

**Resolution No. 011-01-COE Preservative-treated Wood Containing Arsenic
November 20, 2001**

URGING THE MAYOR AND THE BOARD OF SUPERVISORS TO REQUIRE CITY DEPARTMENTS TO PURCHASE ONLY ALTERNATIVES TO PRESERVATIVE-TREATED WOOD CONTAINING ARSENIC FOR ALL CITY AND COUNTY CONSTRUCTION AND PROPERTY, SEAL AND PLACE WARNING LABELS ON EXISTING PLAYGROUND EQUIPMENT MADE OF PRESERVATIVE-TREATED WOOD CONTAINING ARSENIC, AND REPLACE EXISTING PLAYGROUND STRUCTURES AND PARK EQUIPMENT MADE OF PRESERVATIVE-TREATED WOOD CONTAINING ARSENIC WITH ARSENIC-FREE ALTERNATIVES AS SOON AS PRACTICABLE.

WHEREAS, the Sustainability Plan for the City of San Francisco specifically pledges to “minimize risks to human health and the environment by striving to eliminate hazardous materials and hazardous waste”¹; and,

WHEREAS, in 1999, the City and County of San Francisco adopted an Environmentally Preferable Purchasing Ordinance stating that it shall be the policy of the City to aggressively pursue the goal of reducing the health and environmental impact of products used in its operations²; and,

WHEREAS, the City and County of San Francisco adopted an Integrated Pest Management Ordinance in 1996 mandating that San Francisco minimize its pesticide use and reduce the negative impact of pesticides on people and the environment³; and,

WHEREAS, wood preservatives are registered pesticides and the Integrated Pest Management Ordinance does not currently include any wood preservatives on the “Approved List of Reduced Risk Pesticides” for San Francisco⁴; and,

¹ The Sustainability Plan for the City of San Francisco, 1997, p. 49.

² San Francisco Administrative Code, Chapter 21F Environmentally Preferable Purchasing, <http://www.sfhzawaste.org/City/city-city-ordinance.htm>.

³ San Francisco Administrative Code, Chapter 39 San Francisco Integrated Pest Management Program.

⁴ Integrated Pest Management Program Report Reduced Risk Pesticide List 2000, San Francisco Integrated Pest Management Program. http://www.ci.sf.ca.us/ipm/list_2000/coverhtm#list2000.

WHEREAS, some wood preservatives contain arsenic compounds; and,

WHEREAS, the Board of Supervisors of the City and County of San Francisco adopted a resolution supporting a Congressional Bill mandating that all preservative-treated wood containing arsenic is labeled appropriately⁵; and,

WHEREAS, the Commission on the Environment⁶ and the Board of Supervisors⁷ of the City and County of San Francisco passed a resolution urging reduced use of toxic wood preservatives in wood utility poles, including arsenic-containing treatments; and,

WHEREAS, the Presidio Trust recognizes the negative health effects from arsenic and therefore does not purchase preservative-treated wood containing arsenic⁸; and,

WHEREAS, the Department of Recreation and Park of the City and County of San Francisco no longer installs preservative-treated wood containing arsenic in its playgrounds and has demonstrated leadership in investigating alternatives to the use of arsenic-treated wood; and,

WHEREAS, legislation banning the use of preservative-treated wood containing arsenic in playground equipment is currently pending in the United States House of Representatives⁹ and the Florida state legislature¹⁰, and has passed in Alachua County, Florida¹¹, and,

⁵ City and County of San Francisco, Board of Supervisors, Resolution 557-01, File 011208, Resolution of support for Senate Bill 877. July 13, 2001.

⁶ Commission on the Environment, City and County of San Francisco. Resolution No. 004-01-COE. Wood Preservatives, May 21, 2001.

⁷ City and County of San Francisco, Board of Supervisors, Resolution 512-01, File 011117, Wood Preservatives Resolution, June 29, 2001.

⁸ Presidio Trust Internal Memorandum, "Treated Dimensional Lumber," From Bruce Anderson to Steve Potts et al, October 19, 2001. On file at the San Francisco Department of the Environment with the Commission Secretary.

⁹ 107th Congress, 1st Session, H.R. 2727, "Arsenic-Lumber Child Protection Act," introduced August 2, 2001. (to establish a labeling requirement under the Federal Insecticide, Fungicide, and Rodenticide Act in order to prohibit the use of arsenic-treated lumber to manufacture playground equipment, and for other purposes).

¹⁰ Florida Legislature, H 113, "Relating to Treated Wood," prefiled September 11, 2001, (prohibits use of wood products treated with chromated copper arsenate in publicly funded playground equipment, and prohibits state agencies from purchasing wood treated with chromated copper arsenate, inter alia).

