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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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IN RE: ROUNDUP PRODUCTS ) MDL No. 02741  
LIABILITY LITIGATION ) Hon. Vince Chhabria  
)  
THIS DOCUMENT RELATES TO )  
ALL ACTIONS )  
-----x

C O N F I D E N T I A L  
PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF DOREEN MANCHESTER  
(IN HER 30(b)(6) CAPACITY FOR CROPLIFE AMERICA)

WASHINGTON, D.C.

FRIDAY, FEBRUARY 8, 2019

9:00 A.M.

Reported by: Leslie A. Todd

1           Deposition of DOREEN MANCHESTER, held at the  
2 offices of:

3

4

5                   CROPLIFE AMERICA

6                   1156 15th Street, N.W.

7                   Washington, D.C. 20005

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13           Pursuant to notice, before Leslie Anne Todd,  
14 Court Reporter and Notary Public in and for the  
15 District of Columbia, who officiated in  
16 administering the oath to the witness.

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A P P E A R A N C E S

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P R O C E E D I N G S

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THE VIDEOGRAPHER: We are now on the record. My name is Daniel Holmstock. I am the videographer for Golkow Litigation Services. Today's date is February 8, 2019. The time is 9:00 a.m.

This deposition is being held at CropLife America, 1156 15th Street, Northwest, Suite 400, in Washington, D.C., in the matter of In Re: Roundup Products Liability Litigation, MDL No. 02741, pending before the United States District Court for the Northern District.

The deponent today is CropLife America, and representing CropLife America is Doreen Manchester.

Counsel will be noted on the stenographic record for appearances.

The court reporter is Leslie Todd, who will now administer the oath.

DOREEN MANCHESTER,  
and having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

1 BY MR. ESFANDIARY:

2 Q Good morning.

3 A Good morning.

4 Q What is your name?

5 A Doreen Manchester.

6 Q Doreen, I'm Pedram Esfandiary. I

7 represent the plaintiffs in this litigation.

8 Do you know what this case is about?

9 A Some idea what it's about.

10 Q What is that idea?

11 A It's my understanding it's a toxic tort

12 lawsuit.

13 Q Do you know what product it involves?

14 A Roundup.

15 Q That's right. And what is Roundup?

16 A It is an herbicide.

17 Q And, Ms. Manchester, who do you -- who

18 do you work for?

19 A I work for CropLife America.

20 Q Okay. And what is CropLife America?

21 A CropLife America is a trade association.

22 Q A trade association?

23 A Yes.

24 Q Can you please explain what a trade

1 association is.

2 A A trade association is an organization  
3 that represents an industry and advocates on their  
4 behalf.

5 Q Does CropLife America represent Monsanto  
6 Company?

7 A We -- they are a member of our trade  
8 association.

9 Q Okay. We'll get to that in a little  
10 bit.

11 Now, how long have you been employed at  
12 CropLife America?

13 A I started in November of 2017.

14 Q And what is your current title or role  
15 within CropLife?

16 A Deputy general counsel.

17 Q So you're an attorney?

18 A Yes, I am.

19 MR. BURT: I'd like to state for the  
20 record that Ms. Manchester is appearing as the  
21 corporate designee today and not in her capacity  
22 as --

23 MR. ESFANDIARY: Sure.

24 MR. BURT: -- an attorney for the

1 company.

2 MR. ESFANDIARY: I was going to get to  
3 that.

4 MR. CALHOUN: And can I just make one  
5 statement for the record. We provisionally  
6 designate the transcript as "Confidential"  
7 pursuant to the protective order subject to review  
8 later to determine what parts may or may not need  
9 to be -- remain designated as "Confidential."

10 MR. ESFANDIARY: Yep.

11 BY MR. ESFANDIARY:

12 Q Now, how much time did you spend  
13 preparing for your testimony today?

14 A In total? Probably over 50 hours.

15 Q 50 hours?

16 A Mm-hmm.

17 Q And did you prepare for your testimony  
18 with counsel that's present at this deposition?

19 A Yes, I did.

20 MR. CALHOUN: Objection to the form of  
21 the question. Vague.

22 BY MR. ESFANDIARY:

23 Q And was Monsanto's counsel present?

24 A I'm not sure who is -- Monsanto's

1 counsel is, but I don't believe so.

2 Q Okay. Have you previously worked for  
3 the chemical industry prior to joining CropLife  
4 America?

5 A No.

6 Q Okay. So what did you do before you  
7 joined CropLife America?

8 A I worked at two law firms in Washington,  
9 D.C.

10 Q And what did you do at those law firms?

11 A I did antitrust litigation, State  
12 Attorney General defense work, and food and drug  
13 law.

14 Q Now, there is more than one CropLife  
15 entity, correct?

16 MR. BURT: Object to form.

17 THE WITNESS: I'm not sure what you mean  
18 by that question.

19 BY MR. ESFANDIARY:

20 Q Well, there's CropLife America, correct?

21 A Yes.

22 Q And there is CropLife International?

23 A CropLife International is a separate  
24 legal entity from CropLife America.

1           Q     Okay.  So is it your testimony that  
2     CropLife International and CropLife America have  
3     nothing to do with each other?

4           A     No, that's not -- CropLife America and  
5     CropLife International are separate legal  
6     entities.  CropLife America is a member of  
7     CropLife International.

8           Q     Okay.  So is CropLife International the  
9     main organization which includes as its members  
10    other CropLife entities such as CropLife America?

11                   MR. BURT:  Object to form.

12                   THE WITNESS:  I don't think I can answer  
13    that question.

14   BY MR. ESFANDIARY:

15           Q     Why can't you answer it?

16           A     I'm -- I don't have familiarity with  
17    CropLife International, except that they're a  
18    trade association that CropLife America is a  
19    member of.

20           Q     Okay.  Do you interact -- have you ever  
21    interacted with CropLife International during your  
22    tenure at CropLife America?

23           A     Minimally.

24           Q     Okay.  So as general counsel, your



1 day-to-day activities, they don't involve  
2 interaction with CropLife International?

3 A No. And I'm the deputy general counsel.

4 Q Okay. So as deputy general counsel,  
5 have you interacted with representatives of the  
6 Monsanto Corporation?

7 A Yes.

8 Q And -- squash that.

9 Are there CropLife entities spread  
10 throughout the entire world?

11 MR. BURT: Object to form.

12 THE WITNESS: What do you mean by that?

13 BY MR. ESFANDIARY:

14 Q Well, for example, CropLife America is  
15 based here in D.C., correct?

16 A That's correct.

17 Q Okay. Are there -- is there a CropLife  
18 entity or organization in U.K.?

19 A There are organizations, such as  
20 CropLife Asia, CropLife Africa, that are unrelated  
21 to CropLife America.

22 Q What do you mean by "unrelated"?

23 A They are not legal -- legally related  
24 entities.

1 Q What about commercially?

2 A I don't know what you mean by that.

3 Q Does CropLife -- does the CropLife  
4 organization in the U.K. have a similar vested  
5 interest in some of the products that CropLife  
6 America represents on behalf of industry?

7 MR. BURT: Object --

8 THE WITNESS: I can't speak for --

9 MR. BURT: Object to form. This  
10 corporate witness is here to testify about  
11 CropLife America.

12 MR. CALHOUN: And just to be clear, if  
13 I'm not objecting, that doesn't mean I don't join  
14 in the objection. I'm just not going to double up  
15 on counsel's objections. So if he objects,  
16 Monsanto also, you know, has that objection as  
17 well.

18 BY MR. ESFANDIARY:

19 Q Do you need the question again?

20 A Sure.

21 MR. ESFANDIARY: Can you please read  
22 back my last question?

23 (Whereupon, the requested record  
24 was read.)

1 THE WITNESS: I can't speak to what  
2 other CropLife entities have an interest in.

3 BY MR. ESFANDIARY:

4 Q Does any aspect of the various CropLife  
5 entities' work overlap?

6 A Yes.

7 Q Can you give me some examples?

8 A We may have an interest in similar trade  
9 issues, but, you know, we don't work with those  
10 entities.

11 Q Interest in similar trade issues.

12 A Sure. That would be an example.

13 Q Does a trade issue involve the  
14 regulation of herbicides?

15 MR. BURT: Object to form.

16 THE WITNESS: I can't really answer  
17 that. I mean, I could give you an example of, you  
18 know, we would all have an interest in importing  
19 and exporting products, for example.

20 BY MR. ESFANDIARY:

21 Q Is it fair to characterize CropLife  
22 America as an advocacy group which lobbies for the  
23 continued use of its members' products?

24 MR. BURT: Object to form.

1 THE WITNESS: I wouldn't agree with  
2 that --

3 BY MR. ESFANDIARY:

4 Q Why wouldn't you --

5 A -- characterization. I would  
6 characterize CropLife America as a trade  
7 association that represents the manufacturers and  
8 distributors of crop protection products.

9 Q Okay. Let's see what your website says.  
10 Mark as Exhibit 1 to your deposition.

11 MR. ESFANDIARY: And a copy for counsel.  
12 Oh, I'm sorry.

13 MR. BURT: She and I will share.

14 THE WITNESS: Yeah.

15 (Exhibit No. 1 was marked for  
16 identification.)

17 BY MR. ESFANDIARY:

18 Q Have you seen this document before?

19 A I've seen our website.

20 Q Okay. Now, would you say this was  
21 created during the ordinary course of CropLife  
22 America's business?

23 A Yes.

24 MR. ESFANDIARY: Okay. I'm going to

1 move this into evidence.

2 BY MR. ESFANDIARY:

3 Q Now, if you --

4 MR. CALHOUN: And, you know, we'll  
5 reserve --

6 MR. ESFANDIARY: Yeah.

7 MR. CALHOUN: -- objections to  
8 admissibility of evidence until later.

9 MR. ESFANDIARY: Sure.

10 BY MR. ESFANDIARY:

11 Q Now, if you turn to the second page  
12 there, the last paragraph of "Who we are and what  
13 we do" --

14 A Mm-hmm.

15 Q -- says: "Collaboration and  
16 transparency are critical to our work."

17 Do you see that?

18 A Yes.

19 Q Collaboration with who?

20 A Collaboration with our members, with  
21 outside organizations, with government entities.

22 Q Government entities such as the EPA?

23 A Absolutely.

24 Q Okay. And one of the goals that

1 CropLife America states in this document is a  
2 collaboration and transparency would involve the  
3 work that CropLife does with the U.S. regulators,  
4 correct?

5 A I don't think that's exactly what this  
6 document says, but we do collaborate with  
7 regulators.

8 Q And you think transparency is important  
9 during that collaboration?

10 A Absolutely.

11 Q Okay. Now, the next sentence says:  
12 "Provide legislative and regulatory advocacy and  
13 legal support." Do you see that?

14 A Yes.

15 Q Okay. What does "legal support" mean?

16 A Well, we sometimes intervene or get  
17 involved with cases that involve environmental  
18 activists or other groups. Usually they're suing  
19 the EPA for not following the correct process.  
20 And we tend to get involved in cases that involve  
21 process issues so that we can ensure that our  
22 members have a say in EPA following FIFRA.

23 Q Now, Roundup is one of products that  
24 CropLife America advocates for on behalf of

1 Monsanto, correct?

2 MR. BURT: Object to form.

3 THE WITNESS: No, your characterization  
4 is incorrect. We do not advocate on specific  
5 chemistries or molecules. Our goal is really to  
6 work with member companies on emerging overall  
7 issues that impact the industry. If a certain  
8 molecule has to be at the forefront of that, then  
9 it could be involved. But we really have to -- we  
10 don't get involved on product-specific issues  
11 because we represent many members and we have to  
12 be fair.

13 BY MR. ESFANDIARY:

14 Q I'm just going to break down your answer  
15 a little bit. So you say you don't get involved  
16 with product-specific issues, but if certain  
17 issues were to be related to a product that some  
18 of your member industries make, then you would  
19 find yourself getting involved?

20 MR. BURT: Object to form.

21 THE WITNESS: Let me -- let me explain  
22 to you what we do. So --

23 BY MR. ESFANDIARY:

24 Q Please.

1           A     -- if there is an issue, let's take a  
2 registration issue, the way EPA works,  
3 registrations are staggered. So there could be a  
4 new process issue that emerges. Somebody --  
5 somebody's product has to go first. And CropLife  
6 would get involved if it were a process issue that  
7 would affect our industry widely. If that product  
8 that's the underlying product to the process issue  
9 happens to be whoever company we represent, then  
10 that would be part of it. We don't get involved  
11 in specific chemistries. We don't advocate for  
12 chemistry safety. That is up to the companies to  
13 defend their products.

14           Q     So would -- is your testimony to the  
15 jury that CropLife would not get involved in  
16 responding to allegations that Roundup is a human  
17 carcinogen?

18           A     No, we would not.

19           Q     Do you know how long Monsanto has been  
20 part of CropLife America?

21           A     Since the 1940s. However, then we were  
22 not CropLife America. The name --

23           Q     Sure.

24           A     -- has changed over the years.



1           Q     Would the work that CropLife America  
2     does involve influencing the scientific policy of  
3     regulators such as the EPA?

4           MR. BURT:   Object to form.

5           THE WITNESS:   Can you say that again a  
6     little slower, please?

7     BY MR. ESFANDIARY:

8           Q     Sure.   Would the work that CropLife  
9     America does involve influencing the scientific  
10    policy of regulators such as the EPA?

11          MR. BURT:   Same objection.

12          THE WITNESS:   I don't really understand  
13    how you're framing that question.   Can you --

14    BY MR. ESFANDIARY:

15          Q     What don't you understand about it?

16          A     -- frame it a different way?

17    Influencing --

18          Q     You don't --

19          A     -- scientific regulators?   Say it --

20          Q     You don't understand the word --

21          A     Say it again what you mean.

22          Q     Sure.

23                    Would the work that CropLife America  
24     does involve influencing the scientific policy of

1 regulators such as the United States EPA?

2 MR. BURT: Object to form, and it's  
3 vague and ambiguous.

4 THE WITNESS: Well, if you mean making  
5 sure that regulators follow the law and follow  
6 FIFRA, then yes.

7 BY MR. ESFANDIARY:

8 Q What about the way in which regulators  
9 interpret epidemiological data?

10 MR. BURT: Object to form.

11 THE WITNESS: I mean, we -- we can't  
12 influence the way they interpret anything, but we  
13 can advocate that EPA should follow its process,  
14 that EPA should adhere to being a risk-based  
15 regulator in its assessment of scientific data.

16 BY MR. ESFANDIARY:

17 Q What's a risk-based regulator?

18 A A risk -- EPA follows a risk-based  
19 approach, meaning what is the risk from exposure  
20 to a certain chemical.

21 Q Risk for exposure, what, to a population  
22 or individuals?

23 A To individuals or a population. I  
24 mean -- I mean, if you're -- like if you have

1 two -- you can have epidemiologic data. You  
2 can -- you can have toxicology data. Toxicology  
3 data is a measurement of -- of risk, of actual  
4 exposure. Epidemiologic data is often just  
5 self-reporting, and it -- it has value, but, you  
6 know, it may not be as accurate as testing --  
7 actual testing.

8 Q So your testimony to the jury is that  
9 evidence of exposure in real life humans is not as  
10 accurate as toxicological evidence in rodents in  
11 laboratories, correct?

12 MR. BURT: Hold on, hold on. Object to  
13 form. This witness is not an expert. She's not  
14 offering opinion testimony.

15 MR. ESFANDIARY: She just offered an  
16 opinion.

17 MR. BURT: She's a corporate  
18 representative of CropLife America.

19 MR. ESFANDIARY: She just offered an  
20 opinion.

21 BY MR. ESFANDIARY:

22 Q Can you answer my question?

23 A I -- I'm not -- I can't answer that  
24 question.

1 Q You just sat there and testified --

2 A I am telling you that, you know, there's  
3 different modes of testing, and EPA generally  
4 adheres to a risk-based approach.

5 Q Madam, you just sat there testifying  
6 about how epidemiological evidence is not as  
7 accurate as toxicological evidence. I'm just  
8 asking what's the basis for that opinion.

9 MR. BURT: Hold on, hold on. Object to  
10 form, argumentative, mischaracterizes testimony,  
11 and harassing the witness.

12 THE WITNESS: That's not what I said.

13 BY MR. ESFANDIARY:

14 Q Okay. Does CropLife America charge  
15 Monsanto membership fees?

16 A CropLife America has dues for all of its  
17 members.

18 Q How much is the due for Monsanto?

19 A I can tell you that our dues are based  
20 on a scale based on the sales of our members.

21 Q So would Roundup's sales factor into how  
22 much Monsanto pays CropLife America?

23 MR. BURT: Object to form.

24 THE WITNESS: I can't answer that

1 question. Monsanto self-reports its sales where  
2 it would fall on our -- our continuum of dues, and  
3 they pay that percentage to us.

4 BY MR. ESFANDIARY:

5 Q You just said that --

6 A It's --

7 Q So wait. So it's your testimony that  
8 the dues that industry companies owe to CropLife  
9 America is based on the profit that they're making  
10 off their products, correct?

11 A It's based on --

12 MR. BURT: Object to form,  
13 mischaracterizes testimony.

14 THE WITNESS: It's based on their sales  
15 and market share.

16 BY MR. ESFANDIARY:

17 Q So if Monsanto generates, for example --  
18 scratch that.

19 Would the profit that Monsanto makes off  
20 Roundup be factored into how much Monsanto will  
21 pay CropLife America for its dues?

22 MR. BURT: Object to form.

23 THE WITNESS: Right, I -- I can't answer  
24 that. That would be a question for Monsanto. We

1 would get their sales from them, and we would base  
2 their dues on that.

3 BY MR. ESFANDIARY:

4 Q Right, but --

5 A What goes into what Monsanto sales are  
6 is up to Monsanto.

7 Q I understand that.

8 But logically, though, the more Roundup  
9 Monsanto sells, that's somehow going to factor  
10 into how much membership dues it pays CropLife  
11 America based on the testimony you just gave,  
12 correct?

13 A I'm --

14 MR. BURT: Object to form, asked and  
15 answered.

16 THE WITNESS: I'm not going to speculate  
17 as to what Monsanto puts into its numbers that it  
18 gives us.

19 BY MR. ESFANDIARY:

20 Q I'm not asking you to speculate. I'm  
21 asking you to draw a logical inference.

22 A Monsanto dues are based on their sales  
23 and market share.

24 Q Okay. Now, Monsanto employees serve on

1 various committees within CropLife America,  
2 correct?

3 A Absolutely.

4 Q What is the purpose of having Monsanto  
5 employees serve on CropLife America committees?

6 MR. BURT: Object to form.

7 THE WITNESS: We have -- I can tell you  
8 a little bit about our structure if you'd like.  
9 We have member companies comprise all of our  
10 committees. And we're structured in a way that  
11 all the committees we have have representatives  
12 from -- I wouldn't say every member, but a large  
13 majority of our members. We try to make sure that  
14 larger members, medium size members, smaller  
15 members are represented on our committees.

16 BY MR. ESFANDIARY:

17 Q Would any of those committees within  
18 CropLife America be responsible for assessing the  
19 carcinogenicity of the Roundup formulation?

20 MR. BURT: Object to form.

21 THE WITNESS: That's not something we  
22 do.

23 BY MR. ESFANDIARY:

24 Q Okay. Is your testimony that CropLife

1 America does not have a committee on which  
2 Monsanto employees sit responsible for looking at  
3 the carcinogenicity of Roundup?

4 A Absolutely not.

5 Q Are you familiar with the phrase  
6 "freedom to operate"?

7 A Somewhat.

8 Q What does that mean to you?

9 A To me?

10 Q What does it mean to CropLife America?

11 MR. BURT: Object to form.

12 THE WITNESS: To CropLife America, I  
13 mean it's really not something that we are  
14 concerned with. We understand that our member  
15 companies all have a different view on what that  
16 could mean. In some cases CropLife America looks  
17 at that as an intellectual property issue. In  
18 other cases it looks at the -- you know, the  
19 regulation that would allow products to get to  
20 market, to be registered and -- and used.

21 BY MR. ESFANDIARY:

22 Q Would "freedom to operate" include a  
23 company's ability to freely sell its products  
24 without regulatory interference?



1 MR. BURT: Object to form.

2 THE WITNESS: I can't really answer  
3 that. I don't know what you mean by "without  
4 regulatory interference." We have numerous  
5 regulations that govern the pesticide and crop  
6 protection industry. So I wouldn't say that  
7 "without regulatory interference" is a fair  
8 characterization as all.

9 BY MR. ESFANDIARY:

10 Q Okay. So would "freedom to operate"  
11 involve a company being able to freely sell its  
12 products with minimal regulatory interference?

13 MR. BURT: Object to form, vague and  
14 ambiguous.

15 THE WITNESS: We would say that "freedom  
16 to operate" would be following the regulations  
17 that are currently in place by EPA.

18 BY MR. ESFANDIARY:

19 Q Does advocating on behalf of Roundup  
20 involve reducing the impact of EPA's regulatory  
21 policy on Monsanto's business?

22 MR. BURT: Object to form.

23 THE WITNESS: I'm going to ask you to  
24 recharacterize that. We don't -- CropLife

1 America -- I'm going to say this again, and I'll  
2 probably end up saying it like numerous times --  
3 we don't advocate on behalf of specific products.  
4 That's not what we do.

