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Talc Litigation: Medical and Scientific Issues

A Symposium

Presented by DRI and the International Society of Regulatory Toxicology & Pharmacology

- One of the first symposia presenting a comprehensive analysis of the scientific and legal issues presented in this groundbreaking area of litigation
- Cutting-edge analyses and commentary by those involved in recent landmark verdicts against talc product manufacturers
- Hear from experts presenting the historical and current positions of regulatory and governmental agencies relating to talc products and their potential asbestos contamination



September 19-20, 2019

JW Marriott Washington, DC

Washington, DC

Over the past 24 months, there has been an avalanche of new cases involving allegations that there were measurable concentrations of asbestos in talc and that those fibers were allegedly responsible for causing mesothelioma. As has been claimed for 20 years, plaintiff experts often stated that any exposure to asbestos above background could be causal (e.g., “every fiber counts”) or that “every fiber contributes to the disease.” Defendants claim that this is inaccurate and irrelevant since there is ample information that no measurable concentrations of genuine asbestos fibers over 5 μm were detected in bulk samples of talc of the era.

Interestingly, defendants have been losing a significant number of cases and juries have, at times, concluded that huge awards were appropriate. How can this seemingly “implausible” legal conflict over a product that was historically considered harmless have happened, and where is it headed? This symposium focuses on the scientific issues of the cosmetic talc litigation and will also address some aspects of claims regarding industrial talc.



Evelyn Fletcher Davis
Program Chair



John J. (Jack) Laffey
Law Institute



Edward R. Ulloa
Program Vice Chair

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Regulatory Toxicology & Pharmacology**

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What You Will Learn



- The biological effect of the use of cosmetic talc, including claims regarding the risk for mesothelioma and ovarian cancers
- The methodologies used to determine the presence or lack of asbestos in talc, including issues of mineralogy
- The importance of the state of the art and current issues in epidemiology
- Important aspects of estimating exposure
- The regulatory history of talc, including the role of the FDA Program Schedule

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PROGRAM SCHEDULE

WEDNESDAY, SEPTEMBER 18

6:00 p.m. **Registration**6:00 p.m. **Networking Reception**

THURSDAY, SEPTEMBER 19

8:00 a.m. **Registration**8:00 a.m. **Continental Breakfast**9:00 a.m. **Welcome and Introductions**

John J. (Jack) Laffey, *Laffey Leitner and Goode LLC*, Milwaukee, WI

Evelyn Fletcher Davis, *Hawkins Parnell & Young LLP*, Atlanta, GA

9:10 a.m. **Basics of “Fibers” in Talc**

This session will make mineralogy “simple.”

◆◆ **Matthew S. Sanchez, PhD**, *RJ Lee Group Inc.*, Monroeville, PA

10:05 a.m. **The Regulatory History of Talc: Where the FDA Has Stood for 50 Years**

This session will briefly discuss regulations relating to talc and the FDA’s enforcement role.

◆◆ **Andreas Saldivar**, *AMA Analytical Services*, Lanham, MD

10:35 a.m. **Refreshment Break**10:50 a.m. **Estimated Cumulative Exposure to “Fibers” During the Use of Cosmetic Talc**

A quantitative assessment will be presented during this session.

◆◆ **Dennis J. Paustenbach, PhD, CIH, DABT**, *Paustenbach and Associates*, Jackson, WY

11:30 a.m. **Does the Use of Cosmetic Talc Cause Cancer?**

A qualitative assessment will be presented during this session.

🏥 **Michael A. Graham, MD**, *Saint Louis University School of Medicine*, Saint Louis, MO

12:15 p.m. **Lunch (on your own)**

Click on any speaker name to view bio.

1:15 p.m. **The Heart of the Controversy: Scientific Aspects of the Claims About the Presence of “Asbestos” in Cosmetic Talc**

Talc litigation concerns allegations of asbestos being in cosmetic talc products. This presentation will provide an overview of three areas: geologic formation of talc, amphibole mineralogy, and morphology. Recent examples concerning these areas will be discussed.

◆◆ **Alan M. Segrave, PG**, *Bureau Veritas*, Kennesaw, GA

2:00 p.m. **Importance of State of the Art in Analytical Chemistry in Talc Cases**

Hear how changes in analytical chemistry have shaped the litigation of talc cases, including industry standard testing.

◆◆ **Arthur M. Langer, PhD**, *City University of New York*, New York, NY

2:30 p.m. **Refreshment Break**3:00 p.m. **Cosmetic Talc-Sourcing Methods and the Assumption of Homogeneity in Source Mine Locations**

This session will focus on several different talc mine locations in the context of optimal methods to source or link cosmetic talc grades to locations around the globe, as well as production rates, ore quality, host rock, and whether the composition of the ore is consistent throughout the deposits.

Michael B. Giaquinto, *Hawkins Parnell & Young LLP*, Los Angeles, CA

3:45 p.m. **It’s All in the Form: Asbestiform vs. Non-asbestiform**

This presentation will cover the difference between the two mineral form types, the positions taken regarding each by the plaintiffs and defense, and the various scientific tests used to determine the mineral type.

Caroline M. Tinsley, *Tucker Ellis LLP*, Saint Louis, MO

Bradford J. (Brad) DeJardin, *Dentons US LLP*, Los Angeles, CA

🏥 Denotes medical professional

◆◆ Denotes expert

- 4:30 p.m. **Breakout Sessions A, B & C** (see below)
- 5:15 p.m. **Breakout Sessions D & E** (see below)
- 5:45 p.m. **Adjourn**
- 6:00 p.m. **Networking Reception**
- 7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details sent in advance of the seminar.

