

April 22, 2015

The Honorable Mark Stone, Chair
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: Oppose – AB 597 (Cooley) - Asbestos Tort Reform

Dear Chair Stone:

On behalf of the EWG Action Fund, I write to oppose AB 597 by Assemblymember Cooley. EWG Action Fund works to protect families, consumers, and workers from health impacts that they may suffer from exposure to toxics in their food, water, consumer products, or place of work or school.

When workers or others exposed to asbestos are ill and dying, they may use state court to hold accountable the manufacturers, premises owners, and others who knew about the horrendous dangers of asbestos but failed to warn or provide protection from this deadly toxin. AB 597 is designed to force these asbestos victims to jump through expensive and time-consuming legal hoops before they can move forward with a state court claim. The punishment for failing to follow all the bill's procedures is delay of the victim's state court case – which will in all likelihood assure those most ill will die before their case can be decided. The bill's procedures dictate the victim's legal strategy by requiring them to pursue claims with 50 or so asbestos trust funds before any lawsuit may proceed.

Victims of mesothelioma, a disease caused only by asbestos, commonly survive less than a year or so after diagnosis. In practical terms, the effect of AB 597 will mean the victim and his/her family will be denied fair compensation and the corporate bad actors who poisoned the victim enjoy a financial windfall and avoid full accountability. And, in California, unlike many other jurisdictions, when the plaintiff dies, there is no recovery for pain and suffering.

The author and proponents argue that the changes proposed by AB 597 are needed for transparency. But, in reality, none of these changes are needed, as everything reasonably sought in AB 597 is already available under California law. The bill's real purpose is to delay cases with procedural roadblocks so the victims will die and damages will be drastically reduced. AB 597 is simply an anti-consumer and worker bill.

EWG Action Fund urges the Assembly Judiciary Committee to reject AB 597.

Sincerely,



Bill Allayaud
California Director of Governmental Affairs

Cc: Assemblymember Cooley, Members of the Committee