April 28, 2015

Hon. Trent Franks, Chairman
Subcommittee on the Constitution and Civil Justice
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Hon. Steve Cohen, Ranking Member
Subcommittee on the Constitution and Civil Justice
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Subject: HR 1927

Dear Chairman Franks and Ranking Member Cohen;

We are writing to you as health professionals and attorneys who have worked on behalf of the public throughout our professional careers. As you know, hazardous chemicals are routinely found in drinking water, consumer products, foods and other essential public resources. The regulatory system does not prevent these public health hazards in many cases, and access to the courts is an important recourse for many people who have been harmed.

The courts also serve as a deterrent to dangerous behavior on the part of irresponsible parties. That deterrent is often more compelling than what is imposed by the limited enforcement capabilities of government agencies. Consequently, the public health community and public advocates have a strong interest in maintaining the full rights of the public to seek justice when harm has occurred and to deter future harm.

This week HR 1927 will be considered by the Subcommittee on the Constitution and Civil Justice. This bill that would substantially reduce the ability of people who have been harmed to seek justice through class actions, an important recourse for the public. This bill would pose an especially onerous burden on communities of color and on lower income people, who are far more likely to live in areas where environmental contamination causes serious health problems.

In addition to the need for all people to have access to justice, the bill itself violates basic medical scientific principles. It requires that every person in a class have “an injury of the same type and extent”. Fundamental medical science makes it very clear that each individual responds somewhat differently to a health hazard. Responses are based on individual genetic makeup, overall health, age, gender, previous exposures to hazards and many other factors.

The variability in human responses to exposures to radiation, toxic chemicals such as benzene and lead, asbestos and other hazards are well established in the medical literature. Depending on inherent susceptibilities, individuals may experience kidney or liver damage, neurological
damage, infertility, cancer, immune system disorders and other health problems when exposed to
the same hazardous agents. This variation in responses is clearly described in all medical
textbooks that discusses the effects of exposure to toxic agents.

For Congress to consider trying to "legislate" away fundamental medical science by requiring
"the same type and extent" of injury makes no medical sense. If the goal is to establish an
impossible bar to class actions suits, that objective might be met by the bill. But the cost would
be the integrity and credibility of the US Congress. Science cannot be dictated by Congress, yet
that is what this bill appears to attempt to do.

For the sake of the public whom we all serve and for the sake of scientific integrity, we urge you
to carefully consider the implications of HR 1927. We believe it would undermine public trust
in the Congress and the public's access to justice in the United States. We strongly urge you to
reconsider the wisdom of pursuing this.

Sincerely,

Kathleen Burns, Ph.D. (Public Health)
Director and Founder
Sciencecorps
Lexington, MA

Jon Jacobs, Esq. and Dana Stotsky, Esq.
Founders and Principles
Environmental Action Center
Washington, D.C.

Michael R. Harbut, MD, MPH, FCCP
Clinical Professor, Internal Medicine
Wayne State University*
Detroit, Michigan

Beth Rosenberg, ScD, MPH (Public Health)
Assistant Professor of Public Health and Community Medicine
Tufts University School of Medicine*
Boston, MA

Terrie Barrie
Advocate for sick Department of Energy nuclear weapons workers
Founding member Alliance of Nuclear Worker Advocacy Groups
Craig, CO

Peter Infante, Dr.PH
Consultant in Epidemiology
Falls Church, Virginia
Ronald Melnick, Ph.D. (Toxicology)
National Institutes of Environmental Health Sciences (Retired)*
North Logan, Utah

David M. Manuta, Ph.D., FAIC
President, Manuta Chemical Consulting, Inc.
Waverly, OH

Fran Teplitz
Executive Co-Director; Business, Investing & Policy
Green America
Washington, DC

Steven Wing, Ph.D.
Associate Professor of Epidemiology
University of North Carolina School of Global Public Health*
Chapel Hill, NC

Lisa Marie Jacobs
Public Health Advocate
Bayfield, Colorado

Alice Freund
Industrial Hygienist
Montclair, New Jersey

Robert J. O'Dowd
Disabled Marine Veteran
Veterans Advocate
Somerdale, NJ

Richard Charter
Senior Fellow, Coastal Coordination Program
The Ocean Foundation
Washington, D.C.

Faye Vlieger
Cold War Patriots Committee Member and Chair of Division of Energy Employees Occupational Illness Compensation Interim Advisory Board
Kennewick, WA

Charles Levenstein, Ph.D., M.S.
Professor Emeritus of Work Environment, University of Massachusetts Lowell*
Adjunct Professor of Occupational Health, Tufts University School of Medicine*
Boston, MA
Jeanne Rizzo, R.N.
President and CEO
Breast Cancer Fund
San Francisco, California

Shira Kramer, MHS, PhD
President
Epidemiology International
Hunt Valley, MD

Kathleen Ruff
Human Rights Activist
Board Member Rideau Institute on International Affairs
Ottawa, Ontario

Deb Jerison
Director
Energy Employee Claimant Assistant Project
Yellow Springs, Ohio

Stephenie Hendricks
Environmental Health Advocate
Saint Anselmo, California

Donna Marie Hippert, JD
Public Interest Attorney
Portland, Oregon

Amanda Hawes, JD
Worker Health Advocate
San Jose, CA

Niaz Dorry
Coordinating Director, Northwest Atlantic Marine Alliance
Fisheries, marine conservation, and seafood advocacy organization
Gloucester, MA

Denny Larson
Executive Director
Global Community Monitor
El Cerrito, CA

*Affiliation listed for identification purposes only.