¹¹ Alachua County (Florida) Board of County Commissioners, acceptance of report "Chromated Copper Arsenate (CCA) Pressure Treated Wood Inventory and Management Practices in Alachua County," September 25, 2001 (recommending, inter alia, arsenic-free wood for county purchasing, replacement of arsenic-contaminated mulch and

WHEREAS, legislation requiring a warning label on preservative-treated wood containing arsenic is currently pending in the United States House of Representatives¹² and the United States Senate¹³, and,

WHEREAS, the Environmental Protection Agency recently expanded its consumer information program for preservative-treated wood containing arsenic, implementing end-tag labeling for such wood, in-store bin stickers and signs, and a toll-free consumer information hotline and website; and,

WHEREAS, arsenic has been classified by the US EPA as a Group A, known human carcinogen¹⁴; and,

WHEREAS, in addition to skin and lung cancer, arsenic is also known to cause neurological problems, numbness, paralysis, and other human health problems including: nausea and vomiting; decreased production of red and white blood cells; abnormal heart rhythm; blood vessel and skin damage¹⁵; and,

WHEREAS, many arsenical treatments, including Copper Chromium Arsenate, also contain chromium VI¹⁶, which is listed as a chemical known to cause cancer under California's Safe Drinking Water and Toxic Enforcement Act¹⁷ and has been classified by the US EPA as a Group A, known human carcinogen of high carcinogenic hazard¹⁸; and,

soil in playground areas, and replacement of CCA-containing playgrounds and picnic tables with arsenic-free alternative equipment)

¹² 107th Congress, 1st Session, H.R. 2721, "Arsenic-Treated Wood Mandatory Labeling Act," introduced August 2, 2001 (to amend the Agricultural Marketing Act of 1946 to require that a warning label be affixed to arsenic-treated wood sold in the United States)

¹³ 107th Congress, 1st Session, S. 877, "Arsenic-Treated Wood Mandatory Labeling Act," introduced May 14, 2001, (to amend the Agricultural Marketing Act of 1946 to require that a warning label be affixed to arsenic-treated wood sold in the United States).

¹⁴ U.S. Environmental Protection Agency. *Integrated Risk Information System (IRIS) on Arsenic*. Environmental Criteria and Assessment Office, Office of Health and Environmental Assessment, Office of Research and Development, Cincinnati, OH. 1993.

¹⁵ Agency for Toxic and Substances and Disease Registry (ATSDR). 2000. Toxicological Profile for Arsenic. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

¹⁶ Brooks, K. M. 1993. Anticipated Environmental Impacts from the use of Chromated Copper Arsenate (CCA) Treated Wood. Prepared for Western Wood Preservers Institute.

¹⁷ State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986. Chemicals Known to the State to Cause Cancer or Reproductive Toxicity. June 22, 2001. http://www.oehha.org/prop65/prop65_list/Newlist.html.

¹⁸ U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Chromium and Compounds, Hazard Summary, <http://www.epa.gov/ttn/uatw/hlthef/chromium.html>.

WHEREAS, studies conducted in California¹⁹, Connecticut²⁰, and Florida²¹ show that arsenic leaches from preservative-treated wood containing arsenic and can end up on children's hands and in their mouths; and,

WHEREAS, preservative-treated wood containing arsenic poses potential health risks in manufacture, by affecting workers who make the product²², and disposal, by leaching into groundwater from landfills²³; and,

WHEREAS, 144 million pounds of preservative-treated wood containing arsenic are used annually in the United States²⁴, and,

WHEREAS, wooden playground and park equipment (including picnic tables and park benches) throughout San Francisco are made of wood that has been pressure-treated with arsenicals, to kill insects and prevent rot; and,

WHEREAS, San Francisco children are potentially exposed to arsenic, by playing on wooden playground and park equipment made from preservative-treated wood containing arsenic; and,

WHEREAS, parents have no way of knowing that their children are potentially exposed to arsenic, because there is no warning sign on playground and park equipment made from preservative-treated wood containing arsenic; and,

¹⁹ California Department of Health Services. 1987. Evaluation of hazards posed by the use of wood preservatives on playground equipment. Office of Environmental Health Hazard Assessment. Report to the Legislature.

²⁰ Stillwell, D.E. 1999. Arsenic in Pressure Treated Wood. Department of Analytical Chemistry, The Connecticut Agricultural Experiment Station. <http://www.caes.state.ct.us/plantscienceday/1999psd/arsenic99.htm>.

²¹ Roberts, S.M. and H.O. Ochoa. 2001. Report assessing the risks from arsenic exposure through direct contact with CCA-treated wood. Untitled. Submitted to John Ruddell, Florida Department of Environmental Protection. April 10, 2001.

