas County Extension Agency in collaboration with the Texas A & M University and Southwest Research Institute concluded that CCA treated wood is not harmful in garden use.

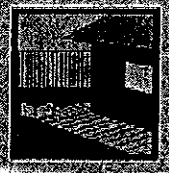


USE IT FOR WATERING TROUGHS
The University of Missouri concluded after thorough research that water from animal troughs made with CCA treated wood meet human drinking water standards.

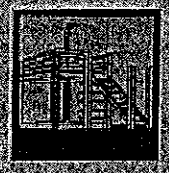


USE IT FOR DECKS, GAZEBOS, ETC.
Extensive research at the University of Alabama and the University of California at Davis concluded that handling CCA treated wood failures no increase in health risks.

USE IT FOR MARINE APPLICATIONS
Testing of seawater in the Chesapeake Bay recently showed that water samples adjacent to CCA treated seawalls met human drinking water standards. Research by Springborn Laboratories proves that CCA treated pilings do not harm marine life.



USE IT AROUND YOUR HOME
Studies by the Pacific Health Research Institute, Battelle Columbus Laboratories and Gilbert Shaw Associates on treating plant workers whose jobs have the highest exposure, showed increased health risks from handling CCA preservatives.

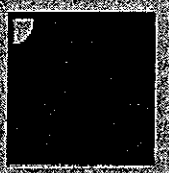


USE IT FOR PLAYGROUNDS
After thorough testing, the California State Department of Health Services and the U.S. Consumer Products Safety Commission concluded that risks from skin contact with CCA treated wood are negligible.

CCA TREATED WOOD IS NOT HAZARDOUS
After an eight year review, the EPA concluded not to regulate CCA treated wood as a hazardous material.

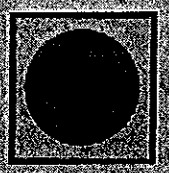
USE IT FOR COOL DECKS
Research proves that water runoff from CCA treated wood meets human drinking water standards.

EXTREMELY LOW TOXICITY
Laboratory studies prove that CCA treated wood is no more actively toxic to humans and animals than ordinary table salt.



USE IT TO SAVE TREES
The wood from one tree treated with CCA will outlast the wood from four trees untreated. And a new tree can mature before CCA treated wood decays.

SAVES ENERGY
Producing CCA treated wood takes much less energy than producing concrete, steel or plastic lumber. And wood is almost always less expensive.



CAN BE REUSED
Treated wood taken out of service can be reused as landscaping, garden edging, steps or many other popular projects.

Osmose Answers

Osmose Answers

*Sources: Osmose Health & Safety Manual; AWPI's Answers to Critical Questions About Treated Wood and the October 1993 issue of Building Material Retailer Magazine. Copyright © Osmose Wood Preserving, Inc.

Retailer's Direct Communication: Kompan Playground Letter

- "CCA treatment is recommended by the Consumer Product Safety Commission for preserving wooden decks, picnic tables and playground equipment." Kompan, Inc. April, 2001

- " There is no scientific or anecdotal evidence of health problems from CCA contact to the users of these products, or to the workers who manufacture and install them over prolonged periods. " Kompan, Inc. April, 2001

Retailer's Direct Communication:
Home Depot CCA Consumer Information & Facts

EPA APPROVED

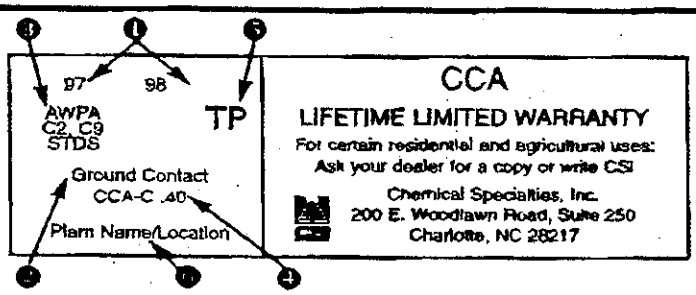
CCA wood preservative is registered with and approved by the Environmental Protection Agency (EPA).

After years of extensive examination of wood preservatives, the EPA has determined that properly used CCA-treated products, including CCA pressure-treated wood, are relatively harmless to humans, animals and the environment. EPA requires no sealer be applied to CCA pressure-treated wood for either interior or exterior application, however, see "Protection."

PROTECTION

To reduce checking and warpage due to weathering, it is recommended that a waterproofing sealer be applied at least once a year.

