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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

COORDINATION PROCEEDING ) JCCP NO. 4953  
SPECIAL TITLE (Rule 3.550) )  
 )  
ROUNDUP PRODUCTS CASES )  
 )  
 )  
THIS DOCUMENT RELATES TO: )  
 )  
ALL ACTIONS )  
 )

VIDEO DEPOSITION OF DONNA FARMER, Ph.D.  
September 26, 2018  
9:14 a.m.

\*CONFIDENTIAL\*

Reporter: John Arndt, CSR, CCR, RDR, CRR  
CSR No. 084-004605  
CCR No. 1186

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1 DEPOSITION OF DONNA FARMER, Ph.D., produced,  
2 sworn, and examined on September 26, 2018, at Husch  
3 Blackwell, 190 Carondelet Plaza, Suite 600, in the City  
4 of St. Louis, State of Missouri, before John Arndt, a  
5 Certified Shorthand Reporter and Certified Court  
6 Reporter.

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1 THE VIDEOGRAPHER: This is the videotaped  
2 deposition of Donna Farmer. Today's date is September  
3 26th, 2018, and the time is 9:14 AM. Will counselors  
4 present please introduce themselves?

5 MR. WISNER: Brent Wisner on behalf of the  
6 plaintiffs.

7 MR. BAUM: Michael Baum on behalf of  
8 plaintiffs.

9 MR. LUNDY: Hunter Lundy on behalf of the  
10 plaintiffs.

11 MR. NIEMEYER: Mark Niemeyer, plaintiffs.

12 MR. JOHNSTON: Robert Johnston for  
13 Monsanto. Grant Hollingsworth is with me today, and  
14 then we have Jeff Hall of Bartlit Beck and Chris Miller  
15 of Husch.

16

17 The witness, DONNA FARMER, Ph.D., first having  
18 been duly sworn, testified as follows:

19 QUESTIONS BY MR. WISNER:

20 [9:14 a.m.]

21 Q. Good morning.

22 A. Good morning.

23 Q. My name is Brent Wisner and I am an  
24 attorney who represents the plaintiff in this lawsuit.

1 What is your understanding of what this lawsuit is  
2 about?

3 A. It's allegations of people who have cancer  
4 who have used the Roundup-branded product.

5 Q. And I understand that you are currently  
6 employed with a company called Bayer. Is that right?

7 A. I'm currently employed with Bayer, yes.

8 Q. Prior to that you were employed by  
9 Monsanto Company; correct?

10 A. Correct.

11 Q. How long were you employed with Monsanto?

12 A. 27 years.

13 Q. And did anything change when Bayer took  
14 over?

15 A. Other than the name, nothing new.

16 Q. Does the name Monsanto still exist?

17 A. It's going to be -- it's a legacy company  
18 name, so it will be in some places but it will go away.

19 Q. Why is that?

20 A. Bayer has acquired us and Bayer will take  
21 on the Bayer name.

22 Q. Have you heard any explanation from the  
23 company as to why they're no longer using the Monsanto  
24 name?

1 MR. JOHNSTON: Objection. Calls for  
2 speculation.

3 A. No.

4 Q. (By Mr. Wisner) You've heard nothing?

5 A. We're bought by Bayer and they're naming  
6 us Bayer.

7 Q. Does it have anything to do with the fact  
8 that Monsanto has a bad reputation and Bayer doesn't?

9 MR. JOHNSTON: Objection. Misstates the  
10 record, calls for speculation.

11 A. I don't know anything about that.

12 Q. (By Mr. Wisner) During the course of this  
13 deposition your counsel is going to be objecting. I  
14 will largely ignore him, try not to get into fights  
15 with him, but I will expect you to answer my questions  
16 if they're pending unless of course your attorney tells  
17 you not to answer. At that point I'll ask you if  
18 you're going to follow his advice. Okay?

19 A. Okay.

20 Q. Similarly --

21 MR. JOHNSTON: For the record, we're going  
22 to designate this deposition provisionally confidential  
23 under the terms of the protective order in effect in  
24 this case.

1           Q.       (By Mr. Wisner)  Additionally, if I ask  
2   any questions that you don't understand I'd like you  
3   just to say Mr. Wisner, I don't understand your  
4   question; please rephrase.  Okay?

5           MR. JOHNSTON:  Objection.  She can answer  
6   however she wants to.

7           Q.       (By Mr. Wisner)  Okay?

8           A.       I'll answer the questions the best of my  
9   abilities.

10          Q.       Exactly.  And if you don't understand my  
11   question I'd like you to ask me to re -- clarify; okay?

12          A.       I'll answer the questions to the best of  
13   my abilities.

14          Q.       With that understanding, if you do answer  
15   my question I'm going to assume you understood my  
16   question.  Do you understand that?

17          MR. JOHNSTON:  Objection.  That's -- you  
18   can't tell her what to do.  She's going to answer your  
19   questions to the best of your ability and what  
20   implication that has is up to the jury not up to you or  
21   her.

22          MR. WISNER:  Was that a legal objection,  
23   sir?

24          MR. JOHNSTON:  Yes.

1 MR. WISNER: Oh, okay.

2 Q. (By Mr. Wisner) Would you please answer  
3 my question?

4 A. I will answer your questions to the best  
5 of my ability.

6 Q. That wasn't my question, Dr. Farmer. I  
7 asked you do you understand that if you answer my  
8 questions I'm going to assume you understood them?

9 MR. JOHNSTON: It doesn't matter what you  
10 assume, counsel. Objection.

11 A. I'm --

12 MR. JOHNSTON: You're trying to harass the  
13 witness at this point.

14 A. I'm just going to answer your questions to  
15 the best of my ability.

16 MR. WISNER: Okay. So I'm going to move  
17 to strike your answer as nonresponsive.

18 Q. (By Mr. Wisner) My question is actually a  
19 pretty simple one and my question is this. Do you  
20 understand, Dr. Farmer, that if I ask you a question  
21 and you answer my question I'm going to assume you  
22 understood my question because you didn't ask me to  
23 clarify? That's the simplicity of my question.

24 MR. JOHNSTON: Objection. Vague and

1 you're assuming human nature that is not necessarily  
2 the case.

3 A. As I've said before --

4 MR. JOHNSTON: I think you're harassing  
5 the witness.

6 A. As I've said before I'm going to answer  
7 your questions to the best of my ability.

8 Q. (By Mr. Wisner) So you still haven't  
9 answered my question. Do you see that, Dr. Farmer?  
10 And if you say I can't answer your question, that's  
11 fine -- just say I can't answer your question. But I'd  
12 like you to answer my question if you can.

13 MR. JOHNSTON: How does she -- calls for  
14 speculation. How does she know what you're --

15 MR. WISNER: Sir, I'm in the middle of a  
16 question.

17 MR. JOHNSTON: How does she know what  
18 you're going to assume, counsel?

19 MR. WISNER: Sir, I'm in the middle of a  
20 question, and if you're going to object, feel free to  
21 do so after I'm done. If you interrupt me again, I'm  
22 calling Judge Petrou.

23 MR. JOHNSTON: Please do.

24 MR. WISNER: I can't. It's too early.

1 She's not up yet. But you are clearly out of line at  
2 this point. So calm down.

3 MR. JOHNSTON: I think your question is  
4 harassing and completely out of line. You are asking  
5 her to make an assumption about what you're assuming.  
6 That is not a proper question.

7 MR. WISNER: I wasn't finished speaking.  
8 Can you please --

9 MR. JOHNSTON: I've heard your question.

10 MR. WISNER: I haven't finished my  
11 objection.

12 MR. JOHNSTON: Go ahead. Go ahead.

13 MR. WISNER: Can you please, sir, let me  
14 finish what I'm saying before you interrupt me. So  
15 let's try this again.

16 Q. (By Mr. Wisner) Dr. Farmer, this isn't a  
17 particularly controversial issue. I'm simply asking  
18 you do you understand that if you answer my question  
19 I'm going to assume you understood my question?

20 MR. JOHNSTON: Objection. Calls for  
21 speculation. How could she possibly assume what you  
22 assume?

23 A. As I've said, I am going to answer your  
24 questions to the best of my abilities.

1 Q. (By Mr. Wisner) Okay. Okay. All right,  
2 Dr. Farmer. You are under oath; do you understand  
3 that?

4 A. Yes, I do.

5 Q. What does that mean to you?

6 A. That means that I'm going to -- he asked  
7 am I going to tell the truth, and the answer is yes.

8 Q. You understand that that is subject to  
9 penalty of perjury; right?

10 MR. JOHNSTON: Objection. Badgering the  
11 witness and harassing the witness. Go ahead.

12 A. I understand it has consequences with it  
13 but I'm going to be telling the truth.

14 Q. (By Mr. Wisner) And the whole truth and  
15 nothing but the truth; right?

16 MR. JOHNSTON: Objection. Badgering the  
17 witness, harassing the witness.

18 A. I already under oath said that I would  
19 tell the truth.

20 Q. (By Mr. Wisner) So you're not going to  
21 give me half truths; right, Doctor?

22 MR. JOHNSTON: Objection. Badgering.  
23 Argumentative.

24 A. I am going to answer my questions to the

1 best of my abilities and they are going to be truthful.

2 Q. (By Mr. Wisner) In preparation for your  
3 deposition today I've put together what I call a  
4 roadmap to help sort of walk through the different  
5 aspects of your testimony, the things that I'm going to  
6 cover with you. This is a copy of that roadmap. I'm  
7 putting it up on the screen. It's Exhibit 1.

8 [Exhibit 1 marked for identification.]

9 MR. WISNER: If you'd like a copy, here  
10 you go, sir.

11 Q. (By Mr. Wisner) Would you like a copy  
12 too?

13 A. Yes. Thank you.

14 Q. And so this is the roadmap that I've  
15 prepared, and we're going to get into each -- we'll get  
16 this focused in.

17 [Discussion off the record.]

18 MR. WISNER: Let's go off the record.

19 THE VIDEOGRAPHER: We are going off the  
20 record at 9:20 AM.

21 [Discussion off the record.]

22 THE VIDEOGRAPHER: We are back on the  
23 record at 9:21 AM.

24 Q. (By Mr. Wisner) All right, Doctor. I've

1 prepared here a roadmap of the various topics we're  
2 going to cover; okay? As you can see up here at the  
3 top, it's the Monsanto Company. I call this Farmer  
4 Road, named after yourself, Dr. Farmer. And we're  
5 first going to talk about your work as a product  
6 spokesperson. Then we're going to talk about the IARC  
7 monograph and Monsanto orchestrating an outcry against  
8 it.

9                   Then we're going to talk about the  
10 freedom-to-operate concept within Monsanto. Then we're  
11 going to talk about what I call playing Whack-A-Mole,  
12 and we're going to reference a few e-mails and  
13 discussions where that is a place that you actually  
14 were participating in.

15                   Then we're going to talk about burying  
16 studies -- that means hiding things from regulatory  
17 agencies -- and then finally we're going to talking  
18 about ghostwriting. So this is just the layout of what  
19 we're going to cover. Obviously I don't assume you  
20 agree with any of this. I just want you to let -- give  
21 you a roadmap of where we're headed; okay?

22                   MR. JOHNSTON: Objection to the speech,  
23 objection to the exhibit as lacking in foundation and  
24 not admissible. Go ahead.

1 Q. (By Mr. Wisner) All right, great. So  
2 let's start off with the first one, product  
3 spokesperson. Doctor, you are a spokesperson for  
4 Monsanto; correct?

5 A. Well, my primary role at Monsanto is as a  
6 toxicologist and because I have an extensive background  
7 on the database and safety of glyphosate, I have been  
8 asked at times to be a spokesperson.

9 Q. And you were specifically asked to be a  
10 spokesperson following the publication of -- in fact,  
11 prior to the publication of the IARC monograph;  
12 correct?

13 A. I had been -- done spokesperson work prior  
14 to that many years, but yes, I had been during that one  
15 as well.

16 Q. I'm going to hand you what I've marked as  
17 Exhibit 2 to your deposition, Doctor.

18 MR. JOHNSTON: Is this Exhibit 1?

19 MR. WISNER: Yes.

20 MR. JOHNSTON: The roadmap? Okay.

21 [Exhibit 2 marked for identification.]

22 Q. (By Mr. Wisner) Doctor, this is a  
23 document -- has Bates-number MONGLY01210309. As you  
24 can see, this is an e-mail exchange. Do you see that,

1 Doctor?

2 A. Yes, I do.

3 Q. And at the top is actually an e-mail from  
4 you. Do you see that, Donna Farmer?

5 A. Yes, I do.

6 Q. And at the bottom of this e-mail chain  
7 there's an e-mail from Kimberly Link. Do you see that?

8 A. Yes, I do.

9 Q. Who is Kimberly link?

10 A. She was with our public affairs group.

11 Q. And the subject of the e-mail she sends,  
12 she says spokesperson for glyphosate. Do you see that?

13 A. Yes, I do.

14 Q. Now, this document was sent to you as part  
15 of your work at Monsanto; correct?

16 A. Yes, it was.

17 Q. And this document was created in the  
18 regular course of business; correct?

19 A. Yes, it was.

20 MR. WISNER: I move this document into  
21 evidence.

22 Q. (By Mr. Wisner) As you can see at the  
23 bottom here, Ms. Link --

24 MR. JOHNSTON: We reserve our objections

1 to the admissibility --

2 MR. WISNER: Obviously. Sorry. For the  
3 purposes of this deposition that's understood.

4 Q. (By Mr. Wisner) Now, Doctor, is Kimberly  
5 Link -- is she a physician or a doctor of some sort?

6 A. She's with public affairs.

7 Q. Well, I just didn't want to call her Ms.  
8 Link and she be a doctor. I didn't want to be rude,  
9 so --

10 A. No, she's Mrs.

11 Q. So Mrs. Link asked you here, Donna, you  
12 have been selected as one of the primary spokespersons  
13 for the company to defend glyphosate. Do you see that?

14 A. Yes, I do.

15 Q. Do you recall getting this e-mail?

16 A. I don't remember getting the e-mail but I  
17 remember the topic.

18 Q. Should you choose to accept this, we will  
19 schedule a media training session with  
20 FleishmanHillard, our PR agency of record, along with  
21 Ty Vaughn and Phil Miller. Do you see that?

22 A. Yes, I do.

23 Q. I want to break that down just a little  
24 bit. It says right here a primary spokesperson for the

1 company to defend glyphosate. Do you see that?

2 A. Yes, I do.

3 Q. Defend glyphosate against what?

4 A. Well, I think what we want to do is make  
5 sure that there's equal balance of information out  
6 there, so when I look at something like this we want to  
7 make sure that the balance of the information is  
8 publicly spoken about.

9 Q. Was glyphosate under attack?

10 A. At this time if you look a at the context  
11 of this, we were looking for -- the IARC was going to  
12 have a review and we wanted to be sure that we were  
13 prepared that we could have then the balance of  
14 information out there.

15 Q. I understand this is dated February 25th,  
16 2015, so this is actually before the IARC program has  
17 met; is that right?

18 A. Yes, it is.

19 Q. Sorry -- for glyphosate, to be clear?

20 MR. JOHNSTON: Objection. Vague.

21 Q. (By Mr. Wisner) Now, let me just get that  
22 question cleanly. This is dated February 25th, 2015,  
23 so that's before the IARC program had met to review  
24 glyphosate; correct?

1 A. Yes.

2 Q. Now, Doctor --

3 MR. JOHNSTON: Speak up a little bit.

4 A. Oh, I'm sorry.

5 MR. JOHNSTON: I think your voice is  
6 falling.

7 A. Okay. I think I had my chin down, too.

8 Q. (By Mr. Wisner) Was there an expectation  
9 at this time that the IARC program or monograph would  
10 be adverse to Monsanto's interests?

11 A. We had some concerns about IARC and the  
12 review of the pesticides, yes.

13 Q. Specifically with glyphosate; correct?

14 A. With glyphosate, yes.

15 Q. Now, it says here that they were going to  
16 arrange a media training session with FleishmanHillard.  
17 Did that ever occur?

18 A. Yes, it did.

19 Q. I'm handing you what I've marked as  
20 Exhibit 3 to your deposition.

21 [Exhibit 3 marked for identification.]

22 Q. I apologize. Some of these copies are a  
23 bit mushy. I apologize for that, Doctor. Is this a  
24 copy of the training materials that you used with

1 FleishmanHillard?

2 A. It looks like it, yes.

3 Q. If you turn to the back of it, there's a  
4 bunch of handwriting on the last page.

5 A. Yes.

6 Q. That's Page 28, for the record. That's  
7 your handwriting; correct?

8 A. Yes, it is.

9 Q. So these are your notes from your training  
10 session with FleishmanHillard; is that right?

11 A. Yes.

12 Q. And these are a fair and accurate copy of  
13 those?

14 A. Yes.

15 Q. And you did this training as part of your  
16 work as a spokesperson for Monsanto?

17 A. Again, that wasn't my primary role, but  
18 because I knew glyphosate a lot I would be asked to be  
19 a spokesperson from time to time.

20 Q. Sure. And in fact in the last e-mail you  
21 were chosen to be one of the primary spokespersons to  
22 defend glyphosate; correct?

23 MR. JOHNSTON: Objection. Asked and  
24 answered.

1           A.       It was based on my experience with  
2 glyphosate, yes.

3           Q.       (By Mr. Wisner) So as a primary  
4 spokesperson to defend glyphosate this is the training  
5 material that you looked at to prepare you for that  
6 role you were taking on; is that fair to say?

7           MR. JOHNSTON: Objection. Objection.  
8 Asked and answered.

9           A.       It's training that I took, yes.

10          Q.       (By Mr. Wisner) And if you turn to Page 2  
11 of this document, as you can see, it's dated March 2nd,  
12 2015. Do you see that, Doctor?

13          MR. JOHNSTON: Page 2 on the -- there's  
14 multiple different pages. So there's a Page 2 on the  
15 lower right, a Page 3 on the upper right, and a MONGLY  
16 number. So which page number should she --

17          Q.       (By Mr. Wisner) All right. We're using  
18 the number at the top right. Do you see that, Doctor?

19          A.       Uh-huh.

20          Q.       It says March 2nd, 2015?

21          A.       Yes.

22          Q.       And it states IARC media training;  
23 correct?

24          A.       Yes, it does.

1 Q. So the purpose of this training was to  
2 specifically prepare you to respond to the IARC program  
3 on glyphosate?

4 A. It was to prepare us for responding to --  
5 yes, for IARC. Uh-huh.

6 Q. Turn to page -- using the same numbers,  
7 Page 7. I just want to make sure I understand your  
8 writing on this document. So you have some handwritten  
9 notes here, Doctor. Can you just read what those say  
10 for me?

11 MR. JOHNSTON: Objection. Assumes that's  
12 her handwriting.

13 Q. (By Mr. Wisner) A question is pending,  
14 Dr. Farmer. If you could please read your handwriting.

15 A. This is --

16 MR. JOHNSTON: Objection. Assumes it's  
17 her handwriting. Go ahead.

18 A. It is my handwriting. But it fits in with  
19 the top as well. News media, you control the words  
20 that come out of your mouth, the way you deliver them.  
21 Reporters can put in words they want you to repeat,  
22 reporters are a path for their story, and keep bridging  
23 back.

24 Q. (By Mr. Wisner) Keep bridging back --

1 what do you mean by that?

2 A. It's keep coming back to the science.

3 Q. If we keep going into this document. We  
4 turn to -- if you could turn to Page 14. What is this  
5 message triangle? What is that?

6 A. There's a way that scientists communicate  
7 with scientists versus the way that people as  
8 scientists, they would communicate with the public, and  
9 so scientists like to give lots and lots and lots of  
10 information and then get to the point, and in  
11 communicating with the public and other people, a lot  
12 of times they don't want to hear all those details,  
13 they want to know they exist, but they want you to get  
14 more to the point.

15 Q. And so is it fair to say that on Page 14,  
16 that reflects going from a point to more detail? Is  
17 that what that tri -- I'm just trying to understand  
18 what that says.

19 A. What it's saying is that when you're  
20 talking publicly, I can't give you the 10 pages behind  
21 a chronic study and that they want to know at the end  
22 of this -- at the end, what did the study say, not we  
23 did 60 animals, we did all those things. So the bottom  
24 line is what's the end result of the study versus all

1 the details behind the study.

2 Q. And then on Page 15, there's a diamond.  
3 Is that a similar concept in that?

4 A. That's what I was referring to.

5 Q. And actually on Page 13, I just want to  
6 make sure I understood what this says. Is that your  
7 handwriting as well on Page 13, Doctor?

8 A. Yes.

9 Q. Okay, great. It says get the -- this is  
10 not your handwriting? It says get the message down,  
11 boil it down to a few key points. And then it says in  
12 your handwriting, does that say avoid jargon?

13 A. Yes.

14 Q. Simple, direct words, repeat and emphasize  
15 the points, and then next to it it looks like you wrote  
16 pause. Do you see that?

17 A. Uh-huh.

18 Q. Why did you write that?

19 A. Well, I think because I tend to talk  
20 really fast and I tend to not leave blanks in between,  
21 so it was to remind people if I made a point, then  
22 pause and let people think about it or have a question,  
23 not just keep talking.

24 Q. Avoid words that don't help. Is that

1 referring to jargon?

2 A. In some cases it can, yes.

3 Q. Hand them the data, tell them a story. Do  
4 you see that?

5 A. Yes.

6 Q. Add supportive detail. And then you have  
7 handwritten stuff here. Does that say study after  
8 study?

9 A. Again, we're talking about communicating  
10 science, and so that's what that's referring to, is  
11 talking about the study after study.

12 Q. Okay. But -- okay, so it says study after  
13 study. I just want to make sure I'm reading it right.

14 A. Uh-huh.

15 Q. What's the next sentence -- or bullet  
16 point you wrote there?

17 A. Risk assessment after review.

18 Q. And then the next one is?

19 A. Evaluate after -- and I have to be honest,  
20 I don't know what that says.

21 Q. Now, if we turn to Page 18 on here. You  
22 mentioned earlier bridging, and it says right here  
23 blocking and bridging. Do you see that?

24 A. It see it says that.

1 Q. And the first sentence, it says moving  
2 from the question to the answer you want to give. What  
3 does that mean?

4 A. For me it's about getting the --

5 MR. JOHNSTON: Objection. Calls for  
6 speculation. Go ahead.

7 A. When I was going through this, for me it  
8 was about talking about the science, being, staying on  
9 track and talking about the science.

10 Q. (By Mr. Wisner) But that's not really  
11 what it says there. It says move from the question to  
12 the answer you want to give. Are you being trained  
13 here, Doctor, to specifically give the answer you want  
14 to give and not the answer to the question being asked?

15 MR. JOHNSTON: Objection. Calls for  
16 speculation.

17 A. That's not how I read that for me as a  
18 scientist. What it was is that if we're going to talk  
19 about something I want to go back to the science.

20 Q. (By Mr. Wisner) Now, if we turn to Page  
21 20, it talks about making it personal. Do you see  
22 that?

23 A. Yes.

24 Q. And in fact, you have made your defense of

1 glyphosate personal, haven't you?

2 MR. JOHNSTON: Objection. Vague. Calls  
3 for speculation.

4 A. First of all, in my job as a toxicologist  
5 at Monsanto, I have used that to be part of my personal  
6 career development, so in that sense it is personal,  
7 but it's about the job and the job I do as a  
8 toxicologist.

9 Q. (By Mr. Wisner) Well, Doctor, you keep  
10 saying that you go back to the science; right? That's  
11 what you're here to talk about?

12 A. That's what my job has been at Monsanto.

13 Q. But when you're talking publicly about  
14 glyphosate, you don't just talk about the science, do  
15 you?

16 MR. JOHNSTON: Objection. Vague.

17 A. I don't know exactly what you're talking  
18 about.

19 Q. (By Mr. Wisner) Well, you talk about  
20 being a mother; right?

21 A. Well, as a mother, but I'm also a  
22 scientist.

23 Q. But you also talk about being a mother,  
24 don't you?

1           A.       But it's a part of -- the thing that  
2 people understand is that I know that as a mother that  
3 the safety of products are really important and as a  
4 scientist at Monsanto I take that role very seriously,  
5 and that's why we keep coming back to the data in here.  
6 Time and time again you'll see it talks about the  
7 science, about the data, about the studies.

8           Q.       And on national television you've openly  
9 said that you are totally fine with your children being  
10 exposed to glyphosate, haven't you?

11          A.       I am very -- I'm very confident and my  
12 children use this product or even -- I use this product  
13 all the time or even friends of mine -- I've worked  
14 with their kids who've got on their backpack sprayers  
15 working at their farm, talking to them about the  
16 different products, so I am very confident in the  
17 safety of the product and have no concerns for me, my  
18 family, or my friends.

19          Q.       And in defense of glyphosate you have made  
20 it personal, haven't you?

21                   MR. JOHNSTON:  Objection.  Vague.

22          A.       It's the science behind it and that I  
23 stand behind the science.

24          Q.       (By Mr. Wisner)  Now at the end here on

1 Page 25, you see there's a section that says practice.

2 Do you see that?

3 A. What page again? I'm sorry.

4 Q. Page 25.

5 MR. JOHNSTON: The upper right-hand  
6 corner.

7 A. Oh.

8 MR. JOHNSTON: Right down here. Keep  
9 going.

10 A. Oh. Oh.

11 Q. (By Mr. Wisner) Do you see that?

12 A. Yes.

13 Q. Did you actually practice as part of this  
14 training session?

15 A. Part of this training session?

16 Q. Uh-huh.

17 A. Yes, just like before I give a  
18 presentation at a meeting I practice my presentation.  
19 So anytime you have a new way of doing something it's  
20 always good to practice.

21 Q. Sure. Sure. And I'm just curious what  
22 did that practice consist of, do you recall?

23 A. It would be asking questions about the  
24 safety of glyphosate.

1 Q. Like tough questions?

2 MR. JOHNSTON: Objection.

3 A. I don't remember.

4 MR. JOHNSTON: Vague. Calls for  
5 speculation.

6 Q. (By Mr. Wisner) And as part of the  
7 practice were you sort of applying these various  
8 techniques that are described in this presentation?

9 A. Communicate -- yes, because we want to  
10 communicate to the public in an efficient way so that  
11 they understand it, that I don't go into the scientific  
12 jargon and all the details. So it's about helping me  
13 get out of thinking about being a scientist in a  
14 technical meeting and communicating that information to  
15 the general public.

16 Q. Which would include blocking and bridging?

17 MR. JOHNSTON: Objection. Vague.

18 A. Well, that is not what we do technically.  
19 It's a way, again, of saying going back to the science,  
20 and you can see at the bottom it always is about going  
21 back to the science.

22 Q. (By Mr. Wisner) Doctor, please turn to  
23 Page 18. Blocking and bridging -- that's actually one  
24 of the techniques that you were trained about; correct?

1 MR. JOHNSTON: Objection. Asked and  
2 answered. You already asked her about this page.

3 A. And again, let me point you on the bottom  
4 of the page it says it's about the data and it's about  
5 the science and that's what I've been saying, is that  
6 what I want to talk about is I want to talk about the  
7 science because that's where my area of expertise is.

8 Q. (By Mr. Wisner) So in this practice  
9 session you practiced blocking and bridging; correct?

10 A. I --

11 MR. JOHNSTON: Objection. Misstates the  
12 testimony.

13 A. I practiced staying with -- talking about  
14 data and science.

15 Q. (By Mr. Wisner) I'm handing you what I've  
16 marked as Exhibit 4 to your deposition.

17 [Exhibit 4 marked for identification.]

18 Q. Oh, I don't have three. This is a  
19 document. It starts with Bates Number MONGLY00922458.

20 A. I have two. Are there different --

21 Q. Oh, that's where it went. Doctor, you see  
22 this is a series of e-mails? Do you see that, Doctor?

23 A. Yes, I do. I'm just trying to read it to  
24 put it back -- it's from 2003.

1 Q. Sure. Sure. And I'll give you a second  
2 to review it in a second.

3 A. Yeah. Just --

4 Q. Why don't you just review it and let me  
5 know when you're ready?

6 A. Okay. Appreciate that. Okay.

7 Q. So the question pending is this is a  
8 series of e-mails. Do you see that, Doctor?

9 A. Yes, I do.

10 Q. And in fact, you were involved in these  
11 e-mails. Do you see that?

12 A. I see my name on them, yes.

13 Q. And these e-mails that you drafted -- they  
14 were done as part of your work at Monsanto; correct?

15 A. I didn't draft all the e-mails, but the  
16 ones that I did, yes.

17 Q. Sure. And they're dated between I guess  
18 November 2003 -- they're dated in November 2003. Do  
19 you see that?

20 A. Yes.

21 Q. Now, the subject of this is agitation  
22 against Roundup. Do you see that?

23 A. Yes, I do.

24 Q. And earlier in the e-mail, there's an

1 e-mail exchange about there being some bad media about  
2 Roundup. Do you recall, or do you see that?

3 A. In the very end, that we've had a series  
4 of adverse reports that have appeared in the southern  
5 state against Roundup in local print and TV coverage.

6 Q. Yes. Do you see that, Doctor?

7 A. I do see that.

8 Q. That's the agitation that they're  
9 referring to in this e-mail?

10 MR. JOHNSTON: Objection. Calls for  
11 speculation.

12 A. I didn't put in that subject heading, so I  
13 don't know what they're referring to.

14 Q. (By Mr. Wisner) But you ultimately did do  
15 a fairly lengthy response to this e-mail; correct?

16 MR. JOHNSTON: Objection. Vague.

17 A. I wouldn't say that my response was to  
18 this e-mail. My response was to a quick Q & A  
19 document, not to this e-mail.

20 Q. (By Mr. Wisner) Well, this e-mail gets  
21 sent to a bunch of individuals that then -- it looks  
22 like Julie Doane. Do you see that?

23 A. Uh-huh.

24 Q. She responds and then she sends that to

1 you; right?

2 A. Yeah, so again my e-mail is not a response  
3 to this e-mail. My response is to a Q & A.

4 Q. Okay. Well, it says right here the e-mail  
5 that was sent to you says I would appreciate your  
6 review of the materials below. I'd like to provide our  
7 feedback by close of business today. We may also want  
8 to remind them of the reference material available via  
9 the web, Teamspace, et cetera. Please advise. Thanks  
10 in advance, Julie. Do you see that?

11 A. Yes.

12 Q. So then you respond to that e-mail. Do  
13 you see that?

14 A. Yes.

15 Q. And it says your Q & A was forwarded to  
16 Kathy Carr and me for review. See attached. Do you  
17 see that?

18 A. Yes.

19 Q. And you're reviewing I guess some sort of  
20 Q & A material that relates to the safety of Roundup  
21 and glyphosate? Is that fair?

22 MR. JOHNSTON: Objection. Vague.

23 A. Yeah, I'm just -- I don't remember what  
24 the Q & As were but I obviously have a response to --

1           Q.       (By Mr. Wisner) So at the very bottom of  
2 the first page ending in 458, it says the terms  
3 glyphosate -- and this is your words; right? You say  
4 the terms glyphosate and Roundup cannot be used  
5 interchangeably, nor can you use quote, Roundup, end  
6 quote, for all glyphosate-based herbicides anymore.

7                   For example, you cannot say Roundup is not  
8 a carcinogen. We have not done the necessary testing  
9 on the formulation to make that statement. The testing  
10 on the formulations are not anywhere near the level of  
11 the active ingredient. We can make that statement  
12 about glyphosate and can infer from that that there is  
13 no reason to believe that Roundup would cause cancer.  
14 That's what you wrote; right, Doctor?

15                   MR. JOHNSTON: Objection. Compound.

16           A.       So could you break that up for me again?

17           Q.       (By Mr. Wisner) Sure. Those are the  
18 words you wrote in your e-mail; correct, Doctor?

19           A.       Those are the words --

20                   MR. JOHNSTON: Objection. Vague.

21           A.       Those are the words that I wrote in my  
22 e-mail.

23           Q.       (By Mr. Wisner) I want to get into some  
24 of the statements you made here just to make sure I

1 understand them, but you state here that the testing on  
2 the formulations are not anywhere near the level of the  
3 active ingredient. Is that true?

4 MR. JOHNSTON: Vague as to time frame.  
5 Objection.

6 A. I think we have to go back again and look  
7 at the time frame in 2003. And so what we're looking  
8 at is every world area does a six-pack of formulated  
9 testing. We have got testing on 90-day studies, we've  
10 got some testing on 21-day studies and formulations,  
11 but the active ingredient does have a more extensive  
12 database.

13 Q. (By Mr. Wisner) So it's true then -- my  
14 question was is that sentence true, and you gave me a  
15 lot of words in your answer and I didn't fully  
16 understand it, so I'm just going to ask again and see  
17 if I can get clarity on it, Doctor. You state here the  
18 testing on the formulations are not anywhere near the  
19 level of the active ingredient. Is that a true  
20 sentence as of I guess 2003?

