

107TH CONGRESS
1ST SESSION

S. 877

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.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2001

Mr. NELSON of Florida (for himself, Mr. DODD, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arsenic-Treated Wood
5 Mandatory Labeling Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) inorganic arsenic compounds, such as
2 chromated copper arsenate (referred to in this Act
3 as “CCA”), are used as wood preservatives;

4 (2) according to the Environmental Protection
5 Agency—

6 (A) inorganic arsenic is a human poison;

7 (B) exposure to inorganic arsenic may be
8 fatal; and

9 (C) at low levels, inorganic arsenic expo-
10 sure may cause—

11 (i) nausea, vomiting, and diarrhea;

12 (ii) decreased production of red and
13 white blood cells;

14 (iii) abnormal heart rhythm; and

15 (iv) blood vessel damage;

16 (3) the Department of Health and Human
17 Services has determined that arsenic is a known car-
18 cinogen;

19 (4) breathing inorganic arsenic increases the
20 risk of lung cancer;

21 (5) ingesting inorganic arsenic increases the
22 risk of skin cancer and tumors of the bladder, kid-
23 ney, liver, and lung;

1 (6) to protect against health risks associated
2 with the use of CCA, CCA is classified as a “re-
3 stricted use chemical”;

4 (7) as a restricted use chemical, CCA may be
5 purchased and used only by a certified applicator (or
6 a person under the direct supervision of a certified
7 applicator) whose certification specifically covers the
8 purchase and use of CCA;

9 (8) individuals who use arsenic to treat wood
10 are required to wear—

11 (A) protective clothing; and

12 (B) a respirator, if the level of arsenic in
13 the ambient air of the workplace of the
14 individual—

15 (i) is unknown; or

16 (ii) exceeds the permissible exposure
17 limit of 10 micrograms per cubic meter of
18 air averaged over an 8-hour workday, as
19 required under standards established by
20 the Occupational Safety and Health Ad-
21 ministration;

22 (9) producers of pressure-treated wood are re-
23 quired to provide consumer information sheets to all
24 lumber yards and other retailers of treated wood
25 products;

1 (10) those information sheets provide instruc-
 2 tions on how consumers should handle treated wood
 3 products, such as instructions on the use of protec-
 4 tive gloves, coveralls, and face masks when sawing
 5 treated wood products; and

6 (11) because many consumers in the United
 7 States are unaware of the dangers of mishandling
 8 arsenic-treated wood, an appropriate consumer
 9 warning label should be affixed to each piece of ar-
 10 senic-treated wood sold in the United States.

11 **SEC. 3. LABELING OF ARSENIC-TREATED WOOD.**

12 The Agricultural Marketing Act of 1946 (7 U.S.C.
 13 1621 et seq.) is amended by adding at the end the fol-
 14 lowing:

15 **“Subtitle D—Commodity-Specific**
 16 **Labeling Standards**

17 **“SEC. 281. DEFINITION OF SECRETARY.**

18 “In this subtitle, the term ‘Secretary’ means the Sec-
 19 retary of Agriculture.

20 **“SEC. 282. LABELING OF ARSENIC-TREATED WOOD.**

21 “Each piece of arsenic-treated wood offered for sale
 22 in the United States shall have affixed to the piece of wood
 23 a consumer warning label that displays each of the fol-
 24 lowing statements (or substantially similar statements, as
 25 determined by the Secretary):

1 “(1) ‘This piece of wood has been treated with
2 arsenic.’.

3 “(2) ‘Arsenic exposure through the mishandling
4 of this wood can cause cancer, nausea, vomiting, or
5 diarrhea.’.

6 “(3) ‘Never burn this wood; doing so will re-
7 lease arsenic into the air.’.

8 “(4) ‘To avoid the health risks associated with
9 mishandling arsenic-treated wood, you must wear
10 gloves, goggles, coveralls, and face masks when
11 working with it.’.

12 “(5) ‘Wash exposed body areas thoroughly with
13 soap and water after working with arsenic-treated
14 wood.’.

15 **“SEC. 283. REGULATIONS.**

16 “The Secretary shall promulgate such regulations as
17 are necessary to ensure compliance with, and otherwise
18 carry out, this subtitle.

19 **“SEC. 284. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated such sums
21 as are necessary to carry out this subtitle.”.

22 **SEC. 4. REPORTS TO CONGRESS.**

23 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Health and Human Services.

6 (b) REPORT ON ONGOING ARSENIC REVIEW.—Not
7 later than 60 days after the date of enactment of this Act,
8 the Administrator, in consultation with the Secretary,
9 shall submit to Congress a report that—

10 (1) provides an update on the status of any on-
11 going review by the Environmental Protection Agen-
12 cy of the health risks associated with exposure to ar-
13 senic (including an estimated date of completion of
14 the review); and

15 (2) includes recommendations for interim guide-
16 lines, pending the completion of the review described
17 in paragraph (1), for the use of arsenic-treated wood
18 in public and recreational facilities (including parks
19 and playground equipment).

20 (c) REPORT ON RESULTS OF ARSENIC REVIEW.—
21 Not later than 30 days after the date of completion of
22 the review described in subsection (b)(1), the Adminis-
23 trator, in consultation with the Secretary, shall submit to
24 Congress a report that—

25 (1) describes the results of the review; and

1 (2) includes recommendations for final guide-
2 lines, pending the completion of the review described
3 in paragraph (1), for the use of arsenic-treated wood
4 in public and recreational facilities (including parks
5 and playground equipment).

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