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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

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

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?

[REDACTED]

18 Q. I want to hand you another document,
19 Doctor, that specifically relates to freedom to operate
20 in California.

21 MR. JOHNSTON: Can you give us one second
22 to try to --

23 MR. WISNER: Oh, sure.

24 MR. JOHNSTON: Hold on. Get back in the

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.

JOHN ARNDT, CSR, CCR, RDR, CRR

CSR No. 084-004605

CCR No. 1186

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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_.

Notary Public

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DONNA FARMER, Ph.D.