

Report on Asbestos Containing Talc Baby Powder Research in Nepal



Prepared
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Report on J and J Baby Powder Research

1. Introduction:

Nepal did not have Baby Powder producing company as such. Most of the baby powder used in Nepal has been found to be imported from abroad mostly from India. The Department of Custom Office record and market monitoring data also showed that the baby powder has been also imported from Saudi Arabia, Korea republic, China , Pakistan and Indonesia etc. There is no exclusive data of baby powder of a particular brand like J & J but the talc based crushed powder imported and even sometime exported from Nepal. Following table summarises the import record of talc based baby powder imported to Nepal and sometime even exported from Nepal.

2. **Report** on efforts to remove J&J cosmetic talc products from sale including activities conducted to achieve the objective results. This includes letters to J&J or other cosmetic talc sellers to request removal of their products. Public awareness-raising on the talc double standard issue, including through possible press outreach. Identify national companies making corn-starch or rice flour alternative products. Identify and perform outreach to possible public interest, labour, and health professional allies.

Following dedicated advocacy and campaign has been made towards efforts to remove J & J cosmetic talc products from sale including activities towards removal from Market.

- a) Written letters to Government of Nepal, Ministry of Health and Population (MOHP), Department of Drug Administration (DDA); Ministry of Forest and Environment (MOFE), Department of Environment; Department of Custom; Department of Commerce, Supply and Consumer Protection; Ministry of Commerce, Supply and Industry.
- b) Director General of Department of Commerce, Supply and Consumer Protection ask his relevant monitoring section to take initiatives to test and report back on the same.
- c) Secretary of Ministry of Commerce, Supply and Industry directs his concerned department of Nepal Bureau of Standards and Metrology (NBMS) to take appropriate action on the same.
- d) Director General of Department of Drug Administration acknowledge the issues of J & J baby powder as a critical issues and shown his commitment to definitely advocate for banning of such J & J products. He has recently transferred to other department.
- e) Written to Johnson and Johnson private Limited company based in India and Indonesia and I have found their products in Nepal asking them withdrawal of their talc products from Nepalese market on **23rd November 2020 (Annex 1)**.
- f) Written to Himalaya Drug Company based in India asking them withdrawal of their talc products from Nepalese market and declare about their basic ingredient whether their products is talc based or some other alternate based.
- g) On December 1st, 2020, we had very good discussion meeting with the senior Officials from J & J Pvt. Ltd., company. The Meeting minute can be found in **Annex 2**.
- h) Written to J & J follow up letter with the set of further questions to be answered on **8th December 2020 (Annex 3)**.
- i) Received response from J & J , We are glad to know that our detailed discussions over the call on 1st December 2020 was very helpful in addressing your queries and concerns related to the safety of our Baby Powder. Now that you have additional queries on the matter, we encourage you to visit www.factsabouttalc.com. That should help answer all your queries

including all information about the lawsuits and the safety of Johnson's Baby Powder. Thank you. Warm Regards, Rakesh Sahni, Director – Govt. Affairs, Johnson & Johnson Pvt. Ltd., M 9322121484. No such response has been received from the Himalayan Drug Company and J & J Indonesia

- j) Shared all the communications and solicit the suggestion for the further steps within IPEN regional Hub and Senior Scientist Dr. Joe.
- k) Organize the Interaction program on “**Asbestos and Baby Powder**” in Nepal on 24th December 2020 to inform and share the result of Talc Double Standard related campaign in Nepal and solicited the government response to address this issues (Report **Annex 4**).
- l) Six baby powder has been collected from different market, medical shop, departmental stores and send for the testing. Awaiting results. In case of positive results, it will definitely change the scenario and government agencies will definitely take the action against the baby powder and possibly ban the meeting.

Project Outcomes:

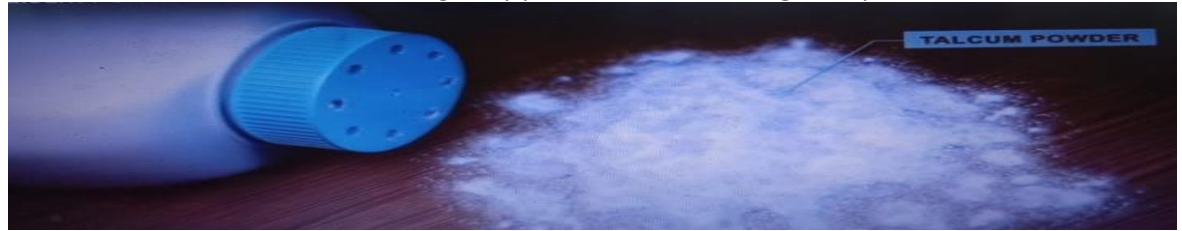
3. Describe the outcomes of activities conducted:

Following outcomes has been active through the activities conducted.

- (a) Issue of Asbestos and Double Standards well conveyed to the baby powder producing companies e.g. J & J based in India and Indonesia, Himalayan Drug Companies.
- (b) Positive response has been received from J & J India based company and have very friendly discussion as well as response to the quarries and even follow up questions.
- (c) Issues of Asbestos contamination in baby powder and Double Standard has been well communicated to all the concerned government agencies (Industry, Health, consumer protection, drug administration and standardizing) in Nepal
- (d) The concerned government agencies have taken positive steps of collecting the baby powder samples and sent for the testing and promised to take ban decision up on finding the asbestos contamination in the baby powders.
- (e) CEPHED also collected some six Baby Powder Samples (5 Johnson and Johnson) and 1 Himalayan Private Limited products from different Nepalese markets including supermarket, medical shops etc. and send to USA with the help of IPEN SA Regional Hub Toxics Link to test for the Asbestos content in them. Results is awaited. Additionally, Government agency, DOCSCP has also sampled some powder sample and sent for testing for the asbestos in Government lab at Department of Custom. were tested for samples using Polarizing Light Microscope (PLM), Transmission Electron Microscopy (TEM), electron diffraction and X-ray analysis at **the Scientific Analytical Institute, North Caroline, USA** As per the result communicated to us from lab through regional hub were found to be **NOT DETECTABLE (ND)**. **Pls see Annex 5 for detail result.** Larger study and consumer survey might be needed to rule out the absence of asbestos in baby powder.