5 BY MR. ESFANDIARY:

6 Q You represent Monsanto, though, correct?

7 MR. BURT: Object to form.

8 THE WITNESS: Monsanto is a member  
9 company, one of many member companies in CropLife  
10 America.

11 BY MR. ESFANDIARY:

12 Q So through CropLife America, Monsanto is  
13 able to advocate its products, correct?

14 MR. BURT: Object to form.

15 THE WITNESS: Can you rephrase that  
16 question, please?

17 BY MR. ESFANDIARY:

18 Q Sure. Through CropLife America,  
19 Monsanto is able to effectively advocate for its  
20 own products, such as Roundup, correct?

21 MR. BURT: Object to form.

22 THE WITNESS: I can't answer that  
23 question. That would be a question for Monsanto.  
24 We advocate for member companies industry

1 standards so that the process works for our member  
2 companies; that the FIFRA, which is the standard  
3 of regulation for crop protection, is followed by  
4 EPA; and that our company members can get their  
5 products to market.

6 BY MR. ESFANDIARY:

7 Q So you said, "We advocate for member  
8 companies." That's your testimony, correct?

9 MR. BURT: Object to form.

10 THE WITNESS: We advocate for member  
11 companies so that EPA follows FIFRA.

12 BY MR. ESFANDIARY:

13 Q Is it one of CropLife America's  
14 objectives to defeat any negative legislation  
15 affecting Monsanto Company?

16 MR. BURT: Object to form.

17 THE WITNESS: No. Absolutely not.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]











































































- [REDACTED]
- [REDACTED]
- ■ [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]     [REDACTED]
- [REDACTED]     [REDACTED]
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- [REDACTED]     [REDACTED]
- [REDACTED]
- [REDACTED]     [REDACTED]





[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14           Q       Would it help if I showed you the IARC  
15 preamble?

16           A       Sure, if you'd like to.  
17                   (Exhibit No. 4 was marked for  
18 identification.)

19           MR. ESFANDIARY: There is Exhibit No. 4.  
20 Martin, I don't have an extra copy.

21           MR. CALHOUN: That's all right. Can you  
22 just let me take a quick look at it?

23           MR. ESFANDIARY: Yeah, yeah, absolutely.  
24 You can even turn to the portions highlighted on



1 the back.

2 BY MR. ESFANDIARY:

3 Q Okay. Have you seen this document  
4 before?

5 A Give me a chance to look at it.

6 I mean I've certainly been on the IARC  
7 website, and I -- I have not reviewed this  
8 document.

9 Q Now, if you turn to page 22.

10 And can you see here Group 1, it defines  
11 Group 1 as: "The agent is carcinogenic to  
12 humans." Do you see that?

13 A Yes, I see that.

14 Q And Group 2A, "The agent is probably  
15 carcinogenic to humans." Do you see that?

16 A Yes.

17 Q And that's the group that glyphosate was  
18 classified in, correct?

19 A I believe that's the group that IARC  
20 classified --

21 Q Right.

22 A -- glyphosate as.

23 Q And down the page, it says, "Group 2B,  
24 The agent is possibly carcinogenic to humans."

1 And "Group 3, The agent is not classifiable as to  
2 its carcinogenicity to humans." And "Group 4, The  
3 agent is possibly not carcinogenic to humans."

4 Do you see that?

5 A I see the categories.

6 Q Okay. Now, do you agree that IARC has  
7 played a valuable role in identifying potentially  
8 carcinogenic compounds?

9 MR. BURT: Object to form. This is  
10 not -- she's not here to offer opinion testimony  
11 on IARC.

12 THE WITNESS: I mean, I don't -- as a  
13 CropLife America representative, I can't really  
14 speak to what IARC does generally.

15 BY MR. ESFANDIARY:

16 Q Okay. Is it CropLife America's position  
17 that IARC has played a valuable role in  
18 identifying potentially carcinogenic compounds?

19 MR. BURT: Same objection.

20 THE WITNESS: I can't really speak to  
21 that. I mean, we -- we follow EPA and EPA's  
22 regulations in our industry in America. So the  
23 value of IARC, I don't -- I wouldn't -- I don't  
24 think we would have a position on that.

1 BY MR. ESFANDIARY:

2 Q Your testimony is that CropLife America  
3 does not have a position on the value of IARC,  
4 correct?

5 A That's --

6 MR. BURT: Object to form.

7 THE WITNESS: I really can't speak to  
8 that.

9 BY MR. ESFANDIARY:

10 Q Okay. So I'm going to mark as Exhibit  
11 No. 6 -- 5. My apologies.

12 MR. ESFANDIARY: And, Counsel, and I do  
13 have one. All right.

14 (Exhibit No. 5 was marked for  
15 identification.)

16 BY MR. ESFANDIARY:

17 Q Now, this is a CropLife document,  
18 correct?

19 A Yes.

20 Q Okay. And it's CROPLIFE00002982, and it  
21 was sent on behalf of Clare Thorp dated  
22 April 22nd, 2015.

23 That's around a month after the IARC  
24 monograph came out, correct?

1           A       I believe that's true.

2                   MR. CALHOUN:  Objection to the form of  
3   the question.

4   BY MR. ESFANDIARY:

5           Q       Does this --

6                   MR. CALHOUN:  -- vague and -- and  
7   misstates the record.

8   BY MR. ESFANDIARY:

9           Q       Does this document appear to have been  
10   created during the ordinary course of CropLife  
11   business?

12           A       No reason to believe it's not.

13                   MR. ESFANDIARY:  Okay.  I'll admit this  
14   one into evidence.

15   BY MR. ESFANDIARY:

16           Q       Now, if you look at the cover letter, it  
17   says, "Dear HARC."  That's the committee within  
18   CropLife, correct?

19           A       It was at the time.

20           Q       Okay.  "Please find the attached  
21   documents as background material to the item in  
22   the IARC monograph.  They include a critique  
23   conducted by CropLife International, an overview  
24   of the IARC process by CropLife America."

1 Do you see that?

2 A I see that.

3 Q Okay. If you turn to the attachment  
4 titled "IARC Monograph's Overview of the Process,  
5 Decision-Making and Next Steps." Okay?

6 And the first paragraph there says:  
7 "About IARC. IARC is a specialized cancer agency  
8 of the World Health Organization. IARC activities  
9 are funded through regular budget contributions  
10 from its participating states, through competitive  
11 grants from funding agencies and donors from  
12 private institutions and persons."

13 Do you see that?

14 A Yes.

15 Q Is that consistent with your  
16 understanding of how IARC is funded?

17 A I really don't have an understanding of  
18 how IARC is funded, but if -- I have no reason to  
19 believe that --

20 Q But this is a CropLife America document,  
21 right, madam?

22 A Yeah, but it's speaking to how IARC is  
23 funded. I'm not familiar with that.

24 Q You're here representing CropLife

1 America, correct?

2 A That's correct.

3 Q Okay. And the next paragraph says:  
4 "IARC has provided a valuable role in the past in  
5 evaluating data-poor compounds and providing  
6 information on potentially carcinogenic  
7 compounds/activities for countries which lack the  
8 capacity to run such assessments themselves.  
9 Their evaluations of arsenic, formaldehyde and  
10 cigarette smoke are some examples."

11 Do you see that?

12 A Yes.

13 Q So CropLife did take the view that IARC  
14 has played a valuable role in the past, correct,  
15 in terms of identifying carcinogenic compounds?

16 MR. BURT: Object to form.

17 THE WITNESS: I can't say if it's a  
18 CropLife position, per se. Perhaps the person who  
19 authored this document -- but, I mean, I have no  
20 reason to doubt it.

21 BY MR. ESFANDIARY:

22 Q Sorry. I'm struggling to understand  
23 your testimony there. This is a CropLife America  
24 document, correct?

1           A     Yes.

2           Q     Produced by CropLife America in this  
3 litigation, correct?

4           A     Produced subject to your subpoena, yes.

5           Q     Right. And it's from Clare Thorp.  
6 Correct?

7           A     Yes.

8                   MR. BURT: Object to form. The e-mail  
9 is from Clare Thorp.

10                   MR. ESFANDIARY: Right, and it contains  
11 an attachment.

12                   MR. CALHOUN: And the attachment says  
13 "Draft," just for the record.

14                   MR. ESFANDIARY: Okay.

15 BY MR. ESFANDIARY:

16           Q     And is your testimony that despite  
17 CropLife America saying in this document IARC has  
18 provided a valuable role in the past, you don't  
19 know whether that is CropLife America's position?

20                   MR. BURT: Object to form.

21 BY MR. ESFANDIARY:

22           Q     Correct?

23                   MR. BURT: Mischaracterizes the  
24 document.

1 THE WITNESS: Well, first of all, I -- I  
2 don't know who created this attachment. I would  
3 say that this -- if it was created by a CropLife  
4 employee, it was created by one employee.

5 I have no reason to doubt that, you  
6 know, what this person is saying.

7 BY MR. ESFANDIARY:

8 Q You -- you don't know who created this,  
9 but you know enough to say it was only created by  
10 one employee.

11 A I didn't say that. I said this is an  
12 e-mail from an employee. I don't know who created  
13 this attachment. And it's a statement in this  
14 document. So...

15 Q Okay.

16 A I mean, I don't have any reason to doubt  
17 it, but --

18 Q Okay. So CropLife's view is that IARC  
19 has played a valuable role, whereas following the  
20 classification of glyphosate, CropLife is  
21 questioning IARC's relevance, correct?

22 MR. BURT: Object to form.  
23 Mischaracterizes the testimony.

24 MR. CALHOUN: And also mischaracterizes



1 the document. You've read only a couple of words  
2 out of a whole sentence.

3 BY MR. ESFANDIARY:

4 Q Well, let's take a look at that.

5 It says -- after the paragraph where  
6 CropLife discusses IARC having provided a valuable  
7 role in the past, it says: "However, the recent  
8 evaluation of pesticide compounds, and  
9 particularly glyphosate, raises questions  
10 regarding the necessity of IARC."

11 Do you see that?

12 MR. BURT: Object to form.

13 MR. CALHOUN: And objection. Again, you  
14 plucked only two words out of that whole sentence,  
15 so you're mischaracterizing the document.

16 THE WITNESS: It says: "Regarding the  
17 necessity of IARC work for data-rich heavily  
18 regulated compounds and whether hazard-based  
19 classification systems are relevant in light of  
20 the evolving science on carcinogenesis" -- genesis --  
21 I'm sorry, some of these words are difficult for  
22 me to pronounce -- "and the ability to conduct  
23 comprehensive risk assessments."

24 BY MR. ESFANDIARY:

1           Q     Right.  But it's discussing glyphosate,  
2     correct?  IARC's recent evaluation of glyphosate?

3           MR. BURT:  Object to form.  
4     Mischaracterizes the document.

5           THE WITNESS:  It's discussing the recent  
6     evaluation of pesticide compounds, including  
7     glyphosate.

8     BY MR. ESFANDIARY:

9           Q     Right.  And it's saying, following  
10    IARC's recent classification of these pesticide  
11    compounds, particularly glyphosate, CropLife  
12    America is raising questions regarding the  
13    necessity of IARC's work in this area, correct?

14          MR. BURT:  Object to form.  That  
15    mischaracterizes the document.

16          THE WITNESS:  The document says what it  
17    says.  I could speak to CropLife's position on  
18    IARC's work with respect to that monograph.  I'm  
19    assuming you're going to get there.  But, you  
20    know, obviously there was some concern over the  
21    process used by IARC in its evaluation for -- for  
22    certain compounds.

23    BY MR. ESFANDIARY:

24          Q     So before the IARC classification of

1 glyphosate, CropLife took the position that IARC  
2 has provided a valuable role in identifying  
3 carcinogens, such as cigarette smoke, whereas  
4 following the IARC classification of glyphosate,  
5 CropLife takes the position that IARC is no longer  
6 necessary, correct?

7 MR. BURT: Object to form.  
8 Mischaracterizes the document, argumentative.

9 THE WITNESS: I -- I think that what  
10 this document is saying is there was concern over  
11 the science evaluated on these pesticide  
12 compounds.

13 BY MR. ESFANDIARY:

14 Q Including glyphosate, correct?

15 A That's what it says.

16 Q But CropLife does not have a problem  
17 with the science conducted relative to the  
18 carcinogenicity of tobacco smoke or arsenic,  
19 correct?

20 MR. BURT: Object to form.  
21 Mischaracterizes the document, argumentative.

22 THE WITNESS: It's -- it's not really  
23 what the document says. It says there was a  
24 valuable role in the past. It doesn't say that

1 there were no problems with the evaluations of  
2 those items. I don't know the extent to which  
3 CropLife America would be interested in compounds  
4 that aren't related to our industry or whether any  
5 in-depth look would have been taken at what IARC  
6 did with compounds not related to our industry.

7 So I can't really speak to that. I can  
8 only speak to the fact that -- the concerns that  
9 CropLife America would have had over a  
10 non-regulatory body making a determination about  
11 pesticide compounds without evaluating the weight  
12 of the evidence.

13 BY MR. ESFANDIARY:

14 Q Your testimony is that IARC did not  
15 evaluate the weight of the evidence?

16 A Yes, that is my testimony.

17 Q Okay. And it's your testimony that --  
18 okay. Scratch that.

19 Now, the next paragraph says  
20 "Furthermore" --

21 A I'm sorry. Before you put another  
22 question on the table, how long have we been  
23 going?

24 MR. BURT: An hour and 10 minutes. You

1 want a break?

2 THE WITNESS: Yeah. Could we just take  
3 a restroom break?

4 MR. BURT: Yeah.

5 MR. ESFANDIARY: Sure.

6 THE VIDEOGRAPHER: The time is  
7 10:08 a.m., and we are going off the record.

8 (Recess.)

9 THE VIDEOGRAPHER: The time is 10:18  
10 a.m., and we're back on the record.

11 BY MR. ESFANDIARY:

12 Q So you just testified that IARC did not  
13 evaluate the weight of the evidence, correct?

14 A It is CropLife's position that IARC did  
15 not evaluate the weight of the evidence.

16 Q What does "weight of the evidence" mean?

17 A It means looking at all or the majority  
18 of studies that have been done.

19 Q The majority of studies that have been  
20 done. On what?

21 A On everything. I mean, are you asking  
22 me what it means in this case, or are you asking  
23 me what it means in general?

24 Q Well, you gave the testimony that IARC

1 did not consider evaluating the weight of the  
2 evidence. I'm asking you, what do you mean by  
3 that?

4 A In general or with respect to  
5 glyphosate?

6 Q With respect to glyphosate.

7 A It's CropLife America's position that  
8 IARC did not do a comprehensive review of the  
9 studies available with respect to glyphosate.

10 Q That's your definition of "weight of the  
11 evidence"?

12 MR. BURT: Object to form.

13 THE WITNESS: My definition of "weight  
14 of the evidence" is looking at all the studies  
15 that have been done, decisions by regulatory  
16 bodies, really taking into consideration all of  
17 the scientific evidence, and making a decision.

18 BY MR. ESFANDIARY:

19 Q On taking in all the scientific evidence  
20 on glyphosate or the Roundup formulation?

21 A Okay. So you're confusing me, because  
22 you have asked me two separate things. You've  
23 asked me CropLife America's position on glyphosate  
24 and the IARC monograph. Then you've asked me

1 separately what my definition of "weight of the  
2 evidence" is. So, what's your question?

3 Q Madam, I asked you what is -- what is  
4 your definition of "weight of the evidence" in the  
5 context of IARC's classification of glyphosate?

6 A Okay. That's what you asked first.

7 Q Right.

8 A So CropLife America's position is that  
9 IARC did not consider the weight of evidence,  
10 meaning it did not take a comprehensive look at  
11 all the evidence, including decisions by  
12 regulatory bodies and scientific evidence, in  
13 making its classification of glyphosate.

14 Q Okay. Did IARC review studies assessing  
15 the carcinogenicity of the Roundup formulation?

16 MR. BURT: Object to form.

17 THE WITNESS: I can't answer that  
18 specific question. It's my understanding that  
19 IARC reviewed studies, primarily epidemiological  
20 studies, on the carcinogenicity of glyphosate.

21 BY MR. ESFANDIARY:

22 Q It's your testimony that IARC reviewed  
23 primarily epidemiological studies with respect to  
24 the carcinogenicity of glyphosate. Correct?

1           A       That's my understanding. I did not dig  
2       very deep into what IARC did. I looked at  
3       CropLife Americas' documents and positions with  
4       respect to what IARC did.

5           Q       You did not dig deep into what IARC did,  
6       but you're comfortable testifying that IARC did  
7       not perform a comprehensive analysis of the  
8       glyphosate carcinogenicity literature, correct?

9           MR. BURT: Object to form. She's  
10       testifying as a corporate representative as to  
11       what CropLife America's position is.

12           THE WITNESS: CropLife America's  
13       position is that IARC did not do a comprehensive  
14       review.

15       BY MR. ESFANDIARY:

16           Q       But yet you're unable to dig deep into  
17       exactly what IARC looked at, correct?

18           MR. BURT: Object to form. She is not  
19       an expert witness giving expert opinion testimony.

20       BY MR. ESFANDIARY:

21           Q       Let me rephrase. CropLife America is  
22       unable to dig deep into exactly what IARC looked  
23       at, correct?

24           MR. BURT: Object to form.



1                   THE WITNESS: CropLife America did --  
2    you know, we looked at the monograph and what IARC  
3    evaluated, and it's our position that, one, IARC  
4    is not a regulatory body. And, two, IARC took a  
5    hazard-based approach, which is what we don't --  
6    we don't do that in the United States. We take a  
7    risk-based approach. And it did not look at all  
8    of the studies, and it did not look at the weight  
9    of the evidence with respect to glyphosate.

10   BY MR. ESFANDIARY:

11                 Q     Let's take this one by one.

12                   So CropLife America looked at the IARC  
13    monograph, right?

14                 A     It's my understanding.

15                 Q     Okay. Did CropLife America look at the  
16    regulatory studies that were submitted to the EPA  
17    by Monsanto regarding the carcinogenicity of the  
18    active chemical glyphosate?

19                   MR. BURT: Object to form.

20                   THE WITNESS: That would be impossible.

21   BY MR. ESFANDIARY:

22                 Q     Okay. That would be impossible?

23                 A     Because those are proprietary to  
24    Monsanto. We don't -- we don't do that.

1 Q Okay. Now, you also --

2 A I mean, I say it would be impossible.  
3 It's just something we would not do. That's  
4 proprietary information. We don't look at or  
5 collect or review our members' proprietary  
6 information.

7 Q Did CropLife America read the 2015  
8 Grimes summary article?

9 A I'm not sure what you're referring to.

10 Q Are you aware that the Grimes 2015  
11 article contains a summary of all of those  
12 proprietary studies that were submitted to the EPA  
13 for the initial registration of Roundup?

14 MR. BURT: Object to form. She already  
15 testified she doesn't know what you're referring  
16 to.

17 THE WITNESS: I don't know what you're  
18 referring to.

19 BY MR. ESFANDIARY:

20 Q So CropLife America does not know what  
21 I'm referring to when I'm asking about Grimes  
22 2015, correct?

23 A That was not part of my preparation.

24 Q Okay. You also testified that IARC did

1 a hazard evaluation, not a risk evaluation.

2 What's the difference?

3 A Risk -- my understanding from my  
4 preparation as a corporate witness, is that a  
5 hazard-based approach takes a look at potential  
6 hazards, where a risk-based approach takes into  
7 account actual exposure and the risks from actual  
8 exposure.

9 Q Your testimony to this jury is that IARC  
10 did not take into account actual exposure,  
11 correct?

12 MR. BURT: Object to form.  
13 Mischaracterizes the testimony. This witness is  
14 not is not here as an expert witness to provide  
15 expert opinion testimony about IARC.

16 And I'll refer counsel to item 14 in the  
17 list of deposition topics. "The topic related to  
18 Monograph 112 is your knowledge, position and  
19 conduct relating to generating a response to IARC  
20 Monograph 112."

21 It is not to evaluate the monograph  
22 itself and to form opinion testimony on.

23 MR. ESFANDIARY: Let's go off the  
24 record.

1 THE VIDEOGRAPHER: The time is 10:24  
2 a.m.

3 MR. BURT: Wait, wait, I didn't agree to  
4 go off the record.

5 THE VIDEOGRAPHER: Oh, I thought --

6 MR. ESFANDIARY: No, it's my deposition.  
7 I'm asking to go off the record.

8 THE VIDEOGRAPHER: I can't go off unless  
9 there's an agreement.

10 MR. BURT: I have to agree to it.

11 MR. ESFANDIARY: You need to stop this,  
12 man. This is unacceptable. You're making  
13 speaking objections, taking up way too much time.  
14 This is not appropriate. I'm laying a foundation  
15 for what's going to be talked about with respect  
16 to the deposition subpoena. I'm going to get --  
17 you've got to stop making your speaking objections  
18 right now.

19 MR. BURT: Counsel, you're way off  
20 topic. Her opinion about the IARC and --

21 MR. ESFANDIARY: She is offering these  
22 opinions. I'm exploring the basis for them.

23 MR. BURT: Counsel -- counsel --

24 MR. ESFANDIARY: You understand that,

1 right?

