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June 5, 2012

The Honorable Lamar Smith, Chairman  
The Honorable John Conyers, Ranking Member  
U.S. House Judiciary Committee  
Washington, DC 20515

Dear Chairman Smith and Ranking Member Conyers:

We are writing to express our strong opposition to H.R. 4369, the Furthering Asbestos Claim Transparency Act of 2012 (the FACT Act), a bill that is deeply unfair to seriously ill victims of asbestos-induced diseases.

Millions of asbestos victims and their families have already suffered tremendous hardships caused by their diseases. This is due in large part to a decades-long cover-up by companies, which deliberately hid the material's poisonous properties and then forced victims, with whom they did settle cases, into silence.

This legislation will substantially add to their hardships by placing time-consuming, victim-related reporting requirements on asbestos trusts, unfairly dragging out the claims process and hampering the trusts' ability to pay claims expeditiously. Such delays will have a particularly severe impact on mesothelioma patients who rarely live beyond 18 months from diagnosis and often die much sooner.

These trusts are already so underfunded that victims today receive only a small percentage of the compensation due them. By forcing trusts to spend precious time and resources on new reports and paperwork, victims' recoveries will likely drop even more.

At the same time, the legislation does nothing to prevent defendants in tort suits from continuing to demand confidentiality from victims on their terms, a practice in which they have engaged for as long as they have been settling cases. Transparency is clearly not the goal of this legislation. It is about delaying claims payments for as long as possible.

We strongly urge you to oppose this misguided legislation, which utterly fails victims of asbestos exposure and, in so doing, betrays the fundamental principles of fairness, justice and accountability on which this country was founded.

Very sincerely,

Joanne Doroshow  
Executive Director