A bill to be entitled

An act for the relief of former employees of Fairfax Street Wood Treaters; directing the Department of Health to collaborate with the National Institute for Occupational Safety and Health to develop specified data for certain purposes; providing an appropriation to compensate the former employees for injuries and damages sustained as result of the negligence of the Department of Environmental Protection, the Department of Financial Services, and the Department of Health; providing a limitation on the payment of attorney fees; providing an effective date.

WHEREAS, Wood Treaters, Inc., later known as Wood Treaters, LLC, was established as a Florida corporation on May 12, 1980, and operated a wood treating facility from 1980 to 2010 at a 12.5-acre industrial complex known as Fairfax Street Wood Treaters, located at 2610 Fairfax Street in Jacksonville, and

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

WHEREAS, there is an extensive body of scientific evidence

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documenting the toxicity of arsenic exposure when arsenic is used to treat wood, and

WHEREAS, employees at the Fairfax Street Wood Treaters site were injured by excessive, persistent, and prolonged exposure to toxic levels of arsenic while performing their work duties, and

WHEREAS, a catastrophic failure of the State of Florida to enforce measures designed to protect employees from toxic substances in the workplace resulted in the employees' exposure to arsenic, and

WHEREAS, over the course of its operating life, Wood
Treaters, LLC treated thousands of wood products, employed
hundreds of individuals at the Fairfax Street Wood Treaters
location, and was known to government regulators due to its
reckless and grossly negligent use and mismanagement of arsenic,
and

WHEREAS, the Department of Environmental Protection, the Department of Financial Services, and the Department of Health ignored the hazardous conditions that employees at the Fairfax Street Wood Treaters site were working in, which were exacerbated by employees receiving no training, protective gear, or warnings and no guidance alerting them to the risks posed to their health and safety by exposure to arsenic, and

WHEREAS, the State of Florida recognizes an equitable obligation to redress the injuries and damages employees sustained from exposures to arsenic as a result of the

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catastrophic failure of the Department of Environmental
Protection, the Department of Financial Services, and the
Department of Health to exercise their duties, NOW, THEREFORE,

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

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

Section 2. The Department of Health is directed to collaborate with the National Institute for Occupational Safety and Health to develop accurate and reliable data on the exposure levels and the duration and frequency of exposures to arsenic for all former employees of Wood Treaters, LLC who worked at the Fairfax Street Wood Treaters site, so as to ascertain the risks to their health posed by such exposure.

Section 3. The sum of \$10 million is appropriated from the General Revenue Fund to the Office of the Attorney General for the relief of former employees of Wood Treaters, LLC who demonstrate personal injuries and damages resulting from excessive, persistent, and prolonged exposure to arsenic as a result of the work environment at the Fairfax Street Wood Treaters site, and who demonstrate that such injuries and damages were sustained as a result of the failure of state agencies to exercise their statutory duties to control the unlawful release of arsenic. The Attorney General shall

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compensate each eligible former employee in the amount of
\$100,000.

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

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

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