



BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003
202-543-5450 phone ■ 202-543-4791 fax
info@beyondpesticides.org ■ www.beyondpesticides.org

December 22, 2006

Mark Hartman
Chief, Regulatory Management Branch II
Antimicrobials Division
Office of Pesticide Programs
Environmental Protection Agency
Washington, DC 20460

Re. Registration of Acid Copper Chromate (ACC); Additional Comments

Dear Mr. Hartman:

We are writing to provide additional comments concerning the U.S. Environmental Protection Agency's (EPA) pending decision on whether to approve a registration for residential use for the hexavalent chromium based wood preservative Acid Copper Chromate (ACC). Additionally, these comments support our petition for the cancellation of all uses of ACC.

One of our primary concerns is that it takes significant time for the wood preservative to fixate to the wood. As a result, consumers, workers and other users of ACC-treated wood could be exposed to exceedingly unsafe levels of hexavalent chromium in the workplace, at retail establishments such as Home Depot or Lowe's, or in their backyards as they construct or play on wooden play sets, tree houses, picnic tables or backyard decks. EPA's May 2006 risk assessment of ACC indicates that it can take as much as *100 days or more* for the amount of hexavalent chromium on the wood surface to decrease below the agency's level of concern.

This problem is exacerbated by our concern that *it is not uncommon for wood treaters to ship wood within 24-48 hours* of treatment during periods of high demand. We have also learned recently that many wood treatment operations offer "Treatment Service Only" (TSO) to wood suppliers. Rather than selling wood to treatment companies, wood suppliers or other entities using TSO simply bring their wood to the treater for treatment service only, and then take the wood away via truck or rail. We recently conducted a preliminary internet search, which revealed that several treatment companies offer TSO and advertise it on their websites. A recent study of wood treatment in Canada indicated that 27 million cubic feet of CCA-treated wood was treated via TSO in 1999. This represented 25 percent of the total wood treated with CCA that year. (See *Summary of The Results of Environment Canada's Assessment 2000 Program For The Canadian Wood Preservation Industry*, by R. W. Stephens et. al., May 2001, p. 29).

We understand that in most cases there is a very short turn-around for TSO, usually *less than 48 hours*. For example, the website of the Land & Sea Forest Products Corporation <http://landandsealumber.com/> in Pennsylvania advertises:

- “Land & Sea Forest Products will pressure treat orders from as little as one piece to multiple railcars. Most orders will have a quick 48 hour turnaround from our gate to yours.”
- “Our continuous equipment improvements provide maximum shipping efficiency and reduce freights costs for you. Our dispatch team will ship most orders anywhere in the northeast within 24 hours. Most in-stock morning orders will ship the same day.”

This creates a situation where ACC treated wood would be able to easily enter the market shortly after treatment, during which time hexavalent chromium levels pose exceptional risk.

Given the above information and that provided in our previous comments (December 11, 2006, Letter to Stephen Johnson, EPA Administrator, from Beyond Pesticides, Healthy Building Network, Natural Resources Defense Council and Pesticide Action Network North America, with attached comments/report), we do not see how EPA can ensure that children and adults who come into contact with ACC-treated wood will not be exposed to dangerous levels of hexavalent chromium. Moreover, it would be irresponsible for EPA to approve the unlimited use of ACC without a full investigation of TSO and other wood treatment practices that could endanger the public.

Therefore, we ask EPA again to deny the pending application for the unrestricted use of ACC. We also ask that you cancel the registration for non-residential use as well.

Thank you for your consideration. Please feel free to contact us if you have questions or would like additional information regarding our comments.

Sincerely,

Jay Feldman, Executive Director
Beyond Pesticides

Bill Walsh, J.D., National Coordinator
Healthy Building Network

CC. Stephen Johnson
James Gulliford
James Jones
Jack Housenger
Tim Leighton

Marcus Peacock
Susan Hazen
Frank Sanders
Timothy McMahon