21 A. Yes.

22 Q. Is that true today?

23 A. I would say no.

24 Q. What has changed?

1           A.     I think that we have a lot more  
2     formulations that have been out there. We have a lot  
3     more data, a lot more experience with the formulated  
4     product, and so I think that there are more studies  
5     that are available on formulations than there were back  
6     in 2003.

7           Q.     Now, Monsanto has conducted a long-term  
8     rodent carcinogenicity study on glyphosate; correct?

9           A.     Yes, we have.

10          Q.     Has Monsanto ever done the same on a  
11     formulated product?

12          A.     No, we haven't.

13          Q.     Has Monsanto ever done the same for a  
14     surfactant?

15          A.     No, we haven't.

16          Q.     So would it be fair to say then that even  
17     to this day, Monsanto has never done a long-term animal  
18     study to test the carcinogenicity of a formulated  
19     product?

20          A.     No, we have not, but I think if you go  
21     down to this other sentence, it says and can infer and  
22     there is no reason to believe that Roundup would cause  
23     cancer, and so the reason why we make that statement is  
24     because when you look at the almost 40 years of science

1 that we have -- we have studies, lots of studies on the  
2 surfactants, lots of studies on the formulated product,  
3 and seven regulatory databases on glyphosate, and in  
4 those studies we don't see evidence of genotoxicity  
5 within glyphosate, the formulated products, or the  
6 surfactants, and we don't see in our carcinogenicity  
7 studies in glyphosate.

8           So when you look at 40 years of science,  
9 all those studies on the surfactants on the formulated  
10 product in Genetox, in both of those, and on glyphosate  
11 in those seven regulatory data packages, and you're  
12 asking about one long-term animal carcinogenicity  
13 study, we may not have that but there has been a  
14 long-term study done in humans on a formulated product  
15 and we're talking about the Agricultural Health Study  
16 which was reported out in 2017 where there was no  
17 association with non-Hodgkin's lymphoma.

18           So even though we don't have that specific  
19 one long-term carcinogenicity study on an animal with a  
20 formulated product, we have lots and lots of data over  
21 40 years and an epidemiology study to show us there is  
22 no concern for Roundup to cause cancer.

23           MR. WISNER: So I move every -- I move to  
24 strike everything after yes as nonresponsive.

1 Q. (By Mr. Wisner) Now, Doctor, you say that  
2 there's 40 years of science supporting the safe use of  
3 glyphosate; is that right?

4 A. Uh-huh.

5 Q. But that's not entirely accurate, is it?

6 MR. JOHNSTON: Objection. Vague.

7 Q. (By Mr. Wisner) Well, Round -- or  
8 glyphosate was first approved in 1974; right?

9 A. Roundup was in 1974.

10 Q. And that was based on studies from  
11 industrial biotest laboratories; correct?

12 A. No.

13 Q. Is it your testimony that the four  
14 long-term animal carcinogenicity studies done on  
15 glyphosate to support its initial registration were not  
16 done by IBT labs?

17 A. I missed the time frame.

18 Q. Yeah, 1974 when it first came on the  
19 market -- that's the 40-year mark; right?

20 A. But they were -- but they have been  
21 completely reproduced over time in different  
22 laboratories by seven different registrants around the  
23 world, and they are all the same as what was seen at  
24 IBT.

1 Q. I understand you want to say there's been  
2 stuff done afterwards. I got that. But when you talk  
3 about 40 years of science supporting it, the first  
4 decade is based on data from IBT, isn't it?

5 A. Not the first decade, because there were  
6 still animal studies that were done in the 1980s in  
7 other laboratories.

8 Q. Yeah, I know. So 1983 actually is when it  
9 was done; isn't that true?

10 A. Yes.

11 Q. So 1974 to 1973 -- that's about a decade;  
12 right?

13 A. Well, I think --

14 MR. JOHNSTON: It's actually one year less  
15 the way you said it. You might want to look at your  
16 question on the transcript. You said 1974 to 1973.

17 Q. I said it's about a decade. Right?

18 A. But --

19 MR. JOHNSTON: But that wouldn't be a  
20 decade. Just rephrase your question. You said 1974 to  
21 1973.

22 MR. WISNER: Oh. Well, thanks. That's --  
23 I didn't hear that part.

24 MR. JOHNSTON: I know. Trying to be

1 helpful, actually.

2 MR. WISNER: I appreciate that, sir.

3 Q. (By Mr. Wisner) So between 1973 and  
4 1984 --

5 MR. BAUM: 1974 --

6 MR. WISNER: Between -- all right, let me  
7 try this, guys.

8 Q. (By Mr. Wisner) Between 1974 and 1983,  
9 Doctor, that's about a decade; right?

10 A. Yes.

11 Q. And so for first data that Roundup or  
12 glyphosate was on the market, it was based on data from  
13 IBT labs; right?

14 A. Well, not all of it. There were other  
15 studies that were done in other labs. Particularly the  
16 Genetox studies were not done at IBT and there was no  
17 evidence of genotoxicity in those, and then all of  
18 those studies were redone. They were looked at, and  
19 that there was never a question that they weren't  
20 showing the truthful information that was going on with  
21 glyphosate, so not all of the studies that supported  
22 its safety were done at that time at IBT.

23 Q. So let's just break that down a little  
24 bit. All of the carcinogenicity studies for the first

1 decade or so of Roundup's existence on the market came  
2 from IBT; correct?

3 A. No, because in the 1980s we had another  
4 study from a different laboratory.

5 Q. I know. But the first decade --

6 A. Well, but I think there was another study.  
7 And this was many -- there was like different studies.  
8 IBT had some studies but we had other studies at other  
9 labs.

10 Q. Are you -- is it your testimony that there  
11 was a study, a carcinogenicity study, done by someone  
12 other than IBT before 1983?

13 A. There was a study done in the 1980s, yes.  
14 I'm sorry. I'm not --

15 Q. I know. We know about the Knezevich and  
16 Hogan study, Doctor.

17 A. But right now I'm not remembering the  
18 dates.

19 Q. So 1983 is Knezevich and Hogan; okay? And  
20 then there was a rat study also done around that time  
21 as well. Those were done by industrial -- no,  
22 Biodynamics; okay? So putting those studies aside, I'm  
23 talking about for the first 10 years or so. They were  
24 from -- they were based on IBT laboratory results;

1 correct?

2 A. Not all the data was based on IBT; right?

3 We talked about others doing Genetox studies and --

4 Q. Sure. But the carcinogenicity studies.

5 A. There was one done there, yes.

6 Q. And isn't it true, Doctor, that those

7 studies were deemed invalid by the EPA?

8 A. They were actually included in the last

9 EPA review, but they were because of the concern for

10 EPA -- IBT, yes.

11 Q. Because IBT committed fraud; right?

12 A. They did commit fraud, yes.

13 Q. And in fact, there was a person at IBT, a

14 Paul Wright. Do you know Paul Wright?

15 A. No, I don't know Paul Wright.

16 Q. But do you know of Paul Wright?

17 A. I know of Paul Wright.

18 Q. Paul Wright actually worked at Monsanto

19 before he went to IBT; correct?

20 MR. JOHNSTON: Objection. Calls for

21 speculation.

22 A. I did not know that.

23 Q. (By Mr. Wisner) And then he went to IBT

24 for a few years, then came back to Monsanto to work as

1 a toxicologist at Monsanto. Did you know that?

2 A. I don't know the story about Paul Wright.  
3 It was way before my time.

4 Q. When did you start at Monsanto?

5 A. 1991.

6 Q. And then in 1976, Mr. Wright was  
7 actually -- or Dr. Wright was actually indicted for  
8 fraud. Did you know that?

9 A. I did know that.

10 Q. And he ultimately was convicted and sent  
11 to jail; you know that; right?

12 A. Yes, I did.

13 Q. Did you also know that Monsanto paid for  
14 his legal defense the entire way?

15 A. I don't know that.

16 Q. Does that concern you?

17 A. I --

18 MR. JOHNSTON: Objection. Calls for  
19 speculation.

20 A. I don't know what Monsanto did or didn't  
21 do for his legal defenses.

22 Q. (By Mr. Wisner) No, but does it concern  
23 you that a person who worked at Monsanto in toxicology,  
24 the very area that you work in, went to jail for fraud?

1 MR. JOHNSTON: Objection. Vague. Calls  
2 for speculation.

3 A. Again, I didn't know the circumstances  
4 around Paul Wright. It's -- I don't know the  
5 circumstances.

6 Q. (By Mr. Wisner) Well, now that I've told  
7 you about it are you going to look into it?

8 MR. JOHNSTON: Objection, counsel. You're  
9 not hear to give her tasks. You're asking her to tell  
10 you what she might do in the future. That is not a  
11 proper deposition question in a fact deposition.  
12 You're harassing the witness.

13 Q. (By Mr. Wisner) Please answer my  
14 question, Doctor.

15 A. My history with Monsanto -- that's a  
16 history before me. I know what we have done in the  
17 company to date, and you've told me the story, so  
18 that's what I have knowledge about.

19 Q. So now that I've told you the story are  
20 you going to check out to see if it's true?

21 MR. JOHNSTON: Objection. Same objections  
22 as before. Harassing the witness, badgering.

23 A. I don't know if I will or not.

24 Q. (By Mr. Wisner) It doesn't matter about

1 Monsanto's past or history?

2 MR. JOHNSTON: Objection. Misstates the  
3 testimony.

4 A. I didn't say I didn't care. I just said I  
5 don't know if I will or will not go back to learn about  
6 Dr. Wright.

7 Q. (By Mr. Wisner) So this last e-mail -- it  
8 says Exhibit 4. That actually was in 2003; correct?

9 A. Yes.

10 Q. And in 2003, you stated that the data was  
11 really just nowhere near the level for the formulations  
12 as it was for the active ingredient; correct?

13 A. Yes.

14 Q. I'm handing you a document that's Exhibit  
15 5 to your deposition.

16 [Exhibit 5 marked for identification.]

17 Q. This is another e-mail exchange. Do you  
18 see that, Doctor?

19 A. Yes, I do.

20 Q. And the MONGLY number is 01192115. And as  
21 you can see, Dr. Farmer, at the top there's an e-mail  
22 from you. Do you see that?

23 A. Yes.

24 Q. And this is dated from 2009. Do you see

1 that?

2 A. Yes.

3 Q. And this e-mail was sent by you in the  
4 course of your work at Monsanto; correct?

5 A. Yes.

6 Q. This is a fair and accurate copy of that  
7 e-mail to the best of your knowledge?

8 A. To the best of my knowledge, yes.

9 Q. So now in 2009, the top of this e-mail  
10 here, it looks like you're responding to -- it looks  
11 like some sort of Australian distributor's website has  
12 stuff on their website and you're critiquing it; is  
13 that fair?

14 A. If you go down below it says this is a Q &  
15 A from the Scotts Australia.

16 Q. Fair enough. And so it's from their  
17 website, they have a Q & A, and you're sort of  
18 critiquing or editing it or discussing the accuracies  
19 of it; is that fair?

20 A. Yes.

21 MR. JOHNSTON: Objection.

22 Q. (By Mr. Wisner) And then you have Number  
23 5 here. It says how does Roundup work. I assume  
24 that's the question that you were discussing?

1           A.     Yes.

2           Q.     And it has this answer, and then it says  
3     or this.  You cannot say that Roundup does not cause  
4     cancer.  We have not done the carcinogenicity studies  
5     with, quote, Roundup, unquote.  Do you see that?

6           A.     Yes.  But can I put that back into  
7     position?  Because that's really responding to the one  
8     below.  And so what it says, will Roundup harm my  
9     family or me, and it says based on the results of  
10    short-term and long-term testing, it can be concluded  
11    that Roundup poses no danger to human health when used  
12    according to label directions.

13                    In long-term exposure studies of animals,  
14    Roundup did not cause cancer, birth defects, or adverse  
15    reproductive changes at dose levels far in excess of  
16    likely exposure.  So what I'm saying up above is  
17    just -- I'm not questioning the -- I said Roundup poses  
18    no danger to human health.

19                    This is just talking about the one  
20    long-term carcinogenicity studies, but as we talked  
21    about before, there are a lot of short-term and  
22    long-term testing on the formulated product.  So this  
23    doesn't say -- you can't say that Roundup -- you can  
24    actually say it's not saying that Roundup causes

1 cancer.

2 We can actually say Roundup doesn't cause  
3 cancer based on the short and- long-term testing  
4 studies and the Agricultural Health Study.

5 MR. WISNER: I move to strike your answer  
6 after the word yes as nonresponsive.

7 Q. (By Mr. Wisner) My question was simply  
8 did I read that correctly. I think you said yes, so  
9 I'll move onto my next question. Within that sentence  
10 you wrote you cannot say that Roundup does not  
11 cancer -- we have not done the carcinogenicity studies  
12 with Roundup.

13 Would it be fair to say that as of 2009  
14 when this e-mail was written, Monsanto had still not  
15 done a long-term carcinogenicity study with the  
16 formulated product Roundup?

17 MR. JOHNSTON: Objection. Compound, and  
18 you read the document wrong, counsel.

19 MR. BAUM: You left out cause.

20 Q. (By Mr. Wisner) I'll withdraw the  
21 question, Doctor. Let me reask it again. So you state  
22 here you cannot say that Roundup does not cause cancer,  
23 we have not done the carcinogenicity studies with,  
24 quote, Roundup. Would it be fair to say that as of

1 2009 when you wrote that sentence, Monsanto had still  
2 not done any long-term carcinogenicity studies with the  
3 formulated Roundup product?

4 MR. JOHNSTON: Objection. Compound.

5 A. First of all, again, this is taken out of  
6 context, and at that time we had not done the  
7 carcinogenicity studies in animals, but again, we had  
8 no reason to do that based on we could assess its  
9 safety for not causing cancer based on many other  
10 studies.

11 MR. WISNER: I'm going to have to move to  
12 strike your answer as nonresponsive. If I could have  
13 the court reporter read back my question.

14 [The requested portion of the transcript  
15 was read by the reporter.]

16 A. No, we had not.

17 MR. JOHNSTON: For the record, I'm not  
18 going to respond to your motions to strike, but  
19 obviously we don't agree to any of them and we reserve  
20 our right to make arguments --

21 MR. WISNER: I think under the code you're  
22 fine on that one.

23 Q. (By Mr. Wisner) Okay. Thank you, Doctor.  
24 All right. Let's go back to my roadmap that we had.

1 So we've talked a little bit about your work as a  
2 spokesperson. We're going to get into more of some of  
3 the public things that you said since the IARC  
4 monograph later. But for now I want to focus on the  
5 next stop on our roadmap here.

6 So we've been talking about spokes --  
7 about you being a product spokesperson. That's this.  
8 And now we're going to move onto what I've labeled here  
9 orchestrating outcry, IARC. Do you see that?

10 (Indicating document.)

11 A. I see that.

12 MR. JOHNSTON: Counsel, we've been going  
13 about 55 minutes and you can keep going, but I'm  
14 probably going to want to take a break soon. Would you  
15 rather break now or would you rather break in a little  
16 bit?

17 MR. WISNER: I'd like to keep going for a  
18 little bit, and then --

19 MR. JOHNSTON: Okay. I just didn't want  
20 to interrupt you if you would prefer to stop now.

21 MR. WISNER: No, I appreciate that. I  
22 appreciate that.

23 Q. (By Mr. Wisner) If you -- Doctor, if you  
24 need to take a break, let me --

1           A.     Yeah, I was going to say.  Would you mind  
2 if we took a break?

3           Q.     Yeah, sure.  Go ahead.  Take a break.

4           A.     Because it's been --

5           Q.     Before we take this break, Doctor, is  
6 there anything about your testimony that you've given  
7 so far that you'd like to change?

8           MR. JOHNSTON:  Objection.  Badgering the  
9 witness and harassing.

10          A.     I'm trying to answer them as truthfully as  
11 I can.

12          Q.     (By Mr. Wisner)  I'm sorry.  My question  
13 is is there anything about your testimony that you've  
14 given so far that you'd like to change?

15          MR. JOHNSTON:  Counsel, you know she gets  
16 to do an errata and all sorts of stuff.  But this is  
17 badgering, but go ahead and answer his question.

18          A.     I can't answer that right now.  There's  
19 been a lot said and a lot gone through.

20          Q.     (By Mr. Wisner)  Okay.  But as of right  
21 now.  Obviously you can change it later.  I'm just  
22 asking right now, do you have anything you want to  
23 change?

24          MR. JOHNSTON:  Objection.  Improper

1 questioning, badgering the witness.

2 A. As I said, I don't really want to answer  
3 that right now. I'd like to have some time to think  
4 about this.

5 MR. WISNER: Okay. We'll take a break.

6 THE VIDEOGRAPHER: We are going off the  
7 record at 10:01 AM.

8 [A brief recess was taken.]

9 THE VIDEOGRAPHER: We are back on the  
10 record at 10:14 AM.

11 Q. (By Mr. Wisner) Hello, Doctor.

12 A. Hello.

13 Q. Is there anything you want to change in  
14 your testimony now?

15 A. I still have to think through this and  
16 take a look at it.

17 Q. And I've been calling you Dr. Farmer this  
18 whole time but I just want to clarify you're actually  
19 not a medical doctor; correct?

20 A. I am not an M.D.

21 Q. You don't treat patients; right?

22 A. No, I do not.

23 Q. You have a doctor in -- is it regulatory  
24 toxicology; is that right?

1 A. No.

2 Q. Oh, I'm sorry.

3 A. I had a PhD in philosophy, and it's  
4 anatomy and cell biology.

5 Q. Oh, okay. Oh. PhD in anatomy and cell  
6 biology, you mean --

7 A. PhD in anatomy and cell biology.

8 Q. You don't have a PhD in philosophy, do  
9 you?

10 A. It's a doctor of philosophy, but it's a  
11 PhD in anatomy and cell biology.

12 Q. Yeah, yeah. Okay. I just -- you threw me  
13 for a run there. I said you got a PhD in philosophy,  
14 let's talk about Kant. All right. All right, Doctor.  
15 I'd like to talk to you about the next step on our  
16 roadmap here, and that is orchestrating outcry about  
17 the IARC monograph. Now, Monsanto learned that IARC  
18 would be reviewing glyphosate in October of 2014; is  
19 that right?

20 A. I think it was September.

21 Q. Thank you. September of 2014, and at that  
22 time there was concern within Monsanto that it might be  
23 a bad review of glyphosate; is that right?

24 MR. JOHNSTON: Objection. Misstates her

1 testimony.

2 A. Do you have any documents you'd like me to  
3 look at?

4 Q. (By Mr. Wisner) I'm just trying to get  
5 what your recollection was.

6 A. Well --

7 MR. JOHNSTON: Objection. Asked and  
8 answered.

9 A. I think that basically IARC -- over 50  
10 percent of everything that IARC reviews is a 1 or 2A or  
11 2B carcinogen that we did have concerns how the outcome  
12 would be.

13 Q. (By Mr. Wisner) We'll come back to that  
14 point later. Well, let me just ask you, since we're on  
15 it. Do you know how many -- what percentage roughly  
16 are classified as 1 and 2A?

17 A. I do not know the percents, but again  
18 they're all some level of carcinogen, so they're --  
19 around 50 percent are 1, 2A, and 2B, and there's only  
20 one that's a 4, and then the rest are in the 3  
21 category.

22 Q. And you understand that IARC doesn't  
23 review every chemical ever; right?

24 A. No, it's not my -- I'm not aware that they

1 do every chemical. There's a lot more than -- and they  
2 also do occupations and things as well.

3 Q. Yeah. They look at things where there's  
4 already a reasonable suspicion that there's a  
5 relationship with cancer; right?

6 MR. JOHNSTON: Objection. Calls for  
7 speculation.

8 A. I wouldn't agree with that for glyphosate.

9 Q. (By Mr. Wisner) Fair enough, but that's  
10 their standard policy? They don't just look at  
11 everything? They look at things that actually there's  
12 a reasonable suspicion that there might be a  
13 carcinogenic risk; right?

14 MR. JOHNSTON: Objection. Calls for  
15 speculation.

16 A. I am not that familiar with their process.  
17 I can just speak to glyphosate.

18 Q. (By Mr. Wisner) You're not familiar with  
19 their process but you seem to know the percentage of  
20 them that are classified as 1, 2A and 2B; is that  
21 right?

22 A. I didn't say percentage. I just said  
23 numbers out of the total almost 1,000.

24 Q. Yeah. And half of them are 1, 2A, or 2B;























1 word respectable -- whatever that means to you, Doctor.

2 You'd agree IARC is a respectable institution?

3 MR. JOHNSTON: Objection vague.

4 A. So I guess what we're saying is in terms  
5 of car manufacturing or cancer or as a respectable  
6 institution in terms of cancer -- evaluating cancer?

7 Q. (By Mr. Wisner) Well, the last I checked,  
8 IARC doesn't make cars, Doctor, does it?

9 A. I know, but you asked is it a respectable  
10 institution.

11 Q. Yeah.

12 A. So I think --

13 Q. The International Agency For Research on  
14 Cancer.

15 A. I --

16 Q. And so clearly I'm asking if they're a  
17 respectable institution in assessing the  
18 carcinogenicity of compounds.

19 MR. JOHNSTON: Still vague. Objection.  
20 Go ahead.

21 A. It is my understanding that IARC is a  
22 well-respected institute within the World Health  
23 Organization.

24 Q. (By Mr. Wisner) Have you ever publicly

1 said that?

2 A. I don't remember.

3 Q. In fact, you've publicly attacked IARC,  
4 haven't you?

5 A. I don't remember doing that.

6 Q. You don't recall publicly attacking IARC?

7 A. If you have some documents you want me to  
8 look at I can talk to you about whether I felt it was  
9 an attack or not.

10 Q. All right. I'm going to mark as Exhibit 7  
11 a video clip that involves you on CBS News.

12 [Exhibit 7 marked for identification.]

13 Q. I'm going to have it played right now and  
14 we'll see what it says.

15 A. Okay.

16 [Discussion off the record.]

17 [Video clip played.]

18 MR. JOHNSTON: Okay, I'm going to object  
19 because it stopped -- the video stopped several times  
20 during it and the court reporter indicated they could  
21 not transcribe it because they couldn't hear it even  
22 though I asked for it to be transcribed. Go ahead and  
23 ask her questions.

24 MR. WISNER: Okay. Well, it's Exhibit

1 7 and we'll have it included with the record.

2 Q. (By Mr. Wisner) Now Doctor, in that video  
3 did you see that you accused IARC of cherry-picking  
4 data?

5 A. I criticized IARC because they did  
6 cherry-pick the data. They didn't look at all the  
7 data. They looked at subsets of the data. And so I  
8 think that that in my opinion is a fair assessment of  
9 how they treated the data.

10 Q. So to be clear, you went on public  
11 television and told the world that IARC cherry-picked  
12 data; correct?

13 A. Yes, I did, and they did -- I provided  
14 some things for them and they never showed up and so  
15 yeah, they didn't look at all the data.

16 Q. I'm just curious. What is your definition  
17 of cherry-picking?

18 A. That they didn't look at all the data that  
19 was available to them.

20 Q. And what data did IARC not look at,  
21 Doctor?

22 A. There was a lot of data that was out  
23 there, and they selected studies that were more on the  
24 positive side. They didn't take into account whether

1 the route of exposure was relevant for humans. They  
2 didn't take into account whether the animal model was  
3 relevant to humans. All of that to me is  
4 cherry-picking the data.

5 Q. I just -- my question was what didn't they  
6 look at that they should have?

7 A. Well, for one they never looked at the  
8 Heyden study.

9 Q. The Heyden study?

10 A. Uh-huh.

11 Q. Which -- we're talking about the one from  
12 2008?

13 A. Uh-huh. Uh-huh.

14 Q. That I believe you're an author on as  
15 well?

16 A. Uh-huh.

17 Q. Where you redid a study that had been done  
18 by I believe -- was it Bolognesi; is that right?

19 A. We were --

20 Q. Or Lioi?

21 A. We were -- we did that -- yes, we did --  
22 we do -- and a lot more than just redoing his study.

23 Q. Now, you're saying they did not look at  
24 that study. Is that your testimony, Doctor?

1           A.     The -- I don't see it anywhere in there.

2           Q.     Anything else they didn't look at?

3           A.     Well, I think that they didn't take into  
4 account to the level of degree they should have like  
5 the Greim paper and the Kier-Kirkland papers. I think  
6 that they were good documents that they could have used  
7 in their evaluation.

8           Q.     Well, the Greim paper they did consider  
9 and they did discuss in the monograph. You understand  
10 that; right?

11          A.     They did, but they didn't really include  
12 it because they felt a lot of the data didn't meet  
13 their criteria, and I think that it was a good  
14 publication that I thought met their criteria.

15          Q.     And it was actually written by your  
16 colleague David Saltmiras; correct?

17          A.     It wasn't totally written by David. It  
18 was written by the groups from the glyphosate task  
19 force, and it was a way to get all the studies out in  
20 the public literature.

21          Q.     The Greim article?

22          A.     Uh-huh.

23          Q.     And Kier and Kirkland -- you mentioned  
24 that was not considered or thought enough -- wasn't

1 given enough weight in the IARC monograph; is that  
2 right?

3 A. They did not feel that the supplemental  
4 information met their criteria to include it fully in  
5 their evaluation.

6 Q. And that was also written by Dr.  
7 Saltmiras; wasn't it?

8 A. No, not to my knowledge.

9 Q. It's your testimony -- well, you know Dr.  
10 Saltmiras played a substantial role in preparing that  
11 document; correct?

12 MR. JOHNSTON: Objection. Vague.

13 A. Not with the Kier and Kirkland, I do not  
14 know.

15 Q. (By Mr. Wisner) It's your testimony under  
16 oath that you don't know that, Doctor?

17 MR. JOHNSTON: Objection. Are you  
18 harassing the witness and badgering her?

19 MR. WISNER: I'm getting her testimony.

20 A. As I said --

21 MR. JOHNSTON: She already testified,  
22 counsel. Now you're badgering her. Go ahead.

23 A. I'm not aware.

24 Q. (By Mr. Wisner) Okay. We'll get back to

1 that later. All right. So leading up to the IARC  
2 monograph, there was a series of meetings that you  
3 participated in to potentially respond to an adverse  
4 determination. Is that right?

5 A. I remember responding to whatever the  
6 determination was. We did have meetings, yes.

7 Q. I'm handing you what I've marked as  
8 Exhibit 8.

9 [Exhibit 8 marked for identification.]

10 Q. This is an e-mail from Kimberly Link  
11 addressed to you. Do you see that, Doctor?

12 A. Yes.

13 Q. And it's MONGLY01021708. And this is  
14 dated February 12th, 2015. Do you see that, Doctor?

15 A. Yes.

16 Q. This is a document that was sent to you as  
17 part of your work at Monsanto; correct?

18 A. Yes.

19 Q. And this appears to be a fair and accurate  
20 copy of that with the exception of the metadata  
21 attached to the back?

22 A. I don't know what that is.

23 Q. That's internal stuff. Don't worry about  
24 it. But the first I guess four pages, would it be a

1 fair and accurate copy, Doctor?

2 A. To the best of my memory.

3 MR. JOHNSTON: Did you intend to include  
4 the metadata? Are you going to use it? Can we just  
5 pull it off?

6 MR. WISNER: We can pull this one off this  
7 one. I include it when it doesn't have Bates stamps,  
8 but this one has Bates stamps, so it shouldn't be in  
9 there. So just take those -- take that off. Thank  
10 you, Doctor. All right, I'd move Exhibit 8 into  
11 evidence as amended.

12 Q. (By Mr. Wisner) All right, Doctor. It  
13 says right here -- this is dated February 12th, 2015,  
14 so this is before the monograph program; correct?

15 A. Before the meeting.

16 Q. That's right. Is that right?

17 A. Well, it's not before the monograph  
18 program. It was before the meeting on glyphosate.

19 Q. Fair enough. That's what I meant. This  
20 is before the meeting about glyphosate; right?

21 A. Yes.

22 Q. And so you don't actually know what the  
23 results of the assessment is going to be, do you?

24 A. Not yet, but we're anticipating, and

1 that's -- what we're looking at is anticipating what it  
2 might be.

3 Q. And it says please -- attached please find  
4 the revised messaging for IARC. Do you see that?

5 A. Yes.

6 Q. Great. And if we turn the page. This is  
7 the attachment, and it states in the first sentence  
8 under draft, it says this component represents the  
9 orchestrated outcry that could occur following the  
10 March 3rd to 10th IARC monograph expert meeting. Do  
11 you see that?

12 A. Yes.

13 Q. And the following reactive communication  
14 efforts would be deployed if glyphosate receives an  
15 unfavorable 2B classification. Do you see that?

16 A. Yes.

17 Q. It also says a series of positive  
18 communication efforts already have been -- sorry. A  
19 series of positive communication efforts already will  
20 have occurred leading up to the meeting. Did I read  
21 that mostly correctly?

22 MR. JOHNSTON: Objection.

23 A. You want to try it again?

24 Q. (By Mr. Wisner) Oh, boy. I'm trying to

1 get to Mike Miller here. All right. A series of  
2 positive communication efforts already will have  
3 occurred leading up to the meeting. Did I read that  
4 correctly?

5 A. Yes.

6 Q. Do you know what those positive  
7 communication efforts were?

8 A. I don't know. This is Kimberly's  
9 document, and she wasn't part of that group, so I'm not  
10 familiar with what those were.

11 Q. And it says 2B decision, key industry  
12 points, Bullet Point 1, we disagree with the decision  
13 made by IARC. Do you see that?

14 A. Yes.

15 Q. How in God's green earth can you already  
16 disagree with the decision made by IARC before it's  
17 ever been made?

18 MR. JOHNSTON: Objection. Misstates the  
19 document.

20 A. Could you say that again, please? I'm  
21 sorry.

22 Q. (By Mr. Wisner) Sure. How on God's green  
23 earth can you make a decision -- stick -- how on God's  
24 green earth can you say you disagree with a decision

1 made by IARC before the decision has even been made?

2 MR. JOHNSTON: Same objection.

3 A. Like any good company, we're always going  
4 to prepare, and that's what -- it looks like what we  
5 were doing here, is we didn't know, and so you're  
6 looking at what might be the options because it would  
7 be irresponsible of our company to wait until after  
8 everything occurs to not be able to be there to have  
9 the information ready to go and support our product.

10 Q. (By Mr. Wisner) But Doctor, science isn't  
11 about sticking an arrow and drawing a target around it.  
12 It's about looking at the data; right?

13 A. And that's what we did.

14 Q. Well, how could you say that? You don't  
15 even have a copy of the monograph yet and you're  
16 already saying you disagree with it.

17 MR. JOHNSTON: Objection. Misstates her  
18 testimony.

19 A. I -- what I said is this is one of the  
20 possibilities that IARC could have come out with was a  
21 2B, and if it came out with a 2B what would Monsanto  
22 do.

23 Q. (By Mr. Wisner) It would disagree with  
24 the decision made by IARC. That's what it says; right?

1           A.       And we still disagree with the decision by  
2 IARC now that we even know what its decision was. So  
3 this is just a preparation for what would be anything  
4 that IARC would be putting a category -- to glyphosate.

5           Q.       But that's not science, is it, Doctor?

6           A.       Part --

7           MR. JOHNSTON: Objection. Vague.

8           A.       Behind all of these things is the science.  
9 That's what we're talking about, is what is the science  
10 that supports glyphosate. And so this here is the way  
11 that science is communicated, but we know the science  
12 behind glyphosate and glyphosate is not carcinogenic.

13          Q.       (By Mr. Wisner) But -- at the time that  
14 you made this decision to disagree with IARC if it  
15 becomes a 2B -- which it actually ended up being a 2A;  
16 right?

17          A.       Yes.

18          Q.       So at the time that you don't even know  
19 what the decision's going to be. You don't know the  
20 basis of the decision, you don't know what's in the  
21 100-page monograph that will ultimately be prepared by  
22 IARC. How is it scientific to know that you're going  
23 to disagree with that conclusion not having seen the  
24 underlying studies?

1                   MR. JOHNSTON:  Objection.  Misstates the  
2  record.

3                   A.     So again, we know that glyphosate  
4  database, it's not a carcinogen, and this is in  
5  preparation for whatever category IARC would put it  
6  into, and so we know the database and regulatory  
7  agencies around the world have concluded that  
8  glyphosate is not carcinogenic, and so that's the  
9  database.  So that's why we would have disagreed and  
10 prepared to have that data available.

11                  Q.     (By Mr. Wisner)  Doctor, the only  
12 contingency on this document is if it's an adverse  
13 decision.  There's no plan if IARC comes out and says  
14 it's not a carcinogen; right?

15                  A.     Well, again, based on what we know about  
16 IARC, only one time have they ever declared something  
17 possibly not a carcinogen, so the odds are that it's  
18 either going to be a carcinogen or some sort or in an  
19 undetermined category.  Where we felt very strongly  
20 that the data behind glyphosate, the seven regulatory  
21 datasets clearly demonstrate it's not genotoxic and  
22 it's not carcinogenic, and that's been agreed to by  
23 regulatory agencies time and time again.

