

40-22-1-.01 Definitions. Repealed.

- (1) "Act" means the Georgia Treated Timber Products Act of 1973.
- (2) "Brand" means an identification mark assigned to a processor or dealer and used to mark each treated pole, post or piling, timber or other timber product.
- (3) "Dealer" means any person, firm or corporation who ships into or brings into this State, for sale, any treated timber or timber product treated outside the State.
- (4) "Guaranteed Average Retention" means the retention specified by and determined in accordance with the appropriate AWWPA Standard or ICC ES report after treatment at the manufacturing plant. From time to time the Commissioner will establish, subject to hearing, allowances for normal depletion of preservatives from commodities sampled and tested after transport from a treating plant.
- (5) "Lot" means a retort charge for inspection at processing plants. In all other cases it will be that material available at time and place of inspection consisting of a single commodity of a single species, from a single treater, and a single preservative treatment. For the purpose of enforcement, a lot for testing will not include treated timber or timber products which have been installed for use or which have been altered after initial treatment by cutting, sawing or similar modification.
- (6) "Lumber" means sawn wood less than five (5) inches in actual thickness.
- (7) "Preservative" means any chemical used in treating wood to retard or prevent deterioration or destruction caused by the action of insects, fungi or bacteria.
- (8) "Processor" means any person who treats timber or timber products with preservatives within the State of Georgia.
- (9) "Timber" means sawn wood of five (5) inches or more actual thickness.
- (10) "Timber Products" means any and all products subject to the provisions of the Georgia Treated Timber Products Act of 1973.
- (11) "Treated Wood" means wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood-destroying organisms.
- (12) "Treater" means any person within the State or outside of the State who treats timber or timber products subject to the provisions of this Act for distribution in the State.
- Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Definitions" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-2-.01 Licensing Requirements. Repealed.

Both Processor's and Dealer's Licenses will be renewable July 1, each year. Application forms shall be available from the Commissioner's Office. Renewal forms shall be mailed to all licensees on record at least 30 days prior to the expiration of the current licensing period. Forms shall contain information pertinent to applicant's operation, including, but not limited to:

(a) Processor's License.

1. Name and primary business address of applicant.
2. Address of all treating operations within the State of Georgia, and all treating locations outside the State from which treated timber or timber products will be shipped into Georgia.
3. Types of timber or timber products treated at each location, treatment employed, preservative used and guaranteed average retention per cubic foot.
4. Proposed brand to be used on each product.

(b) Dealer's License.

1. Name and primary business address of applicant.
2. Name and address of all Treaters whose treated timber or timber products are to be distributed in Georgia.

~~3. Types of timber or timber products treated at each location, the treatment employed, preservative used and the guaranteed average retention per cubic foot.~~

~~4. Proposed brand to be used on each product.~~

~~5. Attorney In Fact.~~

~~(c) Exemption.~~

~~1. No person shall be required to obtain a dealers license if he ships into or brings into Georgia only those products which have been treated by another licensee and are properly identified by said licensee's brand or mark.~~

~~(d) License Fees~~

~~1. The annual fee for a Processor's license is \$120.00.~~

~~2. The annual fee for a Dealer's license is \$120.00.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Licensing Requirements" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Amended:** F. July 9, 2008; eff. July 29, 2008. **Amended:** F. June 15, 2010; eff. July 5, 2010.

40-22-3-.01 Standards for Preservatives. Repealed.

~~All preservatives used to treat wood products subject to the Act shall conform to the Preservative "P" Standards of the American Wood Protection Association.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Standards for Preservatives" adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-3-.02 Prohibited Preservatives. Repealed.

~~Other than those uses registered under the Federal Insecticide, Fungicide, and Rodenticide Act and approved by the U.S. Environmental Protection Agency, the use of creosote petroleum solutions as a preservative in treating timber products to be offered for sale is prohibited and any sale of products treated with such solutions is unlawful.~~

Authority Ga. L. 1973, p. 1418. O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Prohibited Preservatives" was filed on September 5, 1975; effective September 25, 1975. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed April 18, 1977; effective May 8, 1977. **Repealed:** New Rule, same title, adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-4-.01 Standards for Treatment. Repealed.

~~Wood treatment subject to the Act shall be accomplished, at a minimum, in compliance with the American Wood Protection Association Standard "T1".~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Standards for Treatment" adopted. F. Sept. 5, 1975, eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-5-.01 Standards for Results. Repealed.

~~Treated wood products subject to the Act shall meet the penetration and retention requirements of the American Wood Protection Association Standard "U1" and any other appropriate AWPA standard for the applicable product, preservative, species, and end use. Penetration and Retention shall be determined using appropriate methods specified in the applicable AWPA standard.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled "Standards for Results" Adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-5-.02 Certain Products Exempted. Amended. Repealed.

~~Preservative and Treatment Standards shall not apply to poles, piling, railroad ties, timber or laminated structures when these commodities are treated under preservative and treatment standards prescribed by a Federal or State Agency, department or subdivision, a railroad or other public utility or others purchasing under the specifications of such an agency, nor shall they apply to any product for which preservative and treatment standards are prescribed by a registered professional engineer or architect in written specifications or plans for a specific application.~~

Authority Ga. L. 1973, p. 1418. **History.** Original Rule entitled "Certain Products Exempted" was filed on September 5, 1975; effective September 25, 1975. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed April 18, 1977; effective May 8, 1977.

