

**U.S. Consumer Product Safety Commission  
Status Report On  
CCA Pressure -Treated Wood In Playground Equipment**

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**February 15, 2002**

**U.S. Consumer Product Safety Commission  
Washington, D.C. 20207**

CPSA 6 (b)(1) Cleared

No Mfrs/Private Labels

Products Identified

Excepted by *DET. [Signature]*

Firms Notified,

Comments Processed.



## **U.S. CONSUMER PRODUCT SAFETY COMMISSION STATUS REPORT ON CCA PRESSURE-TREATED WOOD IN PLAYGROUND EQUIPMENT**

The Conference Report to accompany the FY 2002 VA/HUD/Independent Agencies appropriations bill, *H.R. Conf. Rep. No. 107-272, at 122 (2001)*, directed the U.S. Consumer Product Safety Commission (CPSC) to report to the Committees on Appropriations on its work on chromated copper arsenate (CCA)-treated wood (Attachment A). The report is to outline “the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment,” as well as “the actions CPSC is taking to keep state and local governments, as well as consumers, informed about their findings on the health effects associated with CCA-treated wood playground equipment.”

### **I. Background**

In May 2001, CPSC was petitioned by the Environmental Working Group (EWG) and the Healthy Building Network (HBN) to enact a ban of CCA-treated wood for use in playground equipment and to review the safety of CCA-treated wood for general use. The petitioners assert that a ban is necessary because “[r]ecent research has shown that arsenic is more carcinogenic than previously recognized, that arsenic is present at significant concentrations on CCA-treated wood and in underlying soil, that the health risks posed by this wood are greater than previously recognized, and that past risk assessments were incomplete.” Previously, a limited CPSC study (1990) of dislodgeable arsenic from wood treated with CCA concluded that the majority of playground equipment samples tested would not present a cancer risk to children. That study also found that wood that was not specifically processed for playground use could present a risk.

In June 2001, the CPSC docketed the part of the petition that requested a ban on the use of CCA-treated wood in playground equipment (66 FR 36756). The petition was docketed under provisions of the Federal Hazardous Substances Act (FHSA) 15 U.S.C. 1261-78. The second part of the petition, to review the safety of CCA wood for other uses, was not docketed as a petition for rulemaking because it would not require rulemaking to implement. Docketing is the initial step in Commission consideration of what action, if any, to take in response to the assertions in the petition.

This status report provides information on the work that has been conducted by the CPSC staff related to CCA-treated wood playground equipment including progress to date and plans for future work. This is a preliminary report and we will be pleased to keep Congress informed as work on this project continues.

## **II. Steps Being Taken to Identify Whether There Are Significant Health and Safety Risks**

### **A. Scope of the CPSC Staff Work**

The CPSC staff work is directed primarily at obtaining exposure data to assess the possible human health risk to children from the use of CCA-treated wood in playground equipment. In addition, CPSC staff is obtaining data on the economic trends of the CCA wood treatment industry and uses of CCA-treated wood.

### **B. Work to Date**

The CPSC published a Federal Register notice on July 13, 2001, requesting comments on the docketed petition (66 FR 36756) (Attachment B). The public comment period closed September 11, 2001. A list of respondents to the Federal Register request for comments on the petition is found in Attachment C.

The CPSC staff began scientific investigations into CCA-treated wood in July 2001. These investigations included preliminary studies that examined the physical and chemical properties of CCA-treated wood and the methods for determining the amount of arsenic that might be picked up on a child's hands. The CPSC staff examined methodologies previously developed or used by individuals outside of the agency to test CCA-treated wood for the presence of arsenic, chromium, and copper.

CPSC staff has been evaluating the amount of CCA released from both newly purchased, unused CCA-treated wood that might be used for building playground structures and from "used" or "older" wood. CPSC staff is particularly interested in knowing the levels of arsenic, chromium, and copper that children can be exposed to when they play on CCA-treated wood playground equipment. CPSC staff studies are being conducted by wiping the surface of the wood to measure the amount of arsenic on the wood's surface. The wipe samples are used to estimate the amount of arsenic that might be accessible to children when they rub their hands on the wood surfaces while playing.

In addition to evaluating the amount of the chemical available on the wood surface, CPSC staff is considering product-specific human use characteristics in its assessment. CPSC staff is evaluating the reasonably foreseeable use of the product by considering the age of the child using the product, the type of exposure (hand-to-mouth), the frequency and period of exposure, accessibility, extent of exposure (area contacted), and use environment (exposure to heat and sunlight).

