

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2727

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.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. BONIOR (for himself Ms. CARSON of Indiana, Mr. GEORGE MILLER of California, Mr. PALLONE, Ms. DELAURO, Mr. KILDEE, Ms. PELOSI, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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.

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-Lumber Child  
5 Protection Act”.

1 **SEC. 2. PROHIBITION AGAINST USE OF CCA LUMBER TO**  
2 **MANUFACTURE PLAYGROUND EQUIPMENT**  
3 **OR OTHER CHILDREN'S PRODUCTS; DIS-**  
4 **TRIBUTION OF PRODUCTS.**

5 (a) IN GENERAL.—With respect to lumber that is  
6 treated with any of the pesticides known as inorganic  
7 arsenicals or chromated copper arsenicals (referred to in  
8 this Act as “CCA lumber”), the Administrator of the En-  
9 vironmental Protection Agency shall to the extent provided  
10 in subsection (b) regulate such lumber as a pesticide under  
11 the Federal Insecticide, Fungicide, and Rodenticide Act,  
12 notwithstanding section 152.25 of title 40, Code of Fed-  
13 eral Regulations, or other regulations under such Act.

14 (b) PROHIBITED USE.—For purposes of subsection  
15 (a), the Administrator shall by regulation provide as fol-  
16 lows:

17 (1) That CCA lumber is misbranded within the  
18 meaning of section 12(a)(1)(E) of the Federal Insec-  
19 ticide, Fungicide, and Rodenticide Act unless it  
20 bears labeling providing that—

21 (A) the lumber has been treated with ar-  
22 senic; and

23 (B) it is a violation of Federal law to man-  
24 ufacture or distribute for commercial purposes  
25 a product constructed with such lumber if the  
26 product is playground equipment or any other

1 item that is intended to be used primarily by  
2 children and whose usual use involves direct  
3 contact with such lumber.

4 (2) That section 12(a)(2)(G) of such Act (relat-  
5 ing to unlawful acts) applies to persons who engage  
6 in violations described in paragraph (1)(B) of this  
7 subsection.

8 (c) ADDITIONAL DEFINITIONS.—For purposes of this  
9 Act:

10 (1) The term “Administrator” means the Ad-  
11 ministrator of the Environmental Protection Agency.

12 (2) The “manufacture”, with respect to CCA  
13 lumber and playground equipment or other items de-  
14 scribed in subsection (b)(1)(B), includes the creation  
15 of products designed to be assembled by consumers  
16 and the building of products on behalf of consumers  
17 according to specifications of the consumers.

18 **SEC. 3. STUDY OF HEALTH EFFECTS OF CCA LUMBER IN**  
19 **OTHER CONSUMER PRODUCTS.**

20 The Administrator shall conduct a study to determine  
21 the health effects on adults and children of using con-  
22 sumer products whose usual use involves direct contact  
23 with CCA lumber, such as picnic tables and benches,  
24 decks, and handrails.

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