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CCA-treated wood lawsuit dismissed

West Palm Beach, Fla. - July 23 - A federal judge here has ruled that Home Depot cannot be held responsible for replacing lumber treated with chromated copper arsenate (CCA). The July 15 ruling, issued in the U.S. District Court of Southern Florida, denied class action status to the complaint.



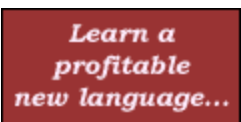
The case was originally filed by a group of Florida homeowners who own wood decks or playground equipment made of CCA-treated lumber. In February, a federal judge refused to grant class action status to the case. Several CCA-treated wood suppliers were dismissed from the lawsuit, leaving Home Depot as the only defendant.



An amended complaint sought product replacement from Home Depot. But U.S. District Court Judge Donald Middlebrooks ruled that too many factors can contribute to chemical leaching from treated wood. Uncertain product identification would also make it difficult to blame any one party, he said. A public statement issued by the Wood Preservative Science Council called the ruling "a major vindication."



"This decision is a severe blow to those who have been trying to make CCA the next asbestos," said Jim Hale, executive director of the Mount Vernon, Va.-based industry group.



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