In a public meeting on August 6, 2001, the CPSC staff met with representatives of the American Chemistry Council and the American Wood Preservers Institute, who represent the CCA chemical and wood treatment industries, respectively. On October 3, 2001, representatives for the petitioners EWG and HBN made public presentations to CPSC staff. In both of these meetings, representatives presented results of their respective risk assessments to the CPSC staff.

The CPSC staff also began a series of meetings with U.S. Environmental Protection Agency (EPA) staff to share data and to develop testing protocols should a field study of CCA-treated wood playgrounds in the U.S. be needed. Although studies have been conducted by others, a variety of methodologies were utilized and many of the test methods were either not consistently applied or were chosen without obvious justification. Should a study be needed, it will be designed to obtain data using test methods that are consistent and that can be correlated with the amount of treatment chemical that might be picked up by the skin of a child playing on these structures.

A joint CPSC-EPA Federal Register notice was published on September 20, 2001 (66 FR 48428), announcing the availability of two protocols for public comment (Attachment D). The comment period ended on October 22, 2001. A list of the respondents to this Federal Register notice is found in Attachment E. The protocols were also sent for external peer review to a group of independent scientists selected by a contractor to EPA. In October 2001, the EPA convened a Science Advisory Panel (SAP), consisting of a panel of independent scientific experts, to review some hazard and exposure parameters for a preliminary EPA risk assessment. Although the SAP was not asked specifically to comment on the protocols, they did provide some informal comments in the course of their deliberations. The final report and recommendations of this panel were completed and transmitted to EPA in December 2001. Scientists from CPSC and EPA jointly reviewed all public and external peer review comments and revisions to the protocols, when justified, were made by staff.

### C. Future Work

In early February, CCA registrants informed EPA of their decision to phase out residential uses of CCA as a wood preservative for playground equipment, decks, and building structures. The results of this action will likely impact the work that the Commission staff undertakes in the future, particularly in the area of mitigation, in order to provide advice to consumers with existing CCA treated wood playground structures.

CPSC staff is aware that various trade and consumer groups, some state governments, and a Science Advisory Panel (SAP) recently convened by the U.S. Environmental Protection Agency's Office of Pesticides, have made suggestions concerning surface coating of CCA-treated wood to reduce potential exposure to chemicals found in this wood.

Based on the limited available data, these groups have suggested that applying certain penetrating coatings (for example, oil-based semi-transparent stains) on a regular basis (for example, once a year or every other year depending upon wear and weathering) may reduce the migration of chemicals in the wood preservative from CCA-treated wood. However, in selecting a finish, in some cases, "film-forming" or non-penetrating stains (latex semi-transparent, latex opaque, and oil-based opaque stains) on outdoor surfaces such as decks and fences are not recommended as subsequent peeling and flaking may ultimately have an impact on durability as well as exposure to the preservatives in the wood. CPSC staff has not completed its assessment of these mitigation measures. Future activities will focus on their effectiveness.

CPSC staff will continue its work to develop a methodology for determining the amount of arsenic that might be picked up on a child's hands during play on playground structures. This might be estimated through studies that use a "surrogate" for human skin, such as cloth or an animal-derived material. The CPSC staff will continue work already underway to examine various materials for use as a surrogate for human hands. Once a suitable surrogate is found, it is anticipated that future studies will utilize this surrogate. CPSC staff will continue efforts to describe the manner in which children might be exposed while playing on CCA-treated wood playgrounds. This information will be used to evaluate the potential risk to children playing on these playground structures.

In order to define the risk, the CPSC staff is currently evaluating the amount of CCA, and in particular, the amount of arsenic, that a child might be exposed to while playing on CCA-treated wood playground equipment. In addition, the CPSC staff is reviewing relevant data on the toxicity of arsenic, chromium, and copper and the toxicity of alternative wood preservative treatments. The relationship between exposure and adverse health effects will then be considered.

The staff is reviewing all public comments on the petition and the protocols. These reviews, along with the staff's assessment of the risk to children, the staff's review of testing methodologies and risk assessments conducted by others, and information on the economic trend of CCA-treated wood, will be incorporated into a briefing package for Commission consideration as to what action to take regarding CCA-treated wood.

