

[4.15.15]

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

via FAX (916) 319-2188

Re: AB 597 - OPPOSE

Dear Assembly Member Stone:

The Southern Coalition for Occupational Safety and Health (SoCalCOSH) is writing to strongly oppose AB 597 by Assembly Member Ken Cooley. SoCalCOSH is a grassroots regional organization dedicated exclusively to healthier and safer workplaces through education, advocacy, & empowerment.

We represent workers from all industries, including but not limited to construction, factory, and auto workers who are exposed to asbestos daily. When our members or their family are ill and dying from asbestos, they may use state court to hold accountable the manufacturers, premises owners, and others who knew, since the 1930s 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. **For them, justice delayed is justice denied.** In practical terms, this means the victim and his/her family will be denied fair compensation - that means the corporate bad actors who poisoned the victim enjoy a financial windfall and avoid full accountability. **In California, unlike many other jurisdictions, when the plaintiff dies, there is NO RECOVERY for pain and suffering.**

AB 597 adds numerous new procedures to the Code of Civil Procedure for cases involving personal injury caused by asbestos. **None of these changes are needed.** Proponents, who modeled this bill on an American Legislative Exchange Council (ALEC) design, argue that the changes are needed for transparency. **But 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.** ALEC is the corporate-funded organization of conservative state legislators and private sector representatives that advances free-market enterprise, limited government, and federalism. ALEC focuses on stripping consumers and workers of their rights in order to maximize profits for corporate members. ALEC promotes, among other things, anti-labor measures such as the so-called *right to work* and laws to strip local government of the power to provide living wages, paid sick leave, etc., which a locality deems needed to support a vibrant community. **AB 597 is an anti-labor anti-consumer bill.**

We urge you and all members of the Assembly Judiciary Committee to oppose AB 597.

Sincerely,

Jorge Cabrera
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213 – 346 -3286

cc: via e-mail to Assembly Member Cooley at AssemblyMember.cooley@assembly.gov
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