24                  Q.     Now, if you read the fourth bullet point,















█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ █ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

14 Q. All right. Are you familiar with the  
15 ACHS -- sorry -- ACSH?

16 A. Right now those initials aren't ringing a  
17 bell with me.

18 Q. American Council -- that's fine. I don't  
19 want to get into this. All right. Okay, Doctor. Now,  
20 prior to the IARC monograph, Monsanto had hired a media  
21 company to help cultivate op-eds by independent experts  
22 to attack IARC; correct?

23 A. I'm not familiar with the details of that.

24 Q. Are you familiar with the Potomac Media

1 Company?

2 A. I had heard of it.

3 Q. I'm handing you a document that's Exhibit

4 10.

5 [Exhibit 10 marked for identification.]

6 Q. Doctor, this is a series of e-mails. As  
7 you can see, the top e-mail is from Marie Lord sent to  
8 you; do you see that?

9 A. Yes.

10 Q. This is MONGLY01021648. These e-mails  
11 appear to be e-mails that were sent as part of yours  
12 and Dr. Goldstein's work at Monsanto; correct?

13 A. Could I take a second to look at it --

14 Q. Sure.

15 A. -- and see what its topics are? Okay.

16 Q. Now, Doctor, these e-mails that you and  
17 Dr. Goldstein are sending appear to be e-mails that  
18 were sent as part of your work at Monsanto; correct?

19 A. Yes.

20 MR. WISNER: I'd move Exhibit 10 into  
21 evidence.

22 Q. (By Mr. Wisner) Doctor, I want to focus  
23 on the last two e-mails, really. Your e-mail dated  
24 February 26th -- I'm sorry -- the first two e-mails, I

1 should say. But they're the last two in time.

2 A. I come very late on this whole process.

3 Q. Yeah, that's right. And so I say last  
4 two, I mean the first two on the page. All right. So  
5 it says right here February 26th, 2015. Help me  
6 understand why these folks were selected and who is  
7 Potomac; do you see that?

8 A. Yes.

9 Q. That's what you wrote?

10 A. Uh-huh.

11 Q. And then it looks like Marie Lord, she  
12 responds to your question; do you see that?

13 A. Yes.

14 Q. And she goes, thanks and I'm sorry. I  
15 didn't realize until now that you were not on the  
16 original e-mail string included below. Potomac is a  
17 media house that is writing op-eds and letters to  
18 editors in response to negative press surrounding  
19 glyphosate.

20 These would be, quote authored, unquote  
21 but those on the list then placed by Potomac in media  
22 where needed. Potomac writers would do the heavy lift  
23 with the expert authors as final editor. We know these  
24 items in the media need to be from those outside the

1 industry. Do you see that?

2 A. I see that.

3 Q. So based on this e-mail, it does appear in  
4 fact that Monsanto had hired this Potomac media house  
5 to specifically create op-eds responding to negative  
6 press that would appear to be coming from outside the  
7 industry?

8 MR. JOHNSTON: Objection. Calls for  
9 speculation.

10 A. I mean, it says what it says on the paper  
11 there, as you --

12 Q. (By Mr. Wisner) Do you think that's  
13 ethical, sir -- ma'am?

14 A. So I do think that it's important that  
15 when there's misinformation out there that we respond  
16 to it, and I think that's what this is being talked  
17 about here.

18 Q. Hiring a media house to write commentary  
19 by quote/unquote independent experts, not disclosing  
20 Monsanto's role in it -- that's misleading, Dr. Farmer.

21 MR. JOHNSTON: Objection. Calls for  
22 speculation and misstates what the document says.

23 A. The document says -- I mean, they will be  
24 fully aware, and it says the Potomac writers would do

1 the heavy lift with the expert authors as the final  
2 editor. And so those that are participating will know  
3 what's said about it. They can put their final version  
4 on it and they will know who Potomac is and they can  
5 choose to work with them or not.

6 Q. (By Mr. Wisner) So you don't agree that  
7 it's misleading?

8 MR. JOHNSTON: Objection. Misstates your  
9 prior question.

10 A. Again, this to me is not misleading. What  
11 we are doing is getting op-eds out there where a media  
12 company is going to write them. They will contact  
13 these people and they can choose to work with them or  
14 not, and they're going to be the ultimate authors and  
15 final editor on the publications.

16 Q. (By Mr. Wisner) At the very least,  
17 Doctor, this is manipulative; right?

18 MR. JOHNSTON: Objection. Calls for  
19 speculation. Vague.

20 A. And I don't believe it's manipulative.

21 Q. (By Mr. Wisner) Now, you would agree that  
22 the -- during the IARC meeting related to glyphosate,  
23 that the IARC program treated the observers correctly  
24 and with respect?

1 MR. JOHNSTON: Objection. Calls for  
2 speculation.

3 A. To the best of my knowledge, that was  
4 truthful most of the time.

5 Q. (By Mr. Wisner) I'm handing you Exhibit  
6 11.

7 [Exhibit 11 marked for identification.]

8 Q. This is -- as you can see, Doctor, this is  
9 an e-mail sent from Thomas Sorahan to you. It's dated  
10 March 14th, 2015, MONGLY Number 00977035. Do you see  
11 that, Doctor?

12 A. Yes.

13 Q. And this e-mail that was sent to you from  
14 Dr. Sorahan -- that was in response to an e-mail you  
15 sent him; correct?

16 A. Yes.

17 Q. And the e-mail that you sent to Dr.  
18 Sorahan -- that was sent as part of your regular course  
19 of work at Monsanto; correct?

20 A. Yes.

21 MR. WISNER: I move this exhibit into  
22 evidence.

23 Q. (By Mr. Wisner) Now, in your e-mail dated  
24 March 14th, 2015, you mentioned that a discussion of

1 the IARC classification of glyphosate had been made at  
2 an EPA meeting; correct?

3 A. Yes.

4 Q. And at this time, Monsanto knew the  
5 results of the IARC classification but it was under  
6 embargo; correct?

7 A. Correct.

8 Q. And so I assume you wrote this e-mail  
9 because you wanted them to know that someone at the EPA  
10 was talking about it. Is that right?

11 A. Correct.

12 Q. And then in response Dr. Sorahan writes  
13 you an e-mail; correct?

14 A. Yes.

15 Q. And starting on the second paragraph he  
16 writes, I do know of instances where observers at IARC  
17 felt that they had been treated rudely or brusquely at  
18 monograph meetings. That was not the case for me at  
19 Vol 112. Did I read that correctly?

20 A. Yes.

21 Q. And Vol 112 -- that was the IARC monograph  
22 meeting that involved glyphosate?

23 A. Yes.

24 Q. He goes on, I found the chair, subchairs,

1 and invited experts to be very friendly and prepared to  
2 respond to all comments I made. Do you see that,  
3 Doctor?

4 A. Yes.

5 Q. Now, it says invited experts. There was  
6 only one invited expert there, wasn't there?

7 A. That was my understanding.

8 Q. And that invited expert was Dr.  
9 Christopher Portier; correct?

10 A. Correct.

11 Q. It goes on to state indeed I think  
12 questions the epi subpanel asked me about my recent  
13 multiple myeloma paper, Sorahan 2015, were instrumental  
14 in not having multiple myeloma included on the charge  
15 sheet. Do you see that?

16 A. Yes.

17 Q. So it's your understanding that your  
18 observer -- and by your, I mean Monsanto's observer at  
19 the IARC meeting -- was actually engaged and asked  
20 questions; is that true?

21 MR. JOHNSTON: Objection. Calls for  
22 speculation.

23 A. That's what it says here.

24 Q. (By Mr. Wisner) He goes on to say in my

1 opinion the meeting followed the IARC guidelines. Dr.  
2 Kurt Straif -- I'm not sure if I'm saying that right --  
3 the director of the monograph's program has an intimate  
4 knowledge of the IARC rules and insists these are  
5 followed. Did I read that correctly?

6 A. Yes.

7 Q. He goes as you say, there are background  
8 sections in the monograph, preambles, and presumably on  
9 the IARC website as to how the IARC process is supposed  
10 to work. The recent EHP paper you have by Pearce, et  
11 al, the 124-author effort, is also good for describing  
12 how things are supposed to work, about the only thing  
13 it's good for. Do you see that?

14 A. Yes, that's the --

15 Q. Do you know what he's referring to by the  
16 Pearce, et al, publication?

17 A. I don't remember.

18 Q. Are you aware that 120 authors published  
19 an article praising IARC's history of scientific  
20 correctness?

21 A. It says 124 describing how things were  
22 supposed to work. I'm not aware of the other one that  
23 you're referring to.

24 Q. So you don't have any recollection of ever

1 seeing this article?

2 A. That's not what I said. I said it says  
3 describing how things are supposed to work. That's --  
4 I just don't remember the article.

5 Q. I know. I'm just asking if you -- so you  
6 don't recall. That's fine.

7 A. No, I don't.

8 Q. All right, Doctor. Now, following the  
9 IARC monograph, there was obviously a lot of media and  
10 press about it; correct?

11 A. Yes.

12 Q. And in fact, you were invited to speak on  
13 a show called The Doctors; correct?

14 A. Yes.

15 Q. And you actually did speak on that show;  
16 correct?

17 A. Yes.

18 Q. Did you know that I actually was on the  
19 show after you?

20 A. I've heard about that, yes.

21 Q. You haven't watched it?

22 A. No.

23 Q. Really?

24 A. No.

1 Q. I'm insulted. I'm handing you Exhibit 12.

2 [Exhibit 12 marked for identification.]

3 Q. I'm not really insulted, Doctor. This is  
4 an e-mail that was sent to you and others from Sara  
5 Miller and it's an e-mail exchange. Do you see that?

6 A. Yes.

7 Q. And it has attached to it an attachment.  
8 Do you see that?

9 A. Yes.

10 Q. And this is dated in March 26th, 2015;  
11 right?

12 A. Yes.

13 Q. And this e-mail was sent to you as part of  
14 your preparation for your work as -- well, really as a  
15 spokesperson for Monsanto; right?

16 A. It was a spokesperson to talk about the  
17 safety and the data and the science behind glyphosate.

18 MR. WISNER: Okay, great. I'd move this  
19 document into evidence. It's MONGLY02520833. And the  
20 attachment.

21 Q. (By Mr. Wisner) All right. And so this  
22 is an e-mail discussing your talking points for the  
23 show; right?

24 A. It's -- yes. Uh-huh.

1 Q. And if you turn to the attachment on the  
2 first page. It ends in MONGLY835. It says home base,  
3 Donna to further personalize. Do you see that?

4 A. Yes.

5 Q. And it says, quote -- well, it says as a  
6 mom, I understand people want to know more about what  
7 they're feeding their families. I too care a lot about  
8 what I eat and what my kids eat and can tell you that I  
9 and my colleagues are committed to developing products  
10 that are safe and nutritious for everyone, including  
11 our own families and friends. Did I read that right?

12 A. Yes.

13 Q. So one of your express purposes for going  
14 on The Doctors was to personalize Monsanto; correct?

15 A. No, that was not the main purpose. Again,  
16 my purpose was to be there to answer questions to the  
17 doctors about the safety of glyphosate.

18 Q. The very first three words in that  
19 sentence say as a mom, don't they?

20 A. Well, you know, when you were on The  
21 Doctors you saw a lot -- there's a lot of women in the  
22 audience and a lot of women watching at home, and the  
23 idea is to let them know that I'm also a mom as a  
24 scientist and that I eat the food that's grown from our

1 biotech crops, I use Roundup around my house, and I  
2 think that would make me sitting in the audience a lot  
3 more comfortable if I knew the person who's working for  
4 the company actually ate the food and used the  
5 products, and so I did want to connect with them to let  
6 them know that I understand and that I use these  
7 products as well.

8 Q. Who drafted these talking points?

9 A. We worked on them together. Over time.

10 Q. And who is Sara Miller?

11 A. Sara is one of our public affairs people.

12 Q. And it looks like the original document  
13 was sent to Chelsey Watts. Do you see that?

14 A. We had done a Q & A the day before and  
15 spent a lot of time going back with questions and  
16 answers, and so this was kind of a typed-up version of  
17 our back-and-forth the night before.

18 Q. And that was with a company called  
19 FleishmanHillard; right?

20 MR. JOHNSTON: Objection. Vague.

21 A. Yes, it was.

22 Q. (By Mr. Wisner) And that's a PR company  
23 right?

24 A. I don't know if that's their term, but

1 they help with public relations, yes.

2 Q. I'd actually like to play a portion of the  
3 video from The Doctors just so we all have that on the  
4 record. I'm going to mark that as Exhibit 13 to your  
5 deposition.

6 MR. JOHNSTON: Before you play that, how  
7 are actually putting these with the transcript? Do you  
8 have a jump drive or something?

9 MR. WISNER: I can do it on a jump drive.  
10 We can talk about that afterwards. I'll make sure it's  
11 included as part of the record one way or the other.

12 A. Are you going to play some of yours too?

13 MR. JOHNSTON: Well, I object to this to  
14 the extent that I'm not provided this as a part of the  
15 exhibits to this deposition. Go ahead.

16 MR. WISNER: Mr. Johnson, I'll give you a  
17 copy.

18 [Video clip played.]

19 MR. JOHNSTON: I object to this. This is  
20 clearly not the entire segment. There's clearly cuts  
21 and it's mostly focused on the commentary of the hosts.  
22 Very little of it is Dr. Farmer's discussion, and  
23 you're simply using this as an effort to try to play  
24 the entire segment or the pieces of the segment you

1 prefer.

2                   So I object. I don't think this is going  
3 to be admissible at trial. You can ask her questions  
4 about it but it's completely improper.

5           Q.       (By Mr. Wisner) Doctor, first question,  
6 there was a couple things raised in there I just want  
7 to clarify to see if I understood them correctly. Is  
8 it your understanding that the Dutch parliament has  
9 actually banned Roundup?

10           A.       No.

11           Q.       So --

12           A.       Not to my understanding.

13           Q.       That's not your understanding?

14           A.       (Shaking head "no.")

15           Q.       Has any country banned Roundup that you  
16 know of?

17           A.       Not that I'm aware of.

18           Q.       Now, in that segment the host stated that  
19 IARC was biased. Do you agree with that?

20                   MR. JOHNSTON: Objection. Misstates the  
21 tes -- the record. You'd have to replay that section.  
22 I mean, you played like five minutes of tape there.  
23 Did you remember them saying that?

24           A.       I can't remember. I mean, what I would

1 say, as we said -- is that IARC looks at things -- and  
2 that is what I said -- IARC looked at things very  
3 differently than we do and regulatory agencies, and  
4 that's my opinion. That's not saying that it's biased  
5 or not. They just look at things differently.

6 Q. (By Mr. Wisner) My question to you is  
7 very straightforward. Do you think IARC was biased?

8 A. No.

9 Q. I'm handing you a document -- Exhibit 14  
10 to your deposition.

11 [Exhibit 14 marked for identification.]

12 Q. This is an e-mail exchange between you and  
13 Dr. Sorahan. Do you see that, Doctor?

14 A. Yes.

15 Q. It's MONGLY01213912. Doctor, this is  
16 dated May 2015. Do you see that?

17 A. Yes.

18 Q. And the subject is the doctors. Do you  
19 see that?

20 A. May -- okay. Yes.

21 MR. JOHNSTON: Hold on. The tape -- did  
22 you mark that as Exhibit 13?

23 MR. WISNER: Yes.

24 MR. JOHNSTON: I didn't hear you say that

1 on the record. Did he say that on the record?

2 MR. WISNER: I did.

3 THE REPORTER: I'd have to check.

4 MR. WISNER: I did. I marked Exhibit 13.

5 MR. JOHNSTON: Well, you actually didn't  
6 mark anything because you just played a tape and you  
7 haven't marked anything, actually. But you have  
8 nothing tangible to mark, so --

9 MR. WISNER: I really don't want to get  
10 into a fight with you. I marked this 13. So are we  
11 good?

12 MR. JOHNSTON: Well, where's my copy so I  
13 know that this is 13?

14 MR. WISNER: I'll give it to you on a  
15 flash disc.

16 MR. JOHNSTON: I'd like it now.

17 MR. WISNER: I'll give it to you after the  
18 deposition.

19 MR. JOHNSTON: That's not the way you do  
20 depositions, counsel. You have the exhibits. You  
21 can't just play an exhibit --

22 MR. WISNER: I don't want to talk with you  
23 right now. We're in the middle of a deposition. If  
24 you want --

1 MR. JOHNSTON: I'll -- talk to me if you  
2 want to talk to me -- I don't care whether you want to  
3 talk to me or not. I think you're doing this  
4 improperly.

5 [Exhibit 13 marked for identification.]

6 Q. (By Mr. Wisner) Doctor, my question to  
7 you is, was this e-mail exchange exchanged as part of  
8 your work at Monsanto?

9 A. Yes.

10 MR. WISNER: I'd move this document into  
11 evidence.

12 Q. (By Mr. Wisner) Now, as you can see, the  
13 first e-mail you actually send an e-mail to John  
14 Acquavella, Tom Sorahan, Elizabeth Delzell, and Ellen  
15 Chang. Do you see that?

16 A. Yes.

17 Q. None of those people were employees of  
18 Monsanto at that time; correct?

19 A. No, they were not.

20 Q. They were all experts that you were  
21 consulting with related to glyphosate; correct?

22 A. Well, more than experts. Also personal  
23 friends and known colleagues for many years.

24 Q. And you say, I was volunteered to go on

1 this TV show. It was taped in March and just aired  
2 yesterday. Here's a link to the segment, and then you  
3 post the link. Do you see that?

4 A. Yes.

5 Q. And then in response, Dr. Sorahan says,  
6 hi, Donna, you came over very, very well. You did  
7 very -- you did well to keep a straight face when the  
8 host said it's not as if IARC is biased. Tom. Do you  
9 see that?

10 A. Yes.

11 Q. Now, you actually didn't say no, Dr.  
12 Sorahan, I don't think IARC is not biased, did you?

13 A. No, I did not.

14 Q. In fact, what you say in response is yes,  
15 that was one of a number of times that I needed to keep  
16 a straight face. Do you see that?

17 A. Yes.

18 Q. Why would you have needed to keep a  
19 straight face if you didn't agree with it?

20 A. It was -- what we were talking about in  
21 there was the dialogue between the hosts. It was just  
22 a very different experience, and those were the hosts'  
23 words.

24 Q. So do you want to change your testimony

1 that you think IARC's biased, or do you stand by that  
2 today?

3 MR. JOHNSTON: Objection. You're -- she  
4 already answered this question. You're badgering the  
5 witness.

6 A. I said I didn't think that IARC was  
7 biased.

8 Q. (By Mr. Wisner) But --

9 A. Just because I kept -- had a hard time  
10 keeping a straight face doesn't mean I agree or  
11 disagree that IARC is biased.

12 Q. Is that what you understand that phrase to  
13 mean, Doctor?

14 A. What we're talking --

15 MR. JOHNSTON: Objection. Vague.

16 Q. (By Mr. Wisner) Well, when someone says  
17 to me I had a hard time keeping a straight face, it's  
18 because I disagree with what they're saying to me, and  
19 so when the host said it's not as if IARC is biased and  
20 you had a hard time keeping a straight face, that  
21 suggests you do think that IARC was testified?

22 MR. JOHNSTON: Objection, counsel. You're  
23 testifying, and there's no evidence in the record --

24 Q. (By Mr. Wisner) Correct?

1                   MR. JOHNSTON:    -- that establishes the  
2    assumption that was the predicate to your question that  
3    you think that means whatever it means.  You're now  
4    testifying, counsel.  Objection.  Improper.  Badgering  
5    the witness.

6                   A.     I mean, in my opinion, IARC did  
7    cherry-pick data.  Now, that I'm not saying is biased.  
8    I'm thinking in their process they did do a very  
9    selective process and that -- I've talked about that.  
10   Now, whether that's under a bias or not, I don't know,  
11   but I can speak to the fact that I thought they did  
12   cherry-pick the data.

13                  Q.     (By Mr. Wisner)  So you go on to say here  
14   the show that aired is so different than the taping.  
15   It was much more negative.  They cut out a lot and have  
16   given an appearance of a more balanced show.  How was  
17   it more negative?  Did I read that correctly, first of  
18   all?

19                  A.     Yes.

20                  Q.     How was it more negative?  What happened  
21   to --

22                  MR. JOHNSTON:  Objection.  Vague.

23                  A.     There were -- there was at least a  
24   20-minute taping.  I had very little opportunity during

1 those 20 minutes to talk. Other people and the doctors  
2 were talking, as well as Jeffrey Smith, and so it was  
3 asked by Sara Miller to take a look at the recording|  
4 and ask if it could be more balanced.

5 Q. (By Mr. Wisner) Oh, okay. So you  
6 actually reached -- someone from Monsanto reached out  
7 to them to see if they could make it more balanced? Is  
8 that what happened?

9 A. The taping was very unbalanced and it was  
10 asked if -- that they could -- not that we wanted to  
11 show -- the show -- but we had 20 minutes of taping and  
12 there was an imbalance in the show, and we were just  
13 asking it to be -- as we talked about before, we wanted  
14 balance in the story that's out there, and that's what  
15 we were asking there, too, is that the science that is  
16 presented, whether it's the doctors or somewhere else,  
17 be balanced.

18 Q. I'm just curious. What was negative?  
19 What was said?

20 A. Well, I don't remember all the details,  
21 but I'm just saying that there were -- and maybe you  
22 can get the uncut version and take a look and see --  
23 because that was like several years ago.

24 Q. Well, did anyone boo at you?

1 A. They didn't applaud me either.

2 Q. Well, I don't know. Did they boo you? I  
3 don't know. I'm asking.

4 MR. JOHNSTON: Objection.

5 A. It's more the subject matter that was the  
6 bi -- that was in the unbalance that we were looking  
7 at.

8 Q. (By Mr. Wisner) I'm just trying to get a  
9 sense of what was so negative about it. I'm just  
10 trying to get to the bottom of that, so --

11 A. But that's what I'm telling you -- is what  
12 was presented in terms of the data that we wanted to  
13 talk about versus what other people wanted to talk  
14 about. There was 20 minutes of taping, and I had very  
15 little opportunity to discuss the science, which is  
16 what I wanted to do and what I was brought there to do,  
17 compared to what was going on.

18 Q. You were --

19 MR. JOHNSTON: When you get to a stopping  
20 place, we'll take a break soon.

21 MR. WISNER: How long have we been going  
22 for?

23 MR. JOHNSTON: Over an hour.

24 MR. WISNER: All right. Sure. We'll keep

1 going for a little bit. We're almost done.

2 MR. JOHNSTON: That's fine.

3 Q. (By Mr. Wisner) Now, Doctor, I understand  
4 you were actually congratulated for your work defending  
5 glyphosate; correct?

6 A. I don't know exactly what you're referring  
7 to.

8 Q. You were given a Product Stewardship  
9 Spotlight Award?

10 A. I don't remember what that was.

11 Q. I'm handing you Exhibit 15.

12 [Exhibit 15 marked for identification.]

13 Q. This is an e-mail sent from Diane Re to a  
14 lot of people. It's MONGLY02054088. Do you see that  
15 Doctor?

16 A. Yes, I do.

17 Q. And if you actually turn to the -- well,  
18 before I get there, this was an e-mail sent within  
19 Monsanto; correct?

20 A. Yes, it was.

21 Q. And it was sent as part of Monsanto's  
22 stewardship activities?

23 A. Yes, it is.

24 MR. WISNER: I'd move this document into

1 evidence.

2 Q. (By Mr. Wisner) If you look at the  
3 document ending on 90, there's an e-mail from Diane Re  
4 to a bunch of people, including yourself. Do you see  
5 that?

6 A. I'm sorry. Which one is it? The --

7 Q. Ending in 90.

8 A. Oh, okay.

9 Q. Yeah. And there's an e-mail from Diana Re  
10 that's dated March --

11 A. It's "Ray."

12 Q. Sorry. Thank you. Diane Re. And it's  
13 sent on March 1st, 2016, to a lot of people, including  
14 yourself. Do you see that?

15 A. Yes.

16 Q. And it says congratulations, Product  
17 Stewardship Spotlight. Do you see that?

18 A. Yes.

19 Q. And it goes, all, it is my pleasure to  
20 inform you that you have been selected to receive  
21 Monsanto's Stewardship Spotlight, a recognition awarded  
22 by Product Stewardship leaders for exceptional  
23 contributions by individuals and groups outside the  
24 traditional scope of the Product Stewardship Award of

1 Excellence.

2                   Your efforts around defending glyphosate  
3 after IARC misclassification are a significant  
4 achievement, and you should be proud of this  
5 accomplishment. Do you see that?

6           A.     Yes.

7           Q.     So you in fact were recognized within  
8 Monsanto for your work defending Monsanto against IARC?

9           A.     Well, it's after the IARC  
10 misclassification, was our opinion, and by defending  
11 what we wanted to do, again, is -- our definition of  
12 that is to get that balanced story out that IARC had  
13 misclassified glyphosate in our opinion and yet we had  
14 regulatory agencies before and after IARC all over the  
15 world had said it wasn't genotoxic, it wasn't  
16 carcinogenic.

17                   So again, what we're doing is getting the  
18 balance out and putting our part of the science behind  
19 glyphosate.

20           Q.     You know, you keep using the word balance.

21           A.     Uh-huh.

22           Q.     But I've gone through your different  
23 documents, Doctor. I don't see you ever using that  
24 word. You use the word defend, do you?

1                   MR. JOHNSTON: Objection. Are you  
2     testifying, counsel?

3           A.     So defend is a word that we've used, but  
4     again, what does that mean to me? And what it means is  
5     making sure that we get our science out there in  
6     balance with the other one so that we can put in  
7     perspective the science that we don't agree with or  
8     science that's misrepresented or science that's taken  
9     out of context.

10                   So that's a word we used, but what we mean  
11    by that is getting all the science out there for  
12    everybody to take a look at, not just one side of the  
13    story.

14           Q.     (By Mr. Wisner) Isn't it true that part  
15    of your work at Monsanto was to neutralize things that  
16    would affect sales?

17           A.     No, that's not true. My job as part of  
18    Monsanto, as we've been talking about, is to know the  
19    science behind glyphosate, to make sure we get it  
20    communicated, we work through the regulatory agencies,  
21    and they're the ones that approve our products for  
22    sale.

23           Q.     Well, I want to -- we're going to take a  
24    break in just a quick second. I just want to show you

1 one more document before we do. I'm handing you a  
2 document, Exhibit 16 to your deposition, Doctor.

3 [Exhibit 16 marked for identification.]

4 Q. This is an e-mail from you, Dr. Farmer.  
5 Do you see that?

6 A. Yes.

7 Q. It's dated October 30th, 2000. Do you see  
8 that?

9 A. Yes.

10 Q. And it's MONGLY00921329. This is an  
11 e-mail that you sent to John Acquavella and others  
12 within Monsanto; correct?

13 A. I was forwarding an e-mail below to  
14 others.

15 Q. And John Acquavella at this time was an  
16 employee at Monsanto; correct?

17 A. Yes, he was.

18 MR. WISNER: I move this document into  
19 evidence.

20 Q. (By Mr. Wisner) I would draw your  
21 attention to the attachment, Page 2 of the attachment.  
22 And it says Page 2 objectives.

23 MR. JOHNSTON: Again, unless you have  
24 metadata, I object to this on the ground that there's

1 nothing that ties this attachment to this e-mail. Go  
2 ahead and ask your question.

3 Q. (By Mr. Wisner) It states under  
4 objectives on Page 2, Doctor, neutralize attacks on  
5 Roundup herbicide by activist groups such as NCAP,  
6 create and foster an environment that will not hinder  
7 or negatively impact increased sales of Roundup  
8 herbicide, capitalize on the positive reputation of  
9 Roundup herbicide. Did I read that correctly?

10 A. You read that correctly, and this was  
11 prepared by Aronow & Pollock Communications.

12 Q. Okay. Great. And if you read the e-mail  
13 at the beginning of it, it says -- the title of this  
14 document is Roundupplan.doc (sic). Do you see that?

15 A. Yes.

16 Q. Great. We can take a break now. Before  
17 we do that, is there anything in your testimony you'd  
18 like to change?

19 MR. JOHNSTON: Objection.

20 A. I have -- time to think about it, review  
21 on it --

22 Q. (By Mr. Wisner) I'm just saying right at  
23 this moment, is there anything that comes to mind?

24 MR. JOHNSTON: Objection.

1           A.     I need time, again, to consider things and  
2 think about it.

3           Q.     (By Mr. Wisner) So you can't tell me  
4 right now if there's anything you want to change?

5           A.     Not right now. I have to consider things  
6 and review and take a look at things.

7           MR. WISNER: Okay. We can take a break.

8           THE VIDEOGRAPHER: We are going off the  
9 record at 11:22 AM.

10           [A brief recess was taken.]

11           THE VIDEOGRAPHER: We are back on the  
12 record at 11:38 AM.

13           Q.     (By Mr. Wisner) All right, Doctor. I  
14 just want to finish up this IARC discussion. I'm  
15 handing you a document, Exhibit 17.

16           [Exhibit 17 marked for identification.]

17           Q.     And this is an e-mail that's  
18 Bates-numbered KIERPROD00018398. And this is an e-mail  
19 sent from Larry Kier to you and Dr. Heydens. Do you  
20 see that?

21           A.     Yes.

22           Q.     And it says in this document -- the  
23 subject line is top two IARC delay reasons. Do you see  
24 that?

1 A. Yes.

2 Q. Was it your impression that IARC was  
3 delaying the release of the monograph?

4 A. I don't remember this. I don't know.

5 Q. The time between when the decision was  
6 made in March and when the IARC monograph was  
7 published -- do you know how much time that was?

8 A. I don't remember.

9 Q. Do you roughly recall when the monograph  
10 came out?

11 A. I think it was within a year, but I don't  
12 remember.

13 Q. Just to be clear, you've actually read the  
14 monograph; right?

15 A. Yes. Uh-huh.

16 Q. And so it says here, Bill and Donna, top  
17 two reasons why the IARC glyphosate monograph is not  
18 imminent. If we could -- if only we could choose one.  
19 IARC realized the monograph and conclusions are not of  
20 sufficiently high quality to be published and will  
21 consider a new working group to be convened after 2018.

22 Two, IARC is trying to arrange making a  
23 release announcement at a Neil Young The Monsanto Years  
24 concert. Do you see that?

1 A. Yes, I see that.

2 Q. Do you know what he's referring to -- Neil  
3 Young Monsanto Years concert?

4 A. I don't -- this is Larry Kier's. No, I  
5 don't know.

6 Q. You have no idea what he's talking about?

7 A. I know Neil Young has a song about  
8 Monsanto, but that's about all I know.

9 Q. Have you ever heard the song?

10 A. No.

11 Q. All right. Let's go back to the roadmap.  
12 So so far we've talked about -- there we go. So far  
13 we've talked about the product spokesperson stuff. We  
14 talked about orchestrating outcry. Now I want to move  
15 to the next stop on here, which is freedom to operate.  
16 Do you see that, Doctor?

17 A. Yes.

18 MR. JOHNSTON: Just for the record, I'm  
19 going to continue to remind everyone that we've  
20 objected to this exhibit and your selection of the  
21 phrases and words on it.

22 MR. WISNER: I would be insulted if you  
23 did not object.

24 Q. (By Mr. Wisner) Now, Doctor, what is

1 freedom to operate?

2 A. Well, for me, what freedom to operate  
3 means is that people have the right to choose our  
4 product based on the information they have about it,  
5 and that's what I want, so freedom to operate is that  
6 our product is free to be sold and people have the  
7 information about the product to make the choice to  
8 choose it or not.

9 Q. Is that how freedom to operate is defined  
10 within Monsanto?

11 A. I don't know how freedom to operate is  
12 defined in Monsanto. That's how I've always viewed  
13 freedom to operate, and that's how I use the term, and  
14 that's how I operate under that.

15 Q. Isn't it true, Doctor, that Monsanto  
16 defines freedom to operate as to reduce regulatory  
17 restrictions preventing it from being able to sell  
18 their product freely?

19 A. I'm not aware of that definition.

20 Q. Now, freedom to operate -- that's  
21 referring to Monsanto's ability to operate; correct?

22 A. Again, I'm talking about my definition of  
23 freedom to operate, which is again that we -- people  
24 have the opportunity, the choice to buy our product or

1 not, based on the information that's available to them.  
2 It's about their freedom. It's our freedom to sell our  
3 product and that people can then make a choose --  
4 choose to buy it or not buy it.

5 Q. So the way you're defining freedom to  
6 operate then is it's to give consumers better choice;  
7 is that right?

8 A. No, it's to make sure that if there is any  
9 information out there that might impact the ability of  
10 Monsanto to sell a product -- again, we talked about  
11 that balance, that they hear both sides of the story --  
12 and so that's what it's always been to me, is the  
13 freedom to choose based on the knowledge that they  
14 have.