### **III. Actions to Keep State and Local Governments and the Public Informed**

CPSC informs the public about product-related hazards through print and visual media, CPSC's website and toll-free Hotline, and through direct responses to consumer inquiries. While the work is underway to obtain exposure data needed to evaluate the current risks to children playing on playground equipment with CCA-treated wood, the CPSC's Office of Information and Public Affairs and the Agency's technical staff respond to questions from the press and consumers on a case-by-case basis. The CPSC Field staff, located in 52 cities across the country, regularly communicates with state and local governments in their areas and participates in a wide range of partnerships and activities with them. The CPSC Field staff communicates health and safety information on CCA to the public through the Commission's State Partners Program, which is a cooperative program with State and local governments. The Field staff is also responding to inquiries on a case-by-case basis.

The Commission has provided an opportunity for public comment and input on the EWG/HBN petition. CPSC and EPA jointly provided for public comment and input on the sampling and analytical protocols. Comments on the petition and the protocols are available from the CPSC's Office of the Secretary. Staff's response to these comments will be included in a briefing package for Commission consideration. This briefing package will be available to the public. After the Commission decision on the appropriate action, information on the decision will be widely distributed through various media channels, including press releases, video news releases, and on the CPSC website.

**Attachment A**

107TH CONGRESS }  
1st Session }

HOUSE OF REPRESENTATIVES {

{ REPORT  
107-272

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MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND FOR SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND FOR OTHER PURPOSES

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NOVEMBER 6, 2001.—Ordered to be printed

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Mr. WALSH, from the committee of conference,  
submitted the following

## CONFERENCE REPORT

[To accompany H.R. 2620]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) “making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:*

France. The conferees are cognizant of the unique circumstances at the Normandy Cemetery, which is both the solemn resting place for 9,387 servicemen and women and a tourist destination for in excess of 1,000,000 annual visitors. Current visitor facilities are entirely inadequate to properly serve those individuals in need of privacy and counseling, as well as those who wish to better understand the historical perspective of the battles that occurred nearby. The conferees intend that in the development of appropriate plans regarding the placement, scope, and character of such a new visitor center, the Commission consult with a variety of entities, including the National Park Service, which may have particular expertise with facilities of this nature.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

Appropriates \$7,850,000 for salaries and expenses instead of \$8,000,000 as proposed by the House and \$7,621,000 as proposed by the Senate. Of the amount appropriated, \$2,500,000 is available until September 30, 2003 and \$5,350,000 is available until September 20, 2002. Bill language has been included again this fiscal year which limits the number of career Senior Executive Service positions to three.

#### DEPARTMENT OF THE TREASURY

##### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

##### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates \$80,000,000 for the Community Development Financial Institutions Fund as proposed by the House instead of \$100,000,000 as proposed by the Senate.

Includes \$5,000,000 for technical assistance designed to benefit Native American communities as proposed by the Senate instead of \$500,000 as proposed by the House. The conferees agree that Native Hawaiian and Alaskan Native communities are eligible entities for this program.

Provides \$9,500,000 for administrative expenses instead of \$8,948,000 as proposed by the House and \$9,850,000 as proposed by the Senate.

Provides for a limitation on the amount of direct loans of \$51,800,000 as proposed by the Senate, instead of \$15,000,000 as proposed by the House.

The conferees agree with the direction of the Senate calling for inclusion of a report on rural lending practices as part of the fiscal year 2003 budget submission.

#### CONSUMER PRODUCT SAFETY COMMISSION

##### SALARIES AND EXPENSES

Appropriates \$55,200,000 for the Consumer Product Safety Commission, salaries and expenses, instead of \$54,200,000 as proposed by the House and \$56,200,000 as proposed by the Senate.



The amount provided represents a \$1,000,000 increase above the budget request to maintain the current level of staffing and operational expenses.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct CPSC to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions CPSC is taking to keep state and local governments, as well as consumers, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates \$401,980,000 for national and community service program operating expenses instead of \$415,480,000 as proposed by the Senate. The House did not provide any new funds for fiscal year 2002 operations, but did not eliminate the agency.

Limits funds as proposed by the Senate to not more than: \$31,000,000 for administrative expenses of which \$2,000,000 is to be for a cost accounting system; \$2,500 for official reception and representation expenses; \$5,000,000 from the National Service Trust for national service scholarships for high school students performing community service; \$240,492,000 for AmeriCorp grants, of which not to exceed \$47,000,000 may be for national direct programs and \$25,000,000 for E-Corps; \$43,000,000 for school-based and community-based service learning programs; \$28,488,000 for quality and innovation activities under subtitle H of title I; and \$5,000,000 for audits and other evaluations.