- (f) Public Awareness through social media and news articles has been raised. A detail news articles entitled "Cancer causing baby powder still circulating in Nepali market."



Cancer-causing baby powders continue circulating in the Nepali market

By Binu Shrestha
Kathmandu, Jan. 23

Baby powders, one of the most widely used cosmetics, are alleged to contain cancer-causing asbestos.

Several investigations and scientific researches provide evidence after evidence that exposure to asbestos-tainted talcum powder may cause malignant mesothelioma, a rare and deadly cancer that affects tissues lining internal organs.

Following this, the talc-based baby powder manufactured by Johnson and Johnson (J&J), an America-based multinational pharmaceutical company, has been banned in the US, Canada and recently in Congo, and has been withdrawn from the market.

The company has now shifted to corn or rice or other alternatives like starch-based baby powder in the US and Canada. However, it has been recklessly producing, exporting and selling the same lethal talcum powder in several other countries.

This sort of double standard practice from such so-called multinational companies should not be acceptable at the cost of public health, said Ram Charitra Sah, Executive Director of Center for Public Health and Environmental Development (CEPHED). However, Nepal government has banned the import, sale, distribution and use of all forms of asbestos and asbestos containing products since June 20, 2015.

Despite the ban on all forms of asbestos containing products, the baby powder continues penetrating the local markets. "The Ministry of Forest and Environment and Department of Customs appear to be serious about the issue but haven't been vigilant enough to stop such

products from being imported to the country," stressed Sah.

He further informed that on May 19, 2020, J&J announced its decision to discontinue sale of its talc baby powder in the US and Canada after thousands of women who used the product developed ovarian cancer and filed lawsuits against the company.

Moreover, on November 13, 2020, the Ministry of Commerce, Congo had decided to suspend the importation and marketing of the powder in the country.

"Surprisingly, J&J and other companies intend to continue sales of talc baby powder in many South Asian countries including in Nepal, which cannot be acceptable at the expense of our public health," he added.

The regular use of baby powder containing asbestos by women of colour so as to make themselves white, among other uses, has been found to cause ovary cancer in addition to cancer in their private parts, said Dr. Aruna Upreti, senior public health expert.

History shows us that many women have developed ovarian cancer using the baby powder. Illustrating the cause of untimely death of Michel Jackson, she said it was because of the heavy burden of chemical drugs.

Pediatricians should not recommend using talc powder on private parts as well as on the other areas of the body. "Massive awareness by all, especially concerned government agencies in addition to the researchers and public health advocates, and most importantly the medical personnel should play crucial role in stopping people from applying baby powder on their children," said Dr. Upreti.

Indu Bikram Joshi, Deputy Director

General of Department of Environment, said that integrated laws and regulation was concerned with the other heavy metals issues such as lead, mercury, asbestos, etc.

The Department of Customs doesn't have authority to ban the baby powder; it is under the jurisdictions of the Department of Drug Administration, Department of Environment and Department of Commerce, Supply and Consumer Product, said Sishir Ghimire, Chief of evaluation section of the department.

Baby powder has not yet been registered with the Department of Drug Administration (DDA) as of now and so was out of regulation. It might be regulated in the future. DDA will regulate baby products once it's authorised to do so, said Dr. Akritee Pokhrel, section officer at DDA.

Sagar Mishra, chief of market monitoring division of Department of Commerce, Supply and Consumer Protection, informed that the department had already collected the J&J-made baby powder made in USA, Canada and India, along with Himalayan baby powder and sent them to test the presence of asbestos to the custom department-owned lab.

Based on the finding of the test, the department would ban the baby powder if found contaminated with asbestos. It will take around a month for the results to come out of the lab. The testing results will be made available to the public, incorporating into the public awareness package, he added.

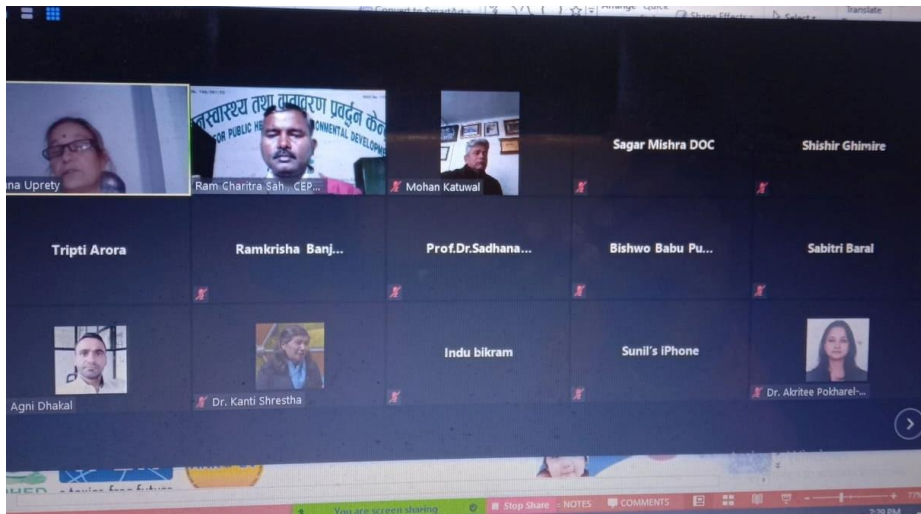
Executive director of CEPHED Sah further said that the department had also sent six samples of the J&J-made powder and Himalayan powder for lab tests in the USA. It will also take a month for the results to arrive.

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- 4. Communication with National or Local Authorities:** Did you communicate, coordinate or share the results of your activity with your government agencies, or any other national or local authority related to talc based baby powder? If so, please describe how this happened. If not - explain why.

