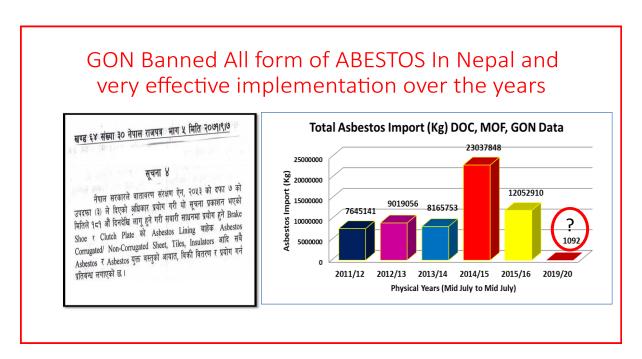


1. Background:

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Talc based Johnson and Johnson Baby Powder has been banned to be sold in US, CANADA and recently from CONGO and withdrawn from the market.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. **This double standard of these multinational company's should be not acceptable at the cost of public health.**

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.

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.



2. Objective:

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

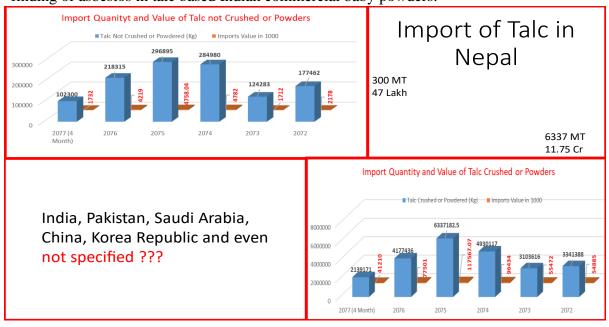
3. Interaction Program on Asbestos and Baby Powders in Nepal, December 24, 2020



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 (DoEnvt) nor Department of Custom seems to be serious about this.

Mr. Sah then introduced the <u>issues of DOUBLE STANDARD</u> 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.



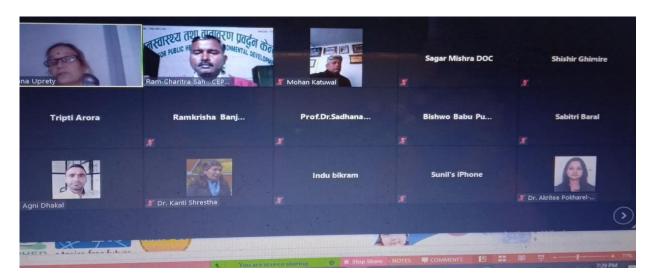
He then presented the import data of the talc crushed or powdered products in Nepal maximum up to 6337 Metric Tonnes of worth NRP 11.75 Crores as well as talc not crushed or powdered of maximum up to 300 Metric tonnes with about NRP 4.7 Million.

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	 Effective implementation of ban decision Market Monitoring, Testing, Result to public Recalled the product from Market 		
Cosmetic & Drug DDA and NBSM		 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	 Impose import ban like in CONGO, USA and Canada Market Monitoring, Testing, Result to public Recalled the product from Market 		

IMPORT Regulation	MOF, DOC	Custom entry Monitoring, Testing , Regulating
OTHERS		



Dr. Aruna Uprety, Senior Public Health Expert 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 <u>Michel</u> 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 out Environment Protection Act and Regulation for violation of its provisions and hence we are committed effectively implement these.

Mr. Sishir Ghimire, Chief, Evaluation Section, Department of Custom. He answered the question 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. Department of Custom has blocked the HS Code of Asbestos 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 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 do 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.

Following sector specific recommendation has been made for addressing the issues of Talc Double Standard in Nepal by all stakeholders.

Particulars	WHO	WHAT				
Competent Authority	MOFE and DoEnvt NAST	 Effective implementation of Asbestos ban decision Market Monitoring, Testing, Result shared to the public Recalled the product from Market 				
Cosmetic & Drug MOHP, DDA , Health Professionals		 Notify all the Pediatrics doctors not to recommend to use talc based baby powders Notify to General Public not to use talc based baby powders Recalled the product from Market 				
Consumer Protection	MOICS, DoCSCP and NBSM	 Impose import ban like in CONGO, USA and Canada Formulate Quality and Chemicals standards of baby powders. 				

