

EPA wants more data for “me-too” ACC registration applications

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EPA has said it needs to see a considerable amount of new data before it can decide whether to grant generic registrations for the controversial wood preservative acid copper chromate.

In letters written Jan. 9 to Arch Wood Protection, Inc., and Forest Products Research Laboratory, which submitted the “me-too” applications in the fall, Antimicrobials Division Director Frank Sanders said the agency wants five additional studies “in order to better understand the nature and magnitude of exposures to [chromium VI].” Specifically, the division wants a worker exposure study, a sensitization/irritation study, a fixation study, a hand-wipe study and a study to assess the compound’s ability to leach into soil and water.

EPA’s response ends months of speculation over how the agency would handle the request to effectively re-introduce a potent, older-generation pesticide into the market. Osmose, Inc. holds the sole registration for ACC, but its uses for the chemical have been few and in September it asked EPA to cancel the registration.

Sources tell Pesticide & Toxic Chemical News the fixation study is critical because extant data indicate that ACC takes weeks longer to firmly adhere to treated wood than the more popular wood preservative CCA. Should new data confirm this, regulators could be faced with the additional challenge of policing how long ACC-treated wood must stay in storage before it can be sold commercially.

Huck DeVenzio, a spokesman for Arch, told PTCN that EPA’s request for additional data “was not totally unexpected.” He said the company is still evaluating the letter and figuring out what its next step will be, adding that Arch will conduct a cost-benefit analysis to determine whether the potential market for ACC-treated wood justifies the time and money required for the studies.

Forest Products Research Laboratory, a Springfield, Ore.,-based technology and intellectual property company that both manufactures goods for the forest products industry (e.g. stains, paints, glues) and develops formulas and processes to license out, is also planning a response.

Dennis Morgan, who spoke with PTCN on behalf of the company, said Forest Products is “agreeable to doing additional studies” but is negotiating their “length, breadth and detail” with EPA.

He called the majority of studies outlined in EPA’s Jan. 9 letter “ill defined,” adding that he believes his company has already provided the agency with a number of the studies it’s asked for. Morgan said he estimates the studies outlined by the agency could take up to seven years to perform and cost anywhere from \$1.5 million to \$12 million. He declined to say exactly how much his company ultimately would be willing to invest to pursue the registration.

According to Morgan, Forest Products is pursuing ACC as a replacement for virtually all uses of chromated copper arsenate phased out last month (see box, Page 19), including residential decks and play sets. It would not, he said, introduce ACC-treated wood for a number of remaining uses, such as marine pilings, where CCA clearly out-performs alternatives.

Morgan, who said hexavalent chromium is a carcinogen via inhalation that reacts to a non-carcinogenic form of chromium in some treated wood, told PTCN he believes environmental groups’ claims that ACC poses serious health risks to humans are “in error.”

"The claims that I have seen in print are that chromium is a carcinogen, so why are we moving back to that?" he said. "In a certain format, chromium is a carcinogen through inhalation, but this is not the form of chromium that is found in ACC treated wood. Also, I'd say that anyone who is snorting two-by-fours has a much bigger problem than long-term cancer risks."

Morgan also dismisses claims that ACC takes vastly longer to fix to wood than CCA, saying he has seen data indicating it takes just six to ten days longer.

Opponents

Meanwhile, environmentalists are worried that the applications have come even this far. Niaz Dorry of the Healthy Building Network said EPA's response brings both good and bad news.

"I am cautiously optimistic about the fact that the EPA seems to be taking a wider approach at looking at issues that we have raised — not only dermal exposure, but also worker exposure, inhalation, and hopefully ingestion," Dorry told PTCN.

However, she said, "The biggest issue for us is that industry voluntarily spent a lot of time coming up with a way of getting one carcinogenic and toxic product — CCA — off the market, and we applauded that because we felt it was an import step in protecting children's health, our workers and our environment. It's unfortunate that some players in the industry are trying to undermine their own and their colleagues' efforts by putting another carcinogenic product on the market, especially since safer alternatives exist."

Alternatives include copper azole, alkaline copper quaternary and borate-based compounds.

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