CCA CONSUMER INFORMATION AND FACTS



This is an example of the quality mark you will find on CCA products in the form of an ink stamp or end tag: ❶Year(s) of treatment (optional); ❷Recommended exposure condition; ❸Applicable AWPA standard; ❹Preservative type and retention; ❺Inspection agency trademark; ❻Name and location of the plant where this wood was pressure treated.

FACTS

CCA pressure-treated wood is pressure impregnated with CCA wood preservative and covered by a Lifetime Limited Warranty for certain residential and agricultural uses for its ability to protect against attack by termites and fungal decay. This unique formulation of CCA meets or exceeds every federal, state, and industry specification for waterborne preservatives. The chemical is forced deep into the cells of wood by a vacuum-pressure process and is substantially fixed within the wood's cellular structure. The results of this process are clean, leach-resistant products that give lasting protection.

When you purchase CCA pressure-treated lumber, timbers and plywood, you can be assured of getting quality products that meet the highest industry standards for retention and penetration.

To be sure you are getting CCA pressure-treated wood, look for the CCA trademark stamp or end tag on each piece. It is your assurance of quality under a third-party independent inspection program.

EPA APPROVED

CCA wood preservative is registered with and approved by the Environmental Protection Agency (EPA).

After years of extensive examination of wood preservatives, the EPA determined that properly used CCA-treated products, including CCA pressure-treated wood, are relatively harmless to humans, animals and the environment. EPA requires no sealers be applied to CCA pressure-treated wood for either interior or exterior application, however, see "Protection."

ADVANTAGES

- Economical
- Paintable/Stainable
- Clean Surface
- Leach-Resistant
- Non-Conductive
- Readily Available
- Long-Lasting
- Odorless
- Non-Corrosive
- No Harmful Vapors
- Low Maintenance
- EPA Approved Preservative

APPLICATIONS & USES

CCA pressure-treated wood has many end uses of both decorative and structural application. Use CCA pressure-treated wood for:

decks • patios • balconies • pallets • docks • utility poles • marine piling • crossarms • piers • edging • highway guardrails • fence posts • outdoor furniture • barns • sills • permanent wood foundations • playground equipment • steps • swimming pool framing • seawalls • stringers • jetties • tomato stakes • bulkhead • pole buildings • landscape timbers • boardwalks • sign posts • bridge timbers • siding, etc.

NOTE: not all applications are covered under warranty

STANDARDS & APPROVALS

The CCA wood preservative and pressure-treated wood meet exceed the following standards and approvals:

- American Wood-Preservers' Association
- Federal TT-W Specification
- Federal Housing Administration
- HUD
- US Army Corps of Engineers
- Most other State, County, and Local Standards and Building Codes
- Environmental Protection Agency
- Veterans Administration
- Farmers Home Administration
- American Association of State Highway Officials
- All Model Building Codes
- US Navy

DURABILITY

CCA wood preservative is a unique formulation which gives wo protection from termites and fungal decay needed to last a lifetir The table below contains performance data for CCA treatment on t stakes which shows the effectiveness of this preservative against t mites and decay. These test stakes were placed in the ground 1949 and are still in good condition today. Untreated stakes placec the same plot have all failed with an average life of only 2.8 years.

CONDITION OF SOUTHERN PINE STAKES FROM HARRISON EXPERIMENTAL FOREST - SAUCIER, M

Stakes placed in test plot #23, December 1949

	Average Retention	Number in Test	Condition of Stakes after 50 Years of Service		
			Good	Destroyed by Decay and/or Termites	Avg. Life in Years
CCA Preservative	0.37	10	100%	0%	*
	0.52	10	100%	0%	*
	0.79	9	100%	0%	*
	1.04	10	100%	0%	*
Untreated Controls	---	10	0%	100%	2.8

