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Testimony before the Senate Insurance Committee

Senate Bill 63 - *To require a plaintiff in a tort action alleging an asbestos claim to file specified disclosures.*

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Chairman Hackett, Vice Chairman Lang, Ranking Member Craig and members of the Senate Insurance Committee, thank you for allowing me to offer opponent testimony on Senate Bill 63 this morning.

I am David Root, a US Navy Veteran of the Vietnam War. I am a State Legislative Chairman for the Department of Ohio Veterans of Foreign Wars and a past State Commander.

Today you are considering an amended Senate Bill 63. It is the third version of Senator Lang's 'Asbestos Bill'. The first and original bill was SB 252 introduced in the last general assembly. The second version was introduced at the start of this general assembly. It had one minor change from the first bill. Now we have a third bill with many changes –the proposed amended SB 63. Two different general assemblies and three different bills. And here I am to testify in opposition for the third time.

You all read or heard my testimony last May –with the exception of the new committee member Senator Chavez. Welcome Sir. You have all received multiple emails from me and I have had meeting with Senators Manning and Lang, so you know where I stand with this bill. The changes made over the past several years have not done anything to change my belief that this bill is not good for the veterans of Ohio –nor their families.

There are several diseases that may develop following asbestos exposure. These may be malignant or benign. There are 4 major asbestos-related diseases, and they are:

- ◇ Mesothelioma
- ◇ Asbestosis
- ◇ Pleural disease, including pleural thickening and pleural plaques
- ◇ Other malignancies, including lung, ovarian, and bile duct cancers

The two cancers most frequently diagnosed are lung cancer and mesothelioma.

Veterans are at a higher risk for mesothelioma. The military employed the widespread use of asbestos between the 1930s and 1980s. Many valued the material for its heat-resistant properties. Asbestos was present in everything from insulation to shipbuilding. Each branch of the military used asbestos in different ways, but those in the Navy were particularly at risk. More than 300 asbestos products were in use on the U.S. Navy ships built from the 1930s to the early 1980s.

You will find attached to my testimony an article that explains asbestos exposure throughout the armed forces. It points out that “Nearly one-third of people who file mesothelioma lawsuits are veterans, and a majority of those have a Navy service record.”

As I said, I am a US Navy veteran. I served from 1966 to 1970. During that time, I made three cruises to

Vietnam aboard two different aircraft carriers. One of them was built during the latter half of the 1950s and the other during the first half of the 1960s. Those two ships had asbestos throughout.

In 2020, the CDC reported that most people with mesothelioma are diagnosed when they're between ages 75 and 79. The risk of developing mesothelioma is 10 times higher for those older than 60 compared to those younger than 40. The average age at diagnosis is the result of the 20- to 60-year latency period between when you were first exposed to asbestos and the development of mesothelioma. This long latency period means older people are more likely to develop the disease.

The mesothelioma survival rates are typically 4 to 18 months after diagnosis, but there have been patients diagnosed with mesothelioma who have lived longer than 10 years. Only 10 percent of patients diagnosed with mesothelioma will live more than five years.

With those facts you can see that to fulfill the requirements of SB 63 a veteran typically would have to recall all the needed information from as many as 60 or 70 years in the past. But if it isn't remembered within a few short months, it will become the job of the surviving family members... and don't forget, all that information must be very specific. SB 63 makes it very clear that everything must be specific. It is mentioned seven times.

Ranking Member Craig, do you remember the address of every barracks, chow hall, or workspace you were in while serving in the Army? Senator Wilson, can you recall the addresses from when you were serving in the Navy? When I was in the Navy, I did not make a note of what asbestos products were in all of the places where I slept, worked, ate, and showered on a daily basis. I am willing to guess that neither of you did either.

Senate Bill 63 might work for someone who worked in an asbestos plant for 20 years, or manufactured brake linings all their life but it does not work for a veteran. It does not work for the surviving family member of a deceased veteran. A veteran and their family members should have the same right to file a tort action lawsuit as anyone else. But the language in SB 63 makes it impossible to do. In essence, it strips them of that constitutional right.

Chairman Hackett, Vice Chairman Lang, Ranking Member Craig and all the members of this committee, I am asking you once again to oppose Senate Bill 63. It is not fair nor is it right for Ohio's veterans and their family members.

Mr. Chairman, thank you for allowing me to voice my views this morning and I will answer any questions you might have.