The conferees have agreed to the Senate proposal of \$25,000,000 for the National Civilian Community Corps, an increase of \$4,000,000 over fiscal year 2001. Additional funds are provided to expand the number of AmeriCorps members serving at the five campuses currently in operation.

The conferees deleted without prejudice funding for the Veterans Mission for Youth Program as proposed by the Senate and agreed to not fund the Silver Scholarship program. The conferees believe the authorizing committees of jurisdiction should evaluate and legislate these programs in the overall consideration of the Corporation's reauthorization.

The conferees direct the Corporation to provide quarterly status reports to the Committees, beginning in January 2002, on the implementation of the new cost accounting system and on the expenditure of awards under the Trust Fund. The Corporation should also provide a copy of the Trust Fund award report to the IG. The conferees agree to the Senate proposal to provide not more than \$10,000,000 for the Points of Light Foundation of which \$2,500,000 may be used for establishment of an endowment; authorizes the Points of Light Foundation to use up to \$2,500,000 of previously appropriated funds for this endowment; \$7,500,000 for America's

**Attachment B**

**FOR FURTHER INFORMATION CONTACT:**

Debbie Martin, Boise, ID at phone number 208/321-2959 or e-mail: [debbie.martin@noaa.gov](mailto:debbie.martin@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the Snake River steelhead (*Oncorhynchus mykiss*) Evolutionarily Significant Unit (ESU).

**Background**

WDFW has submitted to NMFS an FMEP for inland recreational fisheries potentially affecting listed adults and juveniles of the SR steelhead ESU. These include all freshwater fisheries managed under the sole jurisdiction of the State of Washington occurring within the boundaries of the SR steelhead ESU including the anadromous portions of the Snake River mainstem and tributaries, from the mouth upstream to the Washington-Oregon border. The objective of the fisheries is to harvest known, hatchery-origin steelhead, hatchery spring and fall chinook and other fish species in a manner that does not jeopardize the survival and recovery of the listed SR ESU. All steelhead fisheries included in this FMEP will be managed such that only hatchery-produced adult steelhead that are adipose fin clipped may be retained. Impact levels to the listed SR steelhead ESU are specified in the FMEP. Population risk assessments in the FMEP indicate the extinction risk for the listed ESU under the proposed fishery impact levels to be low. A variety of monitoring and evaluation tasks are specified in the FMEP to assess the abundance of steelhead, determine fishery effort and catch of steelhead, and angler compliance. WDFW will annually conduct a wild population status and a review of the fisheries within the provisions of the FMEP. WDFW will conduct, at a minimum of every 5 years, a comprehensive review to evaluate the effectiveness of the FMEP.

As specified in the July 10, 2000, ESA 4 (d) rule for salmon and steelhead (65 FR 42422), NMFS may approve an FMEP if it meets criteria set forth in § 223.203 (b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

**Authority**

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4 (d) rule (65 FR 42422, July

10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4 (d) rule.

Dated: July 6, 2001.

Phil Williams,

Acting Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

[FR Doc. 01-17576 Filed 7-12-01; 8:45 am]

BILLING CODE 3510-22-S

**COMMISSION OF FINE ARTS****Notice of Meeting**

The next meeting of the Commission of Fine Arts is scheduled for July 19, 2001 at 10:00 a.m., in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001-2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas are available to the public one week prior to the meeting. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, July 2, 2001.

Charles H. Atherton,

Secretary.

[FR Doc. 01-17513 Filed 7-12-01; 8:45 am]

BILLING CODE 6330-01-M

**CONSUMER PRODUCT SAFETY COMMISSION****Petition HP 01-3 Requesting a Ban on Use of Chromated-Copper-Arsenate (CCA) Treated Wood in Playground Equipment**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission has received a submission that contains a request that the Commission ban use of chromated-

copper-arsenate (CCA) treated wood in playground equipment. This request has been docketed as petition under number HP 01-3 under the Federal Hazardous Substances Act (FHSA). The Commission solicits written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by September 11, 2001.

**ADDRESSES:** Comments on the petition, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127 or by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned "Petition HP 01-3, Petition for Ban on Use of CCA Treated Wood in Playground Equipment." A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0800, ext. 1232.

