

Public Comment  
of  
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Beyond Pesticides/National Coalition Against the Misuse of Pesticides  
on  
Non-Dietary Hazard and Exposure to Children from Contact with  
CCA-Treated Playground Structures and CCA-Contaminated Soil  
OPP-00743  
Before the  
FIFRA Scientific Advisory Panel  
U.S. Environmental Protection Agency  
October 23, 2001

Thank you for the opportunity to present public comments today.

It should be said that EPA has allowed public exposure to highly toxic and carcinogenic inorganic arsenicals, including chromated copper arsenate, for decades. This has occurred under false assumptions, with data known to be inadequate, and under voluntary agreements with the chemical and wood preserving industry that has put private interest above public interest, that has put the economic health of one industry over the public health of the population and that has failed to recognize the viability of alternative practices and products. The story of the heavy duty wood preservatives is a silent tragedy caused by EPA's failure to act on the side of caution, failure to embrace the precautionary principle for the protection of children, and failure to enforce the unreasonable adverse effects standard of FIFRA. Let us not forget that childhood cancer is one of the leading causes of childhood death and that a newborn child faces a risk of about 1 in 600 of contracting cancer by the age of ten.

In fact, we would not be here today if EPA fully embraced its statutory standard, acknowledged the continuing failure of voluntary risk mitigation measures, recognized the full extent of contamination and poisoning caused by inorganic arsenicals from wood treatment to use to disposal, considered worker hazards and treatment site contamination, and evaluated the substitutability of wood preservatives with non-chemical alternatives.

EPA acknowledges in the purpose statement of this meeting that this is a political process. Time has caught up with the agency's failures. The media, parents and governments are testing soil around playground equipment and finding extraordinary levels, in some cases 25 times background levels. And so, EPA in its

purpose statement today says, “[T]he Agency has moved the children’s playground risk assessment ahead of other planned exposure and risk assessments. We have done so because OPP is aware of increased concerns raised by the general public and state/federal regulatory agencies regarding the safety of CCA-treated wood for playground applications. . .” EPA is acting like it just woke up to a “potential” problem with CCA, that it is at the beginning of a deliberative process, sorting through scientific documents and analysis on an issue and a problem that a newcomer would think is new to the agency. There is no apparent urgency to this process on the part of EPA. One would not know that there is any history to this process. EPA tells us it is engaged in a deliberative risk assessment process, now in the context of the North American Free Trade Agreement, which will result in a preliminary risk assessment in “early 2002.” This is part of the deliberative reregistration process, a process EPA told us was to have been completed in 1998.

The agency needs to recognize the imminent hazard associated with continued exposure to CCA and the other heavy duty wood preservatives. The situation is made even worse by the fact that for virtually every wood preservative use there is a economically competitive less or non-toxic alternative. The agency should use updated information to act under its Special Review authority and complete the review for which it had unanswered questions back in 1986. It should find very quickly that it has more than ample authority to suspend these chemicals, that the risks faced present an imminent hazard.

Despite this, EPA has set an agenda with time frames and reviews that never seem to have an end. The agency conducts reviews and analyses that continue, while exposure to children, workers and the general public continues unabated.

### **Comments on EPA Issues**

**Endpoint Selection for Arsenic.** The agency should apply another 10-fold margin of safety for children’s exposure, given the sensitivity to this population group.

On the larger issue of setting an acceptable margin of exposure, EPA does not have sufficient data on children’s exposure to paint a complete picture, and must regulate for this fact. For example, the agency must consider dietary and non-dietary exposure, background levels and their geographic variability, water levels, indoor and outdoor ambient air levels. With these exposures taken into account, there is very little if any room for additional exposure.

**Bioavailability.** EPA should explain why the Roberts and Freeman data were felt to best represent relative bioavailability of inorganic arsenic and why it rejected using other data. While the agency is considering the accuracy of different test animals, the agency should also consider bioavailability based on different soil types, including the full range of soils with high and low organic matter.

**Dermal Absorption.** The agency must take into account the condition of the skin, abrasions and cuts, all of which affect the value chosen for dermal absorption. In addition, the agency should not limit its dermal absorption assumptions to arms, hands and legs, because exposure occurs to all body parts, including highly sensitive sites, such as eyes and scrotum. Just as the hand-to-mouth motion is well understood in children, so is the motion from hand to other body parts.