Yes, CEPHED has communicate, coordinate or share the results of your activity with your government agencies, or any other national or local authority related to talc based baby powder through organising an interaction program on the Asbestos and Baby Powder on 24th December well participated by some 19 participants most importantly senior level officials from all relevant concerned officials from the Government of Nepal viz: Department of Custom (DoC), Department of Commerce, Supply, Consumer Protection (DOCSCP), Department of Environment (DoEnvt.), Department of Drug Administration (DDA) and Department of Nepal Bureau of Standard and Metrology (NBSM), Federation Nepalese Chamber of Small & Cottage Industry Nepal Academy of Science and Technology (NAST), Medical Doctors, OSH Professional, NGO and Civil Society, academicians etc. The concerned government authorities has full realization of the issues and associated public health impacts and agreed , in fact have already sampled the baby powder from market and send for the asbestos testing. During the interaction program, they have promised to take action based on the testing results and will definitely banned in Nepal if they found any positive result of asbestos contamination in the tested samples. The details of Interaction program can be found in **Annex 4.**

Interaction Program on Asbestos and Baby Powders in Nepal, December 24, 2020



5. **Resources talc double standards:**

Please list websites, databases, reports, academic researchers, laboratories, etc. that are available and useful for researching these issues.

- Industrial Minerals Association. "What is Talc." http://www.ima-na.org/?page=what_is_talc
- EARTH magazine. Mineral Resource of the Month. <http://www.earthmagazine.org/article/mineral-resource-month-talc>
- Geology.com. Talc: The Softest Mineral. <http://geology.com/minerals/talc.shtml>
- Gertig, Prospective Study of Talc Use and Ovarian Cancer, Journal of the National Cancer Institute, Nurses Health Study. <http://jnci.oxfordjournals.org/content/92/3/249.full>
- Gates, Risk Factors for Epithelial Ovarian Cancer by Histologic Subtype, American Journal of Epidemiology. <http://aje.oxfordjournals.org/content/171/1/45.full>
- Houghton, Perineal Powder Use and Risk of Ovarian Cancer, Journal of the National Cancer Institute, Women's Health Initiative. <http://jnci.oxfordjournals.org/content/106/9/dju208.full>
- Gonzalez, Douching, Talc Use and Risk of Ovarian Cancer, Epidemiology. <https://www.ncbi.nlm.nih.gov/pubmed/27327020>
- Cancer.org. Talcum Powder and Cancer. <http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/talcum-powder-and-cancer>



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24	Dr. Buddha Ram Shah	Sr, Scientist, NAST	9841516684	buddharshah25@gmail.com
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31	MRs Suman Gurung	GEFONT, Beautician Section, Chief	9846040616	
32	Mr. Indu Bikram Joshi	DDG, Dept. of Envnt.	9841221055	indubjoshi@gmail.com
33	Media Houses / Journalist	Public Health Journalists		

Import of Talc Powder and associated products in Nepal

Table 4: Imports by Commodities and Partner Countries :						
HS Code	Description	Partner Countries	Unit	Quantity	Imports Value in 1000	Imports Revenue in 1000
	First Three Months of FY Mid July 2020 to Mid-November 2020					
25261000	Natural steatite, talc, not crushed or powdered.	India	Kg	102300	1732	398
25262000	Natural steatite, talc, crushed or powdered.	India	Kg	2138670	41193	9287
25262000	Natural steatite, talc, crushed or powdered.	Pakistan	Kg	500	16	4
25262000	Natural steatite, talc, crushed or powdered.	Saudi Arabia	Kg	1	1	0
	Mid July 2019 to Mid July 2020					
25261000	Natural steatite, talc, not crushed or powdered.	India	Kg	218315	4219	1025
25262000	Natural steatite, talc, crushed or powdered.	India	Kg	4177436	77501	17958
	Mid July 2018 to Mid July 2019					
25261000	Natural steatite, talc, not crushed or powdered.		KG	296895 378000	4758.04 2630.88	1157.03
25262000	Natural steatite, talc, crushed or powdered.		KG	6337182.5 190000	117567.07 1717.6	27158.13
	Mid July 2017 to Mid July 2018					
25261000	Natural steatite, talc, not crushed or powdered.	India	KG	284,980	4,782	1078
25262000	25262000 Natural steatite, talc, crushed or powdered.	India	KG	4,930,117	96,434	21911
	Mid July 2016 to Mid July 2017					
25261000	Natural steatite, talc, not crushed or powdered	China	KG	2,000	63	
25261000	Natural steatite, talc, not crushed or powdered	India	KG	122,283	1649	
25262000	25262000 Natural steatite, talc, crushed or powdered	India	KG	3,098,616	55,309	
25262000	25262000 Natural steatite, talc, crushed or powdered	Not specified	KG	3000	85	
25262000	25262000 Natural steatite, talc, crushed or powdered	Pakistan	KG	2000	78	
	Mid July 2015 to Mid July 2016					
25261000	Natural steatite, talc, not crushed or powdered	India	KG	177,462 79000	2,178 593	530
25261000	Natural steatite, talc, crushed or powdered	India	KG	3,336,388 120000	54,760 1056	13131
25262000	25262000 Natural steatite, talc, crushed or powdered	Korea Republic	KG	5,000	125	
https://customs.gov.np/storage/files/1/FTS/Final%20Draft Foreign%20Trade%20Stat%202072-73_pdf_2017-09-18-08-34-30-compressed.pdf						
NOTE: Red Font figure is Export from Nepal						

Annex 1. Letter to Jonson and Jonson Pvt. Ltd. (India and Indonesia)



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Center for Public Health and Environmental Development
Bridging people with science and technology for healthy living and environmental development

Govt. Reg. 189/061/62
SWC Reg. 17256

Ref. No. 42/2077-78

To

The Manager- Consumer Care
Johnson and Johnson Private Limited, Mumbai, India and
Johnson and Johnson Private Limited, Jakarta, Indonesia
Email: care@jnjindia.com & konsumen@jnj.com

From:

Mr. Ram Charitra Sah
Executive Director and Environment Scientist
CEPHED, Kathmandu, Nepal
Tel/Fax: +977-1-5201786
Mob: +977-9803047621
Email: info@cephed.org.np, & ramcharitra@gmail.com

Date: 23rd November 2020

Re: Withdrawing Johnson & Johnson Talc Products from Sale from Nepalese Market

Dear Sir and Madam,

It gives us immense pleasure to introduce our **Center for Public Health and Environmental Development (CEPHED)** is a non-governmental, non-secretariat and non-profit making organization based in Kathmandu, Nepal. CEPHED was founded in October 2004 with goal of improved environment management and public health and focus to serve the Nepalese community in the field of public health, chemical safety and environmental development. We have been engaged with research, publication, awareness raising, policy advocacy and feedback to the government and development agencies in Nepal. CEPHED work on public health and environment protection has been nationally and internationally recognized and won several national and international awards including GON Environment Conservation Award 2012 & 2016 as well as UN POPs Secretariat PEN Award 2011 etc.