2 MR. BURT: You're way off topic. This  
3 is beyond the scope. I just read to you item 14.  
4 "Your knowledge, positions and conduct relating to  
5 generating a response to IARC Monograph 112." She  
6 is prepared to answer that.

7 MR. ESFANDIARY: She is here to talk  
8 about the carcinogenicity of glyphosate too. Look  
9 at number 1.

10 All right. I want to move on with my  
11 questioning.

12 MR. BURT: Number 1 is: "The nature,  
13 scope and history of your business and operations  
14 as they pertain to services provided by CLA to its  
15 clients."

16 BY MR. ESFANDIARY:

17 Q So we're just going -- we're going to  
18 take a look at this right here very briefly.

19 "Your knowledge, position and conduct  
20 related to test studies regarding the potential  
21 human carcinogenicity of GBFs, AMPA, and/or  
22 surfactants for GBFs."

23 MR. BURT: Which one are you reading?

24 MR. ESFANDIARY: I'm reading from 11.

1 BY MR. ESFANDIARY:

2 Q Now, so it's CropLife's position that  
3 IARC did not look at real life exposure data,  
4 correct?

5 MR. BURT: Object to form.

6 THE WITNESS: It's CropLife's position  
7 that IARC did not consider the weight of the  
8 evidence with respect to glyphosate.

9 BY MR. ESFANDIARY:

10 Q You just testified earlier that IARC did  
11 not consider real life exposure data. I'm just  
12 trying to understand, is it CropLife's position  
13 that IARC did not consider real life exposure data  
14 with respect to the classification of glyphosate?

15 MR. BURT: Object to form.

16 Mischaracterizes testimony.

17 THE WITNESS: I don't believe that's  
18 exactly what I said.

19 BY MR. ESFANDIARY:

20 Q Okay.

21 A You asked me the difference between a  
22 risk-based approach and a hazard-based approach.  
23 Generally speaking, it's CropLife's understanding  
24 that IARC takes a hazard-based approach, where

1 here in the United States, EPA takes a risk-based  
2 approach.

3 Q Okay. Now, do you see the third or  
4 fourth paragraph of the document we were just  
5 looking at, "CropLife's statements about IARC."  
6 It says: "Furthermore, the use of a  
7 classification system for carcinogens does not  
8 necessarily convey helpful information,  
9 particularly in a regulatory complex, as they are  
10 very broad and the language used is rather vague,  
11 probable versus possible."

12 Do you see that?

13 A Could you tell me where you are, please?

14 Q Yeah, I'm reading from paragraph  
15 number -- it's the fourth paragraph of the  
16 attachment we were just looking at.

17 A Okay. I'm sorry. I was on the wrong  
18 page. (Peruses document.)

19 Q Do you see that?

20 A I see that paragraph, yes.

21 Q Okay. Are you aware that the EPA has  
22 used the exact same classification language such  
23 as "probable versus possible" that IARC uses?

24 MR. BURT: Object to form.

1 THE WITNESS: I'm -- I mean, CLA is  
2 aware that EPA has used the language "not likely  
3 to be a carcinogen."

4 I'd like to see a document where this is  
5 stated, and then I would be able --

6 MR. ESFANDIARY: We'll get to -- I'm  
7 asking --

8 THE WITNESS: -- to testify to that.

9 THE REPORTER: Excuse me. You're  
10 talking at the same time.

11 MR. ESFANDIARY: I apologize.

12 THE WITNESS: I would like to see a  
13 document where EPA character -- characterizes that  
14 in that way, then I think it would be easier for  
15 me to testify --

16 BY MR. ESFANDIARY:

17 Q Sure.

18 A -- to that.

19 Q Let's do it.

20 (Exhibit No. 6 was marked for  
21 identification.)

22 MR. ESFANDIARY: No. 6, Counsel.

23 BY MR. ESFANDIARY:

24 Q All right. This is the Risk Assessment



1 Guidelines of 1986 from the Environmental  
2 Protection Agency.

3 Have you seen this document before?

4 MR. BURT: I will object to form. The  
5 scope of this testimony was from 1990 forward.  
6 She has not reviewed documents prior to 1990.

7 BY MR. ESFANDIARY:

8 Q Have you seen this before?

9 A No.

10 Q Okay. Turn to page 112.

11 And it says here: "Agents are  
12 categorized into five groups as follows: Group A,  
13 human carcinogen; Group B, probable human  
14 carcinogen; Group C, possible human carcinogen;  
15 and Group D, not classifiable as to human  
16 carcinogenicity; Group E, evidence of  
17 noncarcinogenicity to humans."

18 Do you see that?

19 A Yes, I see that.

20 Q So you agree that the EPA has used the  
21 exact same classification system that CropLife  
22 America takes a problem with IARC using, correct?

23 MR. BURT: Object to form.

24 THE WITNESS: No, I don't agree with

1 you. Because if you read this document, you will  
2 see that EPA describes what they mean by  
3 "possible" and "probable." And I can't testify  
4 that that definition is the same as what IARC is  
5 using while they're using the same word in the  
6 category.

7 BY MR. ESFANDIARY:

8 Q Right. But the CropLife document we  
9 were just looking at doesn't make a distinction  
10 either, right? It takes a problem with IARC using  
11 terms like "probable versus possible," which  
12 CropLife America characterizes as vague in a  
13 regulatory context, right?

14 MR. BURT: Object to form.

15 THE WITNESS: Well, perhaps it's vague  
16 with respect to IARC's system. I can't really  
17 speak to that. I mean that's what this  
18 document -- you know, this person used as this  
19 language, but -- you know, they could be  
20 meaning -- I -- I don't know how they're defined  
21 by IARC. So -- but I can say that -- I mean, I  
22 can't say that it's the same definition as EPA.

23 BY MR. ESFANDIARY:

24 Q So CropLife America takes a problem with

1 IARC using classification such as "probably" and  
2 "possibly" without knowing the basis for why IARC  
3 does that, but you have no problem with the EPA  
4 using the same terminology, correct?

5 MR. BURT: Object to form,  
6 argumentative.

7 THE WITNESS: That's -- that's not what  
8 I said. I said in this document that you just put  
9 before me, EPA, Exhibit 6, there is a definition  
10 below "probable" and "possible." You know,  
11 perhaps -- I don't know what the definition of  
12 "probable" and "possible" are under IARC.

13 BY MR. ESFANDIARY:

14 Q Let's take a quick peek at that. Let's  
15 look at the preamble again.

16 Do you have the documents, the  
17 preamble -- the IARC preamble?

18 A Sure.

19 Q Let's see if we can find --

20 MR. ESFANDIARY: Can we go off the  
21 record quickly while I look for it?

22 THE VIDEOGRAPHER: The time is 10:32  
23 a.m. We're going off the record.

24 MR. ESFANDIARY: Never mind. We can go

1 back on.

2 THE VIDEOGRAPHER: We're still on.

3 BY MR. ESFANDIARY:

4 Q All right. So let's take a look at what  
5 IARC means by "probable" and compare it, shall we,  
6 to the EPA. And because we're talking about  
7 glyphosate, let's stick with 2A, probable human  
8 carcinogen. All right?

9 So turn to page 22 of the IARC preamble.

10 And "the agent is probably carcinogenic  
11 to humans," do you see that?

12 A (Peruses document.)

13 Q Yes?

14 A Yes.

15 Q I'm just going to read the first  
16 sentence of each and see what you think.

17 "This category" -- this is IARC -- "This  
18 category is used when there is limited evidence of  
19 carcinogenicity in humans and sufficient evidence  
20 of carcinogenicity in experimental animals."

21 Do you see that?

22 A I see that.

23 Q And let's look at the EPA's.

24 "This group is used only when there

1 is -- group -- sorry, Group B, probable. "This  
2 group includes agents for which the weight of the  
3 evidence of human carcinogenicity based on  
4 epidemiologic studies is limited and also includes  
5 agents for which the weight of evidence of  
6 carcinogenicity based on animal studies is  
7 sufficient."

8 Do you see that?

9 A I see that.

10 Q Is there any meaningful difference  
11 between those two definitions, madam?

12 MR. BURT: I'm going to object to form.  
13 This calls for expert testimony. Beyond the scope  
14 of item 14 in the notice of deposition for this  
15 witness.

16 THE WITNESS: Yeah, I mean, I can't  
17 really testify as to -- to that, but I could say  
18 that, you know, EPA is taking into consideration  
19 the weight of the evidence. I'm not seeing that  
20 same language in IARC's, but I'm not an expert by  
21 any means on, you know, IARC's process. Or EPA's  
22 process, for that matter.

23 BY MR. ESFANDIARY:

24 Q That's it?

1           A       Is there a question?

2           Q       Are you done?

3           A       Yes, I am.

4           Q       Okay. Now, let's look at Exhibit No. 8.

5                   MR. BURT: Seven.

6                   MR. ESFANDIARY: I'm sorry, 7.

7                           (Exhibit No. 7 was marked for

8                           identification.)

9                   MR. ESFANDIARY: I skipped one in my  
10       outline.

11       BY MR. ESFANDIARY:

12           Q       And this here is EPA's 2005 Cancer  
13       Guidelines. Have you seen this document before?

14           A       No, I have not.

15           Q       Okay. And if you turn to page 112, and  
16       the last paragraph here says: "In order to  
17       provide some measure of clarity and consistency in  
18       an otherwise free-form, narrative  
19       characterizations, standard descriptors are used  
20       as part of the hazard narrative to express the  
21       conclusion regarding the weight of evidence for  
22       carcinogenic hazard potential."

23                   Do you see that?

24           A       I see that.

1           Q       "There are five recommended standard  
2 hazard descriptors: Carcinogenic to humans,  
3 likely to be carcinogenic to humans, suggestive  
4 evidence of carcinogenic potential, inadequate  
5 information to assess carcinogenic potential, and  
6 not likely to be carcinogenic to humans."

7                   Do you see that?

8           A       I see that.

9           Q       "Each standard descriptor may be  
10 applicable to a wide variety of datasets and  
11 weights of evidence, and is presented only in the  
12 context of a weight of evidence narrative."

13                   Do you see that?

14          A       Mm-hmm.

15          Q       Let's now take a look at the next page,  
16 253, and if you look at the second to last  
17 paragraph there.

18          A       And I'm --

19                   MR. BURT: Hold on.

20                   THE WITNESS: Is it my understanding  
21 that there are numerous pages missing in this  
22 document?

23          BY MR. ESFANDIARY:

24          Q       Yes, these are -- these are extracts.

1 This is over 100 pages, so I thought I would save  
2 some trees and not print the whole bloody thing.

3 Now, if you look at 253, it says, the  
4 second to last paragraph: "If the conclusion is  
5 positive, the agent could be described as likely  
6 to be carcinogenic to humans, but with strong  
7 evidence carcinogenic to humans. If the  
8 conclusion is negative, the agent could be  
9 described as not likely to be carcinogenic to  
10 humans. Although the term 'likely' can have a  
11 probabilistic connotation in other contexts, its  
12 use as a weight of evidence descriptor does not  
13 correspond to a quantifiable probability of  
14 whether the chemical is carcinogenic. This is  
15 because the data that supports cancer assessments  
16 generally are not suitable from numerical  
17 calculations of the probability that an agent is a  
18 carcinogen.

19 "Other health agencies have expressed a  
20 comparable weight of evidence using terms such as  
21 reasonably anticipated to be human carcinogen  
22 (NTP), or probably carcinogenic to humans,  
23 International Agency for Research on Cancer."

24 Do you see that?



1           A     I see that.

2           Q     So you agree with me that the EPA's  
3 revised terms in its 2005 Cancer Guidelines, such  
4 as "likely to be carcinogenic to humans," the EPA  
5 considers to be comparable to IARC's "probably  
6 carcinogenic to humans," correct?

7                   MR. BURT: Object to form, calls for  
8 expert testimony. Also, beyond the scope of  
9 item 20, that plaintiffs agreed to regarding the  
10 EPA. The scope of the deposition is "Your  
11 interaction with and conduct relating to the EPA,"  
12 not to opine on EPA documents or standards.

13 BY MR. ESFANDIARY:

14           Q     Please answer my question.

15                   MR. BURT: Counsel, it's beyond the  
16 scope.

17                   THE WITNESS: You'd have to ask EPA that  
18 question.

19 BY MR. ESFANDIARY:

20           Q     You just sat there testifying about how  
21 CropLife America takes a problem with IARC using  
22 words like "probable" and "possible."

23                   And here is the EPA saying itself that  
24 the terms that the Agency uses are comparable to

1 that of IARC, correct?

2 MR. BURT: Object to form,  
3 mischaracterizes, beyond the scope.

4 THE WITNESS: I didn't testify as to  
5 that. The document you showed me had those terms.

6 You know, what was meant by that  
7 exactly, I -- that -- I don't know. That employee  
8 doesn't work here anymore.

9 BY MR. ESFANDIARY:

10 Q You just --

11 A I can tell you our position on the IARC  
12 monograph. I can tell you our position on EPA  
13 regulations. I can't tell you what EPA  
14 regulations -- what the basis for them are. You'd  
15 have to ask someone from EPA.

16 Q Okay. You understand that the basis of  
17 the EPA regulations form the basis of EPA's  
18 assessment of glyphosate, correct?

19 MR. BURT: Object to form. This is  
20 beyond the scope of item 20 that plaintiffs agreed  
21 to is the scope of this deposition.

22 BY MR. ESFANDIARY:

23 Q Correct?

24 A Can you ask your question again?

1 Q Sure.

2 You understand that the EPA regulations,  
3 such as the 2005 Cancer Guidelines, form the basis  
4 of the EPA's evaluation of glyphosate, correct?

5 MR. BURT: Object to scope. Object to  
6 form.

7 THE WITNESS: That's -- that's something  
8 I can't -- I didn't prepare to testify for.

9 BY MR. ESFANDIARY:

10 Q So it's CropLife's position that you  
11 agree with the EPA's evaluation of glyphosate, but  
12 you're not able to testify as to the basis of the  
13 EPA's classification of glyphosate, correct?

14 MR. BURT: Object to form.  
15 Mischaracterizes, argumentative, harassing.

16 THE WITNESS: My testimony is that we've  
17 looked to EPA and EPA's decisions on -- sometimes  
18 it is chemistries, but EPA does issue the guidance  
19 and regulations that are followed in our industry.

20 BY MR. ESFANDIARY:

21 Q Is CropLife America -- how is CropLife  
22 America able to advise the EPA on what proper  
23 procedures to follow if you are unable to testify  
24 about the basis of the EPA's 2005 Cancer

1 Guidelines?

2 MR. BURT: Object to form. This is  
3 beyond the scope of item 20, "Your interaction  
4 with and conduct relating to EPA."

5 THE WITNESS: EPA does not -- or  
6 CropLife America does not advise the EPA.

7 BY MR. ESFANDIARY:

8 Q Okay. Well, let -- let me rephrase  
9 that.

10 How are you able to address industrywide  
11 issues from a regulatory perspective if CropLife  
12 America is unfamiliar with the basis of the EPA's  
13 cancer guidelines?

14 MR. BURT: Object to form.

15 THE WITNESS: So I would imagine we have  
16 individuals who are familiar with EPA's  
17 guidelines, to that extent. That is not something  
18 I'm prepared to testify to today.

19 BY MR. ESFANDIARY:

20 Q You're prepared to say you disagree with  
21 IARC, you agree with the EPA, but you're not  
22 prepared to testify about what the basis of the  
23 EPA's evaluation of glyphosate was, correct?

24 MR. BURT: Object to form. She's

1 prepared to testify on agreed-to topics.

2 THE WITNESS: I am prepared to testify  
3 on CropLife America's position with respect to  
4 IARC's conclusions.

5 BY MR. ESFANDIARY:

6 Q All I'm doing is exploring the basis of  
7 your opinions. You sat there saying that you  
8 disagree with IARC, that IARC did not consider the  
9 weight of the evidence, and that you agree with  
10 the EPA, correct?

11 MR. BURT: Object to form. This witness  
12 has not offered opinion testimony.

13 THE WITNESS: I testified that it's  
14 CropLife's position that IARC is not a regulatory  
15 body. That all the data and evidence was not  
16 considered in formulating its position. That we  
17 adhere to the regulations in the United States.  
18 That we advocate for a sound process and system so  
19 that EPA's regulations are administered properly  
20 across the board fairly.

21 BY MR. ESFANDIARY:

22 Q How can you ensure that EPA's  
23 administration is applied equally and fairly  
24 across the board if you're unfamiliar with the

1 EPA's own guidelines for how to evaluate chemicals  
2 for carcinogenicity?

3 MR. BURT: Object to form,  
4 argumentative, harassing.

5 THE WITNESS: We look at specific -- we  
6 look at industry issues that arise with EPA, and  
7 we address those as they -- they come up.

8 BY MR. ESFANDIARY:

9 Q Okay. Now, you testified that one of  
10 the problems you have with IARC is that it is a  
11 hazard assessment, not a risk assessment?

12 A Generally, yes.

13 Q Look at page 112 of the EPA's own cancer  
14 guidelines.

15 MR. BURT: Same objection. This is  
16 beyond the scope.

17 BY MR. ESFANDIARY:

18 Q If you -- the five recommended standard  
19 descriptors says: "There are five recommended  
20 standard hazard descriptors." Correct?

21 A That's what it says.

22 Q Great. Thank you.

23 So you agree with me that the criticism  
24 that CropLife America has of IARC's use of terms

1 such as "probably" and "possibly" are equally  
2 applicable to the EPA's use of such terms?

3 MR. BURT: Object to form.

4 BY MR. ESFANDIARY:

5 Q Correct?

6 A No, I don't agree with you.

7 Q What's the basis of that disagreement?

8 A I can't make that assessment. I don't  
9 have the expertise to make that assessment.

10 Q CropLife America does not have the  
11 expertise to make that assessment, correct?

12 MR. BURT: Object to form. This is  
13 beyond the scope of the noticed deposition topics.  
14 This is harassing. And counsel ought to move on  
15 now.

16 BY MR. ESFANDIARY:

17 Q Please answer my question.

18 A Can you state your question again,  
19 please?

20 MR. ESFANDIARY: Could you read back the  
21 question, please.

22 (Whereupon, the requested record  
23 was read.)

24 THE WITNESS: No, that's not what I'm

1 saying. I did not prepare to testify on that  
2 specific question.

3 BY MR. ESFANDIARY:

4 Q You just -- you were just prepared to  
5 testify that you disagree with IARC, correct?

6 A I'm prepared to testify on the -- on the  
7 topics that were presented to me, that we looked  
8 for documents on, and that I talked to individuals  
9 here about.

10 Q Now, CropLife has initiated a political  
11 strategy to rebut the IARC classification of  
12 glyphosate, correct?

13 MR. BURT: Object to form.

14 THE WITNESS: I -- I can't say -- I  
15 can't speak to that.

16 BY MR. ESFANDIARY:

17 Q You were here -- you were proffered to  
18 testify about CropLife America's response to the  
19 2015 classification of glyphosate, and you can't  
20 speak to my -- my question?

21 A Can you repeat your question, please?

22 Q Sure.

23 MR. ESFANDIARY: Can you repeat the  
24 question?



1 THE REPORTER: Which one?

2 MR. ESFANDIARY: The one before I -- the  
3 one I just asked.

4 (Whereupon, the requested record  
5 was read.)

6 THE WITNESS: Not to my knowledge, not  
7 on a specific chemistry.

8 BY MR. ESFANDIARY:

9 Q Has CropLife initiated a strategy to  
10 attempt to defund the IARC program?

11 A Not to my knowledge.

12 (Exhibit No. 8 was marked for  
13 identification.)

14 MR. ESFANDIARY: Counsel.

15 BY MR. ESFANDIARY:

16 Q All right. This is Exhibit No. 8, and  
17 it's Bates-numbered CropLife 00000001, and it's  
18 subject is "Conference call regarding IARC  
19 organizer Mary Jo Tomalewski," and it identifies  
20 required attendees, Jay Vroom.

21 Who is Jay Vroom?

22 A Our former CEO.

23 Q CEO?

24 A Of CropLife America.

1 Q Right. And Michael Michener, do you  
2 know who that is?

3 A I'm not sure, but I believe that is an  
4 employee of CropLife International.

5 Q Who is -- is it Boo (phonetic)?

6 A Beau Green --

7 Q Beau. Beau Greenwood. Who is that?

8 A He is a member of our government  
9 relations group here at CropLife America.

10 Q And who is Janet Collins?

11 A She is our former executive -- or former  
12 vice president of science and regulatory at  
13 CropLife America.

14 Q So all of these folks here are from  
15 CropLife, right?

16 MR. BURT: Object to form.

17 THE WITNESS: No. So Robert Hunter is  
18 from CropLife International. I believe Michael  
19 Michener is from CropLife International.

20 BY MR. ESFANDIARY:

21 Q Okay. Now, it says here: "Robert and I  
22 are pursuing the CLI strategy for IARC. See  
23 latest version attached. And we would like to see  
24 if you have time to briefly touch base early next

1 week. We're going to Geneva on November 28th to  
2 30th for meetings with the Health and Ag attachés  
3 of all Tier 1 and Tier 2 countries."

