IN THE UNITED STATES BANKRUPTCY COURT
OF THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

In re:	§	**Case No. 05-21207**
	§	
ASARCO LLC, *et al.*,	§	**Chapter 11**
	§	
Debtors	§	**Jointly Administered**
	§	

ANNUAL REPORT, FINANCIAL STATEMENTS AND RESULTS OF OPERATIONS OF THE ASARCO ASBESTOS PERSONAL INJURY SETTLEMENT TRUST FOR FISCAL YEAR ENDED DECEMBER 31, 2020

David F. Levi and Charles A. Koppelman (collectively, the "Trustees"), as Trustees of the ASARCO Asbestos Personal Injury Settlement Trust (the "Asbestos Trust" or "Trust"), respectfully file this Annual Report, Financial Statements and Results of Operations for Fiscal Year Ended December 31, 2020 (the "Report"), pursuant to Asarco Incorporated and Americas Mining Corporation's Seventh Amended Plan of Reorganization for the Debtors Under Chapter 11 of the United States Bankruptcy Code, as Modified on August 20, 2009, August 23, 2009, and August 27, 2009 (the "Parent Plan") and the ASARCO Asbestos Personal Injury Settlement Trust Agreement (the "Trust Agreement").

I. General

On August 9, 2005, ASARCO LLC ("ASARCO") filed a petition for relief under Chapter 11 of the United States Bankruptcy Code. Various affiliates of ASARCO (together with ASARCO, the "Debtors") filed bankruptcy petitions both before and after ASARCO's bankruptcy filing. The Debtors' respective bankruptcy cases are jointly administered under Case No. 05-21207. On September 11, 2009, the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court") entered its amended recommendation in

favor of confirmation of the Parent Plan. On November 13, 2009, the United States District Court for the Southern District of Texas (the "District Court") adopted the Bankruptcy Court's recommendation and entered its Memorandum Opinion, Order of Confirmation, and Injunction, confirming the Parent Plan (as modified on November 16, 2009 and December 3, 2009, the "Confirmation Order"). *See* Dkt. No. 79, 80 and 96 in Case No. 2:09-CV-00177.

To address the substantial asbestos-related liabilities of the Debtors, the Parent Plan established the Asbestos Trust in accordance with the Trust Agreement. On December 9, 2009, the Effective Date[1] of the Parent Plan, the Asbestos Trust was created and funded with over $900 million in assets, including more than $650 million in cash plus a $280 million secured note from Reorganized ASARCO (the "ASARCO Note"). In addition, the Asbestos Trust received $27.5 million to fund the operating expenses of the Asbestos Trust. *See* Parent Plan, section 6.7. The trustees of the Asbestos Trust during 2020 were David F. Levi and Charles A. Koppelman.

Under the Trust Agreement, the Trust Advisory Committee ("TAC") represents the holders of present Asbestos Personal Injury Claims, and the Future Claims Representative ("FCR") represents the holders of future Asbestos Personal Injury Claims. *See* Trust Agreement, sections 5.2 and 6.1. The TAC members are Steven Kazan, Steven T. Baron, Alan R. Brayton, Bryan O. Blevins and Perry J. Browder. The Hon. Robert C. Pate is the FCR.

The Trust Agreement, at Section 2.2(g), requires that the Asbestos Trust meet with the TAC and FCR no less often than quarterly. The Asbestos Trust held quarterly meetings with

[1] Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Parent Plan.

ASARCO Asbestos Trust Annual Reports, 2020 annual report
ACL Doc 14225 · Page 2 of 28
Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/2

the TAC and the FCR on February 11, 2020, May 4, 2020, September 21, 2020, and November 16, 2020.

The Trustees held weekly Trustees' meetings in 2020 by telephone, beginning on January 6, 2020.

Charles A. Koppelman is the Managing Trustee of the Trust.

The Asbestos Trust kept its principal office at 1105 North Market Street, Suite 1300, Wilmington, DE 19801, and, during 2020, its administrative office was at c/o CAK Entertainment, Attn: Charles A. Koppelman, 1330 Avenue of the Americas, Suite 1800, New York, NY 10019. Effective February 15, 2021, the administrative office of the Trust is Attn: Charles A. Koppelman, 55 Lumber Road, Suite 220, Roslyn, NY 11576.

The Asbestos Trust continued its retention of the following: Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation (general counsel); CBIZ (accounting and tax work); BDO USA LLP (independent auditors); AON Risk Services Central, Inc. (insurance agent); Legal Analysis Systems (consultant regarding asbestos personal injury claims); Verus Claims Services, LLC ("Verus") (claims processor); Bank of America Private Bank (financial consultant, money manager, custodian banking and other banking services); Citi Private Bank (financial consultant, money manager, custodian banking and other banking services); and Anderson Kill P.C. (insurance coverage counsel) and Morgan Stanley (asset manager and advisor). The Trust retained local counsel and other consultants, as needed.

