

United Steelworkers



Building Power

USW

Merged April 14, 2005



February 6, 2006

VIA FAX

United States Senate
Washington, D.C. 20510

Dear Senator:

On behalf of the United Steelworkers (USW) I urge you to oppose the Fairness in Asbestos Injury Resolution Act of 2005 (S. 852) in its current form.

As I previously stated in our letter of April 27, 2005, the USW appreciates the efforts that have been made to create a fund that will justly compensate the victims who suffer as a result of their exposure to asbestos. However, S. 852, in its present form, fails to provide timely and fair compensation to those who are, and will, suffer from asbestos related disease.

Should S. 852 become law, the victim's ability to obtain compensation under the current system ceases immediately while it will possibly take years to put in place the infrastructure necessary to properly administer a program of this size. In addition, due to the fact that bankruptcy trusts are to be eliminated upon enactment, this will leave victims without a remedy for an indefinite period of time.

It is unfair and unacceptable to leave those who suffer from this terrible disease without a remedy. At the very least, the bankruptcy fund should continue to operate as it now does until such time as the new trust fund is completely in place and operating.

Although the sunset provisions of the bill provide for a return to the tort system should the trust fund be depleted, it does not address an adequate process to correct problems before the fund would have to shut down. In addition, a provision was added at mark-up that relieves insurers of their guaranteed funding obligation.

The excessive definition of an asbestos claim under S. 852 will preempt many civil actions that have nothing to do with personal injury claims. The definition of an asbestos claim should be limited to personal injury claims since they are the only type of claim that the fund will provide compensation.

United Steel, Paper and Forestry, Rubber, Manufacturing,
Energy, Allied Industrial and Service Workers International Union



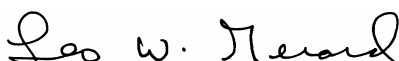
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The bill provides for the complete cancellation of binding settlements that had been reached prior to the enactment date unless both parties have signed the same. All the defendant has to do is refuse to sign the settlement to get out of their legal commitment to provide compensation. This provision would require victims to start all over even though many have already waited years to receive payment.

For claimants who suffer from both asbestos related disease and silica related disease, S. 852 restricts the rights of these victims. Under this proposed legislation, many victims are barred from seeking payment for their silica related disease leaving them only to be able to seek compensation for the asbestos related disease. It is only proper that these victims be permitted to seek relief in the courts for their silica injury.

Until these issues are addressed, the USW urges your vigorous opposition to S. 852. The improvements that have been made to S. 852 are important; however, much more needs to be done to provide timely and fair compensation to those who suffer from this terrible disease.

Respectfully,



Leo W. Gerard
International President

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