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CONTINUING USES OF CCA

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Abstract

In the early part of 2002 the Canadian CCA manufacturers agreed to move away from the use of CCA in the treatment of lumber destined to the non-industrial market by December 31, 2003. The label changes that have been insisted upon by PMRA are not clear and have created some confusion in the market place. Recommendations are made for improved clarity in the labels.

In February, 2002 the CCA wood preservative manufacturers in co-operation with Health Canada's Pest Management Regulatory Agency (PMRA) agreed to facilitate a voluntary transition to "non-arsenic" containing wood preservatives for residential use. The CCA manufacturers further agreed to make submissions to PMRA to amend the CCA product labels to be consistent with those in the USA. These labels changes were to be completed within 30 days from the issuance of notice by the US – Environmental Protection Agency in the "Federal Register".

In April, 2003 the Federal Register notice was issued and our American counterparts, as agreed, instructed their customers by June 30, 2003 of the label changes taking effect December 31, 2003. At the same time, the Canadian manufacturers informed PMRA of the US-EPA's proceedings in an attempt to be consistent with the USA.

Subsequently, in May, 2003 the Canadian manufacturers received a letter from PMRA indicating the required label changes; however, they were not totally consistent with those previously agreed upon in the USA.

During the summer of 2003 US treating plants began to raise numerous questions and issues regarding "Allowable Uses" on the American labels and the EPA in concert with the US manufacturers formed a working group to develop a "Supplemental Guidance Document for Users" to ensure clarity within the industry. This issues and concerns raised in the USA were brought to PMRA's attention but there was no desire on the part of Canadian regulators to form a similar working group in Canada.

Eventually, PMRA responded to the Canadian manufacturers May 2003 submissions with instructions to inform CCA users (treating plants) about the pending label changes on or before October 31, 2003. By mid to late November, numerous valid issues were raised regarding "allowable uses" by Canadian treating plants but PMRA would not entertain any further discussion until January, 2004.

The September instructions from PMRA were to advise and ensure that every treating plant using CCA was provided with a revised copy of the manufacturer's label. The CCA manufacturers in Canada had amended their label instructions to indicate the specific "Treated Wood Use Limitations" that goes on to say "Effective December 31, 2003, working solutions of this product could only be used in the treatment of wood in the following categories:

1. Land, fresh water, foundation and marine piles as defined in CSA O80.3-97
2. Poles for highway and utility uses,
3. Plywood,
4. Wood for Highway Construction as defined in CSA O80.14-97: lumber for bridges and structural members; lumber for cribbing, culverts and bridge parts; land, fresh water and salt water piles; structural lumber in salt water; posts (fence, guard rail, guide, sign and sight); lighting poles; bridge hand rails; guardrails and posts.
5. Fence posts and poles as defined in CSA O80.16-97 for use on farms, piles and posts used as structural members on farms, and plywood used on farms,
6. Wood for marine construction (salt water immersion),
7. Round poles and posts used in building construction,
8. Sawn Crossarms,
9. Laminations before gluing,
10. Shakes and Shingles,
11. Lumber and plywood for permanent wood foundations.

Forest products treated with this product may only be sold or distributed for the uses noted above."

For clarification purposes there is a need for the Canadian treating industry to be consistent with its counterparts in the USA. One can argue the merits of whether the Canadian plants should be allowed to continue using CCA to treat dimensional lumber used as housing components for the export markets, but this would constitute new and separate discussions regarding the impact on trade with the appropriate government agencies, including PMRA, but this is not a part of today's presentation.

The Canadian manufacturers for the most part are committed to following the original agreement with respect to the Canadian CCA label, but there are issues that need to be addressed sooner than later.

Some items on the label are reasonably clear, for example, item number one (1) states: Land, fresh water, foundation and marine piles as defined in CSA O80.3-97. Item number four (4) Wood for Highway construction as defined in CSA O80.14-97. This item like the first one states exactly what can be treated and provides a source for treating instructions. Item number five (5) states: Fence posts and poles as defined in CSA O80.16-97 for use on farms, piles and posts used as structural members on farms and plywood used on farms. Once again, this is reasonably clear provided the user is familiar with the CSA Standards.

