

# OPPOSE THE FARENTHOLD BILL (H.R. 526)

## ASBESTOS – STILL LETHAL, STILL LEGAL, AND STILL EVERYWHERE.

Once again, Representative Blake Farenthold (R-TX-27) has introduced the Furthering Asbestos Claim Transparency Act in the House. If passed, this proposed legislation would deplete dwindling trust resources set aside to compensate victims of asbestos diseases and publicly disclose those victims' personally identifying information on the internet—adding insult to injury.

Rep. Farenthold claims H.R. 526 “merely levels the playing field” for asbestos companies in litigation, **the same companies that hid the dangers of asbestos** from their workers and the public for decades. In reality, the bill gives asbestos companies the upper hand in litigation, supplying them with an arsenal of information to avoid paying their victims.

**The Farenthold Bill contains two primary provisions, both detrimental to asbestos victims:**

- 1. Mandated public disclosure of asbestos victims' personal information.** The Farenthold Bill would require asbestos bankruptcy trusts to file quarterly reports with the bankruptcy courts detailing (1) the name of each claimant who has sought compensation from the trust; (2) the claimant's exposure history—where he or she worked, when, and nature of exposure; (3) the claimant's medical condition; (4) and payments issued, if any. Other information that could be disclosed includes victims' addresses, birth years, and the last four digits of their social security numbers. This information would be available on the court's public docket, searchable by anyone with a computer, violating victims' privacy and making them vulnerable to identity theft. In addition, the trusts estimate that complying with this provision would require up to 20,000 additional hours per year, per trust—a burdensome and expensive mandate that will inevitably delay trusts' ability to process claims and distribute payments.
- 2. Unchecked document demands on asbestos bankruptcy trusts without a subpoena or protective court procedures.** The bill would allow asbestos companies in litigation to make unlimited demands on asbestos trusts for information related to victims' claims, regardless of relevance or admissibility in pending litigation. This provision is an end-around traditional discovery procedures, giving asbestos defendants a significant advantage over victims in litigation. While a victim must undergo extensive discovery to determine the products that led to their illness, the Farenthold Bill would give their opponents, the parties responsible for injuring thousands of people, all the information they need to avoid paying victims.

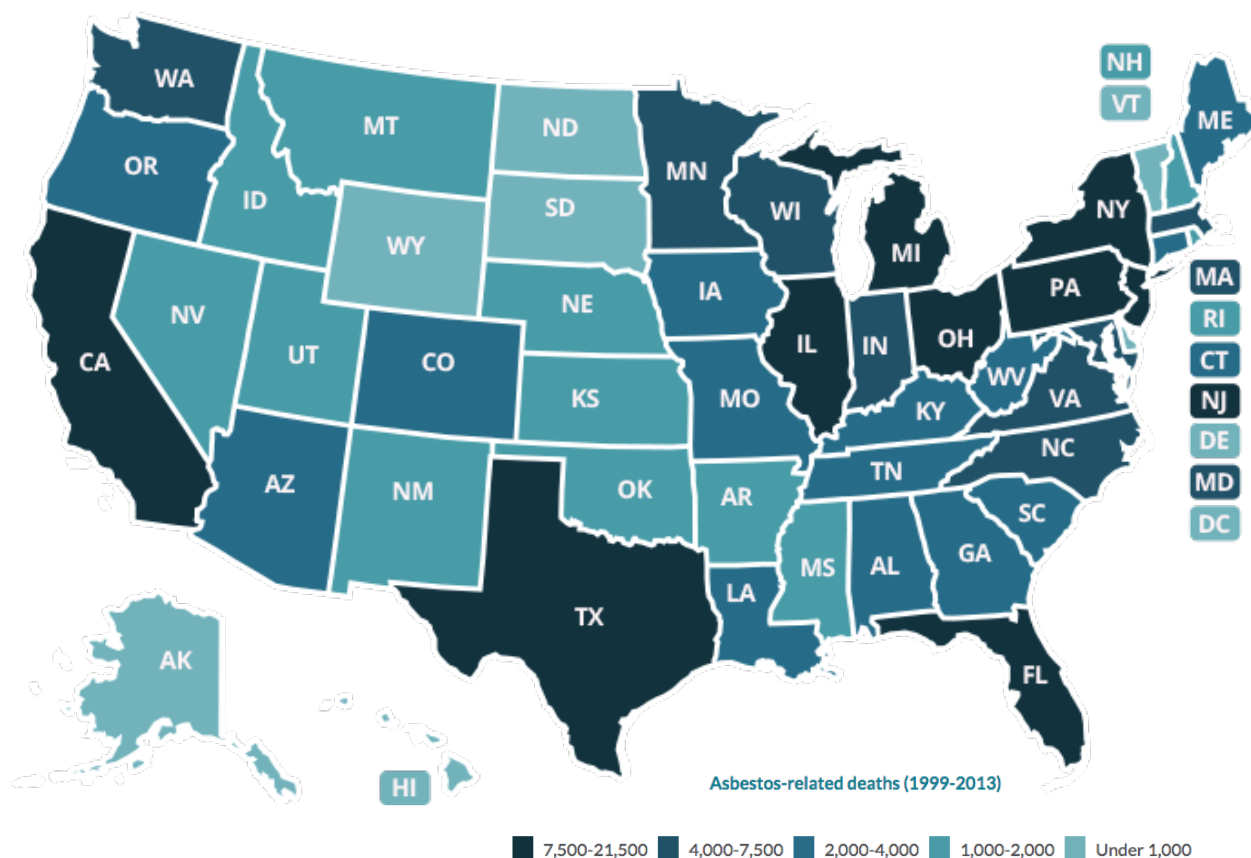
**BOTTOM LINE: THE FARENTHOLD BILL WILL DRAIN THE RESOURCES SET ASIDE TO COMPENSATE VICTIMS OF ASBESTOS EXPOSURE, WHILE ALSO PUTTING THOSE SAME VICTIMS, AND THEIR FAMILIES, AT RISK OF IDENTITY THEFT.**

