

KING & SPALDING

King & Spalding LLP
1185 Avenue of the Americas
34th Floor
New York, New York 10036

Tel: +1 212 556 2100
Fax: +1 212 556 2222
www.kslaw.com

Kristin Renee Fournier
Partner
Direct Dial: +1 212 790 5342
kfournier@kslaw.com

May 5, 2025

Via email

Paul W. Brandt-Rauf, MD, ScD, DrPH
Editor-in-Chief
Journal of Occupational and Environmental Medicine
pwb35@drexel.edu

Stacieann C. Yuhasz, PhD
Managing Editor
Journal of Occupational and Environmental Medicine
Stacie.yuhasz@kwglobal.com

Re: Request for Withdrawal of Dr. Jacqueline Moline's Article titled *Mesothelioma Associated With the Use of Cosmetic Talc*, 62(1):11-17 (January 2020)

Dear Dr. Bandt-Rauf and Dr. Yuhasz:

We write on behalf of Pecos River Talc LLC ("Pecos River"). Pecos River respectfully requests that the Journal of Occupational and Environmental Medicine immediately retract the article titled *Mesothelioma Associated With the Use of Cosmetic Talc* authored by Dr. Jacqueline Moline, Kristin Bevilacqua, Maya Alexanderi, and Dr. Ronald Gordon, which was published in January 2020 (Volume 62, Issue 1) (the "Moline Article," attached hereto as **Exhibit A**).

The Moline Article involves 33 litigation plaintiffs with mesothelioma, whose identities were anonymized. Dr. Moline asserted that, based upon her review of the factual record in those cases, "[t]alcum powder usage was the only source of asbestos for all 33 cases." **Ex. A** at 11. The Moline Article presented itself as a hallmark study involving "the first large case series to identify cosmetic talcum powder contaminated with asbestos as the cause of malignant mesothelioma in cosmetic talc users." **Ex. A** at 14. But the scientific community now knows that the fundamental claims made in the Moline Article are false. Worse, Dr. Moline knew that this premise was false at the time that she published her article.

As background, Dr. Moline has made a career and small fortune testifying on behalf of the mass tort asbestos plaintiffs' bar. She has been testifying as a paid expert in asbestos litigation for over 20 years, always on behalf of plaintiffs. For playing that role, she is paid between approximately \$250,000 and \$300,000 per year (about 40% of her total income). In recent years, Dr. Moline's testimony mainly was in mesothelioma cases against entities related to Johnson & Johnson (and other manufacturers of talc powder products)—having been disclosed as a plaintiff's expert in over 200 cases, provided deposition testimony in 46 cases, and testified in 16 separate trials involving claims regarding Johnson & Johnson.

All 33 cases presented in the 2020 Moline Article were plaintiffs in cosmetic talcum powder litigation involving various cosmetic talc manufacturer defendants, in which Dr. Moline was retained as an expert on plaintiffs' behalf. Notably, however, Dr. Moline refused to disclose the names of the 33 individuals featured in the Moline Article and has for years actively attempted to conceal those individuals' identities. Indeed, peer reviewers at the Journal of Occupational and Environmental Health did not have an opportunity to independently evaluate whether Dr. Moline's assertion that none of these 33 plaintiffs had exposures to asbestos beyond allegedly contaminated cosmetic talc was truthful or accurate because they were not provided with any of their identities or the background materials that Dr. Moline reviewed to characterize their exposure histories.

Over time, it became apparent that Dr. Moline's representations regarding the lack of other exposures experienced by plaintiffs within the Moline Article were false. In 2022, a federal district court judge permitted the disclosure of the identity of one of the study participants due to the fact that the plaintiff in that case—who had asserted workers' compensation claims for occupational asbestos exposures—was also one of the 33 individuals in the Moline Article. The court wrote:

Ms. Bell's employment history, as well as her belief that she may have been exposed to asbestos during her textile employment, undermines the weight of Dr. Moline's finding that each of the "33 cases ... had no known exposure to asbestos other than prolonged use of talcum powder."

...

The fact is that at least one study participant reported to a state agency that she did have another known asbestos exposure, at least one known to the study participant. Given the groundbreaking nature of the article and its express premise that all individuals studied had no known alternative asbestos exposures, the fact that one of the individuals claimed otherwise has direct bearing on the study's credibility. This court expressed concern about this seeming contradiction before and does so again.