**SUPPLEMENTARY INFORMATION:** The Commission has received correspondence from the Environmental Working Group (EWG) and the Healthy Building Network (HBN) requesting that it issue a ban on use of chromated-copper-arsenate (CCA) treated wood in playground equipment. The petitioners assert that a ban is necessary because "[r]ecent research has shown that arsenic is more carcinogenic than previously recognized, that arsenic is present at significant concentrations on CCA-treated wood and in underlying soil, that the health risks posed by this wood are greater than previously recognized, and that past risk assessments were incomplete."

The Commission is docketing the request for a ban as a petition under provisions of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1278.

The submission also requests that the Commission review the safety of CCA-treated wood for general use. This request has not been docketed as part of the petition because this action does not require rulemaking. (The request for a review will be considered separately by the CPSC's Office of Hazard Identification and Reduction.)

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer

Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: July 9, 2001.

**Todd A. Stevenson,**

*Acting Secretary, Consumer Product Safety Commission*

[FR Doc. 01-17501 Filed 7-12-01; 8:45 am]

BILLING CODE 6355-01-P

for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: July 6, 2001.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 01-17508 Filed 7-12-01, 8:45 am]

BILLING CODE 5001-08-M

c. *Appointment.* The operation of the Board and appointment of its members are subject to the Federal Advisory Committee Act (Pub. L. 92-463, as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in Section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) *Carriers and Shippers.* The law uses the terms "primary users and shippers." Primary users has been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers has been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper or primary user.

(2) *Geographical Representation.* The law specifies "various" regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and described in Pub. L. 95-502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake Rivers System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual's traffic on the waterways.

(3) *Commodity Representation.* Waterway commerce has been aggregated into six commodity categories based on "inland" ton-miles shown in Waterborne Commerce of the United States. These categories are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All other. A consideration in the

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

##### ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title, Form, and OMB Number:* Personnel Security Investigation Projection for Industry Survey; DSS Form 232; OMB Number 0704-0417.

*Type of Request:* Reinstatement.

*Number of Respondents:* 11,000.

*Responses per Respondent:* 1.

*Annual Responses:* 11,000.

*Average Burden per Response:* 75 minutes.

*Annual Burden Hours:* 13,750.

*Needs and Uses:* Under the National Industrial Security Program (NISP), the Defense Security Service (DSS) is responsible for conducting personnel security investigations (PSIs) of employees of those cleared contractor entities under its security cognizance. The execution of the DSS Form 232 is an essential factor in projecting the needs of cleared contractor entities for PSIs. This collection of information requests the voluntary assistance of the Facility Security Officer to provide projections of the numbers and types of PSIs. The data will be incorporated into DSS budget submissions.

*Affected Public:* Business or Other For-Profit; Not-For-Profit Institutions.

*Frequency:* On Occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Inland Waterways Users Board

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of request for nominations.

**SUMMARY:** Section 302 of Public Law (Pub. L.) 99-662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. Its 11 members are appointed by the Secretary of the Army. This notice is to solicit nominations for five (5) appointments or reappointments to two-year terms that will begin January 1, 2002.

**ADDRESSES:** Office of the Assistant Secretary of the Army (Civil Works), Department of the Army, Washington, DC 20310-0103. Attention: Inland Waterways Users Board Nominations Committee.

**FOR FURTHER INFORMATION CONTACT:** Office of the Assistant Secretary of the Army (Civil Works) (703) 697-8986.

**SUPPLEMENTARY INFORMATION:** The selection, service, and appointment of Board members are covered by provisions of Section 302 of Pub. L. 99-662. The substance of those provisions is as follows:

a. *Selection.* Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterborne commerce as determined by commodity ton-miles statistics.

b. *Service.* The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

**Attachment C**

**List of Respondents to the FR Request for Comments on CPSC Petition HP 01-3  
Requesting Ban on Use of CCA Treated Wood in Playground Equipment (66 FR: 36756)**