The TAC continued its retention of Caplin & Drysdale as its counsel. The FCR continued his retention of Clark Hill PLC as his counsel.

The Asbestos Trust's general counsel, Stutzman, Bromberg, Esserman & Plifka, PC, serves as the custodian of Trust records.

ASARCO Asbestos Trust Annual Reports, 2020 annual report
ACL Doc 14225 · Page 3 of 28
Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/3

The Asbestos Trust continued liability insurance for the Trustees, the members of the TAC and the FCR.

In 2020, the Asbestos Trust (i) invested and managed its assets; (ii) continued certain pending insurance insolvency proceedings; (iii) processed and paid Pre-Petition Liquidated Asbestos Personal Injury Claims (as defined in the ASARCO Asbestos Personal Injury Settlement Trust Distribution Procedures ("TDP")); (iv) continued to examine and analyze as needed ASARCO's, LAQ's, and CAPCO's asbestos sales records and historical asbestos records; (v) managed the Asbestos Trust's website, www.asarcotrust.com; (vi) accepted Asbestos Personal Injury Claims based on CAPCO Exposure, LAQ Exposure and/or both, as defined in the TDP; (vii) processed both CAPCO claims and LAQ claims, providing directions to the claims facility for the liquidation of the Asbestos Personal Injury Claims; (viii) continued paying Asbestos Personal Injury Claims; (ix) reviewed accounting and auditing functions for the Trust; (x) consulted with Legal Analysis Systems regarding claims data and forecasts of the Trust's liability for Asbestos Personal Injury Claims; (xi) sought dismissals of any state court litigation filed against ASARCO in violation of the 524(g) channeling injunction; (xii) handled and processed premises claims; (xiii) posted appropriate notices on the Trust's website for all claimants; (xiv) conducted audits of Asbestos Personal Injury Claims pursuant to the Trust's claims audit program; (xv) renewed director and officer liability insurance policies to replace expiring policies; (xvi) monitored the methodology for liquidating Asbestos PI Claims under the Individual Review procedures of the TDP; (xvii) performed all functions required for Trust governance, including maintaining the Trust's books and records, approval of the budget for the next year, and responding to subpoenas for information and other processes; (xviii) evaluated cyber security protection issues; (xix)

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/4

addressed subpoenas and discovery requests to produce information as appropriate; (xx) applied procedures related to potential lien, subrogation and reimbursement claims, including revisions to the Trust's Release, and (xxi) adopted policies to assist claimants during the pandemic.

The process for reviewing and liquidating Asbestos PI Claims is governed by the TDP. The TDP recognizes that estimates of liabilities and the value of assets fluctuate over time and, accordingly, applies a "Payment Percentage" to the liquidated value of allowed Asbestos PI Claims other than a claim involving Other Asbestos Disease (Disease Level I-Cash Discount Payment) and Asbestos Premises Liability Claims covered by an applicable Asbestos Insurance Policy. *See* TDP § 2.3. The TDP directs the Trustees to periodically "reconsider the then applicable Payment Percentage to assure that the Payment Percentage is based on accurate and current information," and to, if necessary, change the Payment Percentage with the consent of the TAC and the FCR. *Id.* at § 4.2. In making this determination, the Trustees are directed to "base their determination of the Payment Percentage on current estimates of the number, types, and values of present and future Asbestos Personal Injury Claims, the value of the assets then available to the Asbestos Trust for payment of Asbestos Trust Determined Claims, all anticipated administrative and legal expenses, and any other material matters that are reasonably likely to affect the sufficiency of funds to pay a comparable percentage of full value to all holders of Asbestos Personal Injury Claims." *Id.* The Trustees are further directed to "exercise common sense and flexibly evaluate all relevant factors." *Id.* The Payment Percentage for 2020 was 35%.

ASARCO Asbestos Trust Annual Reports, 2020 annual report
ACL Doc 14225 · Page 5 of 28
Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/5

II. Asbestos Personal Injury Claims

The Asbestos Trust came into existence on December 9, 2009. In 2020, the Trustees accepted and processed 28 Pre-Petition Liquidated Asbestos Personal Injury Claims, ultimately paying, after application of the Payment Percentage, $161,006 on account of such Pre-Petition Liquidated Asbestos Personal Injury Claims and $500,500 in Pre-Petition Liquidated Asbestos Personal Injury Claims supplemental payments made due to the prior increase in the Payment Percentage from 22% to 35%.

