

Senator Klein and members of the Senate Industry, Business and Labor Committee,

I write today to urge your opposition to House Bill 1207, which would erect unnecessary and unconscionable barriers for North Dakota veterans seeking to enforce their constitutional rights against asbestos companies who knowingly covered up the dangers of asbestos for decades. Veterans may only represent 8% of the nation's population, but they comprise an astonishing 30% of all known mesothelioma deaths that have occurred in this country. Exposure to asbestos is the only known cause of mesothelioma. Given the disproportionate impact this legislation will have on the veteran's community, I wish to identify our specific concerns.

This legislation robs veterans of their constitutional rights by forcing them to jump through unnecessary bureaucratic hoops to bring a claim. The asbestos industry made billions of dollars poisoning veterans without warning them. Instead of making it right, they are building on their legacy of knowingly poisoning tens of thousands of American veterans by pushing to strip them of their constitutional rights. Why should an industry that has failed to correct its "mistakes" be afforded any protection—much less the unprecedented, unconstitutional protections included in this bill?

This bill strips veterans and their families of constitutional rights in a half dozen different ways. It creates a new process for bringing a claim that applies only to an industry renowned for its widespread misconduct. It gives blanket immunity to defendants who incorporated asbestos products into their product design regardless of how culpable they were in covering up the dangers of asbestos. It forces plaintiffs to beg their treating physician to work for free to produce a detailed medical report that is completely unnecessary. It artificially excludes painful, chronic, debilitating diseases caused exclusively by asbestos from a remedy—effectively shifting the cost of causing this harm onto the backs of the veterans and their family. In short, this bill would force North Dakota veterans to pay for the harms caused by the asbestos industry.

Veterans are particularly impacted by this bill when they receive care from the Veterans Administration. Overworked VA physicians may be unable to perform the tests required or fill out the report necessary for the veteran to bring a claim at all. If the veteran was forced to abandon their physician, or pay out of pocket for care, this effectively takes away their constitutional right to a jury trial against the companies that caused them harm. This legislation could also increase the burden on the veteran by adding

additional tests, lengthening the time before they can bring a claim forward. This is valuable time a veteran should be spending with their loved ones.

The injustice this would be to our veterans is magnified by the fact that this legislation is completely unnecessary. Under current law, injured victims are already required to disclose their complete work histories and exposure information to the defendant. Asbestos corporations already have the tools they need to defend themselves.

North Dakota House Bill 1207 will make it much harder for veterans and their families to hold the asbestos companies accountable. For these reasons, I respectfully request a DO NOT Pass on HB1207.

Thank you,

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