

Johnson v. Monsanto

 Jenkins, Daniel (Vol. 01) - 03/21/2017

1 CLIP (RUNNING 01:07:16.557)

 Okay. But my question is related to ...

DJ-0321-0003401

114 SEGMENTS (RUNNING 01:07:16.557)



1. PAGE 12:01 TO 12:02 (RUNNING 00:00:03.731)

00012:01 Q Okay. So when did you start working for
02 Monsanto?

2. PAGE 12:04 TO 12:20 (RUNNING 00:00:56.693)

04 THE WITNESS: My recollection is I
05 started working for Monsanto sometime in -- oh,
06 probably early 2007.

07 BY MS. ROBERTSON:

08 Q Do you recall what your position was at
09 that time?

10 A Yes. I was a regulatory affairs manager
11 when I started working for Monsanto.

12 Q Well, what does it mean to be a
13 regulatory affairs manager?

14 A A regulatory affairs manager is a person
15 who served as project management for a project. In
16 this case it was biotechnology. And so what I would
17 do is try to direct the project and -- and move
18 things along.

19 Q Okay. And in 2007, was there a specific
20 project you were assigned to?

3. PAGE 12:22 TO 14:10 (RUNNING 00:01:46.594)

22 THE WITNESS: Yeah, at the time I was
23 working on a biotechnology project in Sweden, and
24 that's what I was doing.

25 BY MS. ROBERTSON:

00013:01 Q And did you always remain a regulatory
02 affairs manager focused on biotechnology during your
03 employment at Monsanto?

04 A No. I was a regulatory affairs manager
05 for several years, and then I -- I took on a new role
06 here in Washington, D.C., for Monsanto.

07 Q And what was that new role?

08 A That role was U.S. agency manager for
09 regulatory affairs, and -- and then later became the
10 lead.

11 THE REPORTER: Became what? I'm sorry.

12 THE WITNESS: The lead.

13 BY MS. ROBERTSON:

14 Q And do you recall what year that was?

15 A I came to Washington, D.C., for Monsanto
16 sometime in early to mid-summer, I would say, of like
17 2010.

18 Q And when you first moved to Washington,
19 D.C., do you recall who your supervisor was at
20 Monsanto?

21 A Dr. Russ Snyder was my supervisor at that
22 time.

23 Q And as U.S. agency manager for regulatory
24 affairs in 2010, when you made the move to
25 Washington, D.C., what type of work did you do for

00014:01 Monsanto? Was there a project -- or a product you

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02 were assigned to?
03 A No. So at that time I was -- given my
04 responsibility across several agencies, I was
05 responsible for getting to know all those products,
06 and so there's a lot of biotechnology, a little bit
07 of chemistry.
08 Q Can you explain for me biotechnology for
09 my own education? I -- I'm not quite certain what
10 you mean by biotechnology.

4. PAGE 14:12 TO 15:11 (RUNNING 00:01:29.282)

12 THE WITNESS: Biotechnology means doing
13 changes to a -- to a plant in this case. It's a
14 regulated industry. For example, to make them -- you
15 can use like a protein to make them resistant to
16 insects.
17 BY MS. ROBERTSON:
18 Q And do you still work at Monsanto?
19 A I do not.
20 Q When did you leave Monsanto?
21 A I left Monsanto this past August of 2016.
22 Q And where did you go to work?
23 A I now work for a company called Genus.
24 Q And what do you do at Genus?
25 A I'm a director of regulatory affairs for
00015:01 Genus.
02 Q As director of regulatory affairs, do you
03 have contact with the EPA?
04 A No, my -- the industry I'm working in now
05 is not regulated by the EPA.
06 Q What industry is that?
07 A Animal genetics.
08 Q I think I would like to talk mostly about
09 your work here in Washington, D.C., with Monsanto.
10 So can you describe for me in 2010, when you made the
11 move, what your typical day would consist of.

5. PAGE 15:13 TO 16:03 (RUNNING 00:00:58.217)

13 THE WITNESS: A typical day for me was
14 acting as a communicator with the agencies and trying
15 to find out what they may need in terms of data
16 information for our products as required by the
17 regulations.
18 BY MS. ROBERTSON:
19 Q And when you say "act as a communicator,"
20 does that mean that you would contact the regulatory
21 agencies?
22 A Yes. Typically it was me that was
23 contacting the regulatory agencies in order to -- you
24 know, if I'm asking about a biotech plant at FDA or
25 USDA, to see what data they may need so that they can
00016:01 move along with their process, their evaluation.
02 Q And during your time at Monsanto, did you
03 work on the Roundup product?

6. PAGE 16:05 TO 16:21 (RUNNING 00:00:52.960)

05 THE WITNESS: Could -- could you clarify
06 what you mean by "work on the Roundup product"?
07 BY MS. ROBERTSON:
08 Q As part of your job as U.S. agency
09 manager for regulatory affairs, were you assigned
10 to -- by Monsanto as part of your job to contact and
11 communicate with EPA as it relates to Roundup?
12 A I had to talk to the agencies about all
13 of the products that Monsanto had. Most of my time,

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14 in the beginning there especially, was on biotech.
15 But, yes, at times I had to talk to the EPA about
16 Roundup as well.
17 But, again, my function there is -- is
18 really as a person who had helped to set up a meeting
19 so I could have experts talk to them about whatever
20 they may have, or if they didn't have questions, then
21 there was nothing to do.

7. PAGE 24:04 TO 24:05 (RUNNING 00:00:06.975)

04 Q So how much of your time was spent on
05 issues related to EPA?

8. PAGE 24:07 TO 24:16 (RUNNING 00:00:27.590)

07 THE WITNESS: Over six-and-a-half years,
08 I couldn't tell you how much time I spent on EPA.
09 Again, my role was -- spanned all -- you know, mostly
10 FDA, USDA and EPA, and spent a lot of time on biotech
11 as well. But I couldn't tell you how much time I --
12 I spent on EPA.
13 BY MS. ROBERTSON:
14 Q But you could identify probably the three
15 regulatory agencies you dealt with most were EPA,
16 USDA and FDA?

9. PAGE 24:19 TO 24:23 (RUNNING 00:00:13.304)

19 THE WITNESS: Yeah, I think I responded
20 to that. Yes.
21 BY MS. ROBERTSON:
22 Q How frequently did you meet with
23 regulatory agencies as part of your work at Monsanto?

10. PAGE 25:01 TO 25:06 (RUNNING 00:00:20.186)

00025:01 THE WITNESS: I -- I'm not sure how often
02 I met with them. And when I was meeting with them,
03 it was because there was a need in terms of some sort
04 of communication or request for data or something
05 like that, but I couldn't tell you how often I met
06 with them.

11. PAGE 26:01 TO 26:02 (RUNNING 00:00:03.025)

00026:01 Q Do you know when the IARC Monograph was
02 published?

12. PAGE 26:04 TO 26:08 (RUNNING 00:00:14.725)

04 THE WITNESS: My recollection is it was
05 roughly published in March or April of 2015.
06 BY MS. ROBERTSON:
07 Q Did you work on Monsanto's response to
08 the IARC publication?

13. PAGE 26:11 TO 26:17 (RUNNING 00:00:20.386)

11 THE WITNESS: I don't recall working on
12 the response to Monsanto's IARC --
13 BY MS. ROBERTSON:
14 Q Do you recall ever being contacted by EPA
15 to submit or give EPA additional reports that were
16 requested by EPA as it relates to glyphosate and
17 carcinogenicity?