4 Do you see that?

5 A I see that.

6 Q Okay. And it says: "We would like to  
7 hear your" -- well, actually, let me stop right  
8 there.

9 The sentence I just looked at, "We are  
10 going to Geneva on November 28th and 30th for  
11 meetings with the Health and Ag attachés of the  
12 Tier 1 and Tier 2 countries," is that referring to  
13 a CropLife meeting with European policymakers as  
14 part of the strategy of responding to IARC?

15 A I'm not exactly sure. I know that  
16 Robert Hunter is with CropLife International. I'm  
17 not sure who the "I" is referring to in this.

18 Q Well, if you -- we can clarify that.  
19 Look at the metadata of this document. It  
20 identifies Janet Collins as a custodian, and it's  
21 from Mary Jo Tomalewski.

22 A Okay.

23 Q Okay? Now, both of those individuals  
24 are CropLife America, correct?

1           A     That's correct.

2           Q     So --

3           A     I still don't know who the "I" is in  
4 this paragraph, though. Mary Jo is an assistant.

5           Q     So could it be referring to Janet  
6 Collins if the custodian of this document is Janet  
7 Collins?

8           A     Likely not. Mary Jo is not Janet's  
9 assistant or was not Janet's assistant.

10          Q     Okay. Is your testimony to the jury  
11 that CropLife America had no involvement with the  
12 strategies outlined here?

13          A     It would be my testimony that at least  
14 the attachment is a CropLife International  
15 document and would be a CropLife International  
16 strategy, not a CropLife America strategy. So...

17          Q     Well, my question to you was, is the  
18 sentence, "We are going to Geneva on November 28th  
19 and 30th for meetings with the Health and Ag  
20 attachés of all Tier 1 and Tier 2 countries," is  
21 that referring to CropLife's strategy of  
22 responding to the 2015 IARC classification?

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

1 THE WITNESS: I'm not sure if that's  
2 CropLife International's strategy. Again, this is  
3 not a CropLife America document.

4 BY MR. ESFANDIARY:

5 Q Whose assistant is Mary Jo Tomalewski?

6 A She was the assistant to Jay Vroom.

7 Q Is Jay Vroom part of CropLife America?

8 A He was.

9 Q Okay. So if Mary Jo is sending this,  
10 it's on behalf of Jay Vroom, correct?

11 A Likely.

12 Q Okay. So Robert and I, "I" is referring  
13 to Mr. Vroom, correct?

14 MR. BURT: Object to form, calls for  
15 speculation.

16 THE WITNESS: Perhaps.

17 BY MR. ESFANDIARY:

18 Q Okay. Right.

19 So, again, I'm going to ask you, "We are  
20 going to Geneva on November 28th to 30th for  
21 meetings with the Health and Ag attachés of all  
22 Tier 1 and Tier 2 countries," that's referring to  
23 CropLife America's strategy of responding to the  
24 2015 IARC classification, correct?

1 MR. BURT: Objection. Asked and  
2 answered, mischaracterizes.

3 THE WITNESS: I would -- I would not  
4 agree with that. It says "pursuing the CLI  
5 strategy," so that would be CropLife International  
6 strategy. To what extent Jay Vroom was involved  
7 with that, I can't testify to. He's not an  
8 employee here anymore.

9 BY MR. ESFANDIARY:

10 Q And then it says: "We would like to  
11 hear your perspective on how the surprising  
12 election results could impact our strategy."

13 Do you see that?

14 A Yes.

15 Q Okay. That's referring to the 2016  
16 presidential elections when Trump was elected as  
17 president, correct?

18 A I would imagine.

19 Q Right. And it says: "I suspect that if  
20 John Bolton is confirmed at State, we will be  
21 pushing on an open door."

22 Do you see that?

23 A Yes.

24 Q Okay. That's referring to the

1 Republican politician John Bolton and a current  
2 national security advisor for Trump who was being  
3 considered as Secretary of State at that time,  
4 correct?

5 MR. BURT: Object to form.

6 THE WITNESS: That's what it says.

7 BY MR. ESFANDIARY:

8 Q And CropLife anticipated that if Bolton  
9 was confirmed as Secretary of State, it would  
10 assist with CropLife's response to the IARC  
11 classification, correct?

12 MR. BURT: Object to form.

13 THE WITNESS: I'm not sure exactly  
14 what -- that you're getting at, except that, you  
15 know, when there's -- whenever there is a change  
16 in administration, there tends to be different  
17 viewpoints, different priorities, and certainly,  
18 you know, in an industry where a Republican  
19 president would take office, in particular this  
20 president, seems to be less of a focus on  
21 regulation. But I'm not -- I'm not really sure  
22 you can read more into that than this -- than  
23 that -- that we, you know, would pursue -- we  
24 would have to pursue a different approach with

1 respect to a Republican administration versus the  
2 Democratic administration.

3 BY MR. ESFANDIARY:

4 Q Right. And it's saying -- saying if a  
5 Republican John Bolton is confirmed for State,  
6 CropLife would be pushing on an open door with  
7 respect to its political strategy with IARC,  
8 correct?

9 MR. BURT: Objection. Misstates --

10 THE WITNESS: Well, that's --

11 MR. CALHOUN: And objection --

12 THE REPORTER: Excuse me, excuse me.

13 Right on top of everyone and talking at the same  
14 time.

15 MR. BURT: My objection is asked and  
16 answered.

17 MR. CALHOUN: And my objection is vague.

18 Using CropLife in the context of this document  
19 without specifying whether you're talking about  
20 CropLife International --

21 MR. ESFANDIARY: Quit coaching the  
22 witness. Martin, start coaching the witness --

23 MR. CALHOUN: I'm objecting based on  
24 vague.



1 MR. ESFANDIARY: No, no, you're coaching  
2 the witness. Stop it right now.

3 MR. CALHOUN: I'm objecting because it  
4 is vague in the context of this document, and  
5 that's an appropriate objection.

6 MR. ESFANDIARY: Completely  
7 unacceptable.

8 BY MR. ESFANDIARY:

9 Q Go ahead.

10 A I don't have anything more to say.

11 Q CropLife is saying that if the  
12 Republican Mr. John Bolton is confirmed as  
13 Secretary of State, CropLife will be pushing on an  
14 open door relative to its IARC political strategy,  
15 correct?

16 MR. BURT: Objection. Asked and  
17 answered.

18 MR. CALHOUN: Same objection. Vague  
19 when you use the term "CropLife" in connection  
20 with this document.

21 THE WITNESS: Yeah, I mean, let's --  
22 let's just -- you can break it down sentence by  
23 sentence, and say --

24 BY MR. ESFANDIARY:

1           Q     No, we don't need to do that. Answer my  
2 question.

3           A     Okay. So I -- I disagree with you then.

4           Q     Okay. So you disagree with?

5           A     Your characterization of this.

6           Q     Okay. So it's not -- is it my words  
7 that CropLife will be pushing on an open door if  
8 John Bolton is confirmed as State?

9                   MR. BURT: Object to form. This is now  
10 argumentative and asked and answered.

11                   MR. CALHOUN: Same objection. Vague.  
12 It is your words "CropLife." It's not the  
13 document's words.

14                   THE WITNESS: This is -- I suspect that  
15 could be -- that's an individual's opinion, not  
16 necessarily the opinion of CropLife America.

17 BY MR. ESFANDIARY:

18           Q     That's your testimony to the jury?

19           A     That is.

20           Q     Please look at the jury and say, That's  
21 my testimony?

22           A     That's my testimony.

23                   MR. BURT: Oh, hold on. Speaking of  
24 unacceptable --

1 BY MR. ESFANDIARY:

2 Q Now, John --

3 MR. BURT: Start looking at Rule 33  
4 here.

5 BY MR. ESFANDIARY:

6 Q John Bolton is a conservative known for  
7 his climate change denying views, correct?

8 MR. BURT: Object to form, beyond the  
9 scope.

10 You don't have to answer that.

11 BY MR. ESFANDIARY:

12 Q Answer my question.

13 MR. BURT: You don't have to answer  
14 that. I'm instructing you not to answer. This is  
15 beyond --

16 MR. ESFANDIARY: What's the basis for  
17 you instructing her not to answer?

18 MR. BURT: It's beyond the scope of this  
19 notice that we negotiated and agreed to. She is  
20 not opining on who John Bolton is.

21 MR. ESFANDIARY: She's -- this is a  
22 CropLife document, and I'm asking her about a  
23 CropLife document with respect to IARC.

24 MR. BURT: Move on, Counsel.

1 BY MR. ESFANDIARY:

2 Q Did CropLife use -- did CropLife hope to  
3 use Bolton's confirmation as Secretary of State to  
4 cut the U.S. funding for IARC?

5 MR. BURT: Object to form.

6 MR. CALHOUN: Objection. Vague, the use  
7 of the term "CropLife" in the context of this  
8 document.

9 BY MR. ESFANDIARY:

10 Q Did CropLife America hope to use the  
11 confirmation of John Bolton as State for cutting  
12 the U.S. funding to IARC?

13 MR. BURT: Object to form.

14 THE WITNESS: I can't answer that  
15 question.

16 BY MR. ESFANDIARY:

17 Q Why can't you answer the question?

18 A It's not something I'm prepared to  
19 testify on today.

20 Q I'm sorry. You're here to testify about  
21 CropLife America's response to IARC, correct? And  
22 here we are dealing with a document, IARC  
23 political strategy, right after the classification  
24 of glyphosate.

1                   My question to you is, did CropLife  
2 America hope that the election of John Bolton as  
3 Secretary of State would assist with its IARC  
4 political strategy?

5                   A     I think you're convoluting two topics.  
6 This document is talking about CLI strategy for  
7 IARC. I don't know what this last sentence would  
8 relate to with respect to CropLife America based  
9 on what is on this page.

10                  Q     It says there Robert and Jay Vroom are  
11 pursuing the CLI strategy for IARC.

12                   MR. BURT: Object to form. Asked and  
13 answered many, many times.

14 BY MR. ESFANDIARY:

15                  Q     Jay Vroom is part of CropLife America,  
16 correct?

17                  A     Jay Vroom no longer works at CropLife  
18 America.

19                  Q     At the time he did, correct?

20                  A     I can't educate myself as to what Jay  
21 Vroom meant by this sentence.

22                  Q     You can't educate yourself as to Jay  
23 Vroom meant by this sentence?

24                  A     Exactly.

1           Q     I'm sorry. Jay Vroom, the former CEO of  
2 CropLife America, is saying that -- or he is  
3 involved with CropLife America's strategy for  
4 responding to IARC in this document, correct?

5           A     He's saying -- no. He's saying that  
6 he's working with Robert Hunter with respect to  
7 CLI's strategy for IARC. I don't know what he  
8 means by this last sentence.

9           Q     Let's look at the attachment.

10                  All right. If you look at page number 2  
11 of this document, it says "CropLife International  
12 Actions."

13                  Well, first of all, the attachment is  
14 titled "IARC Political Strategy," correct?

15           A     That's correct.

16           Q     Okay. And it says -- the second  
17 paragraph says: "New political strategy.  
18 CropLife International believes that a mandate and  
19 operating rules of IARC need to be reviewed  
20 specifically in reference to data selection,  
21 transparency and communication."

22                  Do you see that?

23           A     Mm-hmm.

24           Q     "The member states funding IARC, as well

1 as other influential countries and organizations,  
2 need to be involved in order to restore IARC's  
3 neutrality and remind stakeholders IARC is not a  
4 regulator. The current regulatory regime in place  
5 around the world are fit for purpose and should  
6 not react prematurely to funding from IARC."

7 Do you see that?

8 A I see that.

9 Q So CropLife International's over --  
10 overarching concern is how IARC's classification  
11 of pesticides, such as glyphosate, has impacted  
12 the crop protection business, correct?

13 MR. BURT: Object to form. She's here  
14 to testify on behalf of CropLife America.

15 THE WITNESS: I can't speak to CropLife  
16 International's practices. Only as to what the  
17 document states.

18 BY MR. ESFANDIARY:

19 Q Is it consistent with your understanding  
20 that CropLife America's goal was to respond to the  
21 IARC classification in order to ensure that the  
22 classification had minimal effect on industry?

23 A This says CropLife International. You  
24 just said CropLife America.

1 Q I'm asking about CropLife America.

2 A This is a document created by CropLife  
3 International. It's my understanding that  
4 CropLife America had concerns about the IARC  
5 finding and the process used to get to that  
6 finding.

7 Anything more with respect to this  
8 document and this strategy, I can't speak to, as  
9 it's a CropLife International position.

10 Q This document is from CropLife America  
11 to CropLife International from the former CropLife  
12 America CEO, madam. Right?

13 MR. BURT: Object to form. That  
14 mischaracterizes the document.

15 THE WITNESS: I don't believe so. I --  
16 BY MR. ESFANDIARY:

17 Q The metadata says it's from a CropLife  
18 America -- the secretary of a CropLife America  
19 CEO.

20 A I believe the meeting invite perhaps.

21 Q No, no, no. Look at the metadata where  
22 it says "From." It says "From: Mary Tomalewski."

23 A I can't speak to whether that "from" is  
24 with respect to the meeting invite or the CropLife



1 International document.

2 MR. ESFANDIARY: Well, we're going to  
3 the judge. This is unacceptable. She is not  
4 going to be able to testify about CropLife America  
5 when this document is sent by CropLife America.  
6 It's the secretary to the CEO of CropLife America.  
7 Are you kidding me? Get me someone who can  
8 testify about this document right now. This is  
9 unacceptable.

10 MR. BURT: Pedram, the metadata shows  
11 that this entire document was possessed by  
12 custodians at CropLife America. That does not  
13 mean CropLife America produced or created the  
14 document.

15 MR. ESFANDIARY: It says it's from  
16 CropLife America.

17 MR. BURT: Meeting invite, Pedram.

18 MR. ESFANDIARY: No, no, the metadata.  
19 The metadata says the document is from CropLife  
20 America. You understand that, right?

21 MR. BURT: This is a meeting invite.  
22 The entire doc meeting invite --

23 MR. ESFANDIARY: With an attachment.

24 MR. BURT: -- is --

1                   Yes, and that does not mean CropLife  
2 America created the attachment.

3                   MR. ESFANDIARY: All right. We'll see  
4 what the jury has to say.

5 BY MR. ESFANDIARY:

6                   Q     Okay. Well, let's look at this document  
7 some more. Let's look at page 2.

8                   A     Okay.

9                   Q     It says "CropLife International  
10 Actions." Right?

11                   And it says: "USA, Switzerland  
12 create -- create upheaval by suggesting increased  
13 oversight may require moving IARC from Lyon to  
14 Geneva, Washington."

15                   Do you see that?

16                   A     I see it.

17                   Q     Was CropLife America involved in  
18 creating this upheaval with IARC?

19                   A     I -- I can't speak to that. This --  
20 this document was not created by CropLife America.  
21 CropLife America is a member of CropLife  
22 International, so perhaps this document was sent  
23 to someone at CropLife America. What is meant  
24 exactly by that, I can't testify to because we

1 didn't create this document --

2 Q Was CropLife --

3 A -- to my knowledge.

4 Q Was CropLife America involved in any  
5 aspect of CropLife America's -- International's  
6 actions with creating upheaval with IARC?

7 A Not to my knowledge.

8 Q So it could have been going on without  
9 you knowing about it?

10 A Based on -- on my discussions with those  
11 here, this has -- that issue has not come up.

12 Q Have you ever been media trained?

13 THE REPORTER: What? I'm sorry.

14 BY MR. ESFANDIARY:

15 Q Have you ever been media trained?

16 A No. What does that mean? Can you  
17 define that?

18 Q We will stick to the question/answer  
19 format. You're an attorney, you know this.

20 Let's look at point number 3.

21 It says: "Capital strategy. Coordinate  
22 with targeted national and regional CropLife  
23 associations and domestic political strategies  
24 that raise awareness of IARC and the negative

1 implications of the IARC monograph."

2 Do you see that?

3 A I see that.

4 Q Okay. It says: "Tier 1 countries.  
5 Create and distribute talking points that flag  
6 issues and suggest reforms and consequences,"  
7 brackets, "funding for IARC."

8 Do you see that?

9 A I see that.

10 Q So is it consistent with your  
11 understanding that CropLife America participated  
12 in any CropLife International strategy for  
13 defunding the IARC?

14 A Not to my knowledge. Again, this is not  
15 a document created by CropLife America.

16 MR. BURT: For the record, the metadata  
17 that we just confirmed shows that the author of  
18 the document was Alexander Mann.

19 BY MR. ESFANDIARY:

20 Q Who is that? Who is Alexander Mann?

21 A I don't know. Not a CropLife America  
22 employee, to my knowledge.

23 Q You don't know who he is, but he's not a  
24 CropLife America employee?

1           A     I know that he's not anyone that I have  
2     ever understood to be a CropLife America employee.

3           Q     All right. Did CropLife America at any  
4     point try to change IARC's mandate?

5           A     Not to my knowledge.

6           Q     Now, CropLife America did not want this  
7     IARC strategy to be openly shared with the U.S.  
8     government because CropLife wanted to stay under  
9     the radar when influencing the IARC process,  
10    correct?

11           MR. BURT: Object to form.

12           THE WITNESS: That's a very long  
13    question. Could you say it again?

14           MR. ESFANDIARY: Could you read it?

15                   (Whereupon, the requested record  
16    was read.)

17           THE WITNESS: What IARC strategy are you  
18    referring to?

19    BY MR. ESFANDIARY:

20           Q     I'm referring to the CropLife  
21    International political strategy.

22           A     I don't agree with what you just said.

23           Q     Well, let's --

24           A     I don't -- it doesn't sound like you are

1 referring to a CropLife America strategy.

2 Q Let's take a look at a document.

3 (Exhibit No. 9 was marked for

4 identification.)

5 BY MR. ESFANDIARY:

6 Q Now, this is a series of e-mails between

7 CropLife America as well as Robert Hunter from

8 just CropLife.org, and its subject is "RSC

9 pre-reads," and it's dated October of 2016.

10 And have you seen this before?

11 A Yes.

12 Q Okay. Does it -- does it appear to have

13 been sent or received in the ordinary course of

14 CropLife America's business?

15 A Yes.

16 MR. ESFANDIARY: Okay. I want to move

17 this into evidence.

18 BY MR. ESFANDIARY:

19 Q And look at page 322.

20 All right. It's an e-mail here from Ray

21 McAllister, right? Who is Ray?

22 A Ray is a director in our science and

23 regulatory department.

24 Q Okay. So he's at CropLife America,

1 correct?

2 A Yes, he is.

3 Q And it says it's sent October 5th, 2016.  
4 "EPA holds a FIFRA scientific advisory panel  
5 meeting in a few weeks to evaluate once again the  
6 carcinogenicity of glyphosate in light of the IARC  
7 findings."

8 Do you see that?

9 A Yes.

10 Q Okay. It says: "I have a paper copy of  
11 a separate four-page undated CLI document on IARC  
12 political strategy, which I thought came from the  
13 RSC meeting also, but I don't find it among the  
14 meeting documents. Can you send it to us? To  
15 what extent and how publicly can we use  
16 information from these documents in preparation  
17 for the upcoming SAP meeting?"

18 Do you see that?

19 A Mm-hmm.

20 Q SAP is referring to the Scientific  
21 Advisory Panel that was convened to review the  
22 EPA's 2016 glyphosate evaluation, correct?

23 A Correct.

24 Q Okay. Now, if you look at the response

1 from Robert Hunter back to Ray McAllister, and  
2 it's on the same page we were just looking at, it  
3 says: "We do not want this document to be  
4 circulated as it is very sensitive in showing our  
5 approach and strategy. So please keep it  
6 confidential. I do not think we should be sharing  
7 any CropLife International meeting documents with  
8 the U.S. government that talk about strategy or  
9 tactics."

10 Do you see that?

11 A You're at the top of --

12 Q 3/22.

13 A I see that.

14 Q And then Ray McAllister responds on  
15 3/21: "I did not have in mind sharing any of the  
16 documents with anyone else, but rather using  
17 information from them in preparation for the  
18 upcoming SAP meeting."

19 Correct?

20 A Mm-hmm.

21 Q And then Ray responds: "Any of the  
22 background information general concerns about IARC  
23 is completely fine to use. I'm just being a  
24 little cautious about revealing too much of our



1 strategy and activities. With our communication  
2 activities, we have really tried to stay under the  
3 radar and not disclose even to the members how  
4 much we have been doing."

5 Do you see that?

6 A I see that.

7 Q Is it consistent with your understanding  
8 that CropLife America also tried to stay under the  
9 radar in responding to the IARC classification of  
10 glyphosate?

11 A No, that's incorrect. This is Robert  
12 Hunter from CropLife International talking about  
13 CropLife International's strategy. That's all.

14 Q But Ray from CropLife America is  
15 intending to also use the strategy when it says:  
16 "I do not have in mind sharing any of the  
17 documents with anyone else, but rather using  
18 information from them in our preparation for the  
19 upcoming SAP meeting."

20 Do you see that?

21 A I see that. And that mischaracterizes  
22 this document. Ray is saying -- he's not saying  
23 that he intends to use this strategy. He's using  
24 that to inform -- using them as information for

1 the preparation for the -- for the coming SAP  
2 meeting.

