

# IV. The History of Pentachlorophenol

The Environmental Protection Agency (EPA), acting under the mandate of the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA), 7 U.S.C. § 136 et seq., is currently in the process of reevaluating wood preservative pesticides, namely creosote, the inorganic arsenicals and pentachlorophenol (penta). The

end product of such an evaluation is called a Reregistration Eligibility Decision Document (RED); the RED provides an explanation for the action taken by the agency regarding a particular poison, whether it cancels or, as most often is the case, allows the continued use of the toxic chemical, with the adoption of risk mitigation measures. Towards that end, the EPA has produced a draft science chapter on penta, which represents a significant step towards completing the RED on penta.

Beyond Pesticides/National Coalition Against the Misuse of Pesticides (Beyond Pesticides/NCAMP) is tracking the progress of the EPA's work on the wood preservatives. Beyond Pesticides/NCAMP obtained a copy of the science chapter on penta and critiqued the 188-page document, noting the gaps in the EPA's data and calculations made by the EPA regarding the risks of exposure to penta. The same procedure will be followed with all of the documents produced by the EPA during its evaluation of the wood preservatives. The fact that penta is first on the EPA's list explains why Beyond Pesticides/NCAMP is emphasizing the totally unacceptable and unreasonable adverse effects on the public's health and the environment caused by penta.

This is not the first time that penta has received the scrutiny of the EPA. The EPA, back in 1978, under the authority of the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA) placed penta and the other wood preservatives in Special Review, then referred to as Rebuttable Presumption Against Registration (RPAR). The Admin-

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istrator of EPA may place a pesticide into Special Review and cancel the registration of a pesticide whenever he or she determines that the pesticide no longer satisfies the statutory standard for registration (FIFRA § 6(b)). That standard requires, among other things, that the pesticide not cause "unreasonable adverse effects on the environment" (FIFRA § 3(c)(5)(C)). In 1978, when EPA began its review of wood preservatives, the agency did so because of serious concerns about the public health and environmental threat that these chemicals represent.

In announcing its January 2, 1987 Final Determination and Notice of Intent to Cancel and Deny Application for Registrations of Pesticide Products Containing Pentachlorophenol for Nonwood Uses, EPA said:

The Agency is concerned about the ubiquity of pentachlorophenol, its persistence in the environment, its fetotoxic and teratogenic properties, its presence in human tissues, and its oncogenic risks from the presence of dioxins in the technical material.<sup>1</sup>

The notice covered all penta uses in five categories: herbicides, antimicrobial agents, disinfectants, mossicides, and defoliants.

Throughout this history, communities across the United States have been contaminated and its residents poisoned. A community in Pensacola, Florida next to a wood preserving plant that created so much contamination from

its use of pentachlorophenol and creosote that EPA designated it a Superfund site and committed to relocating the community. That was 1996. In 1999, EPA has only completed a partial relocation and efforts to clean up the site have been stalled. It is the legacy of pentachlorophenol that continues as long as the chemical continues to be used on utility poles.

The Environmental Protection Agency plans to spend \$18 million relocating people from 158 houses and 200 apartment in Pensacola, FL. The homes are neighbors with the Escambia Treating Company, where the logs, telephone poles in the making were dripping chemical preservatives, first creosote, then pentachlorophenol. In 1991, long after the company went bankrupt, an emergency team from the EPA dug up the toxic mess, piled it into a 60-foot high mound laced with dioxin and other chemicals, and stored it tight under a polyethylene cover. Mr. Kaufman, EPA engineer, suggested that 'common sense' justified the relocation. 'Very few people are going to keel over and die because of a Superfund site,' he said. 'It's the long term health risks that are the problems.'

The New York Times, October 21, 1996

## Why Do Wood Uses of Penta Remain on the Market?

Over the nine-year Special Review process preceding the non-wood decision, EPA was challenged on every proposed wood-use restriction of penta by the American Wood Preservers Institute (AWPI) and other trade organizations representing wood preservers and chemical manufacturers, all staunch advocates for continued manufacture and use of penta. This is same AWPI that asked the utility companies to not cooperate with the efforts of Beyond Pesticides/NCAMP to collect information about their utility poles (See Appendix C).

In fact, the EPA had originally proposed much more sweeping restrictions on the uses and quality of commercial grade penta. In 1984, EPA announced restrictions requiring such things as Consumer Information Sheets (CIS) to accompany pressure treated wood and a limit on the level of dioxin contamination in commercial grade penta to one part per million (ppm) within 18 months.<sup>2</sup> By 1986, after enduring one legal challenge after another, the EPA capitulated to the wood treatment industry: now the CIS program is voluntary and dioxins can be as high as 4 ppm in commercial grade penta.<sup>3</sup>