With reference to the above mentioned subject, On 19 May 2020, Johnson and Johnson (J&J) announced that it will discontinue sale of its talc baby powder in the US and Canada, after thousands of women who used the product developed ovarian cancer and filed lawsuits against the company.

Surprisingly, J&J intends to continue sales of talc baby powder in in many South Asian countries including Nepal. However, since this product is being discontinued for safety reasons in the US and Canada, we think J&J talc products should be removed from sale in Nepal to protect the public. This precautionary action should be a first step toward removing all talc powder cosmetic products from the market.



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As of March 2020, J&J has 19,400 pending lawsuit claims related to talc powder. In June 2020, a US appeals court upheld a jury verdict that J&J's talc caused ovarian cancer in 22 women and set damages at US\$2.12 billion. The court concluded that J&J "worked tirelessly" to ensure that testing protocols would not detect asbestos in all talc samples and published articles downplaying the safety hazards of talc." In October 2020, J&J agreed to pay more than US\$100 million to settle over 1000 lawsuits in the US.

Asbestos can be found close to talc deposits underground and contaminate it when talc is mined. The World Health Organization's International Agency for Research on Cancer classifies talc that contains asbestos as "carcinogenic to humans." J&J has now replaced talc with cornstarch in its US products, but continues to use talc in other countries. Other major companies such as Chanel, Revlon and L'Oreal, "are quietly moving away from using talc in some products as U.S. cancer lawsuits and consumer concerns mount... Germany's Beiersdorf said it switched to corn starch in its Nivea baby powder in 2018."

J&J has faced a large number of lawsuits that accuse the company of hiding cancer risks in its talc products and, "Juries across the U.S. have hit the company with billions of dollars in actual and punishment damages over their handling of the product." Internal company documents show that J&J knew about asbestos contamination in its talc powder for decades, but continued to sell the product around the world. J&J also developed a strategy to undermine scientific evidence showing talc miners had elevated rates of lung disease and cancer. In June 2020, a US appeals court included this statement in their conclusions:

J&J discussed the presence of asbestos in their talc in internal memoranda for several decades; avoided adopting more accurate measures for detecting asbestos and influenced the industry to do the same; attempted to discredit those scientists publishing studies unfavorable to their Products; and did not eliminate talc from the Products and use cornstarch instead because it would be more costly to do so, the jury found Defendants knew of the asbestos danger in their Products when they were sold to the public. This finding supports that Defendants' exposure of consumers to asbestos over several decades was done with reckless disregard of the health and safety of others."

J&J has also been the target of a US federal criminal investigation about the safety of its talc products including, "... an investigation by 41 states into its baby powder sales, which it disclosed in April, and an investigation into health risks of asbestos in talc-containing consumer products by a Congressional subcommittee."



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A product which is not safe in the US and Canada does not suddenly become safe in NEPAL We think that it is irresponsible for J&J to continue sale of talc baby powder in NEPAL while stopping its sale in the US and Canada for health and safety reasons. Therefore, it is very important for NEPAL as well as **J & J Company based in India and Indonesia to take the precautionary action to promptly remove J&J products from sale from Nepalese market and strongly demand for the same** as we have found J & J talc based baby powder manufactured and /or marketed by J & J Private Limited based in India and Indonesia into the Nepalese market.

We are also trying to test some of your products available in Nepalese market. We would be pleased to partner with relevant government agencies and other stakeholder to raise awareness about this issue and assist in removal of these products from the market. More information about why all talc cosmetic products should be removed from the market is presented in Annex 1.

Thank you for consideration of our views.

Cordially,

Ram Charitra

Ram Charitra Sah
Executive Director and Environment Scientist
CEPHED, Kathmandu, Nepal

Annex 1. Why all talc cosmetic products should be removed from sale

All talc cosmetic products should be removed from sale for these reasons:

- Asbestos can be found close to talc deposits underground and **contaminate** it when talc is mined.
 - The World Health Organization's International Agency for Research on Cancer **classifies** talc that contains asbestos as "*carcinogenic to humans.*"
 - Cosmetic talc use can cause **mesothelioma**.
 - There is no safe **level** of asbestos exposure.
 - Asbestos was **linked** to ovarian cancer in 1958.
 - Talc can **harm** infants if inhaled.
 - Products based on corn starch or rice flour are technically feasible, available alternatives to talc products.
 - Other manufacturers of talc powder have **replaced** talc with corn starch.
-

Annex 2. Meeting Minute with J & J , December 1st, 2020

Background: Up on the call of addressing the suspected asbestos contamination with J & J Baby powders in Nepal based on the response from J & J India to our advocacy letter from CEPHED dated 24th November 2020 (attached herewith) in order to withdraw the J & J baby products from Nepalese Market. A meeting was held between IPEN South Asia Regional Hub, Toxics Links, CEPHED Nepal and J & J Officials.

Following six people attended the meeting. It started through Zoom Online meeting on 1st December 2020

From IPEN and PO side.

1. Mr. Piyush Mahapatra , Toxics Link
2. Ms. Tripti Arora, Toxics Link
3. Mr. Ram Charitra Sah, CEPHED

From Government of Nepal

Mr. Manoj Nidhi Wagle, Senior chemist, International Revenue Department (a part of Department of Custom) of Nepal

From J n J Pvt. Ltd. India

Dr. Rakesh Sahni, Director, Government Affairs
Dr. Sonal Shidhore , Director,

Meeting started with greeting each other and introduction in very friendly manner.

