

EDWARD J. MARKEY  
MASSACHUSETTS

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## United States Senate

December 14, 2018

SUITE SD-255  
DIRKSEN BUILDING  
WASHINGTON, DC 20510-2107  
202-224-2742

975 JFK FEDERAL BUILDING  
15 NEW SUDBURY STREET  
BOSTON, MA 02203  
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312  
FALL RIVER, MA 02721  
508-677-0523

1550 MAIN STREET, 4TH FLOOR  
SPRINGFIELD, MA 01103  
413-785-4610

Scott Gottlieb, M.D.  
Commissioner of the Food and Drug Administration  
c/o U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Commissioner Gottlieb:

I write concerning an alarming press report that Johnson & Johnson has known for many years that its baby powder products have contained asbestos — a human carcinogen that causes cancer — but concealed that information from regulators and the public. I urge the Food and Drug Administration (FDA) to immediately investigate these allegations and determine whether Johnson & Johnson's actions have placed at risk the public's health and safety.

According to a *Reuters* report, newly uncovered internal Johnson & Johnson documents “show that the company's powder was sometimes tainted with carcinogenic asbestos and that [Johnson & Johnson] kept that information from regulators and the public.”<sup>1</sup> Documents reviewed by *Reuters* show that Johnson & Johnson knew as far back as 1957 that talcum powder produced by a company supplier was contaminated by asbestos; that by 1975 at least one laboratory test found “rather high” levels of asbestos in the company's talc; and that these findings of contamination from internal scientists, outside labs, and Johnson & Johnson suppliers continued at least into the early 2000s.<sup>2</sup>

Johnson & Johnson's baby powder is an iconic consumer product, used by countless American families. Indeed, Johnson & Johnson “has dominated the talc powder market for more than 100 years, its sales outpacing those of all competitors combined.”<sup>3</sup> That the company may have concealed a potentially serious health and safety risk associated with the use of its baby powder is deeply troubling.

Although “[u]nder the Federal Food, Drug and Cosmetic Act . . . cosmetic products and ingredients, with the exception of color additives, do not have to undergo FDA review or

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<sup>1</sup> Lisa Girion, *Johnson & Johnson knew for decades that asbestos lurked in its Baby Powder*, Reuters (Dec. 14, 2018), <https://www.reuters.com/investigates/special-report/johnsonandjohnson-cancer/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

approval before they go on the market . . . [c]osmetics must be properly labeled, and they must be safe for use by consumers under labeled or customary conditions of use.”<sup>4</sup> The FDA is charged with “monitor[ing] for potential safety problems with cosmetic products on the market and tak[ing] action when needed to protect public health.”<sup>5</sup>

The *Reuters* report quotes you as stating that you “recognize the concern” about talc cosmetics, and that the FDA’s regulation of this “vast” industry was “a place where we think we can be doing more.”<sup>6</sup> You are further quoted as stating that the FDA plans to host a public forum in early 2019 on the regulation of the cosmetic industry.

In light of the allegations in the *Reuters* report and the potentially serious health and safety consequences to the American public, I do not believe that this proposed course of action is sufficient. I urge the FDA to begin looking into this matter immediately, using the full force of its regulatory and investigatory authority. The FDA must determine whether Johnson & Johnson misled regulators and whether its baby powder products have posed, and continue to pose, a threat to public health and safety, and if so, take all appropriate steps in response.

Sincerely,



Edward J. Markey  
United States Senator

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<sup>4</sup> U.S. Food and Drug Administration, Talc, <https://www.fda.gov/cosmetics/productsingredients/ingredients/ucm293184.htm>.

<sup>5</sup> *Id.*

<sup>6</sup> Lisa Girion, *Johnson & Johnson knew for decades that asbestos lurked in its Baby Powder*, *Reuters* (Dec. 14, 2018), <https://www.reuters.com/investigates/special-report/johnsonandjohnson-cancer/>.