

through exposure to asbestos. In the products liability law right now, there are really two protections set out that cut off lawsuits after a period of time. One of those is called the "statute of limitations", and basically it provides that you have to bring a lawsuit within four years after an injury is discovered. Basically the period is four years. Under this bill that basic four year requirement is not changed. The language is changed slightly but basically the statute of limitations stays in place. Once you discover that you have been injured by exposure to asbestos, then you are still required to within four years of that discovery bring your lawsuit. That is one mechanism that is staying in place. The other mechanism is called the "statute of repose" and if you want to look at the wording of it, on page 2 of the bill, it is found beginning on line 9 through line 16 and basically what that says is that ten years after a product is sold or leased for use there is an absolute cut off date. In other words, if the injury occurs more than ten years ago, it is just tough luck, no suits can be brought. There are lots of questions and lots of legal articles written about the fairness of statutes of repose generally but I am not here today arguing against the statute of repose broadly. I am arguing against its application in this particular area and there is one important reason why and that reason is that with regard to cancers caused by asbestos there is a latency period that extends in many cases far, far beyond ten years. By latency period I mean that the time period between the occurrence of the injury, the time of exposure to the asbestos, and the time that the symptoms begin to appear, that is, the time that it is discoverable, is far in excess of ten years. So the situation that is created is basically this, that by the time a man discovers that he has been injured by exposure to asbestos he has no chance to bring a lawsuit whatsoever because he cannot by the nature of the injury discover it within the ten year period. This bill is limited specifically to asbestos type items and I want to make that very clear. There is a second point that I want to make very clear. With the amendment that we put on last year and with the amendment that has been put on in committee this year lawsuits cannot be brought against any local businessman. They cannot be brought against the local retailer or any local distributor. The lawsuit can be brought only against the manufacturer of the product. So those are two what I think are very reasonable limitations on the bill. By the way, I have distributed to you for your review a letter from the Peoria School of Medicine from a doctor who has worked in this area which describes in a little bit more detail the problem of latency periods. So if you have questions about that, please take a look at the letter. For your information and as a final point, I would just tell you a little bit