15 Q. Now, if I were to go look at a Roundup  
16 label right now, would it mention the IARC  
17 classification?

18 MR. JOHNSTON: Objection. Calls for  
19 speculation.

20 A. I'm not in the labeling group. I'm in the  
21 toxicology group, so I -- you'd have to check with one  
22 of the labeling people.

23 Q. (By Mr. Wisner) Fair enough. But you  
24 agree we got to give consumers a fair and balanced

1 assessment of the risks and benefits; is that right?

2 A. And that's what we've been talking about,  
3 is making sure we've got the regulatory agencies'  
4 opinions out there as well as IARC's opinion out there  
5 and then people can make a decision on their own.

6 Q. So then you would agree then -- I  
7 understand you're not a labeling person, but you agree  
8 the label for Roundup should sure as heck mention IARC  
9 for it to be fair and balanced; right?

10 A. I don't know what's required to be on a  
11 label or not required to be a label.

12 Q. But you talk about freedom to operate,  
13 about giving consumers a choice to make an informed  
14 decision. Shouldn't they be given the information that  
15 the International Agency for Research on Cancer has  
16 determined that Roundup is a probable human carcinogen?

17 A. First of all, again, I don't agree that  
18 glyphosate is a probable human carcinogen, and I don't  
19 know what is on the label, but the information is out  
20 there with the internet today for people to Google all  
21 these things, and again, I'm not aware what is required  
22 to be on a label or not required to be on a label.

23 Q. Does Monsanto tell people that IARC has  
24 classified it as a probable human carcinogen?









1 right place so that we just keep organization here.

2 There you go.

3 Q. (By Mr. Wisner) All right, Doctor. I'm  
4 handing you Exhibit 18 to your deposition.

5 [Exhibit 18 marked for identification.]

6 Q. This is an e-mail exchange that you are  
7 not on, and so have you ever seen this document before?

8 A. No.

9 Q. It is my intention that this document will  
10 have been in evidence by the time this video gets  
11 played to a jury, so I'm going to operate as though it  
12 is. Now, Doctor, I'd like to turn your attention to  
13 the attachment to this e-mail, starting on Page 3. Do  
14 you see that? Are you there, Doctor?

15 A. Yes.

16 Q. It says Monsanto social media outreach for  
17 Monsanto's California sites and people, a request for  
18 support. Do you see that?

19 MR. JOHNSTON: I object to this  
20 questioning since she has not seen this document  
21 before.

22 Q. (By Mr. Wisner) Do you see that, Doctor?

23 A. I see it written there.

24 Q. Okay, great. Now, turn to the next page.

1                   MR. JOHNSTON: She has no personal  
2 knowledge about this document and therefore cannot give  
3 testimony based on her own personal knowledge in a  
4 personal knowledge deposition.

5           Q.       (By Mr. Wisner) Could you turn the page,  
6 Doctor? Page 4. Are you there?

7           A.       Yes.

8           Q.       It says broad objective. The primary  
9 objective and challenge that our social media plan is  
10 working to solve is to maintain Monsanto's freedom to  
11 operate, with a particular focus on California people  
12 and interests. Did I read that right?

13           MR. JOHNSTON: Objection. No foundation  
14 with this witness for this document. No personal  
15 knowledge with this witness.

16           A.       You read it correctly.

17           Q.       (By Mr. Wisner) Do you have any knowledge  
18 or information about Monsanto's FTO operations in  
19 California?

20           A.       No.

21           Q.       You come out to California before;  
22 correct?

23           A.       I have been out to California before.

24           Q.       You understand that the California Office

1 of Environmental Health and Human Hazard Assessment has  
2 classified glyphosate as a substance known to the State  
3 of California to cause cancer?

4 A. I am aware of that.

5 Q. In fact, you came out to testify about  
6 that listing, didn't you?

7 MR. JOHNSTON: Objection. Vague. What do  
8 you mean, about that listing?

9 A. And what do you mean by testify?

10 Q. (By Mr. Wisner) You came out to  
11 California, you got up on the podium, and you spoke  
12 to OEHHA, didn't you?

13 A. It was a meeting with OEHHA. It wasn't up  
14 on a podium, and it was a discussion about the  
15 glyphosate toxicologist studies behind the product.

16 Q. So you met with California EPA officials?

17 A. Yes, I have.

18 MR. JOHNSTON: Objection. Vague.

19 Q. (By Mr. Wisner) And the purpose of that  
20 was to address something called the NSRL; correct?

21 A. Well, no, not -- there were two meetings.  
22 One was the -- that's why I'm kind of confused.

23 Q. Oh, okay.

24 A. If you can tell me --

1 Q. Please tell me about the two meetings, to  
2 the best of your recollection.

3 A. But maybe you can help me which one you're  
4 thinking about.

5 Q. I don't know. You're the one who actually  
6 has the facts. I know I seem like I usually do, but  
7 this time I'm going to leave it to you. Tell me about  
8 the two meetings you had in California.

9 MR. JOHNSTON: I dispute that you actually  
10 know the facts, but -- objection, but go ahead.

11 A. So if you're talking about speaking at a  
12 podium at an OEHHA hearing, yes, I was out there to  
13 talk about -- I gave some written comments on NSRL.

14 Q. (By Mr. Wisner) And then there was a  
15 second meeting, you said?

16 A. There was a meeting before that to talk  
17 about the toxicology, all the animal studies that were  
18 involved in glyphosate --

19 Q. And was --

20 A. -- regulatory history.

21 Q. Sorry, I didn't mean to interrupt you.  
22 Was that meeting about the NSRL as well?

23 A. It might have been a part of the  
24 conversation, but that was not my focus in that. I

1 think we were trying to understand what was going on at  
2 that time.

3 Q. And so you've flown out to California to  
4 meet with California EPA officials about their listing  
5 of glyphosate as a known human carcinogen; right?

6 A. I wouldn't say it was a listing. It was  
7 more about understanding the background and having a  
8 discussion about glyphosate and what was going on in  
9 California and its uses in California.

10 Q. And you actually gave a PowerPoint  
11 presentation; correct?

12 A. Some of my slides were part of a  
13 PowerPoint presentation, again, talking about the  
14 animal studies.

15 Q. The -- if you turn to Page 5 on this  
16 document -- well, before we get to that, actually -- in  
17 addition to the Proposition 65 issue, are you familiar  
18 with the Proposition 37 initiative in California?

19 MR. JOHNSTON: Objection. Vague, and  
20 misstates the testimony.

21 A. No.

22 Q. (By Mr. Wisner) Were you aware that there  
23 was a proposition being voted on by Californians to  
24 require labeling of all genetically modified foods sold

1 in the state?

2 MR. JOHNSTON: Objection. No foundation.

3 A. Excuse me. No.

4 Q. (By Mr. Wisner) So you have no knowledge  
5 of that?

6 A. I knew that there were places around the  
7 country talking about having labeling for genetically  
8 modified food, but I wasn't aware -- I don't remember  
9 if California was one of them or not.

10 Q. But you were aware of the Proposition 65  
11 issue in California?

12 A. I was aware of Prop 65, yes.

13 Q. In fact, you physically came to California  
14 twice to talk to OEHHA officials about it; right?

15 A. Yes.

16 Q. Now, Doctor, sitting here in front of this  
17 jury, are you willing to commit to come out to  
18 California to testify at the next trial?

19 A. I can't commit to that.

20 Q. Why not?

21 A. I don't know what my role will be and  
22 where I'll be, and I don't know how that works.

23 Q. You have kids; right?

24 A. Uh-huh.

1 Q. And you ever hear the expression look me  
2 in the eye and tell me the truth?

3 A. (Nodding "yes.")

4 Q. You ever heard of that expression before?

5 A. And I am looking you in the eye and I am  
6 telling you the truth, and I don't know if I will be  
7 there or not.

8 Q. Doctor, I wasn't suggesting that you  
9 weren't. I'm just -- have you heard that expression  
10 before?

11 MR. JOHNSTON: Objection. Irrelevant and  
12 badgering and harassing.

13 A. I've heard it, yes.

14 Q. (By Mr. Wisner) And so my question for  
15 you is -- a group of jurors are going to be sitting  
16 there trying to understand what Monsanto has or has not  
17 done, and you're somebody who is an admitted  
18 spokesperson for the glyphosate product.

19 A. I --

20 Q. Don't you think it would be appropriate  
21 for you to come out to California, look the jury in the  
22 eye, and tell them your side of the story?

23 MR. JOHNSTON: Objection. This is an  
24 improper question. You're harassing and badgering the

1 witness.

2 A. Again --

3 MR. JOHNSTON: She's already answered that  
4 question. She told you she doesn't know whether she'll  
5 come or not.

6 A. And again, part of being a spokesperson is  
7 really talking about the science, and again, I don't  
8 know whether I will be there or not.

9 Q. (By Mr. Wisner) So you have time to come  
10 out to California when the state has decided to  
11 classify it as a probable human carcinogen, but you  
12 don't know if you're going to have the time to testify  
13 at a trial where someone is dying of cancer?

14 MR. JOHNSTON: Objection. This is  
15 irrelevant and therefore badgering and harassing the  
16 witness.

17 A. I didn't say I didn't have time. I just  
18 said I didn't know if I would be out there or not.

19 Q. (By Mr. Wisner) And why wouldn't you be  
20 out there?

21 A. I don't know if I'll be out there or not.

22 Q. What would be the reasons for that,  
23 Doctor?

24 A. Again, I don't know what I'll be doing,

1 whether I'll be California for that or not.

2 Q. Well, I'm asking you to be there. Will  
3 you commit to being there?

4 MR. JOHNSTON: I'm objecting. You're  
5 harassing the witness. She doesn't know where, when,  
6 what. She lives in St. Louis. This is improper  
7 questioning. This is not relevant to this litigation.  
8 Discovery is limited to relevant information, and this  
9 is argumentative.

10 A. Again, I don't know where I'll be and what  
11 will be going on, so I can't commit to that.

12 Q. (By Mr. Wisner) You know there was a  
13 trial in California fairly recently?

14 A. Yes.

15 Q. And there was a verdict rendered against  
16 Monsanto. You know that?

17 A. I'm aware of that, yes.

18 Q. And you also that we specifically asked  
19 you to testify in that trial. Do you recall?

20 A. You didn't ask me. You served me with a  
21 subpoena.

22 Q. That's right. And you didn't comply with  
23 that subpoena, did you?

24 MR. JOHNSTON: Objection. Misstates the

1 record. Argumentative. You're trying to harass the  
2 witness again.

3 A. It was handled through the lawyers. I was  
4 subpoenaed and it was handled through the court system.

5 Q. (By Mr. Wisner) So to be clear, even  
6 though you were subpoenaed and requested to testify in  
7 that trial, you didn't, did you?

8 MR. JOHNSTON: Objection. Irrelevant.  
9 Argumentative. Misstates the record. Harassing the  
10 witness. And counsel, you know that your subpoena was  
11 quashed.

12 A. And that was my understanding -- your  
13 subpoena was quashed by the Missouri Supreme Court.

14 Q. (By Mr. Wisner) Who told you that?

15 A. I was involved in this the entire time,  
16 waiting every day to see if the appeals court would do  
17 it or the Missouri Supreme Court would do it, and I was  
18 also given the papers that it was quashed.

19 Q. So instead of coming out to California or  
20 even staying here and doing a video testimony, you'd  
21 rather go to the Missouri Supreme Court than have to  
22 testify in the Johnson case; is that right?

23 MR. JOHNSTON: Objection. Argumentative.  
24 Misstates the record. She didn't go to any court.

1 Monsanto went to the court. You are harassing this  
2 witness, and you know this is not relevant evidence and  
3 you will never be able to play this at trial. This is  
4 just to harass the witness.

5 A. I didn't go to the Missouri Supreme Court.  
6 Monsanto lawyers acted on my behalf.

7 Q. (By Mr. Wisner) Did you just hear what  
8 you said?

9 A. Yeah, I'm not the one that went to the  
10 court.

11 Q. Yeah, but you had your lawyers go; right?

12 MR. JOHNSTON: Weren't her lawyers,  
13 counsel. Objection. You're harassing the witness with  
14 argumentative questions.

15 A. That's a part of the process --

16 MR. JOHNSTON: Why don't you move to  
17 something relevant to this lawsuit and that's within  
18 her personal knowledge?

19 MR. WISNER: Sir, can you please just  
20 object and stop the speaking objections?

21 MR. JOHNSTON: Not if you're going to  
22 harass the witness and be argumentative. That is  
23 outside the scope. And if you want to go to the judge,  
24 we can go to the judge, because I think --

1 MR. WISNER: I didn't say let's go to the  
2 judge. I said --

3 MR. JOHNSTON: -- what you're doing is  
4 improper and I am allowed to point that out to you to  
5 try to get you to do your obligation to ask proper  
6 questions. This is not a proper question.

7 MR. WISNER: That is not your role.

8 MR. JOHNSTON: Yes, it is my role.

9 MR. WISNER: Your role is not to tell me  
10 what to do, sir.

11 MR. JOHNSTON: That's your opinion.  
12 That's your opinion.

13 MR. WISNER: Let me finish what I'm  
14 saying.

15 MR. JOHNSTON: No, I'm telling you my  
16 objections --

17 MR. WISNER: Let me -- okay.

18 MR. JOHNSTON: -- so that you can modify  
19 your behavior to comply with the ethical rules and the  
20 rules of the court. If you choose not to --

21 MR. WISNER: Ethical rules?

22 MR. JOHNSTON: Yes, sir. You are  
23 harassing the witness.

24 MR. WISNER: Are you a California lawyer?

1                   MR. JOHNSTON: I am not. I'm admitted pro  
2    hac vice.

3                   MR. WISNER: Okay. Oh, okay. So sir --

4                   MR. JOHNSTON: So I am authored to  
5    practice in this case, sir.

6                   MR. WISNER: Please let me finish what I'm  
7    saying before you interrupt me. The level of rudeness  
8    with which you are operating in this deposition is  
9    beyond the pale, and it is disrespectful, and you are  
10   violating the Rules of Civil -- let me finish before  
11   you interrupt me. I know you want to jump. It's  
12   called being respectful.

13                   And if you want to teach me about how to  
14   take a deposition, I'm going to teach you how to be a  
15   human being for a second. Do not interrupt me when I'm  
16   speaking. I don't interrupt you when you speak.  
17   Please make your objections noted for the record.  
18   You're welcome to do that.

19                   Your objections have gone too far, sir.  
20   You are coaching this witness. You specifically just  
21   said a second ago we went to the Missouri Supreme Court  
22   and it literally came out of her mouth two seconds  
23   later. That is coaching and that is improper and you  
24   know it, so please stop it. Make your objections and

1 move on. We don't have time for this; okay.

2 MR. JOHNSTON: Are you done?

3 MR. WISNER: Yes, I am.

4 MR. JOHNSTON: Okay. That is irrelevant  
5 that I was coaching her or not because you were asking  
6 questions that are not relevant to this lawsuit in an  
7 effort to harass, which is improper. If you will show  
8 the witness respect, I'll be happy to show you respect,  
9 but you have been disrespectful to her all day long and  
10 that is the epitome of what's wrong with the  
11 legal profession, is when witnesses are not respected.

12 So you show respect and I'm happy to show  
13 respect, but I don't believe you've been showing  
14 respect in this deposition to this witness. You're  
15 asking her questions -- you're insinuating that she  
16 avoided service, et cetera. That is not proper.

17 Q. (By Mr. Wisner) Dr. Farmer, do you think  
18 I'm disrespecting you? Have I been disrespectful to  
19 you?

20 A. I think at times you could have been more  
21 polite, yes.

22 Q. Well, I do represent people who are dying  
23 of cancer.

24 MR. JOHNSTON: Objection.

1 Q. (By Mr. Wisner) So I have an advocacy  
2 role. You understand that?

3 A. And you also understand I have a lot of  
4 sympathy for people with cancer.

5 Q. Sure.

6 A. I lost my dad and my father-in-law when I  
7 was eight months pregnant with my son. They were  
8 diagnosed with cancer. So I'm very aware of how these  
9 people are going through this process and how difficult  
10 it is for them, and it doesn't mean that I don't care  
11 about them, but there's also a part here that is the  
12 process of law.

13 Q. And Doctor, I appreciate that. I do. And  
14 if I've been disrespectful to you -- I did not think  
15 that I had been, but if I have been, I apologize for  
16 that. But I will ask you this. At any point in my  
17 questioning of you did I suggest that you evaded  
18 service? Did I ask a single question about that?

19 A. I -- you would have to go back and read  
20 the statements, but it's not that I evaded service,  
21 because I was served with a subpoena and my  
22 understanding was that that was a process that was not  
23 appropriate. The lawyers took care of it. And yes, I  
24 was aware on my own about the Missouri Supreme Court

1 because I would wait every day to hear who was going to  
2 quash it, and it was.

3 Q. And I guess that was what my question was,  
4 is wouldn't it have just been easier for you to just  
5 get on a videocamera and testify to the jury and look  
6 in their eyes and speak your truth?

7 MR. JOHNSTON: Objection. Irrelevant.  
8 Argumentative. Harassing the witness.

9 Q. (By Mr. Wisner) I have a question  
10 pending, Doctor.

11 A. So I think this again -- as we've done the  
12 process of law -- this doesn't mean -- I'm following  
13 what you've asked me here. I'm here today. You can  
14 answer your questions.

15 Q. And since Mr. Johnston brought this up --  
16 it really wasn't on my mind -- but were you trying to  
17 evade service for that subpoena?

18 A. No.

19 MR. JOHNSTON: Objection. Still this is  
20 irrelevant, harassing the witness.

21 MR. WISNER: Okay.

22 Q. (By Mr. Wisner) I just want to be clear.  
23 It's your testimony under oath right now -- and I'm not  
24 trying to be argumentative with you, Doctor.

1 MR. JOHNSTON: Yes, you are.

2 MR. WISNER: I just want to make sure I  
3 understand. Let me ask my question before you  
4 interrupt. It's outrageous. You got to cut it out.

5 Q. (By Mr. Wisner) Doctor, is it your  
6 testimony under oath that -- right now -- that you did  
7 not try to evade service of a subpoena for you in the  
8 Johnson trial?

9 MR. JOHNSTON: Objection. Asked and  
10 answered.

11 A. No.

12 Q. (By Mr. Wisner) All right. We'll go back  
13 to this document we were looking at. On Page 5 --  
14 well, before I get to that, actually -- you would  
15 agree, Doctor, that California is an important market  
16 for Monsanto's product Roundup; correct?

17 MR. JOHNSTON: Objection. Calls for  
18 speculation.

19 A. It's an important product worldwide.

20 Q. (By Mr. Wisner) Yeah. California is a  
21 really important place because it has such a large  
22 agricultural sector; right?

23 MR. JOHNSTON: Objection. Calls for  
24 speculation.

1           A.     I don't know how important it is in  
2 California, but I know it's important worldwide and  
3 California would be a part of that.

4           Q.     (By Mr. Wisner) You don't know the -- you  
5 don't know if California has a large agricultural  
6 practice or not?

7           A.     Iowa does. A lot of people do. I'm  
8 not -- that's not my area of expertise.

9           Q.     And if we look here -- you know what,  
10 actually? Let's move on to the next document. I'm  
11 handing you what I've marked as Exhibit 19 to your  
12 deposition.

13                     [Exhibit 19 marked for identification.]

14           Q.     This is an e-mail from you to Dr.  
15 Goldstein and Dr. Heydens dated September 24th, 2015.  
16 Do you see that, Doctor?

17           A.     Yes.

18           Q.     It's MONGLY01031800. Do you see that? Do  
19 you see that, Doctor?

20           A.     Yes, I'm just trying to go from the back  
21 and see what this is all about before I get --

22           Q.     So I just wanted to clarify that I  
23 properly stated the Bates number. That was my  
24 question.

1 A. That's this?

2 Q. Yes.

3 A. Could you repeat it?

4 MR. JOHNSTON: Yeah.

5 Q. (By Mr. Wisner) Sure. The MONGLY number  
6 is 01031800; correct?

7 A. Yes.

8 Q. And this is an e-mail that involves -- I  
9 guess you're replying to an e-mail that was sent to  
10 you; is that right?

11 A. It looks like it was for -- yeah, it was  
12 forwarded to me from somebody, because I'm not on the  
13 one down here.

14 Q. Maybe you're on the BCC?

15 A. No, it doesn't even look -- no, I would  
16 not -- we don't do that. I don't know what this is.

17 Q. Well, this e-mail that you did send,  
18 though, you did send as part of your work at Monsanto;  
19 right?

20 A. Yes.

21 Q. And if we look at the e-mail that you sent  
22 at the top, the subject line is OEHHA announces  
23 intention to list glyphosate on Prop 65 list, action  
24 being requested. Did I read that right?

1           A.       That's the subject matter that was carried  
2 over, yes.

3           Q.       And the importance is high; right?

4           A.       Yes, I see that.

5           Q.       And it says I will set up a time for us to  
6 talk about who we can ask for Prop 65 for tox, medical,  
7 et cetera. That's what it says?

8           A.       That's what's written there, yes.

9           Q.       And in the e-mail that was forwarded to  
10 you, the original e-mail, is from Steven Gould. Do you  
11 see that?

12          A.       Yes.

13          Q.       Who is Steven Gould?

14          A.       I believe he's with our government affairs  
15 in California or in the west.

16          Q.       And it looks like he's copied a bunch of  
17 people on it and it reads dear industry stakeholder.  
18 Do you see that? Sorry, it doesn't say dear -- let me  
19 state that again. It states valued industry  
20 stakeholder. Do you see that?

21          A.       I see that written.

22          Q.       It goes California's Office  
23 of Environmental Health Hazard Assessment, OEHHA,  
24 recently announced its intention to add glyphosate to

1 the state's Prop 65 -- Prop 65 list.

2 Prop 65, also known as the safe drinking  
3 water and toxic enforcement act of 1986, was approved  
4 by California voters in 1986, and requires the state to  
5 publish a list of -- quote -- chemicals known to the  
6 state to cause cancer. A listing under Prop 65 is  
7 likely to have serious impacts for the industry. Did I  
8 read that correctly?

9 A. That's what it says.

10 Q. Was it your understanding that a listing  
11 of glyphosate under Prop 65 would have serious impacts  
12 for the industry?

13 A. That's what it says here.

14 Q. Was that your understanding as well?

15 A. Not my understanding because I'm not  
16 involved in how it would impact the industry, but  
17 that's what other people are saying.

18 Q. It goes on to say Monsanto strongly  
19 disagrees with this listing. Do you see that?

20 A. I see that.

21 Q. And it appears that that is in a bigger  
22 font. It's bolded and underlined; right?

23 A. Yes.

24 Q. It goes on if you disagree as well and

1 would like to have your voice heard, I am enclosing a  
2 letter to OEHHA that was put together by Monsanto and  
3 you can put on your own letterhead and send in. Do you  
4 see that?

5 A. I see that.

6 Q. And if you look to the attachment, there's  
7 actually -- it looks to be a template for a letter. Do  
8 you see that?

9 A. Yes.

10 Q. Doctor, did you help prepare this letter?

11 A. No.

12 Q. It goes on to state that they could put it  
13 on their own letterhead and send it in. So this would  
14 be a letter that would have been written by Monsanto,  
15 sent to OEHHA as though it was from another person; is  
16 that right?

17 MR. JOHNSTON: Objection. Calls for  
18 speculation.

19 A. Again, I wasn't part of putting this  
20 together, and I don't know whether that happened or  
21 not.

22 Q. (By Mr. Wisner) That's what he's asking  
23 these valued industry stakeholders to do; right?

24 MR. JOHNSTON: Objection. Calls for

1 speculation.

2 A. That's what's written on this document.

3 Q. (By Mr. Wisner) And then you got a copy  
4 of this document; right?

5 A. Yes.

6 Q. So did Dr. Goldstein and Dr. Heydens;  
7 right?

8 A. Yes.

9 Q. And you specifically state that I will set  
10 up a time for us to talk about who we can ask for Prop  
11 65, for tox, medical, et cetera. Do you see that?

12 A. I see that.

13 Q. What did you mean by that?

14 A. I don't remember exactly. It may have  
15 been to find -- just get us together to talk about  
16 toxicology and medical regarding Prop 65, because Dan  
17 is the medical director and Bill and I were the  
18 toxicologists, so I don't know if we were -- what we  
19 were getting together to talk about this for.

20 Q. Now, Doctor, isn't it true that a listing  
21 of glyphosate as a substance known to the State of  
22 California to cause cancer -- that would interfere with  
23 Monsanto's freedom to operate, wouldn't it?

24 A. I don't know much about Prop 65, so I

1 don't know how that would impact our freedom to  
2 operate.

3 Q. Well, if you had to warn every single  
4 Californian that the Roundup product that they're using  
5 is known by the State of California to cause cancer,  
6 that would limit Monsanto's freedom to operate,  
7 wouldn't it?

8 A. Again, I'm not familiar with this and I  
9 think there are a lot of things in California that  
10 people use all the time and drink, like alcohol and  
11 coffee and all sorts of things, that are on Prop 65.  
12 So again, I don't know how Prop 65 would impact our  
13 freedom to operate.

14 Q. I'm curious. You say you don't know much  
15 about Prop 65, but you just listed off substances that  
16 you think are on Prop 65. How did you get that  
17 information?

18 A. Through the TVs, and even years before I  
19 was at Monsanto. A lot of these things are common  
20 knowledge.

21 Q. And alcohol consumption -- I mean, that  
22 does increase the risk of cancer; right?

23 A. I know that alcohol as used as it should  
24 be intended doesn't.

1 Q. Sure, but alcohol abuse does; right?

2 A. Not necessarily.

3 Q. It's not good for you, though?

4 MR. JOHNSTON: Objection.

5 Q. (By Mr. Wisner) It's not a controversial  
6 question, is it?

7 A. Well, it depends on the --

8 MR. JOHNSTON: It's an irrelevant  
9 question.

10 A. Yeah.

11 Q. (By Mr. Wisner) Sorry. Is alcohol abuse  
12 good for you or not, Doctor?

13 MR. JOHNSTON: Objection.

14 A. No, I don't think it would be.

15 Q. (By Mr. Wisner) Have you looked at any of  
16 the science behind the Prop 65 listings not related to  
17 glyphosate?

18 A. No, I have not.

19 Q. And you understand that Prop 65 listing  
20 was based on the IARC assessment; correct?

21 A. I'm not familiar. I know that Prop 65 --  
22 IARC is a part of Prop 65, but I don't know how that  
23 whole process works.

24 Q. Now, the setting of the NSRL -- that

1 stands for no significant risk limit; right?

2 A. I believe it does. I'm not -- I haven't  
3 seen that abbreviation defined in a long time.

4 Q. And under California's -- what California  
5 was doing, the California EPA, is they were doing an  
6 independent assessment to see what the limit -- what is  
7 your understanding of the NSRL? Let me start off with  
8 that. Withdraw the question.

9 MR. JOHNSTON: Objection.

10 Q. (By Mr. Wisner) What is an NSRL, Doctor?

11 MR. JOHNSTON: Objection. Asked and  
12 answered.

13 A. It's similar to like an ADI that the EPA  
14 uses. It's a certain amount. And there's also one in  
15 Europe. You have different regulatory numbers that you  
16 have as a standard. And so to me it's something like  
17 the ADI that's based off of animal studies and uses  
18 uncertainty factors, but it is not a health-based value  
19 by any definition.

20 Q. (By Mr. Wisner) So Doctor, this might be  
21 surprising to you, but some of the jurors and maybe the  
22 attorneys here don't know what ADI stands for.

23 A. I apologize. Allowable daily intake.

24 Q. Yes. That jargon -- you got to stay away

1 from that.

2 A. Saw that note --

3 Q. Well, Doctor -- so the no significant risk  
4 limit is the limit above -- if there's an exposure  
5 above that amount, then you have to warn, and if it's  
6 below that amount, you don't? That's your  
7 understanding of the NSRL?

8 MR. JOHNSTON: Objection. Calls for  
9 speculation and legal conclusion.

10 A. I just know it's a limit.

11 Q. (By Mr. Wisner) And you know that the  
12 California EPA set that limit based on its review of  
13 the animal studies; right?

14 MR. JOHNSTON: Objection. Calls for  
15 speculation. Legal conclusion.

16 A. I'm not sure what all they used, but  
17 again, as we were talking about, it's similar to the  
18 allowable daily intake that we talked about that the  
19 EPA does for glyphosate in your diet. So I don't know  
20 if it's the same process or similar process, but it's  
21 not a health-based process.

22 Q. (By Mr. Wisner) And are you aware of what  
23 the California EPA ultimately decided to do with the  
24 NSRL?

1 A. No, I don't.

2 Q. So you went there to meet with them about  
3 it, but you never actually followed up to see what they  
4 did?

5 MR. JOHNSTON: Objection. Argumentative.

6 A. So that was several years ago, and I work  
7 on other products now, and so there are other people  
8 who follow up on those things.

9 Q. (By Mr. Wisner) So you're not working on  
10 glyphosate anymore?

11 A. Not very much at all.

12 Q. Except when you get called into  
13 depositions, huh?

14 A. That would be true.

15 Q. You've been recognized for your work  
16 supporting Monsanto's freedom to operate; right?

17 A. I don't know what you're talking about.

18 Q. Okay. I'm handing you Exhibit 20 to your  
19 deposition.

20 [Exhibit 20 marked for identification.]

21 Q. This is an e-mail from Dr. Heydens to  
22 Michael "Kock"?

23 A. "Koke."

24 Q. Koch. Thank you. And the subject is over

1 the past year. Have you ever seen this e-mail before,  
2 Doctor?

3 A. No.

4 Q. Dr. Heydens -- he works at Monsanto -- he  
5 worked at Monsanto as of 2015?

6 A. Yes.

7 Q. And who was Michael Koch?

8 A. He was my boss at that time.

9 Q. And as you can see, this e-mail is  
10 specifically about you. Do you see that?

11 MR. JOHNSTON: Objection. Foundation.

12 A. It says over the past year, but then you  
13 have to go into the body of it to find that I'm  
14 involved in this.

15 Q. (By Mr. Wisner) Sure. And if you  
16 actually look at the second e-mail from Michael Koch --

17 A. Uh-huh.

18 Q. Hi Bill, here is my Spotlight summary for  
19 Donna. Do you see that?

20 A. I see that.

21 Q. Donna -- that's you; right?

22 A. Yes.

23 MR. JOHNSTON: Can I ask -- there's no --  
24 is there a -- again, I object on the grounds that the

1 attachment has no Bates number and there's no metadata.  
2 Do you know whether the highlighting came -- was in the  
3 original?

4 MR. WISNER: That's in the original.

5 MR. JOHNSTON: Okay. Thank you.

6 MR. WISNER: Yeah. This is -- we printed  
7 the native version of it, so --

8 MR. JOHNSTON: Okay.

9 Q. (By Mr. Wisner) All right. So it looks  
10 like in the back here it says over the past year, Donna  
11 has been thoroughly engaged in freedom to operate  
12 issues surrounding glyphosate. She has repeatedly  
13 tapped into her courage, passion, and integrity to  
14 speak and act in ways that convince the outside world  
15 of, not only her personal commitment to product safety,  
16 but also the company's wider commitment to it.

17 Her communications have repeatedly struck  
18 the right tone with the intended audience and range  
19 from conversational to eloquent as needed to be  
20 compelling and persuasive. Such efforts put a human  
21 face on Monsanto for the outside world. Her efforts  
22 make a real difference because they require even  
23 staunch opponents to react and make statements like --  
24 quote -- I'm not saying that people here are bad -- for

1 example, Zen Honeycutt at the annual shareholder  
2 meeting.

3                   These efforts are especially notable in  
4 light of the company's efforts to internationally --  
5 sorry -- intentionally engage in meaningful dialogue  
6 and to get our story told to a broader audience while  
7 we face constant new freedom to operate challenges such  
8 as the recent IARC decision. Do you see that?

9           A.     Yes.

10          Q.     Did I read that correctly?

11                   MR. JOHNSTON: Objection. No foundation.  
12 No personal knowledge regarding this document.

13          A.     You read it correctly.

14          Q.     (By Mr. Wisner) And this was the  
15 Spotlight that was ultimately published about you in  
16 that Spotlight Award we discussed earlier; right?

17                   MR. JOHNSTON: Objection. No foundation,  
18 no personal knowledge.

19          A.     I don't know, because I don't have -- if  
20 there was one, I don't have it to compare to, so I have  
21 no idea if that was it or not.

22          Q.     (By Mr. Wisner) Did you agree that the  
23 IARC decision posed a freedom to operate challenge to  
24 Monsanto?

1           A.       Again, I don't know what he meant by  
2 freedom to operate challenge, but as you and I talked  
3 about earlier, freedom to operate to me is to have that  
4 balanced story out there, and a lot of the story we  
5 were seeing was IARC's review, but not the discussion  
6 of the EPA's review or Canada's or EFSA's (ph) or New  
7 Zealand or all these other reviews. And so again, to  
8 me it's about the balance, so I don't know what he was  
9 referring to because I didn't write this.