Mr. Ram Charitra Sah introduced himself and highlighted the following issues as the opening of the meeting.

First of all he started thanking J & J Officials for responding to our concerns and grievances related to possible contamination in J & J baby products.

He raised the following issues.

- a). What is the production of J & J of talc based baby powder?
- b). what percentage of sales are in Nepalese market?
- c). what is the percentage of sale in the South Asian market?
- d). Any previous similar grievances raised on the asbestos contamination or not?
- e). Any testing conducted in the past and shared with the public?

f). J & J baby products have been banned in the USA and CANADA market? Why is it continued in the rest of the world including in Nepal?

g). So it is the issue of DOUBLE STANDARD, therefore asking J & J to do at least the same as you did in the US and Canada?

Dr. Rakesh and Dr. Sonal together addressed the concern raised by Ram C Sah by thanking the opportunity to meet with you and raise your concerns.

Main response from the reason for the discontinuation of J & J baby powder in the USA and CANADA was purely the commercial decision driven by the increased users in the US Market of starch based baby powder rather than due to any complaint, contamination or legal cases. So they purely denied the possibility of asbestos contamination of their products. They also reiterated about their robust testing protocol and procedure of having in-house testing with Advance XRD and periodical testing outside even by concerned government agencies (CDSCO), FDA and also highlighted the question raised and responded about the J & J powder in the Indian Parliament by the Cabinet Health Minister, Government of India.

Overall they claimed that their powder has never encountered any asbestos related contamination and any complaint in India and other neighboring countries except not sure about the situation in Bangladesh.

They have highlighted having robust testing and quality control mechanisms and claim their products of same quality all over the world and all producing as well as contractual production parties have adopted similar stringent quality control and safety control.

Mr. Piyush has shared the Indian perspective and referred to some Indian policies on talc as well as Cosmetic laws and all we are here to talk and discuss about the talc possible contamination in baby products needed to be improved. He made clear that the baby powder is not free of suspicion and hence it is our major concern. Also made clear about the campaign purely for a health safety view rather banning talc industry or talc mining.

Mr. Ram Charitra Sah responding again of the official from J & J claim of their product is safe, Mr. Sah highlighted the evidence that exists all over the world, especially in the US and UK and even lawsuits and compensation by the J & J has been paid. So based on these the baby powder is not free of suspicions but good to know the protocol and mechanism adopted by the J & J.

Mr. Manoj Nidhi Wagle, Sr. Chemist, Government of Nepal also raised the issues of possible contamination of asbestos in talc powder and it cannot be denied. He also suggested the PLM as the best method of testing asbestos in bulk material but a verified method of testing asbestos in powder form needs to be developed and/or explored.

Ms Tripti Arora raised the issues of chemicals safety at regional perspective and we are working on these issues, will again share our findings and call for a larger meeting where we expect J & J Officials including yourself Dr. Rakesh and Dr, Sonam will join and contribute.

The meeting ended with the pleasant moment with appreciating NGO, Government and Industry work for the safer future and non-contaminated products good for the public health and environment all we agreed to work together for asbestos free baby powder.

Finally J & J Officials thanked Toxics Link, CEPHED and all participating officials for organizing this meeting and showed the commitment to receive any further question and communications and any related issues.

Annex 3. Follow up Letter to Jonson and Jonson Pvt. Ltd. (India)



जनस्वास्थ्य तथा वातावरण प्रवर्द्धन केन्द्र
Center for Public Health and Environmental Development
Bridging people with science and technology for healthy living and environmental development

Govt. Reg. 189/061/62
SWC Reg. 17256

Ref. No. 50/2077-78

To

The Manager- Consumer Care
Johnson and Johnson Private Limited, Mumbai, India and
Email: care@jnjindia.com

From:

Mr. Ram Charitra Sah
Executive Director and Environment Scientist
CEPHED, Kathmandu, Nepal
Tel/Fax: +977-1-5201786
Mob: +977-9803047621
Email: info@cephed.org.np, & ramcharitra@gmail.com

Date: 9th December 2020

Re: Follow up Inquiries with J & J related to Talc Products withdrawal from Nepalese Market

Dear Sir and Madam,

First of all thank you, J & J Customer care wing, for responding to our written concerns related to potential asbestos contamination in baby powder products dated 23 November 2020 through arranging a very friendly open minded meeting and discussions with us on 1st December, 2020.

From that meeting, we were generally much clear with your process and practices of testing your products towards maintaining quality from all your production units around the world including in India. We also came to know your very clear justification purely consumer demand driven decision behind discontinuing your talc based products from USA and Canada market and never ever had asbestos contamination issues as per your explanations during the meeting.

However, we have some specific further follow up inquiries (listed below) which we need to know to adhere our individual, community and Nepalese population trust over your products and hence request for answers from you either through answering these queries in writing and/or meeting second round for discussion on the same at your earliest convenience within this month of December 2020.

1. Has J&J ever found asbestos in its talc products in any country?
2. Is it possible for cornstarch powder products to contain asbestos?
3. How many lawsuits against J&J concerning talc are pending in the US?
4. Given the rising consumer concern about asbestos contamination of talc products, does J&J have any plan to eventually discontinue marketing talc in cosmetics or baby powder in Nepal and other countries?



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5. Do you think consumers in Nepal and in other countries where your talc products are exported deserve to have a peace of mind that the products they are buying and using are totally free of any risk of asbestos exposure? Is it not true that the only way to eliminate such risk is to replace talc with a suitable alternative?

Since "family's health and well-being is (y)our passion," as per your website, when do you intend to make a switch to non-talc ingredient that poses no threat of asbestos contamination? In case of Nepal during our sampling, some shopkeepers were found reluctant to sell J & J products especially the baby powder.

