

By Senator Gibson

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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

6-00116-21

202138__

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,

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55 Be It Enacted by the Legislature of the State of Florida:

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57 Section 1. The facts stated in the preamble to this act are
58 found and declared to be true.

6-00116-21

202138__

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 such former
78 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 total amount
85 awarded under this act.

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