

foundations. The Agency will examine such uses as part of its reregistration assessment of CCA products. However, the remaining voluntary cancellation requests were finalized on March 17, 2003, and the use terminations are effective as of May 16, 2003.

C. Concerns Raised by Environmental Groups

Comments. In their comments, the environmental groups (Clean Water Action, Healthy Building Network, and others) expressed concerns with the estimated 75 billion board feet (estimated by the American Wood Preservers Institute) of CCA-treated wood currently in use in residential settings. This proposed voluntary cancellation request affects future residential uses of CCA products but does not address existing CCA-treated wood decks and play structures. The environmental groups urged EPA to complete the CCA risk assessments to determine the dangers posed by CCA-treated wood currently in use. Concerns were also expressed over the safety of building contractors who come into contact with CCA-treated wood used during building construction and with utility workers working with utility poles. As a result, there were requests to extend use restrictions to include all uses, residential and industrial.

The environmental groups also believe that the time frame for the phase-out of CCA-treated wood from residential uses is too lengthy, and that the phase-out is not comprehensive enough. They appeared to assume that CCA-treated plywood would continue to be sold in retail stores indefinitely. The commenters also expressed concerns that the Agency doesn't address proper disposal of CCA-treated wood, and treated wood could be burned or dumped in landfills where it can contaminate soil and groundwater. They suggested that the registration be amended to include proper handling, use and disposal of CCA-treated wood.

Agency's response. The Agency acknowledges the concerns expressed by environmental groups regarding the potential risks of CCA to human health and the environment, and the need to proceed as quickly as possible given the potential risks. The Agency intends to address the commenters' concerns in two ongoing Agency processes in which the risk of the non-cancelled or terminated uses of CCA are currently being assessed. The Agency is currently conducting two risk assessments, one that focuses on children's exposure to CCA from play structures and decks constructed of CCA treated wood (uses of which are terminated pursuant to the

cancellation order), and one that focuses on the remaining industrial and marine uses. The result of the children's exposure assessment will serve as the basis for determining if further action is needed concerning existing play structures and decks.

The Agency is also currently examining the use of CCA-treated wood in light of the latest science and safety standards, under EPA's reregistration process. Upon the completion of the overall risk assessment, which will address the remaining uses of CCA and any occupational hazards that may exist from exposure to CCA, and the benefits assessment, the Agency will announce its proposed approach and the public will be afforded an opportunity to provide comments. The Agency will then consider any comments received and make a final determination as to the reregistration eligibility of the remaining uses of CCA.

With respect to the disposal of CCA-treated wood, CCA-treated wood is classified as non-hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA). Disposal of CCA-treated wood is addressed via the Consumer Awareness Program (CAP). The CAP is a voluntary program established in 1986 (and later updated in 2001) by the registrants of CCA products, to protect consumers by providing them with information on the proper handling, use and disposal of CCA-treated wood. Under this program, instructions on the proper handling, use and disposal of CCA-treated wood are disseminated to consumers upon purchasing CCA-treated wood products via the Consumer Safety Information Sheets (CSIS) and/or end tag labeling applied to the wood product itself. EPA also disseminates guidance to consumers to advise against burning CCA-treated wood. Additional information regarding the CAP, handling, use and disposal of CCA-treated wood can be obtained from the Agency's Web site at: <http://www.epa.gov/pesticides/citizens/1file.htm>.

D. Other Significant Pertinent comments

1. *Clarification regarding AWP Standard C5—comment.* An inquiry was made as to the potential decision to allow wood to be treated with CCA for agricultural purposes (fence posts) under AWP Standard C16 yet questioning why it would be a prohibited use under the AWP Standard C5.

Agency response. As discussed earlier, the Agency is not taking any action on the requests to delete the agricultural fence post use of wood

treated with CCA. Fence posts treated according to AWP Standard C16 are for agricultural purposes only. This particular type of fence post is used by many farmers and ranchers for barbed and other wire fencing. The distribution channels, aesthetics, size, round shape, and random diameter of that type of fence post effectively limit its use for specific agricultural purposes, and make it inappropriate for residential applications. The Agency has determined, based on available information and field investigations, that agricultural fence posts are not sold into the residential market. Fence posts treated according to AWP Standard C5, however, are for residential purposes. Prior to the voluntary cancellation/use terminations, the labels permitted wood treated for fence posts according to AWP standard C5 to be used for residential fencing, and it could also possibly be used for other residential applications as well.

2. *CCA-treated wood export restrictions—i. Comment.* Comments sought clarification on whether wood treated with CCA can be exported to other countries for use in residential settings.

Agency response. As stated in this notice, under the Cancellation Order, effective December 31, 2003, wood treatment facilities are only allowed to treat wood products with CCA that are intended to be used only for those remaining uses approved on the CCA product label. Wood intended for use in prohibited residential settings may not be treated with CCA after December 30, 2003, unless the product being used is a pre-existing product and such use is permitted by that product label. (See Unit V: "Provisions for Disposition of Existing Stocks") Because of the method of product manufacture and distribution used in the wood preservation industry, the Agency does not expect any more than de minimus stocks to exist as of December 31, 2003, that do not bear the more restrictive label language. Hence, beginning December 31, 2003, unless the label on the affected product provides otherwise, it would be illegal to treat wood with CCA for any prohibited residential use, regardless of whether the treated wood is to be used in the United States or exported for use in other countries.

3. *Request received from American Wood-Preservers Institute (AWPI)—comment.* The American Wood-Preservers Institute, which provided comments on behalf of the companies that treat wood, requested that the proposed cancellation date of December 31, 2003, be extended an additional 3–6 months to allow further time for