§ 37-0109. Chromated copper arsenate pressure treated lumber; public facilities.

1. The state, and any political subdivision thereof, school district, board of cooperative educational services or public authority, and any agency of any such entity shall be prohibited from constructing, any structure on any playground owned or operated by such an entity, which uses lumber which is pressure treated with chromated copper arsenate.

2. The state, and any political subdivision thereof, school district, board of cooperative educational services or public authority, and any agency of any such entity shall maintain and operate all (a) structures constructed with lumber which is pressure treated with chromated copper arsenate, which is on any playground owned or operated by such an entity, or (b) picnic tables constructed with lumber which is pressure treated with chromated copper arsenate, which is on any facility owned or operated by such an entity, in such a manner as to minimize chromated copper arsenate from leaching from such structure or picnic table. Every such entity shall maintain the ground cover surrounding any such structure or picnic table in a manner to minimize exposure to potential chromated copper arsenate contamination.

3. The commissioner shall compile and publish information on the dangers and hazards to public health and the environment of the use of chromated copper arsenate pressure treated lumber. In addition, the commissioner shall compile and publish a list of less toxic materials which may be used as an alternative to the use of chromated copper arsenate pressure treated lumber. The department shall also compile and publish information on non-toxic methods and materials that are available to adequately maintain playground structures and picnic tables constructed with chromated copper arsenate pressure treated lumber in a manner that minimizes chromated copper arsenate from leaching from such structures and picnic tables. The department shall insure that the information compiled and published pursuant to this subdivision is widely disseminated to the general public.