2019

1	A bill to be entitled
2	An act for the relief of former employees of Fairfax
3	Street Wood Treaters; directing the Department of
4	Health to collaborate with the National Institute for
5	Occupational Safety and Health to develop specified
6	data for certain purposes; providing an appropriation
7	to compensate the former employees for injuries and
8	damages sustained as result of the negligence of the
9	Department of Environmental Protection, the Department
10	of Financial Services, and the Department of Health;
11	providing a limitation on the payment of attorney
12	fees; providing an effective date.
13	
14	WHEREAS, Wood Treaters, Inc., later known as Wood Treaters,
15	LLC, was established as a Florida corporation on May 12, 1980,
16	and operated a wood treating facility from 1980 to 2010 at a
17	12.5-acre industrial complex known as Fairfax Street Wood
18	Treaters, located at 2610 Fairfax Street in Jacksonville, and
19	WHEREAS, Wood Treaters, LLC's operations were inherently
20	dangerous to employees because the company used a wood treating
21	preservative called chromated copper arsenate, which includes a
22	concentrated inorganic form of arsenic, to pressure treat
23	utility poles, pilings, heavy timber items, and plywood lumber
24	products, and
25	WHEREAS, there is an extensive body of scientific evidence

Page 1 of 4

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

2019

26	documenting the toxicity of arsenic exposure when arsenic is
27	used to treat wood, and
28	WHEREAS, employees at the Fairfax Street Wood Treaters site
29	were injured by excessive, persistent, and prolonged exposure to
30	toxic levels of arsenic while performing their work duties, and
31	WHEREAS, a catastrophic failure of the State of Florida to
32	enforce measures designed to protect employees from toxic
33	substances in the workplace resulted in the employees' exposure
34	to arsenic, and
35	WHEREAS, over the course of its operating life, Wood
36	Treaters, LLC treated thousands of wood products, employed
37	hundreds of individuals at the Fairfax Street Wood Treaters
38	location, and was known to government regulators due to its
39	reckless and grossly negligent use and mismanagement of arsenic,
40	and
41	WHEREAS, the Department of Environmental Protection, the
42	Department of Financial Services, and the Department of Health
43	ignored the hazardous conditions that employees at the Fairfax
44	Street Wood Treaters site were working in, which were
45	exacerbated by employees receiving no training, protective gear,
46	or warnings and no guidance alerting them to the risks posed to
47	their health and safety by exposure to arsenic, and
48	WHEREAS, the State of Florida recognizes an equitable
49	obligation to redress the injuries and damages employees
50	sustained from exposures to arsenic as a result of the
	Page 2 of 4

CODING: Words stricken are deletions; words underlined are additions.

2019

51	catastrophic failure of the Department of Environmental
52	Protection, the Department of Financial Services, and the
53	Department of Health to exercise their duties, NOW, THEREFORE,
54	
55	Be It Enacted by the Legislature of the State of Florida:
56	
57	Section 1. The facts stated in the preamble to this act
58	are found and declared to be true.
59	Section 2. The Department of Health is directed to
60	collaborate with the National Institute for Occupational Safety
61	and Health to develop accurate and reliable data on the exposure
62	levels and the duration and frequency of exposures to arsenic
63	for all former employees of Wood Treaters, LLC who worked at the
64	Fairfax Street Wood Treaters site, so as to ascertain the risks
65	to their health posed by such exposure.
66	Section 3. The sum of \$10 million is appropriated from the
67	General Revenue Fund to the Office of the Attorney General for
68	the relief of former employees of Wood Treaters, LLC who
69	demonstrate personal injuries and damages resulting from
70	excessive, persistent, and prolonged exposure to arsenic as a
71	result of the work environment at the Fairfax Street Wood
72	Treaters site, and who demonstrate that such injuries and
73	damages were sustained as a result of the failure of state
74	agencies to exercise their statutory duties to control the
75	unlawful release of arsenic. The Attorney General shall

Page 3 of 4

CODING: Words stricken are deletions; words underlined are additions.

2019

76	compensate each eligible former employee in the amount of
77	<u>\$100,000.</u>
78	Section 4. The amount awarded under this act is intended
79	to provide the sole compensation for all present and future
80	claims arising out of the factual situation described in this
81	act which resulted in injuries and damages to former employees
82	of Wood Treaters, LLC. The total amount paid for attorney fees
83	relating to this claim may not exceed 25 percent of the amount
84	awarded under this act.
85	Section 5. This act shall take effect upon becoming a law.

Page 4 of 4

CODING: Words stricken are deletions; words <u>underlined</u> are additions.