

022028870

HOUSE JOINT RESOLUTION NO. 45

Offered January 9, 2002

Prefiled January 4, 2002

Requesting the Board and Commissioner of Health to study the arsenic risks associated with certain pressure-treated wood.

Patron—O'Bannon

Referred to Committee on Rules

WHEREAS, arsenic is a heavy metal with a grayish-white color that has been known to be poisonous to man for many centuries and has, yet, been used by man for many purposes, including medicinal use; and

WHEREAS, arsenic is a natural trace element that is present throughout the environment in soil, water, air and many products, thus, traces of arsenic can be found in vegetables, eggs, and animals, including humans; and

WHEREAS, arsenic can be acutely poisonous when ingested or inhaled, producing acute symptoms such as metallic taste and the odor of garlic on the breath, nausea, vomiting, diarrhea, dehydration, acute gastrointestinal pain, neuritis, and neuropathy, coma, convulsions, and even death; and

WHEREAS, in addition, prolonged exposure to arsenic at low doses has recently been linked to increased risk of skin cancers, lung cancer, bladder cancer, and other internal cancers; and

WHEREAS, during 2001, the nation has become familiar with the controversy concerning the United States Environmental Protection Agency's proposed, and later adopted, reduced standard for arsenic in drinking water; and

WHEREAS, although the adoption in October of the lower water standard was touted as providing protection for the nation's health, the arsenic risks from wood treated with chromated copper arsenate (CCA) are much less known or understood; and

WHEREAS, although the United States Environmental Protection Agency has already banned the use of most pesticides made with arsenic, CCA—which is a pesticide—is labeled as a restricted-use pesticide; and

WHEREAS, CCA-treated wood is not regulated in the same manner as the pesticide it contains because it has always been assumed that the wood would retain the substance permanently and no harm would result; and

WHEREAS, recent studies in Wisconsin, Connecticut, California, Maine and Canada as well as the study of the United States Consumer Product Safety Commission have provided evidence that the arsenic leaches of CCA-treated wood from exposure to rain and aging, is present as a dusty residue on the wood, and contaminates nearby soil; and

WHEREAS, in the United States, many decks, park benches, picnic tables, school and park playscapes, stadium bleachers, treehouses, boat decks, gazebos, and boardwalks are constructed with CCA-treated wood; and

WHEREAS, exposure to arsenic may also occur when CCA-treated wood is sawed or burned, thereby giving off a toxic ash or vapor; and

WHEREAS, children who play or eat on structures constructed of CCA-treated wood may carry arsenic-laced pesticide residue on their hands or clothes and may inadvertently ingest this residue through hand-to-mouth contact; and

WHEREAS, in August 2001, the EPA began requiring warning labels and safety handling information on CCA-treated wood and assessing the arsenic hazard of this wood; and

WHEREAS, the general public and even health professionals in Virginia are frequently unaware of the prevalent arsenic hazards in daily life, particularly for children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board and Commissioner of Health be requested to study the arsenic risks associated with certain pressure-treated wood. In the conduct of this study, the Board and Commissioner are directed to (i) examine the available studies relating to the arsenic risks from CCA-treated wood and other states' activities to prevent these risks; (ii) assess the arsenic risks from CCA-treated wood in the Commonwealth, e.g., from residue, burning, sawing, or otherwise; (iii) determine feasible and effective ways to publicize the safe handling of CCA-treated wood to minimize the arsenic risks; (iv) evaluate ways to inform the public about the long-term benefits of purchasing and building with products that do not contain arsenic; and (v) consider the efficacy of adding arsenic poisoning to the list of reportable diseases which, as authorized by § 32.1-35, may include exposure to toxic substances.

59 All agencies of the Commonwealth shall provide assistance to the Board and Commissioner of
60 Health, upon request. In addition, the Board and Commissioner of Health may seek technical assistance
61 and expert advice from the Department of Environmental Quality and the faculties of the
62 Commonwealth's state-supported institutions of higher education.

63 The Board and Commissioner of Health shall complete their work by November 30, 2002, and shall
64 submit their written findings and recommendations to the Governor and the 2003 Session of the General
65 Assembly as provided in the procedures of the Division of Legislative Automated Systems for the
66 processing of legislative documents.