The agency must also consider injection exposure. Anyone that has played on playground equipment or a backyard deck knows that the possibility of a splinter exists. Splinters can mean that chemical residues enter into the blood stream and EPA cannot ignore this exposure scenario.

**Hazard Characterization.** It is proper that EPA acknowledge that fixation of the chemicals is not uniform. In this context, the agency must assume the worst case scenario, new wood that is not fully fixed. Therefore, it is proper to assume the worse case scenario with Cr(VI).

**Endpoint Selection for Cr(VI).** Regarding chromium VI, why is it that EPA recognizes chromium VI as a known human carcinogen, Group A, for inhalation exposure, but is prepared to discount all exposure by the oral route because it “cannot be determined” whether it is a carcinogen by this route. To find Cr(VI) a Class D carcinogen, the agency would have to determine that there is inadequate human and animal evidence of carcinogenicity or that there is simply no data available. The agency’s reasoning is wrong. EPA has already made a determination that the chemical is a known human carcinogen. Therefore, the agency must then consider all possible routes of exposure and the resulting effect. If the agency has inadequate or no data on inhalation as a hazardous route of exposure, then it must apply an additional margin of safety to protect children.

**Endpoints for Dermal Risk.** EPA should not dismiss systemic effects from dermal exposure. The agency should consider the data assembled by the Agency for Toxic Substances Disease Registry (ATSDR), which finds systemic effects associated with dermal exposure.

**Methodology for Characterizing Child Exposure.** EPA must use the high value exposure scenarios because of uncertainty and unknowns across the board when it comes to children’s exposure and effects. In calculating exposure, the full range of background levels and dietary and non-dietary exposure must be considered, including air, water, food, decks, park benches, picnic tables, medical applications, and other exposures. As indicated above, exposure must be considered to the entire body, with different skin conditions and different sensitivities.

In its risk assessment, EPA must disclose all the uncertainties associated with its assumptions. Since the distribution the agency chooses has associated assumptions, those must be disclosed. The agency must perform a sensitivity analysis of its model, explaining how sensitive the model is to various assumptions

and explaining how different the outcome would be if different assumptions were used. Under the agency's "risk cup" approach, it must be clearly stated what contribution these exposures make to the overall acceptable risk, as defined by EPA. EPA must aggregate this with other non-dietary and dietary risks that children and the general public are assumed to have.

**Transfer of Residues – Wood and Soil .** The agency must assume that residues taken in from wood surfaces to skin are retained by the skin and spread to numerous sites on the body. It cannot be assumed that only one hit of a dermal chemical exposure is associated with one touch to the wood or soil. In fact, there are numerous touches, and therefore numerous dermal exposures, associated with the touch of a treated wood surface or one touch to contaminated soil.

**Variability of Residue Data.** If EPA is to average data points and utilize "mean" data, it must make clear how many people (breaking out children and sensitive population groups) it expects will be affected if exposed to "maximum" data points in the short- and long-term.

**Aggregate Risk.** The agency must calculate each exposure scenario and then add up the risks. We, of course, are talking about the same chemicals with the same mechanism of effect. So, the risk is additive.

**Inhalation Exposure.** The agency cannot assume, as it has stated, that "inhalation potential from contact with either CCA-treated wood or CCA-contaminated soil is negligible," because of residues that find their way into dust particles. The agency knows the extent to which pesticides are found in dust and it cannot assume that CCA does not behave in a manner that results in contaminated dust. Certainly, inorganic arsenicals attached to soil particles, kicked up as dust, can be inhaled or ingested.

**Buffering Materials.** EPA must immediately outlaw the practices of creating wood mulch products from CCA-treated or other heavy duty wood preservative-treated wood. The concentration levels are unacceptable and the threat of children picking up the tainted wood and putting it directly into their mouths is great. The issue of leachate contaminating buffering material speaks to the issue of the overall unacceptability of CCA-treated wood. Rather than try and construct scenarios for remediation and control, which are fraught with problems and uncertainty, the agency should close off the pipeline. Contaminated buffering materials in playgrounds should be removed and sent to a toxic landfill.

**Sealants.** This is a short-term transition tool. Sealants are not a long-term solution. EPA can not control the process by which sealants are applied the certainty that it will perform as a risk mitigation measure. While the agency may want to recommend, or require under other statutes that allocate federal funds to

playgrounds, that sealants be applied, their use does not justify continued production of CCA-treated wood.