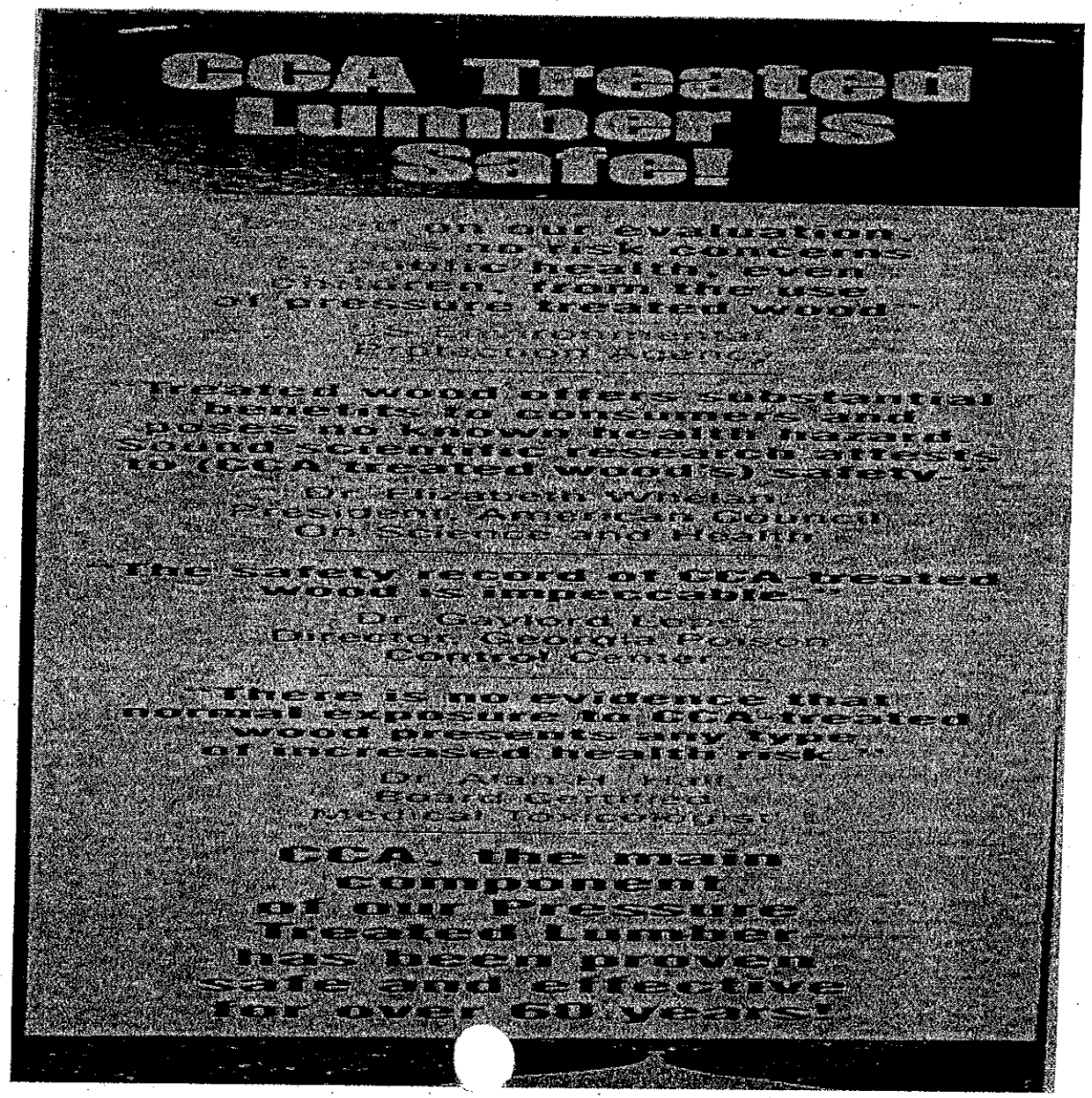
** After more than 50 years, all treated stakes are still in good condition*

From the 1983 Progress Report of the Comparison Wood Preservatives Stake Test publication of Forest Products Laboratory, Forest Service, US Department of Agricult