14. PAGE 26:20 TO 27:07 (RUNNING 00:00:56.572)

20 THE WITNESS: I recall that EPA began
21 evaluating carcinogenicity sometime after that and

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22 saying they were going to be working on this. And
23 naturally what -- you know, what Monsanto wants and
24 what I would do is say, Do you need any data? Do you
25 need any information for whatever it is you're doing?
00027:01 And I remember having some conversation with them
02 about that and trying to get them data if they needed
03 it.
04 BY MS. ROBERTSON:
05 Q So Monsanto would learn that EPA was, in
06 this example, evaluating carcinogenicity and they
07 would contact you?

15. PAGE 27:10 TO 28:06 (RUNNING 00:01:12.237)

10 THE WITNESS: So the way -- at EPA and --
11 and with a registrant, if they are working through a
12 data-driven scientific process, which they are, then
13 it is typical for EPA, particularly when it's going
14 through something like a reg review which is -- that
15 goes on for years and requires so much data, to say,
16 We need something else, we need some more, this is
17 something that we need to take a look at, and to
18 reach out and say, Tell us.
19 Also, again, being a science and
20 data-driven company, Monsanto doesn't have an issue
21 with looking at the science and evaluating it, and as
22 long as there's a good scientific process that's
23 taking place.
24 And so, yes, they would reach out to us
25 and say, We need something. That's -- that's
00028:01 acceptable and a lot of it is required by the
02 regulations, and something that Monsanto would do.
03 BY MS. ROBERTSON:
04 Q And in March 2015, after the IARC Lancet
05 summary was published, was a registration review
06 already underway by EPA of Roundup?

16. PAGE 28:08 TO 28:14 (RUNNING 00:00:16.850)

08 THE WITNESS: Yeah, a reg review had been
09 going on for years for glyphosate at that point.
10 BY MS. ROBERTSON:
11 Q Do you know when this reg -- regulatory
12 review had begun?
13 A Roughly -- I think it started maybe like
14 late 2009, maybe 2010. I couldn't tell you exactly.

17. PAGE 30:07 TO 30:10 (RUNNING 00:00:13.054)

07 So these additional requests after
08 March 2015 in the Lancet summary, EPA was requesting
09 new information, information they had not yet
10 received. Am I understanding correctly?

18. PAGE 30:12 TO 30:19 (RUNNING 00:00:22.363)

12 THE WITNESS: I don't recall whether or
13 not they had received it already or not. But I -- I
14 recall EPA saying, We're going to take a look at what
15 IARC looked at, and if there is additional
16 information that we can get, we would like to have
17 it. And so I would -- that would be my role to say,
18 Well, what do you need? And try to provide it to
19 them.

19. PAGE 34:01 TO 34:04 (RUNNING 00:00:15.050)

00034:01 Q Okay. But my question is related to
02 whether any other regulatory agency -- that Monsanto

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03 had knowledge of any other regulatory agency desirous
04 of reviewing carcinogenicity related to glyphosate --

20. PAGE 34:07 TO 34:07 (RUNNING 00:00:00.654)

07 Q -- in Roundup?

21. PAGE 34:10 TO 35:18 (RUNNING 00:02:09.988)

10 THE WITNESS: I recall around that time
11 that ATSDR had announced in the Federal Register that
12 they were going to be looking at glyphosate as well.
13 But again, Monsanto's concern is about good
14 scientific process.

15 BY MS. ROBERTSON:

16 Q And what does ATSDR stand for?

17 A I don't recall what ATSDR stands for.

18 Q Just one of those common acronyms that

19 we --

20 A I'm sure it's common.

21 Q Probably just regulatory speak. You're
22 probably right there.

23 Can you explain for me what you mean, and

24 I will read back the question -- or the answer.

25 Excuse me.

00035:01 "I recall a concern at Monsanto that, you
02 know, with the scientific process that took place.
03 And again, Monsanto doesn't have any issue with a
04 good scientific process taking place and giving the
05 data and sharing it with them so it can be looked at
06 and evaluated in an independent process."

07 Can you explain for me what you mean by
08 "scientific process"?

09 A I think for me, and I don't offer it as a
10 scientist, that -- that there is an objective --
11 objective evaluation by qualified scientists, and
12 they're the best people to figure out what that means
13 and what they need to look at. That's the best I
14 could probably do to describe it.

15 Q What about -- I mean, I guess, you don't
16 have any other recollection aside from ATSDR of any
17 other government agency that had interest in
18 reviewing the carcinogenicity of Roundup?

22. PAGE 35:21 TO 36:03 (RUNNING 00:00:32.857)

21 THE WITNESS: Yeah, I think I've
22 responded to that. I -- my answer is the same.

23 BY MS. ROBERTSON:

24 Q So ATSDR and EPA are the only two you
25 recall?

00036:01 A Yes, that's -- that's correct.

02 Q Did Monsanto prepare any new data for
03 these EPA submissions in and around March 2015?

23. PAGE 36:06 TO 36:14 (RUNNING 00:00:30.894)

06 THE WITNESS: I -- so for me in my role,
07 I couldn't speak to the age of data. I -- what I
08 would do is, is talk to a government agency in the
09 U.S. and -- and ask, What do you need? They would
10 say that they see a need for data here or there,
11 they've got questions. I would turn back to the
12 scientists and say, Well, what do we have? But I
13 didn't keep track of what was new and what wasn't.
14 That wasn't for me to do.

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24. PAGE 36:16 TO 36:18 (RUNNING 00:00:14.236)

16 Q I'm going to hand you now what we will

 0371 -

17 mark as Jenkins Exhibit 7-2. MONGLY03555680 is the
18 first control number.

25. PAGE 36:21 TO 37:04 (RUNNING 00:00:19.742)

21 THE WITNESS: (Perusing document.)
22 Okay.

23 BY MS. ROBERTSON:

24 Q Please identify for the record the type
25 of document that is Exhibit 7-2.

00037:01 A This is an e-mail exchange between
02 Monsanto and EPA.

03 Q And you're a party to this e-mail chain?

04 A Yes, I am.

26. PAGE 37:08 TO 37:11 (RUNNING 00:00:24.491)

 0371-002 -

08 Q If you could look at the second page at
09 MONGLY03555681.
10 After your review of this exhibit, do you
11 recall the content?

27. PAGE 37:14 TO 38:20 (RUNNING 00:01:29.432)

14 THE WITNESS: The content of what?

15 BY MS. ROBERTSON:

16 Q Well, could you read for me the content
17 of the e-mail starting with "I asked Dan..."

18 A "I asked Dan about e-mailing the
19 prepublication of the peer-reviewed paper to you. We
20 can't do that because it will make it public property
21 before its publication. We are therefore going to
22 burn a CD this afternoon, and Natalie will deliver it
23 to your attention. Trust this is OK."

24 Q And who is Khue, K-H-U-E?

00038:01 A Khue Nguyen -- I'm not sure of her last
02 name -- was the person who was working at EPA at the
03 time in the pesticide reregistration division.

04 Q And what is the -- what is the e-mail
05 referring to when it's saying "prepublication of the
06 peer-reviewed paper"?

07 A I don't recall what this information is,
08 so I couldn't tell you that. But this is -- this is
09 a case where EPA is requesting something, and we're
10 perfectly willing to give it to them.

11 Q Well, the subject reads: "A review of
12 the carcinogenic potential of glyphosate by four
13 independent expert panels and comparison to the IARC
14 assessment."

15 Does that refresh your recollection?

16 A Yes, but I -- I couldn't tell you the
17 details of the -- the study.

18 Q Do you know whether this was a Monsanto
19 study?

19 A I don't recall.

20 Q Could it have been a JGTF study?

28. PAGE 38:23 TO 39:04 (RUNNING 00:00:17.115)

23 THE WITNESS: I honestly don't know.

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24 BY MS. ROBERTSON:
25 Q Do you recall burning a CD?
00039:01 A I don't recall it, but that's what it
02 says in the e-mail.
03 Q Did you often burn CDs with data and
04 deliver them to EPA?