3 Q Okay. But he's agreeing that he is not  
4 going to actually divulge any of CropLife  
5 International's strategies with regulators,  
6 correct?

7 MR. BURT: Object to form.

8 THE WITNESS: I -- I suppose, yes.

9 BY MR. ESFANDIARY:

10 Q Okay. Is it the preference of CropLife  
11 America to influence the scientific policy at  
12 arm's length?

13 MR. BURT: Object to form.

14 THE WITNESS: No.

15 BY MR. ESFANDIARY:

16 Q And on your website it says: "We engage  
17 in a transparent and collaborative process."  
18 Correct?

19 A Absolutely.

20 Q So what's transparent and collaborative  
21 about not divulging the strategy of CropLife  
22 International with U.S. regulators relative to  
23 IARC's classification?

24 MR. BURT: Object to form.

1                   THE WITNESS: CropLife International's  
2 strategy is CropLife International's strategy. I  
3 met with Ray McAllister to prepare for this  
4 deposition, and I can tell you that our  
5 interactions with EPA as CropLife America are  
6 transparent. Whatever Ray used to prepare for a  
7 meeting to inform him of any science maybe that he  
8 wanted to -- to look at -- I mean, I don't have  
9 the documents that were sent along with this, but,  
10 you know, our meetings to EPA are -- as I was  
11 informed, are open and not ever hidden. I don't  
12 understand what you're trying to get at.

13 BY MR. ESFANDIARY:

14               Q     Your testimony to the jury is that  
15 CropLife America's meetings with the EPA are  
16 always open and never hidden?

17               A     Exactly.

18               Q     Okay. But CropLife America did agree to  
19 not share any aspect of CropLife International's  
20 political -- IARC political strategy with the U.S.  
21 government, correct?

22                   MR. BURT: Object to form.

23                   THE WITNESS: He said he would keep  
24 CL -- the information confidential.

1 BY MR. ESFANDIARY:

2 Q Why?

3 A Because CLI asked that it not be -- we  
4 were a member company of CLI. It's their  
5 strategy. There would be no reason for us to  
6 share that with the EPA. So, that's --

7 Q If there were no reason for you to share  
8 with the EPA, why would CropLife International ask  
9 you to not share with the EPA?

10 MR. BURT: Object to form.

11 THE WITNESS: I don't know. I can't --  
12 I can't testify as to why CLI would ask us to do  
13 something.

14 BY MR. ESFANDIARY:

15 Q Now, when IARC was deliberating on the  
16 classification of glyphosate, industry groups had  
17 observers attend the meeting, correct?

18 MR. BURT: Object to form.

19 THE WITNESS: Can you -- can you repeat  
20 that question, please?

21 BY MR. ESFANDIARY:

22 Q Sure. When IARC was deliberating on the  
23 classification of glyphosate, industry groups had  
24 observers attend the meeting, correct?

1                   MR. BURT: Object to form. Beyond the  
2 scope of item 14, which relates only to generating  
3 a response to IARC Monograph 112.

4                   THE WITNESS: I mean, perhaps. I'm  
5 not -- I'm not aware.

6 BY MR. ESFANDIARY:

7                   Q     Okay. Did CropLife America send an  
8 observer to the IARC meeting?

9                   MR. BURT: Object to form, beyond the  
10 scope.

11                  THE WITNESS: I'm not aware.

12 BY MR. ESFANDIARY:

13                  Q     Did CropLife America interact with  
14 Monsanto on sending an observer to the IARC  
15 meeting?

16                  MR. BURT: Same objection.

17                  THE WITNESS: I'm not aware of that. I  
18 doubt that would happen.

19 BY MR. ESFANDIARY:

20                  Q     You doubt that would happen. Okay.  
21                        Let's take a look at exhibit --

22                  MR. ESFANDIARY: Can we go off the  
23 record quickly, please?

24                  THE VIDEOGRAPHER: The time is

1 11:11 a.m. We're going off the record.

2 (Recess.)

3 THE VIDEOGRAPHER: The time is 11:22  
4 a.m., and we are back on the record.

5 BY MR. ESFANDIARY:

6 Q You testified that you doubt that  
7 CropLife America had interactions with Monsanto  
8 regarding who to send to observe the 2015 IARC  
9 glyphosate meeting, correct?

10 A I'm not sure if we had -- you know,  
11 certainly member companies can communicate with us  
12 all the time, make suggestions. I don't -- I'd  
13 have to see a document, and --

14 Q No, I -- I understand. I'm just -- what  
15 you testified to before we went on a ten-minute  
16 break, you said you doubt whether CropLife America  
17 would interact with Monsanto on who to send to the  
18 IARC meeting, correct?

19 MR. BURT: Object to form. And this is  
20 beyond the scope of item 14.

21 THE WITNESS: Yeah, I -- I mean, I  
22 can't -- if you have a document to show me, I  
23 would be happy to testify --

24 BY MR. ESFANDIARY:





















█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

9 BY MR. ESFANDIARY:

10 Q Thank you.

11 Who did Monsanto end up sending to the  
12 IARC meeting?

13 A I don't know. You'd have to ask  
14 Monsanto.

15 Q At the IARC meeting there were also  
16 individuals from regulatory bodies present as  
17 observers, correct?

18 MR. BURT: Object to form. This is  
19 beyond the scope of item 14.

20 THE WITNESS: I don't know. I wasn't  
21 there. I'm not sure if anyone from CropLife  
22 America ended up attending that meeting.

23 BY MR. ESFANDIARY:

24 Q You know who Jess Rowland is?











































█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

11 MR. BURT: Do you want to show her which  
12 document you're referring to?

13 MR. ESFANDIARY: Sure. Yeah, yeah,  
14 yeah.

15 BY MR. ESFANDIARY:

16 Q I believe it was exhibit -- or my  
17 outline was 8. Look at 8.

18 Is it -- is that April 22 -- no, you're  
19 not looking at the right one, I don't think.

20 MR. BURT: It's Exhibit 8.

21 BY MR. ESFANDIARY:

22 Q I'm sorry. Is it 7? Take a look at 7.

23 MR. BURT: Seven is the EPA guidelines.

24 BY MR. ESFANDIARY:

1 Q Oh, okay. Then it would be 5. Right?

2 Yes, that one.

3 And you see this is dated April 22nd,  
4 2015?

5 A Correct.

6 Q Okay. And it talks about the IARC  
7 process and the mechanistic and cancer data  
8 reviewed by IARC.

9 Do you agree with me that this was put  
10 together back in April 2015? That's prior to the  
11 monograph being published, correct?

12 A I'm not sure of the exact date the  
13 monograph was published. Do you have that  
14 information?

15 Q I will represent to you that it was  
16 midsummer of 2015.

17 A Just give me a second to look at this  
18 document. (Peruses document.)

19 I believe this is an overview of the  
20 IARC process. Not necessarily with respect to any  
21 particular compound.

22 Q Well, it's talking about IARC's  
23 classification of glyphosate raises questions  
24 regarding the necessity of IARC, right? On the

1 first page.

2 A Where are you?

3 Q I'm looking at page 1 of the attachment.

4 It says: "The recent evaluation of pesticide  
5 compounds, and particularly glyphosate, raises  
6 questions regarding the necessity of IARC."

7 A Right.

8 Q Right?

9 A But I think at that point -- I'm not  
10 sure if the actual classification was public at  
11 that point.

12 Q No, the classification was public.

13 A Okay.

14 Q The monograph was not.

15 And I'm asking you, CropLife was  
16 questioning the necessity of IARC following the  
17 agency's classification of glyphosate before  
18 having read the monograph. Correct?

19 A That's -- I wouldn't agree with that  
20 characterization of this document. This document  
21 appears to be going through the process of -- of  
22 IARC's process, not --

23 Q I'm asking about glyphosate.

24 A Not specifically --

1 Q Madam, it says --

2 A -- with respect to glyphosate.

3 Q It's the recent evaluation of pesticide  
4 compounds, and particularly glyphosate, that  
5 raises questions.

6 A That -- that one sentence to me --

7 Q Okay.

8 A -- would not say that this --

9 MR. BURT: Let her finish.

10 THE WITNESS: -- entire document  
11 reflects an analysis of the glyphosate monograph.

12 BY MR. ESFANDIARY:

13 Q No, I know that, but CropLife America is  
14 raising a question regarding the necessity of the  
15 IARC classifications, particularly with respect to  
16 glyphosate, before it has read the monograph,  
17 correct?

18 MR. BURT: Object to form.

19 THE WITNESS: I don't agree with your --

20 MR. CALHOUN: Also object to misleading.

21 THE WITNESS: -- characterization.

22 MR. CALHOUN: Objection. Misleading,  
23 misstates the record.

24 THE REPORTER: I need you to repeat











█ [REDACTED]

█ [REDACTED]

█ █ [REDACTED]

█ [REDACTED]

█ █ [REDACTED]

6 MR. ESFANDIARY: Where are we? Is that  
7 12?

8 MR. CALHOUN: We're at 12.  
9 (Exhibit No. 12 was marked for  
10 identification.)

11 BY MR. ESFANDIARY:

12 Q Now, take a look at this document. It's  
13 produced by CropLife. It's CROPLIFE00017784.

14 Have you seen this document before?

15 A Yes.

16 Q Does it appear to have been created in  
17 the ordinary course of CropLife America's  
18 business?

19 A Yes.

20 Q Okay.

21 MR. ESFANDIARY: I'll move this into  
22 evidence as well.

23 BY MR. ESFANDIARY:

24 Q Now, before we go ahead, are any of the

1 recipients or senders of the e-mails there  
2 attorneys at CropLife America?

3 A Yes.

4 Q Which ones?

5 A Rachel Lattimore.

6 Q Rachel Lattimore is an attorney at  
7 CropLife America?

8 A Yes, she is. She's our general counsel.

9 Q Okay. And --

10 MR. ESFANDIARY: Can we go off the  
11 record for a second.

12 THE VIDEOGRAPHER: The time is 11:55  
13 a.m. We're going off the record.

14 (A discussion was held off the record.)

15 THE VIDEOGRAPHER: The time is 11:56  
16 a.m., and we're back on the record.

17 BY MR. ESFANDIARY:

18 Q All right. So let's take a look at this  
19 document here, Exhibit No. 12. Let's look at the  
20 first e-mail from Clare Thorp from CropLife  
21 America and sending it to Ray McAllister at  
22 CropLife America and Janet Collins at CropLife  
23 America.

24 And she says: "Dear all: This is a

1 quick download of the meeting Daland and I had  
2 with Jess Rowland on the IARC today. It was a  
3 useful meeting."

4 Do you see that?

5 A I see that.

6 Q What did CropLife discuss with  
7 Mr. Rowland at the meeting?

8 A I'm not aware. It looks like Daland  
9 Juberg from Dow, I believe, was present, and  
10 perhaps Clare Thorp, who is no longer an employee  
11 here. I can really only speak to what this --  
12 what this is saying on its face. I don't believe  
13 Ray McAllister attended this meeting.

14 Q Okay.

15 A So he would have been the person I could  
16 speak to about -- to educate myself on this  
17 meeting.

18 MR. ESFANDIARY: So is Ray available to  
19 come down and testify today about this document?

20 MR. BURT: No, he is not.

21 MR. ESFANDIARY: So I would request that  
22 you put someone who has knowledge -- this goes  
23 directly to the --

24 THE WITNESS: If Ray was not at the

1 meeting, how could he testify as to that? I don't  
2 understand your question.

3 BY MR. ESFANDIARY:

4 Q Well, if Clare was at the meeting, and  
5 you're here -- so you said you were able to  
6 competently testify about CropLife's interaction  
7 with the EPA regarding the classification of  
8 glyphosate, the carcinogenicity of glyphosate, and  
9 the IARC classification.

10 So can you please tell me what the  
11 meeting was about.

12 A I could -- I can tell you what this  
13 document says, that there's a meeting about the  
14 IARC today that involves a committee member.

15 Q Okay. And why was it a useful meeting?

16 A I -- I did not speak to Clare Thorp. So  
17 I don't know.

18 Q CropLife doesn't know what it said to  
19 Jess Rowland at the meeting that CropLife had with  
20 Mr. Rowland?

21 MR. BURT: Object to form.

22 THE WITNESS: I think it would be  
23 impossible for CropLife to know every meeting,  
24 every communication that its staff has had.

1 Obviously this -- the committee -- at least one  
2 committee member is aware of this meeting, and  
3 that would be Daland Juberg --

4 BY MR. ESFANDIARY:

5 Q Madam -- madam --

6 A -- who would be a member of our human  
7 health committee.

8 Q -- you've seen this document before in  
9 preparation for this testimony, right?

10 A Mm-hmm.

11 Q So why on earth did you not go and  
12 confer with these individuals that were at the  
13 meeting to find out, to educate yourself to be  
14 able to competently testify about what transpired  
15 at the meeting?

16 MR. BURT: Object to form. This is  
17 purely harassing under Rule 30(d)(3). This  
18 witness spent over 50 hours preparing. She cannot  
19 possibly be expected --

20 MR. ESFANDIARY: Coming and testify  
21 about what transpired at a meeting --

22 MR. BURT: Excuse me.

23 -- to testify as to every meeting that  
24 ever happened regarding these topics.

1 MR. ESFANDIARY: I'm asking --

2 MR. BURT: She is more than reasonably  
3 prepared, and she does not know. That's the  
4 answer.

5 BY MR. ESFANDIARY:

6 Q Madam, you agree with me that this  
7 meeting that Mr. Rowland had with CropLife America  
8 was behind closed doors?

9 MR. BURT: Object to form.

10 THE WITNESS: I can't agree to that.

11 BY MR. ESFANDIARY:

12 Q This was a public meeting?

13 A I -- I doubt it was a public meeting,  
14 although there was a -- a member representative  
15 from one of our committees present. Mr. Juberg  
16 sits on our health and -- Human Health Committee.  
17 So...

18 Q Right. Are any of the individuals  
19 currently dying of non-Hodgkin's lymphoma from  
20 exposure to Roundup permitted to attend these  
21 meetings between CropLife America and the EPA?

22 MR. BURT: Object --

23 THE REPORTER: Excuse me, Counsel. I  
24 need you to repeat that.



1 MR. ESFANDIARY: Sure.

2 BY MR. ESFANDIARY:

3 Q Are any of the individuals currently  
4 dying of non-Hodgkin's lymphoma following exposure  
5 to Roundup permitted to attend these meetings  
6 between CropLife and the EPA?

7 MR. BURT: Objection to form. That's  
8 argumentative. It's harassing under Rule  
9 30(d)(3).

10 Counsel, I admonish you that this is  
11 getting close to where we're able to move for a  
12 protective order.

13 BY MR. ESFANDIARY:

14 Q I'm asking you, please answer my  
15 question.

16 A I'm not aware that every meeting with  
17 EPA is open to the public, nor does it need to be.

18 Q So the products that the EPA is  
19 regulating to which the public is being exposed,  
20 is it CropLife America's position that the public  
21 does not need to be present at those meetings?

22 MR. BURT: Object to form.

23 THE WITNESS: It's CropLife America's  
24 position that EPA through periodic times puts

1 items out for comment, has public meetings, and  
2 would welcome the public to be there. I can't  
3 speak for the EPA.

4 BY MR. ESFANDIARY:

5 Q If you look at Daland Juberg's response:  
6 "I have nothing further to add, but see that Jay  
7 has requested retraction of this document.  
8 Probably best for now to keep this within this  
9 group, and while we can hold, as a CropLife  
10 America member company, I am very interested in  
11 seeing how CropLife America can play a role in  
12 working to attenuate the impact that IARC  
13 decisions have on our chemistries and to avoid  
14 redundancies in overlap that a process has  
15 relative to other regulatory agency, EPA, reviews  
16 and conclusions."

17 Do you see that?

18 A I see that.

19 Q So here we are on April 4th, 2015, less  
20 than a month before IARC has announced its  
21 classification of glyphosate, and there was an  
22 expectation that CropLife America would work to  
23 attenuate the impact of the IARC decision on  
24 industry business, correct?

1 MR. BURT: Object to form.

2 THE WITNESS: I can't speak to what  
3 Daland means by that, but I think that what Daland  
4 is saying in this e-mail is exactly in line with  
5 what CropLife America would do, which would begin  
6 to think about the process that was used by IARC  
7 in reaching its conclusions and how that would  
8 relate to EPA and EPA's decisions.

9 BY MR. ESFANDIARY:

10 Q Well, let's take a look at what Jay  
11 Vroom says. He says: "I think a written recap of  
12 this meeting is fine. I just think we need to  
13 remove the reference to the EPA vote."

14 Do you see that?

15 A I see that.

16 Q So is it consistent with your  
17 understanding that CropLife was aware of how the  
18 EPA would vote on glyphosate prior to the EPA  
19 publishing its issue paper in 2016?

20 MR. BURT: Object to form.

21 THE WITNESS: I can't speak to what --  
22 what that exactly means. Is he referring to an  
23 attachment to this?

24 BY MR. ESFANDIARY:

1 Q This is your employee, madam.

2 A Right. He's -- well, he's a former  
3 employee, so I --

4 Q At the time he was an employee.

5 A Right, but I -- I'm just -- this is the  
6 first reference I'm seeing to an EPA vote. I  
7 don't know what his connotation means there. EPA  
8 doesn't vote on things. EPA regulates. So...

9 Q Your testimony is that the EPA doesn't  
10 vote on things?

11 A Exactly. EPA regulates products and  
12 puts products through rigorous testing -- requires  
13 rigorous testing for products that it approves --

14 Q Right.

15 A -- among various other things, to ensure  
16 the safety of products that go on the market.

17 Q Is it consistent with your understanding  
18 that during the meeting between CropLife and the  
19 EPA, Jess -- Mr. Rowland from the EPA informed  
20 CropLife of how the EPA was going to evaluate  
21 glyphosate in its 2016 issue paper?

22 MR. BURT: Object to form.

23 THE WITNESS: As I said before, I didn't  
24 have specific knowledge of this meeting.

1 BY MR. ESFANDIARY:

2 Q Would CropLife regularly meet with  
3 Mr. Rowland regarding the IARC?

4 A Not to my knowledge.

5 Q Not to your knowledge?

6 A I mean, from my discussions to prepare  
7 for this deposition, this wasn't a regular  
8 occurrence.

9 Q But it did occur, right? As we've seen  
10 in the documents right here.

11 A This document reflects one meeting.

12 Q Mm-hmm.

13 Are you aware of any of the details  
14 between these meeting between -- are you aware of  
15 any of the details of these meetings between  
16 CropLife America and Mr. Rowland being shared with  
17 the -- with the public after they occurred?

18 MR. BURT: Object to form.

19 THE WITNESS: As I said, this document  
20 reflects one meeting, and -- and, no, I'm not  
21 aware of anything being shared.

22 BY MR. ESFANDIARY:

23 Q Crop- -- CropLife America would not want  
24 those meetings with Mr. Rowland to be broadcasted

1 to the general public, correct?

2 MR. BURT: Object to form. That's  
3 argumentative.

4 THE WITNESS: That's -- without knowing  
5 what happened at the meeting -- I mean, we  
6 regularly meet with the EPA, and there's nothing  
7 to hide. I don't -- there's nothing to hide. We  
8 are always -- if I knew what happened at this  
9 meeting, I would tell you.

10 BY MR. ESFANDIARY:

11 Q Well, it's convenient that you don't.

12 Now, let's --

13 MR. BURT: Object to form. Move to  
14 strike that from the record.

15 BY MR. ESFANDIARY:

16 Q Let's look at what Mr. Vroom says. He  
17 says: "I definitely agree we need to exercise  
18 lots of focus and resources on this, and we should  
19 look to form a coordinated work plan in  
20 conjunction with the ECPA and CropLife  
21 International."

22 Do you see that?

23 A I see that.

24 Q So is that consistent with your

1 understanding that CropLife America did proceed to  
2 form a coordinated work plan in conjunction with  
3 CropLife International?

4 A That's not my understanding. That's not  
5 what I testified to.

6 You know, we would -- we would  
7 certainly -- as a member of CLI, we would  
8 certainly try to understand what their strategy is  
9 and not duplicate work. I mean, I'm speculating  
10 here, but perhaps -- you know, we're in the U.S.,  
11 they're in Europe, and we don't want to duplicate  
12 efforts and things of that sort. I mean, that's  
13 how I would read this. But, again, I'm  
14 speculating to that.

15 Q I'm asking you, did CropLife America  
16 proceed to form a coordinated work plan in  
17 conjunction with CropLife International?

18 MR. BURT: Objection. Asked and  
19 answered.

20 THE WITNESS: Not that I'm aware of.

21 BY MR. ESFANDIARY:

22 Q So in the document here, before the  
23 lawsuits were filed, CropLife America is saying  
24 that they will form a coordinated plan in

1 conjunction, but sitting here today in this  
2 deposition, you're saying that's not what  
3 happened, correct?

4 MR. BURT: Object to form. That's  
5 argumentative and harassing.

6 THE WITNESS: I think you're  
7 mischaracterizing this document. And it's  
8 really -- you know, obviously we had concerns  
9 about IARC, and the basis for that -- the  
10 conclusions made. And we knew the conclusion that  
11 was made, and we began working to -- to determine  
12 what we would do as an organization to make sure  
13 that, you know, U.S. agencies weren't following  
14 what -- an approach that we didn't think was sound  
15 science and reasonable.

