

GUIDANCE NOTE

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Use of Creosote and Creosote-treated Wood

100% Coal Tar Creosote ('Creosote') has been used for over 150 years to impart reliable service life to wood in many uses.

Regulation of creosote

Creosote is now authorised for sale, supply and use in the UK under the EU Biocidal Products Regulation (BPR). Wood may be treated with creosote in the UK (*at the date of publication of this Guidance Note*) for the following end uses:

1. Railway sleepers and fence panels/horizontals used in highways fencing, equestrian fencing and animal security fencing (*BS 8417 Use Class 3*).
2. Overhead Electricity Poles; Telecommunication poles; Fencing posts for the safety critical uses of highways fencing, equestrian fencing and animal security fencing; Agricultural tree stakes/supports (*fruit, vineyard and hops*) only when a long service life (*safety critical*) is required (*BS 8417 Use Class 4 - ground contact but not to be placed directly in fresh water*).
3. Surface treatment of the above uses (*to allow for re-treatment of surfaces exposed by working treated wood – for example cross-cutting and boring holes*).

Restricted uses

Creosoted timber (all forms) should not be 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.

Authorisation for use of creosote expires on **29 March 2021** and application for a further 5-year extension to **March 2026** has been made by creosote manufacturers.

Note that the BPR applies to the use of creosote to treat wood not, apart from labelling obligations (*see overleaf*), to use of treated wood, though wood treated with creosote in the UK now should only be placed on the market when intended for the uses listed opposite. Once on the market (*whether treated in the UK or imported*) creosote treated wood may be used in accordance with the Registration, Evaluation, Authorisation & Restriction of Chemicals (REACH) Regulation.

Under REACH, creosote-treated wood may be used in professional and industrial uses in any situation apart from those listed below under 'Restricted uses'. The regulation 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.

Most of the specific situations listed here, *e.g. toys, garden furniture*, are in any case not suitable for creosoted timber due to risk of staining 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.

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Creosote for DIY

Approval for sale and supply through retail outlets was 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*). 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.

Using creosote-treated wood

Wood already in use before 31 December 2002 is not affected by the restrictions on where creosote-treated wood 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 above 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 may be used for professional and industrial uses in any situation apart from those listed below under 'Restricted uses'. The regulation 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.

Advice to sellers/suppliers of creosoted wood

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

- (a) a statement that the treated article incorporates biocidal products;
- (b) the biocidal property attributed to the treated article (for example protects against fungal decay);

- (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.

The BPR requires that labelling shall be "*clearly visible, easily legible and appropriately durable. Where necessary because of the size or the function of the treated article, the labelling shall be printed on the packaging, on the instructions for use or on the warranty*".

Disposal of waste creosote-treated wood

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

When creosote-treated wood reaches the end of its service life and has to be disposed of then disposal must be in accordance with 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 wood 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 wood - 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.