In addition, in 2020 the Asbestos Trust, through Verus, its claims processing facility, continued accepting unliquidated Asbestos Personal Injury Claims. Verus processed and paid various Asbestos Personal Injury Claims in 2020. Through December 31, 2020, 434,991 unliquidated Asbestos Personal Injury Claims were submitted to the Asbestos Trust, as follows:

Disease Level	Claims to date	Claims in 2020
Other Asbestos Disease (Level I)	17,843	462
Nonmalignant Asbestos Disease (Level II)	170,232	7,120
Nonmalignant Asbestos Disease (Level III)	96,067	4,711
Severe Asbestosis (Level IV)	7,705	292
Other Cancer (Level V)	17,887	1,083
Lung Cancer 2 (Level VI)	11,336	436
Lung Cancer 1 (Level VII)	58,431	3,630
Mesothelioma (Level VIII)	37,743	2,027
Unknown	17,747	505
Total:	**434,991**	**20,266**

Of the 20,266 Asbestos Personal Injury Claims submitted to the Trust in 2020, 565 have been withdrawn, 4,342 have been deferred, and 1,483 have been approved for payment, with the remainder in process with the Trust. Since inception, not including premises claims, the Trust has paid a total of $462,189,197 on account of unliquidated Asbestos Personal

Injury Claims, of which $64,315,129 was paid in 2020 (This total includes $64,292,054 original payments and $23,075 supplemental payments that resulted from the prior increase of the Payment Percentage from 22% to 35%.)

Under Section 3.3 of the Trust Agreement, the Trust reports payments for Asbestos PI Trust Expenses. The Trust's operating expenses are listed in the Supplemental Information to the attached audited financial statements as addressed below.

III. Compensation and Expenses of Trustees, TAC, and FCR

Under Section 4.5(c) of the Trust Agreement, the Asbestos Trust reports to the Bankruptcy Court the amount of compensation and expenses paid to the Trustees. The Trustees have received, on an accrual basis, compensation and reimbursement for out-of-pocket expenses for the fiscal year ending December 31, 2020, as follows:

Trustees (2)	$678,310.82
Delaware Trustee	$3,000.00, plus $1,500 Delaware Agent Fees

Under Section 5.6 of the Trust Agreement, the Asbestos Trust reports to the Bankruptcy Court the amount of compensation and expenses paid to the TAC members. The TAC has received, on an accrual basis, compensation and reimbursement for fees and expenses, including counsel, during the fiscal year ending December 31, 2020, as follows:

TAC	$42,442.83

Under Section 6.5 of the Trust Agreement, the Asbestos Trust reports to the Bankruptcy Court the amount of compensation and expenses paid to the FCR. The FCR has received, on an accrual basis, compensation and reimbursement for fees and expenses, including counsel, during the fiscal year ending December 31, 2020, as follows:

FCR	$21,092.55

Clark Hill Strasburger, FCR Counsel	$29,452.81

IV. Financial Statements

A copy of the Asbestos Trust's audited financial statements for the year ending December 31, 2020, including a balance sheet as of December 31, 2020, and a statement of operations for 2020, is attached hereto as Exhibit A. Exhibit A also includes BDO USA LLP's opinion as to the fairness of the financial statements' presentation of the cash and investments available for the payment of claims and as to the conformity of the financial statements with special purpose accounting methods.

The Asbestos Trust provided copies to the TAC and FCR on April 28, 2021.

V. Certification

The Trustees certify that they have performed pursuant to and in compliance with the Parent Plan, the Trust Agreement, the TDP, the Confirmation Order, and such other Parent Plan documents and Bankruptcy Court orders pertaining to the operation of the Asbestos Trust during the fiscal year ended December 31, 2020.

TRUSTEES:

/s/ David F. Levi
DAVID F. LEVI

/s/ Charles A. Koppelman
CHARLES A. KOPPELMAN

ASARCO Asbestos Trust Annual Reports, 2020 annual report
ACL Doc 14225 · Page 8 of 28
Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/8

Respectfully submitted this 30th day of April 2021,

**STUTZMAN, BROMBERG,
ESSERMAN & PLIFKA,
A PROFESSIONAL CORPORATION**

By: */s/ Peter D'Apice*
Sander L. Esserman
State Bar No. 06671500
Steven A. Felsenthal
State Bar No. 06889900
Peter C. D'Apice
State Bar No. 05377783

2323 Bryan Street, Suite 2200
Dallas, Texas 75201-2689
Telephone: (214) 969-4900
Facsimile: (214) 969-4999

**ATTORNEYS FOR THE ASARCO
ASBESTOS PERSONAL INJURY
SETTLEMENT TRUST**

CERTIFICATE OF SERVICE

The undersigned certifies that on this 30th day of April 2021 the foregoing ANNUAL REPORT, FINANCIAL STATEMENTS AND RESULTS OF OPERATIONS OF THE ASARCO ASBESTOS PERSONAL INJURY SETTLEMENT TRUST FOR FISCAL YEAR ENDED DECEMBER 31, 2020, was served via ECF on all those parties receiving such notice through the Court's CM/ECF system.

/s/ Peter D'Apice
Peter C. D'Apice

ASARCO Asbestos Personal Injury Settlement Trust

Audited Special-Purpose
Financial Statements
Years Ended December 31, 2020 and 2019

The report accompanying these financial statements was issued by BDO USA, LLP, a Delaware limited liability partnership and the U.S. member of BDO International Limited, a UK company limited by guarantee.

