

THE AMERICAN LEGION
DEPARTMENT OF



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American Legion Department of Ohio

Opposition testimony on Senate Bill 63

March 29th, 2023

Chairman Hackett, Vice-Chair Lang, Ranking Member Craig, and members of the Senate Insurance Committee, I am Scott Palider, Legislative Coordinator for the American Legion Department of Ohio. Thank you for the opportunity to provide opposition testimony on Senate Bill 63 today.

The American Legion is the nation's largest wartime veterans service organization with over 2 million members, over 80,000 of them call Ohio home. The mission of the American Legion is “to enhance the well-being of America’s veterans, their families, our military, and our communities by our devotion to mutual helpfulness.” SB 63 and its current language go directly against the mission of the American Legion and will harm the veterans of Ohio if enacted.

According to the 2021 US Census data military veterans make up 6.4% of the US population, yet military veterans account for 30% of all asbestos related claims in this country annually. 30%...

It is important to note that not all of these claims are eligible for VA benefits. To receive VA benefits for asbestos related

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illnesses you must prove that 50% of your lifetime asbestos exposure occurred while you were in the service.

What goes into proving this exposure with the BVA is military discharge status, an exposure summary consisting of numerous pieces of information on the claimant's military service, medical evidence showing active military duty led to the asbestos exposure, and a doctors approved medial records showing asbestos exposure causing asbestos related illness. The reason I'm stating this information for you all is because there is NOT an overburdensome stipulation on having to do this all within 30 days of filing your original claim with the BVA unlike line 11 in SB 63.

Line 11 is not the only major language flaw in SB 63 that could cause harm to a military veteran or heaven forbid their surviving spouse who has decided to seek justice for their loved one they have lost. A loved one who was simply trying to keep food on their table after they returned to civilian life. A veteran who was, most likely, unknowingly exposed to asbestos in their civilian profession. A profession they picked since they were well trained for it while they were serving this country.

Line 11 is just the start of the issues in SB 63 in the opinion of the American Legion Department of Ohio.

In addition to line 11, lines 26-42 are of great concern to the American Legion Department of Ohio and the over 80,000 veterans that form its ranks. To summarize these lines for you the
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plaintiff, who has a 30% chance of being a military veteran or their surviving spouse, must name the manufacturer, the seller, and the specific name of each asbestos containing product. Then they must identify the site of each exposure, name the specific address, and where the victim was specifically located on the site. Last, but certainly not least, the victim or their family must name the beginning and ending dates of each exposure, the specific manner of each exposure, the frequency and length of each exposure, and the proximity of the asbestos containing product that caused the exposure. Please keep in mind that all of this taxing work must be done within 30 days of filing the case and it must be accompanied by a signed affidavit stating everything named is true or the judge can throw the case out.

It is important to remind this committee that asbestos related illnesses take decades to show themselves. Decades. So having a veteran or their surviving spouse know all of this information off the top of their head from an exposure that happened 30 years ago is wrong. It is cruel. It is an injustice to the veterans and their families that have suffered from asbestos exposure here in the state of Ohio.

The American Legion Department of Ohio and its over 80,000 members, who may I remind you love democracy and love to vote, are so passionately against this bill that we wrote and passed a resolution condemning SB 63.

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I will now read American Legion Department of Ohio Resolution 23-01 to you.

WHEREAS, There are approximately 21 million veterans living in the United States, totaling roughly 7% of the total US population; and

WHEREAS, Every branch of the United States military used asbestos products during the 20th century; and

WHEREAS, Many veterans are not only exposed to asbestos during their time in service but are also exposed to asbestos in post-service careers they are qualified for once they are out of the service; and

WHEREAS, In order for a veteran to receive eligibility for VA Benefits related to asbestos related illnesses the veteran must provide a written asbestos exposure summary and additional evidence proving that at least 50% of their lifetime asbestos exposure occurred while they were in the military; and

WHEREAS, illnesses related to asbestos exposure take 20-40 years to develop; and

WHEREAS, veterans account for 30% of mesothelioma cases diagnosed each year and the 10,000 annual deaths from all asbestos-related diseases; and

WHEREAS, Veterans who cannot receive service-connected disability for their asbestos exposure are still forced to pay out of pocket for their treatment; and

WHEREAS, These veterans and/or their surviving next of kin are entitled to the due process in court for their private asbestos claims; and, therefore be it

RESOLVED, By The American Legion Department of Ohio Department Executive Committee, assembled at Department Headquarters on December 3, 2022, that The American Legion Department of Ohio urges the Ohio General Assembly to support Ohio Veterans and their right to due process by removing overly burdensome proof of exposure requirements for victims of asbestos exposure when it comes to non-service connected asbestos claims.

SB 63 can be summed up as simply that, overly burdensome. That is why I and the American Legion Department of Ohio urge this body to stop this overly burdensome bill or at least remove the taxing language I reminded you all of today.

Thank you for your time and please let me know if you have any questions.

Scott Palider
Legislative Coordinator
American Legion Department of Ohio

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