

## **Testimony of Susan Vento**

### **Hearing on “The Need for Transparency in the Asbestos Trusts”**

#### **Committee on the Judiciary**

#### **United States Senate**

**February 3, 2016**

Thank you for the opportunity to testify today. While I have my own personal story to tell, I accepted this invitation in order to represent the perspective of the tens of thousands of Americans who have been personally affected by asbestos disease.

My name is Susan Vento. My husband was the late Congressman Bruce F. Vento who served for almost 24 years in the House of Representatives representing Minnesota’s Fourth Congressional District. A number of Members of this Committee served with Bruce and know that he was a dedicated public servant who worked with both sides of the aisle for the good of the country.

Mesothelioma is an aggressive cancer caused by asbestos exposure. Bruce was exposed while working his way through college. He died three days after his 60<sup>th</sup> birthday in October 2000, just eight and one-half months after the diagnosis. With his death, our country lost a hard-working and humble public servant years before his time. Bruce’s family lost so much more.

Since his death, I have worked with asbestos patients and family members from across the country to fight for a ban on asbestos and to protect the rights of people whose lives have been forever affected by this terrible poison. In recent years, I have been involved in the effort to stop the so-called “Furthering Asbestos Claim Transparency Act,” or FACT Act, which is currently pending before this committee. This bill would obstruct justice for victims dying from asbestos-related diseases while giving a leg up to the very corporations that knowingly poisoned and killed them.

While I very much appreciate your invitation to testify today, I feel it is important to recount for you the history of the FACT Act up until this moment. Supporters of the FACT Act have repeatedly claimed the legislation will help asbestos victims by identifying so-called fraud against asbestos trusts. And yet, during the consideration of this legislation by the House of Representatives for three consecutive Congresses, not one patient suffering from asbestos disease or a family member was allowed to testify. Not one. This is despite numerous requests by a growing movement of asbestos patients and family members from across the country asking to be heard. One of the women who requested to testify, Genevieve Casey Bosilevac, unfortunately has passed away. She passed in 2014 after courageously battling asbestos disease for five years. Genevieve was unknowingly exposed to asbestos while working in her family’s automotive painting business when she was young. She left behind twin boys.

I thank you again for giving me the opportunity to testify and give a voice to the tens of thousands of patients and families affected by this terrible poison every year who would be horribly impacted if the FACT Act passed. In recent years, I have had the chance to meet asbestos patients and families in Washington and around the country and talk about the FACT Act. I can tell you that everyone I have met is utterly opposed to this legislation. These patients and families are Republicans, Democrats, and Independents. We cannot understand why the Congress would consider passing a bill that patients and families do not want, and justify it on the basis that it is in the interest of those patients and families. It is this kind of disconnect that has Americans across the country frustrated and angry today.

As you consider this legislation, please understand that it is being pursued by asbestos companies, not patients and families who are against it.

The human damage done by asbestos continues to repeat itself every hour of every day. Indeed, diseases caused by asbestos exposure kill an estimated 15,000 people every year. But statistics tell just part of the story. The numbers can't convey the extent of human suffering, grief and loss that accompanies each and every one of those deaths. I would like to tell you about some of these patients and families, to help you understand the lives you will impact if you pass this legislation.

Shandi Speedy of San Antonio, Texas was just medically retired from the Air Force at age 26 because of her mesothelioma. Shandi's exposure to asbestos was from her father, Kevin. He is a member of the Air Force as well. When Shandi was young, she would spend time on the base with him while he and others worked on jet engines. The military – even to this day – uses and maintains aircraft that were manufactured more than 50 years ago. Many of the parts and equipment involved have asbestos components. After school, Shandi would roller-skate around the hangar or do her homework. Kevin wore his asbestos-fiber covered uniform home every day, contaminating the family vehicle and home. He hugged his family and played games with his daughter after work while still wearing that uniform. He had no idea he was injuring his daughter simply by being a loving Dad.

Siblings Christa Kahuda of South Carolina and Karyn and Jeff Farrar of Maryland lost their mother Jocelyn Farrar to mesothelioma in 2013. Dr. Farrar specialized in providing trauma critical care and disaster management for the elderly. In 2008, she earned a Doctorate of Nursing Practice. However, near the end of the last semester of earning her doctoral degree, Dr. Farrar was diagnosed with pleural mesothelioma. Dr. Farrar was exposed to asbestos as a child in her grandparents' home, where she was raised. Her grandfather worked as an asbestos worker. At the end of each work day, he unknowingly brought asbestos fibers home on his clothing and body. Dr. Farrar had four children, six grandchildren, and her husband of 39 years, all of whom remember her every day.

Kim Beattie and Pam Wilson are cousins from Iowa. Their Uncle Jerry passed away from mesothelioma when he was 75. Jerry was like a father to Kim and Pam and their siblings and

cousins, none of whom had fathers in their lives. Jerry attended their graduations, sporting events and weddings. Kim cared for Jerry when he got sick until he died. She says he was an amazing man and should not have had to suffer the way he did his last year. Pam called him the gentlest man she ever knew. They loved him very much.

Bill Weber from Philadelphia was diagnosed with mesothelioma at the age of 56. He was exposed to asbestos as a teenager working at a summer job and assisting his father with home improvement work. Bill has been battling his cancer for nearly five years, including having undergone a fourteen-hour surgery.

Bill's mother Jeanne, from Medina, Ohio, contracted mesothelioma two years ago as a result of laundering Bill's clothes and her husband's clothes. She passed away a few weeks ago.

