

**San Francisco Department of the Environment
Regulation Determining Acceptable Alternatives to Arsenic Treated Wood and
Adopting an Exemption Request Form
San Francisco Environment Code, Chapter 13
Adopted September 10th, 2003**

A. Authorization. The Arsenic Treated Wood Ordinance requires City Departments and their contractors who purchase preservative-treated wood to purchase only from the list of alternatives adopted by the Department of the Environment (SFE). Environment Code §1302. The ordinance exempts preservative-treated wood containing arsenic from this requirement if used in a saltwater immersion environment. Env. Code §1303. The Ordinance also provides that SFE may issue other exemptions upon a finding that the City Department or contractor has (1) made a good-faith effort to purchase an alternative from the list adopted by SFE or has demonstrated that the alternative is not economically viable for the proposed use or is not practical; and (2) developed a best management practice, including a plan for minimizing leaching or contact with human skin, if the exemption is granted. Env. Code §1304. This regulation includes the list of alternatives and an exemption request form.

SFE held a public meeting on August 5, 2003 to present the list of alternative products and solicit comments from the public. The meeting was well attended by City employees and industry representatives. Industry representatives' felt strongly that the approved list should follow the format developed by the American Wood Preservers Association to distinguish particular uses of pressure treated wood (Use Category System). These suggestions were incorporated into the structure of the final approved list. The Exemption Form was circulated to City Departments for comment. No comments were received.

B. Policy/Findings. Preservative-treated wood containing arsenic poses potential health risks to children in San Francisco who are potentially exposed to arsenic, a known human carcinogen, by playing on City wooden playground and park equipment. Studies conducted in California, Connecticut and Florida suggest that arsenic leaches from preservative-treated wood containing arsenic and can end up on children's hands and in their mouths. Preservative-treated wood containing arsenic poses potential human health and environmental risks through the release of arsenic during manufacture, installation, and disposal of wood.

There are a variety of alternatives to preservative-treated wood containing arsenic compounds readily available throughout California. Preservative-treated wood is also used for saltwater immersion environments for structures such as pilings and piers, but until such time as a viable alternative is available, best management practices should be followed for these uses.

Under the Ordinance, the City and County of San Francisco wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace

and to conduct its own business as a municipal corporation to ensure that purchases and expenditures of public monies are made in a manner consistent with its policies.

SFE used the following criteria to evaluate potential alternatives to wood preservatives containing arsenic:

1. If the product is pressure treated, treatment must be standardized by AWWPA for the intended use. This requirement helps ensure that the treatment meets specifications to minimize leaching.
2. Product must not be used in a manner that US EPA prohibits or discourages.
3. Product or use must not violate state or local law, policy, or published best management practices.
4. Product may not result in the release or creation of dioxins during manufacture or disposal.
5. Product, constituents, or contaminants may not be listed on the EPA Priority PBT list or the EPA Waste Minimization Priority Chemicals list.
6. Product (or components) should not contain known, likely, or probable human carcinogens listed by EPA, IARC, NTP, or State of California.
7. Product (or components) should not be listed as reproductive or developmental toxicants by the State of California.
8. For structures built in or over water, or where significant runoff is likely to occur, the use of copper should be minimized. If copper-based products are used, products with the lowest leaching potential should be chosen.
9. Products must not designate as a hazardous waste using criteria set by the State of California.

All alternatives on the list meet the criteria listed above.

A full report on the development of criteria and selection of alternatives is in the record at the SFE. A copy of the report can be requested from SFE by calling (415) 355-3700. SFE conducted a survey of availability and costs of alternatives to arsenic treated wood for the most common wood uses. The results of this survey demonstrate that alternatives are readily available for these uses and are within the price range for arsenic treated products. In addition, SFE compiled a series of studies and reports to document the findings of the Ordinance. All these documents as well as the price survey, and written public comments can be requested by calling the above phone number.

C. Scope. This regulation applies to City purchases of pressure treated wood for all uses on City-owned or maintained property. It does not apply to tenants on City-owned property. The regulation implements the City's ban on the purchase of arsenic-treated wood except as specified in sections 1303 and 1304 of the Ordinance.

D. Requirements. As directed by the Ordinance, SFE hereby adopts the following:

Attachment (1) lists the wood preservatives found acceptable for the various uses of pressure treated wood pursuant to Section 1302 of the Ordinance. The list will be updated periodically to allow for the inclusion of new materials.

Attachment (2) is the exemption request form to be filled out by City departments pursuant to Section 1304 of the Ordinance. Exemption request forms must be submitted to SFE before any order is placed. SFE will make a decision and notify the requesting department within 10 working days of receipt of the form.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Jared Blumenfeld
Director, Department of the Environment

Date