16 BY MR. ESFANDIARY:

17 Q In a coordinated work plan in  
18 conjunction with CropLife International, though,  
19 correct?

20 A It's hard to say what that -- I mean,  
21 really, really entails, and usually -- if I could  
22 give you an example, like with respect to trade  
23 issues and things like that, it's helpful for  
24 CropLife America to know what CropLife



1 International is doing so there's no duplication  
2 of efforts. You know, we're -- we're working in  
3 the United States, and they're working in Europe.  
4 So it's -- it's --

5 Q You agree with me that the 2015  
6 classification of glyphosate affected Monsanto's  
7 business in both Europe and the United States?

8 MR. BURT: Object to form.

9 THE WITNESS: I -- I can't testify as to  
10 how the IARC classification affected Monsanto's  
11 business.

12 BY MR. ESFANDIARY:

13 Q Okay. Well, you agree with me that the  
14 IARC classification of glyphosate included  
15 products that are sold both in the U.S. and in  
16 Europe, right?

17 MR. BURT: Object to form.

18 THE WITNESS: I can testify that it  
19 included products sold in the U.S.

20 BY MR. ESFANDIARY:

21 Q Right. It's an industrywide issue,  
22 correct?

23 A Yes.

24 Q Okay. Now, following the IARC

1 classification, the National Toxicology Program  
2 was planning to evaluate glyphosate, correct?

3 A Can you give me some background on the  
4 National Toxicology Program?

5 Q You've never heard of the National  
6 Toxicology Program?

7 A I need to see a document referring to  
8 it. Do you have one?

9 Q No, no. Do you know what the National  
10 Toxicology Program is?

11 MR. BURT: Can you, Counsel, show us  
12 where on the list of topics it refers to the  
13 National Toxicology Program?

14 THE WITNESS: I don't think --

15 MR. ESFANDIARY: I'm laying the  
16 foundation for the carcinogenicity of glyphosate  
17 specifically, so just bear with me here.

18 BY MR. ESFANDIARY:

19 Q Do you know what the National Toxicology  
20 Program is?

21 A No, I was -- I don't believe that was a  
22 topic I was educated on or prepared to testify  
23 for.

24 Q Has CropLife America ever been involved

1 in any process issues relative to the National  
2 Toxicology Program?

3 MR. BURT: Object to form. This is  
4 beyond the scope.

5 THE WITNESS: I -- I didn't prepare on  
6 that.

7 BY MR. ESFANDIARY:

8 Q Are you aware that the National  
9 Toxicology Program was seeking to evaluate  
10 glyphosate following the IARC classification?

11 MR. BURT: Object to form. Beyond the  
12 scope.

13 THE WITNESS: I -- I was not educated on  
14 that topic.

15 BY MR. ESFANDIARY:

16 Q Well, let's look at what CropLife  
17 America knew about this. And you're here  
18 representing CropLife, aren't you? You're not  
19 here in your individual capacity.

20 A No, absolutely not.

21 THE WITNESS: Could we go off the record  
22 for a minute?

23 MR. BURT: Yes. Do you need a break?

24 THE WITNESS: No, I just want to know

1     how long we've been going, total time.

2                   THE VIDEOGRAPHER:  Total time for the  
3     day?

4                   THE WITNESS:  Mm-hmm.

5                   THE VIDEOGRAPHER:  Two hours and 57  
6     minutes.

7                   THE WITNESS:  Do you want to break at  
8     12:30?

9                   (Exhibit No. 13 was marked for  
10    identification.)

11  BY MR. ESFANDIARY:

12                 Q     13.

13                   MR. BURT:  Do you need a break before  
14     that?

15                   THE WITNESS:  I'm okay.

16                   MR. BURT:  Counsel, we will break at  
17     12:30.

18                   MR. ESFANDIARY:  Maybe.

19                   MR. BURT:  The witness has asked that we  
20     break at --

21                   MR. ESFANDIARY:  Oh, has the witness  
22     asked?

23                   MR. BURT:  Yes.

24                   MR. ESFANDIARY:  Yeah, then sure.

1 All right. That's correct, we're on 13?

2 MR. BURT: Yes.

3 BY MR. ESFANDIARY:

4 Q Okay. Now, this is a series of e-mails  
5 produced by CropLife America as CROPLIFE00009295,  
6 e-mails between Jay Vroom and others at CropLife,  
7 including Ray McAllister.

8 Take a look at the e-mail from Sabitha  
9 Papineni from Dow Chemical to CropLife America  
10 dated June 30th, 2016.

11 Have you seen these communications  
12 before?

13 I believe this was a document that was  
14 on your materials reviewed list that was supplied  
15 to us.

16 A Yes, yes. I mean, obviously I didn't  
17 have time to read through thoroughly, but I have  
18 seen this document.

19 Q So it's a four-page document, right?

20 A Mm-hmm.

21 Q Okay. So Ms. Papineni says: "FYI, in  
22 case you're not aware of this already," and the  
23 subject is "NTP will be evaluating glyphosate  
24 now," exclamation mark.

1           A     I see that.

2           Q     And it says: "Due to the different  
3 conclusions in the various human health  
4 assessments conducted to date and a significant  
5 public concern regarding glyphosate use and  
6 exposure, the NTP began to consider whether  
7 additional investigations into the potential  
8 toxicity of glyphosate and its formulations were  
9 warranted. The initial focus is on generic toxic  
10 -- toxicity in cancer" -- sorry, "the initial  
11 focus is on genetic toxicity in cancer,  
12 particularly studies that would inform mechanisms  
13 and pathways relevant to carcinogenicity."

14                     Do you see that?

15           A     Give me a minute to -- to read it,  
16 please. (Peruses document.)

17                     I see that.

18           Q     And on the next page, Mr. McAllister  
19 from CropLife America responds: "Does Thomas  
20 Burke have his fingers in this NTP activity?"

21                     Do you see that?

22           A     I see -- that was the next page. You're  
23 going backwards?

24           Q     295. The first page. I apologize.

1           A       (Peruses document.) I see that.

2           Q       Please tell the jury who Thomas Burke  
3 is.

4           A       I'm not sure who Thomas Burke is.

5           Q       Are you aware that he's a deputy  
6 assistant administrator of the Office of Research  
7 and Development at the EPA?

8           A       I have no reason to doubt you if that's  
9 who you're saying he is.

10          Q       Okay. But CropLife America certainly in  
11 this document knows who Thomas Burke is, right?

12          A       It appears, right.

13          Q       Right. And Mr. McAllister continues:  
14 "Europe announced yesterday that the glyphosate  
15 registration will be extended for 18 months while  
16 glyph- -- in order to allow the ECHA to come  
17 forward with its assessment of glyphosate  
18 carcinogenicity."

19                   Do you see that?

20          A       Where are you reading, please?

21          Q       I'm sorry. That's from page 2, and it's  
22 saying: "Europe announced yesterday" from the top  
23 there.

24                   "Europe announced yesterday that the

1 glyphosate registration will be extended for 18  
2 months while glyphosate" -- sorry, "for 18 months  
3 in order to allow ECHA to come forward with its  
4 assessment of glyphosate's carcinogenicity."

5 Do you see that?

6 A I see that.

7 Q And then Mr. McAllister from CropLife  
8 America says: "Maybe we can get the Rhode Island  
9 Department of Transportation and the Bolivian Navy  
10 involved also. Has any other agency agreed with  
11 IARC?"

12 Do you see that?

13 A I see that.

14 Q Okay. Is it CropLife's position that  
15 the next -- National Toxicology Program's ability  
16 to evaluate the carcinogenicity of glyphosate is  
17 on par with the Rhode Island Department of  
18 Transportation?

19 MR. BURT: Object to form. The NC --  
20 NTP is not on the list of topics to discuss in  
21 this deposition. She's not prepared on this.

22 THE WITNESS: I'm -- I'm not prepared --

23 MR. BURT: Counsel is well aware of what  
24 the topics are.



1 MR. ESFANDIARY: We're talking about the  
2 carcinogenicity of glyphosate.

3 MR. BURT: But you're asking  
4 specifically about the NTP, and that's not a topic  
5 on this list.

6 BY MR. ESFANDIARY:

7 Q Is it CropLife's position that the  
8 ability of IARC to classify glyphosate as a human  
9 carcinogen is on par with the Rhode Island  
10 Department of Transportation?

11 MR. BURT: Object to form. It's  
12 argumentative.

13 THE WITNESS: CropLife doesn't have a  
14 position on that.

15 BY MR. ESFANDIARY:

16 Q CropLife doesn't have a position on  
17 that?

18 A No. That's mischaracterizing this  
19 document.

20 Q Uh-huh. So what was Mr. Vroom from  
21 CropLife America -- sorry, Mr. McAllister from  
22 CropLife America talking about when he says,  
23 "Maybe we can get the Rhode Island Department of  
24 Transportation and the Bolivian Navy involved

1 also"?

2 A I am not sure. I did not educate myself  
3 with respect to these NTP discussions.

4 Q You -- you reviewed this document  
5 previously, though.

6 A I -- I saw it, and I understood that NTP  
7 was not a specific topic that was being requested,  
8 so I did not follow up on this particular  
9 document.

10 Q Oh. So, is it CropLife's position that  
11 it is not necessary for other agencies other than  
12 the EPA to be evaluating the carcinogenicity of  
13 Roundup?

14 MR. BURT: Object to form.

15 THE WITNESS: What are you -- what are  
16 you including in your definition of "other  
17 agencies"? U.S. agencies?

18 BY MR. ESFANDIARY:

19 Q Yes.

20 A EPA is the authority on pesticide  
21 registrations in the United States.

22 Q Are you -- do you have any reason to  
23 doubt the ability of the ATSDR to evaluate the  
24 carcinogenicity of glyphosate?

1           A       I'm not going to speculate as to that,  
2       but I can say that it's our position that there --  
3       FIFRA and the EPA process is what controls the law  
4       of the United States, and that we are -- we will  
5       defer to EPA.

6           Q       My question to you is, is it CropLife's  
7       position that the ATSDR is not able to competently  
8       assess the carcinogenicity of glyphosate?

9           A       CropLife America doesn't have a position  
10       on that.

11          Q       CropLife America doesn't have a position  
12       on that?

13          A       No.

14          Q       And so as I understand your testimony,  
15       it's that CropLife America only relies on the EPA  
16       in terms of competently being able to assess the  
17       carcinogenicity of glyphosate, correct?

18                   MR. BURT: Object to form.

19                   THE WITNESS: That -- that wasn't my  
20       testimony. My testimony is that EPA is the  
21       leading regulatory body in the U.S. on pesticide  
22       regulation and registrations.

23       BY MR. ESFANDIARY:

24          Q       Madam, number 17 on the list of topics

1 you're here to testify about is your interaction  
2 and conduct related to the EPA -- California EPA,  
3 ATSDR. You're aware of that, right?

4 MR. BURT: Number 17 was withdrawn,  
5 Counsel.

6 MR. ESFANDIARY: No, it wasn't.

7 MR. BURT: Yes, it was. And number 12  
8 says: "Your communications with Monsanto related  
9 to outreach to the Environmental Protection  
10 Agency, Agency for Toxic Substances and Disease  
11 Registry." That's where it's referenced.

12 MR. ESFANDIARY: Okay. Well --

13 MR. BURT: Communications with Monsanto  
14 related to that, if you want to ask her about  
15 that --

16 MR. ESFANDIARY: Sure.

17 BY MR. ESFANDIARY:

18 Q I mean, during your communications with  
19 Monsanto, did CropLife ever take a position on  
20 whether it was necessary for the Agency for Toxic  
21 Substances and Disease Registry to evaluate  
22 glyphosate?

23 A CropLife America wouldn't have that  
24 level of conversation with Monsanto.

1 Q That's your testimony?

2 A That is my testimony.

3 Q Here we have CropLife America talking  
4 about the NTP with Dow, right, in this document,  
5 and your testimony to the jury is that CropLife  
6 America would not talk about the ATSDR's  
7 evaluation of glyphosate with Monsanto?

8 MR. BURT: Object to form. This is  
9 purely argumentative and harassing.

10 THE WITNESS: We -- generally speaking,  
11 CropLife America would not get to that level on  
12 individual chemistries.

13 BY MR. ESFANDIARY:

14 Q Madam, that's just a lie, right?

15 MR. BURT: Object to form. Move to  
16 strike.

17 Counsel --

18 THE WITNESS: Excuse me?

19 MR. BURT: -- that is improper under  
20 every rule of evidence.

21 BY MR. ESFANDIARY:

22 Q Right?

23 MR. BURT: Object -- I want this on the  
24 record.

1 MR. ESFANDIARY: Oh, oh, I'm going to  
2 play this for the jury.

3 MR. BURT: I want -- I want this on the  
4 record that counsel has accused the witness of  
5 lying.

6 MR. ESFANDIARY: I'm playing this for  
7 the jury.

8 BY MR. ESFANDIARY:

9 Q That's a lie, right?

10 MR. BURT: And I'm playing this to the  
11 judge.

12 THE WITNESS: Absolutely not.

13 MR. CALHOUN: That will never be played  
14 to the jury, Pedram, and you know it.

15 MR. BURT: Under Rule 33(d)(3), that's  
16 harassing, and if you do it again, Counsel, I'm  
17 calling the judge and I'm moving to terminate this  
18 deposition for harassment.

19 MR. ESFANDIARY: We saw what happened at  
20 the last trial, Jason.

21 MR. BURT: Did you hear me, Counsel? If  
22 you do it again, I'm calling the judge and moving  
23 to terminate this deposition.

24 BY MR. ESFANDIARY:

1 Q Let's explore this a bit further.

2 MR. BURT: I've never seen this behavior  
3 in a deposition. It's outrageous.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

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█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

































1                   MR. BURT:  And before the witness  
2  answers, just to lodge the objection, this is a  
3  Monsanto document that's been marked  
4  "Confidential- Produced Subject to Protective  
5  Order."

6                   The protective order was never provided,  
7  nor did plaintiffs' attorneys ever ask her to sign  
8  it; therefore, we did not show her this document,  
9  nor do we have it.

10                  THE WITNESS:  I've never seen this  
11  document before.

12  BY MR. ESFANDIARY:

13                  Q     Okay.  If you could please turn to page  
14  ending in Bates number 080.

15                         And the subject is "NTP will be  
16  evaluating glyphosate now."  Do you see that?

17                  A     Just give me a minute to look at this.

18                  Q     Sure.

19                  A     (Peruses document.)

20                         Okay.  Where are you?

21                  Q     Okay.  I'm looking at page 080.

22                  A     Okay.

23                  Q     There's an e-mail from CropLife America  
24  HHRAC, specifically it's on behalf of Karin Sheets

1 Bentley to employees of Dow Chemical, and it's  
2 regarding that "NTP will be evaluating glyphosate  
3 now."

4           And CropLife America says: "Thank you,  
5 Sabitha, for alerting us on this review. I'm  
6 wondering if consideration should be given to  
7 CropLife America (and any other allies, such as  
8 ACC), submitting a letter to NTP and any other  
9 government organization that can put pressure on  
10 NTP, indicating that this planned review is not  
11 good use of federal funds, given the number of  
12 recent independent reviews that have been  
13 conducted, including JMPR, EFSA and EPA."

14           Do you see that?

15           A     I see that.

16           Q     Okay. Did CropLife America ever use its  
17 influence with members of the U.S. Congress to put  
18 pressure on regulatory agencies reviewing  
19 glyphosate?

20           MR. BURT: Object to form.

21           THE WITNESS: Put pressure on members of  
22 Congress, that was your question?

23           BY MR. ESFANDIARY:

24           Q     No, leveraging CropLife America's

1 relationship with members of Congress to put  
2 pressure on regulatory agencies reviewing  
3 glyphosate.

4 A Okay. I'm sorry.

5 MR. BURT: Object -- object to form.

6 THE WITNESS: You asked about Congress  
7 and then you asked about regulatory. Can you just  
8 repeat that, please?

9 BY MR. ESFANDIARY:

10 Q Sure. You know there's a difference  
11 between members of Congress and regulatory  
12 agencies, right?

13 A Wait -- right, but you -- when I asked  
14 you to rephrase it --

15 Q Sure.

16 A -- it came out differently, so I would  
17 just like to get a clarification on what your  
18 question is.

19 Q Okay. Has CropLife America ever used  
20 its influence with members of the U.S. Congress to  
21 put pressure on regulatory agencies, such as the  
22 EPA, regarding the review of glyphosate?

23 MR. BURT: Object to form.

24 THE WITNESS: Not to my knowledge.



1 BY MR. ESFANDIARY:

2 Q So when CropLife America is saying here  
3 "any other government organization that can put  
4 pressure on NTP," do you know what that's  
5 referring to?

6 A I do not.

7 Q Okay. You and I can --

8 A And that wasn't written by a CropLife  
9 employee.

10 Q Okay. It says written -- it's from  
11 CropLife America HHRAC, correct?

12 A It's from Karin Bentley from DuPont --

13 Q Right. But it says CropLife America --

14 A -- to -- right, but I -- the way she's  
15 worded that, I -- I don't agree with that  
16 characterization of what we do. So...

17 Q Okay. So you disagree with  
18 Ms. Bentley's characterization that CropLife  
19 America can put pressure on the NTP?

20 A Yes.

21 Q Okay. Let's turn to the first page of  
22 the document.

23 And here is an e-mail from -- well,  
24 Janet Collins, she -- she was a CropLife America

1 employee, correct?

2 A Yes, she was.

3 Q Okay. And she's sending an e-mail to  
4 Dr. Donna Farmer. Do you know who Dr. Farmer is  
5 from Monsanto Company?

6 A Donna Farmer?

7 Q Yes.

8 A No, I'm not familiar with her.

9 Q Okay. Do you see that Ms. Janet Collins  
10 says: "This is something that is going to need  
11 some communications at the Hill level."

12 Do you see that?

13 A Mm-hmm.

14 Q "Hill" is referring to Capitol Hill,  
15 correct?

16 A Okay.

17 Q And that is a reference to the U.S.  
18 Congress, correct?

19 A I would assume so.

20 Q So when Ms. Janet Collins is saying,  
21 "This is something that is going to need some  
22 communications at the Hill level," is she saying  
23 that CropLife America will be communicating with  
24 members of the U.S. Congress regarding the NTP

1 review of glyphosate?

2 MR. BURT: I'm going to object to this  
3 entire line of questioning. The NTP is beyond the  
4 scope of the agreed-upon topics, and so --

5 MR. ESFANDIARY: I'm asking about  
6 CropLife America's communications at the Hill  
7 level.

8 MR. BURT: Regarding NTP is what you  
9 asked. I could read your question back.

10 MR. ESFANDIARY: And you can look at  
11 deposition topic number 18 for clarification.

12 MR. BURT: "Facilitating Monsanto's  
13 freedom to operate with respect" --

14 MR. ESFANDIARY: Sorry, number 12.

15 MR. BURT: NTP is nowhere mentioned  
16 in number 12.

17 MR. ESFANDIARY: No, I'm not talking  
18 about communications with Monsanto related to --  
19 "Your interaction with and conduct related to  
20 members and staffers of the United States Congress  
21 related to potential adverse human health effects  
22 of GBFs, both directly and through lobbying  
23 efforts."

24 MR. BURT: This is -- this document is

1 about NTP and -- and efforts regarding NTP.

2 MR. ESFANDIARY: I'm asking --

3 MR. BURT: That's beyond the scope.

4 MR. ESFANDIARY: I'm asking about  
5 whether CropLife America uses its communications  
6 with staffers at the Hill level to influence  
7 regulatory decisions regarding glyphosate.

8 MR. BURT: Well, why don't we set this  
9 document aside, since it's beyond the scope, and  
10 you can ask her that question.

11 MR. ESFANDIARY: Okay. Well, let me  
12 ask --

13 MR. BURT: Set that aside.

14 THE WITNESS: Okay.

15 MR. ESFANDIARY: And I move that into  
16 evidence, the document, by the way.

17 THE WITNESS: Okay. What's your  
18 question?

19 BY MR. ESFANDIARY:

20 Q Yes. My question is, does CropLife use  
21 its influence at the Hill level to influence the  
22 regulatory evaluation of glyphosate?

23 MR. BURT: Object to form.

24 THE WITNESS: So, my answer to that

1 would be we have individuals in our government  
2 relations group that would go to Congress on  
3 policy issues, such as passing the farm bill and  
4 other legislative actions.

5 The EPA is regulated by FIFRA, and our  
6 interactions with EPA are generally with our  
7 science and regulatory group.

8 So, I mean, I'm saying generally because  
9 I can't know every interaction, but I would say  
10 that our government relations folks would  
11 primarily focus on getting legislation passed  
12 through Congress, whereas our science and  
13 regulatory group, they are the ones that deal with  
14 EPA and --

15 BY MR. ESFANDIARY:

16 Q Right.

17 A -- comment on EPA actions --

18 Q Right.

19 A -- and meet with EPA on industrywide  
20 issues.

21 Q Well, does CropLife America direct any  
22 efforts at ensuring that legislation is passed in  
23 Congress that will have an impact on how the EPA  
24 reviews products such as glyphosate?

