

Asbestos Patients and their Families Say
“Listen to Us”
Oppose Section 3 of H.R. 1927, the So-Called “FACT Act”

January 5, 2016

Dear Representative,

We write to express our strong opposition to the misnamed “Furthering Asbestos Claim Transparency Act” (the FACT Act), which has been incorporated as Section 3 of H.R. 1927, the “Fairness in Class Action Litigation Act.” Sponsors of the FACT Act claim that the legislation will “increase relief for victims of asbestos.” We are asbestos patients and family members of loved ones who have died or presently suffer from the wrongful and deceitful conduct of asbestos companies. We are from states and districts across the United States. We are Republicans and Democrats. We represent current and former workers, veterans, police officers, firefighters, homemakers and children. We have come together to express our unquestioned opposition to this legislation and our utter outrage that the House may pass it without even giving us – *the “Real People,” not of Washington, but the actual victims of asbestos exposures* – a chance to testify on the record about the bill – even though supporters claim it is in our interest!

The *fact is* the so-called FACT Act is not in the interest of asbestos victims. The bill, as it is designed to do, will make it harder for victims to seek justice for their injuries and suffering. It *is* in the interest of the companies that are lobbying for it – the companies that used asbestos, knowing that it was a deadly toxin, exposed their workers and the public, and are now seeking to use Congress to shield them from legal liability for their behavior. We are horrified by this reality and we are going to do our best to let all Americans know what is going on here.

Many of us traveled to Washington, DC in February to watch the hearing on the FACT Act. Our group’s spokesperson, Susan Vento, the widow of the late Congressman Bruce Vento who passed away from mesothelioma in 2000, had requested an opportunity to testify so that the voices of the people who are most affected by this bill would be heard. But she was turned down. In the last Congress, Sue and two other asbestos victims repeatedly requested to testify on the FACT Act, but they, too, were turned down each time. Tragically, one of those victims passed away from asbestos disease. To date, not one person who has been directly affected by the ravages of asbestos disease has been permitted to testify about this legislation. The bill’s supporters claim to care about victims, yet we have been treated with disrespect and neglect every step of the way.

There is really no mystery why supporters of the legislation don’t want to hear from us – it’s because they know that this legislation was never intended to benefit victims. This legislation is being advanced at the request of the companies that used asbestos and concealed the dangers from their workers, employees and consumers, many of whom are paying with their very lives due to these deadly exposures. Now these companies are seeking to shield themselves from

responsibility under the guise of imposing "transparency" on asbestos victims. Congress should not favor asbestos wrongdoers over the interests of patients and families.

The FACT Act would force victims seeking any compensation from a private asbestos trust fund to reveal on a public web site private information including the last four digits of our Social Security numbers, and personal information about our families and kids. This is offensive. The information on this public registry could be used to deny employment, credit, and health, life, and disability insurance. We are also extremely concerned that victims would be more vulnerable to cybercriminals, such as identity thieves, con artists, and other types of predators.

Glen Kopp, a partner with the law firm of Bracewell & Giuliani and a leading authority in the area of privacy law, recently reviewed the FACT Act and concluded that it presents significant privacy concerns. (See "Analysis: Identity Theft Threatens Asbestos Victims Under Congressional Proposal," Asbestos Nation, EWG Action Fund, <http://www.asbestosnation.org/analysis-identity-theft-for-asbestos-victims-looms-under-congressional-proposal/>)

Mr. Kopp noted that the personal information of asbestos patients and families that the FACT Act would make public is precisely the type of information that is typically used by identity thieves. That is why federal and state law enforcement authorities recommend this type of information be kept away from any form of public disclosure. And yet, the FACT Act would require it to be placed on a public web site!

While the legislation invades the privacy of asbestos patients and families, it contains no requirements for transparency from the asbestos industry, which concealed the dangers of asbestos exposure for decades, causing one of the worst public health crises in U.S. history, affecting not just our families, but millions of American families, and that still continues to this day.

The FACT Act is completely one-sided. It requires so-called transparency from asbestos victims but it allows asbestos companies to continue to demand confidentiality of their settlements and hide information about how and when they exposed the public and their workers to asbestos. How can asbestos companies claim they want *transparency*, after they spent decades covering up the dangers of asbestos while we and our family members were unknowingly exposed?

We have heard that the FACT Act is needed because of an epidemic of fraud against the asbestos trusts. But the evidence doesn't support this claim. This bill treats us and other asbestos victims like criminals rather than innocent victims of corporate deceit.

The signatories on this letter represent thousands of people across the country who are suffering because of asbestos exposure. We would like to be in Washington in person to object to this mean-spirited and dangerous legislation. But most of us can't travel because of our illnesses. Others don't have the resources or the time to come all the way to Washington. But each and every one of us opposes any legislation that would make life more difficult for asbestos victims. Asbestos victims and our families don't have time on our side. Every day counts for us. Mesothelioma victims are typically racing against the clock to ensure their families aren't

burdened with huge medical bills and that they are taken care of. It's astonishing to us that, of all the issues Congress could be addressing relating to asbestos, you have chosen one that does nothing for victims, but rather one that gives additional tools to the asbestos industry to drag out these cases and escape accountability.

We are the real people who matter in this debate, and yet the supporters of the FACT Act would not allow any of us to testify. We may have been shut out of the hearings, but we will not be silenced. We are determined to stop any legislation that places the interests of the asbestos industry above the rights of innocent victims. The U.S. Congress should honor all veterans and hard-working Americans. Please vote no.

Sincerely,

Susan Vento

Widow of Rep. Bruce Vento (D-MN), Mesothelioma Victim
Maplewood, Minnesota

Judy Van Ness

Widow of Richard Van Ness, Veteran and Mesothelioma Victim
Richmond, Virginia

Kim Beattie

Niece of Jerry Fisher, beloved Uncle and Mesothelioma Victim
West Branch, Iowa

Pam Wilson

Neice of Jerry Fisher, beloved Uncle and Mesothelioma Victim
Johnston, Iowa

Michael and Sharon Valach

Son and Daughter-in-law of George Valach, Mesothelioma Victim
Hiwassee, Virginia

Loring and Mary Jane Williams

Mary Jane Williams is a Mesothelioma Patient
Springfield, Ohio

Ginger and Jarrod Horton

Ginger Horton is a Mesothelioma Patient
Fairview, North Carolina

Jill Waite
Daughter of Bruce Waite, Deceased Mesothelioma Victim
Ontario, Ohio

Latonya Manuel
Widow of Andrew Manuel Jr., Mesothelioma Victim
Canton, Michigan

Courtney Davis
Daughter of Larry Davis, deceased, because Congress never *eliminated* asbestos use
Durham, North Carolina

Rachel Alice Shaneyfelt
Rachel is a Mesothelioma Patient
Trussville, Alabama