29. PAGE 39:07 TO 39:21 (RUNNING 00:00:52.031)

07 THE WITNESS: There are times when we
08 would do that per EPA's request and submit them, and
09 they would go into their records.
10 BY MS. ROBERTSON:
11 Q Okay. And who is Amelia
12 Jackson-Gheissari?
13 A Amelia Jackson-Gheissari is the person
14 who worked for me in the Monsanto D.C. office.
15 Q And after you left Monsanto, do you know
16 what her position was?
17 A No. I don't know Amelia's position
18 today.
19 Q When CDs were delivered to EPA, did you
20 have occasion to meet with EPA employees upon
21 delivery of the CDs?

30. PAGE 39:23 TO 40:03 (RUNNING 00:00:17.516)

23 THE WITNESS: So you always did because
24 you go to a delivery desk typically and submit them
25 to a person behind the desk. Sometimes their
00040:01 preference would be to take it from you and then they

 -KE0371-002 - Clear Attached Exhibit 0371-002



02 would deliver it themselves. It just depended on
03 what they wanted to do.

31. PAGE 40:05 TO 40:06 (RUNNING 00:00:04.599)

05 Q Do you know anything about the expert
06 panel that was assembled by Monsanto?

32. PAGE 40:09 TO 40:16 (RUNNING 00:00:35.143)

09 THE WITNESS: I recall Monsanto bringing
10 together an expert panel at the time. Again,
11 Monsanto I think was concerned about what they felt
12 was some questionable scientific process, and given a
13 product that had been highly examined by scientists
14 all over the world felt and came to conclusions of
15 safety that were different than ours, they felt that
16 it was something that I think made sense.

33. PAGE 40:18 TO 40:19 (RUNNING 00:00:05.365)

18 Q Was this expert panel assembled at the
19 request of EPA?

34. PAGE 40:22 TO 41:13 (RUNNING 00:01:01.802)

22 THE WITNESS: No, my recollection is or
23 was that this was something that Monsanto was doing.
24 Again, Monsanto is seeking to have rigorous
25 third-party science occur here. That's -- that is
00041:01 the concern. Particularly given a product that has
02 been reviewed for so many decades and with strong
03 scientific conclusions of safety, they were -- this
04 is something again that they felt was -- made sense
05 for the company.
06 BY MS. ROBERTSON:

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07 Q When you say "product," do you mean
08 Roundup?
09 A I do. I'm speaking about Roundup.
10 Q Let's go back to ATSDR for a moment. Do
11 you recall when you read in the Federal Register that
12 ATSDR put out -- mentioned that it may review
13 carcinogenicity of Roundup?

35. PAGE 41:16 TO 41:19 (RUNNING 00:00:07.934)

16 THE WITNESS: Yeah, I -- I don't recall
17 the exact date when -- when I read that.
18 BY MS. ROBERTSON:
19 Q Do you remember if it was in 2015?

36. PAGE 41:22 TO 41:22 (RUNNING 00:00:02.029)

22 THE WITNESS: I don't recall.

37. PAGE 41:24 TO 42:01 (RUNNING 00:00:12.355)

24 Q Were you asked by anyone at Monsanto to
25 contact ATSDR with the hope to convince ATSDR to not
00042:01 review Roundup?

38. PAGE 42:04 TO 42:24 (RUNNING 00:00:54.474)

04 THE WITNESS: No. And I -- my
05 recollection is I was -- so ATSDR was something that
06 we were largely unfamiliar with, and they had
07 announced that they were going to do this process.
08 So for me, as a U.S. agency lead, to reach out to
09 them on something that they had publicly announced is
10 something that I would consider to be part of my job.
11 And so I reached out to them to ask them about their
12 process and what they were doing. We had questions
13 about that.
14 BY MS. ROBERTSON:
15 Q And as you understand it, what scientific
16 process does ATSDR use?
17 A I couldn't explain. Again, I don't offer
18 it as a scientist. I couldn't explain what their
19 scientific process is. I was just reaching out for
20 an initial sort of contact to understand what they
21 were doing.
22 Q Do you understand their scientific
23 process to be the same as Monsanto's scientific
24 process?

39. PAGE 43:02 TO 43:09 (RUNNING 00:00:24.509)

02 THE WITNESS: Yeah, and I -- I wouldn't
03 agree with that characterization whatsoever. This --
04 this was a group that we were really unfamiliar with.
05 I know that I was personally. And they had made a
06 public announcement about looking at toxicology and
07 these kinds of things of the product. And so
08 that's -- that's what was -- that's what I was doing.
09 BY MS. ROBERTSON:

40. PAGE 44:11 TO 45:01 (RUNNING 00:01:10.959)

11 Q Now, the reg review at EPA, can you
12 describe for me what is included in a reg review?
13 What is EPA reviewing?
14 A I could do it in a very general sense.
15 Q Okay.
16 A Again, so for me, I -- I spent almost no
17 time on this and -- and a lot of this is about data

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18 and science, which is not something I get so deeply
19 into. But -- but EPA in a reg review wants to look
20 at everything. So it's -- for the molecule and all
21 its uses, environment -- environmental and human
22 health safety. So any data that speaks to either of
23 those issues, they -- they're going to look at per
24 the regulations.

25 Q Do you know what EPA's scientific process
00045:01 is?

41. PAGE 45:04 TO 45:10 (RUNNING 00:00:22.448)

04 THE WITNESS: I -- I couldn't describe
05 it. It's -- it's, again, not part of my -- was not
06 part of my role when I was at Monsanto. I can tell
07 you that a tremendous amount of the data that's
08 required by EPA is prescribed in regulations, and
09 Monsanto would always do whatever was necessary and
10 required of it to be compliant with that.

42. PAGE 49:06 TO 49:09 (RUNNING 00:00:10.144)

06 Q So you don't recall occasions when EPA
07 would reach out to you, ask for a study, and you
08 would learn that Monsanto didn't have possession of
09 the study?

43. PAGE 49:12 TO 50:13 (RUNNING 00:01:33.141)

12 THE WITNESS: No, I recall EPA reaching
13 out and asking for studies that we may not have
14 possession of, and -- but EPA would do that at times
15 because it doesn't know who may have some study or
16 not, and so they reach out.

17 BY MS. ROBERTSON:

18 Q Sure. And so in those instances, what
19 did -- how did you satisfy EPA's request?

20 A If they -- if they felt that they needed
21 data, then -- and that was something that Monsanto
22 could help them get it -- again, Monsanto just wants
23 them to have what they need to do their review --
24 then we may try to help them through the Joint
25 Glyphosate Task Force or otherwise.

00050:01 Q What -- who was the otherwise?

02 A There -- my understanding is that there
03 are other task force because glyphosate was in reg
04 reviews in various areas around the world, and so
05 other people would then potentially reach out to them
06 to get that information.

07 Q And so when you mean around the world,
08 you're talking Europe and Asia?

09 A Yeah, there were task forces in those
10 areas of the world as well, that those agencies saw
11 fit to work with to get the science that they needed.

12 Q Okay. You're familiar with IARC's
13 classification of glyphosate, correct?

44. PAGE 50:16 TO 50:21 (RUNNING 00:00:12.889)

16 THE WITNESS: I -- I know what their
17 conclusion was.

18 BY MS. ROBERTSON:

19 Q Yes. And do you recall when -- well,
20 when did you first learn that IARC was going to
21 review glyphosate?

45. PAGE 50:23 TO 51:07 (RUNNING 00:00:25.724)

23 THE WITNESS: I don't recall exactly when

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24 I learned that they were going to review glyphosate.
25 I -- I don't know.
00051:01 BY MS. ROBERTSON:
02 Q Do you recall -- do you recall it
03 occurring, period?
04 A Yes, I recall it occurring.
05 Q When the IARC meeting was set, did
06 Monsanto send anybody to sit and observe the IARC
07 panel?

