

# Chromated Copper Arsenate (CCA) Compliance Strategy

June 22, 2004

## **Background**

Chromated copper arsenate (CCA) is used to protect wood from insect attack and decay and is the most widely used wood preservative. On February 12, 2002, the EPA announced a voluntary decision by the industry to discontinue the consumer uses of CCA. The discontinued uses include dimensional lumber and wood used in play structures, decks, picnic tables, landscaping timbers, residential fencing, patios, and walkways/boardwalks. Dimensional lumber is defined as lumber that is from 2" up to, but not including, 5" thick, and that is 2" or more in width. Dimensional lumber is also classified as framing, joists, planks, and rafters.

While the Agency has not concluded there is an unreasonable risk to the public from these products, EPA believes that any reduction in exposure to arsenic, a known human carcinogen, is desirable. Consumers wishing to reduce exposure to CCA in their residential environment from their deck or playset, can apply oil-based, semi-transparent stain on a regular basis (once every year or two depending on wear or weathering of the wood). For further information on CCA treated wood, including information on protective coatings, refer to the following web site: [http://www.epa.gov/pesticides/factsheets/chemicals/cca\\_transition.htm](http://www.epa.gov/pesticides/factsheets/chemicals/cca_transition.htm). The Agency is continuing its risk assessment of CCA and at the end of the risk assessment will make decisions about the continued use of CCA.

Two chemical alternatives to CCA are alkaline copper quaternary (ACQ) and copper boron azole (CBA). These alternatives must also undergo risk assessment in the future. Wood treatment facilities will have to retool in order to use alternative chemicals and the phase out will allow facilities to make the necessary changes in their operations.

## **Existing Stocks**

On or after May 16, 2003, any sale, distribution, or use of existing CCA stocks by the registrants listed in Appendix A is prohibited. Sale, distribution, or use of these CCA products by persons other than the registrants may continue until supplies of CCA are exhausted.

With the exception of the use of previously labeled existing stocks of CCA by persons other than the registrants, it is illegal to treat wood intended for consumer use with CCA. Also, wood illegally treated with CCA is not subject to the treated article exemption. Wood treated legally with CCA may continue to be sold to consumers until supplies are exhausted.

## **Label Amendments - Manufacturing Use Products**

For affected manufacturing-use products, the label amendments were proposed to read as follows:

This product may only be used (1) for formulation of the following end-use wood preservative products: ammoniacal copper zinc arsenate (ACZA) or chromated copper arsenate (CCA) labeled in accordance with the Directions for Use shown below, or (2) by persons other than the registrant, in combination with one or more other products to make: ACZA wood preservative; or CCA wood preservative that is used in accordance with the Directions for Use shown below.

This product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association (AWPA) Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard (noted parenthetically) of the 2002 edition of the American Wood-Preservers' Association Standards: Lumber, Timbers and Plywood for Cooling Towers (C30). Forest products treated with this product may only be sold or distributed for uses within the AWPAs Commodity Standards under which the treatment occurred.

Effective December 31, 2004, this product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association (AWPA) Standards: Lumber and Timber for Salt Water Use (also includes brackish water) Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction for Salt Water Use (also includes brackish water) (immersion and/or subject to saltwater (or brackish water) splash ["subject to saltwater (or brackish water) splash" means any member of a marine structure which is positioned above mean high tide, but is subject to frequent wetting from wave action], [Pilings (sheet, round and square), Timbers, and Plywood; Walers, Framing, Stringers and Cross Bracing (2" x 8" and/or 3"x6" and larger nominal dimensions and treated to a minimum of 0.60 pcf) (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard (noted parenthetically) of the 2002 edition of the American Wood-Preservers' Association Standards: Lumber, Timbers and Plywood for Cooling Towers

(C30). Forest products treated with this product may only be sold or distributed for uses within the AWWA Commodity Standards under which the treatment occurred, except where otherwise provided above.

### **Label Amendments - End Use Products**

For affected end-use products, the label amendments were proposed to read as follows:

This product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association (AWPA) Standards: Lumber and Timber for Salt Water Use Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard (noted parenthetically) of the 2002 edition of the American Wood-Preservers' Association Standards: Lumber, Timbers and Plywood for Cooling Towers (C30). Forest products treated with this product may only be sold or distributed for uses within the AWWA Commodity Standards under which the treatment occurred.