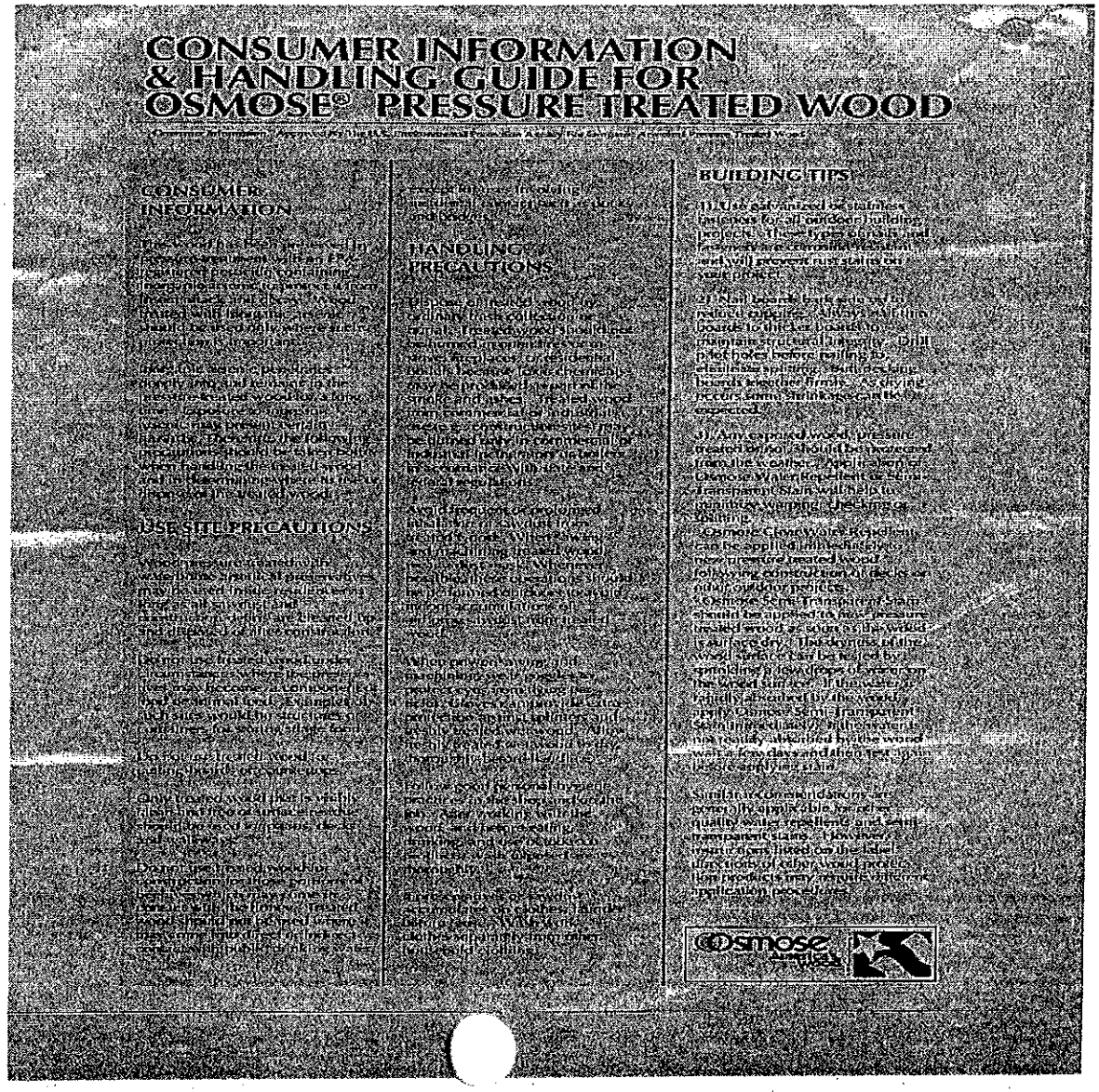
PROTECTION

To reduce checking and warpage due to weathering, it is recc mended that a waterproofing sealer be applied at least once a y Use hot-dipped, galvanized fasteners. Install horizontal pieces that growth rings curve downward when appearance permits.

Retailer's Communication: Home Depot Signage



Example of Consumer Safety Information



CONSUMER INFORMATION
& HANDLING GUIDE FOR
OSMOSE® PRESSURE TREATED WOOD

CONSUMER INFORMATION

USE SITE PRECAUTIONS

HANDLING PRECAUTIONS

BUILDING TIPS

Osmose

Consumer Safety Information Sheet

For additional information,
call toll-free at 1-800-282-0600 or see our website at www.ccasafetyinfo.com.

Inorganic Arsenical Pressure-Treated Wood

(including CCA, ACA, and ACZA)

Consumer Information

This wood has been preserved by pressure-treatment with an EPA-registered pesticide containing chromated copper arsenate (CCA) to protect it from termite attack and decay. Wood treated with CCA should be used only where such protection is important.

CCA penetrates deeply into and remains in the pressure-treated wood for a long time. However, some chemical may migrate from treated wood into surrounding soil over time and may also be dislodged from the wood surface upon contact with skin. Exposure to CCA may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use and dispose of the treated wood.

