

## **GUIDANCE NOTES**

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**The recently introduced EU Directive 2001/90/EC and Statutory Instrument 1151 DO NOT BAN the use of secondhand railway sleepers, but merely restricts the use in certain areas e.g. toys, playground, garden furniture & inside buildings. If the application they are to be used for does not contravene these restrictions then they can be used for almost any use.**

The following is offered only to help in developing guidance in relation to the EU Directive and UK Statutory Instrument and are not intended to cover all the details of the directive. Reference should be made to the Regulations themselves for a full statement of the requirements. However the frequently asked questions do outline some of the more poignant factors and are aimed at providing direction on the does and don'ts.

### **Q1. Will I still be able to purchase and use old railway sleepers?**

Yes. But **only** if the purposes do not contravene the restriction outlined in the regulations. Old railway sleepers treated with creosote can be used in parks, gardens, and outdoor recreational and leisure facilities provided there is no risk of frequent skin contact. However, old railway sleepers treated with creosote must not be used inside buildings, whatever their purposes; in toys; in playgrounds and for garden furniture such as picnic tables.

### **Q2. What is meant by frequent skin contact?**

Frequent could be defined as "happening or occurring often or at short intervals".

The DTI (Department of Trade & Industry) give the example of :-

'A person constantly handling creosote treated wood, especially without gloves, as part of their job (daily routine) as someone to be making frequent skin contact'.

By ensuring that gloves are worn removes any concerns over frequency.

### **Q3. My raised garden bed consists of creosote-treated railway sleepers. Should I be digging these up?**

No. Wood treated with creosote prior to the coming into force date of the Creosote Directive, may be used in gardens, providing there is no risk of frequent skin contact. Furthermore, the prohibition on the use of treated wood does not apply where the treated wood was in such use before 30 June 2003, the date these Regulations came into force.

### **Q4. The Directive states that creosoted sleepers can not be used for containers intended for growing purposes. What is the definition of a container?**

A container is defined as four sides and a base. Raised beds and edging are not containers.

### **Q5. I am a member of the "y" railway restoration association, which makes use of railway sleepers, is it now the case that we will no longer be able to use creosote- treated railway sleepers?**

No, it is not the case that you will not be able to use creosote-treated railway sleepers. Old railway sleepers treated with creosote prior to the 30 June 2003 can still be used for railway restoration purposes. They can also be placed on the market for second-hand re-use, but only for the purposes outlined in the Regulations. You will also be able to buy new railway sleepers for use on a railway.

### **Additional information:**

If sawing or machining the sleepers then appropriate PPE must be worn and any off-cuts or sawdust etc. to be disposed of safely.

### **Useful websites:**

[www.trackwork.co.uk](http://www.trackwork.co.uk)  
[www.dti.gov.uk](http://www.dti.gov.uk)  
[www.bwpda.co.uk](http://www.bwpda.co.uk)

Trackwork Limited  
Department of Trade and Industry  
British Wood-Preserving and Damp-Proofing Association