

May 3, 2019

Dear Honorable Members of the House Labor and Industry Committee:

I am writing to request your support HB 1234, legislation that would provide workers' compensation coverage for latent occupational diseases. This legislation, introduced by Rep. Jim Cox (R-Berks), will benefit both injured workers and their employers, and we strongly encourage your support.

You may be aware of the PA Supreme Court case, *Tooey v. AK Steel Corp.* As brief background, prior to the *Tooey* ruling, all workplace injuries were adjudicated under the Workers' Compensation Act and never as a civil tort action against employers. Often referred to as the "Grand Bargain", workers' compensation is intended to provide the exclusive remedy for work related injuries. In return for giving up the right to sue employers for workplace injuries, injured workers received an efficient and certain process to ensure they are fairly compensated for those injuries.

However, as a result of the *Tooey* ruling, employees with occupational illness related diseases may file a civil action against their employers if symptoms of the disease did not manifest within 300 weeks of the last occupational exposure. This is a bad outcome for both employees and employers. For example, injured workers with asbestosis, which almost always manifests outside the 300 week window, have only one recourse - filing a tort action against the employer, which can take years to resolve with an outcome that is, at best, uncertain. And employers are forced to defend against civil tort actions that, by law, should be adjudicated within the workers compensation system.

Since *Tooey*, there has been an exponential increase in the number of civil asbestos actions filed against employers. These actions are unpredictable for employees and potentially devastating for employers. This legislation would restore the "Grand Bargain" described above - consistent with the intent of the Workers' Compensation Act.

Our chamber is supporting HB 1234, and we again encourage you to support this bill as well. Thank you in advance for your consideration, and please feel free to contact me with any questions or concerns.

Sincerely,



Matt Smith  
President, Greater Pittsburgh Chamber of Commerce