46. PAGE 51:09 TO 51:23 (RUNNING 00:00:47.876)

09 THE WITNESS: I -- I don't recall. And
10 that's not something that my job would be focused on,
11 so I -- I don't recall if we sent an observer. I
12 don't think that -- well, I just don't know. I don't
13 recall that.
14 BY MS. ROBERTSON:
15 Q Do you know if EPA sent an observer?
16 A EPA did send an observer.
17 Q Do you know who that was?
18 A My recollection is that Mr. Jess Rowland
19 was sent as an observer from EPA, and that there were
20 a couple of other participants on behalf of EPA
21 that -- that went to that meeting.
22 Q Did you have any assistance in submitting
23 Jess Rowland's name as an observer to the IARC panel?

47. PAGE 52:01 TO 52:05 (RUNNING 00:00:09.259)

00052:01 THE WITNESS: No, absolutely not. And
02 that's -- no, absolutely not.
03 BY MS. ROBERTSON:
04 Q Did Monsanto ever discuss the desire to
05 have Jess Rowland be an observer?

48. PAGE 52:07 TO 52:10 (RUNNING 00:00:11.074)

07 THE WITNESS: No. No.
08 BY MS. ROBERTSON:
09 Q Did Jess Rowland report back to Monsanto
10 about IARC's findings?

49. PAGE 52:13 TO 53:22 (RUNNING 00:02:03.468)

13 THE WITNESS: No, he did not.
14 BY MS. ROBERTSON:
15 Q Did you ever discuss IARC's findings with
16 Jess Rowland?
17 A Yes, I remember having a conversation
18 with Jess Rowland about IARC's findings, and I recall
19 that was sometime around that time, yeah.
20 Q Did you ever meet in person with Jess
21 Rowland about IARC's findings?
22 A No, I never met in person with Jess
23 Rowland about his -- about IARC's findings.
24 Q Did you ever meet in person with any
25 other EPA employee about IARC's findings?
00053:01 A Well, I remember EPA wanting to discuss
02 and get additional data as a result of IARC's
03 findings. So, yes, we did have those kinds of
04 discussions.
05 Q Did you have in-person meetings?
06 A Yes, at times we did have an in-person
07 meeting to discuss EPA's review and -- and look at
08 carcinogenicity in the -- after IARC's findings.
09 Q And were these meetings between Monsanto
10 and EPA only?

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11 A I can't speak to whether or not they had
12 other meetings with -- with other folks, but I recall
13 that -- that the meeting that we had was Monsanto
14 and EPA.

15 Q Not JGTF.

16 A No, not at that time. I recall a meeting
17 with Monsanto and EPA. And again, that -- that's at
18 EPA's request and with the registrant that they -- I
19 would imagine because they felt that we had the most
20 knowledge about the product.

21 Q You don't recall when this meeting in
22 person was, do you?

50. PAGE 53:24 TO 54:06 (RUNNING 00:00:22.943)

24 THE WITNESS: I -- I don't recall exactly
25 when it was. I believe it -- that EPA would set up a
00054:01 public docket to share this stuff with the public as
02 opposed to that meeting so that -- but I don't recall
03 the exact date.

04 BY MS. ROBERTSON:

05 Q In advance of the meeting, did you
06 provide EPA with any materials?

51. PAGE 54:09 TO 54:19 (RUNNING 00:00:29.649)

09 THE WITNESS: I don't recall whether we
10 did. We may have. Oftentimes a federal agency wants
11 materials ahead of time.

12 BY MS. ROBERTSON:

13 Q Would these materials be scientific
14 studies?

15 A They may have been. I don't recall what
16 we provided to them. But, again, whatever we would
17 have provided would have been at EPA's request, and
18 they had some purpose in mind, we're happy to give it
19 to them.

52. PAGE 56:16 TO 56:18 (RUNNING 00:00:14.395)

16 Q Do you recall whether EPA ever contacted
17 ATSDR on Monsanto's behalf related to glyphosate
18 carcinogenicity review?

53. PAGE 56:21 TO 56:25 (RUNNING 00:00:22.286)

21 THE WITNESS: So EPA never contacted
22 ATSDR on -- on Monsanto's behalf. My -- I recall
23 ATSDR and EPA did -- did talk to each other, and --
24 and I think that this was because EPA was unaware of
25 what ATSDR was doing at the time.

54. PAGE 58:17 TO 58:21 (RUNNING 00:00:22.251)

17 Q I'm going to hand you what we will mark

 0402 -

18 as Jenkins Exhibit 7-3, which has a beginning Bates
19 number of MONGLY03064695.

20 I will give you a moment to look that
21 over. It's a little large.

55. PAGE 58:22 TO 59:10 (RUNNING 00:00:34.681)

22 A Okay. (Perusing document.)

23 Q Ready?

24 A Mm-hmm.

25 Q Can you describe for the record what
00059:01 the -- what this is on the first page here,



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02 MONGLY030649 -- 4695?
03 A On the first page, it's an e-mail
04 conversation with myself and two other people at
05 Monsanto.
06 Q And who are the two other people?
07 A They're Dr. Bill Heydens and Jennifer
08 Listello.
09 Q And can you read for us, please, the
10 first paragraph of that e-mail.

56. PAGE 59:13 TO 60:18 (RUNNING 00:01:32.969)

13 THE WITNESS: The first paragraph at the
14 very top?
15 BY MS. ROBERTSON:
16 Q Yes, please.
17 A "Completely agree. Mary Manibusan told
18 me yesterday that EPA has had several issues in the
19 past with ATSDR coming to different conclusions. She
20 said they tried to execute several memorandums of
21 understanding but were unsuccessful. She describes
22 ATSDR as being very conservative and IARC like in
23 this regard as well as the fact that they are hazard
24 based."
00060:01 Q And who is Mary Manibusan?
02 A Mary Manibusan is a person who used to
03 work at EPA, and Mary has a background in toxicology.
04 Q Was she working at EPA at this time?
05 A No, she was not working at EPA at that
06 time.
07 Q And for the record, I'm using the time of
08 the e-mail as June 24, 2015.
09 Where was she working at this time, if
10 you know?
11 A I don't recall her employer at the time,
12 but she was working for a group that does consulting.
13 Q Let's go to the next paragraph. It
14 references Jack. Could you please tell me who Jack
15 is?
16 A This is probably Jack Housenger from the
17 Environmental Protection Agency.
18 Q So you talked with Jack Housenger about
19 the potential of ATSDR reviewing glyphosate?

57. PAGE 60:20 TO 61:01 (RUNNING 00:00:27.699)

20 THE WITNESS: I recall speaking to Jack
21 Housenger about ATSDR doing this review, because
22 ATSDR, what they say is that they coordinate with EPA
23 on matters like this for pesticides, and I wanted to
24 bring it to their attention that they were doing
25 this, to know whether they were coordinating and
00061:01 whether they were aware of it.

58. PAGE 61:03 TO 61:08 (RUNNING 00:00:17.965)

03 Q Sorry. I need to clarify a little bit.
04 I'm a little confused.
05 So you spoke with Jack about ATSDR doing
06 review, like you reached out to Jack and said, We
07 heard ATSDR is doing a review of glyphosate. Am I
08 understanding correctly?