**Generation Green (and approximately 3,000  
consumers affiliated with Generation Green)**

**R. Gilstein (consumer)**

**D. Marcellus (consumer)**

**Brian Fink (consumer)**

**Nina Derda (consumer)**

**Edward Hoy (consumer)**

**Eloise Gumpert (consumer)**

**Julia Holladay (consumer)**

**Joseph Prager (consumer)**

**Jonathan Held (consumer)**

**Emily Sims (consumer)**

**Marge Folino (consumer)**

**C. Stomber (consumer)**

**V. Christie (consumer)**

**Ruthann Spence (consumer)**

**Thomas French (consumer)**

**Karen Pushinsky (consumer)**

**Robert Davis (consumer)**

**Jeff Hobson (consumer)**

**Terri Becker (consumer)**

**Beyond Pesticides**

**Leathers and Associates**

**Seminole Tribes of Florida**

**Wisconsin State Department of Agriculture,  
Trade, and Consumer Protection**

**Connecticut Department of Public Health**

**Connecticut Agriculture Experiment Station**

**Stephoe and Johnson, on behalf of the**

**American Chemistry Council and American  
Wood Preservers Institute**

**American Forest and Paper Association**

**Connecticut Department of Public Health**

**Attachment D**

see 65 FR 69910, published on November 21, 2000.

**D. Michael Hutchinson,**  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

September 14, 2001.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 20, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit <sup>1</sup>
237 .....	484,073 dozen.
334 .....	173,286 dozen.
335 .....	164,515 dozen.
338/339 .....	2,188,286 dozen.
340/640 .....	4,478,326 dozen.
341 .....	3,449,818 dozen.
351/651 .....	1,019,420 dozen.
634 .....	813,842 dozen.
635 .....	482,421 dozen.
638/639 .....	2,123,898 dozen.
641 .....	790,213 dozen.
645/646 .....	445,495 dozen.
847 .....	427,397 dozen.

<sup>1</sup> - thnsp;The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,  
**D. Michael Hutchinson,**  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
[FR Doc.01-23362 Filed 9-19-01; 8:45 am]

BILLING CODE 3510-DR-F

**CONSUMER PRODUCT SAFETY COMMISSION**

[HP 01-3]

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-00741; FRL-6802-8]

**Draft Sampling Protocols for Chromated Copper Arsenate (CCA) Pressure-Treated Playground Equipment and Related Soil; Notice of Availability**

**AGENCIES:** Consumer Product Safety Commission (CPSC). Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of draft sampling and analysis protocols developed cooperatively by CPSC and EPA to collect and analyze dislodgeable residues of arsenic, chromium and copper from Chromated Copper Arsenate (CCA) pressure-treated playground equipment (dislodgeable residues protocol) and soil residues of arsenic, chromium and copper in soils beneath/adjacent to CCA-treated playground equipment (soil residues protocol). The studies to be conducted using these protocols will assist both Agencies in assessing exposure that can be expected for children playing on/ around CCA-treated playground equipment. By providing notice and opportunity for comment on the protocols, the Agencies are seeking to strengthen stakeholder involvement and help ensure that their decisions are transparent and based on the best available information.

**DATES:** Comments must be received on or before October 22, 2001.

**ADDRESSES:** Comments may be submitted by mail, electronically, or by hand delivery. Please follow the detailed instructions provided in Unit I of the SUPPLEMENTARY INFORMATION.

**FOR FURTHER INFORMATION CONTACT:**

**1. Draft Dislodgeable Residues Protocol**

*For further information on the draft dislodgeable residues protocol contact:* Patricia Bittner, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone number: (301) 504-0477, ext. 1184; fax number (301) 504-0079; e-mail address: pbittner@cpsc.gov.

**2. Draft Soil Residues Protocol**

*For further information on the draft soil residues protocol contact:* Norm Cook, Antimicrobials Division (7510C), Office of Pesticide Programs,

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8253; fax number: (703)308-8481; e-mail address: cook.norm@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does This Action Apply to Me?*

This action is directed to the public in general. This action may, however, be of particular interest to: Wood treaters; manufactures of CCA; wholesalers, distributors, and retailers of CCA-treated lumber and products made with CCA-treated lumber; and consumers purchasing and using CCA-treated lumber or CCA-treated lumber products. The Agencies are obtaining expert scientific peer review of the draft sampling and analysis protocols through EPA's contractor, Versar, but would also like to afford the general public an opportunity to comment on the study design prior to initiation of the actual sampling and analyses. All comments (Versar and public) will be carefully considered and made available in both CPSC's and EPA's dockets. Since other entities may also be interested, the Agencies have not attempted to describe all specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Additional Information, Including Copies of the Draft Protocols and Other Related Documents?*

1. *Electronically.* You may obtain electronic copies of the draft protocols, and certain other related information that might be available electronically, from the CPSC Internet Home Page at <http://www.cpsc.gov>. To access these documents and information on the CPSC Home page, select "Library (FOIA)," "Electronic Reading Room—Freedom of Information Act Information," "2001 FOIA Information," and "Commission Briefing Packages." Then scroll down to the materials designated with the name of this notice.