ASARCO Asbestos Personal Injury Settlement Trust

Audited Special-Purpose Financial Statements
Years Ended December 31, 2020 and 2019

ASARCO Asbestos Personal Injury Settlement Trust

Contents

Independent Auditor's Report	1-3
Special-Purpose Financial Statements	
Special-Purpose Statements of Assets, Liabilities and Net Claimants' Equity	4
Special-Purpose Statements of Changes in Net Claimants' Equity	5
Special-Purpose Statements of Cash Flows	6
Notes to the Special-Purpose Financial Statements	7-15

Tel: 703-893-0600
Fax: 703-893-2766
www.bdo.com

8401 Greensboro Drive
Suite 800
McLean, VA 22102

Independent Auditor's Report

Trustees
ASARCO Asbestos Personal Injury Settlement Trust
New York, New York

Opinion

We have audited the special-purpose financial statements of ASARCO Asbestos Personal Injury Settlement Trust (the Trust), which comprise the special-purpose statements of net claimants' equity as of December 31, 2020 and 2019, and the related special-purpose statements of changes in net claimants' equity and the special-purpose statements of cash flows for the years then ended, and the related notes to the special-purpose financial statements.

In our opinion, the accompanying special-purpose financial statements present fairly, in all material respects, the net assets of the Trust as of December 31, 2020 and 2019, and the changes in net claimants' equity and its cash flows for the years then ended, in accordance with the basis of accounting described in Note 2 to the special-purpose financial statements.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Special-Purpose Financial Statements section of our report. We are required to be independent of the Trust and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter - Basis of Accounting

We draw attention to Note 2 of the special-purpose financial statements which describes the basis of accounting. As described in Note 2, the accompanying special-purpose financial statements were prepared by the Trust on a special-purpose basis of accounting which is the basis of accounting other than accounting principles generally accepted in the United States of America. As a result, the special-purpose financial statements may not be suitable for another purpose. Our opinion is not modified with respect to this matter. The special-purpose basis of accounting has been used to communicate the amount of net assets presently available to fund current and future claims.

Responsibilities of Management for the Special-Purpose Financial Statements

Management is responsible for the preparation and fair presentation of the special-purpose financial statements in accordance with the basis of accounting as described in Note 2 to the special-purpose financial statements. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair

BDO USA, LLP, a Delaware limited liability partnership, is the U.S. member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms.

BDO is the brand name for the BDO network and for each of the BDO Member Firms.

presentation of special-purpose financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the special-purpose financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern within one year after the date that the special-purpose financial statements are issued or available to be issued.

Auditor's Responsibilities for the Audit of the Special-Purpose Financial Statements

Our objectives are to obtain reasonable assurance about whether the special-purpose financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the special-purpose financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the special-purpose financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the special-purpose financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Trust's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the special-purpose financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matter - Restriction of Use

Our report is intended solely for the information and use of the management of the Trust and is not intended to be and should not be used by anyone other than the specified party. This restriction is not intended to limit the distribution of this report which, upon filing with the United States Bankruptcy Court for the Southern District of Texas, is a matter of public record.

BDO USA, LLP

McLean, Virginia
April 23, 2021

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/15

Special-Purpose Financial Statements

ASARCO Asbestos Personal Injury Settlement Trust

Special-Purpose Statements of Assets, Liabilities and Net Claimants' Equity

December 31,	**2020**	2019
Assets		
Cash and cash equivalents		
Citi	**$ 5,452,551**	$ 23,869,201
U.S. Trust	**6,978,157**	14,057,561
Morgan Stanley	**5,307,629**	-
Peapack-Gladstone	**200**	200
Total cash and cash equivalents	**17,738,537**	37,926,962
Investments		
Citi		
Investment securities	**437,268,520**	431,823,841
Alternative investments	**15,707,062**	14,948,691
Income receivable	**3,739,710**	3,717,213
U.S. Trust		
Investment securities	**394,145,936**	395,437,405
Alternative investments	**17,553,886**	17,770,226
Income receivable	**3,400,959**	3,509,535
Morgan Stanley		
Investment securities	**5,556,954**	-
Income receivable	**-**	-
Total investments	**877,373,027**	867,206,911
Other assets		
Prepaid federal income taxes	**-**	1,100,000
Other assets	**123,379**	123,611
Total other assets	**123,379**	1,223,611
Total assets	**895,234,943**	906,357,484
Liabilities		
Settled claims payable	**2,782,080**	3,340,798
Accounts payable	**277,634**	216,792
Federal income tax payable	**100,000**	-
Total liabilities	**3,159,714**	3,557,590
Net claimants' equity	**$ 892,075,229**	$ 902,799,894

See accompanying notes to the special-purpose financial statements.