59. PAGE 61:11 TO 62:04 (RUNNING 00:01:00.124)

11 THE WITNESS: Yeah, my recollection is we
12 had seen the ATSDR notice, and -- and then I reached
13 out to EPA and asked them if they were aware that

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14 this sister agency was doing review, given that EPA
15 had already been reviewing it and working on it for a
16 number of years.
17 BY MS. ROBERTSON:
18 Q And did you ask EPA to reach out to ATSDR
19 about their review?
20 A I remember telling EPA about ATSDR's
21 review. I don't recall asking them to reach out.
22 EPA would do that once it became aware of ATSDR's
23 review, I would think, regardless.
24 Q But you individually contacted ATSDR
25 about their review?
00062:01 A Yeah, as we discussed earlier, I did
02 speak to ATSDR about their review because it was
03 something that was new to us and we didn't understand
04 it.

60. PAGE 64:19 TO 64:20 (RUNNING 00:00:15.677)

 0404 -



19 Q Okay. Let's look at Jenkins Exhibit 7-5,
20 which is MONGLY00987755.

61. PAGE 64:22 TO 64:24 (RUNNING 00:00:09.726)

22 Q Okay. So Monsanto did contact EPA to
23 request that EPA use its influence to stop ATSDR's
24 review of glyphosate, right?

62. PAGE 65:02 TO 65:10 (RUNNING 00:00:31.389)

02 THE WITNESS: No. Monsanto told EPA
03 about ATSDR's review, something that ATSDR says it
04 coordinates with EPA on when it comes to pesticides,
05 and had not. And we brought that to their attention.
06 Naturally, EPA, which had been working on this reg
07 review for -- I don't know how many years at that
08 point, five or so -- was surprised, and I think that
09 EPA in their own mind was questioning why this was
10 being done.

63. PAGE 65:12 TO 66:08 (RUNNING 00:01:02.132)

12 Q Let's take a look at 7-5 at page 2 --
13 well, we'll have to start on the first page.
14 Apologies.
15 So at the bottom of MONGLY00987755, that
16 is an e-mail from you to Bill Heydens and Jennifer
17 Listello, correct?
18 A Yes, that is.
19 Q And it says: "So Jess called me out of
20 the blue this morning." Is that correct?
21 A Yes, that's what that says.
22 Q And is that referring to Jess Rowland?
23 A Yes, I believe that's referring to Jess
24 Rowland.
25 Q And at this time Jess Rowland was an EPA
00066:01 employee; is that correct?
02 A Yes, my recollection is at that time Jess
03 Rowland was an EPA employee.

 0404-002 -



04 Q Okay. Page 2, please. MONGLY00987756.
05 So it looks like this -- the content, at
06 least this top paragraph here, is a reiteration of a

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07 telephone conversation you had with Jess Rowland; is
08 that correct?

64. PAGE 66:11 TO 67:10 (RUNNING 00:01:11.810)

11 THE WITNESS: Yeah, my recollection is
12 that this is -- this is a retelling of a phone call
13 conversation with Jess Rowland.

14 BY MS. ROBERTSON:

15 Q So you say that the quotations around
16 this first paragraph would be Jess's words, not
17 yours?

18 A Yes, that -- that's what I would likely
19 be using the quotations for.

20 Q Okay. In the second paragraph that
21 starts with "Also Jess called to ask for a contact
22 name at ATSDR," these are your words?

23 A Yes, those are my words.

24 Q And you passed on Jesslyn's e-mail. Can
25 you tell me who Jesslyn is?

00067:01 A Yes. So when ATSDR made its public
02 announcement of what it was doing with glyphosate, it
03 put out a contact name, which is typical of a federal
04 agency in a -- in a notice. And so this is Jess
05 Rowland reaching out and saying who is the person at
06 ATSDR, and me passing along that publicly available
07 information.

08 Q Okay. But Jess also told you a couple
09 more things, at least as reiterated in this e-mail;
10 isn't that correct?

65. PAGE 67:13 TO 67:17 (RUNNING 00:00:12.327)

13 THE WITNESS: Yeah, the e-mail goes on.

14 BY MS. ROBERTSON:

15 Q Okay. And in this e-mail, Jess expresses
16 that there is no coordination going on between EPA
17 and ATSDR; is that accurate?

66. PAGE 67:20 TO 68:03 (RUNNING 00:00:16.993)

20 THE WITNESS: He makes a statement there
21 that there's no coordination going on.

22 BY MS. ROBERTSON:

23 Q Well, you make the statement, but those
24 are the thoughts he shared with you.

25 A Those are the thoughts that he shared
00068:01 with me.

02 Q And this is in April 2015, correct?

03 A Yes.

67. PAGE 68:04 TO 68:06 (RUNNING 00:00:12.585)

04 Q Except Jess Rowland told you: "If I can
05 kill this, I should get a medal."
06 What is he trying to kill?

68. PAGE 68:09 TO 68:19 (RUNNING 00:00:30.894)

09 THE WITNESS: Yeah, so that's a question
10 for Jess as to what he meant. My view of what he is
11 saying there is that EPA saw ATSDR's review or
12 whatever they were proposing on glyphosate as
13 potentially being duplicative.

14 BY MS. ROBERTSON:

15 Q Where does it say "duplicative"?

16 A I'm telling you what my -- my
17 interpretation of -- of what he is saying there.

18 Q "If I can kill this, I should get a

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19 medal" is synonymous with duplicative?

69. PAGE 68:22 TO 69:11 (RUNNING 00:00:41.236)

22 THE WITNESS: No, but I think that's
23 what -- that's what he is saying there.

24 BY MS. ROBERTSON:

25 Q Okay. But then why didn't you think Jess
00069:01 could kill it?

02 A Because this is something that is --
03 these are independent processes. These are huge
04 government agencies that, you know, up to this point
05 apparently hadn't even been talking to each other.
06 Somebody like Jess Rowland is not a high level
07 person, and this is much bigger than that. I
08 wouldn't expect that to be the case or for that to
09 necessarily happen.

10 Q But it says "EPA and Jess." Couldn't EPA
11 influence ATSDR's review?

70. PAGE 69:14 TO 70:14 (RUNNING 00:01:32.856)

14 THE WITNESS: So as I state here, I -- I
15 would doubt that. These are big, independent,
16 authority government agencies that do what they're
17 going to do, and so even if one agency is saying to
18 another, We don't understand why you are doing this,
19 I still would imagine that most times another agency
20 is going to be independent and say, We have our
21 reasons.

22 BY MS. ROBERTSON:

23 Q Why was it a concern of Monsanto's that
24 ATSDR review glyphosate?

25 A I think for Monsanto, this was something
00070:01 that was really novel and we didn't understand it.
02 Monsanto doesn't have a problem with there's the
03 data, take a look at it. I mean, given that, again,
04 almost all scientific authorities around the world
05 that have looked at this have concluded that it is
06 not carcinogenic, Monsanto is happy to share the data
07 and let something go through a scientific process.

08 This was just something that was new, and
09 given how long EPA in an exhaustive data review that
10 they had been going through for years and years, we
11 just didn't understand why this was necessary, and we

 -KE0404-002 - Clear Attached Exhibit 0404-002



12 didn't understand what -- who or what ATSDR was.

13 Q Is Monsanto required to submit data to
14 ATSDR as part of its regulatory review?

71. PAGE 70:17 TO 70:25 (RUNNING 00:00:24.925)

17 THE WITNESS: I -- you know, for us
18 having never gone through it, I couldn't speak to
19 what ATSDR would or would not require of us. We were
20 willing to give them whatever they wanted.

21 BY MS. ROBERTSON:

22 Q That's not my question.

23 As part of the reg review that is
24 required by Monsanto as it relates to EPA, is there a
25 similar process used for ATSDR?