FRIDAY, SEPTEMBER 20

- 8:30 a.m. **Registration**
- 8:30 a.m. **Continental Breakfast**
- 9:00 a.m. **Announcements**
Edward R. Ulloa, *Hawkins Parnell & Young LLP*,
 Los Angeles, CA

- 9:15 a.m. **State of the Art Review on Relationship Between Cosmetic Talc and Ovarian Cancer**
 The potential relationship between cosmetic talc and ovarian cancer has been studied for many decades. This presentation will address the evolution of the toxicological research in this field and the data gaps that remain to be addressed.
 ♦♦ **Ania M. Urban, PhD, MPH**,
Cardno ChemRisk, San Francisco, CA

- 10:00 a.m. **The Epidemiology of Cosmetic Talc**
 This session will present an overview of the cosmetic talc miner/miller cohorts and other populations (pleurodesis patients, U.S. women, and end-users), as well as a novel latency analysis related to the miner/miller cohorts.
 ♦♦ **Michael Ierardi, MES**, *Cardno ChemRisk*,
 Brooklyn, NY

BREAKOUTS

Thursday, September 19, 4:30 p.m.–5:15 p.m. (*choose one*)

	■ BREAKOUT A	■ BREAKOUT B	■ BREAKOUT C
4:30 p.m.	Data Gaps in the Analytical Chemistry or Toxicology Regarding Talc David G. Sarvadi , <i>Keller and Heckman LLP</i> , Washington, DC ♦♦ Gary Burin, PhD , <i>Technology Sciences Group Inc.</i> , Washington DC ♦♦ Manojit Basu, PhD , <i>Crop Life America</i> , Washington DC	Daubert, Future Challenges and Past Orders in Talc Litigation Caroline M. Tinsley , <i>Tucker Ellis LLP</i> , Saint Louis, MO Marcella C. Ducca , <i>Greenberg Traurig LLP</i> , Atlanta GA	The Perspective of Female Litigators in Cosmetic Talc Cases Claire C. Weglarz , <i>Hawkins Parnell & Young LLP</i> , Los Angeles, CA Mahsa K. Tippins , <i>DeHay & Elliston</i> , Walnut Creek, CA Karleen F. Murphy , <i>Dentons US LLP</i> , Los Angeles, CA

Thursday, September 19, 5:15 p.m.–5:45 p.m. (*choose one*)

	■ BREAKOUT D	■ BREAKOUT E
5:15 p.m.	Does Risk Assessment Clearly Indicate that Neither Mesothelioma nor Ovarian Cancer Are a Plausible Health Risk for Cosmetic Talc? Bradford J. (Brad) DeJardin , <i>Dentons US LLP</i> , Los Angeles, CA Gary D. Sharp , <i>Foley & Mansfield PLLP</i> , Ferndale, MI	A Global Discussion with National Coordinating Counsel Edward P. Abbot , <i>Hawkins Parnell & Young LLP</i> , New York, NY Joel Clark , <i>McGivney Kluger & Cook PC</i> , Florham Park, NJ Tina A. Van Dam , <i>Manning Gross & Massenburg LLP</i> , Irvine, CA

10:45 a.m. **Refreshment Break**

11:05 a.m. **Epidemiology Chrysotile, Amphiboles, Talc, and Talc with Trace Amphiboles**

This session will offer a brief overview of epidemiologic issues.

◆◆ **David H. Garabrant, MD, MPH**, *University of Michigan Health Systems*, Ann Arbor, MI

11:50 a.m. **A Physician’s View on the Cosmetic and Industrial Talc Litigation**

This session will discuss the scientific and medical aspects associated with exposure to talc and summarize an approach to presenting the scientific arguments in the courtroom.

◆◆ **David Weill, MD**, *Weill Consulting Group*, New Orleans, LA

12:30 p.m. **Lunch** (*on your own*)

1:30 p.m. **Scientific Bases Behind Cosmetic and Industrial Talc Regulations**

In developing regulations to protect human health, FDA, OSHA, and other federal agen-

cies have addressed many talc-related issues over 50+ years. Learn about the scientific bases behind these regulatory decisions that impact both cosmetic and industrial talc.

◆◆ **Derek A. Drechsel, PhD**, *CTEH*, Golden, CO

2:15 p.m. **Current Views of the Claims About Industrial Talc**

This presentation will focus on industrial talc cases and how the claims differ from those made in cosmetic talc cases.

◆◆ **R. Thomas (Tom) Radcliffe, Jr.**, *DeHay & Elliston LLP*, Baltimore, MD

3:00 p.m. **Q&A: Data Gaps that Are Alleged to Resolve “Doubt” About Industrial and Cosmetic Talc Matters**

This session will approach the topic through quantitative assessment.

◆◆ **Richard J. Lee, PhD**, *RJ Lee Group Inc.*, Monroeville, PA

3:30 p.m. **Adjourn**

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This seminar has been approved for MCLE credit by the State Bar of California for up to **11.75** hours, including **0** hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

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August 27, 2019 (please allow 10 days for processing). Registrations received after **August 27, 2019**, will be processed on-site.

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The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **August 20, 2019**, to be eligible for the group rate. Requests for reservations made after **August 20** are subject to room and rate availability.

FACULTY *Click on any name to view bio.*

Edward P. Abbot, Hawkins Parnell & Young LLP, New York, NY

◆◆ **Manojit Basu, PhD**, Crop Life America, Washington DC

◆◆ **Gary Burin, PhD**, Technology Sciences Group Inc., Washington, DC

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Tina A. Van Dam, Manning Gross + Massenburg LLP, Irvine, CA

Claire C. Weglarz, Hawkins Parnell & Young LLP, Los Angeles, CA

⚕ **David Weill, MD**, Weill Consulting Group, New Orleans, LA

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⚕ Denotes medical professional

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*As defined on page 5

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