6. Are there countries outside the US and Canada where J&J baby powder with talc is being discontinued?
7. Are any other major companies moving away from talc in cosmetic products? In Nepal? Or In other countries?
8. What J&J powder products on the market in Nepal contain corn starch instead of talc?
9. How often does J&J check its talc products in Nepal or in other countries for the presence of asbestos? What methodology does J&J employ in determining the presence of asbestos in such products?
10. Does J&J recommend concentrating samples before examination under an electron microscope for the presence of asbestos?
11. What talc mines provide the talc used in J&J's baby powder used in South Asia including Nepal?
12. Is the solution to asbestos contamination in talc, use of clean mines to obtain talc?

Thank you in advance and look forward to your reply to these questions soon.

Cordially,

Ram Charitra

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Annex 4: Interaction Program on Asbestos and Baby Powder in Nepal, December 24, 2020

Interaction Program on Asbestos and Baby Powders in Nepal, December 24, 2020



WEBINAR ON ASBESTOS CONTAMINATION IN BABY POWDER BEING IMPORTED, SALE, DISTRIBUTED AND USED IN NEPAL

24 December 2020 Thursday, Time 2:30 to 4 PM

Background: Very popular cosmetics like Baby Powder has been suspected to be contained cancer causing asbestos globally and so does in Nepal too. Based on the several scientific reason and evidences of its impact on public health including ovarian cancer and mesothelioma, the Baby Powders especially Talc based Johnson and Johnson Baby Powder has been banned to be sold in US, CANADA and recently from CONGO and withdrawn from the market. The same company has shifted to the corn or rice other alternative starch based baby powder in US and CANADA but recklessly being produced, exported and sold in many other countries. So it is a matter of DOUBLE Standards at the cost of our public health including baby health.

Government of Nepal has banned the import, sale, distribution and uses of all form of asbestos and asbestos containing products in Nepal since 20th June 2015 after 181 days from the date of Gazette notification on 22 December 2014.

Objective: Initiate dialogue and discussion for envision any possible control measures and regulating these suspected products baby powders.

Welcome and Issue Highlight: Ram Charitra Sah

10 Min: “Issues of Contaminated Baby Powder and alternative in Nepalese market” by Mr. Ram Charitra Sah, Executive Director/Environment Scientist, CEPHED, Nepal

10 Min: “Health impact of Asbestos contaminated Baby Powder in Nepal” by Dr. Aruna Upreti

First of all Mr. Ram Charitra Sah started the program with welcoming all the invitees and guests and highlight the objective the programs of initiating dialogue with the concerned government agencies to deal with the issues of telecom baby powder. In his welcome speech he highlighted the importance of government of Nepal progressive decision of banning the import, sale, distribution and uses of all form of asbestos. However the baby powder has not been banned yet in Nepal. He also highlighted the effective implementation over the years but still some asbestos has been imported. This is double violation of the Government ban decision as well as Nepal being the party of the Rotterdam Convention the importing party should take the prior informed consent. But while importing the Crocidolite Asbestos but neither Ministry of Forest and Environment (MOFE) , Department of Environment (DoEnvnt) nor Department of Custom seems to be serious about this.

Mr. Sah then introduced the issues of DOUBLE STANDARD as large quantity of Talc based powdered has been imported and used in Nepal. On 19 May 2020, Johnson and Johnson (J&J) [announced](#) that it will discontinue sale of its talc baby powder in the US and Canada, after thousands of women who used the product developed ovarian cancer and filed [lawsuits](#) against the company. On 13 November 2020, Ministry of Commerce, Congo had decided to suspend the importation and marketing of this powder in country. Several other companies producing talc based powder Chanel, Revlon and L’Oreal, “*are quietly moving away from using talc. Germany’s Beiersdorf said it switched to corn starch in its Nivea baby powder in 2018.*”. Surprisingly, J&J and Others companies intends to continue sales of talc baby powder in many South Asian countries including Nepal. Cannot be ACCEPTABLE at the cost of our public health.

In October 2019, the US Food and Drug Administration (FDA) publicly [notified](#) that J&J voluntarily recalled Baby Powder which contained chrysotile asbestos. The same announcement also noted that, “*Previously, the FDA warned consumers not to use certain products from Claire’s and Beauty Plus Global because they tested positive for asbestos. Both companies have recalled those products.*”. J & J undergoing several lawsuits (over 20000) and have order to compensate over 100 M US\$. He also presented the evidence of finding of asbestos in talc based Indian commercial baby powders.

He then presented the import data of the talc crushed or powdered products in Nepal maximum up to 6337 Metric Tonnes of worth NRP 11.75 Crores as well as talc not crushed or powdered of maximum up to 300 Metric tonnes with about NRP 4.7 Million.

He also flag the issues of other asbestos issues along with the baby powders. Characterization of airborne dust samples collected from core areas of Kathmandu Valley (Neupane, B.B. et. Al, Science Direct Heliyon 2020). Identification of Asbestos Content in Bulk Materials Imported in

Nepal (Pathak, et.al. Scientific World, Vol. 13, No. 13, March 2020). Asbestos in Many cosmetics items e.g. Powder, Face Pack. Asbestos in Children Cosmetics set box.

He finally called for the following action from the different concerned stakeholders as listed below.

Particulars	WHO	WHAT
Competent Authority	MOFE and DoEnvt NAST	<ul style="list-style-type: none"> • Effective implementation of ban decision • Market Monitoring, Testing , Result to public • Recalled the product from Market
Cosmetic & Drug	DDA and NBSM	<ul style="list-style-type: none"> • Notify all the Pediatrics doctors not to recommend to use talc based baby powder • Notify to General Public not to use • Recalled the product from Market
Consumer Protection	MOICS, DoCSCP	<ul style="list-style-type: none"> • Impose import ban like in CONGO, USA and Canada • Market Monitoring, Testing , Result to public • Recalled the product from Market
IMPORT Regulation	MOF , DOC	<ul style="list-style-type: none"> • Custom entry Monitoring, Testing , Regulating
OTHERS		

Dr. Aruna Uprety, Senior Public Health Expert then highlight the issues of possible cancer causing asbestos containing baby powder in to the private part of the women of colour in order to make themselves white as well as for the hygiene causing the ovary cancer. It is long history where many women’s developed ovarian cancer using the baby powder. She also illustrate the example of death cause of Michel Jackson due to heavy burden of chemical drugs.

