

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



MARKET SURVEY

OUTSIDE LEGAL COUNSEL FOR TALC LITIGATION

Survey No.: DCCB-2021-S-0016

Issuance Date: March 12, 2021

Response Due: March 26, 2021

The Office of the Attorney General for the District of Columbia (OAG) is conducting market research to identify the availability and interest of a qualified law firm or firms to assist with the investigation and potential litigation of a consumer protection enforcement case against Johnson & Johnson, its subsidiary Johnson & Johnson Consumer Companies, Inc. (collectively “J&J”) and other companies involved in the manufacture, distribution and/or sale of consumer products containing talc.

Under D.C. Official Code §2-354.13(3), the procurement for these legal services is exempt from the competitive procurement process. Responses to this market survey may be used to determine the availability of qualified firms but are not intended to be the basis for award.

OAG will direct the investigation and litigation in all respects, including but not limited to, whether and when to initiate litigation, against whom actions will be taken, the claims to be brought in said litigation, approval and rejection of all settlement offers and the amount and type of damages to be sought.

FACTUAL BACKGROUND

Talc products have long been advertised as safe for daily use by consumers despite the fact that as early as 1969, J&J and potentially other companies knew talc products contained asbestos. In 1982, a Harvard study found that the use of talc increased a woman’s risk of ovarian cancer by 92%, and more than 20 additional studies subsequently confirmed an increased risk of ovarian cancer from the use of talc products for feminine hygiene. Despite these studies, J&J continued to target its talc products at female consumers, including a push in the 1990s aimed at African-American and Hispanic women designed to reverse declines in sales of its baby powders.

In the 2000s, while some manufacturers finally began placing warnings on their talc products about the risk of ovarian cancer as a result of genital talc use, J&J still refused to provide similar warnings on its products. Approximately 25,000 women are diagnosed with ovarian cancer each year, with an estimated 10% of all ovarian cancer diagnoses related to genital talc use.

SUBMISSION OF INFORMATION

Interested firms should submit the following no later than noon on March 26, 2021 to oag.businessopportunities@dc.gov. The submission should be no longer than seven (7) pages (excluding resumes) and include:

1. A short statement of interest, including a description of the firm's relevant experience;
2. A proposed staffing model for the work;
3. Resumes for those providing services;
4. A proposed contingency fee percentage of any gross recovery and attorney's fee award;
5. References for similar work performed for private or government entities in the last five years, including contact information and a brief description of work performed; and
6. Disclosure of any actual or potential conflicts of interest.

Although this will not be a competitively awarded procurement, OAG values diversity as well as working with firms located in the District of Columbia, and encourages firms certified as small or local business enterprises by the District of Columbia Department of Small and Local Business Development pursuant to §2-218.31 *et seq.* to respond to this Market Survey.

If you would like more information, please contact Kate Konopka at Kathleen.Konopka@dc.gov or (202) 724-6610.

Sincerely,


Janice Parker Watson
Associate Contracting Officer