

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.

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, 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

HB 6509

2020

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

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