She also highlighted the needs of all the paediatricians should not recommend to use the talc powder on private part as well as on the baby body. She also highlighted the needs of massive awareness by all especially concerned government agencies as well as the researchers and public health advocates and most importantly the medial personnel role is most important. We need to repeatedly raise the awareness about the negative impacts of asbestos so as to reduce its impacts.

Mr. Indu Bikram Joshi, DDG, Department of Environment, MOFE, GON:

Appreciated CEPHED efforts to organize this program. After banning the effective implementation of ban is much progressive. We need cooperation of all for even more effective implementation. We are concerned with associated problem. DOEnvt is also responsible for the hazardous waste management. Needs to make integrated laws, regulation on hazardous waste. Department are also concerned with the other heavy metals issues lead, mercury, pollution, asbestos as well as this talcum powder which while using also impacts and remaining also affects to the environment. We will definitely do it on planned manner.

We need to be more serious. But we have many constraints due to limited number of environment inspectors but huge area to be managed and supervised. Additionally we have provision of penalty as per Environment Protection Act and Regulation for violation of its provisions and hence we are committed to effectively implement these.

Mr. Sishir Ghimire, Chief, Evaluation Section, Department of Custom. How we can address the issues of effective implementation of asbestos ban fully and after ban, central custom laboratory has capacity to test the asbestos containing products?

Thank you CEPHED for organising this interaction program. The HS Code of Asbestos has been blocked and hence now onward no one can import asbestos using these HS Code. Secondly we have well circulated the notice to all of our custom office about the banning of asbestos decision. We have limited testing capacity to test at all the entry point at the small custom office. As far as the importation of Asbestos in last year recorded, we have coordinated with the concerned decision and will be back to you.

Department of Custom did not have authority to ban the baby powder it is under the jurisdiction of the department of Department of Drug Administration (DDA), Department of Environment (DoEnvt) and Department of Commerce, Supply and Consumer Product (DoCSCP) of who so ever.

Regarding the testing of the asbestos we will be happy to assist the testing of any potential substances suspected to be containing asbestos and will definitely tested at our well capacitated lab at our Custom Department. If not possible, we will even send it to the other prescribed lab elsewhere.

Mr. Sagar Mishra , Chief, Market monitoring division of Department of Commerce, Supply and Consumer Protection (DoCSCP), MOICS, Government of Nepal responded the what can be done and by when to rectify the problem of asbestos contamination in the baby powder.

He shocked with from getting the information about the baby powder and suspected that he has raised his baby by applying the asbestos containing Johnson and Johnson baby powder. He also explained that the department has already collected the J & J baby powder made in USA, Canada and going to collect the J & J Indian products as well as Himalayan Baby powder and will sent for the test of asbestos. Up on getting the results, based on the finding we will ban the baby powder if found counterfeit and contaminated with asbestos. DoCSCP will also release the testing results to public as well as include in our public awareness package.

Dr. Akriti Pokhrel, Section Office, Department of Drug Administration (DDA), Ministry of Health and Population (MOHP), Government of Nepal. Baby Powder has not yet registered under DDA as of now and hence did not regulate it. It might be regulated in latter if it being registered. DDA will regulate this baby products once we started registration. DDA did not able regulate cosmetic as of now.

Like many other countries including US FDA regulate all the cosmetic products, DDA Nepal needs to opt for registration as well as regulate this suspected products.

Mr. Bishwo Babu Pudasaini, Director General, Nepal Bureau of Standard and Metrology (NBSM), MOICS, Government of Nepal.

His remarks has been asked to recommend to suspend the importation of baby powder as well as making mandatory of cosmetic standards. Appreciate the effort of Mr. Ram Charitra Sah for organising awareness

program. Based on the study we will prepare the standards and then regulate these products. In order to regulate the cosmetic standards can be regulated after the publishing in gazette notification. As per the ministerial council decision the gazette notification and regulation responsibility lies with DDA and hence we cannot make it as it rises the issues of duplication and/or encroachment of the DDA jurisdiction. But it is most urgent and necessary. However NBSM will definitely go forward to make the standards of this baby powder however we cannot regulate these products including market surveillance, control, DDA is more appropriate.

In day to come, we will make the standards but regulation will be done by DDA and others, we need to make base line and test as many as products and study enough and then will take the regulatory mechanism. We need to do much work in many sectors but due to lack of human resources, infrastructure and will not able to do perform these work on timely manner. We will needs to invited broader stakeholder including policy makers, national planning commission, representatives from OPMCM and some political leaders as well so that it will help to initiate the broader discussion required to address these sectors.

Mr. Ram Krishna Banjada, Social Activist and Legal Practitioner. We have many legal provision, lack of inspectors and infrastructures as shared by many government agencies. We are receiving a lot of products in market. These are coming in Nepal and under sale, distribution and uses without much information or not information at all. Like of the government speakers just admitted that he has used the asbestos talc powder. We all are in the same state of not having information. Thus there is increase the public awareness under public announcement and massive public awareness, sensitise the public will be a great achievement. If we able to teach the people not to use those products, they will not go for such product and not get affected. As the legal practitioner, like in USA people have been compensated, if any such impacted people wish to file a law suit, I will be very happy to file a case and work for compensated.

Mr. Mohan Katuwal, President, Federation of Nepalese Cottage and Small Industry (FNCSI), we appreciate the initiative of Mr.Rram Charitra Sah and his organisation CEPHED in the area of chemical safety including lead in paints, mercury, elimination of PCB oils and even asbestos roofing sheet we have already left to make and fix. All the things did not even known to us.

Asbestos in baby powder, the product of even multinational company, there has been a needs of Government intervention to tackle this issues with multinational company. In context of Nepal, with respect to FNCSI, product that has proven to be impacting of public health and environment internationally, we are commitments to solve such issues. However some people keep on using some hazardous and toxic items despite of knowing the hazardous for example smoking, drinking and mushroom etc. The lack of human resources and national capacity to regulate such issues required to be developed. We also talk about national capacity building to enhance the effective regulation.