**Additional Issues.** When evaluating CCA, EPA cannot confine its review and analysis to only arsenic, chromium and copper. Rather, the agency must look at all the biologically and chemically active constituents, contaminants and ingredients in the CCA formulation.

## **Background**

The background on CCA-treated wood and other wood treated with pentachlorophenol and cries out for immediate and swift action. Playgrounds must be evaluated in the overall context of the inadequate regulation of wood preservatives. The time for action is now.

In 1978, EPA issued Notices of Rebuttable Presumption Against Registration, now called Special Review, for pesticide products containing the three heavy-duty wood preservatives, namely inorganic arsenicals, creosote and pentachlorophenol. Only chemicals that trigger serious health and environmental concern are placed on this fast-track review. In 1981, EPA published position document 2/3 on these wood preservatives, proposing action based on the Agency's determination that uses of inorganic arsenical wood preservatives could result in unreasonable adverse effects, including oncogenic, mutagenic, teratogenic and neurotoxic effects.<sup>1</sup>

Prior to 1978, the inorganic arsenicals were used in a significant number of pesticide products to control insects, fungi, weeds, and rodents, as well as in wood preservatives. EPA began investigating this family of chemicals in 1978 because of concerns that the products presented risks of cancer, genetic mutation, and birth defects.<sup>2</sup> During that review, EPA considered the use of inorganic arsenicals as wood preservatives separately from all other uses. In 1988, after determining that arsenic posed an unacceptable risk to workers and others exposed to arsenic, the agency banned uses of nonwood-preservative pesticide products containing inorganic arsenicals.<sup>3</sup> As of 1993, EPA had prohibited all uses of inorganic arsenicals except for use in wood preservatives.

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<sup>1</sup> United States Environmental Protection Agency, Creosote, Inorganic Arsenicals, Pentachlorophenol: Position Document No. 2/3 (1981).

<sup>2</sup> United States Environmental Protection Agency, EPA Cancels the Last Agricultural Use of Arsenic Acid in the United States, International Pesticide Notice (1993) available at <http://www.epa.gov/oppfead1/17b/r2.htm>

<sup>3</sup> Id.

#### A. Flaws Of The Prior Review

One of the significant shortcomings of EPA's review of the inorganic arsenicals was the failure to consider the special hazard to children from playing on playground equipment made from CCA-treated wood. EPA acknowledged this gap in the review and determined that "with the available data the exposure of children to the end uses of the treated wood (playground equipment) cannot be estimated."<sup>4</sup> Again, in 1984, the agency failed to address the issue of non-occupational exposure due to arsenic leaching out of CCA-treated wood into the soil and on to the surface of structures<sup>5</sup>

Moreover, EPA's prior consideration of CCA neglected to consider exposure associated with reuse and recycling of CCA-treated wood. Numerous exposure scenarios, both occupational and non-occupational, result from recycling CCA-treated wood. Federal regulation (40 C.F.R. § 261.24 (1993)) allows for a maximum concentration of 5.0 mg/L (or ppm) of both arsenic and chromium in an extract from a representative sample of waste. According to studies conducted by the Florida Center for Solid and Hazardous Waste Management (FCSHWM), results of standardized leaching tests show that new CCA-treated wood routinely leaches enough arsenic to fail EPA's Toxicity Characteristic Leaching Procedure (TCLP) test<sup>6</sup>

The TCLP test is conducted using a simulated landfill-acid and involves reducing the size of the tested material to less than 9.5 mm. Responding to the criticism that the TCLP test requirements are unrealistic when assessing various management scenarios, FCSHWM both conducted a number of alternative leaching tests and tested larger particle sizes. Nonetheless, in tests using the Synthetic Precipitation Leaching Procedure (SPLP), which simulates rainwater, both arsenic and chromium leached similar amounts as shown by the TCLP test. The highest arsenic level measured in any sample was 12.5 mg/L (TCLP), while the highest chromium level measured was 5.14 mg/L (SPLP).<sup>7</sup> Given these results, if a regulatory exemption were not in place, discarded CCA-treated wood would frequently require management as hazardous waste.