72. PAGE 71:03 TO 71:04 (RUNNING 00:00:05.599)

03 Q Is Monsanto required to give ATSDR data
04 in order to have glyphosate registered?

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73. PAGE 71:06 TO 71:14 (RUNNING 00:00:30.652)

06 THE WITNESS: Yeah, and as I was saying,
07 I can't speak to what ATSDR may or may not require
08 because it's not something we had gone through
09 before, and I -- and we weren't familiar with their
10 process. If they did require something, Monsanto
11 would always give them whatever they required.
12 BY MS. ROBERTSON:
13 Q In order to register glyphosate, does
14 Monsanto need to submit data to ATSDR?

74. PAGE 71:17 TO 71:20 (RUNNING 00:00:11.944)

17 THE WITNESS: So if your question -- in
18 order to get a registration with EPA, you're required
19 to give data to EPA. I'm unaware of a registration
20 with ATSDR.

75. PAGE 71:23 TO 72:07 (RUNNING 00:00:38.285)

23 After you received the e-mail, which I

 0403 -

24 think was marked 7-4, from Jack Housenger of EPA, did
25 you reach out to anybody that he identified that he
00072:01 had spoken with at ATSDR?
02 A I recall reaching out to a person on the
03 list there by the name of Henry Abadin. And again,
04 for -- for my company and for the role that I was in,
05 this is something that you would do to say, You're
06 doing this review, do you need any data from us, as
07 part of my role.

76. PAGE 72:08 TO 72:10 (RUNNING 00:00:09.206)

08 Q But at this time had ATSDR contacted
09 Monsanto and told Monsanto they were reviewing
10 glyphosate?

77. PAGE 72:12 TO 73:02 (RUNNING 00:01:02.489)

12 THE WITNESS: No, ATSDR had made a -- a
13 public announcement. And so I had reached out to
14 them to say, again, as what -- what is it that you
15 need from us? What data information can we provide?
16 We want to give you whatever you may or may not need.
17 BY MS. ROBERTSON:
18 Q And what was ATSDR's response?
19 A Boy, I -- I recall an early conversation
20 with -- I don't recall her last name, but Jesslyn who
21 was listed on the federal notice. And it was a very
22 general conversation. We were trying to understand
23 what they were doing. And there was -- I recall
24 having some conversations with ATSDR after that as
25 well, as I mentioned, with I want to reach out to

 -KE0403 - Clear Attached Exhibit 0403

00073:01 Henry Abadin.
02 Q Did ATSDR ever review glyphosate?

78. PAGE 73:04 TO 73:11 (RUNNING 00:00:17.420)

04 THE WITNESS: I -- I -- my understanding,
05 and I haven't been involved with this for some months
06 now, is that they're continuing to do whatever
07 they're doing, but I don't -- I don't believe they've

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08 finished.
09 BY MS. ROBERTSON:
10 Q So is it your testimony that ATSDR is
11 currently reviewing glyphosate?

79. PAGE 73:14 TO 73:18 (RUNNING 00:00:11.755)

14 THE WITNESS: No. My testimony is at the
15 time that I left, they were -- it was still ongoing.
16 BY MS. ROBERTSON:
17 Q What was still ongoing?
18 A Whatever ATSDR is doing with glyphosate.

80. PAGE 73:19 TO 73:21 (RUNNING 00:00:10.609)

19 Q So are you saying that EPA did not
20 succeed in killing it, "it" meaning ATSDR's review of
21 glyphosate?

81. PAGE 73:24 TO 74:07 (RUNNING 00:00:29.360)

24 THE WITNESS: I'm -- I'm unaware of ATSDR
25 saying that it was not going to go through with
00074:01 whatever its process and review is for glyphosate.
02 To my knowledge, it has not been cancelled.
03 BY MS. ROBERTSON:
04 Q Okay. And then while you were still at
05 Monsanto, did you provide any materials to ATSDR
06 after you had your initial phone call asking them if
07 they needed anything?

82. PAGE 74:09 TO 74:25 (RUNNING 00:00:52.530)

09 THE WITNESS: Yeah, I recall having a --
10 we -- we set up a meeting with ATSDR that they agreed
11 to, and I was unable to attend that meeting. But we
12 provided some things for that, that discussion.
13 BY MS. ROBERTSON:
14 Q Do you recall anything specifically that
15 you provided?
16 A Again, federal agencies will often ask
17 for materials ahead of time for meetings so that they
18 can review them independently and come prepared with
19 any questions. My recollection is that Monsanto, in
20 our goal to let them know what data may be available,
21 I think we sent some -- we may have sent some slides.
22 Q Did EP ever -- EPA ever make a
23 recommendation to you about what ATSDR might need to
24 look at?
25 A No, I don't recall anything of that sort.

83. PAGE 101:09 TO 101:10 (RUNNING 00:00:04.566)

09 Q Would you describe EPA as independent of
10 Monsanto?

84. PAGE 101:13 TO 101:19 (RUNNING 00:00:16.660)

13 THE WITNESS: Yeah, of course I would.
14 BY MS. ROBERTSON:
15 Q But you just stated: We will give them
16 the data, then they will decide whether or not they
17 are on their own as to that answers their question
18 sufficiently or they need to make changes in a
19 registration.

85. PAGE 101:21 TO 102:01 (RUNNING 00:00:14.791)

21 THE WITNESS: Correct. So EPA, once
22 given data, is going to evaluate it independently and

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23 make a decision on their own as to what that means
24 for them in their evaluation of the safety of the
25 product. That can result in changes to
00102:01 registrations.

86. PAGE 102:20 TO 102:22 (RUNNING 00:00:13.433)

20 Q So part of Monsanto's solution to forming
21 an IARC response is to reach out to EPA and ask EPA
22 where there may or may not be problematic studies.

87. PAGE 102:24 TO 103:09 (RUNNING 00:00:36.081)

24 THE WITNESS: Monsanto's response here is
25 to reach out to EPA and say, Oh, gosh, are you guys
00103:01 seeing that there is data that you need that you
02 don't have? Tell us what it is. If we need to do
03 additional studies, again Monsanto is happy to do
04 additional studies, and then you guys take a look at
05 it and do what you want. But we will do the studies
06 if that's what you need.

07 BY MS. ROBERTSON:

08 Q Has EPA ever asked Monsanto, to your
09 knowledge, to conduct an additional study?

88. PAGE 103:11 TO 103:19 (RUNNING 00:00:19.362)

11 THE WITNESS: EPA -- I can't recall
12 specifics, but EPA from time to time will request of
13 companies, including Monsanto, to do additional
14 studies.

15 BY MS. ROBERTSON:

16 Q And Monsanto does these additional
17 studies?

18 A Monsanto does whatever is required of it
19 from -- from an agency so they have what they need.

89. PAGE 129:15 TO 129:25 (RUNNING 00:00:44.120)

15 Q So while you worked in D.C. for Monsanto,
16 was your job or your functions that you conducted as
17 part of your job always the same or consistent, or
18 did it change over time?

19 A So in my roles in Washington, D.C., for
20 Monsanto, again, I started as a U.S. agency manager
21 and then moved up to U.S. agency lead. Those roles
22 were fairly consistent in what I was doing.

23 Q All right. So as a U.S. agency lead, did
24 you keep a list of studies you submitted to EPA that
25 were requested of Monsanto?

90. PAGE 130:02 TO 130:14 (RUNNING 00:00:31.416)

02 THE WITNESS: No, not that I recall. Did
03 I keep track of studies like that? Again, my role
04 was very high level and interacting with the agencies
05 to see what information they may need. It was a
06 communications role.

07 Other folks that may be technical in
08 nature who were managing those projects back in
09 St. Louis, they would keep track of that. I was very
10 broad in terms of the number of projects that I had
11 to interact with the agencies on.