²² California Department of Health Services, Hazard Evaluation System and Information Service (HESIS) Fact Sheet, "Wood Preservatives Containing Arsenic and Chromates", February 1990. <http://www.dhs.ca.gov/ohb/hesis/arsen2.htm>.

²³ Tom, Patricia-Anne, "Poison Wood: Good Wood Gone Bad," Waste Age magazine Special Report, August 9, 2001 (available at www.wasteage.com, and on file with Commission Secretary).

²⁴ American Wood Preservers Institute, 1997, "1996 American Wood Preserving Industry Production Statistical Report" (Fairfax, Virginia).

WHEREAS, children are potentially exposed to arsenic at state parks, and national parks, by eating on picnic tables, sitting on park benches, and playing on play structures constructed with preservative-treated wood containing arsenic; and,

WHEREAS, preservative-treated wood containing arsenic is used in a wide variety of applications, including, sill plates, building supports, fence posts and stairs; and,

WHEREAS, there are a variety of alternatives to preservative-treated wood containing arsenic compounds readily available throughout California, including non-wood substances such as metal and recycled non-chlorinated plastic, sustainably harvested naturally pest- and rot-resistant woods, and alternative wood treatments such as Alkaline Copper Quaternary (“ACQ”) and Copper Boron Azole (“CBA”), and,

WHEREAS, there is currently no alternative to pressure treated wood products containing arsenic approved for use in saltwater immersion environments now, therefore, be it

RESOLVED, that the Commission on the Environment urges the Department of the Environment to develop a list of environmentally preferable alternatives to preservative-treated wood containing arsenic for non-saltwater immersion uses within six months of the passage of this resolution; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors of the City and County of San Francisco to require all City Departments and contractors performing work pursuant to City contracts to purchase only pressure treated wood products from the Department of the Environment’s approved list of environmentally preferable alternatives to preservative-treated wood containing arsenic; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors of the City and County of San Francisco to require all City departments who own or maintain existing City playground and park equipment, such as benches, picnic tables and playsets, constructed

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with preservative-treated wood containing arsenic to develop a timeline and cost analysis for replacing them with arsenic-free alternatives and present the timeline within six months of the passage of this resolution to the Commission on the Environment; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors of the City and County of San Francisco to require all City Departments who maintain existing playground and park equipment made of preservative-treated wood containing arsenic where contact with human skin is likely to ensure proper sealing in accordance with California Health and Safety Code section 115775 until such time that all structures have been replaced with arsenic-free alternatives; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges all City Departments wishing to dispose of preservative-treated wood containing arsenic to ensure that the wood is not re-used, burned nor used for wood chips or mulch, but is disposed of in an approved landfill; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors of the City and County of San Francisco to require all City Departments who own, purchase or maintain City playground and park equipment to place warning labels indicating they are constructed out of preservative-treated wood containing arsenic, and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors of the City and County of San Francisco to write a letter urging the State of California to stop purchasing preservative-treated wood containing arsenic, replace all existing state park equipment (such as benches and picnic tables) constructed with preservative-treated wood containing arsenic with arsenic-free alternatives as soon as practicable, and ensure sealing of existing structures in accordance with California Health and Safety Code section 115775 until such time that all structures have been replaced with arsenic-free alternatives; and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Department of Building Inspection and the Department of the Environment to investigate the possibility of a citywide ban on the sale and installation of preservative-treated wood containing arsenic and report back to the Commission on the Environment within six months of the passage of this resolution, and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Port of San Francisco to report back to the Commission on the Environment within six months of the passage of this resolution and annually thereafter on alternatives to preservative-treated wood containing arsenic for use in saltwater immersion environments and to seal sections of docks and piers where frequent human contact is likely, and, be it

FURTHER RESOLVED, that the Commission on the Environment urges the Port of San Francisco to require that all treated wood purchased for use in Port facilities be certified as produced in conformance with the Best Management Practices for Treated Wood Used in Aquatic Environments²⁵.

FURTHER RESOLVED, that the Commission on the Environment urges the Mayor and the Board of Supervisors to ban the use of pressure-treated wood containing arsenic in all saltwater immersion environments by January 1, 2005.

I hereby certify that this resolution was adopted by the Commission on the Environment at its Special meeting on November 20, 2001.

Kristal Aliyas
Commission Secretary

VOTE:

Ayes: *Commissioners Hayes, Bingham, Shah, Werbe, and Rodriguez.*

Noes: *None.*

Absent: *Commissioners Evans and Bradford-Bell.*

²⁵ Western Wood Preservers Institute/Canadian Institute of Treated Wood. *Best Management Practices for the Use of Treated Wood in Aquatic Environments*. July 1996. www.wwpinstitute.org