FCSHWM has evaluated the leaching characteristics of un-burned CCA-treated wood and construction and demolition (C&D) debris wood mulch. FCSHWM has documented that the leaching of all three metals increases as the size of the wood decreases. In 1997, CCA-treated wood was documented to be in the

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<sup>4</sup> United States Environmental Protection Agency, Creosote, Inorganic Arsenicals, Pentachlorophenol: Position Document No. 2/3 (1981).

<sup>5</sup> United States Environmental Protection Agency, Wood Preservative Pesticides: Creosote, Pentachlorophenol, Inorganic Arsenicals Position Document 4 (1984).

<sup>6</sup> Townsend T., et al. 2001. *New Lines of CCA-Treated Wood Research: In Service and Disposal Issues. Report #00-12*. Florida Center for Solid and Hazardous Waste Management, Gainesville, Florida. [http://www.floridacenter.org/publications/solo-gabrielle\\_00-12.PDF](http://www.floridacenter.org/publications/solo-gabrielle_00-12.PDF).

<sup>7</sup> *Id.*

recovered wood stream at C&D recycling facilities in Florida at approximately 6%.<sup>8</sup> Research conducted in 1999 at three Florida C&D debris recycling facilities found CCA-treated wood to make up between 9% and 30% of the recovered wood.<sup>9</sup> These findings are of even greater concern because an increased amount of CCA-treated wood is expected to enter the waste stream over the coming decades.<sup>10</sup> FCSHWM collected 20 samples of C&D debris wood mulch. Arsenic levels as high as 558  $\mu\text{g}/\text{L}$  and chromium levels as high as 229  $\mu\text{g}/\text{L}$  were collected from the wood mulch.<sup>11</sup> Although these samples were taken in Florida, there is no reason to believe the results would not be similar across the United States.

Beyond Pesticides conducted a survey of over 3,000 utility companies to analyze how the companies store, use, re-treat, and dispose of treated wood utility poles. Utilities from 24 states and Canada responded to the survey. Over 68% of the utilities that responded routinely give away or sell their used utility poles to the public.<sup>12</sup> The utility poles were milled into landscaping timbers and other types of lumber. (One of the utilities required recipients of discarded poles to sign a form freeing the utility from any liability before taking possession of the poles.) Neither the mill operators nor the general public that receive discarded CCA-treated wood are provided information regarding the risks associated with the exposure of arsenic and hexavalent chromium.

#### B. Failure Of EPA's Consumer Awareness Program

One outcome of EPA's 1984 Special Review of the inorganic arsenicals was a proposed mandatory Consumer Awareness Program (CAP). The program would have required members of the American Wood Preservers Institute (AWPI), wood treaters, and retailers to provide consumers with a Consumer Information Sheet at point of purchase.<sup>13</sup> The AWPI immediately challenged the proposal and succeeded in convincing EPA to weaken the program. Thus, when EPA published a revised proposal in 1986, the mandatory CAP had been converted into a voluntary CAP,

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<sup>8</sup> Tolaymat, T.M., Townsend, T.G., and Solo-Gabriele, H., 2000. Chromated Copper Arsenate-Treated Wood in Recovered Wood. *Environmental Engineering Science*, 17(1), 19-28.

<sup>9</sup> Solo-Gabriele, H.M., Townsend, T., Kormienko, M., Stook, K., Gary, K., & Tolaymat, T.M. 2000. *Alternative Chemicals and Improved Disposal-End Management Practices for CCA-treated Wood, Draft Technical Report #00-03*. Florida Center for Solid and Hazardous Waste Management, Gainesville, Florida. [http://www.floridacenter.org/solo\\_00-08.pdf](http://www.floridacenter.org/solo_00-08.pdf).

<sup>10</sup> See Townsend, *supra* n.1.

<sup>11</sup> *Id.*

<sup>12</sup> Feldman, J., G. Kidd. 1999. Pole Pollution: New Utility Pole Chemical Risks Identified by EPA While Survey Shows Widespread Contamination. Prepared for Beyond Pesticides, Washington, DC.

