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August 31, 2017

Deputy Assistant Secretary Sweatt  
Occupational Safety and Health Administration  
200 Constitution Ave., NW  
Washington, DC 20210

RE: Considerations for Occupational Safety and Health Administration (OSHA) safety review of Tampa Electric Company (TECO) Accident at Big Bend power plant

Dear Deputy Assistant Secretary Sweatt:

Thank you for the work of OSHA in ensuring safe and healthful working conditions for working men and women. As you know, the Occupational Safety and Health Act requires that employers provide places of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. No worker should be required to take undue risks in the performance of their duties or fear retribution or discipline by an employer for refusing to perform an unsafe task.

I appreciate OSHA's detailed investigation of the circumstances surrounding the tragic June 29, 2017 accident at TECO's Big Bend Power Station where five workers were killed and one injured with severe burns from molten slag material pouring from a plant boiler. According to Energy Information Administration 2015 data, roughly 30 of the nation's 800 main electric utilities are still using the slag technology. According to OSHA records, many slag-related injuries and deaths have occurred in at least six states since 2000. I am concerned that the safety standards and culture of safety around the use of slag tanks like those that are used at the TECO plant require significant attention.

Recent media reports<sup>1</sup> describe a tragic chain of events that left five workers dead and one injured at the TECO plant. While the community grieves and OSHA performs an investigation, I strongly encourage OSHA to act swiftly to develop clarifying rules that would prevent future tragic accidents. The Department of Labor may want to consider commencing the rule-making process to protect workers from these slag tank maintenance-related injuries and the

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<sup>1</sup> Neil Bedi, Jonathan Capriel, Anastasia Dawson And Kathleen McGrory, "Hellfire From Above," Tampa Bay Times, August 17, 2017, <http://www.tampabay.com/projects/2017/investigations/tampa-electric/big-bend-hellfire-from-above/>

many other instances where workers have to choose between their safety and the threat of discipline or dismissal.

The media reports of this most recent accident note that in 2015, the workers' union filed a formal complaint alleging workers were directed to make repairs to the slag tank while the boiler above it was still on. These media reports suggest that despite these complaints, workers faced continued reprisals from the employer if workers did not continue to undertake dangerous activities at the direction of their employer. Some workers express great concern with the corporate culture where the employer ignores safety regulations until a major event happens and workers are harmed or killed. In fact, media reports describe a troublingly similar incident that occurred at another TECO facility two decades earlier. It would be very troubling indeed if, even after the prior incident, the utility put the wellbeing of their workers at risk.

Workers have expressed a fear of reprisal and pressure to undertake *many dangerous activities* that do not always result in death or harm – the slag issue being just one of those dangerous activities. It also appears the events that played out at TECO's Big Bend Power Station is illustrative of workers taking proper steps to report unsafe working conditions, but being required to continue on, despite the risks, as refusing would lead to negative job performance reviews, reprisals or even termination. Workers should be able to refuse dangerous work without fear of reprisal or retribution. Proper regulation is needed so that utilities cannot disobey safety regulations and bargained-for protections.

In consideration of protecting workers and promulgating proper regulations to that end, I ask that you contemplate and incorporate the following principles: **the safety of all workers is a matter of paramount importance, no worker shall be required to take undue risks in the performance of their duties; and where not specifically covered by an agreement a worker must be able to refuse any job which he/she reasonably considers to be unsafe for him/her to perform, without fear of retribution or discipline.** A rulemaking process incorporating these principles would keep workers safe from slag-related injuries, as well as safe in any instance in which workers are forced to decide between personal safety and reprisals from employers.

In the most recent TECO Big Bend tragedy, it is clear that the tragic loss of life makes it imperative that you conduct a thorough investigation and provide any appropriate recommendations and take action to ensure this activity will not be undertaken in the future.

Thank you for your attention to this very serious matter.

Sincerely,



Rep. Kathy Castor  
U.S. Representative  
Florida District 14