



## Class Action Rejected in CCA Treated Wood Case; Court Finds Plaintiffs' Portrayal of Facts Erroneous

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LAKE CHARLES, La., March 25 /U.S. Newswire/ -- In a major victory for the treated wood industry, the U.S. District Court in Western Louisiana has rejected an attempt to bring a class action lawsuit challenging the safety of wood treated with Chromated Copper Arsenate (CCA) against the three major CCA manufacturers, as well as Home Depot and Lowe's.

The ruling in *Ardoin vs. Stine Lumber Co.* was made after the plaintiffs took the unusual step of attempting to dismiss their own lawsuit. Defendants refused to consent to a dismissal and insisted on a ruling on the class certification issue. The court thus denied the plaintiffs' attempted dismissal and ordered a hearing on the class issue. Plaintiffs then conceded that the nationwide class they sought was untenable and "should be stricken." Plaintiffs continued to seek a class of Louisiana residents only, but the court concluded that the plaintiffs' case was "not as persuasive or as thorough" as the defendants'. In a strongly worded ruling for the defense, District Court Judge Patricia Minaldi rejected all of the plaintiffs' arguments for class certification, particularly their reliance on the EPA:

"One of their foremost arguments is their claim that the EPA has banned CCA treated wood...But a close reading of the EPA materials offered by the plaintiffs reveals that wood treaters voluntarily stopped producing CCA wood because they now have new treatment available." (*Ardoin vs. Stine Lumber Co.*, 02 CV 2502 Memorandum Ruling, pg. 12)

This is the third time a court has rejected class certification of a case challenging the safety of CCA-treated wood. No court has ever granted class action status to such a case.

In rejecting the plaintiffs' arguments once again, Judge Minaldi considered that:

The EPA specifically says that "it has not concluded that CCA- treated wood poses any unreasonable risk to the public or the environment," and specifically advises consumers not to "replace or remove existing structures made with CCA-treated wood or the soil surrounding those structures." (*Ardoin vs. Stine Lumber Co.*, 02 CV 2502 Memorandum Ruling, pg. 12)

"Even the plaintiffs realized the frivolous nature of their own claims and tried to walk away before the court was able to make its ruling," said Jim Hale, executive director of the Wood Preservative Science Council. "This ruling is a major vindication for the treated wood industry."


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