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Creosote prohibition called costly, unjustified

Albany-- Supporters of proposed statewide ban say substance is health hazard

By **KENNETH AARON**, Business writer
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A proposed statewide ban on creosote, a commonly used wood preservative, could hit utilities, railroads and shipyards -- and their customers -- in the wallet.

But while supporters of the swift-moving bill say a ban will protect the health of those who install creosote-coated lumber, others complain the move has no grounding in scientific fact.

Creosote, derived from coal tar, is widely used on utility poles, railroad ties and marine bulkheads. It is considered carcinogenic in high quantities, according to the federal Agency for Toxic Substances and Disease Registry.

The ban on the sale, manufacture or use of creosote would begin on Jan. 1, 2005. New York would become the first state to ban the substance, joining the European Union, which will do so later this month. Existing installations would be allowed to remain, though subsequent disposal would be more closely regulated.

"This stuff is not good stuff," said Sen. Carl L. Marcellino, R-Oyster Bay, who sponsored his house's version of the bill. Carpenters' unions, whose members install the treated wood, spearheaded the measure, he said.

But Marcellino said he was not aware of any proof that creosote had hurt people who handled products coated with it.

That's because there is no such proof, said William Smith, a professor of wood products engineering at the State University College of Environmental Science and Forestry in Syracuse.

"You just haven't seen an effect," he said.



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Creosote is an ideal preservative in industrial applications, Smith said, and used properly won't cause any problems. He recommended installers wear long sleeves and gloves when handling the material.

Industry officials were scrambling to beat back the bill, which was introduced to the Senate last month and could come up for a vote there at any time.

The Assembly is considering an identical bill.

But creosote is allowed by both the U.S. Environmental Protection Administration and the state Department of Environmental Conservation, said Rich Leckerling, an attorney who represents the Creosote Council, a group of companies that make the substance.

Leckerling, of the Albany law firm Whiteman, Osterman & Hanna, said a ban could generate steep costs. A study prepared for the Creosote Council showed that New York utilities would pay an extra \$53 million a year for creosote-free utility poles, marinas would spend an extra \$73 million and railroads would spend \$25 million more.

While utility officials weren't sure of the exact effect on ratepayers, Gavin Donohue, executive director of the Independent Power Producers of New York Inc., an Albany-based trade group, said higher coal-transportation costs -- it moves by rail to power plants -- would likely bump rates up, too.

Alberto Bianchetti, a spokesman for Niagara Mohawk, the dominant electric utility in the Capital Region, said the company hasn't used creosote poles since 1949 -- except during emergencies, such as the ice storm that hit upstate in 1998.

But NiMo officials still object to the legislation because "it does have the potential of adding significant cost to doing business," Bianchetti said.

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