

Beat: News

## Florida Power Company Pleads Guilty in Worker Death Case

### Resulted in the Deaths of Five Workers

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**USPA NEWS -** A Florida corporation pleaded guilty in federal court in the Middle District of Florida to a charge of willfully violating an Occupational Safety and Health Administration (OSHA) rule. The criminal charge related to an explosion at a coal-fired power plant in 2017 that caused the deaths of five workers.

Tampa Electric Company (TECO) operates several facilities in Florida, including Big Bend, a coal-fired power plant outside of Tampa. At the time, the facility consisted of four large coal-fired furnaces. Underneath the furnaces were water-filled tanks designed to catch and cool the molten "slag" by-product that drips down from the furnace. On June 29, 2017, hardened slag had accumulated at the top and the bottom of the slag tank and could not be removed. Rather than shutting down the furnace, TECO called in a contractor to perform high-pressure water blasting to try and clear the slag with the unit on-line. The work proceeded without observance of several safety-related procedures required by law. Five people were killed when one of the slag accumulations came loose, spraying the area with molten slag.

Federal law makes it a class B misdemeanor to willfully fail to follow an OSHA safety standard, where the failure causes the death of an employee. The class B misdemeanor is the only federal criminal charge covering such workplace safety violations.

"This incident demonstrates the importance of OSHA's safety standards, and the harms that they are designed to prevent," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "The deaths caused by the defendant's conduct were tragic and they were preventable. The Justice Department will vigorously prosecute those who fail to follow these critical safety rules."

"Had TECO complied with OSHA's workplace safety standards, conducted a pre-job briefing and followed its own procedure, these senseless deaths could have been prevented," said U.S. Attorney Roger B. Handberg for the Middle District of Florida. "Our hearts go out to the victims' families as well as other TECO employees and contractors impacted by this catastrophic event. Our office is proud to have partnered with DOJ's Environmental Crimes Section to shine a light on this willful violation of OSHA safety standards in order to deter such conduct and ensure that workers are protected in the future."

"This investigation demonstrates the FBI's unyielding commitment to the mission of protecting the American people and upholding the United States Constitution," said Special Agent in Charge David Walker for FBI Tampa Field Office. "Our heartfelt sympathies go out to the victims' families along with our promise to work with our federal partners in ensuring the safety of America's workplaces."

In a plea agreement with the government, TECO admitted to willfully failing to hold a pre-job briefing with the workers performing the work. Such briefing should have included the procedures for the water blasting work. Instead, the work proceeded even though the procedures could not be found. As a result, certain critical safety-related steps were not taken, including lowering the amount of coal entering the furnace, and shutting the unit down after a specified interval had lapsed.

The FBI and the Department of Labor, Office of Inspector General investigated the case.

Trial Attorney Adam Cullman of the Environment and Natural Resources Division's Environmental Crimes Section and Assistant U.S. Attorney Rachelle DesVaux Bedke for the Middle District of Florida prosecuted the case.

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