		 Market Monitoring, Testing, Result shared to the public Recalled the product from Market
IMPORT Regulation	MOF, DOC	Custom entry monitoring, testing & regulating import Effectively implement asbestos ban decision of GON
OTHERS /individual	Consumers & Beauticians	 Check labeling, avoid using talc based baby powder Go for corn or rice starch based baby powders etc.

List of Participant of the interaction program

S.No.	Name	Contact	Mobile/ Tel	Email id
1	Mr. Bishwo Babu Pudasaini	Director General, NBSM	4350445	bishwo006@yahoo.com
			9841440568	
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4	Ar. Akritee Pokhrel	DDA, Section Chief		phrskc@gmail.com
5	Mr. Sagar Mishra	Monitoring, DOSCPI	9851110522	mishrasagar447@gmail.com
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6	Dr. Kanti Shreshtha	Sr. Scientist	9841554587	kantishrestha2006@gmail.com
7	Mr. Deepk	Lab , NAST		XRD Lab Operator
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		Cottage Industry		
10	Dr. Aruna Upreti	Nutrition & Public	9849817371	arunaupreti@yahoo.ca
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11	Mr. Ram Charitra Sah	Executive Director,	9803047621	ramcharitra@gmail.com
		CEPHED		
12	Mr. Ram Krishna Banjada	Lawyers and Civil	9851094559	advocateramk@gmail.com
		Society representative		
13	Mr. Sabitri Baral	Under Secretary ,		
		MOALD		
14	Mr. Agni Dhakal	NAST		
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

4. Advocacy Campaign

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 Commence, Supply and Industry directs his concerned department of Nepal Bureau of Standers 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
- 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. •
- h) Written to J & J follow up letter with the set of further questions to be answered on 8th December 2020.
- 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
- 1) 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.

5. <u>Project Outcomes:</u> outcomes of activities conducted:

Following outcomes has been achieved 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 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 nufactured 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

Media Outreaches

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 has been published by the one of the popular national daily The Rising Nepal.

Additional advocacy and out reach materials has been shared widely through the social media like face book and other program.



Cancer-causing baby powders continue circulating in the Nepali market

By Binu Shrestha Kathmandu, Jan. 23

parts, said Dr. Aruna Upreti, senior public health expert

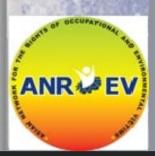




अमेरिका र क्यानाडामा प्रतिबन्धित, यो

जोनसन पाउडर नेपालमा कति सुरक्षित छ ?







Ram Charitra Sah September 2, 2020 · 🚱

Dear All, Please Join us demanding Johnson & Johnson to remove its asbestos-contaminated talc-based baby powder from the global market now!



Johnson and Johnson recently surrendered its license to manufacture baby powder in its Mumbai

MUMBAI: Three years since ceasing production of its talc-based powders in the US and Canada, pharmaceutical giant Johnson and Johnson recently surrendered its license to manufacture baby powder in its Mumbai plant. The company said the decision to stop manufacturing baby powder in India was part of a global move to switch from talc-based to cornstarch-based baby powders.

Read more:



After court win to make baby powder, J&J gives up licence | India News - Times of





Johnson & Johnson to end global sales of talc-based baby powder

https://www.nst.com.my/.../johnson-johnson-end-global..

JOHNSON & Johnson will stop selling talc-based baby powder globally in 2023, the drug maker said on Thursday, more than two years after it ended U.S. sales of a product that drew thousands of consumer safety lawsuits.... See more

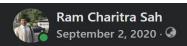
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Johnson & Johnson to end global sales of talc-based baby powder | New Straits



🔱 Keshab Raj Joshi, Sushma Adhikari Ojha and 3 others



Dear All, Please Join us demanding Johnson & Johnson to remove its asbestos-contaminated talc-based baby powder from the global market now!

In May 2020, Johnson & Johnson (J&J) announced it stopping selling its popular talc-based baby powder—which is linked by scientists to ovarian cancer—in the US and Canada. However, J&J states it will continue selling this dangerous product globally including in Nepal, which will negatively impact women of color all over the world. This is racist and unacceptable.

Over 200 organizations from around the globe have joined a campaign demanding Johnson & Johnson commit to fully removing its talc-based baby powder from the global market and end the company's targeted marketing to women, children and other historically marginalized communities.

https://www.jnj.com/.../johnson-johnson-consumer-health...

https://www.nwhn.org/why-women-should-still-avoid-talc.../

