

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1495 Treated Wood
SPONSOR(S): Joyner
TIED BILLS: **IDEN./SIM. BILLS:** SB 152

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation (Sub)		McKinnon	Lotspeich
2) Natural Resources			
3) Education K-20			
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 1495 prohibits the use of any wood product containing chromated copper arsenate (CCA) in the construction of any playground equipment, and for use as decorative mulch associated with playground equipment, for which public funds are used. The prohibition is prospective only.

This bill requires the Department of Education (DOE) to give notice to school districts that any wood treated with CCA which could come into contact with children must be sealed every two years with a nontoxic sealant. DOE is authorized to provide grants to school districts to help cover the costs of sealing the wood, and \$250,000 from the General Revenue Fund is appropriated for this purpose.

The bill prohibits state agencies from purchasing wood treated with CCA unless no alternatives are available. The Department of Environmental Protection (DEP) is authorized to provide grants to private companies that treat wood with CCA to convert to an arsenic-free preservative, and \$250,000 from the General Revenue Fund is appropriated for this purpose.

Finally, the bill requires retailers and contractors who sell or use CCA-treated wood to provide notice to the consumer that the wood is treated with arsenic and must be sealed at least once every two years.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1495.nr.doc
DATE: March 21, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2002, the St. Petersburg Times hired Thornton Laboratories of Tampa to take a single soil test near the sunken posts at five wooden playgrounds picked randomly around the Tampa Bay area. Every one of the tests came back positive for arsenic, at levels higher than the state considers safe. Subsequently, other tests have been conducted at playgrounds around the state, as well as the country, and several playgrounds have been shut down and are being renovated due to the arsenic levels found in the soil.

Arsenic is a naturally occurring element that’s in soil everywhere. Florida’s safety level is among the most stringent in the country. So stringent that according to Scott Ramminger, former president of the American Wood Preservers Institute, “...arsenic levels considered unsafe in Florida are considered normal background levels in soil elsewhere.” However, it’s important to note that the Florida levels still exceed the national background levels.

Chromated copper arsenate (CCA) treated wood has been in used effectively for 70 years. Some countries, including Switzerland, Vietnam and Indonesia, have banned CCA treated wood. Japan, Denmark, Sweden, Germany, Australia and New Zealand have restricted or proposed restrictions for it. Some occupational illnesses and injuries relating to CCA treated wood have been reported. However, long-term effects of CCA treated wood on consumers is sketchy at best because epidemiological-related testing has not been completed.

The preserved wood industry, in conjunction with the Environmental Protection Agency (EPA), has developed an enhanced consumer safety information program to inform consumers regarding the safe use of CCA treated wood. The program consists of labels on wood containing detailed information, point-of-purchase signs and stickers indicating key messages about handling treated wood, a new website (www.ccasafetyinfo.com) and a toll-free hotline (800-282-0600) providing consumer safety information, as well as other aspects. The industry has also proposed a program to survey compliance, which is currently being reviewed by the EPA.

Alternatives to CCA treated wood exist. But because they aren’t widely available, the cost is 12-25% more than the CCA treated wood. The Department of Corrections and PRIDE, a private company that gives job-training to prisoners, run a wood treatment plant at Union Correctional Institution at Raiford. It provides CCA treated wood to state agencies for use in projects all over the state. At the Governor’s urging, a \$500,000 appropriation was placed in the budget in FY 2001-02 to convert the plant in Raiford for treating wood with a non-arsenic preservative. However, due to loss of manpower, the plant is in the process of closing.

Currently, the Consumer Product Safety Commission (CPSC) and the EPA are conducting independent studies and research of CCA treated wood. Both groups anticipate their respective analyses to be completed in 2002.

Effect of proposed changes

HB 1495 prohibits the use of wood products with chromated copper arsenate (CCA) in playground equipment and associated groundcovers built with public funds. This prohibition applies to equipment constructed or contracted after October 1, 2003. The bill also directs the DOE to notify school districts of appropriate maintenance and care for CCA treated wood likely to come into contact with children. The bill requires all state agencies to purchase arsenic-free wood unless an arsenic-free product is not commercially available for the particular use. DEP is authorized to provide grants to private companies who are currently producing CCA treated wood to convert operations to an arsenic-free preservative.

This legislation requires retailers of CCA treated wood and contractors or subcontractors engaged in residential construction containing CCA treated wood to provide notice of the use of CCA treated wood to noncommercial buyers and owners. Noticing requirements and penalties for failure to comply with noticing requirements are provided for in the legislation.

The legislation provides a \$250,000 appropriation to the Department of Education to provide grants to public school districts and charter schools to offset the costs of renovating playground equipment made with CCA treated wood. An additional \$250,000 appropriation is provided to DEP to provide grants to private companies currently producing CCA treated wood for conversion to an arsenic-free preservative.

C. SECTION DIRECTORY:

Section 1: Prohibits the use of wood containing chromated copper arsenate (CCA) in construction of playground equipment.

Section 2: Requires the Department of Education (DOE) to give notice to school districts that wood treated with CCA that is likely to come in contact with children must be sealed every two years.

Section 3: Requires all state agencies to purchase arsenic-free wood unless an arsenic-free product is not commercially available for a particular use.

Section 4: Requires retailers of wood treated with CCA and contractors engaged in residential construction containing wood treated with arsenic to provide notice of the use of wood treated with CCA to noncommercial purchasers and owners.

Section 5: Provides an appropriation of \$250,000 from the General Revenue Fund to DOE for fiscal year 2003-2004 to provide grants to public school districts and charter schools to offset the costs of sealing playground equipment made with wood treated with CCA.

Section 6: Provides an appropriation of \$250,000 from the General Revenue Fund to DEP for fiscal year 2003-2004 to provide grants to private companies which treat wood with CCA to convert operations to treat wood with a preservative that does not contain arsenic.

Section 7: Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

Department of Education grants from General Revenue (GR)	\$250,000
Department of Environmental Protection grants from General Revenue (GR)	<u>\$250,000</u>
	<u>\$500,000</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: There are indeterminate cost to school districts to seal CCA treated wood every two years.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The public and private sectors will experience an undetermined fiscal impact due to the additional cost of arsenic-free alternatives.

D. FISCAL COMMENTS:

N/A

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

3. Other:

N/A

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Industry has raised the concern that the bill provisions are duplicative of an agreement already reached between the wood preservative manufacturers and the U.S. E.P.A., which will phase-out the use of CCA by December 31,2003.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES