



**House  
Legislative  
Analysis  
Section**

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**STANDARDS FOR MARKINGS ON LUMBER**

House Bill 4355 as introduced  
First Analysis (5-5-87)

**RECEIVED**

MAY 13 1987

Sponsor: Rep. Lloyd Weeks  
Committee: Urban Affairs

Mich. State Law Library

**THE APPARENT PROBLEM:**

The standards for the markings on pressure-treated lumber vary from state to state and from city to city. Some suppliers use tags, others use stamps, and some use both. There is at present, however, no uniform standard with which these tags or stamps must comply: unless an analysis is run on a piece of lumber, it is impossible to tell if it has been treated according to the extent that its stamp or tag maintains. A piece of lumber may be stamped or tagged "pressure-treated," but there is no way that the consumer can be certain; only the surface of the wood may have been treated.

The same problem exists with regard to the grade of wood: often, lumber is shipped in bulk lots which are identified as being of a specific type; e.g., Ponderosa pine. In fact, the lumber at the center of the stack may be Jack pine, a type of lumber which is untreatable. These problems may not show up until they surface in the warped joints of balconies or in rotting fences. At present, the only recourse for the consumer who inherits the problem is to go to court. Those who are concerned with these problems ask for standards that would identify lumber by its producer and intended use.

**THE CONTENT OF THE BILL:**

The bill would amend the State Construction Code Act to add provisions setting specific standards for lumber and plywood use. Lumber and plywood to be pressure-preservative treated in accordance with state building code requirements would have to bear the American Wood Preservers Bureau quality mark or the mark of another agency that had been approved by the state construction code commission. Lumber and plywood that is required to meet load supporting standards would have to bear the grade stamp of a lumber grading or inspection agency certified by the American Lumber Standards Board of Review and approved by the commission. These quality marks or grade stamps would be made with indelible ink on the widest face of each piece of lumber or plywood, not less than 24 inches from either end of each piece of lumber or plywood. Each piece of lumber or plywood that did not conform to the required standards would be required to bear an end tag stating:

"This material does not conform to requirements of the State of Michigan building code. Not to be used for load-supporting purposes. Any improper sale or use of this product is subject to criminal penalty."

The bill would be effective throughout the state, and local modifications would not be allowed. A violation of the bill would be a misdemeanor.

MCL 125.1521a

**FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, enforcement of the bill would result in as yet undetermined costs to those state agencies and local units responsible for enforcement (e.g. if building inspectors were required to inspect new lumber). (5-4-87)

According to the Department of Labor, the cost of lumber could also rise, if companies which at present use tags were forced to retool in order to use stamps, and if companies which have automatic stampers were forced to retool to meet the requirement that the stamp be not less than 24" from either end of a piece of lumber. (5-4-87)

**ARGUMENTS:**

**For:**

The bill is an attempt to end fraud in the area of pressure-preservative treated lumber. So that consumers would know what they were buying, lumber would be identified as being of a specific quality or standard. The requirements of the bill would also end the current problem with tags, which can be counterfeited or cut off. Stamps are also more practical in the long run, since tags are usually removed when the lumber is put to use.

**Against:**

While in favor of the bill in general, some doubt that identification of lumber can be made permanent, since stamps can be counterfeited. The requirement that the stamp be made with indelible ink also poses a problem with lumber that is used for ornamental purposes, as for fences which are stained rather than painted.

The Construction Code needs to be changed in order to set standards and weed out disreputable dealers; however the bill is inadequate. What is really needed is third party inspection. Further, the bill is contradictory: section 21A does not require that lumber be stamped, only that it bear "the American Wood Preservers Bureau quality mark or the mark of an agency that maintains continuing supervision, testing and inspection". This could be interpreted to mean that either tags or stamps would be allowed. Finally, the bill needs more "teeth;" there should be criminal penalties for those who violate the act.

It is impossible to legislate quality, but if the lumber industry were given time to work together to propose appropriate language, more meaningful protection could be given the consumer.

**Against:**

There are aspects of the bill that are unfair. The requirement that lumber bear a quality stamp in indelible ink would restrict trade for treaters who now use tags, and the requirement that the stamp be placed "not less than 24 inches from either end" also would be unfair to those treaters whose plants at present have automatic stampers. To be fair to these companies, the bill should require only that the stamp be placed on the widest face of the wood.

**POSITIONS:**

The Society of American Wood Preservers, Inc. supports the bill. (4-30-87)

Timber Products Inspection supports the bill. (5-4-87)

The Southern Forest Products Association supports the bill. (4-30-87)

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OVER

A representative of the American Wood Preservers Bureau testified in support of the bill. (4-30-87)

The Construction Association of Michigan supports the bill. (5-4-87)

The Michigan Association of Home Builders supports the bill. (5-4-87)

The Department of Labor has taken no position on the bill. (5-4-87)