ASARCO Asbestos Personal Injury Settlement Trust

Special-Purpose Statements of Changes in Net Claimants' Equity

Years Ended December 31,	**2020**	2019
Additions		
Investment income		
Interest and dividend, net	**$ 20,558,933**	$ 22,818,871
Realized gains on sale of investment securities	**12,082,087**	17,642,116
Net change in fair value of alternative investments	**873,422**	1,816,211
Unrealized gain on investment securities	**30,894,808**	55,286,303
Other income	**3,685**	300
Total additions	**64,412,935**	97,563,801
Deductions		
Claims settled	**64,417,916**	92,934,537
Investment advisory fees	**2,726,124**	2,759,557
General and administrative expenses		
Trustees	**678,311**	950,003
Claims processing fees	**1,141,634**	866,685
Claims consulting and forecasting fees	**167,726**	75,528
Insurance	**143,657**	150,982
Accounting	**270,325**	293,981
Future claims representative fees and expenses	**50,545**	130,144
Other	**30,829**	240,164
Professional services		
Trust general counsel	**374,554**	748,490
Trust insurance, special and local counsel	**753,536**	2,383,237
TAC attorney fees and expenses	**42,443**	77,569
Federal income tax	**4,340,000**	3,997,614
Total deductions	**75,137,600**	105,608,491
Decrease in net claimants' equity	**(10,724,665)**	(8,044,690)
Net claimants' equity at the beginning of the year	**902,799,894**	910,844,584
Net claimants' equity at the end of the year	**$ 892,075,229**	$ 902,799,894

See accompanying notes to the special-purpose financial statements.

ASARCO Asbestos Personal Injury Settlement Trust

Special-Purpose Statements of Cash Flows

Years Ended December 31,	**2020**	2019
Cash flows from operating activities:		
Net decrease in claimants' equity	**$(10,724,665)**	$ (8,044,690)
Adjustments to reconcile net decrease in net claimants' equity to net cash used in operating activities:		
Realized gain on sale of investment securities	**(12,082,087)**	(17,642,116)
Net change in fair value of alternative investments	**(873,422)**	(1,816,211)
Unrealized gain on investment securities, net	**(30,894,808)**	(55,286,303)
Amortization of bond premium	**8,478,773**	8,577,682
Changes in operating assets and liabilities:		
Prepaid federal income taxes	**1,100,000**	(100,000)
Other assets	**232**	7,120
Settled claims payable	**(558,718)**	(6,709,529)
Accounts payable	**60,842**	(180,836)
Federal income taxes payable	**100,000**	
Total adjustments	**(34,669,188)**	(73,150,193)
Net cash used in operating activities	**(45,393,853)**	(81,194,883)
Cash flows from investing activities:		
Change in accrued income receivable	**86,079**	830,162
Proceeds from sales of investments	**239,447,526**	297,579,989
Purchases of investments	**(214,328,177)**	(232,124,896)
Net cash provided by investing activities	**25,205,428**	66,285,255
Net decrease in cash and cash equivalents	**(20,188,425)**	(14,909,628)
Cash and cash equivalents at the beginning of the year	**37,926,962**	52,836,590
Cash and cash equivalents at the end of the year	**$ 17,738,537**	$ 37,926,962

See accompanying notes to the special-purpose financial statements.

1. Description of the Trust

The ASARCO Asbestos Personal Injury Settlement Trust (the Trust), organized pursuant to the laws of the State of Delaware, was established on December 9, 2009 and is a "qualified settlement fund" pursuant to the meaning of Section 1.468B-1 et seq. to the Treasury Regulations promulgated under Section 468B of the Internal Revenue Code. The Trust was formed to assume all Asbestos PI Trust Claims (whether now existing or arising at any time hereafter) and to use the Asbestos PI Trust assets to pay holders of claims in accordance with the Asbestos PI Trust Agreement. The Trust's funding is dedicated solely to the settlement of Asbestos Personal Trust Claims and the related costs thereto, as defined in the ASARCO Personal Injury Settlement Trust Agreement (Trust Agreement). The Trust's principal office is in Wilmington, Delaware and its administrative office is located in New York, New York. Defined terms have the meaning that is defined in the Trust Agreement.

2. Significant Accounting Policies

Basis of presentation

The Trust's financial statements are prepared using special-purpose accounting methods adopted by the Trustees, which differ from accounting principles generally accepted in the United States of America (GAAP). The special-purpose accounting methods were adopted in order to communicate to the beneficiaries of the Trust the net claimants' equity and related operating expenses of the Trust. Since the accompanying special-purpose financial statements and transactions are not based upon GAAP, accounting treatment by other parties for these same transactions may differ as to timing and amount. The special-purpose accounting methods include the following:

a. Investment securities are recorded at fair market value. All interest and dividend income, net of investment expenses, are included in investment income in the accompanying special-purpose statements of changes in net claimants' equity. Net realized and unrealized gains and (losses) on investment securities are recorded as a net addition or (deduction) in the special-purpose statements of changes in net claimants' equity.

b. Amortization and accretion of bond premiums or discounts is included in investment income.

