

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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Opening Statement

Chairman Raja Krishnamoorthi

Hearing on “Examining Carcinogens in Talc and the Best Methods for Asbestos Detection” December 10, 2019

On October 18, 2019 FDA announced that its independent lab, AMA Analytics, detected asbestos in Johnson & Johnson’s talc-based baby powder. It has since become public that, at FDA’s behest, OSHA conducted an additional test to determine if the results of FDA’s first test could be confirmed. We continue to await the public release of those results.

In response to FDA’s announcement on October 18th, Johnson & Johnson issued a limited recall of one lot of its talc-based baby powder.

On November 15, 2019, I sent an invitation to Alex Gorsky, the CEO of Johnson & Johnson, requesting that he appear before our Subcommittee to discuss the public health concerns regarding Johnson & Johnson’s baby powder.

I am disappointed that Johnson & Johnson has refused to comply with our request. While Mr. Gorsky has not refrained from making multiple public statements on the topic, including authoring written statements and speaking with media outlets, he has now avoided voluntarily testifying under oath before Congress.

In fact, this subcommittee’s very first hearing earlier this year examined possible carcinogens in talc-based products. Johnson & Johnson objected to the hearing, complaining, that it had not been invited to participate. In a media release subsequent to our hearing, Johnson & Johnson stated, and I quote, “the subcommittee did not hear the preponderance of evidence that supports the safety of our product.”

Before today’s hearing, we gave Mr. Gorsky almost a full month’s notice of the Subcommittee’s interest in his testimony. We wanted Mr. Gorsky to come forward with Johnson & Johnson’s side of the story, but he declined.

We can only speculate as to why I am currently speaking to an empty chair. But here are the facts.

There is evidence that for decades, tests have repeatedly found that Johnson & Johnson’s talc-based baby powder contained asbestos. More sensitive testing methods than those used by Johnson & Johnson have detected asbestos in talc.

In fact, in an internal Johnson & Johnson memo from 1975, employees discuss suppressing the use of more sensitive asbestos detection methods stating, and I quote, "we want to avoid promotion of this approach".

But Mr. Gorsky is not here to speak to that.

There is evidence to suggest that when citizen petitions to the FDA in the late 1980's and early 1990's demanded that Johnson & Johnson label its powder with a cancer warning, the company pushed forward during that same time period with an aggressive marketing plan for communities of color as its sales to Caucasians declined.

But Mr. Gorsky is not here to speak to that.

We also have evidence that in 2008, Johnson & Johnson commissioned Research International, a market survey consultant, to conduct a consumer survey to determine public perceptions of its powder's name. The company learned that women preferred the cornstarch-based powder over the talc-based powder, and that women had a particular aversion to the words "talc" and "talcum," with one respondent even stating "I don't like what that word brings to mind".

Yet, as you can see behind me, the company made an intentional decision to prominently feature cornstarch on the front label of its cornstarch-based bottle, while failing to do the same by labeling the word "talc" on the front of its talc-based bottle.

But Mr. Gorsky is not here to speak to that.

Yet, Mr. Gorsky's company has chosen to speak out and push back against every instance over the last two months in which asbestos has been detected in samples of Johnson & Johnson's talc-based baby powder.

At this very moment I am sending a document request to Johnson & Johnson seeking answers. We are asking the company to explain its decisions to disregard consumer preferences for cornstarch over talc; why the company continues to keep its talc powder on the U.S. market when countries like Canada issue findings to its citizens against the use of talc; and why the company refuses to attach an adequate carcinogen warning to the label of its talc-based baby powder, even as generic alternatives do so.

This Subcommittee will not rest until it has answers to these questions.

It's what the American people and public health deserve.

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