40-22-6-.01 Identification of Treated Timber Products. Repealed.

~~All treated wood products subject to this act and offered for sale in the State shall be clearly identified with the information specified within this chapter. All identification labels, marks or brands shall be approved and registered by the Commissioner prior to use on treated timber products destined for use or sale in the State.~~

~~(a) Treated timber products may be identified using any one of the following methods, provided the one used is clearly legible:~~

- ~~1. Burn Brand;~~
- ~~2. Metal nail or tag;~~
- ~~3. Plastic nail or tag;~~
- ~~4. Ink stamp.~~

~~(b) All wood products treated with oil-borne or water-borne preservatives shall be identified as specified in this chapter, except that treated wood products less than 5/4" in nominal thickness or 2" x 2" in nominal dimension shall have not less than twenty (20) percent of the pieces in each shipment marked.~~

~~1. The identifying information on treated wood products complying with the standards for preservatives, treatment and results established by these rules shall include:~~

~~Identity of the treating plant~~

~~The registered mark of an inspection agency accredited by the American Lumber Standard Committee for the inspection of treated wood AWPA standard (e.g., U1, etc.)~~

~~Preservative designation (e.g., CCA, CA-B, ACQ-D, etc.)~~

~~Preservative retention (e.g., 0.25 pcf, 0.40 pcf, etc.)~~

~~Intended end use (e.g., Ground Contact, etc.)~~

~~AWPA Use Category (e.g., UC4A, etc.)~~

~~Such information shall be legible to the average reader and applied with reasonable permanency.~~

~~2. The identifying information on treated wood products not qualified to be marked in accordance with section (b)1. shall include:~~

~~Identity of the treating plant~~

~~The IAS accredited inspection agency name and IAS certificate of accreditation number~~

~~The ICC Evaluation Service or IAS accredited Product Certification Agency evaluation report number for the treated wood product~~

~~Preservative designation~~

~~Preservative retention (e.g., 0.25 pcf, 0.40 pcf, etc.)~~

~~Intended end use (e.g., Ground Contact, etc.)~~

~~(c) Treated wood products not qualified to be identified in accordance with section (b)1. or (b)2. shall be identified in accordance with this section.~~

~~1. Treated wood products intended for use in any outside applications shall have each piece tagged exactly as indicated below:~~

~~This product has been treated with EPA registered wood preservatives but is not intended nor represented to conform to the requirements of the Georgia Treated Timber Products Act nor to be adequately treated for protection against fungal decay or termite attack.~~

~~NOT FOR USE IN STRUCTURAL APPLICATIONS OR WHERE BUILDING CODES REQUIRE TREATED WOOD.~~

~~2. Treated wood products intended for interior, above ground, structural or non structural applications, or for exterior trim and finish, where the use of treated wood is not required by model building codes shall have each piece tagged exactly as indicated below:~~

~~This product has been treated with EPA registered wood preservatives but is not intended nor represented to conform to the requirements of the Georgia Treated Timber Products Act. USE ONLY FOR ABOVE GROUND APPLICATIONS WHERE BUILDING CODES DO NOT REQUIRE PRESSURE TREATED WOOD.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled “Branding of Treated Timber and Products” adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule entitled “Identification of Treated Timber Products” adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-7-.01 Shipping Documents. Repealed.

~~Every shipment of wood products treated with preservative and made from a processor or dealer to any point within the State of Georgia shall be accompanied by a delivery invoice or other shipping document. Such document shall contain, in addition to other information required by the purchaser, sufficient information to properly identify the product and its treatment, including but not limited to:~~

~~Identity of the treating plant~~

~~Type of treatment (pressure, spray, dip, etc.)~~

~~Preservative designation (e.g., CCA, CA-B, ACQ-D, etc.)~~

~~Guaranteed average retention per cubic foot, unless treated in accordance with 40-22-6-.01(c), in which case no guaranteed average retention is required~~

~~The AWPA standard or ICC-ES report number with which the treated material was treated, unless treated in accordance with 40-22-6-.01(c), in which case no AWPA standard or ICC-ES report is required.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled “Shipping Documents” adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May

31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-8-.01 Inspection and Sampling. Repealed.

~~All inspection and sampling shall be performed only by a regular employee of the Georgia Department of Agriculture or another person designated by the Commissioner to perform these functions. All wood products shall be sampled in accordance with sampling procedures specified in the Standards of the American Wood Protection Association.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled “Inspection and Sampling” adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.

40-22-8-.02 Analysis and Examination of Samples. Repealed.

~~Examination and analysis of samples shall be made in accordance with standard methods of analysis of the American Wood Protection Association. Nothing in this chapter shall prohibit the Commissioner from using such other methods of analysis as he may determine to be equivalent to those of the American Wood Protection Association.~~

Authority O.C.G.A. Sec. 2-14-104. **History.** Original Rule entitled “Analysis and Examination of Samples” adopted. F. Sept. 5, 1975; eff. Sept. 25, 1975. **Repealed:** New Rule of same title adopted. F. Apr. 18, 1977; eff. May 8, 1977. **Repealed:** New Rule of same title adopted. F. Apr. 15, 1982; eff. May 5, 1982. **Repealed:** New Rule of same title adopted. F. May 11, 1993; eff. May 31, 1993. **Amended:** F. June 5, 2003; eff. July 1, 2003, as specified by the Agency. **Amended:** F. July 9, 2008; eff. July 29, 2008.