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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP)
PRODUCTS LIABILITY) MDL No. 2741
LITIGATION)
_____) Case No.
THIS DOCUMENT RELATES) 16-md-02741-VC
TO ALL CASES)

WEDNESDAY, JANUARY 11, 2017
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
- - -

Videotaped deposition of Donna Farmer, Ph.D., Volume I, held at the offices of HUSCH BLACKWELL, L.L.C., 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, commencing at 9:04 a.m., on the above date, before Carrie A. Campbell, Registered Diplomat Reporter, Certified Realtime Reporter, Illinois, California & Texas Certified Shorthand Reporter, Missouri & Kansas Certified Court Reporter.

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deps@golkow.com

1 your file, and I have a copy for you and a
2 copy for counsel.

3 You've seen this before,
4 haven't you, ma'am?

5 MR. JOHNSTON: Give her a
6 second to look at it.

7 MR. MILLER: Of course.

8 QUESTIONS BY MR. MILLER:

9 Q. Take your time. Have you seen
10 it before? Take your time.

11 MR. JOHNSTON: You didn't
12 really give her a second to look at it.

13 MR. MILLER: Who's being
14 argumentative?

15 QUESTIONS BY MR. MILLER:

16 Q. Let me know when you're ready.

17 All right, ma'am. Now this is
18 a document, a copy of an e-mail, sent by you,
19 right, ma'am? Donna Farmer?

20 A. Yes.

21 Q. Okay. And it was sent by you
22 on September 21, 2009, right?

23 A. Yes.

24 Q. And it's concerning Roundup,
25 right?

1 A. Yes.

2 Q. And in that you say this: "You
3 cannot say that Roundup does not cause
4 cancer. We have not done the carcinogenicity
5 studies with Roundup."

6 Did I read that correctly?

7 A. Yes, you did read that
8 correctly.

9 But I want to point out that I
10 should have -- in other e-mails that I have
11 done is that what we talk about is while we
12 have not done carcinogenicity with Roundup
13 per se, we have data on glyphosate. We don't
14 believe the surfactants -- they are not
15 carcinogenic.

16 So normally what I would say is
17 that when you put those two together, even
18 though we haven't done these carcinogenicity
19 studies, that there is no evidence that
20 Roundup would be carcinogenic.

21 Q. I want to read what you said
22 before the lawsuit was filed.

23 You said, "You cannot say that
24 Roundup does not cause cancer...we have not
25 done carcinogenicity studies."

Message

From: FARMER, DONNA R [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=180070]
Sent: 9/21/2009 5:12:07 PM
To: COMBEST, JOHN C [AG/1000] [REDACTED]
Subject: RE: Roundup article in Fremantle Herald

I didn't find anything on the Australian site either ...however take this question 5. It is not Roundup that is taken up it is glyphosate. It stops the synthesis of 3 amino acids (they are used to make proteins) and this "process" is also found in microbes and fungi.

5. How does Roundup work?

Roundup is taken up through the leaves and moves in the sap flow throughout the plant. It stops the production of proteins so that the plant starves. This process is found only in plants; Roundup has extremely low toxicity to humans and wildlife.

Or this - you cannot say that Roundup does not cause cancer..we have not done carcinogenicity studies with "Roundup".

2. Will Roundup harm my family or me?

Based on the results of short term and long term testing, it can be concluded that Roundup poses no danger to human health when used according to label directions. In long term exposure studies of animals, Roundup did not cause cancer, birth defects or adverse reproductive changes at dose levels far in excess of likely exposure.

I will follow up with the Monsanto folks who interface with Scotts...they are aware that Scotts does these things.

Donna

-----Original Message-----

From: COMBEST, JOHN C [AG/1000]
Sent: Monday, September 21, 2009 11:07 AM
To: FARMER, DONNA R [AG/1000]
Subject: RE: Roundup article in Fremantle Herald

I did not find any reference on their main (US) page to "biodegradable."

-----Original Message-----

From: FARMER, DONNA R [AG/1000]
Sent: Monday, September 21, 2009 11:06 AM
To: COMBEST, JOHN C [AG/1000]
Subject: RE: Roundup article in Fremantle Herald

Did you find the link?

This is to their Q&A and I can tell you they have a number of things that a not acceptable.
<http://www.scottsaustralia.com.au/FAQs/Roundup>

-----Original Message-----

From: COMBEST, JOHN C [AG/1000]
Sent: Monday, September 21, 2009 8:11 AM
To: PERSON, JANICE L [AG/1030]; FARMER, DONNA R [AG/1000]; HELSCHER, THOMAS M [AG/1000]
Subject: Fw: Roundup article in Fremantle Herald

Janice and Donna,

Here's the Australian thread, to the latest message.

