

Statement by Paul Zygielbaum
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Good morning. I'm here today to do whatever I can to stop S. 852, this misguided asbestos trust fund bill, from being approved by the United States Senate.

Asbestos is a deadly, easily spread disease agent that our government allows to be moved freely across America's borders, and to be hidden in ordinary commercial and industrial products. Asbestos disease represents a very serious public health crisis, measured in at least 10,000 deaths each year in America, and possibly many more that go unreported. Half-a-million Americans have been killed by asbestos since World War II. At least thirty more die every day. If asbestos companies had not knowingly exposed many millions of Americans to deadly asbestos, and if they didn't continue to do so even today, there would be no lawsuits.

American companies continue to import and use something like 6,000 metric tons every year. Our government doesn't track where it goes, nor what products it ends up in. Yet asbestos is not a necessary product ingredient for any particular application. European and other countries have already implemented suitable substitutes and have completely banned the material.

As long as corporations escape responsibility for asbestos-related deaths, it'll be business as usual for them. S. 852 will aid and abet an industry whose leaders have known the hazards of asbestos and have hidden them, and often the very presence of asbestos in their products, from generations of Americans.

Much of my own asbestos exposure resulted from callous disregard on the part of the General Electric Company. At a power generating plant that I worked at in the late 1970s, GE had installed equipment that it knew contained dangerous asbestos. GE hid this fact then and continued to hide it for the next three decades, while the plant has continued in commercial service.

I helped my attorneys discover these facts and the proof while preparing for our liability suit against GE last year. We presented the evidence and test results to the jury, proving our case beyond doubt.

That power plant was built on a standard GE design, so hundreds, if not thousands, of other installations should be considered suspect. Thousands of plant workers, their families, and members of the public may have been exposed to dangerous asbestos by GE without warning over the past 30 years and longer. With power plants of that era expected to operate for another 20 years, we can expect that asbestos exposure from these plants will continue to cause new cases of mesothelioma showing up even 70 years from now.

So, GE's potential financial liability for asbestos exposures and illnesses is probably far greater than the company has admitted. We believe this is the reason why GE helped to craft S. 852, and why GE's lobbyists have been among the bill's strongest supporters. They will walk away from their massive liability, potentially worth billions of dollars of their ill-gotten profits.

GE's actions are a powerful example of what's wrong with S. 852. This bill is a bail-out for greedy, irresponsible corporations, and it's the ultimate insult to their victims, who will lose their Constitutional right to sue for damages. Sick and dying victims of work-related illness will be forced into an oppressive, bureaucratic system that's designed to intimidate them and discourage them from even seeking the help they deserve.

With the trust fund predicted to run out of money in just a few years, work-related asbestos disease victims will be left stranded in limbo between a closed courthouse and a fund that's doomed to early financial failure. But even worse, victims with non-occupational exposures are completely excluded from any help under S.852, which will bar them from both the courts and the fund. Non-occupational victims will simply be left behind.

Furthermore, the bill's proposed compensation amounts are grossly insulting. How do you tell a 22-year-old mesothelioma victim, who might have lived 75 or 80 years, but who instead will be dead in months, that under this bill, her lost lifetime is valued at no more than \$20,000 a year? Which GE corporate executives, or which Senators, would accept that figure as the value of their own children's lives?

I find it outrageous that this proposal is called the "FAIR" Act. This bill will allow the perpetrators to determine their own liability and punishment.

Senator Specter has been adamant that he has worked with what he calls the four stakeholder groups in this process: the defendants, their insurers, the unions, and the trial lawyers. But he has excluded the one group whose lives happen to be forfeit – we pesky victims. That's a stupendously cruel and callous insult to us - the people living with asbestos diseases, the people dying of them, the families who are watching it happen – the only people who can't ever walk away from this.

America deserves an enforceable ban on asbestos and a robust, nationwide program of abatement. America deserves a serious investment in medical research, education, outreach and prevention. Victims who are hampered in seeking just compensation deserve help. And those who have profited from the trade in asbestos deserve to be held accountable.

S. 852 will do none of this. I urge the United States Senate to scrap this horrible proposal and to address the asbestos public health crisis, and the immoral actions of those who have caused it, in a way that Americans can be proud of.