



Treated Lumber

1. Purpose

This instruction clarifies OCal regulations § 10206 (f). It addresses certification eligibility of operations, how to determine contact, use of barriers or buffers, and installations of new or replacement lumber.

2. OCal Regulations, Title 3 California Code of Regulations (3 CCR)

3 CCR § 10000. Definitions.

3 CCR § 10105. Allowed and prohibited substances and methods in OCal production.

3 CCR § 10201. OCal ~~cultivation and distribution~~ system plans.

3 CCR § 10202. Land Requirements

3 CCR § 10206. Crop, pest, weed and disease management practice standard.

3 CCR § 10703. Non-compliance procedures for certified operations.

3. Policy

Treated lumber is lumber that has been treated with arsenate or other prohibited substances or materials (pursuant to 7 CFR starting at § 205.600) to prolong the useable lifespan of the lumber.

A certified operation on which treated lumber is in contact with OCal cannabis or with soil located within the OCal cannabis cultivation site (a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs, per CalCannabis regulations, 3 CCR section 8000(j)), or on which treated lumber is used for new or replacement purposes (see examples in section 3.2) ~~lumber treated with arsenate or other prohibited synthetic substances or materials (treated lumber) per the National List of Allowed and Prohibited Substances (starting at title 7 of the Code of Federal Regulations § 205.600) is in contact with OCal cannabis or soil~~ is not in compliance with OCal regulations § 10105 and § 10206 (f)



and is subject to the noncompliance procedures in § 10703 of the OCal regulations. Lumber treated with prohibited substances or materials may have been treated by manufacturers, certified operations, or other parties.

Certifiers must evaluate site-specific conditions during the annual inspection and review any use of treated lumber **within the context of an operation's OSP** to determine if existing installations of treated lumber are in contact with soil or with cannabis intended to be sold, labeled or represented as OCal.

If soil or cannabis is in contact with treated lumber, contact must be terminated by removing or replacing lumber or taking measures to prevent contact, such as applying a barrier or establishing a buffer zone. If a barrier is subject to degradation, decay, or other processes that result in loss of effectiveness, the operation must replace, repair or reapply the barrier at appropriate intervals.

Management practices and physical barriers established to prevent contact must be described in the operation's OSP and certifiers must assess barriers and buffers during the annual inspection to ensure they are sufficiently sized, designed, and maintained to effectively prevent **unintentional unintended** contact.

~~Certified operations shall not use treated lumber for new installations or replacement purposes if the treated lumber comes into contact with soil or cannabis intended to be sold, labeled or represented as OCal.~~

3.1. Treated Lumber and the Three-year Transition

Ocal regulations § 10202 require that land used for production of OCal cannabis or cannabis products has had no prohibited substances applied to it for a period of three years immediately preceding harvest of cannabis intended to be sold, labeled or represented as OCal.

Treated lumber is classified by the US EPA as a "treated article". A treated article is an article treated with a pesticide that protects the article itself, i.e., the lumber (title 40 of the code of federal regulations § 152.25(a)). As pesticides in or on treated articles are only intended to protect the article itself, the use of treated lumber on a parcel does not constitute application of prohibited substances to land and therefore does not necessitate a three-year transition. This applies also to a parcel acquired (leased, purchased, rented, etc.) by an OCal operation with existing treated lumber, **as long as the lumber does not come into contact with OCal cannabis or soil.**



3.2. Contact Determination

Contact with soil or Ocal cannabis means direct contact with any part of the plant under Ocal production, including plant roots. Certifiers must determine if existing treated lumber comes into contact with soil or cannabis intended to be sold, labeled, or represented as Ocal.

Examples of lumber in contact with soil or Ocal cannabis include:

- planter boxes, raised beds, or other planting containers where lumber contacts soil;
- trellises or stakes that support ~~crops~~ **Ocal cannabis**;
- trellis posts, including end posts and posts within a row (line posts);
- stakes or posts placed in soil to indicate rows or identify boundaries, next to ~~crops~~ **Ocal cannabis**;
- baseboards in high tunnels in contact with soil, with ~~crops~~ **Ocal cannabis** grown in soil.

Examples of lumber that does not contact soil or ~~crops~~ **Ocal cannabis** include:

- tables in greenhouses, where lumber has no contact with soil;
- baseboards in permanent greenhouses, where all plants are grown in aboveground containers and do not contact lumber;
- lumber used to support structures that are isolated from Ocal production areas, including employee/residential housing, equipment storage areas, and sheds; and
- lumber covered with some other allowed material (see “Barriers” below).

3.3. New Installations and Replacements with Lumber Treated with Prohibited Substances

Lumber treated with prohibited substances may be used for new installations or for replacement purposes if there is no contact with soil or cannabis intended to be sold, labeled, or represented as Ocal. This determination must be made by the certifying agent based on item 3.2 above.

3.4. Use of Barriers to Prevent Contact

Barriers may include electric fencing, barbed wire, metal flashing, and untreated lumber.

4. References

State and Federal Regulations references



California Code of Regulations, title 3 § 8000 (CalCannabis Cultivation Licensing).

Definitions.

~~Title 7~~ Code of Federal Regulations, ~~title 7~~ § 205.601. Synthetic ~~s~~Substances ~~a~~Allowed ~~f~~For ~~u~~Use in ~~e~~Organic ~~e~~Crop ~~p~~Production.

~~Title 7~~ Code of Federal Regulations, ~~title 7~~ § 205.602. Nonsynthetic ~~s~~Substances ~~p~~Prohibited ~~f~~For ~~u~~Use in ~~e~~Organic ~~e~~Crop ~~p~~Production.

~~Title 40~~ Code of Federal Regulations, ~~title 40~~ § 152.25. Exemptions ~~f~~For ~~p~~Pesticides of a ~~e~~Character ~~n~~Not ~~r~~Requiring FIFRA ~~r~~Regulation.

~~Title 7~~ United States Code, ~~title 7~~ § 136. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

~~Title 7~~ United States Code, ~~title 7~~ § 136. Definitions. “Pesticide”

Other ~~r~~References

October 1995 National Organic Standards Board (NOSB) Technical Advisory Panel Review, ~~October 1995, on~~ Pressure Treated Lumber.

Chromated Copper Arsenate. US Environmental Protection Agency (US EPA), July 2011. Web. 30 Sept. 2015.

~~October 1995 National Organic Standards Board (NOSB) Technical Advisory Panel Review, October 1995, on Pressure Treated Lumber.~~

Read, Deborah. “Report on Copper, Chromium and Arsenic (CCA) Treated Timber.” New Zealand Environmental Risk Management Authority, April 2003.

Rinehart, Lee. “Pressure-Treated Wood: Organic and Natural Alternatives.” National Center for Appropriate Technology, Sept. 2011.