On the other hand, the eight of the eleven items listed, do not have any other instructions to follow other than the words shown on the manufacturer's label.

Item number three (3) for example simply reads "Plywood", there are no further instructions to indicate the allowable species of plywood that can be treated, there is no retention level specified, nor is there any restriction as to where the finished or treated product can be sold or distributed.

Other products, may be limited in there applications, but there is still numerous questions that can be raised, therefore it creates confusion within the industry. These items include:
Item # 6 – Wood for Marine construction (salt water immersion), where no Standards are cited,
Item # 7 – Round poles and posts used in building construction, which raises the question of, what is the meaning of pole and post. Does a round pole also mean a round post used in building construction or does the term post allow the use of sawn timbers. Further to that, what species are allowed and more importantly, what are the required penetration and retention levels.
Item # 8 – Sawn crossarms, once again, there is not sufficient information to ensure the correct product is used or treatment level is provided.
Item # 9 – Laminations before gluing; this item has raised numerous valid questions, for example, does this statement allow a treating plant to produce dimensional lumber to be sold to a individual who could in turn apply glue to that would be similar to a laminated beam? Coincidentally, the EPA Guidance document very clearly allows dimensional lumber that is intended to be used as structural components to be nailed and glued. Further clarification is needed for this item.
Item # 10 – Shakes and shingles could very easily have specified a CSA Standard, but unfortunately the level of treatment is left to ones discretion.
Item # 11 – Lumber and plywood for permanent wood foundations is a glaring example of where change is needed immediately. Within Canada, the CSA Standards require "Certification" which indicates that the producing plant has complied with conditions of qualification set forth in the Standard. There is a requirement for a "Certification mark" to be used by the certified plant along with the additional markings of a qualified and certified inspection agency. To compound this, there is no requirement according to the label to comply with any of certification program, nor is there any requirement or restriction of products that can be treated for this application. The end result is that there have been a number of reports that indicate that this product "limitation" is being abused by some treating facilities.

There are also three items shown on the American labels that do not currently appear on the Canadian labels, hence it would be a violation of the PCP Act should anyone produce these items. These items include:
Sawn Timber Used in Difficult to replace applications for both Residential and Commercial applications,
Structural Composite lumber, and

Cooling Tower Lumber, Timber and Plywood, note AWPA (American Wood-Preservers Association) Standards, the Cooling Tower Standard also includes plywood.

For most treating plants these specific items are not a major issue, however, there are a few plants, particularly on the west coast that produced a substantial quantity of this product for the US market and because of the current restriction in Canada they cannot compete in the USA.
In conclusion, there are a number of recommendations or suggestions that I like to see taken in to consideration by the industry as well as PMRA and they are as follows:

The commitment that was made on the part of the CCA manufacturers was to be consistent with its counterparts in the USA. This is not the case at the present time and it needs urgent attention.

As stated previously, there may be valid reasons why the Canadian industry should be allowed to continue using CCA, however, a decision was taken and an agreement was reached between the CCA manufacturers and PMRA. Rightly or wrongly, I don't believe there is an opportunity to reverse the actions previously agreed to, on the other hand, I do believe that the terms of the original agreement must be respected by all parties.

I also firmly believe that a Canadian version of a "Guidance Document for Uses" is essential to the industry. Furthermore, it would be an effective tool for all CCA users, purchasers, specifiers as well as forming a very useful tool to ensure any enforcement issues that may arise.

Finally, this process has not been a particularly pleasant one for anyone, including, the manufacturers, the treatment facilities, nor the regulators. In the weeks and months ahead, collectively we must find better ways to satisfy PMRA's mandate to protect the health, safety and the environment for Canadians, but at the same time they must recognize that this industry relies on providing the benefits derived by adding value to wood through preservation enhancement techniques, which helps the environment by utilizing a renewable resource.

The health and safety of Canadians and in particular those employed in the industry or those who utilize these products are always first and foremost in the mind of companies who take pride in producing quality products, and our company is no exception. Without timely change, the wood preserving industry could fail and that would constitute a severe impact on the economic environment within every province, particularly in a province like British Columbia that relies heavily on its lumber resources.

References

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