10           Q.       It's your boss who wrote it; right?

11           A.       Yeah, but --

12                   MR. JOHNSTON: Objection. Vague as to  
13 time frame.

14           A.       Right. That's who wrote it, but I was  
15 telling you what my definition is of freedom to  
16 operate.

17           Q.       (By Mr. Wisner) Well, it just seems  
18 interesting, Doctor, because your definition seems to  
19 be slightly different than your boss's and pretty much  
20 every other document we've seen.

21           A.       Well, I don't think mine is completely  
22 inconsistent with his because he said new FTO  
23 challenges such as the recent IARC decision, and that's  
24 coming back to the same thing we're saying, is that

1 IARC had a decision that's completely different than  
2 what the company or all registrants of glyphosate  
3 believe and what all regulatory agencies believe.

4 And so, yeah, I think that IARC, as we  
5 talked about, did provide that challenge in terms of  
6 that balance of getting the science out there for  
7 people to take a look at all of them -- not just  
8 hearing about IARC, but hearing about all the  
9 regulatory agencies, too. So I don't think that's  
10 inconsistent with mine.

11 Q. (By Mr. Wisner) But the argument you made  
12 earlier about freedom to operate was based on giving  
13 consumers a balanced choice and balanced piece of  
14 information. The IARC decision -- how does that create  
15 an FTO challenge?

16 A. Because, again, if people are only hearing  
17 about IARC and not hearing about all the other  
18 regulatory agencies around the world that have  
19 concluded that glyphosate is not a carcinogenic hazard  
20 to humans, is not genotoxic, they need to hear that  
21 story as well.

22 Q. So what about the opposite? If they're  
23 only hearing from the regulators, only hearing from the  
24 company that it's safe, and not hearing IARC, that

1 wouldn't be appropriate, would it?

2           A.       Well, they're hearing IARC. IARC has its  
3 own monographs that they put out. They have their own  
4 press releases. They have their own website. They  
5 have their own media interviews. And so I think  
6 they're hearing that as a part of it as well.

7           Q.       So my question was, is if it's presented  
8 in such a way, the safety and the risks associated with  
9 Roundup -- if it's presented in such a way that it  
10 doesn't disclose IARC, that, in your opinion, would not  
11 be appropriate? Fair?

12                   MR. JOHNSTON: Objection. Calls for a  
13 hypothetical. It's an incomplete hypothetical. Calls  
14 for speculation.

15           A.       So I don't know what you're referring to,  
16 but again, the IARC decision is public and it's  
17 available. Monsanto's data stands for itself. And as  
18 we talked about earlier, we even have IARC's decision  
19 and we talk about it on our websites.

20           Q.       (By Mr. Wisner) Doctor, I'm talking about  
21 the label. I'm talking about the thing that every  
22 person sees when they buy a container of Roundup in the  
23 store. That label does not say anything about IARC,  
24 and that's not appropriate, is it?

1           A.       So --

2                   MR. JOHNSTON:  Objection.  Asked and  
3 answered.  Argumentative.

4           A.       So again, as we talked about earlier, I  
5 don't know what's required to be on the label.  That's  
6 not my area of responsibility in the company.  So you  
7 have -- there are regulations that I understand have to  
8 be on that and that's not my area of responsibility.

9           Q.       (By Mr. Wisner)  I understand it's not  
10 your area of responsibility, but you're here as a  
11 spokesperson for the safety of Roundup, and I'm asking  
12 you as a scientist, Doctor -- I mean, let's talk real  
13 for a second here.  I'm asking you as a scientist,  
14 isn't it true that it would be appropriate to let  
15 consumers know when they're buying the Roundup product  
16 that IARC has determined that it is a Class 2  
17 carcinogen?

18                   MR. JOHNSTON:  Objection.  Asked and  
19 answered.  You're harassing the witness.  She is not  
20 here today as a spokesman for anything.  She is here  
21 because you sent a notice for a personal knowledge  
22 deposition, and she's told you she doesn't have  
23 personal knowledge about labeling, so this is  
24 incredibly harassing and argumentative and repetitive.

1 You can answer his question if there's some answer that  
2 you can give.

3 A. I think that I've given all of my answers  
4 before, that I am -- and that is true. I am not as a  
5 spokesperson here today. I was brought here, to  
6 repeat. But again, the information is out there for  
7 them and we've talked about this. And the label is not  
8 my responsibility.

9 The information is out there for  
10 consumers, widely talked about, as we saw, on TV shows.  
11 There's a lot of information for the consumers both on  
12 the regulatory side and on the IARC side to have the  
13 information they need when they purchase that product.

14 Q. (By Mr. Wisner) Dr. Farmer, I appreciate  
15 your answer. I do. But you didn't really answer my  
16 question.

17 A. You --

18 Q. You have been put forward as a  
19 spokesperson to talk about -- to defend glyphosate;  
20 correct?

21 MR. JOHNSTON: Objection. Vague as to  
22 time frame. Argumentative. It's not true today.

23 A. So as we talked about earlier, as a part  
24 of my job, as a part of toxicologists for glyphosate, I

1 know a lot about the product and they do ask me to come  
2 out and to speak to the safety of the product. As we  
3 talked about, if defending the product is making sure  
4 that there's balance in science, then that's what we're  
5 doing.

6 Q. (By Mr. Wisner) That's a yes?

7 MR. JOHNSTON: Objection. Vague.

8 Q. (By Mr. Wisner) I asked if you were asked  
9 to be a spokesperson to defend glyphosate. You gave me  
10 a long answer. Is the answer yes, Doctor?

11 A. The answer --

12 MR. JOHNSTON: Objection. Asked and  
13 answered. Harassing the witness. Badgering the  
14 witness.

15 A. Again, that's not my main responsibility,  
16 but I am, yes, asked to do that periodically.

17 Q. (By Mr. Wisner) Great. Having that  
18 role -- and as you said just a second ago, it's about  
19 getting fair and balanced information out there. If  
20 you are standing by that, if you truly believe that,  
21 then don't you think it's appropriate that on the  
22 label, the label that every consumer sees about Roundup  
23 before they purchase it, it says clear as day that IARC  
24 has determined that it is a Class 2 carcinogen so it is

1 in fact fair and balanced?

2 MR. JOHNSTON: Objection. Foundation, and  
3 personal knowledge.

4 A. The label is something different than the  
5 information that I talk about getting out fair and  
6 balanced. My understanding is there are regulations  
7 how labels have to -- what goes on, what doesn't go on.  
8 You have to follow those. Again, that's not my area of  
9 expertise. I'm talking about getting the science out  
10 that I know. So you'd have to talk to someone about  
11 labeling.

12 Q. (By Mr. Wisner) Have you ever read the  
13 label for Roundup?

14 A. I haven't used it for like about six  
15 months, so no, not recently.

16 Q. Have you ever read the label for Roundup?

17 A. Yes, I have.

18 Q. And is it your opinion as a mother, as a  
19 scientist, and as a spokesperson -- all three of  
20 them -- okay -- that the label should be fair and  
21 balanced?

22 MR. JOHNSTON: Objection. This is a fact  
23 deposition, not an opinion -- expert opinion  
24 deposition.

1           A.     Again, the label has very specific  
2 requirements -- regulatory requirements in how it has  
3 to be written and what's included on there, and that is  
4 not my area of expertise.

5           Q.     (By Mr. Wisner) So can you please answer  
6 my question, Doctor?

7           A.     What should be on the label is what's  
8 required to be on the label.

9           MR. WISNER: Can you please reask my  
10 question?

11          A.     Based on the science.

12          MR. WISNER: Sorry to interrupt. Please  
13 reask my question.

14          MR. JOHNSTON: Pull the document off the  
15 ELMO if we're not talking about it anymore, please.

16                 [The requested portion of the transcript  
17 was read by the reporter.]

18          A.     I -- the label should reflect what the  
19 science says and what the regulatory requirements  
20 require.

21          Q.     (By Mr. Wisner) Again, Doctor, you didn't  
22 answer my question. Should it be fair and balanced?  
23 Yes or no?

24          MR. JOHNSTON: Objection. Calls for

1 speculation.

2 A. Again --

3 MR. JOHNSTON: And badgering the witness.

4 And argumentative.

5 A. The label has very specific requirements  
6 that are on there. They're driven by regulations that  
7 I am not familiar with. And that's what should be on  
8 the label -- is what -- as a mother and as a scientist,  
9 I feel that that should be -- the label is there for a  
10 purpose and the regulations are there for a purpose,  
11 and this doesn't really have anything in that  
12 situation.

13 Q. (By Mr. Wisner) Doctor, this jury is  
14 listening to your answers right now and I'm just trying  
15 to get a straight answer. Can you say it's your belief  
16 and opinion that the label for Roundup should be fair  
17 and balanced?

18 MR. JOHNSTON: Objection. You're calling  
19 for opinion testimony in a fact deposition. That is  
20 improper. Therefore, the jury will not hear this  
21 testimony. It's also badgering and argumentative.

22 A. Again, the label has regulations that are  
23 required, what goes on there and what cannot go on  
24 there, and that's what should go on that label -- is

1 what is required.

2 Q. (By Mr. Wisner) Are you refusing to  
3 answer my question, Doctor?

4 MR. JOHNSTON: She's answered your  
5 question, counsel. Why don't you be respectful like  
6 you said you were going to be?

7 Q. (By Mr. Wisner) Please answer my  
8 question.

9 MR. JOHNSTON: She's answered it. Asked  
10 and answered.

11 A. The label has requirements as to what  
12 needs to go on that label and what shouldn't be on that  
13 label, and those are the requirements. If you want to  
14 see it changed differently, then you'd have to go see  
15 the regulations changed.

16 Q. (By Mr. Wisner) All right, Doctor. I'm  
17 going to ask you one more time. I'm going to give you  
18 one last chance to give me a straight answer. And if  
19 you don't want to, that's fine. The jury will see it  
20 for themselves. But the question is pretty  
21 straightforward. In your opinion, should the Roundup  
22 label be fair and balanced?

23 MR. JOHNSTON: Objection. Argumentative.  
24 Badgering the witness. Asked and answered. And it's

1 calling for opinion -- expert opinion testimony in an  
2 area she's not been involved in in a fact deposition.  
3 It's all improper.

4 A. My answer again is that there are  
5 regulations that say what should, what are required and  
6 not allowed to be put on a label. It's not my area of  
7 expertise. And that's my response.

8 MR. WISNER: All right. Let's take a  
9 break. Let's have lunch.

10 MR. JOHNSTON: All right.

11 THE VIDEOGRAPHER: We are going off the  
12 record at 12:27 PM.

13 [A brief recess was taken.]

14 THE VIDEOGRAPHER: We are back on the  
15 record at 1:30 PM.

16 Q. (By Mr. Wisner) Did you have a good  
17 lunch, Doctor?

18 A. I did.

19 Q. Good. All right. So I'm going to go back  
20 to our roadmap here where we've been kind of going  
21 through this throughout the day.

22 MR. WISNER: Don't want your notes on.

23 MR. BAUM: Okay.

24 Q. (By Mr. Wisner) Let's go back to our

1 roadmap here, Doctor, and as you can see we've talked  
2 about product spokesperson, we've talked about  
3 orchestrating outcry, we've talked about freedom to  
4 operate. I want to turn to the next topic, which is  
5 playing Whack-A-Mole. Are you familiar with the game  
6 Whack-A-Mole, Doctor?

7 MR. JOHNSTON: Just reiterate my objection  
8 to Exhibit 1. Go ahead.

9 A. When my kids were little.

10 Q. (By Mr. Wisner) What is the game?

11 A. It was a game at like a Chuck E. Cheese  
12 where there was like moles and they would pop up and  
13 you would hit them with a little mallet.

14 Q. Yeah, the moles pop up and you bat them on  
15 the head; right? Okay. So I know you've dealt with a  
16 lot of different sort of safety or regulatory issues  
17 related to glyphosate during your fairly lengthy tenure  
18 at Monsanto; is that right?

19 MR. JOHNSTON: Objection. Vague.

20 A. I've dealt with questions asking about the  
21 safety of glyphosate.

22 Q. (By Mr. Wisner) For example, you've  
23 looked at whether or not it causes cancer; right?

24 A. Yes.

1 Q. You've looked at whether or not it can  
2 cause reproductive harms; right?

3 A. Yes.

4 Q. You've looked at whether or not it causes  
5 endocrine disruption; right?

6 A. Yes.

7 Q. And you would agree with me cancer,  
8 reproductive harms, endocrine disruption -- those are  
9 all very important potential health risks that you need  
10 to look at closely; right?

11 MR. JOHNSTON: Objection. Vague.

12 A. They're a part of the science that we look  
13 at, yes, they're important.

14 Q. (By Mr. Wisner) Because they all relate  
15 ultimately to human safety; right?

16 MR. JOHNSTON: Objection. Vague.

17 A. Well, we use them also for animal safety  
18 and for human safety.

19 Q. (By Mr. Wisner) Yeah, fair enough. It's  
20 important for product safety; is that fair?

21 A. Yes.

22 Q. And so when you deal with studies that  
23 show risks as it relates to cancer or reproductive  
24 health or even endocrine disruption, you approach those

1 studies the same way; is that fair?

2 A. I approach them in what way?

3 Q. Well, you approach them with an open  
4 scientific mind to consider what the information is and  
5 to evaluate the validity of the data?

6 A. We look at the data, yes.

7 Q. I'm handing you a document that I've  
8 marked as Exhibit 21 to your deposition.

9 [Exhibit 21 marked for identification.]

10 Q. Doctor, this is a e-mail exchange. It  
11 appears to be lacking a Bates number. I apologize it's  
12 lacking a Bates number, but we can -- we'll get that  
13 later and read it into the record.

14 MR. JOHNSTON: I'll object to it, but go  
15 ahead and ask questions about it.

16 MR. WISNER: Okay.

17 Q. (By Mr. Wisner) All right, Doctor. This  
18 is an e-mail. It involves e-mails sent to you from  
19 Bruce Chassy. Do you see that?

20 A. Yes.

21 Q. And if you look at the bottom there's  
22 another e-mail sent from Daniel Goldstein to Bruce  
23 Chassy. Do you see that?

24 A. Yes.

1 Q. And you as well as Dr. Sachs are noted in  
2 the CC line?

3 A. Yes.

4 Q. And this is dated around 2010; right?

5 A. Yes.

6 Q. And this was an e-mail exchange between  
7 Dr. Goldstein, yourself, Eric Sachs, and Bruce Chassy  
8 that was part of Monsanto's regular course of work;  
9 correct?

10 A. Yes.

11 MR. WISNER: All right. I move this  
12 document into evidence.

13 Q. (By Mr. Wisner) I want to draw your  
14 attention to the subject line, and it appears that the  
15 first e-mail -- let's start from the first e-mail. It  
16 starts on the second page. It's from Bruce Chassy,  
17 March 3rd, 2010, and the subject is, forwarded, another  
18 mole needing a whacking; do you see that?

19 A. That's written there.

20 Q. That is referring of course to the game we  
21 just described about playing Whack-A-Mole; right?

22 MR. JOHNSTON: Objection. Calls for  
23 speculation.

24 A. Those aren't my words. I'm not sure what

1 they were referring to there.

2 Q. (By Mr. Wisner) Another mole needing a  
3 whacking clearly refers to Whack-A-Mole, Doctor?

4 MR. JOHNSTON: Objection. Calls for  
5 speculation.

6 A. This is -- Bruce has put that in the  
7 heading.

8 Q. (By Mr. Wisner) Well, let's actually read  
9 what he says. Dan, this is like playing Whack-A-Mole  
10 at the carnival. Jeff's back again. We'll be working  
11 on this, too. Isn't freedom of speech wonderful?  
12 Bruce. Do you see that?

13 A. Yes.

14 Q. So this was sent to Daniel Goldstein  
15 and Eric Sachs originally; right?

16 A. Yes.

17 Q. You weren't on the original e-mail?

18 A. No, I was not.

19 Q. And what he's referring to is a article  
20 that was written by a guy named Jeff Smith; isn't that  
21 true?

22 A. That's what it appears to be, according to  
23 the e-mail.

24 Q. Yes, it says excerpted from Jeffrey M.

1 Smith's Genetic Roulette, The Documented Health Risks  
2 of Genetically Engineered Foods. Do you see that?

3 A. Yes.

4 Q. And in this excerpt he's discussing  
5 various safety issues associated with genetically  
6 modified foods; right?

7 A. Well, I haven't read the article.

8 Q. Fair enough, Doctor. We don't need to get  
9 into the specifics. It's not really relevant for this  
10 question that I'm going to ask you. In response to  
11 this e-mail, Dan Goldstein -- or Dr. Goldstein, I  
12 should say -- on March 3rd responds back to Bruce  
13 Chassy -- and this is on the first page -- and he says,  
14 two comments, colon. Do you see that?

15 A. Yes.

16 Q. And this time he actually includes you now  
17 on this e-mail. Do you see that?

18 A. I do.

19 Q. And he says, one, funny you should say  
20 that. Donna Farmer, glyphosate tox, and I have been  
21 playing Whack-A-Mole for years and calling it just  
22 that. We were joking about it yesterday. Did I read  
23 that correctly?

24 A. Yes, you did.

1 Q. Is it true that you and Dr. Goldstein  
2 referred to responding to critical scientific issues as  
3 Whack-A-Mole?

4 MR. JOHNSTON: Objection. Misstates the  
5 document. Calls for speculation. Go ahead.

6 A. Yeah, it doesn't really say what Dan and I  
7 were talking about and what was meant by Whack-A-Mole  
8 to Dan. It doesn't say what we were talking about  
9 yesterday.

10 Q. (By Mr. Wisner) Did you ever use the  
11 phrase Whack-A-Mole with Dr. Goldstein?

12 A. I don't remember using it.

13 Q. You don't recall referring to studies that  
14 need to be whacked like a mole?

15 A. That I would not have used.

16 Q. Is Dr. Goldstein lying in this e-mail?

17 A. I'm not saying that he's not lying. I'm  
18 just saying that that's his term, Whack-A-Mole, and I  
19 wouldn't say looking at a study that we would have said  
20 we need to whack that study.

21 Q. Now, do you have any reason to disagree  
22 with Dr. Goldstein's statement here?

23 MR. JOHNSTON: Objection. Asked and  
24 answered.

1           A.     I mean, Dan -- this is what Dan wrote.  
2     This is what it says on the paper.

3           Q.     (By Mr. Wisner) Yeah, and he says that  
4     you were joking about it yesterday. Were you joking  
5     with Dr. Goldstein about playing Whack-A-Mole?

6           MR. JOHNSTON: Objection. Asked and  
7     answered.

8           A.     Again, that's what Dan wrote there. I  
9     don't remember what we were talking about the day  
10    before it, but that's what Dan wrote there.

11          Q.     (By Mr. Wisner) You don't remember? This  
12    was like eight years ago; right?

13          A.     It's eight years ago.

14          Q.     Yeah. So probably if it was written  
15    contemporaneously at the time, 2010, by Dr. Goldstein,  
16    he's probably accurately reflecting the jokes you were  
17    having with him the day prior?

18          MR. JOHNSTON: Objection. Calls for  
19    speculation.

20          A.     Again, I don't know what we were all  
21    talking about the day before. It doesn't have anything  
22    here what we were specifically talking about the day  
23    before, and he's used that term.

24          Q.     (By Mr. Wisner) Dr. Goldstein -- he's a

1 reliable person?

2 A. Yes.

3 Q. Trustworthy?

4 A. Yes.

5 Q. He wouldn't lie; right?

6 A. That's what he wrote here.

7 Q. Do you think he's lying here?

8 MR. JOHNSTON: Objection. Argumentative.

9 A. I don't -- these are Dan's words. I'm not  
10 saying he's lying. I'm just saying I don't remember  
11 what we talked about the day before.

12 Q. (By Mr. Wisner) Did you respond to this  
13 e-mail saying, Dan, we never made that joke. What are  
14 you talking about?

15 A. I don't remember.

16 Q. And then he goes on later on to talk about  
17 some other issues related to GMO foods. I don't want  
18 to get into that. But I just wanted to give you some  
19 framework behind why on the roadmap --

20 MR. WISNER: Put the roadmap back up --

21 Q. (By Mr. Wisner) Why on the roadmap we are  
22 we are at the playing Whack-A-Mole stop, because I got  
23 the Whack-A-Mole concept from an e-mail that you were  
24 on. Do you see that, Doctor?

1           A.       But I didn't originate this e-mail.

2           Q.       Sure, but according to this e-mail, you  
3 were joking about it?

4           A.       Well, we don't know what we were joking  
5 about yesterday.

6                   MR. JOHNSTON:  Objection.  Misstates the  
7 record.  And this is exactly why this Number 1 is  
8 objectionable.

9           Q.       (By Mr. Wisner)  Let's just look at what  
10 it says.  It says, funny you should say that.  Donna  
11 Farmer -- that's you -- glyphosate tox -- which is  
12 where you worked -- and I have been playing  
13 Whack-A-Mole for years and calling it just that.  We  
14 were joking about it yesterday.  That's what it says;  
15 right?

16                   MR. JOHNSTON:  Objection.  Asked and  
17 answered.  She already answered that question.  You're  
18 now badgering the witness and you're argumentative.

19           A.       That's what written there.  That's what  
20 Dan wrote.

21           Q.       (By Mr. Wisner)  Now, isn't it true,  
22 Doctor, that there was a program at Monsanto called Let  
23 Nothing Go?

24           A.       I'm not familiar with that program.

1 Q. You're not familiar with a program called  
2 Let Nothing Go that actually has a budgetary line item?

3 A. Not that I'm familiar with, no.

4 Q. So you're not familiar with a program  
5 that's specifically designed to attack scientists that  
6 publish things that are adverse to Monsanto's financial  
7 interests?

8 MR. JOHNSTON: Objection. Misstates facts  
9 not in evidence. Misstates the record.

10 A. I don't know what you're talking about.

11 Q. (By Mr. Wisner) Well, isn't it true,  
12 Doctor, that when a piece of science comes out that  
13 suggests that there's a health risk associated with  
14 Monsanto's Roundup product, you feel like that should  
15 be challenged?

16 A. No, that's not true. We don't feel it  
17 should be challenged, but we do feel that we need to  
18 evaluate the science behind it and understand the data  
19 and understand the conclusions, do a scientific  
20 evaluation.

■ ■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]









█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

14 Q. Do you have problems with in vitro  
15 studies, Doctor?

16 A. No, I don't actually. I think they have a  
17 very good place and time and give us a lot of good  
18 scientific information, but the results of those  
19 studies have to be put in context of what they mean to  
20 human health.

21 Q. I'd like to show you another document,  
22 Exhibit 23 to your deposition.

23 [Exhibit 23 marked for identification.]

24 Q. All right. This is a document MONGLY

1 Number 00885526. It's a series of e-mails. Doctor, do  
2 you recognize these e-mails?

3 A. Yes, I do.

4 Q. You are a participant on these series of  
5 e-mails?

6 A. Yes, I am.

7 Q. And these e-mails were created and sent as  
8 part of the regular course of Monsanto's business;  
9 right?

10 A. Yes.

11 MR. WISNER: All right. I would move this  
12 document into evidence.

13 Q. (By Mr. Wisner) All right. I want to  
14 draw your attention to the second page, ending in  
15 Bates-stamped 527. Are you there?

16 A. Okay.

17 Q. And Dr. Heydens says to you, Donna, here  
18 we go again. This coupled with Stocco and the three or  
19 four new literature studies over the last couple of  
20 weeks indicates it's time to take a deeper look at all  
21 of this. Did I read that right?

22 A. Yes.

23 Q. Do you know what he's referring to?

24 A. Just what he's saying, that there's a

1 study by Stocco and three or four others ones that he  
2 would like us to take a deeper look at.

3 Q. And these are studies that were being done  
4 that showed that glyphosate or Roundup could cause  
5 endocrine disruption?

6 A. They were in vitro experiments. Stocco  
7 was an in vitro experiment alleging endocrine  
8 disruption.

9 Q. And so he says it's time for us to take a  
10 deeper look at all of this. He goes on, let's you and  
11 I sit down with all the new, quote, free studies, end  
12 quote, tomorrow. Do you see that?

13 A. Yes.

14 Q. Why is free -- what is a free study?

15 A. I don't know what Bill meant.

16 Q. Does it mean that it's free from  
17 Monsanto's influence?

18 A. That I would not --

19 MR. JOHNSTON: Objection. Calls for  
20 speculation.

21 A. Yeah, see, I don't know what he meant by  
22 that.

23 Q. (By Mr. Wisner) I mean, we see this  
24 phrase free studies appear all over the place, Doctor.

1 You don't know what it means?

2 MR. JOHNSTON: Objection. Misstates the  
3 record. Facts not in evidence.

4 A. I mean, Bill put down free studies. I'm  
5 not sure which ones he's referring to or what he's  
6 referring to.

7 Q. (By Mr. Wisner) So this e-mail that you  
8 received from Dr. Heydens -- you're not sure what it  
9 meant?

10 A. What he talked about is he wanted to look  
11 at the Stocco study and the three or four new  
12 literature studies. That's what it appears he's  
13 talking about.

14 Q. Well, Doctor, you used the phrase free  
15 studies, don't you?

16 A. I don't remember using it.

17 Q. Well, you respond to this e-mail; right?  
18 You see that, your response?

19 MR. JOHNSTON: Is that a question? You're  
20 asking her if she responded?

21 A. Oh, I'm sorry. Did I --

22 Q. (By Mr. Wisner) That's the question,  
23 yeah.

24 A. Yes, I did.

1 Q. And if you turn to the page it goes -- you  
2 said, we can work this same message for other free  
3 studies. That's what you wrote; right?

4 A. I'm sorry. I'm lost where you are.

5 Q. Turn the page, right up at the top. We  
6 can work this same message for the other free studies.  
7 Do you see that?

8 A. Yes.

9 Q. What do you mean by free studies?

10 A. I think this means that we didn't pay for  
11 the studies.

12 Q. So free means free from Monsanto's  
13 influence?

14 MR. JOHNSTON: Objection. Misstates her  
15 testimony. Misstates the record.

16 A. I said we didn't pay for them.

17 Q. (By Mr. Wisner) Well, I mean, if you pay  
18 for something you're obviously influencing it; right?

19 MR. JOHNSTON: Objection. Assumes facts  
20 not in the record, argumentative.

21 A. Not necessarily so.

22 Q. (By Mr. Wisner) So in response you write  
23 this e-mail. It's dated April 25th, 2002; right?

24 A. Yes.

1 Q. And it says, Bill, I have been aware of  
2 this BKH list since back in December. Do you know what  
3 BKH is referring to?

4 A. I don't remember anymore what that refers  
5 to.

6 Q. If you remember, this is the one I kept  
7 asking Mark and Bill about and they kept saying  
8 glyphosate was not on the list anymore. I don't think  
9 they realized that this was a new list. We have had  
10 copies of all the BKH reports out on the GGTT folder  
11 since that time.

12 My proposal is Bill -- my proposal to Bill  
13 is going to be even though the ECPA says to do nothing,  
14 we should update our response to the first BKH report  
15 and have it waiting in the wings. Is that what you  
16 wrote?

17 A. Yes.

18 Q. I'll be happy to -- then the third  
19 paragraph is, I'll be happy to discuss the free studies  
20 with you later today. Do you see that?

21 A. Yes.

22 Q. Do you recall what you discussed with him?

23 A. They're -- the list -- that was like what  
24 we talked about, the in vitro, the sea urchin cell

1 cycle study.

2 Q. Why do you use the word free?

3 A. Again, I think looking back on this it  
4 would have been that these studies were not paid for by  
5 Monsanto.

6 Q. Now, if you go on the next page, the  
7 second paragraph from the top, it says, I think we  
8 should be cautious in dignifying every alleged finding  
9 by doing more work, publishing significantly, or being  
10 seen to overreact to these very small papers, which in  
11 the scheme of things may be just blips.

12 We need to look at each of them on a  
13 case-by-case basis as well as seeing if a pattern is  
14 beginning to form for a, quote, weight of the evidence,  
15 unquote, like the genotox. We have had about four of  
16 these free studies every year now. Only some get  
17 highlighted internally and externally. Do you see  
18 that?

19 A. Yes.

20 Q. And then you write, this does not mean,  
21 however, we do nothing. In my mind, the stewardship  
22 program for glyphosate has a four-part strategy. One,  
23 publish relevant toxicological, exotoxicological (sic),  
24 and human information about glyphosate in the

1 peer-reviewed literature, like Williams, Geisy,  
2 Acquavella. Do you see that?

3 A. Yes.

4 Q. Do you know what that Williams article is  
5 referring to?

6 A. It's a 2000 publication.

7 Q. That's an article that Dr. Heydens  
8 ghostwrote; correct?

9 A. No Dr. Heydens did not ghostwrite the  
10 Williams article.

11 Q. You do know that Dr. Heydens told you he  
12 ghostwrote it; right?

13 A. Dr. Heydens did not ghostwrite it.

14 Q. But that wasn't my question. My question  
15 is you are aware he told you he ghostwrote it; correct?

16 A. He used that phrase, but that's not what  
17 he did.

18 Q. So he was just having a fugue state  
19 moment?

20 MR. JOHNSTON: Objection. Argumentative.

21 MR. WISNER: I withdraw the question.

22 Q. (By Mr. Wisner) I've been wanting to use  
23 the word fugue state for a long time in a deposition.  
24 That was my chance, so -- all right, let's continue

1 reading here. It goes, two, review the literature  
2 regularly for glyphosate findings and respond when  
3 appropriate. Hardell, Stocco, Barbosa, Daruich --

4 A. Daruich.

5 Q. Daruich, Arbuckle, et cetera. Did I read  
6 that right?

7 A. Yes.

8 Q. And Hardell, that refers to an  
9 epidemiological study; is that right?

10 A. Yes.

11 Q. Three, establish a scientific network of  
12 prestigious scientists in key world areas and provide  
13 them the latest information about glyphosate. We have  
14 epi, tox, enviro, exposure, repo/development -- I  
15 assume -- clinical tox experts. Did I read that right?

16 A. Yes.

17 Q. Four, assess data gaps and fund  
18 appropriate research. FFES, MON 35050, Stocco. Did I  
19 read that right?

20 A. Yes.

21 Q. FFES -- that's the -- what does that stand  
22 for?

23 A. Farm Family Exposure Study.

24 Q. And then you go on to say, another thing

1 that we would like to discuss is how we can -- how can  
2 we improve our intelligence on finding out about these  
3 studies in advance? Did I read that correctly?

4 A. Yes.

5 Q. Why would you need to find out about these  
6 studies in advance?

7 A. Well, I think when you look up at the part  
8 we talked about, the stewardship program, we take the  
9 safety of our product very safely -- I'm sorry -- very  
10 seriously, and what we want to know is what is going on  
11 out there, what is being said or alleged, and that we  
12 did this in a very proactive way, as we talked about,  
13 we want to get relevant information out there.

14 We're going to review the literature for  
15 this, we're going to establish a network, and we're  
16 going to do data gap -- we're going to fund data and  
17 conduct studies when we need to. And so this is really  
18 important, is finding out what's going out on make sure  
19 that we know that -- again, get that balance of the  
20 information out there.

21 So some of these things are used in a  
22 different perspective, that we have data that gives a  
23 different perspective, and so this was really a  
24 stewardship program really monitoring all the

1 information we knew about glyphosate, both inside and  
2 outside.

3 Q. (By Mr. Wisner) But Doctor, why do you  
4 need to be proactive about scientific literature coming  
5 out? Isn't it -- do you just respond to it when it  
6 comes out?

7 MR. JOHNSTON: Objection. Misstates the  
8 document.

9 A. So -- and the idea of this is that studies  
10 come out in abstracts so we can be aware of them. And  
11 again, we talked about assess the data gaps, fund  
12 appropriate, review the literature, so it would be nice  
13 to have these in advance to see what's going on and to  
14 participate in the conversation.

15 And sometimes people aren't aware of the  
16 total database that we have and it would be nice in  
17 those circumstances, if they're not aware of all the  
18 information out there, to be able to provide that for  
19 them to take into consideration when they finish their  
20 publications.

21 Q. (By Mr. Wisner) I thought the reason why  
22 you wanted to know about them in advance was so you  
23 could get a response ready and distribute it  
24 proactively?

1           A.     No.

2           Q.     Well, let's actually look at what you  
3     said.  It goes on.  It goes, Mark fortunately saw the  
4     neuroblastoma paper at the British tox meetings.  
5     Quote, we can get response ready and distribute it  
6     proactively.  Do you see that, Doctor?

7           A.     I'm sorry.  I've lost where you --

8                   MR. JOHNSTON:  Objection.  Misstates the  
9     document.

10          Q.     (By Mr. Wisner)  So I'll just read it to  
11     you.  Is says right here.  Another thing I would like  
12     to do -- to discuss is how we can improve our  
13     intelligence in finding out about these studies in  
14     advance.  That's what we were just discussing?