Effective December 31, 2004, this product may only be used for preservative treatment of the following categories of forest products and in accordance with the respective cited standard (noted parenthetically) of the 2001 edition of the American Wood-Preservers' Association (AWPA) Standards: Lumber and Timber for Salt Water Use (also includes brackish water) Only (C2), Piles (C3), Poles (C4), Plywood (C9), Wood for Highway Construction (C14), Round, Half Round and Quarter Round Fence Posts (C16), Poles, Piles and Posts Used as Structural Members on Farms, and Plywood Used on Farms (C16), Wood for Marine Construction for Salt Water Use (also includes brackish water) (immersion and/or subject to saltwater (or brackish water) splash ["subject to saltwater (or brackish water) splash" means any member of a marine structure which is positioned above mean high tide, but is subject to frequent wetting from wave action], [Pilings (sheet, round and square), Timbers, and Plywood; Walers, Framing, Stringers and Cross Bracing (2" x 8" and/or 3"x6" and larger nominal dimensions and treated to a minimum of 0.60 pcf) (C18), Lumber and Plywood for Permanent Wood Foundations (C22), Round Poles and Posts Used in Building Construction (C23), Sawn Timber Used To Support Residential and Commercial Structures (C24), Sawn Crossarms (C25), Structural Glued Laminated Members and Laminations Before Gluing (C28), Structural Composite Lumber (C33), and Shakes and Shingles (C34); and in accordance with the respective cited standard (noted parenthetically) of the 2002 edition of the American Wood-

Preservers' Association Standards: Lumber, Timbers and Plywood for Cooling Towers (C30). Forest products treated with this product may only be sold or distributed for uses within the AWWA Commodity Standards under which the treatment occurred, except where otherwise provided above.

## **Regulated Community**

There are four registrants of CCA, producing three manufacturing-use and 15 end-use products (see Appendix A). In addition, because wood treated with CCA in accordance with its registered label is considered a treated article, wood treaters are also covered by this Strategy.

## **Compliance Monitoring**

CCA treated wood is considered a treated article exempt from registration under FIFRA [40 CFR part 152.25(a)] **IF** the wood has been treated with a product registered for wood treatment and the treatment is in accordance with the terms of the label. Wood treated with an unregistered product is subject to registration under FIFRA.

## Tips and Complaints

Tips and complaints related to continued production of wood treated for canceled uses of CCA after December 31, 2003 should be given the highest priority and investigated as soon as possible. In addition, inspections should be targeted at four or five of the largest wood treaters in each state, in order to establish an enforcement presence in the field. Other inspections of wood treatment facilities, lumberyards, and home centers should be incorporated into the normal inspection scheme.

## Producer Establishment Inspections

Inspections should be conducted at CCA producing establishments, including distributor registrants, to ensure that the correct labeling is being placed on the product.

## Wood Treatment Facility Inspections

Inspections of wood treatment facilities should determine if wood treatment products are being used in accordance with the new labeling reflecting the terms of the cancellation orders. Wood treatment facilities may be identified in numerous ways. The North American Industry Classification System (NAICS) code for Wood Preservation is 321114 (formerly SIC code 2491). Since wood treatment products are restricted use, a state can check their records of certified applicators for wood treatment to identify facilities. OECA's Enforcement Compliance History Online (ECHO) at [www.epa.gov/echo/](http://www.epa.gov/echo/) is another potential, although incomplete, source to identify wood treatment facilities (use the SIC code to search ECHO). Regional and State RCRA offices are another source for identifying wood treatment facilities.

As a general rule, treating dimensional lumber at a 0.25 pounds per cubic foot (pcf) minimum retention rate for **residential uses** after December 31, 2003 is a violation of the cancellation order unless the product used to treat the wood was previously labeled existing stocks of a CCA product. There are a few non-residential uses at the 0.25 pcf rate, plywood (C9), wood for highway construction (C14), wood for marine construction (C18), structural glue laminated members (C28), and structural composite lumber (C33). Inspectors should examine a wood treater's records to determine what has occurred. The inspector should also examine shipment records to determine from where the wood may have been shipped. For instance, wood treated under C14, Wood for Highway Construction, probably would not be sent by the wood treater to a home center; just as wood treated for marine use would not be shipped by a wood treater to a landlocked state and if either occurred, it should be investigated.

