

# HEALTH EQUITY NEWSLETTER

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Welcome to Health Equity, a monthly newsletter advocating for racial health equity and environmental justice in the United States, brought to you by Equal Justice Society and Lieff Cabraser Heimann & Bernstein LLP

## FDA ACTION SHOWS IMPACT OF EJS/LIEFF CABRASER LAWSUITS

By Lisa Holder, President, Equal Justice Society



LISA HOLDER

The U.S. Food and Drug Administration is planning to [propose a ban](#) on formaldehyde (FA) and other FA-releasing chemicals (e.g.,

methylene glycol) as an ingredient in hair straightening products, as reported by [CNN](#) and other media outlets.

Because of racism against natural Black hair, many Black women use hair relaxer and related products at a higher rate than other women to relax their hair, likely putting them at a higher risk of developing uterine cancer, ovarian cancer, and other negative health outcomes.

This movement by the FDA is in part motivated by lawsuits against manufacturers of hair relaxer products, such as those filed by the Equal Justice Society and Lieff Cabraser, and the advocacy of U.S. Rep. Ayanna Pressley and U.S. Rep. Shontel Brown.

The EJS and Lieff Cabraser represent over one hundred women who have

been diagnosed with cancer after using hair relaxers. Their lawsuits are consolidated with thousands of others in federal court in Chicago in front of Judge Mary M. Rowland, which allows plaintiffs to litigate collectively against the companies responsible for these products. Judge Rowland created a Plaintiff's Leadership Committee to manage the collective litigation, and appointed Lieff Cabraser partner Kelly M. Dermody to serve on the Plaintiff's Executive Committee.

In 2020, the global Black Hair care market was estimated at \$2.5 billion, with the hair relaxer market alone estimated at \$718 million in 2021. It is estimated that as many as 90% of Black women in the United States have used relaxer products.



The National Institutes of Health published an October 2022 study showing a connection between hair relaxer usage and uterine cancer, with even higher cancer rates if relaxers were used frequently (i.e., four or more times/year). This follows other studies which have raised concerns about the toxicity of ingredients in hair relaxers.

## LAND ACKNOWLEDGEMENT

By Emily Harwell (Mvskoke),  
Attorney, Lieff Cabraser



EMILY HARWELL  
(MVSKOKE)

Lieff Cabraser and Equal Justice Society acknowledge that we occupy the ceded and unceded Ancestral homelands of Native Americans who are the original

inhabitants of North America. The land continues to be of great importance to the Indigenous People of Turtle Island. We have a responsibility to acknowledge and make visible our relationship to Native peoples. The process of colonization is ongoing and still adversely affects Native Americans. We recognize that every member of our community has, and continues to benefit from, the use and occupation of this land. We wish to pay our respects by acknowledging Native American communities and by affirming their sovereign rights as first peoples.

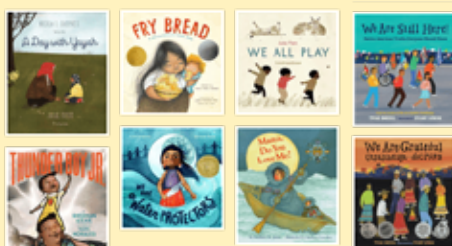
On October 9, 2023, communities throughout the United States celebrated Indigenous People's Day. Instituted in Berkeley, California in 1992, Indigenous People's Day is a holiday that celebrates and honors Indigenous American peoples and combats the erasure of Indigenous peoples in contemporary society. The holiday is often celebrated with Native food, performances, art, music, and traditional ceremonies.

In March 2023, Reps. Pressley and Brown issued a letter urging the FDA to investigate whether chemical hair straightening products contain carcinogens and pose a public health threat.

After the FDA issues the proposed rule, the agency plans to solicit public comments. After reviewing those comments, the agency will decide whether further action is needed.

EJS and Lieff Cabraser will share updates with subscribers to our Health Equity Newsletter on submitting public comment on the FDA's proposed ban.