While Rep. Farenthold may claim H.R. 526 is “for the victims,” victims' organizations are uniformly against H.R. 526. **Groups such as Asbestos Disease Awareness Organization, the Alliance for Justice, the American Association for Justice, Public Citizen, and the Military Order of the Purple Heart have publicly opposed this legislation.**

**The Farenthold Bill is legislation by industry, for industry,** and is supported by the U.S. Chamber of Commerce, insurance companies, and the companies legally responsible for victims' asbestos exposure, including Koch Industries, Honeywell International, and 3M Co. The Farenthold Bill is a thinly veiled attempt by asbestos companies and their insurers to delay compensating dying asbestos victims for as long as possible.

**ASBESTOS IS RESPONSIBLE FOR KILLING AS MANY AS 15,000 AMERICANS EVERY YEAR. IN ADDITION TO LUNG CANCER AND ASBESTOSIS, EXPOSURE TO ASBESTOS CAUSES MESOTHELIOMA, A PAINFUL AND DEADLY CANCER THAT ATTACKS THE LINING OF THE LUNGS, STOMACH, AND OTHER ORGANS. TRAGICALLY, THE LIFE EXPECTANCY OF SOMEONE WITH MESOTHELIOMA IS A MATTER OF MONTHS FOLLOWING DIAGNOSIS.**

**There is no safe level of asbestos exposure.** The Occupational Safety and Health Administration (OSHA) warns employers and workers that “asbestos exposures as short in duration as a few days have caused mesothelioma.” Notwithstanding this danger, asbestos is still legal, and the U.S. has continued to import over 8 million pounds of raw asbestos and asbestos-containing products since 2006.



Because victims of asbestos diseases were often exposed to multiple asbestos-containing products, particularly on the job, victims seek redress from multiple responsible parties. Over the years, many asbestos manufacturers have sought bankruptcy protection from such liability, and as a result, have formed trusts to settle victims' claims. A typical victim will thus have claims against both solvent asbestos companies through litigation as well as these asbestos bankruptcy trusts. **Contrary to industry assertions, there can be no “double-dipping” if multiple companies are responsible for the claimant's illness.** Victims have a right to be compensated for their injuries, whether through the court system, bankruptcy trusts, or both.

**PROTECT VICTIMS OF ASBESTOS DISEASES FROM MORE HARM.**