You may also access the draft protocols and related information from the EPA Internet Home Page at <http://www.epa.gov/>. To do so on the EPA Home Page, select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the Federal Register listings at <http://www.epa.gov/fedrgstr/>.



2. *In person.* Copies of the draft protocols and related information may be obtained from the CPSC Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, MD; telephone number: (301) 504-0127; e-mail address: cpssc-os@cpssc.gov.

Copies of the draft protocols and related information may also be obtained from EPA. EPA has established an official record for this action under docket control number OPP-00741. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

#### C. To Whom and How Do I Submit Comments?

##### 1. Comments to CPSC on Draft Dislodgeable Residues Protocol

*a. General.* Comments on the draft dislodgeable residues protocol should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, MD 20814, telephone number: (301) 504-0800. Comments on the draft dislodgeable residues protocol also may be filed by facsimile to (301) 504-0127 or by e-mail to cpssc-os@cpssc.gov. Comments on the draft dislodgeable residues protocol should be captioned "Notice of Availability of Draft Dislodgeable Residues Protocol."

*b. How should I Handle CBI that I Want to Submit to CPSC?* Any person responding to the CPSC who believes that any information submitted is CBI (i.e., trade secret or proprietary) should specifically identify the exact portions of the document claimed to be confidential. The Commission's staff

will receive and handle such information confidentially and in accordance with section 6(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2055(a). Such information will not be placed in the public docket for the rulemaking and will not be made available to the public simply upon request. If the Commission receives a request for disclosure of the information or concludes that its disclosure is necessary to discharge the Commission's responsibilities, the Commission will inform the person who submitted the information and provide that person with an opportunity to present additional information and views concerning the confidential nature of the information. 16 CFR 1015.18(b).

The Commission's staff will then make a determination as to whether the information is a trade secret or proprietary information that cannot be released. That determination will be made in accordance with applicable provisions of the CPSA; the Freedom of Information Act (FOIA), 5 U.S.C. 552b; 18 U.S.C. 1905; the Commission's procedural regulations at 16 CFR part 1015 governing protection and disclosure of information under provisions of FOIA; and relevant judicial interpretations. If the Commission concludes that any part of the information that has been submitted with a claim that the information is a trade secret or proprietary is disclosable, it will notify the person submitting the material in writing and provide at least 10 calendar days from the receipt of the letter to allow for that person to seek judicial relief. 15 U.S.C. 2055(a)(5) and (6); 16 CFR 1015.19(b).

*2. Comments to EPA on Draft Soil Residues Protocol.* Comments on the draft soil residues protocol should be submitted to EPA. To ensure proper receipt by EPA of comments, it is imperative that you identify docket control number OPP-00741 in the subject line on the first page of your response.

*a. By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

*b. In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy.,

Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

*c. Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-00741. Electronic comments may also be filed online at many Federal Depository Libraries.

*d. How Should I Handle CBI that I Want to Submit to EPA?* Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under FOR FURTHER INFORMATION CONTACT.

#### D. What Should I Consider as I Prepare My Comments?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the rule or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by the Agency, be sure to properly identify the

comments in the subject line on the first page of your response. You may also provide the name, date, and Federal Register citation.

## II. What Actions Are the Agencies Taking?

### A. CPSC

The CPSC received a petition from the Environmental Working Group (EWG) and the Healthy Building Network (HBN) requesting a ban on the use of CCA treated wood in playground equipment. The petitioners assert that a ban is necessary because "[r]ecent research has shown that arsenic is more carcinogenic than previously recognized, that arsenic is present at significant concentrations on CCA-treated wood and in underlying soil, that the health risks posed by this wood are greater than previously recognized, and that past risk assessments were incomplete."

The Commission docketed the request for a ban as a petition under provisions of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1278. The EWG/HBN submission also requested that the Commission review the safety of CCA-treated wood for general use. That request was not docketed as part of the petition because it would not require rulemaking. The request for a review is being considered separately by the CPSC's Office of Hazard Identification and Reduction. The Commission published notice of docketing of the EWG/HBN petition in the Federal Register of July 13, 2001 (66 FR 36756). The public comment period on that notice closed on September 11, 2001.

