Here is the official word on the treated lumber question from Todd Egerton, VDH DSS:

This issue most recently came up at the 2020 Mater Oyster Gardener Course.

Happy Thanksgiving! After working with the rest of DSS & WH folks and consulting with our environmental toxicologists within VDH, below is the messaging we're hoping you can pass on to the oyster gardeners in answer to their questions about treated lumber. While it seems like there is not a significant concern except in possible extraordinary circumstances, it includes some abundance-of-caution best management practices for gardeners. If they have additional questions, myself and our growing area manager will do our best to answer them. Thanks again, Todd

"We are not aware of any health complaints or illness reports associated with the consumption of oysters that have been grown in the proximity of treated lumber piers. Of the chemicals involved in pressure/salt treated lumber, inorganic arsenic, which is toxic, is rapidly converted to the low-toxicity organic arsenic by marine organisms, including shellfish. Copper, which can accumulate in shellfish and finfish, has not been identified as a health concern for human consumption, except in extraordinary circumstances (ex: no flushing timber lined canals, industrial inputs). VDH DSS&WH does not currently sample for these chemicals in oyster meats. Creosote, and other PAH containing compounds are potential carcinogens, and have resulted in consumption advisory recommendations in areas with a legacy of industrial contamination.

While the National Shellfish Sanitation Program and VDH:DSS&WH does not address treated marine lumber as a human health hazard, if there is a concern about these compounds, out of an abundance of caution, the following general best management practices could be followed: ensure the growing area is in approved waters if the product is to be consumed; use food grade, inert substances for the construction of all grow out equipment and other surfaces that will contact items to be consumed; avoid consuming shellfish grown in marinas and other areas where there boats are moored (which can have bacterial, petroleum, anti-fouling paint, and other concerns) or in areas of very recent construction where leaching may be greater from freshly applied treatments."