



Wood Protection Association

Use of Creosote and Creosote-treated timber

A Wood Protection Association Guidance Note

100% Coal Tar Creosote has been used for over 150 years to impart reliable service life to timber in many uses. Improved safety rules on the sale and use of creosote and creosote-treated timber are now in UK law under the provisions of EU Regulation (EC) 1907/2006 ("the EC Regulation"). EC regulations become law immediately in the UK and do not require separate UK legislation. However, UK regulations have been enacted to clarify how the EC Regulation is enforced in the UK. These are [The REACH Enforcement Regulations 2008 SI 2008/2852](#).

The Wood Protection Association and its members afford the safety of the public and that of people working in the industry the utmost importance and fully support the principles and objectives set out in the EC Regulation. To this end, association members closely monitored developments preceding the adoption of the EC Regulation and earlier directives and already supplied and used formulations of creosote that complied fully with its requirements well before it came into force.

Creosote composition

The EC Regulation embodies the provisions of previous directives which introduced new lower limits for certain constituents of creosote to improve safety.

Creosote is supplied in two grades with viscosity suited to either non-pressure application (typically brush or dip) or vacuum-pressure application at elevated temperature in treatment plants. It is conceivable that other techniques such as hot and cold open tank are still in use and from 31 December 2002 these may only be undertaken by professional or industrial users, regardless of viscosity.

Sale and use of creosote

The provisions of the Control of Pesticides Regulations 1986 (as amended)(CoPR) currently govern the use of creosote. The regulations impose duties on professional and industrial users.

Creosote for non-pressure application

1. DIY products: The UK Health and Safety Executive announced that approval for sale and supply through retail outlets would be withdrawn from 30 April 2003. Therefore from 1 May 2003 there should have been no further sale or supply of creosote through DIY outlets (unless being supplied to professional users in 20 litre or larger containers – see below). DIY users were supposed to have used up any creosote they held by 30 June 2003. It has been illegal for such persons to keep creosote after 30 June 2004. Many local authority amenity waste disposal sites offer facilities for disposal of unused DIY pesticides.
2. Professional products: Creosote (and other preservatives) in containers larger than 5 litres should only have been available to professional users since the introduction of CoPR in 1986. From 30 June 2003 creosote should only have been supplied in 20 litre or larger containers. Such containers must carry the additional warning: "For use in industrial installations or by professionals.

A professional user is one who uses a product in the course of his business and he then becomes subject to the raft of health and safety legislation covering employees including the CoPR rules on competence of users and provision of information, instruction and training by employers. CoPR rules for non-agricultural pesticides like wood preservatives do not include a requirement for certificates of competence to be held by those who apply such products unlike agricultural pesticides where certificates of competence are required. The WPA publishes guidance on standards of training for users of wood preservatives developed in consultation with the HSE.

Creosote for industrial use in vacuum pressure plants

Other than the composition and labelling requirements mentioned above there was no change in the conditions of approval of industrial grade creosote typically used at elevated temperature in vacuum pressure plants to treat poles, sleepers and fencing. Persons working in this sector are covered by the same health and safety rules as professional users. The WPA publishes a Code of Practice for Timber Treatment Plants. Plant operators can be trained in accordance with the WPA's training standards and can achieve a National Vocational Qualification.

Selling/supplying creosoted timber ("placing on the market")

Wood treated with creosote prior to 31 December 2002 may, without restriction, be placed on the second-hand market for re-use (typically old railway sleepers).

Wood treated or re-treated (in any way) with creosote before or after 31 December 2002 and placed on the market for first time use, may be placed on the market but only for industrial and professional use.

However, although it is the user's responsibility to comply with the restrictions on the use to which creosoted timber is put, WPA recommends creosoted timber should be supplied with user guidance – see 'Advice to sellers/suppliers of creosoted timber' below.

Using creosote-treated timber

Wood already in use before 31 December 2002 is not affected by the restrictions on where creosote-treated timber may be used. It may remain in use until the end of its service life.

Wood treated with creosote prior to 31 December 2002 and placed on the market for second-hand use (typically old railway sleepers) may be used (by DIY, professional and industrial users) in any situation apart from those listed below under 'Restricted uses'.

