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To whom it may concern,

We, the 15 undersigned Attorneys General, write to express our concern over recent reports that asbestos bankruptcy trusts are moving to destroy data and documents related to past claims and compensation payments pursuant to new record retention policies. We have serious concerns about these plans and urge you to consider halting any plans to destroy these materials.

Although we understand that many of these record retention policies are motivated by a desire to enhance the protection of personal and sensitive information, we respectfully suggest that other important countervailing public interest concerns weigh against the destruction of these materials.

As an initial matter, several of our States have passed asbestos trust transparency laws that impose various transparency and disclosure requirements. Your planned document destruction may very well impede the efficacy of these laws, which are intended to ensure fairness to claimants, defendants, and trust funds themselves.

Further, your planned document destruction may impede the ability of individuals to fairly adjudicate claims in our state courts. As you well know, the data and documents retained by the trusts are often essential to validating (or invalidating) claims in separate litigation. This destruction may even impede the ability to recover tax dollars through federal or state recovery claims.

By way of just one example, these materials may be used as both a sword and shield in asbestos litigation on the issue of causation, either by establishing sufficient exposure to a particular defendant's asbestos or disproving it. *See Willis v. Buffalo Pumps, Inc.*, No. 12CV744-BTM DHB, 2014 WL 2458247, at *1 (S.D. Cal. June 2, 2014) (“Federal and state courts have routinely held that claims submitted to asbestos bankruptcy trusts are discoverable.”); *see also Carroll v. John Crane Inc.*, No. 15-CV-373-WMC, 2017 WL 2912720, at *2 (W.D. Wis. July 7, 2017) (“[T]he court agrees any [bankruptcy trust] claims plaintiffs have asserted that other entities are responsible for the development of [the plaintiff’s] mesothelioma *are* potentially relevant for purposes of deciding causation and damages.”) (emphasis in original).

As a final matter, reporting indicates that litigants in asbestos litigation have concerns that this document destruction is actually “designed to avoid the production of data and documents responsive to future subpoenas.”¹ Needless to say, we find such reporting to be deeply troubling, and we trust you understand the seriousness of those allegations.

In short, your planned document destruction poses various risks that you may have failed to fully consider. We strongly urge you to reconsider these plans in light of the concerns identified above and immediately halt the destruction of any data and documents in your possession.

Sincerely,



Alan Wilson
South Carolina Attorney General

¹ Andrew Scurria, “Asbestos Defendants Seek to Prevent Deletion of Claim Records,” *The Wall Street Journal* (April 3, 2025).

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