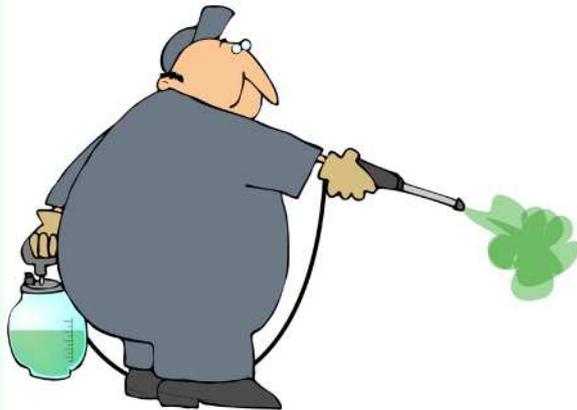


# HEALTH HAZARD

## Creosote-treated timbers



**An ISVA member's experience with creosoted timber is one to share with other members.**

The surveyor, a man with many years' experience, surveyed a domestic property only to receive a complaint of failing to draw attention to old creosoted railway sleepers used as landscaping in the garden and regarded as toxic. The client was advised by others about various EU directives referring to the offending material and called the surveyor.

The following are relevant and important for practitioners to bear in mind:

**D-I-Y and creosote**

**1. *Is it legal for D.I.Y enthusiasts to keep or use creosote?***

NO, not after 30 June 2003. It is also illegal to sell such substances to persons, other than for a qualified professional use.

**Professional use**

**2. *Can professional users continue to use such wood preservative products?***

YES, in the course of certain eligible professional businesses, but subject to the *Control of Pesticides Regulations 1986* (as amended) (CoPR).

\*Eligible businesses might include use for railways; electric power transmission and telecommunications; harbours and waterways, and agricultural purposes - fencing etc.

**Sale of S/H timber**

**3. *Is it legal to sell secondhand creosoted timber?***

NO, providing (1) it has already been used for a previous purpose (e.g. railway sleepers, telegraph poles etc) and (2) was treated with creosote prior to 30 June 2003.

**Prof. use**

**4. *Can wood treated or re-treated with creosote before or after 30 June 2003 be sold?***

YES, but only for eligible industrial or professional use\* - subject to specified mandatory restrictions where such timber is not permitted to be used.

**Forbidden uses**

**5. *What uses are 'restricted' and apply to all forms of creosoted timber?***

The following (Regulation 6 - S1 2003.1511) bans use:

- inside buildings
- in toys
- in playgrounds
- where there is risk of frequent skin contact in locations such as parks, gardens and outdoor leisure facilities, garden furniture

**Definition "frequent"**

**6. *What does 'frequent skin contact' mean?***

a) DTI defines 'frequent' as "*happening or occurring often or at short intervals*".

b) The 'Wood Protection Association' (WPA) provides an opinion that 'frequent contact' could occur from "*habitual practices such as constant sitting, leaning against, lying on and walking on creosote-treated timber where there is no barrier between the skin and the treated wood*".

<p><b>Summary</b></p>	<p><b>To summarise:</b></p> <ul style="list-style-type: none"><li>◇ For domestic property, creosote-treated timber already in use prior to 30 June 2003 internally or externally <b>may remain in use</b> until the end of its service life without restriction.</li><li>◇ Wood treated with creosote prior to 30 June 2003 and placed on the market secondhand can be used except for those ‘restricted uses’ referred to above, where frequent contact is likely.</li><li>◇ Safe use of old railway sleepers in domestic gardens depends on interpretation, and might be regarded as a particular hazard where young children are involved, but less so with adults who are aware of the risk of frequent contact.</li><li>◇ Advisedly, surveyors should always draw attention to toxic risks of creosoted timber where such material may have been installed after 30 June 2003, to avoid a complaint from a dissatisfied client.</li></ul> <p><i>And the outcome of the ISVA member’s experience? ...</i> He called a local builder who was delighted to remove the sleepers free-of-charge for landscaping in his own garden !!</p> <p><b>MORAL:</b> First of all, remain attentive to new problems; secondly, devise creative solutions; thirdly, communicate constructively with your client when a complaint is made.</p>
<p><b>Useful Guidance</b></p>	<p><b>Useful references:</b></p> <p><b>The REACH Enforcement Regulations 2008 SI 2008/2852</b> <a href="http://www.legislation.gov.uk/uksi/2008/2852">http://www.legislation.gov.uk/uksi/2008/2852</a></p> <p><b>Use of Creosote and Creosoted-treated timber - A guidance note published by the Wood Protection Association</b> <a href="http://www.wood-protection.org/newpubs/files/WPA_Guidance_Creosote_version_0107.pdf">http://www.wood-protection.org/newpubs/files/WPA_Guidance_Creosote_version_0107.pdf</a></p> <p><b>The Creosote (Prohibition of Use and Marketing) (No.2) Regulations 2003 S1 2003/1511 (effective from 30 June 2003)</b> <a href="http://www.legislation.gov.uk/uksi/2003/1511">http://www.legislation.gov.uk/uksi/2003/1511</a></p> <p><b>EU Directive 2001/90/EC</b> <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L2001:283:0041:0043:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L2001:283:0041:0043:EN:PDF</a></p> <p><b>Revocation of approvals for amateur creosote, coal tar creosote wood preservatives</b> <a href="http://www.hse.gov.uk/biocides/copr/creosote.htm">http://www.hse.gov.uk/biocides/copr/creosote.htm</a></p> <p><b>and for lighter 'Red Top' information .. by Colin Willow</b> <a href="http://www.kilgraney.com/railway%20sleeper%20treatments.htm">http://www.kilgraney.com/railway%20sleeper%20treatments.htm</a></p> <p><i>(If you have trouble ‘linking’ from this page, select and copy the web address and paste it into your browser)</i></p> <p style="text-align: right;">© R.H. Hulls: December 2011</p>