

U.S. Chemical Safety and Hazard Investigation Board

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Hon. Rafael Moure-Eraso
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Hon. William B. Wark
Board Member

Hon. William E. Wright
Board Member



The Honorable Rick Scott
Office of Governor Rick Scott
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

JUL - 5 2011

Dear Governor Scott:

The U.S. Chemical Safety and Hazard Investigation Board (CSB) investigated a serious accident that occurred on January 11, 2006 at the Bethune Wastewater Treatment Plant in the City of Daytona Beach, Florida. Three city employees were repairing a metal roof over a methanol storage tank when flames from their cutting torch ignited flammable vapors from a tank vent. The flame flashed back into the tank causing an explosion and fire that killed two workers and seriously burned a third. A copy of the CSB investigation report is enclosed for your reference.

The CSB is an independent federal agency that investigates such chemical accidents and issues safety recommendations to prevent similar incidents from occurring in the future. Our investigation at the Bethune facility concluded that conformance with federal Occupational Safety and Health Administration (OSHA) standards would likely have prevented the January 11, 2006 incident. Such safety and health protections apply to private employees; however, Florida law does not mandate equivalent protections for *public* employees. Because of this discrepancy, the CSB issued two recommendations to the Governor and Legislature of Florida on March 13, 2007, as follows:

Recommendation No. 2006-03-I-FL-R1:

Enact legislation requiring state agencies and each political subdivision (i.e. counties and municipalities) of Florida to implement policies, practices, procedures, including chemical hazards covering the workplace health and safety of Florida public employees that are at least as effective as OSHA. Establish and fund a mechanism to ensure compliance with these standards. Consider legislation providing coverage of Florida public employees under an occupational

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safety and health program in accordance with Section 18(b) of the Occupational Safety and Health Act of 1970, and Code of Federal Regulations 29 CFR 1956.1.

Recommendation No. 2006-03-I-FL-R2:

Develop and fund a workplace safety and health consultation program for Florida public employees similar to the private sector program currently administered by the Florida Safety Consultation Program at the University of South Florida.

The CSB monitors the status all of its recommendations and designates recommendations as either "Open" or "Closed" depending on the recipient's actions. I am writing to inform you that the Board voted on June 21, 2011 to classify Recommendations 2006-03-I-FL-R1 and 2006-03-I-FL-R2 with the status "**Closed-Unacceptable Action.**"

The Board's determination for this status designation was based on relevant actions of the Governor and State legislature over the past three legislative sessions. In 2009 and 2010, Florida lawmakers proposed bills in both the House and Senate that would extend health and safety coverage to public employees. These bills were strongly supported by a broad coalition of trade groups, businesses and unions but were not successful either year. Disappointed by the failure of these efforts, the Board voted to designate the recommendations with the status "Open-Unacceptable Response" on August 10, 2010. We notified Governor Charlie Crist of the status change by letter in September 2010, to which we received no reply.

Since no bill to secure health and safety protections for Florida's public employees was introduced during the 2011 legislative session, the Board has concluded that neither you nor the State Legislature intend to take action to implement the CSB's recommendations.

The Board maintains that implementation of these recommendations is necessary to secure the health and safety of Florida's public employees. We therefore strongly encourage you and your colleagues in the state legislature to reconsider the CSB's recommendations. If you have any questions, or if the CSB may assist the State of Florida in its efforts to secure safety and health protections for public employees, please contact CSB Recommendations Specialist Rachael Gunaratnam, at 202-261-3614, or Rachael.Gunaratnam@csb.gov.

Sincerely,



Rafael Moure-Eraso, PhD, CIH
Chairman and CEO

**U.S. Chemical Safety and
Hazard Investigation Board**

cc: Senator Mike Haridopolos, Senate President
Representative Dean Cannon, Speaker of the House
Senator Andy Gardiner, Majority Leader
Senator Nan Rich, Minority Leader
Manuel R. Gomez, Director of Recommendations, CSB
Rachael Gunaratnam, Recommendations Specialist, CSB