c. Insurance recoveries are recorded when the related policies are settled and collectability is assured from the insurance carriers. These recoveries come from various insurance settlements, which were obtained by entities which assigned the rights to such policies to the Trust or were negotiated by the Trust.

d. Future fixed liabilities under contractual obligations and other agreements entered into by the Trust are recorded as deductions in the same period that such contractual obligations or agreements are signed. Under GAAP, liabilities and contractual obligations are recorded over the period that is benefited by the underlying contract or agreement.

e. The full amounts of claims are generally treated as deductions from net claimants' equity in the period in which the settled claims are approved for payment. A settled claim is a claim that has been accepted by the claimant, with an executed release submitted to the Trust, and approved by the Trustees. Under GAAP, a liability would be recorded for an estimate of the amount to be paid for claims that have been incurred but not yet reported, and for those claims that have been submitted but not yet approved for payment by the Trust.

f. Income tax expense is estimated and recorded as incurred in the period in which certain income and expense items affect current federal income taxes payable. Income tax refunds are recorded when cash is received by the Trust. Under GAAP, the provision for income taxes is recorded based upon income reported for financial statement purposes, and federal and state income taxes both currently payable and changes in deferred taxes due to differences between financial reporting and tax bases of assets and liabilities, such as unrealized gains and losses on investment securities.

Use of estimates

The preparation of special-purpose financial statements in conformity with the special-purpose accounting methods described above requires the Trust to make estimates and assumptions that affect the reported amounts of certain assets and liabilities and the disclosure of contingent assets and liabilities at the date of the special-purpose financial statements, as well as the reported amounts of additions and deductions to net claimants' equity during the reporting period. Actual results could differ from those estimates and such differences could have a material effect on net claimants' equity.

Cash equivalents and investment securities

The Trust considers all highly liquid investments with original maturities of three months or less to be cash equivalents.

Investment securities are stated at fair market value with changes in unrealized gains and losses recorded in the current period. Investment income is recognized when earned. Any unearned interest and dividend income are recorded as accrued interest and dividends receivable. Realized gains and losses on sales are determined using the specific identification method.

Accrued claims, accrued expenses and accounts payable

Accrued claims consist of certain claims that are settled but unpaid at December 31, 2020 and 2019. A settled claim is a claim that has been accepted by the claimant, with an executed release submitted to the Trust, and approved by the Trustees. An unpaid claim is a claim that has been approved for payment by the Trustees, but cannot be paid due to annual cap limitations or has been authorized by the Trustees and not paid. Unpaid claims that are a result of annual cap limitations are recorded when settled.

Accounts payable consist of outstanding invoices associated with managing the Trust.

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/21

Operating expenses

Operating expenses of the Trust are recorded as deductions on the special-purpose statements of changes in net claimants' equity in the period in which the invoices are received and approved.

Income taxes

The Trust is classified as a Qualified Settlement Fund under the Internal Revenue Code. As a result, the Trust is subject to federal income taxes based on modified gross income. In the opinion of Trust's management, the Trust is not subject to state income taxes, and therefore, special-purpose financial statements do not include any provision or liability for state income taxes.

The Trust files income tax returns in the United States of America (U.S.) federal jurisdiction. The Trust's federal income tax returns are generally subject to income tax examination by the Internal Revenue Service for a period of 3 years from the date the tax returns are filed. Since the Trust was formed during 2009, all tax returns filed after tax years 2016 through 2019 are still subject to examination.

The Trust records income tax expense (or benefit) associated with amounts payable (or receivable) under current federal income taxes and does not record a provision for (or benefit from) deferred taxes. Accordingly, there is no provision for deferred taxes associated with changes in cumulative unrealized gains and losses on investments (see Notes 3 and 5). The income taxes associated with gains on investments will be recorded in the Trust's special-purpose financial statements when the net gains are realized (i.e. the securities are sold) and the income taxes become currently payable.

Risk and uncertainties

The Trust's assets that are exposed to credit risk consist primarily of cash and cash equivalents and investment securities. Cash and cash equivalents are maintained at financial institutions and, at times, balances may exceed federally insured limits. The Trust has never experienced any losses related to these balances. There is no amount on deposit in excess of federally insured limits at December 31, 2020.

The Trust invests in a professionally managed investment portfolio that contains common shares of publicly traded companies, corporate and government obligations, commodities, and alternative investments. Such investments are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investments securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and such changes could materially affect the Trust's account balance and the amounts reported in the special-purpose statements of assets, liabilities and net claimants' equity.