15          A.     Yes.

16          Q.     That paragraph ends with the sentence, we  
17     can get response ready and distribute it proactively.  
18     That's exactly what I just asked you the purpose was,  
19     and you said no.

20                   MR. JOHNSTON:  Objection.  Misstates the  
21     document.

22          A.     So again, what I was talking about is  
23     having a response that would -- in this sense, I mean  
24     about getting that information out there so that we

1 would know what other information is available on  
2 glyphosate and compare to what just one paper might be.  
3 And this neuroblastoma paper, again, was an in vitro  
4 study, and again, you cannot extrapolate from like an  
5 in vitro publication to a human risk assessment. So  
6 this is another in vitro study, a petri dish  
7 experiment.

8 Q. (By Mr. Wisner) Sure, but putting that  
9 study aside, the whole purpose of getting intelligence  
10 about these studies is so you can have a response ready  
11 and distribute it proactively?

12 A. Well, and a part of that response is  
13 having what other data is out there that puts those in  
14 vitro studies into perspective.

15 Q. But isn't that kind of like playing  
16 Whack-A-Mole with the data?

17 A. No.

18 MR. JOHNSTON: Objection. Argumentative.

19 Q. (By Mr. Wisner) I mean, you're getting  
20 ready to whack the study before you've even seen the  
21 results, Doctor?

22 A. No, we've seen the results, so this has  
23 nothing to do about whacking it before we see the  
24 results. This is about seeing the results and then

1 putting in a in vitro study into the context of the  
2 entire database of whole animals, and so that's what  
3 that's about.

4 Q. Isn't it true, Doctor, that there have  
5 been epidemiological studies published related to  
6 glyphosate that involved non-Hodgkin's lymphoma?

7 A. There are publications, I understand, that  
8 have alleged that there is non-Hodgkin's lymphoma, yes.

9 Q. And some of those studies show an  
10 evaluated rate of lymphoma -- non-Hodgkin's lymphoma  
11 with people exposed to Roundup; right?

12 A. That's what they allege.

13 Q. That's what the studies show; right?

14 A. Well, that's what's alleged in the study.

15 Q. Now, it would be wholly inappropriate to  
16 attack a scientist personally for publishing a study  
17 like that; right?

18 A. I --

19 MR. JOHNSTON: Objection. Vague.

20 A. We wouldn't do that.

21 Q. (By Mr. Wisner) Well, I'm handing you a  
22 document. This is Exhibit 24 to your deposition.

23 [Exhibit 24 marked for identification.

24 You've seen this document before; right, Doctor?

1 A. Not for a long time, but yes, I have.

2 Q. This is the Hardell study from 1999?

3 A. Yes.

4 Q. It's titled, A Case-Control Study of  
5 Non-Hodgkin's Lymphoma and Exposure to Pesticides;  
6 right?

7 A. Right.

8 Q. And this one did show an elevated rate of  
9 non-Hodgkin's lymphoma for people exposed to  
10 glyphosate; right?

11 A. It's my understanding that when they are  
12 corrected for confounders, it's not statistically  
13 significant.

14 Q. I know what study you're talking about.  
15 It's not this one. This one is just an evaluated  
16 rate -- it's not statistically significant outright.  
17 If you look on Page 1355 --

18 A. Yeah -- uh-huh.

19 Q. This is the early Hardell paper. And you  
20 see glyphosate has a risk -- odds ratio of 2.3 but it's  
21 not statistically significant. Do you see that Doctor?

22 A. Correct. Uh-huh.

23 Q. So when this study came out, what was your  
24 response to it?

1           A.     We wrote -- there was some information in  
2 here that we wanted to correct for the record, and so  
3 we did write a letter.

4           Q.     Isn't it true that you personally attacked  
5 Dr. Hardell?

6           A.     No, that's not true.

7           Q.     I'm handing you Exhibit 25.

8                     [Exhibit 25 marked for identification.]

9           Q.     This is Bates-stamped MONGLY00878065.  
10 This is a series of e-mails, Doctor, and if you see  
11 starting on the middle of the page there's an e-mail  
12 from you, Dr. Farmer, dated June 22nd, 1999. Do you  
13 see that?

14          A.     Yes.

15          Q.     And this was made while you were employed  
16 at Monsanto?

17          A.     Yes.

18          Q.     And this is what you wrote; right?

19          A.     Along with others, yes.

20                   MR. WISNER: At this time I'd move this  
21 document into evidence.

22          Q.     (By Mr. Wisner) If you turn to the second  
23 page in the document ending in 066. There is a section  
24 of this -- well, actually let's start on the first

1 page, give it some context.

2                   You write in your e-mail on the first  
3 page, Rich and all, in response to your e-mail request  
4 for information on what we call the Swedish or Hardell  
5 study, John Acquavella and I have been doing the  
6 technical work on this issue. Here's what we have been  
7 sending around when we receive information requests.  
8 That's what you wrote; right?

9           A.     Yes.

10          Q.     And then you have this sort of thing that  
11 you've pasted into your e-mail below it. Do you see  
12 that?

13          A.     Yes.

14          Q.     Turn to the second page. Who is Lennart  
15 Hardell? Do you see that?

16          A.     Yes.

17          Q.     That's Dr. Hardell, the guy who authored  
18 this article?

19          A.     Yes.

20          Q.     Here's what you wrote. Hardell has a long  
21 history with Monsanto. Our former colleagues in  
22 Solutia tell us that, quote, Hardell hates Monsanto,  
23 unquote. Hardell started the controversy over dioxin  
24 and soft tissue sarcoma 20-plus years ago based on some

1 flawed epidemiological research -- epidemiologic  
2 research, sorry. Did I read that correctly?

3 A. Yes.

4 Q. It goes on. We also worked -- he also  
5 worked to link Agent Orange to cancer based on its  
6 presumed dioxin content. Do you see that?

7 A. Yes.

8 Q. Just Agent Orange. That does cause  
9 cancer; correct, Doctor?

10 A. I'm not aware of the toxic profile of  
11 Agent Orange.

12 Q. But it was manufactured by Monsanto;  
13 right?

14 MR. JOHNSTON: Objection. Relevance.

15 A. I know there were several companies who  
16 were involved in producing that, and I'm not sure if  
17 Monsanto was one or not.

18 Q. (By Mr. Wisner) The company that  
19 manufactured Monsanto -- they were called Monsanto at  
20 the time; right?

21 MR. JOHNSTON: Objection. Calls for  
22 speculation.

23 MR. BAUM: Agent Orange.

24 A. As I said, I knew several companies did.

1 MR. WISNER: What did I say?

2 MR. BAUM: You said creates Monsanto.

3 Q. (By Mr. Wisner) Okay, sorry. Let me ask  
4 you that question again. The company that manufactured  
5 Agent Orange was called Monsanto at the time? That was  
6 my question.

7 MR. JOHNSTON: Objection. Calls for  
8 speculation.

9 A. As I said, I knew there were several  
10 companies that did. I'm not sure if Monsanto was  
11 definitely one of those.

12 Q. (By Mr. Wisner) So then if you go down  
13 here, it says, he has a history of resorting to ad  
14 hominem attacks. I'll start right there. What does ad  
15 hominem mean?

16 A. It's -- again, he has a history of  
17 resorting to ad hominem attacks when challenged, but he  
18 attacks back if he's challenged by industry -- attacks  
19 the people.

20 Q. What does ad hominem mean, Doctor?

21 A. Technically I don't know.

22 Q. It means personal; right?

23 A. Okay.

24 MR. JOHNSTON: Objection. Are you

1     testifying, counsel?

2             Q.       (By Mr. Wisner)   Is that what your  
3     understanding of it is, Doctor?

4             A.       I really don't know the definition of ad  
5     hominem.

6             Q.       Resorting to ad hominem attacks when  
7     challenged by industry.  So if he feels threatened he  
8     may resort to linking us with old allegations made  
9     against Monsanto Chemical Company on dioxin, PCBs, and  
10    the like.  Our Monsanto registration manager in Sweden  
11    has indicated that Hardell is personally calling  
12    journalists to inform them of his study.  Do you see  
13    that?

14            A.       Yes.

15            Q.       Now, in the sentence before that, you  
16    state Dr. Ralph Cook, the retired medical director of  
17    epidemiology at Dow Chemical, told us that Hardell is  
18    very arrogant.  Do you see that?

19            A.       That's what written are.

20            Q.       That's a personal attack, isn't it?

21            A.       I wouldn't consider that a personal  
22    attack.  That was Dr. Cook's opinion that we put into  
23    this summary.

24            Q.       Doctor, if I told this jury my friend

1 thinks that you're arrogant, that would be a personal  
2 attack, wouldn't it?

3 MR. JOHNSTON: Objection.

4 A. Again, I think this is -- talking about  
5 what we knew about Dr. Hardell. We had people who had  
6 opinions and we included those in the summary for  
7 people to take into consideration.

8 Q. (By Mr. Wisner) So in response to an  
9 epidemiological study published in a peer-reviewed  
10 journal -- in a journal, you are sending around a  
11 statement accusing Dr. Hardell of being arrogant and  
12 that he has a penchant for engaging in personal  
13 attacks?

14 MR. JOHNSTON: What was that word, sir?  
15 What was that word in your question?

16 MR. WISNER: You can read the record.

17 MR. JOHNSTON: No, I need to know because  
18 I'm defending a deposition. What was the word?

19 Q. (By Mr. Wisner) Please answer my  
20 question.

21 A. I don't know what that word meant either.

22 MR. WISNER: You guys don't know what  
23 penchant means?

24 A. No.

1 MR. JOHNSTON: You mean penchant?

2 MR. WISNER: I speak French. Sorry.

3 MR. JOHNSTON: Well, this is America. We  
4 don't speak French in depositions in America.

5 MR. WISNER: Geez. There's a lot of hate  
6 of French people here. Do you call them freedom fries,  
7 too?

8 A. So I just --

9 Q. (By Mr. Wisner) All right, Doctor. So  
10 let me just ask the question again so we have a clean  
11 record; okay? So in this message that you're sending  
12 around about the Hardell study you're accusing Dr.  
13 Hardell of being arrogant and having a tendency to  
14 engage in personal attacks?

15 A. I did not call him arrogant. These were  
16 words from someone else that we incorporated in this.  
17 But in addition to that -- and this was going  
18 internally to Monsanto. We also had other documents  
19 for them to look at. But this is just a description,  
20 and this is not going anywhere but into internal  
21 Monsanto, and that was Dr. Cook that was saying those  
22 things.

23 Q. Dr. Farmer, you're spreading mud -- you're  
24 slinging mud about Dr. Hardell here, aren't you?

1 MR. JOHNSTON: Objection. Argumentative.

2 A. We are just reporting what has been told  
3 to us about Dr. Hardell's behavior.

4 Q. (By Mr. Wisner) All right, Doctor. Let's  
5 look at some other stuff. After the Hardell study, did  
6 you ever consider conducting your own epidemiological  
7 study of Roundup?

8 A. No, we did not.

9 Q. Why not?

10 A. Well, when we have no indication we did  
11 the Farm Family Exposure Study, which was a really good  
12 study to look at exposure. We had all the data coming  
13 from our animal studies and our gene tox studies that  
14 there was no indication of concern for people using our  
15 product to develop cancer from using that product.

16 Q. So after the Hardell study it's your  
17 testimony that you never considered doing an  
18 epidemiological study to look at NHL?

19 A. Again, we had a lot of data that we were  
20 looking at differently scientifically. There -- we would  
21 say that -- we'd have to believe that everyone that  
22 uses our product is associated -- has a potential to  
23 develop cancer of some sort, and the data never told us  
24 that. We're very confident it wasn't genotoxic, we

1 didn't see evidence of carcinogenicity, and we were  
2 very comfortable with the safety of the product.

3 Q. I'm handing you a document, Exhibit 26 to  
4 your deposition.

5 [Exhibit 26 marked for identification.]

6 Q. This is an e-mail from John Acquavella to  
7 you. It's dated November 3rd, 1999. Do you see that,  
8 Doctor?

9 MR. JOHNSTON: Is this 26?

10 MR. WISNER: Yes, it's Exhibit 26.

11 MR. JOHNSTON: Thank you.

12 Q. (By Mr. Wisner) Is that right, Doctor?

13 A. Yes.

14 Q. And the subject is, very rough draft  
15 of Adami proposal for ECPA. Do you see that? And for  
16 the record, this is MONGLY00894003. And this e-mail  
17 was sent to you from Dr. Acquavella at the time he was  
18 an employee at Monsanto; correct?

19 A. Yes.

20 Q. And this was sent to you as part of your  
21 working relationship with Dr. Acquavella; correct?

22 A. Yes.

23 MR. WISNER: At this time I'd move this  
24 document into evidence.

1 Q. (By Mr. Wisner) Attached -- so he writes,  
2 Donna, you asked for it. See attached. Do you see  
3 that?

4 A. I see that.

5 Q. And if we look to the attachment, which is  
6 attached to this e-mail, rough first draft, NHL  
7 proposal for ECPA. What is ECPA, Doctor?

8 A. European Crop Protection Association.

9 Q. And are you familiar with this document?

10 A. I don't remember it from years ago. I  
11 mean, obviously -- I mean, I can read it, but I haven't  
12 thought about it in years.

13 Q. So the first sentence is in March 1999  
14 issue of the journal Cancer, Hardell and colleagues  
15 reported a non-Hodgkin's lymphoma, NHL, case-control  
16 study that focused on pesticides as  
17 potential etiological factors. Do you see that?

18 A. Yes.

19 Q. It describes the study, and it says on the  
20 next paragraph, the authors found statistically  
21 significant associations between NHL and reported use  
22 of any herbicide, reported use of any fungicide, and  
23 reported the use of herbicide MCPA. Nonsignificant  
24 associations were reported for other herbicides,

1 including glyphosate. Do you see that, Doctor?

2 A. Yes.

3 Q. That's what -- the study we just looked at  
4 a second ago; right?

5 A. Correct.

6 Q. Goes into some discussions of the study,  
7 goes -- the next paragraph starts, there are obvious  
8 scientific limitations to this work, some of which have  
9 been pointed out elsewhere. Nonetheless, the study  
10 garnered media attention worldwide. I'll stop right  
11 there. Is that true? Did the Hardell study garner  
12 media attention worldwide?

13 A. I remember it did, yes.

14 Q. Go to the next paragraph. Hardell's most  
15 recent study comes at a time when the U.S. National  
16 Cancer Institute is getting ready to begin publishing  
17 papers from their prospective Agricultural Health Study  
18 of 60,000 farmers and their family. Thus, the stage is  
19 set for another round of epidemiological studies to  
20 cause significant concern for industry. Do you see  
21 that?

22 A. I lost track.

23 Q. That's the bottom paragraph.

24 A. Oh, down here. Okay. Yeah, you jumped

1 down. Okay.

2 Q. Did I read that right, Doctor?

3 A. Yes.

4 Q. So Doctor, there was significant concern  
5 within Monsanto actually at this time that the AHS  
6 would yield possible associations between pesticides  
7 and cancer?

8 A. Well, this is a rough draft for ECPA and I  
9 think that ECPA is voicing those concerns.

10 Q. Now, if we go to the next page, if you  
11 look at the second-to-last paragraph, in the middle of  
12 that, it says, lastly, the pressure from  
13 epidemiological findings is sure to escalate over the  
14 next few years as papers start to be published from the  
15 National Cancer Institute's Agricultural Health Study.

16 Given the long lead time required to  
17 conduct epidemiological research, industry must be  
18 proactive in order to be influential in this area. Did  
19 I read that right?

20 MR. JOHNSTON: Do you see where he's --

21 A. I think he's down here -- lastly, the  
22 pressure.

23 MR. JOHNSTON: Could you read it again now  
24 that she's found where you were?

1 MR. WISNER: Sure.

2 Q. (By Mr. Wisner) Lastly, the pressure from  
3 epidemiological findings is sure to escalate over the  
4 next few years as papers start to be published from the  
5 National Cancer Institute's Agricultural Health Study.  
6 Given the long lead time required to conduct  
7 epidemiological research, industry must be proactive in  
8 order to be influential in this area. Do you see that?

9 A. Yes. Uh-huh.

10 Q. Was it a goal of yours, Doctor, in 1999 to  
11 be influential in the area of epidemiologic research?

12 A. This -- again, these are not my words.  
13 These were -- this proposal for ECPA that represented  
14 industry and those are their words.

15 Q. These are Dr. Acquavella's words; right?

16 A. Dr. Acquavella was an epidemiologist, but  
17 this is a proposal written on behalf of ECPA, the  
18 industry, the European Crop Protection Association.

19 Q. Look at the last page. It says,  
20 respectfully submitted, John Acquavella, Monsanto  
21 Company; right?

22 A. Well, it says it can be arranged to have  
23 Dr. Adami circulate a formal proposal and meet with  
24 industry scientists. So this, I think if they talked

1 before, was a draft from Adami. It says very rough  
2 draft of Adami proposal for ECPA. So Adami is an  
3 independent scientist and he's written that proposal  
4 for ECPA.

5 Q. Now, Doctor, to this day, notwithstanding  
6 the concerns raised in 1999, Monsanto has never funded  
7 or conducted an epidemiological study to explore  
8 whether Roundup exposure, real humans in the real  
9 world, is causing non-Hodgkin's lymphoma?

10 A. Again, we talked about the data that we  
11 had before us. We would have to have a hypothesis to  
12 test, and we don't have a hypothesis to test. We look  
13 at the gene tox data between the surfactants, the  
14 formulated product, glyphosate, the long-term animal  
15 carcinogenicity studies with glyphosate. We didn't see  
16 any indication that there was any concern for humans,  
17 and the EPA had concluded that it was a Category E of  
18 evidence of non-carcinogenicity.

19 Q. IARC was -- what -- three years ago?

20 A. I think it was, yes.

21 Q. Three-and-a-half years ago actually,  
22 wasn't it? March 2015?

23 A. Yes.

24 Q. Today is -- what are we -- Oct --

1 September of 2018; right?

2 A. (Nodding "yes.")

3 Q. That's a yes?

4 A. Yes.

5 Q. Well, surely when IARC concluded that it  
6 was a probable human carcinogen and was specifically  
7 associated with non-Hodgkin's lymphoma, that created a  
8 hypothesis worth testing; right?

9 A. We didn't agree with IARC's evaluation of  
10 the potential carcinogenicity of glyphosate, so no,  
11 that did not generate a hypothesis for us. We still go  
12 back to all the data that we had before and back to the  
13 regulatory agencies, so even as recently the US EPA  
14 said it's unlikely to be a human carcinogen. So no, we  
15 were still very confident in the data of our products.

16 Q. Let me get this straight, Doctor. IARC  
17 concluded that it's a probable human carcinogen, an  
18 institution that you admit is reputable, and you don't  
19 have a basis to conduct an epidemiological study today?

20 A. No. Again, we've talked about the other  
21 data and the regulatory agencies who are charged with  
22 reviewing the carcinogenic potential of products like  
23 glyphosate and Roundup, and they have all come out in  
24 completely different opinion of IARC, and they are the

1 ones who are charged with reviewing, approving  
2 registrations for those uses.

3 Q. Now, Doctor, you know there's been a trial  
4 on this issue; right?

5 A. Yes, you asked me that earlier.

6 Q. Yeah. The jury returned a verdict of \$289  
7 million saying in fact not only that Roundup causes  
8 non-Hodgkin's lymphoma but that Monsanto acted with  
9 malice. Do you understand that?

10 MR. JOHNSTON: Objection. She's not a  
11 lawyer, and you're argumentative, and this is  
12 irrelevant to this lawsuit.

13 A. Again, I don't understand what those legal  
14 terms mean. I'm still going to stay on the science  
15 side, and again, the science still says that there is  
16 no evidence that Roundup-branded products cause cancer.

17 Q. (By Mr. Wisner) So notwithstanding IARC,  
18 notwithstanding \$289 million verdict, Monsanto -- and  
19 now Bayer, I should reflect here -- does not believe it  
20 would be appropriate to set up or conduct an  
21 epidemiological study to explore this issue?

22 MR. JOHNSTON: Are you asking for the  
23 company's testimony or Dr. Farmer's testimony? Because  
24 she is here as a personal witness right now.

1           Q.       (By Mr. Wisner) Please answer my  
2 question, Doctor?

3                   MR. JOHNSTON: And this is argumentative  
4 and misstates the record.

5           A.       I'm going to give my opinion as the -- one  
6 of the many toxicologists for glyphosate. The data  
7 still is very supportive. We have no evidence that  
8 glyphosate or our Roundup-branded products cause any  
9 cancer.

10          Q.       (By Mr. Wisner) No evidence?

11          A.       We do not. You look at the animal  
12 studies, you look at -- and we have the Agricultural  
13 Health Study; right? That has been a study that's been  
14 out there, a long-term study in humans, and there is no  
15 evidence of association with non-Hodgkin's lymphoma in  
16 the Agricultural Health Study. You add that to all the  
17 reviews by the regulatory agencies on all the data and  
18 you put that all together, and there is no evidence  
19 that Roundup causes cancer in humans.

20          Q.       Doctor, I can understand your opinion,  
21 while I disagree with it, that the evidence is that it  
22 doesn't cause cancer. I can respect that opinion. But  
23 you're telling this jury right now that there is no  
24 evidence whatsoever that shows an association or link

1 between Roundup and glyphosate and non-Hodgkin's  
2 lymphoma?

3 A. It doesn't cause. What I'm saying is when  
4 I look at the animal data -- that's my area -- there is  
5 no evidence from the animal data, the gene tox data,  
6 that there is a carcinogenic risk to humans, and that  
7 regulatory agencies around the world have said exactly  
8 the same thing.

9 Q. In the five mouse studies that have been  
10 done on glyphosate, Doctor -- you want to talk about  
11 animal studies; right? In the five mouse studies that  
12 have been done, four of them had significant trends or  
13 groups of mice in the exposure group with malignant  
14 lymphoma. You understand that; right?

15 MR. JOHNSTON: Objection. Misstates the  
16 record.

17 A. So I need to know what study you're  
18 talking about and you need to take a look at  
19 consistency across those five animal studies. You need  
20 to look at dose responses. You need to look at  
21 preneoplastic lesions. And in one of those studies  
22 there was a virus in the colony and there was mouse  
23 lymphoma considering in that, so in and of itself, that  
24 one study is not evidence.

1 Q. (By Mr. Wisner) There's actually four of  
2 them, Doctor, and the jury is going to have heard all  
3 this testimony by the time they see your video, and I  
4 just want to make sure we're on the same page here.  
5 You understand that malignant lymphoma was seen in the  
6 exposed group in four of the five mouse studies? You  
7 understand that; right?

8 MR. JOHNSTON: Objection. Misstates the  
9 record.

10 A. Again, these were extremely high doses and  
11 my awareness of the study is it was in one very, very  
12 high dose study and that that was a colony that had a  
13 virus associated with it, but it wasn't occurring in  
14 all of the studies, and that's a consistency we need to  
15 look across.

16 Q. (By Mr. Wisner) Now, Doctor, that's a  
17 second issue I want to address. You're talking about  
18 the Kumar study; right? Having the virus infection?  
19 Is that what you're referring to?

20 A. I think that's the name of the study.

21 Q. You do realize that there is absolutely no  
22 evidence that there was a viral infection in that  
23 colony, right, that they've looked into this issue and  
24 it turns out that's not true?

1           A.       That's -- I'm not aware of that. My  
2 understanding is that there was a viral situation in  
3 that colony.

4           Q.       If it turns out that that was not true,  
5 would that change your opinion?

6                   MR. JOHNSTON: Objection. Incomplete  
7 hypothetical. Calls for speculation.

8           A.       Again, I would have to see the data.  
9 That's -- make the decision based on the data.

10          Q.       (By Mr. Wisner) Who told you there was a  
11 viral infection?

12          A.       It's been in the EPA document.

13          Q.       So you're getting it from the EPA?

14          A.       I'm reading summary documents, yes.  
15 Different ones from worldwide.

16          Q.       You know that the EPA got it from the  
17 Greim article which was written in part by your  
18 deleting Dr. Saltmiras?

19          A.       It was written by -- yes, David  
20 contributed to that.

21          Q.       And the jury will have seen this document,  
22 but ESA actually went and looked to see if there was  
23 any evidence of a viral infection and they concluded  
24 that there absolutely was none, that it was a

1 completely fabricated fact, and they don't even know  
2 where it came from. Have you seen that document?

3 A. I haven't seen that document. I would  
4 have to see that before I could agree with what you're  
5 saying. And again, the point I think that -- let's  
6 just say that there was no virus in that case. The  
7 doses that those animals were dosed are extremely high,  
8 probably over 500,000 to a million times higher in  
9 those animal studies than a human would ever see.

10 Q. Well, we'll get to a dosing in a little  
11 bit about how much people actually get dosed with when  
12 they're using this, but before we get there, that's the  
13 point of a rodent study, though; right?

14 A. Rodent studies.

15 Q. Right. This is a rodent study that we're  
16 talking about, the Kumar study. And you have, what,  
17 100 animals in each dosing group, including the  
18 control?

19 A. Usually 50 per sex.

20 Q. Yeah, so that's 100 in each group?

21 A. Uh-huh.

22 Q. Talking about a maximum of 500 animals;  
23 right?

24 A. Uh-huh.

1 Q. And you understand non-Hodgkin's lymphoma,  
2 it's like one out of 10,000; right?

3 A. I'm not familiar with non-Hodgkin's  
4 lymphoma in terms of incidence.

5 Q. Take my word on it. It's about one in  
6 10,000; okay?

7 MR. JOHNSTON: Objection. She's not going  
8 to take your word for it.

9 Q. (By Mr. Wisner) If in fact --

10 MR. JOHNSTON: You're misstating the  
11 record.

12 Q. (By Mr. Wisner) If in fact it is one in  
13 10,000 and you were studying 500 mice at the doses that  
14 you would expect to see in the real world, the  
15 likelihood of you seeing any lymphoma would be  
16 almost -- it would be unheard of, wouldn't it?

17 A. I don't --

18 MR. JOHNSTON: Incomplete hypothetical.  
19 States facts not in the record. Argumentative.

20 A. I don't know.

21 Q. (By Mr. Wisner) Well, you said you're an  
22 animal person, so the way you do mouse studies is you  
23 create the maximum tolerated dose; right? That's the  
24 highest group; right?

1 A. Uh-huh.

2 Q. Which is designed to be well above  
3 exposures you would ever get in the real world. You  
4 understand that; right?

5 A. Yes.

6 Q. Because they're trying to create cancer  
7 using the compound; right?

8 A. Well, they're not trying to create cancer.  
9 What they're trying to do is learn about what adverse  
10 effects might occur at all dose levels.

11 Q. Exact --

12 A. And you do rats and mice as well.

13 Q. Exactly. And then so when they do that,  
14 for example, in the Kumar study, the highest dosed  
15 group of mice they're getting -- like 17 of them are  
16 getting malignant lymphoma out of 100 mice. So you're  
17 creating the large number so you can show that dose  
18 response. You understand that; right?

19 MR. JOHNSTON: Objection. Compound.  
20 That's like three questions in that question.

21 A. So I do understand dose response.

22 Q. (By Mr. Wisner) So saying that the dose  
23 level in those mouse studies is well beyond what a  
24 human would be is kind of a red herring, right, because

1 that's the point of the mouse study?

2 A. Well, it's really important when we do  
3 think about people and we think about exposure because  
4 there are a lot of things that are known carcinogens,  
5 right, that they have no effect at the doses that  
6 people are exposed to them. So that's a really --  
7 that's why dose response is so important and  
8 consistency among all those rodent studies, so I would  
9 like to take a chance to look at that ESA report,  
10 because I was not aware of that.

11 Q. Okay. I appreciate you taking a look at  
12 that, Doctor. All right. I'm handing you a document  
13 that is Exhibit 27.

14 [Exhibit 27 marked for identification.]

15 Q. Actually, before I hand this to you -- you  
16 recall a study done by McDuffie?

17 A. Yes.

18 Q. That was an epidemiological study as well?

19 A. Yes.

20 Q. And that looked at various pesticides and  
21 the relationship to various types of -- specifically to  
22 non-Hodgkin's lymphoma; correct?

23 A. Yes.

24 Q. I'm handing you a document that's Exhibit

1 27 to your deposition. This is a memorandum dated  
2 August 24th, 2000, MONGLY Number 00886014. Doctor,  
3 this was sent to you. Do you recognize this document?

4 A. I haven't remembered it for years, but  
5 it's definitely a document from Monsanto.

6 Q. Yeah, and it was sent to you -- it looks  
7 like it was from Dr. Acquavella; correct?

8 A. Yes.

9 Q. And this was sent to you as part of his  
10 work as an epidemiologist at Monsanto; correct?

11 A. Yes.

12 Q. And he would regularly report on his  
13 attendance at various conferences; right?

14 A. That was one of the things that we did,  
15 yes.

16 MR. WISNER: And actually, I'd move this  
17 document into evidence.

18 Q. (By Mr. Wisner) The subject of this is  
19 the ISEE meeting, epidemiological studies re  
20 glyphosate. Do you see that?

21 A. Yes.

22 Q. And in this he's talking about his  
23 participation at the International Society for  
24 Environmental Epidemiology in Buffalo, New York;

1 correct?

2 A. Yes.

3 Q. And he reports on two different studies  
4 that were discussed at the ISEE conference; right?

5 A. Let me get a chance to catch up with you  
6 here, because I haven't seen this in a while.

7 Q. Sure.

8 A. Okay.

9 Q. So in this memo, Dr. Acquavella is  
10 reporting on two presentations that were made at the  
11 conference. Is that right?

12 A. Let's see. Two related papers. I'm not  
13 sure if he said presentation, but it's two related  
14 papers for sure.

15 Q. Fair enough. I actually have never been  
16 to one of the conferences. I'm sure you have. But my  
17 understanding is they have like posters where they  
18 present sort of the paper that they're going to be  
19 publishing, or is it --

20 A. It could be a platform or a poster.

21 Q. Well, in any event he's reporting on two  
22 papers that might be coming out; right?

23 A. Yes.

24 Q. And the first one is related to that

1 McDuffie paper that we discussed a second ago?

2 A. Yes.

3 Q. And in it, if you turn to the second page  
4 ending in Bates 015 -- in the second paragraph, first  
5 sentence, he states, additional analysis found  
6 significant relationships for more than two days use  
7 per year for glyphosate. Odds ratio 2.1, 95 percent  
8 confidence interval, 1.2 to 3.7. Do you see that?

9 A. Yes.

10 Q. And actually that kind of relates to what  
11 we were just talking about a second ago; right? Dose  
12 matters; right?

13 MR. JOHNSTON: Objection. Vague.

14 A. I was going to say. In terms of dose --  
15 like days per use or --

16 Q. (By Mr. Wisner) Yeah. I mean, a lot of  
17 these epidemiological studies they look at never ever  
18 use; right?

19 A. Yes.

20 Q. But the problem with that is that some  
21 people in the ever use could have used it once and some  
22 people could have used it their whole life; right?

23 A. Correct.

24 MR. JOHNSTON: Objection. Calls for

1 speculation.

2 Q. (By Mr. Wisner) And those people would  
3 have very different levels of exposure obviously;  
4 right?

5 MR. JOHNSTON: Objection. Calls for  
6 speculation.

7 A. I'm not really familiar with all the  
8 details of these epidemiology studies, but there are a  
9 lot of variables that are taken into consideration, is  
10 my understanding.

11 Q. (By Mr. Wisner) Sure. And so instead of  
12 the never ever analysis, one way you can look at the  
13 data is to kind of look at a sort of dose response sort  
14 of relationship, so what I mean by that is you can  
15 categorize the group into people who use it rarely and  
16 people who use it frequently; right?

17 MR. JOHNSTON: Objection. Calls for  
18 speculation.

19 A. Again, I understand there are a lot of  
20 variables, so that may be one of the variables.

21 Q. (By Mr. Wisner) And that's what Dr.  
22 McDuffie did here? They specifically looked at people  
23 who used it for greater than two days a year?

24 MR. JOHNSTON: Objection. Calls for

1 speculation.

2 A. So this is the abstract, this is the  
3 preliminary data that she shared.

4 Q. (By Mr. Wisner) Sure. We'll get to the  
5 study in a second, but that's what she's saying here at  
6 least, according to Dr. Acquavella?

7 A. Yes.

8 Q. If you look at the last paragraph in that  
9 section, it says, it remains to be seen how glyphosate  
10 is treated in the eventual publication from the study  
11 and whether anyone picks up selectively on the  
12 presumably confounded glyphosate finding that was  
13 included in the meeting abstract. Obviously we need to  
14 be as prepared as we can given limited information. I  
15 mention some specific follow-up plans below. Do you  
16 see that, Doctor?