Bell v. American Int'l Indus., et al. No. 1:17-cv-00111, at 16-17 (Sept. 13, 2022 Order), attached hereto as **Exhibit B**.

As the *Bell* court's decision drew additional criticism of the Moline Article, she allegedly reviewed the materials underlying the article, identified another case in which an individual

claimed asbestos exposure from asbestos-containing cigarette filters, and issued an erratum reducing the total cases to 32 in May 2023 (Volume 65, Issue 5) (attached hereto as **Exhibit C**).

It is only very recently—in April 2025—that the Key identifying the identities of the 33 individuals in the Moline Article was finally made public (the Key is attached hereto as **Exhibit D**). Dr. Moline’s employer Northwell Health was forced to disclose the Key by virtue of a subpoena from New Jersey state court and enforced by the highest state court in New York. That Key proves that the fundamental premise of the article is false and that the Moline Article is nothing more than a made-for-litigation attempt to distort the literature with junk science to support the plaintiff bar’s tort claims in the talc litigation.

Indeed, in less than one month with access to the Key, Pecos River already has confirmed beyond any doubt that a large number of the individuals in the study were exposed to asbestos from sources other than talc, contrary to the claims of the Moline Article:

- Betty Bell filed workers’ compensation claims swearing that she was exposed to asbestos during her prior employment with two textile employers.
- Helene Kohr smoked asbestos-containing cigarettes, and Dr. Moline stated in her own expert report that Ms. Kohr was exposed to asbestos that way.
- Stephen Lanzo’s basement had 60 linear feet of exposed asbestos pipe; his schools had hundreds of bags of asbestos removed after he left those schools; and his tissues had a type of asbestos not even alleged to be present in cosmetic talc.
- Doris Jackson’s medical records note that she was exposed to “[c]eiling pipes with degrading insulation” during her more than 30-year career as a public-school teacher.
- Valeria Dalis sought compensation for a non-talc exposure by filing a claim for \$450,000 from the Manville Personal Injury Settlement Trust (and collected over \$28,000).
- Carol Schoeniger lived in a home where joint compound was applied and sanded which Dr. Moline’s *own expert report* described as a “potential exposure” to asbestos.
- Edward Garcia worked at Eastern Molding which Dr. Moline’s *own expert report* described as a source of “potential exposure” to asbestos.
- Sharon Hanson did the laundry for her husband who worked as an engineer in an area where raw asbestos was handled—which Dr. Moline *herself* testified represented a “potential exposure” to asbestos.
- Mary Anne Caine’s own complaint alleged exposure to asbestos brought home from her husband’s job.

- Kayla Martinez’s medical records state: “Her father worked at a company with known asbestos exposure and held her in his work clothes as a child.”
- Barbara Arend’s medical records state: “Barbara denies any asbestos exposure other than the possibility of asbestos presence in the house where she grew up as a child (apparently this was an old house that might have had asbestos shingles).”
- Irma Verdolotti’s father was a steamfitter who worked with insulation, and Ms. Verdolotti shared a room with her sister while the sister worked in a shipyard during World War II (and brought her work clothes home).
- Blondia Clemons’s father worked as a mechanic at the family home performing 2 to 3 brake jobs a day.

Pecos River is continuing to investigate the cases included in the Moline Article and is confident additional instances of alternative exposures will surface.

The vast number of individuals with non-talc exposures—including multiple examples where Dr. Moline herself acknowledged the potential alternative exposure—demonstrates that the premise of the Moline Article is simply false. Pecos River therefore calls on the Editorial Board to right this wrong by withdrawing the Moline Article to ensure that the scientific literature is not polluted by junk science such as this. We are also happy to provide cited documentation to establish the falsity of the Moline Article’s premise as the Editorial Board evaluates this request. But given the glaring deficiencies of the Moline Article and the risk presented by allowing members of the scientific community to continue to rely upon its flawed premise, Pecos River will be compelled to seek the appropriate judicial relief unless the Journal of Occupational and Environmental Medicine withdraws the article by no later than May 15, 2025.

Sincerely,



Kristen Renee Fournier