Dimensional lumber and fenceposts for residential uses treated at higher rates (0.40 pcf and above) are also canceled, however dimensional lumber for other uses treated at the same rates may be allowable depending on the use for which the wood is intended. Refer to the label and the AWWA Commodity Standards table in the OPP CCA Guidance for more information concerning canceled and allowable uses.

### Marketplace Inspections

Inspections may also be conducted at lumberyards and home centers to determine if lumber treated with CCA that appears to be for canceled uses (e.g., residential dimensional lumber, etc.) is continuing to be delivered. Inspections at facilities that sell treated wood for consumer uses (e.g., lumber yards, home centers) should generally be conducted in conjunction with other pesticide inspections. In other words, with the exception of follow up on tips and complaints, if a routine inspection takes place at a home center, lumber yard or other facility, monitoring for compliance with the CCA provisions should also take place. If CCA treated lumber for cancelled uses is being offered for sale, records and invoices should be reviewed to determine the intended use, the origin of the lumber and any other information that would be useful in determining the compliance status of the wood and its treatment. Appropriate follow up at the wood treating facility or referrals should be made.

Treated wood may bear end tags describing the category under which it has been treated and the retention rate of the treatment. A page of sample end tags for CCA-treated wood is provided as a separate attachment. The format of the end tags may be determined by the producer, but the content must, at a minimum, conform to the requirements of AWWA Standard C1-00, Section 1.8.

### Reporting

The Office of Pesticide Programs has requested that the Regions track the outcome of CCA inspections conducted by the States in their Region, especially those inspections that are a result of a tip or complaint and report quarterly. A sample reporting form is attached (Attachment B). The quarterly reports are to be forwarded to the Antimicrobial Division, Office of Pesticides Programs (fax 703-308-6467).

## **Types of Violations**

Most violations would be expected to fall into the following categories:

Violation of Section 12(a)(1)(A) - Sales or distribution of a canceled pesticide

Violation of Section 12(a)(1)(A) - Sales or distribution of an unregistered pesticide, i.e., wood no longer subject to the treated article exemption.

Violation of Section 12(a)(2)(G) - Use of a pesticide in a manner inconsistent with its labeling

Violation of Section 12(a)(2)(K) - Violation of a cancellation order

## **Imports and Exports**

Unless specifically forbidden in the cancellation notice, canceled CCA may be exported provided they meet the requirements of FIFRA section 17(a) and 40 CFR Part 168.65-168.85. However, the cancellation specifically prohibits the export of wood treated for residential uses, as well as other uses not permitted on the treating product label.

Shipments of treated wood imported into the U.S. should be inspected on the basis of a tip or complaint. When inspecting a shipment of treated wood, the inspector needs to ascertain what AWWA category the wood was treated under, where the wood was treated, whether it was treated with CCA, and if so, whether the product was an existing stock. The importer of the wood is the first resource for this information.

## **APPENDICES**

Appendix A - List of CCA Registrations and Production Establishments

Appendix B - Sample Reporting Format

Wood Treaters Database

Treated Wood End Tag Samples

### **APPENDIX A**

#### **Registrations With Requests for Amendments to Terminate Uses**

#### **I. Manufacturing Use Products**

<b><u>Registrant</u></b>	<b><u>EPA Reg. No.</u></b>	<b><u>Product Name</u></b>
<b>Osmose, Inc.</b>	<b>3008-66</b>	<b>Arsenic Acid 75%</b>

Production at 3008-TN-001 in 2002

**Chemical Specialties, Inc. 10465-32**                      **CSI Arsenic Acid 75%**  
 Production at 10465-NC-001 in 1999, 2000, 2001  
 Production at 10465-GA-001 in 1999, 2000

**Arch Wood Protection, Inc. 62190-7**                      **Arsenic Acid 75%**  
 Production at 62190-GA-001 in 1999, 2000, 2001, 2002  
 Production at 62190-WA-001 in 1999, 2000, 2001, 2002