17 A. Yes.

18 Q. All right --

19 A. And I think another important point is  
20 that coming up here is he told her about her Farm  
21 Family Exposure Study, because that really looked at  
22 how farmers -- and what their real exposure levels were  
23 in the real world, and she -- he wanted to offer her  
24 that as a part of incorporating into that, so there was

1 an open communication going on in providing her some  
2 other information to consider in her study.

3 MR. WISNER: All right. Well, I'm going  
4 to move to strike your answer as nonresponsive. I  
5 don't think I asked a question about that, but I  
6 appreciate your comment, Doctor.

7 Q. (By Mr. Wisner) If we go back to the  
8 earlier paragraph, he says, since the organizers of the  
9 ISEE meeting asked me to chair the pesticide session,  
10 which included this paper, I had the opportunities to  
11 spend some time with the author. She struck me as a  
12 reasonable person. I was expecting a Canadian of  
13 Scottish descent, but Dr. McDuffie is of African  
14 descent. I'm going to stop right there. Why is that  
15 being mentioned here in this memo?

16 MR. JOHNSTON: Objection. Calls for  
17 speculation.

18 A. You'd have to ask Dr. Acquavella.

19 Q. (By Mr. Wisner) Did it matter to you, a  
20 scientist, whether or not the researcher was  
21 African-American or Scottish?

22 A. I think you'd have to ask Dr. Acquavella.

23 Q. But he did feel it was important to put it  
24 into this official Monsanto memo; is that right?

1 MR. JOHNSTON: Objection. Calls for  
2 speculation. Vague.

3 A. Well, again, I think you'd have to ask  
4 him.

5 Q. He goes on to say, she does not seem --  
6 she doesn't seem to have any preconceived notions about  
7 glyphosate. She agreed to share her paper with me when  
8 it was ready for submission for publication. I'll stop  
9 right there. Was it your understanding that Dr.  
10 McDuffie was going to share the document with Dr.  
11 Acquavella before it was submitted for publication?

12 A. Well, that's what written there.

13 Q. And to be clear, Dr. Acquavella at this  
14 time was an employee of Monsanto; right?

15 A. He was an epidemiologist at Monsanto, yes.

16 Q. So now we turn to the back page, follow-up  
17 plans, he goes, I think the best approach is to develop  
18 a collegial relationship with Dr. McDuffie. We can  
19 share our findings from the FFES when available and ask  
20 her to share her findings when available. I'll stop  
21 right there. That's talking about that Family Farm  
22 Exposure Study; right?

23 A. Farm Family Exposure Study.

24 Q. Sorry. Farm Family Exposure Study. And

1 he's basically saying we're going to share data with  
2 each other; is that right?

3 A. Yes.

4 Q. Also, I suggest we include Dr. McDuffie in  
5 our plans to develop a scientific outreach network in  
6 Canada. We've been planning to have a scientific  
7 outreach meeting in Canada, so this study provides a  
8 good reason to expedite our plans for Canada.

9 This could be important strategically in  
10 light of Canada health's continual investment in  
11 agricultural epidemiological and the ongoing networking  
12 between Health Canada and the NCI. Dr. McDuffie would  
13 benefit by learning about glyphosate toxicology and  
14 exposure assessment. That's what he wrote; right?

15 A. That was what -- written there, yes.

16 Q. Okay. So the study comes out. I'm  
17 handing you a copy of it, Doctor, as Exhibit 28 to your  
18 deposition.

19 MR. JOHNSTON: Do you think -- I'm going  
20 to need to take a break soon. Is there a -- do you  
21 think --

22 MR. WISNER: Once we get done with  
23 McDuffie.

24 MR. JOHNSTON: Is this like a five

1 minutes, or is this like 30 minutes --

2 MR. WISNER: It's five. Less than five.

3 Well, I'm always optimistic, but this will be quick.

4 All right.

5 MR. JOHNSTON: What number is this?

6 Q. (By Mr. Wisner) Doctor, I'm handing you

7 Exhibit 28. This is a copy of the McDuffie article

8 that was published in November 2001; correct?

9 [Exhibit 28 marked for identification.]

10 A. Yes.

11 Q. And just so you can get some context, if

12 you actually turn to that statistically significant

13 rate that we were talking about in the abstract, it did

14 make its way into the paper. Let me just find it for

15 you. Here we go. If you look on Page 1161, Table 8.

16 A. Table 8.

17 Q. You see that?

18 A. Yes.

19 Q. If you go down to phosphonic acid

20 glyphosate. Do you see that?

21 A. Yes.

22 Q. And then it has unexposed, has a risk

23 ratio of one -- between one and two days per year, has

24 a risk ratio of one. That's no risk; right?

1 A. Yes.

2 Q. But then when you have greater than two  
3 days, it is a 2.12 risk that is statistically  
4 significant. Do you see that?

5 A. There -- it's -- yes, it's over --  
6 statistically -- sorry -- statistically significant.

7 Q. Now, one of the criticisms that I  
8 understand has been levied against this article is that  
9 it didn't control for confounders; right?

10 A. That's my understanding as well.

11 Q. You understand, though, that there was no  
12 evidence of any confounding in this data; right?

13 MR. JOHNSTON: Objection. Calls for  
14 speculation.

15 A. Again, my understanding was there were  
16 other herbicides that were used, and that was my  
17 understanding, that if there were confounders, that  
18 that would change that significance.

19 Q. (By Mr. Wisner) Well, if you turn to Page  
20 1160, Table 7, it says right there underneath the title  
21 of the table, among individual pesticides -- and it  
22 lists a bunch -- it says, they were included in the  
23 initial multivariate model and not found to contribute  
24 significantly to the risk of NHL. Do you see that?

1 A. No, I don't. Where are you?

2 Q. Okay. Table 7. And you have the most  
3 parsimonious model. Do you see that, Doctor?

4 A. Yes.

5 Q. Now, below that in between those two lines  
6 it reads, among individual pesticides, carbaryl,  
7 lindane, DDT, and malathion insecticides, and captan  
8 fungicide user/nonuser were included in the initial  
9 multivariate model and found not to contribute  
10 significantly to the risk of NHL. Do you see that?

11 A. I see that written there, yes.

12 Q. So in fact, the authors or Dr. McDuffie  
13 did actually consider whether or not these other things  
14 could be contributing to the risk of NHL and there are  
15 data to show that it didn't?

16 MR. JOHNSTON: Objection. Calls for  
17 speculation.

18 A. So my understanding of this publication  
19 was -- is that when they did control for confounders,  
20 the statistical significance with glyphosate went away,  
21 so I haven't looked at this in many years.

22 Q. (By Mr. Wisner) Well, Doctor, I will just  
23 tell you right now there is no controlling for  
24 confounding in this study, so I'm not sure where you're

1 getting that from. Are you mixing this up with the  
2 Eriksson study?

3 A. No, you just said that they were  
4 controlling for confounders.

5 Q. No, Doctor, I was showing you the table  
6 where it says that there were no confounders.

7 MR. JOHNSTON: Objection. Misstates the  
8 record and misstates the document and the article.

9 A. Give me a second. If I can read this for  
10 a little bit.

11 Q. (By Mr. Wisner) Yeah. Sure. How much  
12 time are you going to need?

13 A. I don't know. A little while.

14 MR. WISNER: Do you want to take a break?

15 MR. JOHNSTON: Fine with me.

16 MR. WISNER: Let's take a break.

17 THE VIDEOGRAPHER: We are going off the  
18 record at 2:37 PM.

19 [A brief recess was taken.]

20 THE VIDEOGRAPHER: We are back on the  
21 record at 2:50 PM.

22 Q. (By Mr. Wisner) All right, Doctor. Did  
23 you get a chance to review the study during your break?

24 A. Yes, I did.

1 Q. Okay. Great. And I actually don't really  
2 want to get into the science too much with you on it.  
3 I was just sort of poking around.

4 A. Well, it didn't help reading it --

5 Q. You still don't understand it?

6 A. -- because I'm not an epidemiologist  
7 and --

8 Q. Yeah, I know. For what it's worth, I've  
9 had the best epidemiologist in the world look at that  
10 and go, I think I understand it. I think. All right.  
11 Well, in any event, when this article was published in  
12 2001, you and Dr. Acquavella were very happy that  
13 glyphosate was not mentioned in the abstract; isn't  
14 that true?

15 A. We were -- wanted what was in the abstract  
16 to be what was scientifically important from the  
17 publication, yes.

18 Q. And specifically you didn't want the word  
19 glyphosate in there so when people searched for the  
20 document they wouldn't find it?

21 A. What we wanted was what were the most  
22 important parts in the abstract to be included in that.

23 Q. And for your purposes, a doubling of the  
24 risk for greater than two days per year use for

1 glyphosate for non-Hodgkin's lymphoma -- that wasn't  
2 important?

3 MR. JOHNSTON: Objection. Misstates the  
4 results of the study.

5 A. That -- could I see what you're talking  
6 about? Again, we come back to a statistically  
7 significant finding.

8 Q. (By Mr. Wisner) Sure. If you go back to  
9 your -- it's Exhibit 28. It's the McDuffie article.

10 A. But it's my -- okay. But again, I'm not  
11 an epidemiologist on this, and what we were just  
12 wanting in the abstract was what was the scientifically  
13 important things to be included in the abstract.

14 Q. Well, let's look at what you actually  
15 said, though. I'm handing you a Document 29 to your  
16 deposition. And --

17 [Exhibit 29 marked for identification.]

18 Q. All right, Doctor. Hand you Exhibit 29.  
19 This is MONGLY00890492, is -- the top of it is an  
20 e-mail from you to Dr. Acquavella, et al. Do you see  
21 that, Doctor?

22 A. Yes.

23 Q. It's dated 11 -- November 29th, 2001;  
24 right?

1           A.     Yes.

2           Q.     And you were sending this to Dr.  
3 Acquavella and at that time he was an epidemiologist at  
4 Monsanto; right?

5           A.     Yes.

6           Q.     And the title -- I'm sorry. The subject  
7 of the e-mail from John Acquavella to you states, the  
8 McDuffie article appears, glyphosate not mentioned in  
9 the abstract. Do you see that?

10          A.     I see that written there, yes.

11          Q.     And then it goes -- he writes, the  
12 McDuffie article appeared in the November issue of the  
13 journal Cancer Epidemiology, Biomarkers & Prevention.  
14 See abstract below. Unlike the abstract presented at  
15 the International Society for Environmental  
16 Epidemiology meeting, August 1999, glyphosate is no  
17 longer mentioned as a risk factor in the abstract. Do  
18 you see that?

19          A.     I see that written.

20          Q.     And he goes, I'll have to get the article  
21 and see what it says in the, quote, small print. Do  
22 you see that?

23          A.     Yes.

24          Q.     And then in response to that, you write,

1 John, I know we don't know yet what it says in the,  
2 quote, small print, but the fact that glyphosate is no  
3 longer mentioned in the abstract is a huge step  
4 forward. It removes it from being picked up by  
5 abstract searches, exclamation mark. See that?

6 A. Yes.

7 Q. So you were excited that glyphosate was no  
8 longer mentioned in the abstract because it would no  
9 longer be picked up by abstract searches?

10 A. Because what should be picked up in the  
11 abstract searches are the most important parts of a  
12 publication, and it appears that after she ran through  
13 her preliminary work and came to the final one, it  
14 wasn't considered important for her to put in the  
15 abstract.

16 Q. Well, the study shows a 2.12 odds ratio  
17 that is statistically significant for greater than two  
18 days per use; correct?

19 A. That's what that said in this article.

20 Q. And a doubling of the risk for greater  
21 than two days per use of Roundup -- you don't think  
22 that's important for people to know about?

23 A. Well, again, she took it out of the  
24 abstract, so there must have been a reason why it

1 wasn't considered significant for her to keep it into  
2 the abstract.

3 Q. Whatever that reason is, you were happy  
4 about it?

5 A. Well, as we talked about, I think the  
6 really important things in a publication should be  
7 what's in the abstract.

8 Q. Doctor, as a scientist, how can you  
9 celebrate something not being findable in an abstract  
10 search that relates to the product that you're so  
11 aggressively promoting the safety of?

12 A. Well, again, she had a lot of other --  
13 sorry -- a lot of other chemistries that she was  
14 talking about, and she didn't have that in there, and  
15 again, there must not have been a very important  
16 finding for her to include it in the abstract -- with  
17 glyphosate.

18 Q. Let's go back and look at -- do you know  
19 if she didn't include it in the abstract because of her  
20 relationship with John Acquavella?

21 A. I can't answer that. I don't know.

22 Q. Well, in the previous document, we saw  
23 that Dr. Acquavella was planning to cultivate a  
24 relationship with her; right?

1           A.       But you also saw in the previous article  
2   that -- or the document that John was going to be  
3   providing her information about Farm Family Exposure  
4   studies, having a conversation with her, so I don't  
5   know what -- we were going to meet with other various  
6   people in Canada, so I don't know what went on with  
7   her.

8           Q.       Well, let's look at another document.  
9   It's Exhibit 30 to your deposition.

10                   [Exhibit 30 marked for identification.]

11           Q.       This is another e-mail. The top one is  
12   from you. It's MONGLY00887558. The e-mail from you at  
13   the top is dated December 6th, 2001. Do you see that,  
14   Doctor?

15           A.       Yes.

16           Q.       And this document -- this e-mail was sent  
17   as part of your work at Monsanto?

18           A.       Yes.

19                   MR. WISNER: At this time I'd move the  
20   document into evidence.

21           Q.       (By Mr. Wisner) So it appears at this  
22   point Dr. Acquavella has now actually gotten a copy of  
23   the paper; right?

24           A.       Read this and see.

1 Q. Dr. Acquavella appears to have obtained a  
2 copy of it now, Doctor?

3 A. Yes, it does.

4 Q. And you can see that on the e-mail  
5 starting on -- ending with Bates Number 559, Dr.  
6 Acquavella sends it to you, Dr. Heydens, Janice  
7 Armstrong, and Dr. Goldstein. The subject is, McDuffie  
8 paper. Do you see that?

9 A. Yes.

10 Q. And he says, I received the McDuffie paper  
11 today and have scanned it briefly. There are two  
12 findings for glyphosate and only two tables. Do you  
13 see that?

14 A. Yes.

15 Q. And then he reports the never ever  
16 finding. Do you see that?

17 MR. JOHNSTON: Objection. Calls for  
18 speculation.

19 A. In Table 2 -- reading right here?

20 Q. (By Mr. Wisner) Yeah. And then he  
21 subsequently reports the greater than two days per use  
22 finding. Do you see that?

23 A. But for use two days. Uh-huh.

24 Q. And this finding is one of the numerous

1 significant pesticide associations in the paper. He  
2 continues, glyphosate is only mentioned once in the  
3 text. He cites the page. The authors are talking  
4 about herbicides and mention, quote, glyphosate, which  
5 was not significant for exposure, meaning in Table 2,  
6 but for which we demonstrated a dose response  
7 relationship. Do you see that?

8 A. I see that written there, yes.

9 Q. And so he's talking about the places where  
10 glyphosate is specifically mentioned in the McDuffie  
11 article; right?

12 A. Yes.

13 Q. So then if you turn the page, Dr. Heydens  
14 responds, John, so if I understand the situation  
15 correctly, even though reference to glyphosate wasn't  
16 removed entirely, there was a substantial reduction in  
17 emphasis, including but not limited to removal from the  
18 abstract. Do you see that?

19 A. Yes.

20 Q. And then Dr. Acquavella says, right. It's  
21 a good result, but not everything we wanted. The  
22 invalid result could be cited as a second NHL --  
23 sorry -- glyphosate NHL finding. However, it will not  
24 be picked up by most of the usual suspects because it

1 is not mentioned in the abstract. That's what John  
2 wrote; right?

3 A. That's written there, yes.

4 Q. And then you respond, John, darn, but at  
5 least it's out of the abstract and not a huge  
6 discussion in the text. Regarding the journal it's  
7 published in, how is it viewed? Is it a premier  
8 journal or a lower-rung journal? Yes, please get a  
9 third-party review. Donna. See that?

10 A. Yes.

11 Q. So again, it appears you, Dr. Acquavella,  
12 Dr. Heydens, are all very excited about glyphosate not  
13 being discussed in any significant detail in the  
14 article?

15 A. I don't see the word excited, but there's  
16 definitely a reason why we -- I think the understanding  
17 of this -- again, it's out of my area of expertise, I'm  
18 not an epidemiologist, but it's my understanding that  
19 when confounders are appropriately corrected, the  
20 statistical significance goes away, so again, why Dr.  
21 McDuffie took it out of the abstract, you would have to  
22 ask her.

23 Q. I'm sorry. You said that when you control  
24 for confounding in the McDuffie article --

1 A. Appropriate. Appropriate.

2 Q. How do you know that?

3 A. That's just kind of a general thing that  
4 my epidemiology friends have talked to me about.

5 Q. Who told you that?

6 A. John Acquavella.

7 Q. How does he know that if that wasn't done  
8 in the study?

9 A. Again, this is just things that I remember  
10 from this a long time ago. I'm not an epidemiologist.  
11 It may be better to ask John.

12 Q. But you agree that you're telling this  
13 jury that you were excited about something not being in  
14 the abstract and were encouraged by glyphosate not  
15 being discussed because you felt it wasn't important,  
16 but you don't even understand the epidemiology?

17 MR. JOHNSTON: Objection. Compound and  
18 misstates her testimony in the record.

19 A. I said I'm not an epidemiologist, and what  
20 I said was -- is that what should be -- my opinion of  
21 what should be in the abstract is what is important in  
22 the findings in the paper, and for McDuffie, you'd have  
23 to ask her why she didn't include it in her abstract.

24 Q. (By Mr. Wisner) Dr. Acquavella says it

1 won't be picked up by the usual suspects. Who are the  
2 usual suspects?

3 A. I don't know who John had in mind when he  
4 wrote that.

5 Q. You're telling this jury that Dr.  
6 Acquavella is e-mailing you and Dr. Heydens a statement  
7 about the usual suspects and you have no idea what he's  
8 talking about?

9 MR. JOHNSTON: Objection. Asked and  
10 answered and argumentative.

11 A. This was a long time ago and I'm not sure  
12 who John was referring to in that sentence.

13 Q. (By Mr. Wisner) All right, Doctor. I'm  
14 handing you Exhibit 31 to your deposition.

15 [Exhibit 31 marked for identification.]

16 Q. This is the glyphosate stewardship  
17 epidemiology and Farm Family Exposure Study memorandum.  
18 Do you see that?

19 A. Memorandum?

20 Q. Sure. Is it a memorandum? Is that what  
21 this is?

22 A. I have no idea what you would call it.

23 Q. A document?

24 A. A draft.

1 Q. A draft?

2 A. I would say a draft.

3 Q. A draft document. Looks like it's dated  
4 June 11th, 2002; right?

5 A. Yes.

6 Q. And you're one of the team members on  
7 here, Donna Farmer. Do you see that?

8 A. Yes.

9 Q. Along with Dr. Acquavella and Daniel  
10 Goldstein; right?

11 A. Yes.

12 Q. This is MONGLY00888454. Doctor, this  
13 document was created as part of your work at Monsanto;  
14 correct?

15 A. Yes.

16 MR. WISNER: I'd move this document into  
17 evidence.

18 Q. (By Mr. Wisner) If you turn to the first  
19 page of --

20 A. Can I take a second? Because it's been  
21 like a lot of years.

22 Q. Yeah.

23 A. I want to see what the whole document's  
24 about.

1 Q. Sure.

2 A. Okay.

3 Q. So on page ending in 455, under macro  
4 issues. Do you see that section, Doctor?

5 A. Yes.

6 Q. It says, starting in the second  
7 paragraph -- well, I'll start with the first paragraph.  
8 The general public is selectively risk adverse,  
9 especially about perceived risks to children's health.  
10 Individuals will assume known risks -- for example,  
11 cigarettes -- yet object to infinitesimal potential  
12 risks from pesticide residues on foods or foreign DNA  
13 in genetically modified, GM crops.

14 Anti-pesticide activists orient their  
15 allegations accordingly. Glyphosate is a prime target  
16 of anti-pesticide and anti-GM activists due to its  
17 widespread use and key role to glyphosate-tolerant  
18 crops. Did I read that correctly?

19 A. Yes.

20 Q. Do you agree with that?

21 A. Yes.

22 Q. It goes on, allegations based on results  
23 from epidemiological studies have begun to affect our  
24 freedom to operate. In Canada, enabled by a recent

1 Supreme Court ruling, localities have cited  
2 epidemiological findings to ban, quote, nonessential  
3 use of pesticides, usurping federal regulations that  
4 are based on toxicological data.

5                   There are now six published studies that  
6 arguably associate glyphosate and other pesticides with  
7 lymphopoietic cancers or adverse reproductive outcomes.  
8 Lymphopoietic -- did I read that correctly, Doctor?

9           A.     Yes.

10          Q.     Lymphopoietic cancers -- those are blood  
11 cancers; right?

12          A.     Yes.

13          Q.     Non-Hodgkin's lymphoma would be one of  
14 those?

15          A.     I'm not sure of all the categories that  
16 would be in that, but a blood cancer.

17          Q.     Is it your understanding that  
18 epidemiological studies in 2002 were affecting  
19 Monsanto's freedom to operate?

20          A.     Well, it looks like up in here that  
21 they -- some areas in Canada, as it states, were using  
22 epidemiological findings to ban nonessential use of  
23 pesticides. That's what they're stating in there, so  
24 that's written right there.

1           Q.       So it looks like then freedom to operate  
2 is not about giving consumer choice in this context;  
3 it's about the -- it's about avoiding any restrictions  
4 on the use of a product?

5           MR. JOHNSTON:  Objection.  Misstates the  
6 document.

7           A.       Yeah, and I -- what I'm looking at here is  
8 this was really a great story about that, because part  
9 of the epidemiology is what you don't get with the  
10 epidemiology studies -- you don't really know what the  
11 real-world exposures that people are being exposed to.

12                   And so what this was saying is we have  
13 these epidemiology studies out there, and what can we  
14 do when you have people that are concerned about what  
15 their exposure is?  What can we do then to provide data  
16 to give them more information about what those  
17 real-world exposures are?

18                   So this is talking about filling -- we  
19 talked about our glyphosate stewardship where we would  
20 look at elements of publishing and reviewing literature  
21 and developing networks and then doing data, and this  
22 is talking about the Farm Family Exposure Study that  
23 was done to fill in what really are farmers and their  
24 families, their children being exposed to.

1                   MR. WISNER: Okay. I move to strike your  
2 answer as nonresponsive. Could you please read back my  
3 question?

4                   [The requested portion of the transcript  
5 was read by the reporter.]

6           A.       So I would go back again to my definition  
7 of freedom to choice -- freedom to operate, is that we  
8 had a piece of data that was missing that we felt  
9 needed to be taken into consideration when people are  
10 making the decision not to allow certain pesticides to  
11 be used.

12           Q.       (By Mr. Wisner) Are you familiar with the  
13 De Roos 2003 epidemiological study?

14           A.       Again, not being the epidemiologist in the  
15 group, I'm familiar with it from a higher level.

16           Q.       I'm handing you Exhibit 32.

17                   [Exhibit 32 marked for identification.]

18           Q.       This is the De Roos 2003 study; correct?

19           A.       Correct.

20           Q.       And in this study, they -- if you look  
21 onto Table -- oh. Table 3. Page 5 of 9. And you have  
22 the herbicides listed there. You see glyphosate is  
23 listed?

24           A.       Yes.

1 Q. And if you look at the logistical  
2 regression analysis, it shows a 2.1 statistically  
3 significant result?

4 A. Yes.

5 Q. And you understand that that analysis  
6 actually controlled for confounders of over 40  
7 different other pesticides?

8 MR. JOHNSTON: Objection. Misstates the  
9 document.

10 A. I don't know the details in this of how  
11 many numbers that they were looking at.

12 Q. (By Mr. Wisner) Well, if you read right  
13 there at the bottom, it says, each estimate is adjusted  
14 for use of all other pesticides listed in Table 3. Age  
15 and study cite. Do you see that?

16 A. I see that.

17 Q. And so these analyses adjust for exposure  
18 to all these other pesticides and herbicides, don't  
19 they?

20 MR. JOHNSTON: Do you mean both the  
21 logistic and the hierarchical regressions? What are  
22 you saying, all? Objection. Vague.

23 A. So -- yeah, I'm not sure what that  
24 asterisk -- so that would be for both sides?

1 Q. (By Mr. Wisner) That's what it says;  
2 right?

3 A. According to this asterisk, it says,  
4 effect estimates adjusting for use of other pesticides.  
5 That's what it says on the title.

6 Q. So based on what it says here, the  
7 glyphosate 2.1 number that's statistically significant  
8 adjusts for exposure to -- it looks about 40 or so  
9 other pesticides?

10 MR. JOHNSTON: Objection. Misleading.  
11 Misstates the document.

12 A. Okay, I see what you're -- the column here  
13 for glyphosate.

14 Q. (By Mr. Wisner) So this doesn't have the  
15 problem of the other studies of adjusting for other  
16 pesticides?

17 A. But you have -- there's two here. There's  
18 a logistical regression where you do have statistical  
19 significance, and then you have a hierarchical  
20 regression that has a lower odds ratio and is not  
21 statistically significant.

22 So clearly -- again, in my very minor  
23 ability to understand epidemiology, that's telling me  
24 that they did some other adjustment in there. Maybe it

1 was a different kind of adjustment that you have two  
2 conflicting results here in the same study.

3 Q. Are you familiar with Bayesian statistics  
4 by any chance?

5 A. No, I'm not.

6 Q. Bayesian statistics is what the  
7 hierarchical analysis is doing here.

8 A. The hierarchical regression?

9 Q. Exactly. And what's going on is it makes  
10 assumptions about the world and uses those assumptions  
11 to understand the data, that it makes those assumptions  
12 a priori.

13 MR. JOHNSTON: Are you testifying? Are  
14 you testifying? Because she doesn't know it. She just  
15 said she doesn't know what it is.

16 A. I don't know it.

17 Q. (By Mr. Wisner) Do you understand that,  
18 Doctor?

19 A. No.

20 MR. JOHNSTON: Understand what? She  
21 doesn't know it.

22 A. I don't know it.

23 Q. (By Mr. Wisner) Okay. Well, I'll teach  
24 you.

1 MR. JOHNSTON: No, you're not going to  
2 teach her.

3 Q. (By Mr. Wisner) So if you look at Table  
4 1, there's actually -- if you look at Table 1 in the  
5 study, Doctor, this is the -- if you see, it says,  
6 second-level matrix for hierarchical regression  
7 analysis showing values of prior covariates for each  
8 pesticide of interest. Do you see that?

9 A. I'm sorry. Where are you again?

10 Q. Table 1.

11 A. Table 1. Okay.

12 Q. Second-level matrix for hierarchical  
13 regression analysis showing values of prior covariates  
14 for each pesticide of interest. Do you see that?

15 A. I can see that, but again, all I'm  
16 pointing out is there were two different analyses done  
17 here and they're completely different.

18 Q. I know.

19 A. And so you can explain this all to me, but  
20 again, it's not my area of background and I don't think  
21 I'm going to learn in about five minutes.

22 Q. Well, Doctor, you raised the hierarchical  
23 analysis. I didn't even raise that. You raised  
24 that --

1           A.     Well --

2           Q.     -- so I'm going to ask you questions  
3 about it now.

4           A.     -- it was on the column that you showed  
5 it to me.

6           Q.     I showed you the 2.1. You raised the  
7 hierarchical regression. I never mentioned that.

8           MR. JOHNSTON: So you're admitting that  
9 you selectively talked about the chart; correct?

10          A.     Up here --

11          Q.     (By Mr. Wisner) Doctor, you raised it for  
12 the first time; correct?

13          A.     If you -- when you're looking at this  
14 chart, we were looking at everything, and so there's  
15 two columns here and there were two different  
16 regressions done, and that's what I was trying to point  
17 out, that there were two different regressions.

18          Q.     Sure. And you just stated you don't know  
19 what that hierarchical analysis was, and I'm trying to  
20 walk you through it; okay? So on Table 1 here, we  
21 actually have the assumptions that were made about each  
22 pesticide, and if you look under glyphosate -- where is  
23 it? Glyphosate. Do you see it, Doctor? And you go  
24 all the way to the right. It says, the carcinogenic

1 probability was .03. Do you see that?

2 A. Yes.

3 Q. And if we look at what forms the basis of  
4 that carcinogenic probability, if you look at the  
5 bottom, it actually is whether or not IARC or the EPA  
6 has classified them as a carcinogenic. Do you see  
7 that?

8 A. Okay.

9 MR. JOHNSTON: Objection.

10 Q. (By Mr. Wisner) And if you see --

11 MR. JOHNSTON: Misstates the document and  
12 she's already told you she doesn't know anything about  
13 this.

14 Q. (By Mr. Wisner) You see 0.3 equals not  
15 assessed by IARC or U.S. EPA IRIS or deemed  
16 unclassifiable in one or both assessments. Do you see  
17 that?

18 A. I see that written there.

19 Q. So we know that that would be incorrect  
20 for glyphosate today, because IARC has classified it;  
21 right?

22 MR. JOHNSTON: Objection. Calls for  
23 speculation.

24 A. Again, this is completely out of my area,

1 and I was just pointing out that there were two columns  
2 that had different regressions and one was  
3 statistically significant and one wasn't.

4 Q. (By Mr. Wisner) Sure. So can you please  
5 answer my question? .03 is not assessed -- sorry -- .3  
6 equals not assessed by IARC. That's what it says;  
7 right?

8 MR. JOHNSTON: And just you want her to  
9 agree that that's what the document says; right?

10 A. That's what it says, but it's interesting  
11 the U.S. EPA had reviewed glyphosate, so I don't know  
12 why they didn't have the U.S. EPA -- not the IRIS, but  
13 the OPP in there.

14 Q. (By Mr. Wisner) In 2003, the most recent  
15 EPA analysis had been 1993; right?

16 A. There were other ones that would have  
17 been -- in there in terms of looking -- IRIS is not --  
18 it's a very outdated cite, if you go back and look at  
19 that. It had not really been updated to the 1993  
20 information, so EPA IRIS was outdated and not even  
21 updated to the 1993 information.

22 Q. In any event, we know that .3 would be  
23 wrong today because IARC has classified it? That's all  
24 I'm saying.

1           A.       Well, and if they had the correct EPA one,  
2 they would have had a different number in there as well  
3 because it would have been assessed by the appropriate  
4 regulatory agency.

5           Q.       So we can agree then this hierarchical  
6 analysis is making assumptions that are essentially  
7 incorrect?

8           A.       Well, I --

9           MR. JOHNSTON: Objection. Calls for  
10 speculation.

11          A.       I can't agree, because I still don't  
12 understand the differences.

13          Q.       (By Mr. Wisner) Okay. In any event, the  
14 logistical regression -- you're familiar with  
15 logistical regression; right?

16          MR. WISNER: Objection. Calls for  
17 speculation.

18          A.       No.

19          Q.       (By Mr. Wisner) That's what was done in  
20 McDuffie; correct?

21          A.       Again, we talked about I'm not the  
22 epidemiologist here. I work with epidemiologists.  
23 That's why we had John Acquavella working for us, to  
24 help fill in that area of expertise.

1 Q. I understand that, Doctor, but as part of  
2 your job as a scientist you've spoken about how IARC  
3 cherry-picked data; right?

4 A. I have talked about how they selectively  
5 looked at studies, yes.

6 Q. You've glowingly spoken about the  
7 epidemiological AHS study, haven't you?

8 A. It's a very -- the study was recently  
9 reported, and I'm just stating facts, that that's what  
10 they're saying, is that there's no association with  
11 non-Hodgkin's lymphoma.

12 Q. Yeah, and so when I try to show you a  
13 study that contradicts your story, you suddenly can't  
14 talk about it?

15 MR. JOHNSTON: Objection. Argumentative.

16 A. So I'm not --

17 MR. JOHNSTON: Badgering the witness.

18 A. It's not that I'm not talking about it.  
19 I'm just saying that there's other -- there was another  
20 column here that showed something to my understanding  
21 that wasn't statistically significant, so even in this  
22 publication it contradicted itself from my --

23 Q. (By Mr. Wisner) In the AHS study that you  
24 like so much, they use logistical regression; right?

1 MR. JOHNSTON: Objection. Calls for  
2 speculation.

3 A. I haven't read the analysis of it.

4 Q. (By Mr. Wisner) You haven't actually read  
5 the study?

6 A. I haven't read into that detail, no. I  
7 mean, I'm not going to get into the epidemiological  
8 parts of that, because that's not my area of expertise.

9 Q. I'm just asking you if they use logistical  
10 regression in the AHS study and you don't even know?

11 A. I don't.

12 Q. Okay. Well, let's look at what you and  
13 Dr. Acquavella had to say about the De Roos 2003 study.  
14 Handing you Exhibit 36. This is an e-mail from Dr.  
15 Acquavella dated September 2nd, 2003. It is  
16 MONGLY062629 -- sorry -- 795. This is an e-mail sent  
17 to, among other people, you; correct, Doctor?