12 BY MS. ROBERTSON:

13 Q So you personally didn't keep track of
14 submissions to the EPA?

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91. PAGE 130:17 TO 130:24 (RUNNING 00:00:19.969)

17 THE WITNESS: I -- I did not closely
18 track information that was submitted to EPA. If --
19 if asked, and that may be something that we would
20 work with somebody in -- in St. Louis to gather that
21 information if needed.
22 BY MS. ROBERTSON:
23 Q Do you know if somebody in St. Louis
24 would keep track of submissions to EPA?

92. PAGE 131:01 TO 131:16 (RUNNING 00:00:50.556)

00131:01 THE WITNESS: So, there's -- there's
02 not -- in Monsanto in St. Louis, there's multiple,
03 multiple projects and products, and so there's no one
04 person who may be keeping track of information for --
05 as a whole for all of -- of those products.
06 To the best of my knowledge, those things
07 are captured on a product basis, and there are people
08 who would track that who have responsibility for that
09 product.
10 BY MS. ROBERTSON:
11 Q And what about for glyphosate?
12 A There were people that were in regulatory
13 affairs that were that sort of project manager kind
14 of role for glyphosate, and that might be a person
15 that I would turn to and say, What is the track
16 record on what's going on here?

93. PAGE 132:09 TO 132:10 (RUNNING 00:00:06.181)

09 Q How did you know where to access the
10 studies that were requested from EPA?

94. PAGE 132:12 TO 132:21 (RUNNING 00:00:26.258)

12 THE WITNESS: So if -- if EPA or any
13 other agency is going to make a request about a
14 particular product, we had scientific experts, and
15 they're top notch people, that I would then turn to
16 that were more deeply involved either with the
17 science or that project or that product, and I would
18 turn to them typically and say, What's there? What's
19 available? Just whatever the question may be. But
20 that's not -- that's not knowledge I would typically
21 have.

95. PAGE 155:07 TO 156:18 (RUNNING 00:02:26.055)

07 Why would Monsanto be urging EPA not to
08 say something publicly?
09 A In -- in Monsanto's mind at this time,
10 the IARC decision had been out for a while, and we
11 looked around the world and saw that European
12 regulators, other regulators had worked their way
13 through the data, again on something that they had
14 reviewed in the past and concluded it was not
15 carcinogenic, and did not turn to an extra process
16 like this in order to do so.
17 We didn't understand what the issue was
18 for EPA as to whether or not they needed to do this.
19 But, again, ultimately EPA makes up its own mind and
20 does what they -- what they see fit.
21 Q Okay. And you go on to say: "It's a
22 very bad move to be so equivocal."
23 I don't -- why would it be a bad move to
24 be equivocal?
25 A And so, again, from Monsanto's

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00156:01 perspective, you have a product that has been used
02 safely by farmers and people and the general public
03 for decades. And all -- well, I won't say -- but
04 these other regulatory processes are going through
05 even after IARC and coming to a conclusion of
06 non-carcinogenicity.
07 In our mind, the American public was
08 turning to EPA and saying, What is your scientific
09 conclusion on this? Because they may be worried.
10 And EPA had looked at this information and made
11 conclusions in the past. In our opinion, we were
12 still unaware of what merited doing an extra process,
13 when we felt, and again other scientists and
14 regulators -- scientific regulators around the world,
15 also felt this thing was safe and did not cause
16 cancer.
17 Q But that's from Monsanto's perspective.
18 Why would it be a bad move for EPA to be equivocal?

96. PAGE 156:21 TO 157:04 (RUNNING 00:00:30.411)

21 THE WITNESS: I -- I -- again, you've got
22 a public that may be worried about this, and they
23 should speak to the science on it. And the Europeans
24 were able to, and so EPA should be able to as well.
25 We did not understand why that was not something that
00157:01 they could do.
02 BY MS. ROBERTSON:
03 Q Okay. But EPA chose to put together a
04 science advisory panel; isn't that correct?

97. PAGE 157:07 TO 158:01 (RUNNING 00:01:17.544)

07 THE WITNESS: Yes, that's correct.
08 Again, EPA is going to do what it wants to do, and --
09 and they went forward and did that.
10 BY MS. ROBERTSON:
11 Q Okay. And then based on these
12 conversation -- based on the e-mail chain, you went
13 ahead and had a conversation with CropLife America,
14 correct?
15 A I don't recall the conversation with --
16 with CropLife America here. But I -- I may have.
17 Q How does CropLife America fit into
18 Monsanto's rereg review?
19 A For me, CropLife America -- again, I was
20 not a person that was greatly involved with the reg
21 review for glyphosate. But in my mind, CropLife
22 America has almost nothing to do with that process at
23 EPA.
24 Q What about from Monsanto, within
25 Monsanto, how -- why does CropLife America have an
00158:01 interest here at all?

98. PAGE 158:04 TO 158:13 (RUNNING 00:00:31.367)

04 THE WITNESS: So I -- I think this is a
05 question for CropLife America. But CropLife America,
06 as an industry association, my view is that they get
07 concerned about whether or not good science is taking
08 place for these kinds of products. And so if in
09 their mind and in their judgment there was something
10 here that they felt like maybe it wasn't scientific
11 in their mind, then that's something that could
12 impact all their members. That's what I would
13 assume.

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99. PAGE 173:12 TO 173:14 (RUNNING 00:00:10.849)

12 Q Okay. Was there a concern -- was there a
13 concern at Monsanto that EPA might change their
14 carcinogenic classification of glyphosate?

100. PAGE 173:16 TO 174:02 (RUNNING 00:00:38.787)

16 THE WITNESS: There was a concern that,
17 again, given this conclusion from IARC that stands in
18 very stark contrast to all the scientific evaluation,
19 now including other groups getting in such as the
20 JMPR and what have you, that it could be that maybe
21 good science wasn't going to be followed.

22 But EPA, again, it takes in the data and
23 goes through their own process, and up until this
24 point had made a conclusion that it was not
25 carcinogenic.

00174:01 BY MS. ROBERTSON:

02 Q Is that a "yes"?

101. PAGE 174:05 TO 174:16 (RUNNING 00:00:39.090)

05 THE WITNESS: Yes, there is a concern
06 that Monsanto and glyphosate as a product, it was
07 possible that something like an IARC, a scientific
08 process that wasn't a very good scientific process,
09 could take place. In our mind, as long as they took
10 into account the huge volume of data, that should --
11 that should move forward okay.

12 BY MS. ROBERTSON:

13 Q Okay. But it was -- the class -- the
14 carcinogenic classification of the compound of
15 glyphosate, was there a concern that EPA was going to
16 change their classification of glyphosate?

102. PAGE 174:19 TO 175:02 (RUNNING 00:00:31.216)

19 THE WITNESS: There -- there was a
20 concern that -- that we would hope that good science
21 would take place, and -- and EPA's independent.
22 They're going to do their process. They're going to
23 make up their own minds.

24 But Monsanto has no role in -- in their
25 decision from -- ultimately they -- they look at it
00175:01 themselves, and so we just want to ensure that good
02 science was taking place.

103. PAGE 175:13 TO 175:18 (RUNNING 00:00:21.054)

13 Q Earlier this morning we talked about
14 sometimes EPA would request of Monsanto some issues
15 of studies via CD. Do you recall that?

16 A Yes, I do.

17 Q And this was just at EPA's request. Was
18 this a consistent practice by EPA to ask for CDs?

104. PAGE 175:21 TO 176:14 (RUNNING 00:00:54.717)

21 THE WITNESS: Yeah, EPA's habit for a
22 submission, what they -- what they might want
23 something in, quote, an electronic form often took
24 the place -- took the form of, Please burn it onto a
25 CD, and then they would submit it into the records
00176:01 or -- or whatever they did with it.