## II. End Use Products

<u>Registrant</u>	<u>EPA Reg. No.</u>	<u>Product Name</u>
<b>Osmose, Inc.</b>	<b>3008-17</b>	<b>K-33-C (72%) Wood Preservative</b>
		Production at 3008-TN-001 in 1999, 2000, 2001, 2002
	<b>3008-21</b>	<b>Special K-33 Preservative</b>
		Production at 3008-HI-001 in 1999, 2000, 2001, 2002, 2003
		Production at 3008-NY-001 in 1999, 2001
	<b>3008-34</b>	<b>K-33 (60%) Wood Preservative</b>
		Production at 3008-OR-001 in 1999, 2000, 2001, 2002
		Production at 3008-SC-001 in 1999, 2000, 2001, 2002
		Production at 3008-TN-001 in 2000, 2001, 2002
		Production at 59953-CN-001 in 1999, 2000, 2001
	<b>3008-35</b>	<b>K-33 (40%) Type-B Wood Preservative</b>
		Production at 3008-TN-001 in 1999, 2000
	<b>3008-36</b>	<b>K-33-C (50%) Wood Preservative</b>
		Production at 3008-OR-001 in 1999, 2000, 2001, 2002
		Production at 3008-SC-001 in 1999, 2000
		Production at 3008-TN-001 in 1999, 2000
		Production at 59953-CN-001 in 1999, 2000
	<b>3008-42</b>	<b>K-33-A (50%) Wood Preservative</b>
		No production of this product on SSTS database from 1999 on
	<b>3008-72</b>	<b>Osmose Arsenic Acid 75%</b>
		No production of this product on SSTS database from 1999 on
<b>Chemical Specialties, Inc. 10465-26</b>		<b>CCA Type C Wood Preservative 50%</b>

Production at 10465-GA-001 in 1999, 2000  
 Production at 10465-TX-001 in 1999, 2000, 2002, 2003  
 Production at 10465-NC-001 in 1999, 2000, 2001  
 Production at 73116-WA-001 in 2000

**10465-28 CCA Type C Wood Preservative 60%**

Production at 10465-TX-001 in 1999, 2000, 2001, 2002, 2003  
 Production at 10465-NC-001 in 1999, 2000, 2001  
 Production at 9386-WA-001 in 1999, 2000  
 Production at 10465-GA-001 in 2000  
 Production at 73116-WA-001 in 2001

**Phibro-Tech, Inc. 35896-2 Wood-Last Conc. Wood Preservation AQ  
 50% Solution CCA-Type A**

No production of this product on SSTS database from 1999 on

**Arch Wood Protection, Inc. 62190-2 Wolmanac Concentrate 50%**

Production at 62190-GA-001 in 1999, 2000  
 Production at 62190-WA-001 in 1999, 2000, 2001, 2002  
 Production at 62190-IN-001 in 1999, 2000, 2001, 2002

**62190-8 Wolmanac Concentrate 72%**

Production at 62190-GA-001 in 1999, 2000

**62190-14 Wolmanac Concentrate 60%**

Production at 62190-GA-001 in 1999, 2000  
 Production at 62190-WA-001 in 1999, 2000, 2001, 2002  
 Production at 62190-IN-001 in 1999, 2000, 2001, 2002

**III. Products For Which Cancellation Was Requested**

**Arch Wood Protection, Inc. 62910-5 Wolmanac Concentrate 70%**

No production of this product on SSTS database from 1999 on

**62910-11 CCA Type C 50% Chromated Copper  
 Arsenate**

No production of this product on SSTS database from 1999 on



**APPENDIX B**

**SAMPLE REPORTING FORM**

Date\_\_\_\_\_

Company Name and Address \_\_\_\_\_

---

---

---

---

Type of Establishment

- CCA Producer
- CCA Wood Treater
- Distributor/Seller of CCA Treated Lumber
- Other - Explain\_\_\_\_\_

---

---

Reason for Inspection \_\_\_\_\_

Outcome (Was facility in compliance, if not, what violations were noted?)

Fax to: Michael Hardy, Antimicrobials Division, fax 703-308-6467.