Use Site Precautions

All sawdust and construction debris should be cleaned up and disposed of after construction.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such sites would be use of mulch from recycled arsenic-treated wood, cutting boards, counter tops, animal bedding, and structures or containers for storing animal feed or human food.

Only treated wood that is visibly clean and free of surface residue should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with honey.

Treated wood should not be used where it may come into direct or indirect contact with drinking water, except for uses involving incidental contact such as docks or bridges.

Handling Precautions

Dispose of treated wood by ordinary trash collection. Treated wood should not be burned in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use (e.g., construction sites) may be burned only in commercial or industrial incinerators or boilers in accordance with state and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing, sanding, and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations or airborne sawdust from treated wood.

When power-sawing and machining, wear goggles to protect eyes from flying particles.

Wear gloves when working with the wood. After working with the wood, and before eating, drinking, toileting, and use of tobacco products, wash exposed areas thoroughly.

Because preservatives or sawdust may accumulate on clothes, they should be laundered before reuse. Wash work clothes separately from other household clothing.

EPA-Approved

7/01

Caution: Arsenic is in the pesticide applied to this wood.
Never burn treated wood.
Wear dust mask and goggles when cutting or sanding wood.
Wear gloves when working with wood.
Ask for the consumer safety information sheet or contact,
1-800-282-0600 or www.ccasafetyinfo.com.

Consumer Information

This wood has been preserved by pressure treatment with an EPA registered pesticide containing inorganic arsenic. Some chemical may migrate from treated wood into surrounding soil over time and may also be dislodged from the wood surface upon contact with skin.

Exposure to inorganic arsenic may present certain hazards. Take the following precautions when handling, determining where to use, using or disposing of the treated wood.

Use Site Precautions

All sawdust and construction debris should be cleaned up and disposed of properly.

Do not use treated wood for mulch, cutting boards, counter tops, beehives, animal bedding or structures or containers for storing animal feed or human food. Also do not use where treated wood may come into direct or indirect contact with drinking water, except for uses involving incidental contact such as docks and bridges.

OVER

Safety Handling Information

Dispose of treated wood by ordinary trash collection. Do not burn treated wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use may be burned only in commercial or industrial incinerators or boilers in accordance with state and federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. Sawing, sanding, and machining of treated wood should be performed outdoors while wearing a dust mask and goggles.

Wear gloves when working with wood. After working with treated wood, and before eating, drinking, toileting, and use of tobacco products, wash exposed areas thoroughly.

Because preservatives or sawdust may accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

5

beincleaned up and disposed of properly. Do not use treated wood for mulch, cutting boards, ... beehives, animal bedding or structures or containers for storing animal feed or human food. Also ... ated wood may come into direct or indirect contact with drinking water, except for uses ... ental contact such as docks and bridges. Safety Handling Information Dispose of treated wood by ordinary ... Do not burn treated wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use may be burned only in commercial or industrial incinerators or boilers in accordance with state and federal regulations. Avoid frequent or prolonged inhalation of sawdust from treated wood. Sawing, sanding, and machining of treated wood should be performed outdoors while wearing a dust mask and goggles. Wear gloves when ... with wood. After working with treated wood, and before eating, drinking, toileting, and use of tobacco products, ... posed areas thoroughly. Because preservative or sawdust may accumulate on clothes, launder before reuse. ... work clothes separately from other household clothing.

Safety Information on the CCA MSDS that is ***not*** on the Consumer Safety Information Sheet

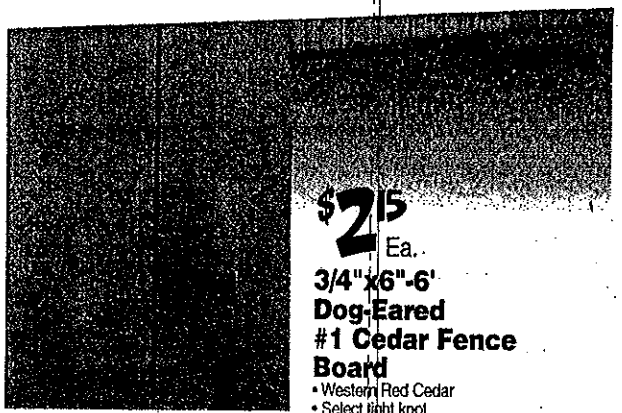
- "Avoid frequent or prolonged contact with the skin . . ."
- "2.5 oz. of treated wood dust ingested by a small child may be life threatening."
- "This product should not come in contact with food or feed."
- "Individuals with pre-existing disease in or a history of ailments involving the skin, kidney, liver, respiratory tract, eyes, or nervous system are at a greater risk than normal risk of developing adverse effects from woodworking operation with this product."

