



Dust-Up: Asbestos Litigation and the Failure of Commonsense Policy Reform

Jeb Barnes

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In an era of polarization, narrow party majorities, and increasing use of supermajority requirements in the Senate, policy entrepreneurs must find ways to reach across the aisle and build bipartisan coalitions in Congress. One such coalition-building strategy is the "politics of efficiency," or reform that is aimed at eliminating waste from existing policies and programs. After all, reducing inefficiency promises to reduce costs without cutting benefits, which should appeal to members of both political parties, especially given tight budgetary constraints in Washington.

Dust-Up explores the most recent congressional efforts to reform asbestos litigation -- a case in which the politics of efficiency played a central role and seemed likely to prevail. Yet, these efforts failed to produce a winning coalition, even though reform could have saved billions of dollars and provided quicker compensation to victims of asbestos-related diseases. Why? The answers, as Jeb Barnes deftly illustrates, defy conventional wisdom and force us to rethink the political effects of litigation and the dynamics of institutional change in our fragmented policymaking system.

Set squarely at the intersection of law, politics, and public policy, *Dust-Up* provides the first in-depth analysis of the political obstacles to Congress in replacing a form of litigation that nearly everyone -- Supreme Court justices, members of Congress, presidents, and experts -- agrees is woefully inefficient and unfair to both victims and businesses. This concise and accessible case study includes a glossary of terms and study questions, making it a perfect fit for courses in law and public policy, congressional politics, and public health.

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