John

----- Original Message -----

From: LEADER, MICHAEL [AG/5020]
To: ANDERSON, NEIL J [AG/5020]; MCNAUGHTON, HONI JANINE [AG/5020]; MCGREGOR, JOHN [AG/5020]; HELSCHER, THOMAS M [AG/1000]

Cc: MCLEAN, KERYN [AG/5020]; TAYLOR, IAN N [AG/5020]; ARMSTRONG, JANICE M [AG/5340]; COMBEST, JOHN C [AG/1000]

Sent: Mon Sep 21 00:08:56 2009

Subject: RE: Roundup article in Fremantle Herald

Thanks Neil. Honi has already have pointed out the flaws in the studies, but there can't be any harm in doing so again. Studies on the safety of Roundup is a good approach, but I believe there are also some on glyphosate's benefits for the environment (even if the surfactant is not biodegradable). It's a shame the Scott's guy is blaming us too!!

Cheers

Michael

Michael Leader

Corporate and Regulatory Affairs Lead, Australia/New Zealand

[REDACTED]

Email: [REDACTED]

Ph: [REDACTED] | Mob: [REDACTED] | Fax: [REDACTED]

<<http://www.monsanto.com.au/>>

From: ANDERSON, NEIL J [AG/5020]

Sent: Monday, September 21, 2009 12:39 PM

To: MCNAUGHTON, HONI JANINE [AG/5020]; MCGREGOR, JOHN [AG/5020]; HELSCHER, THOMAS M [AG/1000]

Cc: LEADER, MICHAEL [AG/5020]; MCLEAN, KERYN [AG/5020]; TAYLOR, IAN N [AG/5020]; ARMSTRONG, JANICE M [AG/5340]; COMBEST, JOHN C [AG/1000]

Subject: RE: Roundup article in Fremantle Herald

Hi Honi

The reporter has printed the correct information that "Glyphosate is biodegradable but the surfactant is not". However, then she goes into a sensationalism mode quoting "studies" that suggest Roundup is not safe, which is probably derived from her interview of the Fremantle activist. I feel the response to FH needs to reiterate that her statement on biodegradability is correct, reiterate that Roundup is safe (and provide references), and if there are flaws in any of the studies quoted, point out these flaws.

Neil Anderson

QA & Formulations Lead, Asia Pacific

Monsanto Australia Ltd

Mobile phone: International 61409 382905; Australia 0409 382905

From: MCNAUGHTON, HONI JANINE [AG/5020]

Sent: Monday, September 21, 2009 10:56 AM

To: MCGREGOR, JOHN [AG/5020]; ANDERSON, NEIL J [AG/5020]; HELSCHER, THOMAS M [AG/1000]

Cc: LEADER, MICHAEL [AG/5020]; MCLEAN, KERYN [AG/5020]; TAYLOR, IAN N [AG/5020]; ARMSTRONG, JANICE M [AG/5340]; COMBEST, JOHN C [AG/1000]

Subject: Roundup article in Fremantle Herald

Importance: High

Hi John and Neil

The article in question has appeared in the Fremantle Herald as expected.

We need to think about our response. Possible suggestions:

- Letter from Scott's to the FH reiterating the correct information
- Letter from Monsanto to FH reiterating the safety of Roundup, etc

We may also need to compose a letter to all of Scott's Roundup customers (in WA) dismissing the allegations in the article. FH has a circulation of 20,000. However, the FTO concern is here in WA during this critical time.

· Keryn: You may want to contact DAFWA and other stakeholders as well as growers to explain what we plan to do.

· Ian: GSWG letter reiterating the safety of glyphosate from Steve Powles

Any actions and responses will need to be cleared with the US.

We will need to have a phone call about this including Scotts.

Please let me know your thoughts. I think you'll agree we need to jump on this.

Honi

Honi McNaughton
Public Affairs Manager

Monsanto Australia

Office: [REDACTED]

Fax: [REDACTED]

<<http://www.monsanto.com.au/>>

Monsanto Twitter: <http://www.twitter.com/monsantoco> <<http://www.twitter.com/monsantoco>>

Monsanto's Blog: Monsanto According to Monsanto <<http://www.monsantoblog.com/>>

Monsanto For the Record: http://www.monsanto.com/monsanto_today/for_the_record/default.asp
<http://www.monsanto.com/monsanto_today/for_the_record/default.asp>

1 observed adverse effects on health and the
2 environment. Since it is an important
3 objective to use environmentally safe and
4 less toxic products, the polyoxyethylene
5 tallowamine surfactants were replaced at
6 least in some Monsanto products by others."

