

BAUCUS FIGHTS LIMITS ON ASBESTOS CLAIMS IN CONGRESS

Senator Stands Up For Rights Of Libby Asbestos Victims

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(Washington, D.C.) – Montana Senator Max Baucus today stood up for the rights of Libby residents exposed to deadly asbestos fibers, saying Congress shouldn't deny them the right to seek compensation for their medical bills, pain and suffering. Baucus testified today before the Senate Judiciary Committee as lawmakers debate new asbestos litigation proposals. Baucus again criticized a new American Bar Association proposal that would establish strict medical criteria and limit the rights of asbestos victims in seeking compensation from responsible companies.

"W.R. Grace lied to these people," Baucus said before the committee, referring to Libby residents. "Now they have to watch their families, their friends and neighbors die or steadily become more sick. People are dying up there. At the end of all this, W.R. Grace will likely emerge from bankruptcy lean and whole – able to continue to prosper as a business. The Libby victims -- unless we are able to protect them in some fashion -- will receive pennies on the dollar. This is just disgusting."

Baucus said he is concerned that in "a rush to address a real or perceived crisis in our courts," Congress may limit hundreds or thousands of injured people by "arbitrarily denying those people the ability to protect their rights."

"Our number one concern here should be justice – how do we ensure that asbestos victims – all asbestos victims – are treated fairly and compensated for their injuries,"

Baucus said.

Baucus said asbestos litigation reforms relying on the strict medical criteria proposed by the American Bar Association and others would lump all people exposed to asbestos in the same category, regardless of the unique circumstances surrounding their illnesses, and narrowly define "acceptable injury."

The medical criteria put forward by the ABA and others are "arbitrary, unfair and excessively burdensome, particularly to people like those in Libby who have every right to demand that W.R. Grace make their town whole, and pay for their medical expenses and suffering," Baucus said.

Baucus submitted for the record a letter from Dr. Brad Black, director of the Center For Asbestos Related Disease in Libby, detailing the unique kind of asbestos found in Libby – tremolite as compared with the more common chrysotile asbestos –and the unique health problems associated with it. Baucus also submitted a list of Libby residents who would be barred from seeking compensation under the ABA proposal.

Baucus has vehemently opposed the American Bar Association proposal, lobbying ABA President Dennis Archer to back off the new changes. Baucus met with residents in Libby on February 19, where he placed a cell phone call to Archer urging him to reconsider his position and take into account the unique circumstances surrounding the tragedy in Libby.

"Clearly, we won't be able to come up with an acceptable resolution to the problems associated with asbestos litigation that is perfect, or that everyone will agree with, or think fair," Baucus said. "But, we have to do our best, and we have to put the victims first. That is key."