

**To: ALL GRAND LODGE SYSTEM OFFICERS & U.S. LEGISLATIVE DIRECTORS**  
**Date: March 31, 2004**  
**Re: Asbestos (FELA) Flyer**

Dear Brothers and Sisters:

Senate Majority Leader Bill Frist (R-TN) has announced his intention to bring the *Fairness in Asbestos Injury Resolution Act* (S 1125) to the Senate floor in the near future.

While the AFL-CIO continues to work with congressional staff and the insurers, there are still major deficiencies in the bill. The most troublesome to Rail Labor is how this legislation would affect the rights of rail workers to pursue claims under the Federal Employers' Liability Act (FELA). Last July an amendment to exempt FELA from the scope of the law was defeated in the Senate Judiciary Committee on party lines, but with Senator Specter indicating a willingness to reconsider this issue. The TTD Rail Labor Division has been working diligently with Senator Specter on this issue and will continue to do so. With floor action on the horizon, however, it is necessary that rail workers' voices be heard loud and clear by every U.S. Senator.

As written, the bill eliminates the rights of rail workers to pursue an asbestos claim under FELA. Under S. 1125 rail workers are treated differently and worse than other workers in the private sector who would receive three types of benefits: medical treatment, a subsistence allowance and a lump sum compensatory benefit over and above what workers' compensation provides. Rail workers will only receive one benefit because they are not covered by any workers' compensation statute other than FELA.

Enclosed is [a flyer that can be downloaded](#) from BMW's main website ([www.bmwe.org](http://www.bmwe.org)). Please distribute to your members (active & retired) and urge them to contact their U.S. Senators via TTD's website or the toll-free number indicated. ***BMW members should ask their Senators to vote against S. 1125.***

Fraternaly yours,

Director of Government Affairs