



**FOR IMMEDIATE RELEASE
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**FOR MORE INFORMATION CONTACT:
KATIE WRIGHT (703)-683-5004 ext. 132
KEITH APPELL ext. 112**

CLASS ACTION DENIED IN CCA CASE

Home Depot Win Vindicates CCA-Treated Wood

WASHINGTON, D.C. --- In a strongly worded opinion, the United States District Court in Southern Florida rejected a second attempt by plaintiffs' attorneys to bring a class action lawsuit against Home Depot challenging the safety of wood treated with chromated copper arsenate (CCA).

The case, *Jacobs v. Osrose*, was originally brought against several CCA manufacturers, retailers of CCA-treated wood and others. The first attempt to grant the case class action status occurred in February 2003, and was denied by the Court. In fact, in the course of oral argument, plaintiffs conceded that there have only been a handful of personal injury cases filed involving these products. Soon thereafter, all defendants, except Home Depot were dismissed.

No court has ever given class action status to a case challenging the safety of CCA-treated wood.

In rejecting the plaintiffs' arguments once again, Judge Donald Middlebrooks wrote, "to allow the matter to proceed as a class action would be futile." In his earlier decision to deny class action, Judge Middlebrooks cited a previous court order by the United States Court of Appeals for the Fifth Circuit, which stated, "not every mass tort is the next asbestos."

"This ruling is a major vindication for the treated wood industry," said Jim Hale, executive director of the Wood Preservative Science Council (WPSC).

The WPSC was formed by the major manufacturers of CCA to continue supporting and participating in the sound scientific analysis of treated wood. More than 70 years of safe use and the body of scientific and medical evidence demonstrates that CCA-treated wood is safe when used as recommended.

This decision is a severe blow to those who have been trying to make CCA the next asbestos, and to alarm the public to a threat which simply does not exist.”

To schedule an interview with Mr. Hale or to learn more about CCA please contact Katie Wright (ext. 132) or Keith Appell (ext. 112) at (703)-683-5004.

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