<sup>13</sup> Environmental Protection Agency, 1984. Notice of Intent to Cancel Registrations of Pesticide Products Containing Creosote, Pentachlorophenol (Including its Salts), and the Inorganic Arsenicals. 49 FR 28666, July 13, 1984.

over which EPA had no enforcement authority.<sup>14</sup> EPA stated that a voluntary CAP was “likely to meet the Agency’s goal of providing users of pressure-treated wood with proper use and precautionary information.”<sup>15</sup>

EPA considered the CAP an integral part of its risk mitigation efforts to protect public health. The agency stated:

The Agency has every reason to believe that this voluntary Consumer Awareness Program will reach those members of the public using treated wood and alert those individuals to proper use and precautionary practices. Because this voluntary program is expected to satisfy the Agency’s public health protection goals, the Agency has determined that the risk-benefit balance will not be affected by eliminating the mandatory Consumer Awareness Program for the labeling. Should the voluntary program fail to meet the Agency’s expectations, the Agency is prepared to issue a rule pursuant to the Toxic Substances Control Act directed to alert all purchasers and users of treated wood to appropriate information about the use of such products.<sup>16</sup>

By 1994, EPA had noted a lack of participation nationwide in the voluntary CAP.<sup>17</sup> This year, EPA again stated that “the previous consumer awareness program was not adequately informing the public.”<sup>18</sup> In short, EPA’s calculation of acceptable risk assumed that consumers would be provided with Consumer Information Sheets when they purchased CCA-treated wood, but the CAP is not serving that function. Accordingly, the risk remains too high, and CCA’s registration should be canceled.

#### INCREASE IN AVAILABILITY OF ALTERNATIVE TECHNOLOGIES HAS SHIFTED RISK-BENEFIT ANALYSIS AWAY FROM CONTINUED CCA USE

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<sup>14</sup> Environmental Protection Agency, 1986. Creosote, Pentachlorophenol, and Inorganic Arsenicals; Amendment of Notice of Intent to Cancel Registrations; Notice. 51 FR 1334, January 10, 1986.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> State FIFRA Issues Research and Evaluation Group. 1998. Issue Paper: Elimination of Mandatory Consumer Awareness Program for Creosote, Pentachlorophenol, and Inorganic Arsenical Treated Wood. Presented at SFIREG meeting in Seattle, May 18-19, 1998.

<sup>18</sup> Environmental Protection Agency, 2001. Headquarters Press Release: Stronger Consumer Information Program, Scientific Advisory Panel Meeting Announced for CCA-Treated Wood. July 3, 2001.

<http://yosemite.epa.gov/opa/admpress.nsf/b1ab9f485b098972852562e7004dc686/be98a24bbe50bbc585256a7e005905fa?OpenDocument>.



In 1981, when EPA analyzed the heavy-duty wood preservatives as part of a Special Review process, it chose not to cancel CCA's registration primarily based on a lack of available alternatives. The agency explained:

The Agency is very concerned about reducing the apparently high risks to treatment plant workers. However, canceling a specific use or uses for each one of the three wood preservative chemicals is unlikely to alter the overall risk picture for that chemical, since the treatment plant applicator is likely to apply the chemical to another end-use product. Thus, in order to appreciably lower the risks from exposure would have to cancel all uses of that pesticide [sic]. Due to the non-substitutability of the wood preservative compounds and the lack of acceptable non-wood or other chemical alternatives for many use situations, the economic impact which would result from an across-the-board cancellation would be immense. Moreover the only wood preservative pesticides which are efficacious for a majority of the use sites are the inorganic arsenical compounds, which pose the highest level of estimated risk.<sup>19</sup>

Today, several alternative technologies are available to replace every use of CCA-treated wood. These technologies include: plastic lumber for decking; plastic, steel and concrete utility poles; and plastic marine pilings. In addition, several wood-preserving chemicals contain neither arsenic nor chromium, including: Alkaline Copper Quaternary (ACQ), Copper Azole, Copper-8-quinolate, and borate based wood preservatives. The technology used to chemically treat wood with CCA or one of the alternative chemicals is essentially identical. Wood treatment industry officials are on record stating that converting a treatment plant would only cost \$10,000 to \$30,000.<sup>20</sup> Alternative technologies' share of the marketplace will expand as manufacturers provide environmentally sound replacements for CCA-treated wood.

## **LEGAL STANDARDS**

### **A. Cancellation**

FIFRA authorizes EPA to cancel a pesticide's registration if, "when used in accordance with widespread and commonly recognized practices, [the pesticide] generally causes unreasonable adverse effects on the environment." 7 U.S.C. § 136d(b). "Unreasonable adverse effects on the environment" include "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." 7 U.S.C.