Heather Von St. James's daughter was 3 ½ months old when Heather was diagnosed with pleural mesothelioma. Heather's exposure occurred as a child and was from her father, who like other workers unknowingly brought home asbestos fibers from work. On Saturday, I will attend Heather's annual celebration at her home in Roseville, MN. She and her husband host this event every February to recognize the removal of her asbestos diseased lung and this year is the 10<sup>th</sup> anniversary. Living with mesothelioma for those who survive is very costly. For Heather, mesothelioma means she can no longer work and also means frequent trips to Houston, Texas for check-ups with her oncologist.

Judy Van Ness has traveled to Washington from her home in Richmond, Virginia numerous times to advocate against the FACT Act. She lost her husband Richard to mesothelioma when he was only 62. Richard served his country proudly in the Navy on the destroyer Charles R. Ware. Later, he worked as a union pipefitter for 35 years in Richmond. Unbeknownst to him, those workplaces exposed him to the asbestos that took his life. Richard and Judy were married for 25 years and have one son. He had been retired for only two years when they found the cancer. Judy wishes they had had many more years together.

Asbestos exposure can happen to anyone. Veterans are especially affected – about 30 percent of mesothelioma patients are veterans even though veterans make up only about 8 percent of the population. But it isn't just veterans – children get exposed, as well as nurses, teachers, spouses, first responders, and of course, workers in almost any field. As you all know, asbestos has been found in the Capitol and in congressional office buildings. None of us is immune.

The FACT Act is premised on a myth that fraud is a problem in asbestos-related litigation and that transparency must be required of those suffering from asbestos-caused diseases and their families. It is offensive and insulting to have it suggested that decent, hard-working Americans and their families are committing fraud. In addition, no reputable research has found fraud in the trust system – not the GAO, not RAND, not Congress.

This so-called transparency would require mesothelioma patients and their families and others suffering from asbestos-related diseases to divulge personal information on public websites,

including our names and addresses, portions of our Social Security numbers, medical information, work history and how much compensation we received. This is a gross violation of privacy that will dissuade many asbestos patients and family members from filing claims with the trusts, even as they desperately need money to pay for medical care and lost wages when they can no longer work.

Glen Kopp, a partner with the law firm of Bracewell & Giuliani and a leading authority in the area of privacy law, recently reviewed the FACT Act and concluded that it presents significant privacy concerns. (See "Analysis: Identity Theft Threatens Asbestos Victims Under Congressional Proposal," Asbestos Nation, EWG Action Fund, <http://www.asbestosnation.org/analysis-identity-theft-for-asbestos-victims-looms-under-congressional-proposal/>)

Mr. Kopp noted that the personal information of asbestos patients and families that the FACT Act would make public is precisely the type of information that is typically used by identity thieves. That is why federal and state law enforcement authorities recommend this type of information be kept away from any form of public disclosure. And yet, the FACT Act would require it to be placed on a public web site!

In addition to leaving us vulnerable to con artists and identity thieves, this kind of information can be used by credit agencies, insurance companies and employers to deny patients and families benefits, services and employment.

Another part of the FACT Act would allow any corporate defendant in any asbestos lawsuit to demand personal information about any asbestos claimant from any asbestos trust fund at any time. Why should some big multinational company be able to collect personal information about every asbestos claimant who has filed a claim with an asbestos trust, whether or not that person has ever filed a suit against that company? Even though I don't believe there is fraud in the trust system, if the purpose of the bill is to prevent fraud, how would this fishing expedition by huge corporations do that? And how do we know we can trust these companies to safeguard our personal information from hackers or others who don't have a right to it?

Let me be clear, we believe that both provisions of this bill are gross violations of patients' and their families' privacy.

These endless information requests from asbestos defendants would also bog down the asbestos trust funds in endless paperwork. This would drain the funds of money that is desperately needed to compensate sick and dying patients. As the patients get more and more desperate, they will be willing to settle cases for pennies on the dollar, taking needed compensation away from families and leaving it in the pockets of the responsible companies.

I find it highly ironic that the asbestos industry is seeking transparency, of all things. If the companies that are pushing this bill really cared about transparency, they wouldn't have

concealed what they knew regarding the lethal nature of exposure to asbestos and hundreds of thousands of Americans would not have died from such cruel diseases, including my husband.

If Congress is striving to be transparent about asbestos, please pass legislation to reduce exposure to asbestos in work-settings, schools, hospitals, and other settings, increase awareness of the risks of asbestos exposure including secondary exposure, and significantly increase federal funding for medical research to fund diagnoses and treatments for mesothelioma, asbestosis and other asbestos-related diseases. I know legislation has been introduced to accomplish some of these goals and I strongly urge you to take up those proposals instead of the FACT Act.

Asbestos patients and families don't have time on their side. Mesothelioma victims are typically racing against the clock to ensure their families aren't burdened with huge medical bills and that they are taken care of. It's astonishing that, of all the issues Congress could be addressing relating to asbestos, you have chosen one that does nothing for victims, but rather one that gives additional tools to the asbestos industry to drag out these cases and escape accountability.

The FACT Act drastically erodes the decades of work Bruce and so many of you have invested in helping those who need fair and wise Senators and Representatives here in Washington. If this bill passes, it will be a serious step back for Americans who expect each of you to work on their behalf. Instead of helping those who suffer from the diseases caused by asbestos, this bill will reward those who have perpetuated the diseases.

In his final days of a brave battle with mesothelioma, the musician Warren Zevon wrote a beautiful song, "Keep Me in Your Heart." The first verse is:

*"Shadows are fallin' and I'm runnin' out of breath  
Keep me in your heart for a while  
If I leave you it doesn't mean I love you any less  
Keep me in your heart for a while."*

In memory of so many – too many – who've run out of breath in their battles to beat mesothelioma and asbestos-related diseases and in tribute to those who continue the battle and deal with the cruel realities of mesothelioma every day, I respectfully ask each of you to stand with the patients and their families and in opposition to the bill.

I thank you for your consideration from the bottom of my heart.