7 Was that true? Did you replace
8 some of the Roundup products in Europe and
9 stop using POA there?

10 A. I think you need to kind of go
11 to the next sentence.

12 Q. Sure.

13 A. It fits in with what Mark said,
14 the company, to say: My opinion was this
15 formulation was fine, but the company then
16 stated this decision was mainly based on eye
17 irritation potential and the aquatic toxicity
18 related to the formerly used substances.

19 We know that poly -- the POEA
20 can be irritating to the eyes. It's
21 reversible and not permanent. And because it
22 is a surfactant, it can have toxicity to
23 aquatic organisms.

24 Q. And to follow up on this from
25 1999, just recently Europe has banned POEA in

1 the near future, right?

2 MR. JOHNSTON: Objection.

3 Vague.

4 Go ahead.

5 THE WITNESS: Based on a
6 political decision, not on a
7 toxicology position.

8 POEA is still used in the US
9 and in Canada, completely approved and
10 supported.

11 In my opinion and many other
12 people's, that that was a political
13 decision, not a safety decision.

14 QUESTIONS BY MR. MILLER:

15 Q. The answer is, yes, POEA will
16 be off the market in Europe soon?

17 A. It will be off the market in
18 Europe based on a political decision, not on
19 a safety decision.

20 Q. Well, let's look at the
21 decision to ban POEA in the European market.

22 (Farmer Exhibit 1-12 marked for
23 identification.)

24 QUESTIONS BY MR. MILLER:

25 Q. We'll mark as Exhibit 1:12 a

1 European Commission fact sheet and ask if
2 you've seen a copy of this. I have a copy
3 for you and counsel.

4 You've seen this before,
5 haven't you, ma'am?

6 A. I don't remember seeing this
7 exact document, but I am aware of the
8 discussions.

9 Q. Let's go then to page 2 of this
10 document where it says, "What is the final
11 decision?"

12 "The commission adopted the
13 extension of the current approval for
14 glyphosate in a limited period until the
15 European Chemical Agency has concluded its
16 review."

17 Do you see that?

18 A. Yes.

19 Q. Okay. "In parallel to the
20 extension of the approval, the Commission has
21 already presented Member States a series of
22 recommendations on the use of glyphosate.
23 Discussions with the Member States have
24 started at an expert level, and the
25 Commission will work to have them adopted as

1 soon as possible. The decision will contain
2 three clear recommendations: Number 1, ban a
3 co-formulant called POE-tallowamine from
4 glyphosate-based products," right?

5 A. That's what it says there.

6 Q. And that's the POEA we've been
7 talking about, right?

8 A. Yes, it is.

9 Q. And the other recommendation is
10 "minimize the use of the substance in public
11 parks, public playgrounds and gardens,"
12 right?

13 A. That's what it says there, yes.

14 Q. "Minimize the pre-harvest use
15 of glyphosate," right?

16 A. Yes, that's what it says there.

17 Q. Okay. And you're --

18 A. But, again -- I'm sorry.

19 Q. No, go ahead. I didn't mean to
20 cut you off.

21 A. Again, I want to point out that
22 nowhere in here it talks about the safety of
23 POEA and that they are fully approved in US
24 and Canada. And this is a political
25 decision.

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THURSDAY, JANUARY 12, 2017
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Diplomate Reporter, Certified Realtime
Reporter, Illinois, California & Texas
Certified Shorthand Reporter, Missouri &
Kansas Certified Court Reporter.

- - -
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1 ingredient in the formulated product.

2 And then as we talked about
3 yesterday, there are other substances called
4 inerts. The two major inerts that we find in
5 glyphosate-based formulations are a
6 surfactant, which is like a soapy-like
7 substance, and then water, a lot of water.

8 Q. So glyphosate-marketed products
9 contain glyphosate, water and some sort of
10 surfactant usually?

11 A. The majority, yes.

12 Q. And we call those formulated
13 products?

14 A. Formulated products.

15 Q. Okay. And you reference the
16 term "inert ingredients."

17 Can you tell me what that
18 means?

19 A. Inert ingredients are other
20 ingredients put in a pesticide formulation.
21 It doesn't mean that they are inert. They
22 have biological activity, but they don't
23 provide a pesticidal activity.

24 So those -- you have your
25 active ingredient and your inert ingredients