Wood treated or re-treated (in any way) with creosote before or after 31 December 2002 and placed on the market for first time use can be used for professional and industrial uses in any situation apart from those listed below under 'Restricted uses'. The directive gives examples of professional and industrial uses that include on railways, in electrical power transmission and telecommunications, fencing, agricultural purposes (e.g. stakes for tree support), harbours and waterways.

Restricted uses:

Since 31 December 2002 creosoted timber (all forms) should not have been used:

1. inside buildings,
2. in toys,
3. in playgrounds,
4. in parks, gardens and outdoor leisure facilities where there is a risk of frequent skin contact*,
5. in the manufacture of garden furniture such as picnic tables,
6. for the manufacture and use and any re-treatment of:
 - containers intended for growing purposes
 - packaging that may come into contact with raw materials, intermediate or finished products destined for human and/or animal consumption,
 - other materials which may contaminate the products mentioned above.

Some of the uses listed above are in any case not suitable for creosoted timber due to risk of staining skin and/or clothing from contact with any creosote there may be on the surface.

**The government published guidance on what frequent skin contact means: "Frequent could be defined as "happening or occurring often or at short intervals". In the context of the creosote directive, frequent skin contact could be considered as repeated (habitual) contact of the skin with, for example, creosote-treated railway sleepers. Habitual practices such as constant sitting, leaning against, laying on, walking on creosote-treated wood could be considered as frequent skin contact if there is no barrier between the skin and the treated wood. A person constantly handling creosote*

treated wood, especially without gloves, as part of their job (daily routine) could be said to be making frequent skin contact with creosote”.

Changes to regulation of sale and use

The Biocidal Products Regulation (BPR) brings in a European system of authorisations for a wide range of biocidal products that will eventually replace national schemes such as that operated by HSE in the UK under the Control of Pesticides Regulations. Active ingredients in products already on the market are reviewed and, if acceptable in terms of safety in use and environmental protection, are added to the Union List of approved active substances. At that stage products containing the active ingredient(s) may be submitted for authorisation at member state level. Creosote has been reviewed and was added to the Union List in May 2013. Existing CoPR approvals of creosote continue until a decision is made on applications for authorisation of creosote under the BPR.

A UK BPR authorisation for creosote may include restrictions on where wood treated with creosote in the UK may be used that go beyond the use restrictions set out in the EC Regulation but this will not be known until authorisation decisions have been made.

WPA will update this guidance note when new authorisations are published.

Sellers/suppliers of creosoted timber

The BPR (Article 58) requires treated articles to carry a label that includes:

- . (a) a statement that the treated article incorporates biocidal products;
- . (b) where substantiated, the biocidal property attributed to the treated article;
- . (c) the name of all active substances contained in the biocidal products;
- . (d) any relevant instructions for use, including any precautions to be taken because of the biocidal products with which a treated article was treated or which it incorporates.

Supply for business use carries certain statutory obligations with regard to product information.

Disposal of waste creosote-treated timber

Before disposal is carried out, it is good practice to consider if the timber could be reused or recycled. If so, it must only be reused in one of the permitted uses - see *Using creosote-treated timber* above.

When creosote-treated timber reaches the end of its service life and has to be disposed of, or if any other sources of waste creosote-treated timber arise, then disposal must be according to the regulations on hazardous waste.

Waste from domestic uses such as garden fencing may use normal domestic waste disposal procedures. Waste from commercial use must be managed according to hazardous waste regulations. Creosote-treated timber may be burned for disposal in a Waste Incineration Directive (WID)-compliant incinerator, most beneficially for energy generation - heat or power. This works best for large quantities of waste timber - call the WPA for information on WID-compliant incinerators.

Guidance on reuse, recycling and waste disposal is available in the WPA Guidance Note *Dealing with Treated Wood Related Waste Streams*.

This Guidance Note is not legal advice. Companies and individuals are advised to seek advice from their own legal advisors if they are in any doubt as to the application of the regulations to their own situation. The WPA, its employees and officers cannot be held liable for any loss or liability arising from reliance on this guidance document which is nevertheless offered in good faith.

More information:

Advice is available from the WPA and on its website www.wood-protection.org

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