

By Senator Gibson

6-00140A-20

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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 a 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.

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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, the operations of Wood Treaters, LLC, were  
20      inherently dangerous to employees because the company used a  
21      wood treating preservative called chromated copper arsenate,  
22      which includes a concentrated inorganic form of arsenic, to  
23      pressure treat utility poles, pilings, heavy timber items, and  
24      plywood lumber products, and

25       WHEREAS, there is an extensive body of scientific evidence  
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

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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 who received no training, protective  
46 gear, or warnings and no guidance alerting them to the risks  
47 posed to 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 exposure to arsenic as a result of the  
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 are  
58 found and declared to be true.

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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 exposure to arsenic for  
63 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 the  
74 Department of Environmental Protection, the Department of  
75 Financial Services, and the Department of Health to exercise  
76 their statutory duties to control the unlawful release of  
77 arsenic. The Attorney General shall compensate each eligible  
78 former employee in the amount of \$100,000.

79           Section 4. The amount awarded under this act is intended to  
80 provide the sole compensation for all present and future claims  
81 arising out of the factual situation described in this act which  
82 resulted in injuries and damages to former employees of Wood  
83 Treaters, LLC. The total amount paid for attorney fees relating  
84 to this claim may not exceed 25 percent of the amount awarded  
85 under this act.

86           Section 5. This act shall take effect upon becoming a law.