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February 3, 2005

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Senate favors end of secrecy over hazardous products

By BOB ANEZ
Associated Press

HELENA -- If a product is dangerous to the people who use it, settlements and court orders in lawsuits should not be able to hide those hazards from consumers, the Senate agreed Thursday.

Voting 33-17, senators endorsed a bill banning such secrecy except when a judge determines the information involves legitimate trade secrets of manufacturers.

"We have to protect our people," said Sen. Mike Wheat, a Bozeman Democrat and sponsor of the measure. "We have to make a public policy decision in this state whether or not we're going to tell people who manufacture hazardous goods that we will not allow our court system to hide that fact."

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The bill allows the news media and others to challenge efforts to keep confidential any information related to hazardous products. A court would decide any manufacturer's claims that the documents should be withheld as trade secrets.

The legislation is named after Gus Barber, a 9-year-old Manhattan child killed in 2000 when he was accidentally shot by his mother while she was unloading a Remington Arms Co. hunting rifle. His father has claimed that the company knew the gun was dangerous, but hid the fact by settling a number of lawsuits with agreements calling for confidentiality. The company later redesigned the rifle.

Richard Barber has waged a campaign since the death of his son to have such secret settlements outlawed in Montana.

Critics of the bill said they feared it would encourage more lawsuits over allegedly dangerous products and could result in businesses losing their rights to protect information about their products that has nothing to do with safety.

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