

**Alliance for Justice
Center for Biological Diversity
Center for Justice & Democracy
Consumer Watchdog
Friends of the Earth
National Consumers League
Public Citizen
U.S. Action**

June 23, 2010

The Honorable John Conyers
Chairman, House Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Conyers:

The undersigned consumer, public interest and environmental organizations write to express our strong support for H. R. 5503, the “Securing Protections for the Injured from Limitations on Liability Act.” This letter addresses three critical sections of this bill: amending the Death on the High Seas Act (Chapt. 303 of title 46, U.S. Code), amending the Jones Act (Section 30104 of title 46, United States Code) and repealing the Limitation of Liability Act (Chapt. 305 of title 46). Without all three of these changes in the law, the available compensation for the families of 11 workers killed by the Deepwater Horizon explosion will be extremely and unfairly restricted, as well as for future victims of maritime disasters.

1. Death on the High Seas Act (DOHSA). Under current law, families are prohibited from recovering anything but pecuniary loss, such as lost income or wages, for those who are economically dependent upon the decedent. For example, one of the 11 workers killed on the Deepwater Horizon, 24-year-old Adam Weise, is survived only by his mother, leaving behind no dependents. Under current law, his mother could recover no more than his funeral expenses as compensation for his death. A change in the law would make available to her and all the families compensation for lost care, comfort, and companionship, as well as pre-death pain and suffering. DOHSA was last amended by Congress in 2000 to provide these non-pecuniary damages in the event of a plane crash. H.R. 5503 would eradicate this inconsistency in the law, so that that all families of those killed on the high seas, whether on an oil rig or in a plane crash, are treated equally.

2. The Jones Act is another remedy available for the families, since it covers the death of a seamen under maritime law. Like DOHSA, however, “loss of care, comfort, and companionship” are not recognized as compensable damages. H.R. 5503 corrects this unjust limitation.

3. The Limitation of Liability Act (LOLA) is a 159-year-old law that Deepwater Horizon rig owner Transocean is already using in court to attempt to limit its liability for the explosion to \$27 million – essentially the costs of the sunken rig. That is because LOLA allows vessel owners to limit their liability to the post-voyage value of the vessel. Nine of the workers killed in the explosion worked for Transocean. In its response to Transocean’s court filing, the U.S. Justice Department called the company’s legal maneuver “simply unconscionable.” This law was never intended to limit a company’s liability for death and injury to workers. It must be repealed.

While H.R. 5503 contains many important provisions, not all of which are addressed in this letter including an amendment to the Class Action Fairness Act, this bill would rectify some terrible injustices for the Deepwater Horizon explosion victims. We strongly urge the immediate passage of H.R. 5503 so that the families of the victims, and the nation as a whole, can find a measure of justice amidst this unimaginable tragedy.

If you have any questions, please contact Joanne Doroshow, Center for Justice & Democracy, 90 Broad St., Suite 401, New York, NY 10004; 212/267-2801; joanned@centerjd.org.

Very sincerely,

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