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/22

3. Cash, Cash Equivalents and Investment Securities

Cash, cash equivalents, and investment securities consist of the following at December 31, 2020:

	Cost	Fair Market Value	Unrealized Gains
Cash and cash equivalents	$ 17,738,537	$ 17,738,537	$ -
Equities	141,411,785	235,038,349	93,626,564
Bonds	557,918,442	601,933,061	44,014,619
Total cash, cash equivalents and investment securities	$ 717,068,764	$ 854,709,947	$ 137,641,183

Cash, cash equivalents, and investment securities consist of the following at December 31, 2019:

	Cost	Fair Market Value	Unrealized Gains
Cash and cash equivalents	$ 37,926,962	$ 37,926,962	$ -
Equities	145,980,739	221,873,596	75,892,857
Bonds	574,534,132	605,387,650	30,853,518
Total cash, cash equivalents and investment securities	$ 758,441,833	$ 865,188,208	$ 106,746,375

The maturities of the Trust's investment in bonds are as follows as of December 31, 2020:

	Less than 1 Year	After 1 Year Through 5 Years	After 5 Year Through 10 Years	After 10 Years	Total
Bonds	$ 16,518,919	$ 160,328,151	$ 244,275,792	$ 180,810,199	$ 601,933,061

The maturities of the Trust's investment in bonds are as follows as of December 31, 2019:

	Less than 1 Year	After 1 Year Through 5 Years	After 5 Year Through 10 Years	After 10 Years	Total
Bonds	$ 18,430,864	$ 153,908,447	$ 237,907,242	$ 195,141,097	$ 605,387,650

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/23

4. Fair Value Measurements

The Trust's investments are recorded at fair value. Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability between market participants in an orderly transaction on the measurement date. The market in which the reporting entity would sell the asset or transfer the liability with the greatest volume and level of activity for the asset or liability is known as the principal market. When no principal market exists, the most advantageous market is used. This is the market in which the reporting entity would sell the asset or transfer the liability with the price that maximizes the amount that would be received or minimizes the amount that would be paid. Fair value is based on assumptions market participants would make in pricing the asset or liability. Generally, fair value is based on observable quoted market prices or derived from observable market data when such market prices or data are available. When such prices or inputs are not available, the Trust would use valuation models.

The Trust's assets recorded at fair value on a recurring basis are categorized based on the priority of the inputs used to measure fair value. The inputs used in measuring fair value are categorized into three levels, as follows:

- **Level 1 -** Inputs that are based upon quoted prices for identical instruments traded in active markets.

- **Level 2 -** Inputs that are based upon quoted prices for similar instruments in active markets, quoted prices for identical or similar investments in markets that are not active, or models based on valuation techniques for which all significant assumptions are observable in the investment.

- **Level 3 -** Inputs that are generally unobservable and typically reflect management's estimates of assumptions that market participants would use in pricing the asset or liability. The fair values are therefore determined using model-based techniques that include option pricing models, discounted cash flow models, and similar techniques.

The following section describes the valuation methodologies the Trust uses to measure its financial assets at fair value.

Equities: Valued at the closing price reported on the active market on which the individual securities are traded.

Bonds: Valued using the documented trade price if trading in an active market. Otherwise, valued using a metrics system provided by the pricing vendors.

Alternative investments: Valued using the Trust's proportionate share of each fund's net assets, as reported as of the date of the special-purpose financial statements.

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/24

Investments measured at fair value on a recurring basis are summarized below:

	As of December 31, 2020			
	Assets Measured At Fair	Fair Value Hierarchy Level		
Description	Value	Level 1	Level 2	Level 3
Cash and cash equivalents	$ 17,738,537	$ 17,738,537	$ -	$ -
Equities	235,038,349	235,038,349	-	-
Bonds:				
Government	23,185,204	23,185,204	-	-
Corporate	24,824,554	-	24,824,554	-
International	1,476,212	-	1,476,212	-
Municipal	552,447,091	-	552,447,091	-
Total bonds	601,933,061	23,185,204	578,747,857	-
Alternative investments	33,260,948	-	-	33,260,948
Total assets at fair value	$ 887,970,895	$ 275,962,090	$ 578,747,857	$ 33,260,948

	As of December 31, 2019			
	Assets Measured At Fair	Fair Value Hierarchy Level		
Description	Value	Level 1	Level 2	Level 3
Cash and cash equivalents	$ 37,926,962	$ 37,926,962	$ -	$ -
Equities	221,873,596	221,873,596	-	-
Bonds:				
Government	23,885,702	23,885,702	-	-
Corporate	31,146,473	-	31,146,473	-
International	5,905,255	-	5,905,255	-
Municipal	544,450,220	-	544,450,220	-
Total bonds	605,387,650	23,885,702	581,501,948	-
Alternative investments	32,718,917	-	-	32,718,917
Total assets at fair value	$ 897,907,125	$ 283,686,260	$ 581,501,948	$ 32,718,917

Level 3 gains and losses

The following table sets forth a summary of changes in the fair value of the Trust's alternative investments (Level 3 assets) for the years ended December 31, 2020 and 2019:

	Fair Value Measurements Using Significant Unobservable Inputs (Level 3)	
	2020	2019
Balance at the beginning of the year	**$ 32,718,917**	$ 20,115,500
Purchases	**1,125,000**	13,925,000
Liquidations / distributions	**(1,456,391)**	(3,137,794)
Net change in fair value	**873,422**	1,816,211
	$ 33,260,948	$ 32,718,917

Alternative investments generally employ long, short and multi-trading strategies in various markets. These funds have semi-annual and quarterly redemption periods with notice periods of between 45 to 99 days.

