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State of Wisconsin

Department of Health and Family Services

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To: Family Day Care Licensees

BRL – DC - Memo 01-07

From: Patty Hammes, Director *Patty Hammes*  
Bureau of Regulation and Licensing

RE: Treated Lumber on Child Care Playgrounds  
Revised Child Abuse and Neglect Reporting Brochure available

The purpose of this memo is to inform you of a new requirement to seal treated lumber used in the wooden structures of your child care premises. Centers will be required to document that all existing wooden structures have been sealed with an oil-based stain by June 1, 2002. While winter is now upon us and the weather is too cold to apply a sealant, we are letting you know about this new requirement now so that you will be able to make preparations for spring. Spring is the time when you ordinarily will be making sure your playground is free of hazards and in good repair.

Many playground structures and decks are made of wood, and we want to alert you to a concern related to using pressure treated lumber in these structures. In order to make outdoor structures last longer, wood used in building the structures should be either naturally rot and insect-resistant or treated to avoid such deterioration. An example of a naturally rot-resistant wood is cedar. A chemical called chromated copper arsenate (CCA) is a pesticide commonly used in pressure treating wood to make it more durable. CCA contains arsenic that can be toxic to the skin and internal organs. Recent studies have shown that the arsenic and other chemicals in the treated wood can be released (leached) from the wood with rainwater. This can lead to an arsenic residue left on the surfaces of the wood itself as well as contamination of the soil under the structure.

The major health concern is that daily contact with the arsenic residue found on CCA-treated wood surfaces might, under certain circumstances, be linked to an increased risk to cancer or other long-term health problems. Arsenic is easily taken onto the hands from simple contact with the wood surface. Children may swallow some of this arsenic. While amounts taken up may vary depending on a number of factors, studies show that new boards and older boards (those used for a number of years) both have a significant amount of arsenic on the surface. Children are at risk to receive the greatest exposure to arsenic because they play for extended periods on these structures and they exhibit frequent hand-to-mouth activity. The soil under these structures is less of a concern although children should be prevented from playing underneath a CCA-treated structure to minimize exposure to the arsenic.

Structures built with CCA-treated lumber can be sealed to prevent the arsenic from leaching out of the wood and that wood treated with other chemicals is available. Because it is virtually impossible to identify which existing structures were built using CCA-treated lumber, we will consider any structure built with pressure treated lumber located on the premises of a child care facility a hazard under HFS 45.05(2)(e) unless **that structure has been properly sealed within the last 2 years**. In addition to greatly decreasing the amount of arsenic residue present on the wood's surface, sealing will help keep the wood from cracking and splintering. This practice is in accordance with the wood manufacturer's recommendations for maintenance of CCA-treated wood. Furthermore, it is consistent with a California law requiring CCA-treated playground equipment purchased by the state to be sealed every 2 years. **Centers will be required to document that all existing wooden structures have been sealed with an oil-based stain. Also centers will need to make sure that CCA-treated wood is not used for wood chips or mulch used as surfacing material.**

There is a newer, less toxic treatment chemical available that can be used to treat lumber. That chemical is called ammonium copper quat (ACQ). Ask your lumber supplier what type of chemical has been used in the pressure-treating process when purchasing treated lumber to build playground structures and decks and insist on having them supply you with ACQ-treated lumber. Centers will need to provide documentation from the lumber supplier that pressure treated wood used in a structure does not contain CCA or the wood will need to be sealed.

Wood treated with two oil-based products, creosote and pentachlorophenol (PCP), can also be toxic. These chemicals are typically found in railroad ties and utility poles. Structures made with these materials cannot be adequately sealed and will be considered a hazard. Children should not be permitted to come in contact with wood treated with either of these products.

The Bureau of Environmental Sanitation in the Division of Public Health has a Healthy Home Fact Sheet on Treated Wood Products and other fact sheets on their web site ([www.dhfs.state.wi.us](http://www.dhfs.state.wi.us), click on Programs and Services and then click on Environmental Health Resources).

Thank you for your important work making your child care environments safe for the children in your care. If you have any questions about this requirement, please contact your Licensing Specialist.

**NOTE:** The brochure, *It shouldn't hurt to be a child*, that provides information on child abuse and neglect reporting procedures has been revised recently and is available at the Child Care Information Center (1-800-362-7252). You may find this brochure helpful to understand your responsibility to report child abuse and neglect as described in HFS 45.03 (6)(a) and (b) and referenced in Ch. 48.981, Wis. Stats.

C: Licensing Chiefs/Deputies/Specialists  
Interested Parties