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<sup>19</sup>United States Environmental Protection Agency, Creosote, Inorganic Arsenicals, Pentachlorophenol: Position Document No. 2/3 (1981) (emphasis added).

<sup>20</sup>R. Matus, Companies to Produce Safer Wood, GainesvilleSun.com (May 6, 2001) available at <http://www.gainesvillesun.com/articles/2001-05-06c.shtml>

§136 (bb). The evidence shows that continued registration of CCA risks serious adverse effects to public health, specifically increased risk of cancer among those individuals exposed to CCA-treated wood products.<sup>21</sup> Furthermore, recently-developed alternatives to CCA will alleviate any adverse economic consequences of CCA's removal from the marketplace. In a cancellation proceeding, the registrant bears the burden of proving that the FIFRA cost-benefit standard has been, 40 C.F.R. § 154.7(b), and registrants will not be able to meet that standard here. Thus, EPA should act expeditiously to issue a Notice of Intent to Cancel CCA.

#### B. Suspension

FIFRA authorizes the EPA to suspend a pesticide's registration when the pesticide presents an imminent hazard to public health and the environment. 7 U.S.C. § 136d(c)(3). An "imminent hazard" is "a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment." 7 U.S.C. § 136d(l). On a daily basis, CCA's continued registration creates an imminent hazard because there is a substantial likelihood that significant harm to public health will be experienced due to the seriousness and the immediacy of the consequences of exposure to CCA-treated wood. Furthermore, based on the nature and extent of the information available, the risks to the public of continued use of CCA during the cancellation process far outweigh the benefits associated with its continued registration. In addition, EPA's conclusions in 1984 pose no impediment to suspension at this time.<sup>22</sup> Consequently, FIFRA mandates that the EPA issue a suspension order to protect the public and prepare a comprehensive evidentiary record for cancellation proceedings.

### CONCLUSION

FIFRA authorizes EPA to act as a regulatory gatekeeper for pesticides. Under FIFRA, EPA has the power to protect the public from CCA issuing an Notice of Intent to Cancel CCA. 7 U.S.C. §136d. As the foregoing evidence demonstrates, the legal standard for cancellation is met because CCA's continued registration causes unreasonable adverse effects for public health and the environment. The outcome of a CCA risk-benefit analysis, which is a necessary component of FIFRA's cancellation and suspension provisions, is clear because the carcinogenic effects of arsenic are dramatic, especially with regard to children who are most vulnerable to the risks associated with CCA-treated wood. Furthermore, given the production of viable and economical alternatives to CCA, the economic and social concerns of cancellation do not outweigh the public health risks of continued registration.

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<sup>21</sup> See also *Ciba-Geigy Corp. v. EPA*, 874 F.2d 277, 278 (5th Cir. 1989) (cancellation proper when pesticide creates "significant probability" of undesirable consequences).

<sup>22</sup> *Environmental Defense Fund v. Train*, 510 F.2d 1292, 1299 (D.C. Cir. 1975) ("agency's previous determinations are not fixed or permanent policy decisions, but merely earlier stages in an ongoing review and re-evaluation of the evidence.").

The standard for suspension, and subsequent cancellation, under FIFRA is met because recent and reliable scientific evidence adequately supports the conclusion CCA presents an imminent hazard to public health. The toxic effects of CCA have been thoroughly documented and are virtually uncontested. Extensive studies, performed by both government and private facilities, reveal a positive correlation between public health concerns, particularly an increased risk of cancer, and CCA exposure through contact with wood preservatives. Second, any benefits created by CCA wood preservatives are drastically undercut by the impossibility of introducing CCA into the environment with adequate safety measures. For nearly two decades, the wood preservative industry has failed to comply with the EPA's voluntary consumer awareness program designed to alert the public to the dangers of CCA-treated wood. As a result, consumers remain unaware of the hazards associated with exposure to CCA-treated wood, which include respiratory, dermatologic, and neurological symptoms. Moreover, the wood preservative industry has not developed a means to protect the public from the consequences of the use of CCA-treated wood, namely exposure to arsenic that leeches from the wood into the surrounding soil. Therefore, continued registration of CCA presents an imminent hazard that, at a minimum, warrants the expeditious initiation of cancellation proceedings because the risks of continued registration undoubtedly outweighs the diminishing benefits of using CCA as a wood preservative.

Thank you again for the opportunity to present this information. We look forward to working with you.