

POSITION PAPER: ASBESTOS LIABILITY

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The American Supply Association Supports Legislation to Bring an End to the Asbestos Litigation.

- ASA supports federal legislation to replace the tort system for actions brought relative to asbestos exposure.
- Such legislation would provide welcome relief to a large number of ASA members who have been unfairly burdened by asbestos-related lawsuits.

Discussion

- Asbestos litigation is a growing concern for suppliers and distributors in the P-H-C-P industry. Already the longest-running mass tort litigation in U. S. history, asbestos litigation continues today at a vigorous pace. Moreover, the litigation is quickly evolving to ensnare companies which have not previously been named as defendants.
- Companies which once were too tenuously related to asbestos products to be sued now find themselves defendants in asbestos litigation. Distributors of asbestos-containing products were often not joined as defendants in the past when the manufacturers of those products were subject to suit. Most manufacturers of asbestos products, including asbestos thermal insulation and fire proofing and several boiler manufacturers, are now bankrupt and beyond the reach of judgment.
- Plaintiffs' attorneys are, therefore, searching for substitute defendants to pay compensation to their clients. Today, suppliers and distributors are often defendants in asbestos litigation. In fact, some states have statutes holding distributors and other companies in the chain of distribution of a product responsible for the bankrupt manufacturer's liability.