As part of its response to the EWG/HBN petition, the CPSC, in cooperation with EPA, has developed the draft dislodgeable residues protocol that is the subject of this notice. CPSC will use the results of the study to be conducted under the protocol in its further evaluation of the potential exposure and any associated risks to children who come in contact with CCA-treated wood.

### B. EPA

As part of the reregistration process for heavy duty wood preservatives (including pentachlorophenol, creosote, and CCA) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA is evaluating the human and environmental risks of CCA. Since CCA-treated wood can be used in both commercial and residential settings, EPA intends to evaluate all uses of CCA-treated wood. Because of specific concerns associated with use of CCA-treated wood in playground

equipment, the Agency is presently evaluating available exposure and hazards data in order to determine the risks to children who come in contact with CCA-treated wood and CCA-contaminated soil.

As part of the CCA-exposure evaluation, EPA, in cooperation with the CPSC, is developing a sampling regime that addresses potential soil residues of arsenic, chromium, and copper which may occur in soils below/ adjacent to CCA-treated playground equipment. The draft protocol for that sampling regime is the subject of this notice.

### List of Subjects

Consumer protection, Environmental protection, Arsenic, Chromated copper arsenate, Chromium, Copper, Hazardous substances, Pesticides and pests, Playgrounds, Soil.

Dated: September 13, 2001.

**Todd A. Stevenson,**  
*Acting Secretary, Office of the Secretary,  
Consumer Product Safety Commission.*

Dated: September 14, 2001.

**Frank Sanders,**  
*Director, Antimicrobials Division, Office of  
Pesticide Programs, Environmental Protection  
Agency.*  
[FR Doc. 01-23409 Filed 9-19-01; 8:45 am]  
BILLING CODE 6355-01-P, 6560-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Deterrence Concepts Advisory Group

AGENCY: DoD.

ACTION: Notice of Advisory Committee meeting.

**SUMMARY:** The Deterrence Concepts Advisory Group will meet in closed session on September 20, 2001. The committee was established to provide advice and recommendations to the Secretary of Defense on advancing a strong, secure, and persuasive U.S. force for freedom and progress in the world, and to do so at the lowest nuclear force level consistent with security requirements.

In accordance with the Federal Advisory Committee Act, Public Law No. 92-463, as amended [5 U.S.C. App II (1982)], it has been determined that the committee meeting concerns matters sensitive to the interest of national security, listed in 5 U.S.C.

552B(c)(1)(1982) and accordingly this meeting was closed to the public.

**DATES:** September 20, 2001, 2 p.m.

**ADDRESSES:** The Pentagon, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**  
Lauren Haber, OUSD (Policy), 703-697-0286.

Dated September 13, 2001.

**L. M. Bynum,**  
*Alternate Federal Register Liaison Officer,  
Department of Defense.*  
[FR Doc. 01-23373 Filed 9-19-01; 8:45 am]  
BILLING CODE 5001-08-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Deterrence Concepts Advisory Group

AGENCY: DoD.

ACTION: Notice of advisory committee meeting.

**SUMMARY:** The Deterrence Concepts Advisory Group will meet in closed session on September 27, 2001. The committee was established to provide advice and recommendations to the Secretary of Defense on advancing a strong, secure, and persuasive U.S. force for freedom and progress in the world, and to do so at the lowest nuclear force level consistent with security requirements.

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended [5 U.S.C. App II (1982)], it has been determined that the committee meeting concerns matters sensitive to the interest of national security, listed in 5 U.S.C. 552B(c)(1)(1982) and accordingly this meeting was closed to the public.

**DATES:** September 27, 2001, 1 p.m.

**ADDRESSES:** The Pentagon, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**  
Lauren Haber, OUSD (Policy), 703-697-0286.

Dated: September 13, 2001.

**L.M. Bynum,**  
*Alternate Federal Register Liaison Officer,  
Department of Defense.*  
[FR Doc. 01-23374 Filed 9-19-01; 8:45 am]  
BILLING CODE 5001-08-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Domestic Advisory Panel (DAP) on Early Intervention and Education for Infants, Toddlers, Preschool Children, and Children With Disabilities; Meeting

AGENCY: Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS).

ACTION: Notice.

**Attachment E**

**List of Respondents to the FR Request for Comments on Draft Sampling Protocols for  
CCA-Treated Playground Equipment and Related Soil (66 FR: 48428)**

**Jack Eislin (consumer)**

**Florida Bureau of Waste Cleanup**

**American Wood Preservers Institute**

**American Chemistry Council**

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