Examples of an Industry Double Standard

- In New Zealand, Hickson (now Arch) markets an arsenic free alternative listing its safety advantages as the following: "a significant improvement over the traditional CCA treatment as it substantially reduces reliance on exposure to the more toxic heavy metals such as chromium arsenic" St. Petersburg Times, April 16, 2001.

- The Home Depot advertises plastic fencing as: "Child and animal safe! Environmentally friendly (no arsenic, creosote, etc. which can be harmful to children and animals"

- King 5 News Interview

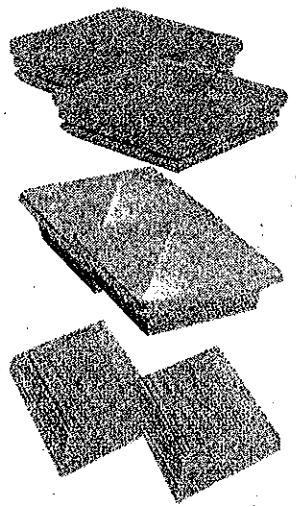


$2.15 Ea.

3/4"x6"-6' Dog-Eared #1 Cedar Fence Board

- Western Red Cedar
- Select tight knot
- Roughsawn two sides

(166251)



$5.98 Ea.

4"x4" Cascade Peak Post Cap

(404599)

$9.28 Ea.

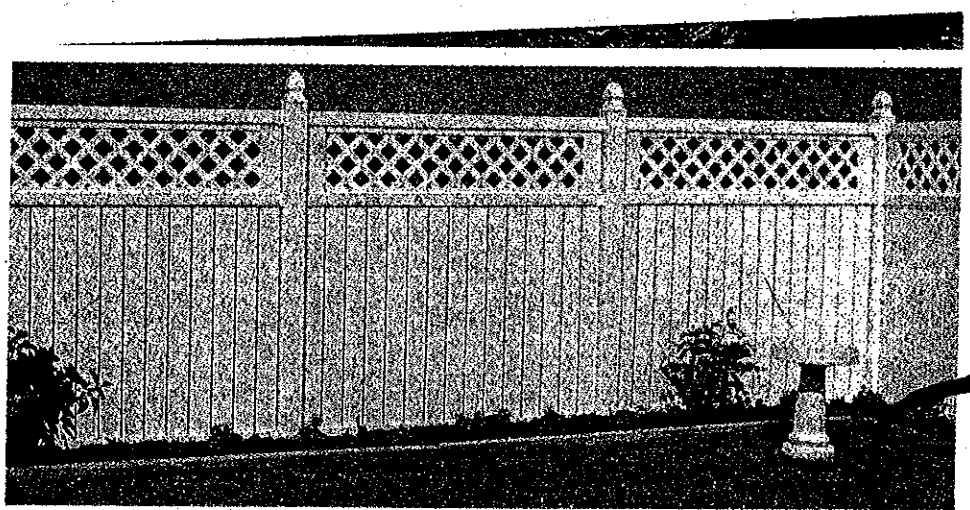
4"x4" Copper High Point Post Cap

(403064)

98¢ Ea.

2"x6" Flat Cedar Post Cap

(404523)



$87.32

6'x6' Lattice Top Fence

- White
- Easy Installation
- Never needs painting or staining with harmful chemicals
- Will not rot, peel, pit, blister, rust, flake, corrode or be consumed by insects
- [illegible]
- No splinters or exp[illegible]
- Environmentally friendly (no arsenic, creosote, etc. which can be harmful to children and animals)

Per Lineal Foot $14.55

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Installing Prefabricated Fencing

Prefab fence panels are a quick way to build an attractive fence. Set the posts carefully - the panels generally fit between them, and a small error means the panels won't fit. With the right layout, the job of installing panels goes quickly. After all, one of the biggest advantages of prefabricated fencing is that the most time-consuming assembly work has been done for you.

SKILL SCALE

"Carpentry: Installing prefab fencing requires basic carpentry skills."

"Extra Hand: Get help to hold the panels in place while fastening them."

HOW LONG WILL IT TAKE?

Installing an 8-foot run of prefab fencing should take about:

[illegible] 6 HRS.

[illegible] 10 HRS.

[illegible] 12 HRS.