18 A. Yes.

19 Q. And this was sent to you as part of your  
20 work at Monsanto; correct?

21 A. Yes.

22 MR. WISNER: I'd move this document into  
23 evidence.

24 Q. (By Mr. Wisner) The original e-mail is

1 from Katherine Carr. Who is Katherine Carr?

2 A. She was one of the ecotoxicologists who  
3 did our glyphosate information management.

4 MR. JOHNSTON: One second. You marked  
5 this as 36. I think 33 was next. I'm happy to keep it  
6 36, but --

7 MR. BAUM: It is 33.

8 MR. WISNER: I took the sticker from the  
9 wrong part.

10 MR. JOHNSTON: I understand.

11 MR. WISNER: Let's correct the record.  
12 This will be Exhibit 33.

13 MR. BAUM: 33.

14 Q. (By Mr. Wisner) Sorry about that, Doctor.  
15 So Doctor --

16 [Exhibit 33 marked for identification.]

17 MR. WISNER: I move this exhibit into  
18 evidence, properly marked as Exhibit 33.

19 Q. (By Mr. Wisner) All right. Now, she  
20 writes subject, article re NHL and glyphosate,  
21 alachlor; right? You see that?

22 A. Yes.

23 Q. And she sends what appears to be a copy of  
24 the article to you and Dr. Acquavella and others;

1 right?

2 A. Yes.

3 Q. And Dr. Acquavella says, thanks to Kathy  
4 for bringing the De Roos, et al, paper to our  
5 attention. See below. I have a few quick thoughts  
6 about it. More information will follow. Do you see  
7 that?

8 A. Yes.

9 Q. Now, reading the paragraph that starts  
10 strangely, it reads, strangely, glyphosate looks to be  
11 one of the pesticides most associated with NHL in this  
12 analysis. See Table 3. At the time these NHL cases  
13 were diagnosed, 1979 through 1983, glyphosate was very  
14 early in its commercial history. Do you see that?

15 A. I see that written.

16 Q. So even Dr. Acquavella acknowledges that  
17 at least in that Table 3 that we were looking at,  
18 glyphosate seems to be the most highly one associated  
19 with NHL?

20 A. That's what John -- Dr. Acquavella has  
21 written here.

22 Q. Then the next paragraph he says, the  
23 author spent an entire paragraph in the discussion on  
24 glyphosate, specifically mentioning Hardell and

1 McDuffie. Do you see that?

2 A. Down -- yes.

3 Q. And he actually -- it looks like he pasted  
4 that portion of the article in there. Do you see that?

5 A. Yeah, it looks like something was pasted.

6 Q. Yeah. And the Hardell and McDuffie  
7 articles -- those are the ones we just discussed a  
8 second ago; right?

9 A. Yes.

10 Q. He says, I'm afraid this could add more  
11 fuel to the fire for Hardell, et al. Do you see that?

12 A. I see he wrote that.

13 Q. What do you understand -- what did you  
14 understand that to mean?

15 A. I don't know. You'd have to ask John.

16 Q. Would it be fair to say that with Hardell,  
17 McDuffie, and now De Roos, all showing elevated risks  
18 of non-Hodgkin's lymphoma associated with glyphosate,  
19 that it was creating concern that in fact Roundup might  
20 cause NHL?

21 A. No, I don't think it was a concern that  
22 Roundup caused NHL. I think there were these  
23 epidemiology publications out there. From what I  
24 understand from John, there were -- one had exposure,

1 there were some differences in these studies, and so it  
2 wasn't a concern for -- that Roundup was causing NHL.

3 Q. His next paragraph -- well, the  
4 second-to-last paragraph says, it looks like NHL and  
5 other lymphopietic cancers continue to be the main  
6 cancer epidemiology issues both for glyphosate and  
7 alachlor. Do you see that?

8 A. That's what he wrote.

9 Q. So even Dr. Acquavella -- and he's an  
10 epidemiologist; right?

11 A. Yes.

12 Q. And he was using -- a Monsanto  
13 epidemiologist; right?

14 A. Yes.

15 Q. And he's saying that one of the primary  
16 issues appears to be lymphopietic cancers in the  
17 epidemiology, isn't he?

18 A. That's what he's saying, but again, it  
19 wasn't our concern. This is from the epidemiology  
20 studies, but not from the studies and the animal data  
21 we had. It wasn't a concern for us.

22 Q. Dr. De Roos -- she's a pretty darn good  
23 scientist, isn't she?

24 MR. JOHNSTON: Objection. Calls for

1 speculation.

2 A. Yeah, I'm not familiar with Dr. De Roos in  
3 terms of her scientific capabilities.

4 Q. (By Mr. Wisner) You know she was on the  
5 AHS study that you were praising a minute ago?

6 A. She was on the other one too after that.

7 Q. What other one?

8 A. 17. The 17 in there.

9 Q. That's what I'm talking about.

10 A. Oh, okay. Yeah.

11 Q. The AHS one that you're praising.

12 A. Uh-huh.

13 Q. She's an author on that. You understand  
14 that?

15 MR. JOHNSTON: Objection.

16 A. Well, I understand she's an author.

17 Q. (By Mr. Wisner) All right. I'm handing  
18 you -- you're familiar with the Eriksson study that  
19 came out in 2008; right?

20 A. Yes.

21 Q. I'm handing you Exhibit 34.

22 [Exhibit 34 marked for identification.]

23 Q. This is a copy of that Eriksson study;  
24 correct? Correct, Doctor?

1 A. Pardon? I'm sorry.

2 Q. This is a copy of the Eriksson study from  
3 2008?

4 A. Yes, it is.

5 Q. And this one looked at glyphosate  
6 exposure, didn't it?

7 A. It looked at glyphosate and it looked at  
8 some other herbicides as well.

9 Q. And when it looked at glyphosate in the  
10 univariate analysis, it found a doubling of the risk  
11 that was statistically significant; correct?

12 MR. JOHNSTON: Objection. Are you looking  
13 for somewhere specific, counsel? Because I don't know  
14 where.

15 A. Yes --

16 Q. (By Mr. Wisner) Do you need direction?

17 A. Are you on -- what table are you on?

18 Q. We'll use Table 7. That has both. I'm  
19 sure you're going to want to talk about the other one.  
20 You see on Table 7, Doctor?

21 A. Yes.

22 Q. So in the univariate analysis, glyphosate  
23 has a statistically significant doubling of the risk;  
24 right?

1 A. Yes.

2 Q. And in the multivariate analysis, it has  
3 an elevated rate but it's not statistically  
4 significant; correct?

5 A. Correct.

6 Q. Now, if you actually look on the previous  
7 page, 1659 -- sorry. Two pages before. They actually  
8 have exposure to various herbicides. Do you see that  
9 Table 2?

10 A. Yes.

11 Q. And for glyphosate greater than 10 days  
12 exposure had a more than doubling of the risk that was  
13 statistically significant. Do you see that?

14 A. Yes.

15 Q. So we have Hardell, we have McDuffie, we  
16 have De Roos 2003, and now we have Eriksson. Would you  
17 agree that your earlier statement that there is no  
18 evidence of glyphosate or Roundup causing non-Hodgkin's  
19 lymphoma -- that's probably not an accurate statement?

20 A. I still would say it's accurate that these  
21 are epidemiology studies. I'm talking about the data.  
22 We didn't see -- again, we didn't have any concern  
23 based on the data that we have for non-Hodgkin's  
24 lymphoma.

1 Q. Remember earlier we talked about playing  
2 Whack-A-Mole with science? Remember that?

3 A. I do.

4 Q. What was your response to the Eriksson  
5 study?

6 A. I don't remember.

7 Q. You wanted to combat it, didn't you?

8 A. I have used that term before in terms of,  
9 again, putting science in a different perspective,  
10 making sure that there are other components considered,  
11 and if that's the term that I would sometimes use, yes.

12 Q. Handing you Exhibit 35 to your deposition.  
13 [Exhibit 35 marked for identification.]

14 Q. This is an e-mail from you dated October  
15 14th, 2008. Do you see that, Doctor?

16 A. Yes.

17 Q. MONGLY Number 01179185. Doctor, this is  
18 an e-mail you sent and it was part of your work at  
19 Monsanto; correct?

20 A. Yes.

21 MR. WISNER: Move this into evidence.

22 Q. (By Mr. Wisner) As you can see in the  
23 original e-mail sent to you on October 14th, it's from  
24 Nasser Dean, or Dean Nasser. I'm not sure if that's --

1 A. Nasser Dean.

2 Q. Nasser Dean? Okay. And it's reporting on  
3 the recent Eriksson study; correct?

4 A. I'm not sure it gives a title. It's  
5 obviously talking about a epidemiology study, but I'm  
6 not sure --

7 Q. Well, it says published in the October  
8 issue --

9 A. Of --

10 Q. -- of the International Journal of  
11 Cancer. This is -- if you look at the previous  
12 exhibit, that is the International Journal -- that's  
13 the same time frame. Reports a 2.02 odds ratio, which  
14 is the same odds ratio we saw in the study. It's  
15 clearly reporting on Eriksson; right?

16 A. Okay.

17 MR. JOHNSTON: Objection. Calls for  
18 speculation.

19 Q. (By Mr. Wisner) You agree, Doctor?

20 A. It just -- it doesn't say Eriksson here.  
21 That's why I wanted to make sure we were talking about  
22 the same document.

23 Q. I appreciate that. That's fine. All  
24 right. And so he sends it to you and others, and you

1 respond, Nasser -- is it "Nasser" or "Nasser"?

2 A. I'm not sure.

3 Q. Okay. So we'll do both and we'll cut the  
4 video accordingly. No. You write, thank you for  
5 forwarding this. We have been aware of this paper for  
6 a while and knew it would only be a matter of time  
7 before the activists pick it up. I have some epi  
8 experts reviewing it. As soon as I have that review,  
9 we will pull together a backgrounder to issue in  
10 response. Here is their bottom line. How do we combat  
11 this? Do you see you wrote that?

12 MR. JOHNSTON: Objection. You misstated  
13 the document -- the sentence. You said issue instead  
14 of use in response.

15 Q. (By Mr. Wisner) All right. Let's do it  
16 again. Thank you for forwarding this. You write this,  
17 Doctor; right? Thank you for forwarding this. We have  
18 been aware of this paper for a while and knew it would  
19 only be a matter of time before the activists pick it  
20 up. I have some epi experts reviewing it. As soon as  
21 I have that review, we will pull together a  
22 backgrounder to use in response. Here is their bottom  
23 line. How do we combat this? Did I read that  
24 correctly?

1 A. Yes.

2 Q. And then you paste what appears to be a  
3 portion of the article that was sent to you; right?

4 A. I don't remember what that was, where that  
5 was from.

6 Q. Well, if you turn the page, read the  
7 bottom line, it says, avoid carcinogenic herbicides in  
8 foods. Do you see that?

9 A. Yes.

10 Q. And then you literally copy and pasted  
11 that in there. Do you see that?

12 A. Yes.

13 Q. And the sentence that you want to combat  
14 reads, avoid carcinogenic herbicides in foods by  
15 supporting organic agriculture and on lawns by using  
16 nontoxic land care strategies that rely on soil health,  
17 not toxic herbicides. Do you see that?

18 A. That's what was written.

19 Q. Why would you want to combat that  
20 sentence?

21 A. Well, first of all, in relationship to  
22 glyphosate, it was not a carcinogen, and I think that's  
23 really important that people understand that  
24 herbicides -- dose makes the poison, so you have to

1 look at this that glyphosate was not carcinogenic. I  
2 don't want people to be misled that all these  
3 herbicides are carcinogenics and that everything that's  
4 used out there is -- organic is nontoxic.

5 Q. You have a growing body of epidemiological  
6 literature showing an association between glyphosate  
7 exposure and non-Hodgkin's lymphoma, and this article  
8 is advocating the support of organic agriculture and  
9 nontoxic land care strategies. Why would you ever  
10 combat that, Doctor?

11 A. Because again, we -- you have these  
12 epidemiology studies, but they are not the proof, the  
13 evidence that glyphosate is carcinogenic, and what  
14 we're saying here is that they are misleading people  
15 about whether the herbicides are carcinogenic or not.  
16 You need to look at the data.

17 Q. And you --

18 A. And we wanted to get -- remember that  
19 balance we talked about before? In this there isn't a  
20 balance of the science that talks about how herbicides  
21 are evaluated for safety and they've been approved for  
22 use by regulatory agencies, and that's what we're  
23 talking about, is having the balance of the science out  
24 there.

1 Q. Doctor, maybe my eyesight's blurry here,  
2 but you don't use the word balance at all. I think you  
3 write, here is their bottom line. How do we combat  
4 this? You don't say, how do we balance this, do you?

5 A. Well --

6 MR. JOHNSTON: Objection. Argumentative.

7 A. This is what they were saying here, and  
8 how do we combat this is how do we -- I didn't use  
9 that -- define that at that time, but that's what -- I  
10 didn't put that as the definition, but that's what  
11 we've been talking about all day, is that when we see  
12 these things, we want to make sure that there's a lot  
13 of information out there that is accurate about the  
14 safety of these herbicides.

15 Q. (By Mr. Wisner) I mean, you and Dr.  
16 Goldstein have been joking about this before. You deal  
17 with science like you deal with the Whack-A-Mole game.  
18 You whack the moles as they pop up, just like you  
19 combat the science you don't like.

20 MR. JOHNSTON: Objection.

21 Q. (By Mr. Wisner) Isn't that true, Doctor?

22 MR. JOHNSTON: Objection. Closing  
23 statement. This is not a question.

24 A. Dr. --

1 MR. JOHNSTON: It's asked and answered  
2 already and it's argumentative.

3 A. Dr. Goldstein and I take the safety of our  
4 products very, very importantly and very seriously. We  
5 take the safety for their use for consumers very  
6 seriously and very importantly, and we don't make joke  
7 of that.

8 Q. (By Mr. Wisner) Well, you play  
9 Whack-A-Mole with it; right?

10 MR. JOHNSTON: Objection. Misstates the  
11 record.

12 A. That's --

13 MR. JOHNSTON: The Whack-A-Mole document  
14 has nothing to do with glyphosate.

15 A. And what we were talking about here is  
16 having people know about the safety of the products  
17 they're using and not being misled by things that don't  
18 have the data that supports the statements.

19 Q. You said that you care about the safety of  
20 the product. Why don't you work on glyphosate anymore?

21 A. People move on to new different jobs. I  
22 have younger people come in and learn to take over  
23 different parts, and I go to different -- just to have  
24 an opportunity to do different things.

1 Q. What are you working on now?

2 A. I'm working on some seed treatments.

3 Q. And they don't involve Roundup, I assume?

4 A. Can't turn Roundup into a seed treatment,  
5 so no.

6 Q. I don't know what that means, so I was  
7 just asking generally if I had to deal with it.

8 MR. BAUM: Ask her what it means.

9 Q. (By Mr. Wisner) What does it mean,  
10 Doctor?

11 A. What does what mean?

12 Q. What is seed treatment? What does that  
13 mean?

14 A. It's a treatment that's put on the seed to  
15 protect the health of the seed when it's in the soil.

16 Q. All right, Doctor.

17 MR. WISNER: Michael --

18 Q. (By Mr. Wisner) All right, Doctor. So  
19 we're going to move on from the Whack-A-Mole in just a  
20 second, but isn't it true that before you got the  
21 results of the Agricultural Health Study, you were  
22 actually very concerned about the study and its  
23 reliability?

24 A. I remember talking about what the

1 Agricultural Health Study was, and anytime a study is  
2 done, you're always curious of what the results are  
3 going to be until you see the results.

4 Q. And before you got the results, before  
5 they supported your company's position, you were  
6 actually telling people that it kind of looks like junk  
7 science, didn't you?

8 A. I don't remember saying that.

9 Q. All right. Handing you Exhibit 36.

10 [Exhibit 36 marked for identification.]

11 Q. All right, Doctor, I've handed you an  
12 e-mail -- MONGLY00877463. Do you see that there's an  
13 e-mail from you dated May 31st, 1999?

14 A. Yes.

15 Q. And then there's a response to that e-mail  
16 from Thomas Kleevorn. Do you see that?

17 A. "Kleevorn."

18 Q. "Kleevorn"? And it's -- the subject is  
19 questions about glyphosate. Do you see that?

20 A. Yes. I'm --

21 Q. And --

22 A. I'm going to go back again and just kind  
23 of see where this whole string starts from, if you  
24 don't mind.

1 Q. Yeah. Sure. Let me know when you're  
2 ready. Are you good, or still reviewing, Doctor?

3 A. Just let me finish this part here.

4 Q. Sure thing.

5 A. Okay.

6 Q. So the sort of genesis -- so these are  
7 e-mails that were sent in the course of Monsanto's  
8 work; correct?

9 A. Yes.

10 MR. WISNER: I'd move this document into  
11 evidence.

12 Q. (By Mr. Wisner) Now, the genesis of this  
13 e-mail exchanges was the Hardell study; right?

14 A. It looks like it's questions about  
15 glyphosate that could be many in addition to just --

16 Q. Fair enough. Let me take -- we'll chime  
17 into the part of the e-mail exchange that I want to  
18 start on. If you look on page ending in 465, there's  
19 an e-mail from Stephen Wratten. Do you see that?

20 A. Yes.

21 Q. And he goes, Luis, there has been quite a  
22 bit of activity around the Hardell paper you mentioned  
23 and Monsanto has developed a scientific review as well  
24 as questions and answers. You see that?

1 A. Yes.

2 Q. And then in response to that, you actually  
3 sent an e-mail with a bunch of information. Do you see  
4 that?

5 A. From John and I, yes.

6 Q. Yeah. All -- we have been working on this  
7 issue from a variety of fronts. What has been done?  
8 What are we doing? And then you have a bunch of things  
9 that you've been working on; correct?

10 A. Correct.

11 Q. And it involves sending letters; correct?

12 A. Yes.

13 Q. Including a letter by John Jackson that  
14 was coauthored by two outside experts and has been  
15 submitted to the editor of the New Scientist. Do you  
16 see that?

17 A. Yes.

18 Q. You had a technical review done. Do you  
19 see that?

20 A. Yes.

21 Q. You have something done by the European  
22 Crop Protection Association. Do you see that?

23 A. Yes.

24 Q. Initiatives to engage Hardell. It says

1 the industry group IBT in Sweden has requested to meet  
2 with Hardell. At his request, they sent him a letter  
3 with suggested dates to meet with him. Do you see  
4 that?

5 A. Yes. Yes.

6 Q. You talked about having a long and bad  
7 history with Hardell. If you'd like the summary of  
8 this, let me know and I'll forward it. Do you see  
9 that? Do you see that, Doctor?

10 A. I'm sorry. Where --

11 MR. JOHNSTON: He jumped.

12 A. Yeah. Where did you jump to?

13 Q. (By Mr. Wisner) Down to the history  
14 networks and engagements.

15 A. Oh, I see. Okay.

16 Q. You talked about John Acquavella and you  
17 have been working with an expert, Vince Covello, in  
18 crisis and risk communication on how to basically meet  
19 with Dr. Hardell. Do you see that?

20 A. Yes.

21 Q. On the next paragraph, we are targeting  
22 July to go to Europe to engage Hardell and meet with  
23 epidemiologists all over Europe that will be receptive  
24 to us and our science. Do you see that?

1           A.     Receptive to our science.  Yes.

2           Q.     Our science -- is Monsanto science  
3 different than just science?

4           A.     No.  Again, it's the studies that we have  
5 and the data we have.  A lot of people out there aren't  
6 aware of the depth and the breadth of it, and we like  
7 to -- as you can see, we're willing to engage with  
8 people and share that information and have  
9 conversations with them.

10          Q.     So you talk about all these different  
11 things that you're doing to proverbially whack the  
12 mole.  Strike that.  I'll withdraw that question.  So  
13 you go through all the things you're doing in response  
14 to the Hardell study, and -- is it Dr. Klevorn?

15          A.     Yes.

16          Q.     Responds, many thanks to your help for the  
17 prompt reply.  This information is very helpful.  See  
18 that?  It's on the second page.

19          A.     Yes.

20          Q.     Okay.  Great.  And he says, everything is  
21 going well with you and your family?  I hope you are  
22 busy with them and not this sort of thing.  Do you see  
23 that?

24          A.     Yes.

1 Q. Then you respond, you're welcome. Life is  
2 always busy. Work, home, work, home. The key is  
3 balance. That's what you wrote; right?

4 A. It's a big, important part of my life.

5 Q. Yeah, balance; right? That's what we've  
6 talked about quite a few times today. Says, regarding  
7 business, unfortunately, we feel that Hardell is just  
8 the tip of the iceberg for these type of association  
9 epi studies.

10 We have his two papers with NHL and hairy  
11 cell leukemia and one from a Canadian Ag Health Study  
12 that declares an association between glyphosate and  
13 miscarriages and preterm deliveries. What is of  
14 greater concern, however, is an American initiative  
15 called the AHS. Did I read that right?

16 A. Yes.

17 Q. So now you proceed to -- who is Dr.  
18 Klevorn, by the way?

19 A. He was one of our tech development leads  
20 in Brazil.

21 Q. And you go on to explain the AHS. You  
22 say, the AHS stands for Agricultural Health Study, a  
23 large, multifaceted epidemiologic study being conducted  
24 by scientists with the National Cancer Institute, NCI,

1 the EPA, the National Institute for Environmental  
2 Health Sciences, NIEHS.

3                   It is -- I think -- in its seventh year.  
4 It is its -- all right. It is its seven year of data  
5 collection and soon will publish results linking  
6 specific pesticides to various health effects. These  
7 organizations believe that farmers and their families  
8 are suffering from a variety of illness and that these  
9 illnesses are caused by pesticides. No bias there.  
10 That's what you wrote?

11               A.     Yes.

12               Q.     Do you think that trying to see if --  
13 what's causing the increase of NHL in family -- in  
14 farmers' families is a form of bias, Doctor?

15               A.     I think when they believe that farmers and  
16 their families are suffering from an illness, that  
17 they're going into that with a belief versus saying, we  
18 don't know what's happening to farmers -- go in there  
19 with an open mind. That to me would be some bias.

20               Q.     Well, Doctor, during the opening statement  
21 in this case, defense counsel told the jury that NHL  
22 has been increasing in farmers well before glyphosate  
23 ever hit the market. Do you agree with that?

24               MR. JOHNSTON: Objection. Facts not in

1 evidence.

2 A. Yeah, I'm not aware of that data.

3 Q. (By Mr. Wisner) You're not aware that NHL  
4 has been increasing in farmers since before glyphosate  
5 entered the market?

6 A. I did not know it was increasing. I knew  
7 it had existed in farmers before Roundup had been  
8 marketed.

9 Q. And you understand that that actually is  
10 the genesis behind the AHS; right?

11 A. They're looking at all cancers.

12 Q. Yeah, and the genesis of the AHS is  
13 because they're seeing all these people with cancer and  
14 other health diseases in the agricultural industry, and  
15 so they're studying to see what could cause it?

16 MR. JOHNSTON: Objection. Assumes facts  
17 not in evidence. Misstates the record.

18 A. This was my belief at that time, that they  
19 believed that these illnesses are caused by pesticide,  
20 not by working on a farm or farm animals or the sun or  
21 other things that people would be exposed to on a farm  
22 situation.

23 Q. (By Mr. Wisner) And that makes them  
24 biased; right?

1           A.       When you're only looking at one particular  
2 thing and not a whole variety of options that are out  
3 there that people be exposed to, because they probably  
4 are putting gas in their cars and they're probably  
5 cleaning their equipment -- so I think to me if you're  
6 only looking at a pesticide and not lots of other  
7 things, that would indicate to me a bias.

8           Q.       Do you still think the AHS investigators  
9 are biased now that you have their results?

10                   MR. JOHNSTON:  Objection.  Misstates the  
11 record.

12           A.       This was back in this time in 1999.

13           Q.       (By Mr. Wisner)  Yeah.  So do you still  
14 think they're biased now that you have the results?

15           A.       You know, it's just when they were back  
16 there, that's what we were hearing about the premise  
17 for the study, and they have published their works and  
18 it stands for what it stands for.

19           Q.       So my question is, do you still think  
20 they're biased or not?

21           A.       Again, I haven't been involved with them  
22 from a long time to know if they're still thinking  
23 these thoughts that were thought back then.

24           Q.       All right.  A couple paragraphs down, you

1 tell your colleague, many groups have been highly  
2 critical of the study as being a flawed study. In  
3 fact, some have gone so far as to call it junk science.  
4 See that?

5 A. That's what other groups were saying, and  
6 I wanted to give John Thompson different perspectives  
7 on what was being said about it out there.

8 Q. You wrote that sentence; right?

9 A. But it said many groups have been highly  
10 critical. In fact, some have gone so far -- many  
11 groups have gone so far as to say -- they call it junk  
12 science. I'm just reporting what had been out there.

13 Q. Who are those groups?

14 A. Given this many years ago, I can't  
15 remember.

16 Q. You can't tell me which groups were  
17 calling the AHS junk science back in 1999?

18 MR. JOHNSTON: Objection. Asked and  
19 answered.

20 A. I don't remember.

21 Q. (By Mr. Wisner) It is small in scope and  
22 the retrospective questionnaire on pesticide usage and  
23 self-reported diagnosis also from the questionnaire is  
24 thought to be unreliable, but the bottom line is scary.

1 There will be associations identified between  
2 glyphosate use and some health effects just because of  
3 the way the study is designed. Do you see that,  
4 Doctor?

5 A. I see that written there, yes.

6 Q. The use of retrospective questionnaire for  
7 pesticide usage you believed in 1999 was unreliable?

8 A. That's what I wrote there, but I'm sure  
9 that that -- given that I was talking about many groups  
10 and this is in epidemiology, I probably learned that  
11 from one of my epidemiology colleagues.

12 Q. Do you still think it's unreliable?

13 A. Again, I'm not involved in this anymore  
14 and their study's been out there. I think there's been  
15 a -- from my understanding they've done a really good  
16 job of changing some of the things they've done, their  
17 exposure algorithms, so -- I've heard some things that  
18 they have definitely improved the study over time.

19 Q. So to be clear, Doctor, in 1999, you're  
20 worried -- in fact, you find the AHS to be scary  
21 because you're worried it's going to find associations  
22 with pesticides and non-Hodgkin's lymphoma, but  
23 today --

24 A. No.

1 Q. -- when that same study finds no  
2 association --

3 A. That's -- that's --

4 Q. -- it is not reliable -- let me finish my  
5 question, then you can answer. It is not reliable and  
6 there's no bias?

7 A. Well, this was back then, and just by  
8 chance -- and it didn't say non-Hodgkin's lymphoma and  
9 pesticides. What it was talking about was all cancers,  
10 and they were looking at a lot of different pesticides,  
11 and what we were saying is that because you are looking  
12 at so many endpoints, that just by chance -- when  
13 you're looking at so many different endpoints, just by  
14 chance, sometimes you will have an association that's  
15 not real.

16 Q. Now, Doctor, one of the differences  
17 between when you wrote this in 1999 and today is that  
18 today you know the results of the AHS; right?

19 MR. JOHNSTON: Objection. Misstates the  
20 record.

21 A. Yeah, again, this was back in 1999. The  
22 study's been ongoing all that time since then and their  
23 reports stand for themselves.

24 Q. (By Mr. Wisner) So that's a yes? A

1 difference between when you wrote these words in 1999  
2 and today is that today you actually know the results  
3 of the AHS and back in 1999 you didn't?

4 A. We did not know at that time, but again,  
5 you have to take into consideration that when you have  
6 a lot of endpoints that you're going to be looking at  
7 in any study, you might have some -- by chance some  
8 associations.

9 Q. Another difference between when you wrote  
10 those words in 1999 and today is that in 1999, your  
11 company was not being sued for causing non-Hodgkin's  
12 lymphoma from Roundup exposure, whereas today your  
13 company is; correct?

14 MR. JOHNSTON: Objection. Misstates the  
15 record.

16 A. So we were not being sued for  
17 non-Hodgkin's lymphoma to my knowledge back then. That  
18 is my understanding of some of the cases today. But  
19 again, beyond just the Agricultural Health Study that  
20 is out there and showing no association, as we talked  
21 about doing the Farm Family Exposure Study, we also  
22 talked about the animal data, so all the data that  
23 we're looking at -- the animal data for us is really  
24 one of the keys to this of not looking at it to causing

1 cancer.

2 Q. (By Mr. Wisner) Doctor, how would you  
3 define the word hypocrisy?

4 MR. JOHNSTON: Objection. Argumentative.

5 A. I'm just talking science.

6 Q. (By Mr. Wisner) No, I'm just -- how do  
7 you define the word hypocrisy? I'm just asking.

8 MR. JOHNSTON: Objection. Argumentative.

9 A. I'm just talking about science and I'm not  
10 being hypocritical.

11 Q. (By Mr. Wisner) I'm not accusing you yet  
12 of being -- I just want to make sure we have our terms  
13 defined. Do you have a definition, Doctor, for the  
14 word hypocritical?

15 MR. JOHNSTON: Objection. Argumentative.

16 A. No, I don't.

17 Q. (By Mr. Wisner) The definition I'm going  
18 to use in my question is to say one thing in one  
19 circumstance and then the opposite in another; okay?  
20 That's my definition of hypocritical.

21 MR. JOHNSTON: Objection. To the source  
22 of the deposition -- I mean the definition.

23 Q. (By Mr. Wisner) Now, Doctor, my question  
24 to you, with that definition in mind, having said that

1 the study was unreliable, that referring that other  
2 people have called it junk science and that you thought  
3 it was biased back in 1999, and then saying today when  
4 the results support your company's position that it's  
5 the greatest thing since sliced bread -- you would  
6 agree that sounds hypocritical, doesn't it?

7 MR. JOHNSTON: Objection. Argumentative  
8 and misstates the record completely. You used your own  
9 particular turn of phrase that is not accurate.

10 A. We were talking about the Ag Health Study  
11 before it began. We are now in 2017 and they've had  
12 many publications come out from that, and in fact when  
13 you look at the Agricultural Health Study today, what I  
14 would say is it actually, in terms of what we've been  
15 talking about, is supporting the animal data, because  
16 we don't have any evidence of carcinogenicity in our  
17 long-term studies.

18 We don't see gene toxicity, and the Ag  
19 Health Study now is supportive of that, and we know  
20 that farmers have very extremely low exposure.

21 Q. (By Mr. Wisner) Okay. Would it be fair  
22 to say also, Doctor --

23 MR. WISNER: If I can get the roadmap  
24 back.

1 Q. (By Mr. Wisner) Would it be fair to say  
2 then, Doctor, that we've been going over these various  
3 studies that Monsanto has responded to in some  
4 capacity, for example, the Eriksson study where we  
5 looked at that e-mail that had the word combat in it?  
6 You recall that?

7 A. Yes.

8 Q. Now, what we have here is -- we've been  
9 talking about playing Whack-A-Mole, and would it be  
10 fair to say that Monsanto intended to play Whack-A-Mole  
11 with the AHS until they found out that they liked the  
12 results?

13 MR. JOHNSTON: Objection. Argumentative.

14 A. Absolutely not.

15 Q. (By Mr. Wisner) All right. All right.  
16 Let's move onto the next stop in our roadmap; okay?

17 MR. JOHNSTON: Before moving on, can we  
18 take a short break?

19 MR. WISNER: Yeah. Sure.

20 MR. JOHNSTON: Thanks.

21 Q. (By Mr. Wisner) Do you have anything you  
22 want to change?

23 A. Right now I'd like to review the  
24 transcript, and everything's kind of a jumble in my

1 head.

2 MR. WISNER: Okay.

3 THE WITNESS: It's been a long day.

4 MR. WISNER: Take a break.

5 THE VIDEOGRAPHER: We are going off the  
6 record at 3:50 PM.

7 [A brief recess was taken.]

8 MR. JOHNSTON: So the parties have agreed,  
9 and I'll be corrected if I'm wrong, that we're going to  
10 suspend the deposition today. We'll pick it up  
11 tomorrow at 9:00 AM here in the office at Husch, and  
12 plaintiffs will continue and complete their  
13 examination, and then at that point we will find  
14 another date to conduct the direct examination that the  
15 defendant wishes to take.

16 MR. WISNER: We agree.

17 [4:08 p.m.]

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C E R T I F I C A T E

I, JOHN ARNDT, a Certified Shorthand Reporter and Certified Court Reporter, do hereby certify that prior to the commencement of the examination, DONNA FARMER, PhD, was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

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JOHN ARNDT, CSR, CCR, RDR, CRR

CSR No. 084-004605

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I, DONNA FARMER, Ph.D., the witness herein,  
having read the foregoing testimony of the pages of  
this deposition, do hereby certify it to be a true and  
correct transcript, subject to the corrections, if any,  
shown on the attached page.

\_\_\_\_\_

DONNA FARMER, Ph.D.

Sworn and subscribed to before me,  
This \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

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Notary Public

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DONNA FARMER, Ph.D.