In production sectors we are concerned about any issues we came to know, government, private sector with due time consideration allowed to be improved. Additional regulatory mechanism along with the penalty mechanism needs to be applied for corrective measure of any adulteration not only in domestic products, open boarder issues as well as any international products like baby powders. He also shed light on the massive public awareness and we are committed to stop such kinds of irregularity and government also should to in their part. There is also need to make this events most widely including much wider sector.

We believe that today discussion have helps all of us to realize to do something immediately to address these asbestos issues in baby powder as well as all other associate issues we have raised today. All the relevant sector representation will coordinate each other and will move forward to address the raised issues of baby powder and other associated issues.

List of Participant of the interaction program

S.No.	Name	Contact	Mobile/ Tel	Email id
1	Mr. Bishwo Babu Pudasaini	Director General, NBSM	4350445 9841440568	bishwo006@yahoo.com
2	Mr. Indu Bikram Joshi	DDG, Dept. of Env't.	9841221055	indubjoshi@gmail.com
3	Mr. Sishir Ghimire	DOC, Chief, Monitoring	9851161566	monitoring@doc.gov.np valuationdoc@gmail.com valuationcustoms@gmail.com valuation@customs.gov.bp shishir0808@gmail.com
4	Ar. Akritee Pokhrel	DDA, Section Chief		phrskc@gmail.com
5	Mr. Sagar Mishra	Monitoring, DOSCPI	9851110522	mishrasagar447@gmail.com gmishra1970@gmail.com
6	Dr. Kanti Shreshtha	Sr. Scientist	9841554587	kantishrestha2006@gmail.com
7	Mr. Deepk	Lab , NAST		XRD Lab Operator
8	Dr. Sadhna Pradhanang	Central Dept. of Env't.	9851126026	sadhana.pradhanang@gmail.com
9	Mr. Mohan Katuwal	Vice President, Federation Nepalese Chamber of Small & Cottage Industry	9851055514	Mohankatuwal1@gmail.com
10	Dr. Aruna Upreti	Nutrition & Public Health Expert	9849817371	arunaupreti@yahoo.ca
11	Mr. Ram Charitra Sah	Executive Director, CEPHED	9803047621	ramcharitra@gmail.com
12	Mr. Ram Krishna Banjada	Lawyers and Civil Society representative	9851094559	advocateramk@gmail.com
13	Mr. Sabitri Baral	Under Secretary , MOALD		
14	Mr. Agni Dhakal			
15	Mr. Sunil			
16	Bishwash Maharjan	Health Officer, EOH Department, NOU		
17	Ms. Sushila Gwachha	Dept. of Environmental Science, Khowpa college		
18	Ms Tripti Arora	Toxic Links, SAR Hub		tripti@toxicslink.org

Zoom Meeting Interface

Participants:

- na Uprety
- Ram Charitra Sah, CEP... (Background: नस्वास्थ्य तथा वातावरण प्रवर्द्धन केन्द्र FOR PUBLIC HEALTH AND ENVIRONMENTAL DEVELOPMENT)
- Mohan Katuwal
- Sagar Mishra DOC
- Shishir Ghimire
- Tripti Arora
- Ramkrisha Banj...
- Prof.Dr.Sadhana...
- Bishwo Babu Pu...
- Sabitri Baral
- Agni Dhakal
- Dr. Kanti Shrestha
- Indu bikram
- Sunil's iPhone
- Dr. Akritee Pokharel...

System Status: You are screen sharing. Stop Share - NOTES COMMENTS. 7:29 PM

Annex 5. Result of Asbestos Testing in Baby Powder Samples.

CEPHED had also collected some 6 Baby powder samples and send to the US lab via Toxics Link, IPEN South Asia Regional Hub. Sample send through IPEN Regional South Asia Regional Hub to USA were tested for samples using Polarizing Light Microscope (PLM), Transmission Electron Microscopy (TEM), electron diffraction and X-ray analysis at **the Scientific Analytical Institute, North Caroline, USA**

As per the result communicated to us from lab through regional hub were found to be **NOT DETECTABLE (ND)**. Larger study and consumer survey might be needed to rule out the absence of asbestos in baby powder.

Result of Asbestos Contamination in Baby Powder samples tested from Nepalese Market

S. Id	Purchase Date	M anufactured by	Purchased from	Bar Code	Product ID	Product No.	MFD	EXP	Result
NPL 1	2077/07/16 BS 01 Nov. 2020	J & J Pvt. Ltd., Mumbai	Bhat Bhateni Super Market, Bhaktpur	8901012116579	B1R 90008	395047	03 2019	02 2021	ND
NPL 2	2077/08/03 BS 18 Nov. 2020	J & J Pvt. Ltd., Mumbai	Dhukdhuki Store, New Baneshwor, Kathmandu	8901012116579	B1R 00016	6103039	01 2020	12 2021	ND
NPL 3	2077/08/03 BS 18 Nov. 2020	Johnson & Johnson Pvt. Ltd, Jakarta, Indonesia	Color Plus Cosmetics, Peoples Plaza, Shop No. 112, Khichpokhari, Kathmandu	8991111101521		1601050	08 03 2018	02 2021 B1	ND
NPL 4	2077/08/03 BS 18 Nov. 2020	J & J Pvt. Ltd., Mumbai	Bhat Bhateni Super Market, Annamnagar	8901012116579	B1R 00093	6120953	08 2020	07 2022	ND
NPL 5	2077/08/03 BS 18 Nov. 2020	Mfd by: VVF(India), Limited Marketed by J & J Pvt. Ltd., Mumbai	Daya Pharma, New Baneshwor, Kathmandu	8901012116579	BFA 00234	JB 0052	07 2020	06 2022	ND
NPL 6	2077/07/23 BS 08 Nov. 2020	The Himalayan Drug Company , Tumakuru 572168	Bhat Bhateni Super Market, Patan	8901138513153	B842000139		01 2020	12 2022	ND