1 MR. BURT: Object to form.

2 THE WITNESS: Primarily our focus is on  
3 the Endangered Species Act and its interplay with  
4 FIFRA.

5 BY MR. ESFANDIARY:

6 Q I'm not asking about glyphosate. I'm  
7 asking --

8 A So -- so, no, we do not lobby on -- on  
9 specific chemistries. They could tangentially  
10 appear, I'm sure, if they're asked about, but  
11 we -- our -- I interviewed and spoke with our  
12 entire government relations group, and they  
13 indicated to me that they do not lobby on specific  
14 chemistries.

15 Q Ah, okay. Did you speak with Janet  
16 Collins?

17 A So Janet Collins is not in our  
18 government relations group.

19 Q Okay. So when she's saying --

20 A You were asking me about being on the  
21 Hill. She doesn't -- she never would go to the  
22 Hill.

23 Q Okay. So when she's saying this  
24 requires communications at the Hill level, what is

1 that referring to?

2 A That would be referring to our  
3 government relations group.

4 Q So the government relations group does  
5 engage in communications at the Hill level related  
6 to glyphosate, correct?

7 A No --

8 MR. BURT: Object to form.

9 THE WITNESS: -- that's not what I said.  
10 I said I interviewed them, and they indicated they  
11 don't lobby or outreach to members of Congress on  
12 specific chemistries.

13 BY MR. ESFANDIARY:

14 Q Mm-hmm. So when Janet Collins is  
15 talking about communicating at the Hill level  
16 regarding the NTP's review of glyphosate, that's  
17 not related to glyphosate?

18 MR. BURT: Object to form.

19 THE WITNESS: So Janet Collins is not  
20 one of our government -- was not one of our  
21 government relations people. And -- and what  
22 she's saying about the Hill there, I mean, I don't  
23 know what would have been transpired to our  
24 government relations folks, but I'm telling you

1 exactly what the government relations people told  
2 me when I sat down and talked with them in  
3 preparation for this deposition.

4 BY MR. ESFANDIARY:

5 Q Okay. Let's talk about the Scientific  
6 Advisory Panel. Do you know what that is?

7 A Yes, I do.

8 Q Now, when the EPA initially classified  
9 glyphosate -- well, not initially classified.  
10 When the EPA conducted its 2016 evaluation of the  
11 underlying literature for glyphosate and  
12 non-Hodgkin's lymphoma, it then issued a -- a  
13 paper, right, the Glyphosate Issue Paper?

14 A The draft paper? Are you referring to  
15 the draft --

16 Q It's the 2016 Glyphosate Issue Paper,  
17 right?

18 A Mm-hmm.

19 Q Okay. And following that publication of  
20 the Glyphosate Issue Paper, the EPA then convened  
21 the Scientific Advisory Panel, right?

22 A Was that actually convened? I'm trying  
23 to go through the timeline in my head. I  
24 believe -- believe so.



1           Q     Okay.  And the Scientific Advisory Panel  
2     was charged with reviewing the EPA's evaluation of  
3     the glyphosate literature, correct?

4           A     Correct.

5           Q     And Scientific Advisory Panels have  
6     historically been convened by the EPA to peer  
7     review the quality of the Agency's evaluation of  
8     specific chemicals, correct?

9           MR. BURT:  Object to form.

10          THE WITNESS:  That's my general  
11     understanding.

12     BY MR. ESFANDIARY:

13          Q     Was it CropLife America's goal to stop  
14     the Scientific Advisory Panel from proceeding?

15          MR. BURT:  Object to form.

16          THE WITNESS:  No.  That would be a  
17     mischaracterization of what we would be trying to  
18     do.  I think our goal -- I think our position  
19     would be that it wasn't necessary given that the  
20     Scientific Advisory Panel was convened in response  
21     to IARC.  EPA had already made a determination on  
22     the chemistry.  And that every other regulatory  
23     body that has spoken to the safety of glyphosate  
24     has found it to be -- to be safe.  So...

1 BY MR. ESFANDIARY:

2 Q And you wouldn't character- --

3 Okay.

4 (Exhibit No. 16 was marked for  
5 identification.)

6 BY MR. ESFANDIARY:

7 Q I'm handing you Exhibit No. 16. Here's  
8 a CropLife document, CROPLIFE00000004, and it's  
9 from Janet Collins, CropLife America,  
10 December 13th, 2016. It has an attachment, also  
11 CropLife America attachment.

12 Have you seen this before?

13 A I have, mm-hmm.

14 Q Okay. Does this appear to have been  
15 created during the ordinary course of Monsanto --  
16 of CropLife America business?

17 A Yes. Although there's no Bates numbers  
18 on the following pages. Is this a native produced  
19 document?

20 Q Yes, that's a native produced document.

21 And if you take a look at the  
22 attachment, the first page, it says: "A FIFRA  
23 Scientific Advisory Panel on the carcinogenic  
24 potential of glyphosate is scheduled for

1 December 13th to 16th, 2016, at the EPA  
2 headquarters in Crystal City, Virginia, as a  
3 scientific peer-review mechanism. FIFRA staff  
4 provides comments, evaluations and recommendations  
5 to improve the effectiveness and quality of the  
6 analysis made by agency scientists."

7 A Mm-hmm.

8 Q "FIFRA SAP members are the advisory to  
9 EPA. EPA may take or not -- may take or not the  
10 recommendations of the SAP."

11 Do you see that?

12 A Mm-hmm.

13 Q Okay. Now, let's turn to the second  
14 page of the attachment, "Strategy and Goals."

15 And the first goal is: "Stop the SAP as  
16 it is a drain on resources for EPA and the  
17 industry."

18 Do you see that?

19 A Mm-hmm.

20 Q So that's contrary to your previous  
21 testimony that it's CropLife -- CropLife America's  
22 goal was not to stop the SAP, right?

23 MR. BURT: Object to form. That  
24 mischaracterizes.

1 THE WITNESS: Yeah, that's -- again, we  
2 would say that the SAP wasn't necessary.

3 BY MR. ESFANDIARY:

4 Q It says --

5 A Okay. If you want to say, "Stop the  
6 SAP," as we would have said, it's not necessary  
7 based on what EPA had found before and what other  
8 regulatory bodies had found.

9 Q Madam, CropLife America's --

10 A I mean, there's absolutely nothing wrong  
11 with us trying to advocate for EPA to stick with  
12 the standards it has already set.

13 Q You -- you agree with me that CropLife  
14 America's goal was to stop the Scientific Advisory  
15 Panel from --

16 MR. BURT: Object to form.

17 BY MR. ESFANDIARY:

18 Q -- proceeding, correct?

19 MR. BURT: Object to form.

20 THE WITNESS: CropLife America's goal  
21 was to make it known that we didn't believe a SAP  
22 was necessary.

23 BY MR. ESFANDIARY:

24 Q Okay.

1           A     How it's worded here, that's one  
2 person's wording.

3           Q     Right.

4           A     CropLife America's position is the SAP  
5 was not necessary.

6           Q     CropLife America's position in December  
7 2016 was to stop the SAP, and now in this  
8 deposition you're saying that's not CropLife  
9 America's position.

10          A     So first -- first of all --

11                   MR. BURT: Object to form.

12                   THE WITNESS: -- if I can explain to  
13 you.

14                   MR. BURT: Hold on.

15                   THE WITNESS: I'm sorry.

16                   MR. BURT: Yeah, let me -- let me  
17 object.

18                   THE WITNESS: Go ahead.

19                   MR. BURT: Object to form.

20                   THE WITNESS: Okay. Sorry.

21                   This -- this again is a committee  
22 comprised of various companies that are members of  
23 the Food and Beverage Committee. This is part of  
24 their agenda.

1                   And, again, as it says above right after  
2   "Strategy and Goals," it says, Support the process  
3   EPA has for registration, and that there was  
4   historic work done on this chemistry and that the  
5   SAP is not necessary.

6                   This says -- yes, this says, "Stop the  
7   SAP." If you would want me to read it, that's  
8   what it says.

9   BY MR. ESFANDIARY:

10                  Q     No, we can both read the words on the  
11   page.

12                  A     But, again, our position would be that  
13   it wasn't necessary due to the historic work  
14   conducted and the review that had already  
15   previously been done on this chemistry.

16                  Q     Thank you for the clarification. Now,  
17   if you'll --

18                  A     You're welcome.

19                  Q     -- also look, CropLife America says that  
20   the role of the Scientific Advisory Panel is to  
21   improve the effectiveness and quality of the  
22   analyses made by the agency scientists.

23                             If CropLife America --

24                  A     Excuse me, where are you?

1           Q     I'm looking at the -- the executive  
2 summary. "CropLife America identifies the purpose  
3 for the Scientific Advisory Panel to involve  
4 improving the effectiveness and quality of  
5 analyses made by the agency scientists."

6                     But at the same time CropLife America  
7 wants to stop the Scientific Advisory Panel from  
8 proceeding, correct?

9                     MR. BURT: Object to form.

10                    THE WITNESS: I think this -- this  
11 paragraph is providing some background as to what  
12 the -- what the SAP is.

13                    Given the -- that this is the Food and  
14 Beverage Committee, the level of knowledge on  
15 FIFRA and EPA might not be there for all the  
16 members of that committee, given that this is a  
17 multi-industry committee.

18 BY MR. ESFANDIARY:

19            Q     Mm-hmm. So why would CropLife America  
20 want to stop the SAP from proceeding if it allows  
21 the EPA's evaluation to be peer-reviewed to ensure  
22 its quality and accuracy?

23                     MR. BURT: Object to form.

24                    THE WITNESS: Because it had already

1    been done.  Because if you turn to the second page  
2    of this document, it says:  "To support the  
3    process EPA has for registration and review, and  
4    remind EPA of the historic work conducted to  
5    review the human health and environmental risk  
6    assessments for glyphosate."

7    BY MR. ESFANDIARY:

8           Q       So let me -- I'm making sure I  
9    understand your testimony.

10                  Your testimony to the jury is that as  
11    soon as an evaluation is done, it should be left  
12    alone and no one else should review it for quality  
13    or accuracy?

14           A       That --

15                  MR. BURT:  Object to form.  That  
16    mischaracterizes.

17                  THE WITNESS:  That is not what I said.  
18    I said that this document is to this committee,  
19    one is to remind EPA of the work that had already  
20    been done and the evaluation they had already  
21    made, and likely the rigorous process that it had  
22    already gone through.  And like I said before, the  
23    fact that no other regulatory body had made a  
24    determination in line with IARC.



1 BY MR. ESFANDIARY:

2 Q I'm -- I'm not talking about IARC. I'm  
3 talking about the EPA and the Scientific Advisory  
4 Panel's analysis of the EPA's results.

5 And I'm asking you, isn't it important,  
6 madam, for an independent Scientific Advisory  
7 Panel to comprehensively evaluate the -- the  
8 conclusions of the EPA to ensure their accuracy  
9 and quality?

10 MR. BURT: Object to form. Asked and  
11 answered three times now.

12 THE WITNESS: Yes. And, again, it's  
13 CLA's position that that had already been done.

14 BY MR. ESFANDIARY:

15 Q By who?

16 A EPA and --

17 Q The EPA checked its own work?

18 A -- had thoroughly been done, and that  
19 other organizations had -- had done that also.  
20 So, you know, this is trying to make the point  
21 that continuous convening of a SAP might not be  
22 necessary in this case.

23 Q Hmm. Look at the fourth point: "Remind  
24 EPA of the inappropriate use of epidemiologic

1 studies and risk assessment." Do you see that?

2 A I see that.

3 Q You agree that epidemiological studies  
4 look at the effects of the formulated Roundup  
5 product on individuals in the real world, correct?

6 MR. BURT: Object to form. She's not an  
7 expert on these studies and is not going to offer  
8 opinion testimony on them.

9 THE WITNESS: And I'm not going to  
10 testify as to a specific chemistry that is a  
11 member company's chemistry. If you'd like me to  
12 answer a different question --

13 BY MR. ESFANDIARY:

14 Q No, I'm asking you to answer the  
15 question where it says, number 4: "Remind EPA of  
16 the inappropriate use of epidemiologic studies and  
17 risk assessment."

18 That's the SAP's -- that's the CropLife  
19 America's comment right there, right?

20 A This is a comment of the Food and  
21 Beverage Committee.

22 Q Of CropLife America.

23 A Of CropLife America, which is comprised  
24 of various industry entities. And I can tell you

1 that its practice, agendas for our committees  
2 are -- or have -- the members of those committees  
3 have input on what goes into the agenda.

4 Q And I'm asking you, is it CropLife  
5 America's position that the use of  
6 epidemiological studies in evaluating the  
7 carcinogenicity of Roundup is inappropriate in the  
8 regulatory context?

9 MR. BURT: Object to form.

10 THE WITNESS: CropLife would not have an  
11 opinion -- have a position on that specific  
12 chemistry. We would have a position on the  
13 validity of science. Epidemiological studies can  
14 be helpful in some cases and not in others.

15 EPA has historically looked towards  
16 more, I guess, toxicology-based studies, but I  
17 would say in a risk assessment setting where  
18 you're trying to evaluate the actual risk from  
19 exposure, the person who wrote this is probably  
20 saying that epidemiological studies may not be the  
21 best tool to -- to measure risk assessment with.

22 BY MR. ESFANDIARY:

23 Q This is discussing glyphosate  
24 specifically, so it is discussing a chemical-

1 specific issue. Right?

2 A It's discuss- -- well, it's discussing  
3 glyphosate because EPA wanted to change its  
4 process and reconvene a SAP where it normally  
5 wouldn't. It's doing that after, I believe at  
6 this date, the IARC conclusion came out, and  
7 that's why EPA decided that it was going to  
8 perhaps reconvene a Scientific Advisory Panel.  
9 And CropLife America would be concerned with that  
10 process, that EPA is doing something it -- it  
11 doesn't usually do.

12 Q Okay.

13 A And so that to us is a -- an industry  
14 issue that could affect multiple members.

15 Q I'd just like to clear up some -- I  
16 think maybe you just got the timeline wrong.

17 The IARC came out in March of 2015.

18 A Mm-hmm.

19 Q Okay? EPA's issue paper came out in  
20 2016.

21 A Correct.

22 Q And then the SAP was convened at the end  
23 of 2016. Correct?

24 A Correct. I don't think --

1 Q So the SAP wasn't in response to IARC.  
2 It was in response to the EPA's evaluation,  
3 correct?

4 A I think which was spurred on by IARC.

5 Q You're telling me that the EPA's  
6 evaluation of glyphosate was spurred on by IARC?

7 A I think that's my understanding, unless  
8 I'm confused here, but that was my understanding,  
9 that EPA is reconvening this SAP because of the  
10 new findings from IARC.

11 Q You understand that --

12 A Unless I'm completely confused.

13 Q I think -- I think you are because --

14 A I may be. And, you know --

15 MR. CALHOUN: And I don't agree, so  
16 don't listen to what he's telling you. Just stick  
17 with --

18 BY MR. ESFANDIARY:

19 Q Okay. So --

20 A Well, I -- I mean, look, I spent a lot  
21 of time preparing, but it's my understanding that  
22 the timeline that their -- the IARC did, did spark  
23 EPA to take further looks at glyphosate, and  
24 that's my understanding from my preparation.

1           Q     Oh, so it's your testimony that the EPA  
2     considered IARC to be authoritative enough to  
3     instigate a --

4           A     And that's a --

5           Q     -- an evaluation of glyphosate based on  
6     what IARC has done?

7                     MR. BURT: Object to form.

8                     THE WITNESS: That is absolutely not  
9     what I said.

10          BY MR. ESFANDIARY:

11           Q     Okay. Madam, let me clear up some --  
12     some inaccuracies here.

13                     You do realize that EPA has been looking  
14     at -- the Glyphosate Issue Paper released in 2016  
15     was issued following work that commenced in 2009  
16     by the EPA, predating the IARC decision? You  
17     realize that, right?

18                     MR. BURT: Object to form. This is now  
19     beyond the scope.

20          BY MR. ESFANDIARY:

21           Q     If you don't know, you don't know. Just  
22     say, I didn't know that.

23           A     I -- I'm not aware of that. It was not  
24     part of my preparation.

1           Q     Okay.  I just don't want the jury to be  
2 misled.

3                     All right.  So we've established that  
4 CropLife America was not in agreement with the  
5 SAP, correct?

6                     MR. BURT:  Object to form.

7                     THE WITNESS:  We've -- we established --  
8 I believe my testimony was that CropLife America  
9 did not believe that EPA needed to convene another  
10 SAP.

11 BY MR. ESFANDIARY:

12           Q     Okay.  Now, are you aware that Roundup  
13 also contains, in addition to glyphosate,  
14 surfactants?

15                     MR. BURT:  Object to form.

16                     THE WITNESS:  I am aware.

17 BY MR. ESFANDIARY:

18           Q     Are you aware that one of those  
19 surfactants is POEA?

20           A     I wouldn't be able to name them  
21 individually, but I'm aware that it contains  
22 surfactants.

23           Q     Okay.  Are you aware that POEA has been  
24 banned in parts of Europe?

1                   MR. BURT: Object to form. It's beyond  
2 the scope.

3                   THE WITNESS: I didn't prepare as to  
4 that.

5 BY MR. ESFANDIARY:

6                   Q     Now, the EPA's 2016 analysis of  
7 glyphosate was focused on the active chemical, not  
8 the formulation, correct?

9                   A     That's my understanding.

10                  Q     Okay. In fact, the agency only  
11 solicited comments from the Scientific Advisory  
12 Panel regarding the active ingredient glyphosate,  
13 not the formulation, correct?

14                  MR. BURT: Object to form. This is  
15 beyond the scope.

16                  THE WITNESS: I mean, I'd have to  
17 speculate to that. It's -- I mean, if that's what  
18 you are saying -- I was not educated on that  
19 specific surfactant.

20 BY MR. ESFANDIARY:

21                  Q     Well, did CropLife object to the EPA  
22 conducting further work on determining the  
23 potential carcinogenicity of the Roundup  
24 formulation as opposed to just glyphosate?



1 MR. BURT: Object to form. Beyond the  
2 scope.

3 THE WITNESS: I -- I can't testify as to  
4 that --

5 BY MR. ESFANDIARY:

6 Q Does it --

7 A -- because I didn't talk to people about  
8 that issue.

9 Q You are here to talk about EPA --  
10 CropLife America's position on the carcinogenicity  
11 of the formulated product Roundup as well as  
12 glyphosate, correct?

13 A I am -- I've been educated on the topics  
14 in the deposition notice.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]



































































1 (Exhibit No. 19 was marked for  
2 identification.)

3 BY MR. ESFANDIARY:

4 Q Here is Exhibit No. 19. Just a few  
5 quick questions about this.

6 This is e-mails between Dan Jenkins and  
7 Ms. Collins regarding Jack Housenger of RA -- ARA,  
8 February 2nd, 2016.

9 Have you seen these documents before?

10 MR. BURT: I'm going to lodge an  
11 objection. This is a Monsanto document that is  
12 marked "Confidential - Produced Subject to  
13 Protective Order." Plaintiffs' counsel never  
14 provided the protective order, nor asked that this  
15 witness sign it.

16 MR. ESFANDIARY: Can't you just have a  
17 running objection to all of that so that we  
18 don't have to keep repeating it?

19 MR. BURT: That's fine, if --

20 MR. ESFANDIARY: I'll stipulate to a  
21 running objection that you have to all the MONGLY  
22 documents. I understand that that is your  
23 objection, so you don't have to keep repeating it.

24 MR. BURT: As long as that's understood



1 on the record, that's fine.

2 MR. ESFANDIARY: Understood.

3 BY MR. ESFANDIARY:

4 Q Now, have you seen this before?

5 A Not this particular document. I've seen  
6 a similar document in our production.

7 Q Okay. Now, if you look at the e-mail  
8 from Janet Collins to Dan Jenkins dated  
9 February 2nd, 2016. Do you see that?

10 A Which page are you on?

11 Q I'm on page 081.

12 A Okay. I'm there.

13 Q And it's -- this predates the  
14 publication of the Glyphosate Issue Paper by the  
15 EPA, correct?

16 A I believe so.

17 Q "Dan, these comments came from one of  
18 our members who was in the audience at the ARA."

19 That's the risk assessment meeting,  
20 correct?

21 A I believe so. We have other -- there  
22 are other organizations that go by that acronym.  
23 So I would believe so, but --

24 Q "The point on glyphosate is new to me.

1 I did not realize they would convene another SAP  
2 prior to communicating their assessment outcomes."

3 And then she says on the next page, on  
4 082 at the bottom, referring to Jack Housenger:  
5 "He also discussed the glyphosate/cancer issue by  
6 saying they would issue some sort of risk  
7 assessment or have it validated by the SAP."

8 Do you see that?

9 A I see that.

10 Q And Dan Jenkins replies: "Yes, aware of  
11 this. Find it troubling that he's saying it  
12 publicly as we are urging them not to. It's a  
13 very bad move to be so equivocal, especially when  
14 EFSA is so definitive, and hopefully JMPR will be  
15 soon too."