02 BY MS. ROBERTSON:

03 Q Did you ever have occasion to e-mail a
04 study directly, you know, probably if it was smaller?

05 A If EPA requested a study, then -- and

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06 said that they were okay with receiving it by e-mail,
07 then we would send it by EPA if that was acceptable
08 to them.

09 Q Okay. But it was controlled by EPA how
10 the data was submitted?

11 A Typically, but ultimately if -- if
12 something was submitted via an e-mail, it's up to
13 them to decide whether or not that's even something
14 they're going to use.

105. PAGE 183:23 TO 184:01 (RUNNING 00:00:17.481)

23 Q We're going to go ahead and hand you now

 0400 -

24 Exhibit 7-18, which begins with MONGLY03343371. And
25 for the record, this is an e-mail with multiple
00184:01 attachments but it's entered as one exhibit.

106. PAGE 184:02 TO 184:02 (RUNNING 00:00:02.374)

02 A (Perusing document.) Okay.

107. PAGE 184:03 TO 184:08 (RUNNING 00:00:13.007)

03 Q And this is an e-mail from you to various
04 officials at EPA, correct?

05 A Yes, it is.

06 Q And is this the type of e-mail and
07 attachments you would submit to EPA as part of your
08 job at Monsanto?

108. PAGE 184:10 TO 185:14 (RUNNING 00:01:31.337)

10 THE WITNESS: This is -- this is an
11 e-mail where, as I -- as I'm stating here, we're
12 hoping that EPA will correct mistakes of fact, and
13 I'm passing along this information. Again, whatever
14 I pass along and provide to EPA is a function of that
15 role. It's up to them to take a look at it and deem
16 whether or not it's valuable and assess it
17 themselves.

18 BY MS. ROBERTSON:

19 Q Understood. So this is -- this is a
20 typical type of e-mail that you would have composed
21 with attachments in your role as Monsanto's employee?

22 A Yeah, based on the input from scientific
23 experts, they would -- they would put together what
24 it is that we should be giving to EPA to hopefully
25 address an issue. So I would say that me passing
00185:01 along this kind of information was something that I
02 did.

03 Q And I think the only person on this
04 e-mail we haven't previously identified is maybe
05 Carissa Cyran, C-Y-R-A-N, at EPA. Do you know where
06 she worked at EPA, what division?

07 A My recollection is that Carissa at this
08 time was -- was working in the pesticide
09 reregistration division, but I -- I don't know where
10 she is now.

11 Q And did you have -- in your work at
12 Monsanto, was Carissa Cyran somebody who would reach
13 out to you to get additional studies from Monsanto if
14 desired by the EPA?

109. PAGE 185:16 TO 186:14 (RUNNING 00:01:20.396)

16 THE WITNESS: I don't recall like



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17 specifically when Carissa did that, but she -- she
18 may have given her role.
19 BY MS. ROBERTSON:
20 Q And who is Michael Goodis?
21 A I don't -- I don't know Michael Goodis
22 very well. So I think at the time Michael was at --
23 I don't recall exactly what he was in charge of at
24 that time. I know that he's at EPA.
25 Q Do you recall what you discussed with
00186:01 Michael Goodis?
02 A Yes, I have some recollection of that.
03 That we were concerned that IARC had made statements
04 about -- where it was recalling what EPA had said.
05 And when we looked at what EPA had said, our view was
06 that IARC had misstated it.
07 And so I was talking to Michael Goodis
08 about that, and then you see that captured here,
09 to -- for EPA to look at what they had said in the
10 past and see if they felt that that was indeed
11 properly quoted by IARC.
12 Q Okay. And so then these materials were
13 collected or produced and you would send along this
14 packet to EPA?

110. PAGE 186:17 TO 186:22 (RUNNING 00:00:16.808)

17 THE WITNESS: Yes. And so in this case I
18 sent along some information. Again, that's all
19 publicly available, and EPA can take a look at it
20 themselves. In our view, there was a mistake that
21 was made here, and EPA needed to determine if they
22 felt that that was something they needed to correct.

111. PAGE 186:25 TO 187:03 (RUNNING 00:00:31.436)

25 Q Okay. I will now introduce Jenkins 7-19,
00187:01 MONGLY03293245-R. This is a document as produced to
02 us, and we as plaintiffs understand that it is a
03 production of your text message conversations.

112. PAGE 187:05 TO 187:09 (RUNNING 00:00:09.032)

05 Q And I can direct you to two specific
06 points for -- for discussion, but please take all the
07 time you need.
08 A Thank you. I just want to finish reading
09 it. (Perusing document.) Okay.

113. PAGE 187:10 TO 189:07 (RUNNING 00:02:38.169)

10 Q Okay. If I could point your attention to

 0401-003 -

11 3293247. The best way I can think to do this is to
12 begin at the bottom of the page and count upward to
13 the fourth iMessage.
14 A Fourth iMessage.
15 Q So the second line says "iMessage," so I
16 would count that as number one.
17 A Two, three, four. Okay.
18 Q And we have an incoming at 2015, 3 as in
19 March, 14. Do you see where I'm at?
20 A No. Hold on.
21 Q Okay.
22 A One, two, three, four -- yes, I see where
23 you are.
24 Q Okay. And you received a message: "Just



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25 had IARC call. Have you discussed this with Bradbury
00188:01 from Jennifer Listello?"
02 Do you see that?
03 A I do see that.
04 Q Okay. And it looks like on this date you
05 and Jennifer Listello had a text message conversation
06 related to IARC, and she inquires: "Is there anyone
07 we can get to in EPA?"
08 A Yes, I see where -- where Jennifer's
09 asking that question.
10 Q Okay. And do you -- do you recall who
11 she's referring to or what she's referring to?
12 A My recollection here is that Jen is -- is
13 asking, is there someone we can talk to at -- at EPA
14 regarding the issue of -- of IARC. That's my
15 recollection of that conversation.
16 Q Okay. And the second iMessage just below
17 that line, outgoing 2015, 3/14: "I sent him an
18 e-mail. He is somewhat familiar with IARC. Will
19 talk to him Monday. Re EPA: I've called them five
20 times on this issue and Dykes has called them too.
21 They're not going to be proactive."
22 Do you see that?
23 A I do see that.
24 Q When did -- and did you write that text
25 message?
00189:01 A I did. And what I'm saying here is that
02 with respect to IARC and its conclusion, where you
03 would see perhaps other -- other regulatory bodies
04 responding to this, EPA -- what I'm relating here is
05 saying that we're going -- we're going to sit back
06 and -- and wait here. That's what I'm -- I'm saying
07 back to Jen.

114. PAGE 189:15 TO 190:11 (RUNNING 00:01:10.731)

15 Q Next, let's go ahead and take a peek at

 0401-008 -



16 3293252, please.
17 And, again, counting up from the bottom
18 using iMessage as a marker, including the very last
19 line, I would count three up.
20 A Okay.
21 Q At 2015, 11/17. Do you see where I'm at?
22 A I do see it.
23 Q And this is another outgoing message:
24 "According to Bradbury, what we need to do is get
25 some key democrats on the Hill to start calling Jim.
00190:01 This helps in several ways. It focuses on gly and
02 gets him to move. Shoots across his bow generally
03 that he is being watched, which is needed on several
04 fronts, and finally sets the stage for possible
05 hearings. I laid this all out yesterday with Michael
06 before our call and he agreed."
07 And did you send that text message?
08 A Did you ask when did I sent it?

 -KE0401-008 - Clear Attached Exhibit 0401-008



09 Q I said, did you send it?
10 A Oh, this message is -- is from -- from
11 me.