5. Income Taxes

For the years ended December 31, 2020 and 2019, the Trust's provision for federal income taxes is $4,340,000 and $3,997,614, respectively. During the years ended December 31, 2020 and 2019, the Trust made estimated tax payments totaling $3,140,000 and $3,600,000, respectively. An over payment of $1,228,071 from the 2019 tax filing will be applied to the 2020 tax liability.

As disclosed in Note 2 to the special-purpose financial statements, the Trust does not record a provision for (or benefit from) deferred taxes. Accordingly, there is no provision for deferred taxes associated with net operating loss carry forwards, net capital loss carryforwards, or cumulative unrealized gains and losses on investments.

6. Claims Settled

For the year ended December 31, 2020, the Trust settled 14,218 claims totaling $64,417,916 including 415 claims totaling $2,782,080 that were settled but not paid as of December 31, 2020. The Trust paid 14,340 claims totaling $64,976,634 during the year ended December 31, 2020. For the year ended December 31, 2019, the Trust settled 41,573 claims, totaling $92,934,537 including 537 claims totaling $3,340,798 that were settled but not paid as of December 31, 2019. The Trust paid 38,686 claims totaling $99,644,065 during the year ended December 31, 2019.

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/26

7. Contingent Liabilities

The Plan Documents (as defined in the Confirmed Plan) subject the Trust to certain reimbursement and indemnification obligations that may result in future claims against the Trust. The probability of such claims cannot be reasonably determined. Accordingly, no associated liability has been recorded in the accompanying special-purpose financial statements. Such claims, if any, are not expected to be material.

8. Liability for Asbestos Claims

Personal injury claims that were settled, but unpaid as of December 31, 2020 and 2019, have been accrued and included in claims payable. These amounts have been included in deductions from net claimants' equity in the accompanying special-purpose statements of changes in net claimants' equity for the payment of claims for the years ended December 31, 2020 and 2019.

The Trust considers settled claims as claims that were approved through the claims review process for which the claimant has returned a signed release to the Trust.

The ultimate number of Asbestos PI Trust Claims to be filed and the liability for all such claims are not determinable at this time. The net claimants' equity at December 31, 2020 and 2019 represents funding available for all Asbestos PI Trust Claims for which no fixed liability has yet been established.

9. COVID and CARES Act

On January 30, 2020, the World Health Organization (WHO) announced a global health emergency because of a new strain of coronavirus originating in Wuhan, China (the COVID-19 outbreak) and the risks to the international community as the virus spreads globally beyond its point of origin. In March 2020, the WHO classified the COVID-19 outbreak as a pandemic, based on the rapid increase in exposure globally.

The Trust faces various risks related to the global outbreak of COVID-19, and the full impact of the COVID-19 pandemic continues to evolve as of the date of this report. The COVID-19 pandemic has adversely affected global economic activity and greatly contributed to significant volatility in financial markets through the date of issuance of these special-purpose financial statements. The Trustees, Trust advisors, and management of the Trust are actively monitoring the impact of this global situation on the Trust's financial condition and operations. Given the daily evolution of the COVID-19 pandemic and the global responses to curb its spread, the Trust is not able to estimate the long-term effects of the COVID-19 pandemic on its financial condition and operations.

In addition, on March 27, 2020, the President of the United States signed into law the "Coronavirus Aid, Relief and Economic Security (CARES) Act". The CARES Act, among other things, includes provisions for an elective five-year carryback of net operating losses (NOLs) generated in taxable years beginning after December 31, 2017 and before January 1, 2021. Taxpayers may elect to relinquish the entire five-year carryback period with respect to a particular year's NOL, with the election being irrevocable once made. In addition, the 80% limitation on NOL deductions arising in taxable years beginning after December 31, 2017 has temporarily been pushed to taxable years beginning after December 31, 2020. The CARES Act also appropriated funds for the SBA Paycheck Protection Program loans that are forgivable in certain situations to promote continued employment, as well as Economic Injury Disaster Loans to provide liquidity to small businesses harmed by COVID-19.

Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/27

The Trustees, Trust advisors, and management of the Trust continue to examine the impact that the CARES Act may have on the Trust's long-term financial condition and operations.

10. Subsequent Events

The Trust has evaluated its December 31, 2020 special-purpose financial statements for subsequent events through April 23, 2021, the date the special-purpose financial statements were available to be issued. The Trust is not aware of any subsequent events which would require recognition or disclosure in the special-purpose financial statements.

ASARCO Asbestos Trust Annual Reports, 2020 annual report
ACL Doc 14225 · Page 28 of 28
Published by AsbestosClaims.Law
asbestosclaims.law/library/14225/28