November is National Native American Heritage Month. We observe Native American Heritage Month to recognize the achievements and contributions of Native Americans. In recognition, we encourage our readers to explore Native American narratives, learn about the history and contemporary issues, and engage in community events.



### Educational Resources:

- Native Land [app](#) maps Indigenous territories, treaties, and languages
- A [map](#) of land cession in the United States
- Native American Heritage Month Reading lists:
  - o Penguin House Publisher's "[Must-Read Books](#) by Indigenous Authors"
  - o UC Berkeley's "[What to Read](#) During Native American Heritage Month"
  - o Oakland Public Library's [list of children's books](#) in celebration of Native American Heritage month

## HISPANIC HERITAGE MONTH AND LATINX HEALTH EQUITY

By Christina Alvernaz, Judge Constance Baker Motley Civil Rights Fellow at the Equal Justice Society

National Hispanic Heritage Month (September 15 to October 15) recognizes and celebrates the many contributions, diverse cultures, and extensive histories of American immigrants and citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America.

This month we recognize the unacceptable state of access to healthcare in the Latinx community. Latinx Americans have the highest [uninsured rates](#) of any racial or ethnic group within the U.S. Challenges for Latinx people in accessing healthcare include language barriers, fears of invasive documentation inquiries, lack of cultural competency and responsiveness among health providers, and a lack of access to

preventative care (or sometimes to care of any kind), especially in rural communities.

On September 15, 2023, U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra (one of four Latinx members in President Biden's Cabinet) issued a statement, including an [HHS Fact Sheet: Advancing Health Equity for Hispanics](#) to mark the beginning of National Hispanic Heritage Month.

The fact sheet includes ways in which HHS is working towards Expanding and Protecting Access to Health Care for Hispanics, including:

- Increasing Language Access for Persons with Limited English Proficiency

- Investing in the Health Care Workforce
- Actions to Keep People Covered as States Resume Medicaid, CHIP Renewals
- Ensuring Diverse Clinical Trials for Long COVID Care
- 988 Suicide & Crisis Lifeline Adds Spanish Text and Chat Service

As of July 2023, individuals can connect directly to Spanish-speaking crisis counselors by calling 988 and pressing option 2; texting "AYUDA" to 988; or chatting online at [988lineadevida.org](#) or [988Lifeline.org](#).

We acknowledge and celebrate the work of Latinx people and organizations advocating for health and educational equity in their communities. One such organization

leading the fight for reproductive justice is the **National Latina Institute for Reproductive Justice**. Latina Institute ([English](#), [Espanol](#)) “centers and amplifies Latina/x voices to transform the systems and narratives to reclaim our bodies and our lives.” It is the only national reproductive justice organization focused on Latina/x communities.

**A Special Note About My Work at EJS**—I am proud to be an attorney at the Equal Justice Society (EJS).



**CHRISTINA ALVERNAZ**

I received my law degree from the University of California College of the Law, San Francisco.

I went to law school with a passion for helping my community and for serving justice, especially for low-income workers. As a law student, I served as an intake officer at the U.S. Equal Employment

Opportunity Commission, interviewing dozens of individuals regarding workplace discrimination, and was a fellow at the National Domestic Workers Alliance, working to protect domestic workers, the vast majority of whom are immigrants and women of color.

Since July 2020, I have been the Judge Constance Baker Motley Fellow at EJS. The Motley Fellowship is a fellowship honoring the first African American woman to serve as a federal judge, funded by a generous gift from Elizabeth J. Cabraser of Lieff Cabraser Heimann & Bernstein. The Fellowship nurtures the talents of the new generation of progressive lawyers, like me, who seek to advance anti-discrimination law and policy.

My passion for addressing the needs of workers, people of color, and immigrants, and my frontline legal and policy advocacy experience support EJS’s work and the people served by the organization. EJS has been a leader

fighting for the dignity of people of color and immigrants, and is especially focused on serving children and youth. Most recently, EJS has been fighting for educational equity for Latinx children, challenging the racially disproportionate discipline of Latinx and Black K-12 students (and disrupting the school to prison pipeline), and creating access to economic opportunity for students and their families.

