

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.

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## 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

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## 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—

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;

(5) ingesting inorganic arsenic increases the risk of skin cancer and tumors of the bladder, kidney, 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

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

15 (i) is unknown; or

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;

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:

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:

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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