It is my great honor to serve my clients as a mixed race Latina and first-generation attorney. On November 11, 2023, I will be speaking on a panel following the performance by the Zaccho Dance Theatre of Dying While Black and Brown, a profound artistic experience that advocates for the abolition of the death penalty through depicting the extreme overrepresentation of Black and brown men in the prison system. For more information. [Learn more.](#)

## CIVIL RIGHTS DOCKET UPDATE

### Hair Relaxer Litigation

The consolidated lawsuits alleging gynecologic cancers were caused by hair relaxers continue to advance. Thousands of cases have been filed, and every day more women are realizing the cause of the cancers they have suffered. If you have been diagnosed with uterine, endometrial, or ovarian cancer after using hair relaxers, you may still be able to file a lawsuit depending on the time limits applied by each state’s

laws. The plaintiffs’ lead counsel have been pushing the defendant manufacturers to share documents about their products’ ingredients, safety, and more. The parties disputed whether defendants had to share several categories of documents, and recently the judge sided largely with the plaintiffs. As plaintiffs’ counsel receive and review these documents, they will be working with medical and other experts to prove the health risks associated with these products. For more information, please see: [hairrelaxercase.org](http://hairrelaxercase.org). We will continue to provide updates on this important litigation.



### Camp Lejeune

Lawsuits about toxic water at Marine Base Camp Lejeune are progressing quickly. Recently, the Plaintiffs’ Lead



Counsel filed a Master Complaint detailing the allegations of how, where, and when the water on different parts of the base became contaminated. The court also approved a Short Form Complaint, which allows each plaintiff to easily file a court case. Plaintiffs must first file an administrative claim with the Navy and give the Navy six months to respond before filing a Short Form Complaint. The Master Complaint, Short Form Complaint, CMO 2, and other ongoing case information can be found [here](#).

## Jackson, Mississippi and Benton Harbor, Michigan Lead Water Crisis Cases

Lead is a toxic metal that causes severe health consequences, especially in children. There is [no safe level](#) of exposure to lead.

Proposed class actions have been filed on behalf of residents of Jackson, Mississippi and Benton Harbor, Michigan alleging residents have

consumed lead-contaminated water in their public water supply through the actions and failures of their elected officials and private companies. The plaintiffs are currently opposing motions from the defendants to dismiss the complaints and seeking documents and expert testimony to prove their claims. To learn more, please visit: [Jackson](#) and [Benton Harbor](#).

## Necrotizing Enterocolitis (NEC) in Babies Fed Cow-Milk Infant Formula

[NEC](#) is the most common, serious gastrointestinal disease affecting newborn infants. Preterm and low birth weight babies have a higher risk of NEC.

The potentially lethal disease NEC in preterm and low-weight infants has been linked to the use of cow-milk-based formula, including Similac and Enfamil. Despite the strong medical evidence establishing the extreme dangers that cow-based products pose

for premature infants, manufacturers have marketed and continue to market their cow-based products as an equally safe alternative to breast milk, and indeed have promoted their products as necessary for additional nutrition and growth. To learn more, please click [here](#).

## Talcum Powder Litigation

Johnson & Johnson marketed talcum powder to women and girls, including women and girls of color, for decades for personal hygiene use and as a method of absorbing moisture. Tens of thousands of lawsuits have been filed by women alleging Johnson & Johnson's baby powder and Shower to Shower products caused their epithelial ovarian cancer. As alleged in lawsuits, the ovarian cancer risks were concealed from consumers, a "failure to warn" that has led to injuries and deaths from talc exposure. For more information, please click [here](#).

## MEET OUR LEGAL TEAM



**TO SIGN UP**

for the monthly Health Equity Newsletter, please add your email address at <http://eepurl.com/isZt3g> or visit [HairRelaxerCase.org](http://HairRelaxerCase.org).



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