16 Do you see that?

17 A I see that.

18 Q And Ms. Collins replies: "Yes, rather  
19 concerning. I actually went back to our member to  
20 be sure that this was not said in a private  
21 conversation. If there is anything you think that  
22 CropLife America could do to assist, please let me  
23 or Ray know."

24 Do you see that?

1           A     I see that.

2           Q     Did CropLife America assist Monsanto  
3 with urging the EPA to not publicly announce that  
4 they are going to convene a SAP panel to validate  
5 the EPA's conclusions?

6           A     Say that again.

7           MR. ESFANDIARY: Can you read back the  
8 question, please?

9                     (Whereupon, the requested record  
10 was read.)

11           THE WITNESS: Can you rephrase that?

12 BY MR. ESFANDIARY:

13           Q     What didn't -- what didn't you  
14 understand?

15           A     I'm just not -- I'm not sure what you  
16 mean by that.

17           Q     Well, here we have Dan Jenkins saying  
18 that he finds it troubling that Mr. Housenger at  
19 the EPA is saying publicly that they are going to  
20 ask the SAP to validate the EPA's conclusions,  
21 correct?

22           A     I see that.

23           Q     And then Ms. Janet Collins from CropLife  
24 America agrees that it's rather concerning. Do

1 you see that?

2 A Mm-hmm.

3 Q Okay. And she's asking Monsanto to let  
4 CropLife America know if there's anything CropLife  
5 America could do to assist.

6 A Mm-hmm.

7 Q Correct?

8 What is that referring to?

9 A I think that's just, in general, CLA has  
10 members, and we would periodically raise these  
11 issues to committee and take action if we think we  
12 need to take action, if the committee thinks that  
13 they need to take action.

14 I don't -- I can't speak to what  
15 Ms. Collins specifically would have meant by do  
16 you think -- do -- do -- anything you think that  
17 CLA could do to assist, but that's something that  
18 we would typically say to a member who's in our  
19 trade association. We are here to do work on  
20 behalf of the industry. So it doesn't surprise me  
21 to see a communication where a member is alerting  
22 us to an issue, and we're saying is there anything  
23 we can do to assist.

24 Q And CropLife America shared Monsanto's

1 concern that the Scientific Advisory Panel will be  
2 convened to validate the EPA's evaluation,  
3 correct?

4 MR. BURT: Object to form.

5 THE WITNESS: I would say that it would  
6 have been an industrywide concern, and so  
7 therefore it would have been a CLA concern.

8 BY MR. ESFANDIARY:

9 Q The entire industry was worried about  
10 having an independent body review the EPA's  
11 evaluation of glyphosate, correct?

12 MR. BURT: Object to form.

13 THE WITNESS: I can't speak on the  
14 entire industry, but I would say that that would  
15 be an issue that could raise issues for multiple  
16 members for different products, and -- and it  
17 could raise concerns.

18 BY MR. ESFANDIARY:

19 Q Let's take a look at --

20 MR. ESFANDIARY: I'm going to admit that  
21 exhibit as well.

22 BY MR. ESFANDIARY:

23 Q Let's take a look --

24 THE WITNESS: Can we -- can we take a

1 break for a minute?

2 MR. ESFANDIARY: Sure.

3 THE VIDEOGRAPHER: The time is 2:18 p.m.

4 MR. ESFANDIARY: Could it be like five  
5 minutes, though, if it's okay?

6 THE WITNESS: Sure.

7 THE VIDEOGRAPHER: The time is 2:18 p.m.

8 We're going off the record.

9 (Recess.)

10 THE VIDEOGRAPHER: The time is 2:26 p.m.

11 We're back on the record.

12 BY MR. ESFANDIARY:

13 Q Now, prior to the publication of the  
14 IARC monograph, did CropLife America meet with  
15 Mr. Jack Housenger, the head of the OPP at the  
16 EPA, to discuss the implications of the monograph?

17 A I can't recall that, but if you have a  
18 document you want to show me --

19 Q Sure --

20 A -- I'm happy to --

21 Q Now, this is again a Monsanto produced  
22 document, so --

23 MR. BURT: Standing objection.

24 MR. ESFANDIARY: Yeah.





























1 it's the one from Steven Levine -- yes, that one.

2 Look at a date on the EPA pesticides  
3 programs e-mail at the bottom there. It says --  
4 it's dated October 14th --

5 A Mm-hmm.

6 Q -- 2016, correct?

7 And it says the EPA is postponing the --  
8 the SAP panel, correct?

9 A Correct.

10 Q Okay. So is it consistent with your  
11 understanding based on this document that on  
12 October 14th, the EPA issued announcement saying  
13 that it would postpone the Scientific Advisory  
14 Panel?

15 MR. BURT: Object to form.

16 THE WITNESS: That's what the document  
17 says in the update from EPA.

18 BY MR. ESFANDIARY:

19 Q Okay. Now, if you look at the document  
20 I just tendered to you --

21 A Mm-hmm.

22 Q -- it's dated October 13th, a day before  
23 the EPA announced that it would postpone the SAP,  
24 correct?

1           A     Correct.

2           Q     And here we have an e-mail from Jay  
3 Vroom, and it's to Jack Housenger. Can you see  
4 that?

5           A     I see that.

6           Q     And it says: "Hi, Jack, I just left you  
7 a voicemail saying I'm in Iowa today, and tomorrow  
8 I'm wondering if we can find a time to talk  
9 about" -- look at number 2 -- "our recent letters  
10 (also appended) about the glyphosate SAP."

11                     Do you see that?

12          A     I see that.

13          Q     Okay. So is it consistent with your  
14 understanding that Mr. Vroom from CropLife America  
15 reached out to the head of the agency that made  
16 the decision about postponing the SAP a day before  
17 the SAP was postponed?

18                     MR. BURT: Object to form.

19                     THE WITNESS: I see that there is an  
20 e-mail from Jay Vroom to Jack Housenger on  
21 October 13th about the SAP.

22          BY MR. ESFANDIARY:

23           Q     And this is a day before the SAP was  
24 postponed, correct?

1 A In fact, it is, yes.

2 Q And CropLife America's position was that  
3 a SAP was not necessary, correct?

4 A That's correct.

5 Q Now, going on -- and then Mr. Vroom and  
6 Mr. Housenger are on a first name basis there,  
7 right? It says, "Hi, Jack."

8 A We deal with EPA employees all the time.

9 Q Right.

10 A And usually they all go by their first  
11 name.

12 Q Oh, yeah. And this is the -- the head  
13 of the EPA's Office of Pesticide Programs,  
14 correct?

15 A That's correct. This is --

16 Q Okay. And --

17 A I mean, we -- we have regular  
18 communications with the EPA. We know --

19 Q Of course.

20 A -- these people.

21 Q And it says third -- and he also wants  
22 to talk about CropLife America board retreat at  
23 Charles Town, West Virginia, November 9th to 11th.  
24 Do you see that?

1           A     I see that.

2           Q     So I'll represent to you that the SAP  
3 eventually did reconvene in December.

4                     Do you -- do you have -- is that your  
5 understanding as well?

6           A     That's my understanding.

7           Q     Okay. So less than a month before the  
8 SAP eventually reconvened, Jack Housenger, the  
9 director of the EPA OPP, attended a private  
10 CropLife retreat in Charles Town, West Virginia,  
11 at CropLife's request, correct?

12                     MR. BURT: Object to form.

13                     THE WITNESS: I --

14                     MR. BURT: Misstates -- mischaracterizes  
15 the document.

16                     THE WITNESS: I don't know if -- if --  
17 what he wanted to talk about there or whether Jack  
18 Housenger attended the CLA board retreat.

19                     If you have a document you would like to  
20 show me that --

21 BY MR. ESFANDIARY:

22           Q     Let's go to the document.

23           A     -- that indicates that he did, I'm happy  
24 to look at it.

1 (Exhibit No. 23 was marked for  
2 identification.)

3 BY MR. ESFANDIARY:

4 Q Exhibit No. 23.

5 MR. ESFANDIARY: Copies for counsel.  
6 Martin, you've seen this one before.

7 MR. BURT: Standing objection.

8 BY MR. ESFANDIARY:

9 Q Okay. This is a document,  
10 MONGLY07063555, and it's from Jay Vroom, CropLife  
11 America, on behalf of himself, dated  
12 November 17th, to Eric Sachs of Monsanto Company  
13 regarding CropLife America's this week and next:  
14 November 10th, 2016.

15 Have you seen this document before?

16 A No. This was not a document that was in  
17 our production.

18 Q But it appears to have been sent by  
19 Mr. Vroom from CropLife during the ordinary course  
20 of CropLife America's business, correct?

21 A I believe that this would have been an  
22 automated newsletter sent out to all the member  
23 company individuals that subscribed.

24 Q Ah. Okay. And if you take a look at --

1 556, the page ending Bates number 556, and it  
2 says: "Post-election letter to CropLife America  
3 members from Board Chair Diane Allemang and  
4 President Jay Vroom."

5 Do you see that?

6 A Mm-hmm, I see that.

7 Q And on 557, it says -- the last  
8 paragraph of 557: "As you know, we just conducted  
9 our annual CropLife America board leader retreat  
10 at the end of last week."

11 And end of last week, that would put the  
12 date right about November 9th, correct? Given  
13 that this was sent on November 17th -- sorry, the  
14 week of November 10th.

15 A I -- I guess so.

16 Q Right.

17 A Sorry, I'm -- if that's what you're -- I  
18 guess, if that's the week before.

19 Q Yeah. And Mr. Vroom's prior e-mail to  
20 Mr. Housenger said that he wanted to talk to him  
21 about the CropLife America board retreat occurring  
22 on November 9th to 11th, correct?

23 A Wait, I'm confused. Are you going back  
24 to --



1           Q     Sorry.  Just, yeah, on the last previous  
2 document, he says that -- he says "CLA board  
3 retreat at Charles Town, West Virginia."

4           A     Okay.

5           Q     That date, November 9th to 11th,  
6 corresponds with what CropLife America is  
7 referring to in this newsletter, correct?

8           A     I would agree.

9           Q     Okay.  So they say -- CropLife America  
10 says in the newsletter:  "It was originally  
11 planned to immediately follow the election so we  
12 could quickly assess the outcome as it applies to  
13 CropLife America's priorities for the remainder of  
14 this administration and the start of the next.  To  
15 say our timing was perfect is an understatement."

16                     Do you see that?

17           A     Mm-hmm.  I see that.

18           Q     "As you can see from accompanying  
19 photos, we were fortunate to get several key  
20 political advisors to join us with roots in both  
21 political parties."

22                     Do you see that?

23           A     I see where it says that, yes.

24           Q     Okay.  So --

1           A     It looks like the photo was --

2           Q     So CropLife America holds a retreat  
3 right after the 2016 U.S. presidential election  
4 where Donald Trump was elected into office in  
5 order to secure the support of policymakers,  
6 correct?

7                     MR. BURT: Object to form.

8                     THE WITNESS: No. CropLife America  
9 holds board member retreats annually to discuss  
10 everything from budgets to industry issues to  
11 leadership of our organization. So --

12 BY MR. ESFANDIARY:

13           Q     Right, but --

14           A     -- this is not purposefully set for any  
15 reason. They're annual meetings.

16           Q     Oh, okay. They're just for kicks?

17                     MR. BURT: Object to form. That  
18 mischaracterizes.

19                     THE WITNESS: That's not what I said. I  
20 said we have annual meetings. Every year there's  
21 a board retreat, and it's to discuss a variety of  
22 issues.

23 BY MR. ESFANDIARY:

24           Q     Right.

1           A     Industry issues, leadership issues for  
2     the organization, budgets, and things like that.

3           Q     So, "As you can see from accompanying  
4     photos, we're fortunate to get several key  
5     political advisors to join us with roots in both  
6     political parties."

7                     Do you see that?

8           A     I see that, mm-hmm.

9           Q     Is your testimony to the jury that  
10    during this private CropLife America retreat,  
11    CropLife America did not try to secure the  
12    assistance of the new incoming administration?

13                     MR. BURT:  Object to form.

14                     THE WITNESS:  So this says "key  
15    political advisors with -- from both political  
16    parties."  And that is something that we have to  
17    always be mindful of in our organization, as  
18    administrations change, then we need to be able to  
19    work with both political parties.  This does not  
20    say anything in particular about trying to -- to  
21    meet with just one of the parties.

22                     BY MR. ESFANDIARY:

23           Q     We'll get to that.  Let's look at the  
24    next, it says:  "We had some quality time with EPA

1 OPP office director Jack Housenger to dig into key  
2 issues and operational matters at that vital  
3 department at EPA." Right?

4 A I see that, yeah.

5 Q Did CropLife America urge Jack Housenger  
6 to cancel the Scientific Advisory Panel at this  
7 private retreat where CropLife spent quality time  
8 with the director?

9 MR. BURT: Object to form.

10 THE WITNESS: Not to my knowledge in the  
11 preparation I did. This is not unusual for  
12 CropLife America to invite EPA leadership to meet  
13 with our organization, our committees, our board  
14 members to speak on issues.

15 I was not present at this meeting, but  
16 I'm sure there would be some discussion over the  
17 change of political leadership and -- and where  
18 EPA would be going through the course of the --  
19 the course of the new administration. I say that  
20 because it's been a -- it's been a topic of  
21 interest and importance to us since the  
22 administration changed over.

23 I also -- can I refer back to another  
24 document?

1 BY MR. ESFANDIARY:

2 Q If you'd like.

3 A Because I would say that in the -- the  
4 document alerts that EPA put out, EPA cites its  
5 reason for canceling the SAP, and CropLife America  
6 couldn't -- couldn't speak to anything more than  
7 what EPA is saying is the reason. So...

8 Q Okay. Were members of the public  
9 fortunate enough to be present at this private  
10 retreat in West Virginia?

11 A Why would -- why would members of the  
12 public attend a CropLife America board meeting?

13 Q Well, madam, the EPA is a tax-funded  
14 institution, correct?

15 A Mm-hmm.

16 Q If the head of the EPA's OPP is meeting  
17 at the private retreat with CropLife America  
18 industry association, you don't think that  
19 consumers have any right to know what went on  
20 between CropLife America and the head of the OPP?

21 MR. BURT: Object to form.

22 THE WITNESS: I think that it's  
23 perfectly normal for various agencies to meet with  
24 the interested industries and that not be

1 something open for public participation or  
2 comment, giving the landscape of what EPA may be  
3 doing over the next year. Have -- EPA under the  
4 governmental rules is not prohibited from -- from  
5 coming and speaking at a CropLife America  
6 committee meeting or -- or a board meeting. And I  
7 don't -- I don't necessarily think that -- I mean,  
8 CropLife America doesn't have an opinion as to  
9 whether the public should be invited to all those  
10 meetings. But it is our -- our board meeting. So  
11 it's not really typical that you would invite the  
12 public to a board meeting.

13 BY MR. ESFANDIARY:

14 Q Right. Because you wouldn't want to  
15 reveal your strategies for lobbying individuals  
16 such as Jack Housenger with the broader public,  
17 correct?

18 MR. BURT: Object to form. That's just  
19 argumentative.

20 THE WITNESS: No, that's not -- you're  
21 mischaracterizing what happens at these types of  
22 meetings. They're largely business meetings.  
23 There are -- are business activities that are  
24 conducted at these meetings. I mean, it's not --

1 there's nothing to hide there. We often have EPA  
2 individuals come speak to our board, our members,  
3 our meetings. It happens all the time. We have  
4 USDA come and speak to us. It's not just EPA.  
5 It's --

6 BY MR. ESFANDIARY:

7 Q You then published the -- the  
8 proceedings from those meetings on a website I can  
9 go look at?

10 A I don't --

11 MR. BURT: Object to form.

12 THE WITNESS: I don't think there's any  
13 requirement that an organization publish what  
14 happens at their -- at their meetings.

15 BY MR. ESFANDIARY:

16 Q So you would only publish the  
17 proceedings if you were required to do so?

18 MR. BURT: Object to form. This is  
19 outside the scope.

20 THE WITNESS: Yeah, I mean, I don't know  
21 what you're getting at, except that I can tell you  
22 being -- having been at these types of meetings,  
23 they're very high level meetings about industry  
24 issues and -- and visions for where things are

1 going for the year.

2 And I don't have knowledge of this  
3 specific meeting, but my guess is that it would  
4 have been fairly high level --

5 BY MR. ESFANDIARY:

6 Q Right.

7 A -- and especially after an election, I'm  
8 sure, given that a large part of 2017 was spent on  
9 discussing the new administration, that that  
10 probably would have been discussed.

11 Q Right. So let's take a look at the next  
12 page on 558. It says: "We believe that CropLife  
13 America was well positioned no matter what  
14 candidates won the general election, but the  
15 outcome provided by U.S. voters provides CropLife  
16 America and our allies an opportunity to address  
17 several key issues in ways we have not recently  
18 contemplated."

19 Do you see that?

20 A Mm-hmm. I see that.

21 Q So that's referring to the election of  
22 Donald Trump, right?

23 A Yes. Mm-hmm.

24 Q Okay. So CropLife America felt better



1 positioned to lobby for the industry following the  
2 election of President Trump, correct?

3 MR. BURT: Object to form. That  
4 mischaracterizes.

5 THE WITNESS: Not necessarily. I think  
6 it's just a different approach given different  
7 administrations.

8 BY MR. ESFANDIARY:

9 Q Well, it doesn't say that, does it?

10 A I mean, I'm speaking as a corporate  
11 representative to know that if there is -- based  
12 on whatever administration would have gotten in,  
13 you have to take a different approach.

14 Q It says: "But the outcome of Donald  
15 Trump getting elected provides CropLife America  
16 and allies an opportunity to address several key  
17 issues in ways we have not recently contemplated."

18 MR. BURT: Object to form.

19 BY MR. ESFANDIARY:

20 Q See that?

21 MR. BURT: That misstates what the  
22 document states.

23 THE WITNESS: That's what the document  
24 says.

1 BY MR. ESFANDIARY:

2 Q Is it CropLife America's contention that  
3 it would have had an opportunity to address those  
4 key issues in the same way if Donald Trump had not  
5 been elected?

6 MR. BURT: Objection. This is outside  
7 the scope.

8 THE WITNESS: I mean, I am pretty  
9 certain I know what key issues it's speaking to,  
10 and I am pretty certain that it's probably  
11 different than what you're thinking.

12 So if you would like to ask me that  
13 question, I'm happy to address, you know, what our  
14 key issue is at CropLife America, which would be  
15 FIFRA reform and the Endangered Species Act, and  
16 how that -- how EPA carries out the process in  
17 conjunction with other governmental agencies of  
18 enforcing the Endangered Species Act. That is our  
19 highest priority issue --

20 BY MR. ESFANDIARY:

21 Q Okay.

22 A -- and industrywide issue that's very --  
23 very much of concern to CropLife America and its  
24 members.

1 Q Right. So --

2 A Again, knowing what our key issues as an  
3 organization, as the corporate representative, I'm  
4 almost certain that that is what this is referring  
5 to.

6 Q Madam, the safety of glypho- -- so let  
7 me understand this.

8 CropLife America, at the end of the day,  
9 has a vested interest in the continued  
10 registration of glyphosate, correct, because  
11 Monsanto's dues are based on how much profit  
12 Monsanto can make from its products, as you  
13 testified to earlier?

14 MR. BURT: Object to form. That  
15 mischaracterizes the testimony entirely. It's  
16 compound, it's argumentative.

17 THE WITNESS: That's -- no. Can you  
18 repeat your question, please, and break it down?

19 BY MR. ESFANDIARY:

20 Q Is your testimony to the jury that  
21 CropLife America does not have a vested interest  
22 in the continued registration of Roundup?

23 MR. BURT: Object to form.

24 THE WITNESS: CropLife America wants its

1 members to be able to -- once they register their  
2 product, to be able to use their products and --  
3 and make sure that registration -- we're concerned  
4 with the registration issue. The safety issue, it  
5 is very important to us that the products are  
6 safe, but it is within the realm of our member  
7 companies to test their products and submit that  
8 data to EPA, and for EPA to make its decision. We  
9 don't get involved at that level.

10           There are often registration issues that  
11 come up throughout the industry that are very  
12 unrelated to what we're doing here today, things  
13 like labels and approvals from EPA, and that is  
14 something that we as a trade association become  
15 very involved in because it affects all of our  
16 members.

17           So -- so I'm not sure what else you want  
18 me to say on that, but -- I mean, that's our  
19 position. We just don't get to that level of  
20 proprietary information with our member companies.

21           Q     Right.

22           A     But we do -- you know, it's very  
23 important to us that consumers have safe products,  
24 to ensure a food source for the people in this

1 country. That -- I mean, that is very important  
2 to us.

3 MR. ESFANDIARY: I'm going to move to  
4 strike the entire answer as nonresponsive.

5 BY MR. ESFANDIARY:

6 Q My question to you is --

7 MR. BURT: I -- and I object to that  
8 motion.

9 MR. ESFANDIARY: Okay.

10 MR. BURT: It's entirely responsive.

11 BY MR. ESFANDIARY:

12 Q Because you don't get into the  
13 nitty-gritties of the detail, CropLife America  
14 could have been promoting a product that carried a  
15 carcinogenic risk, right?

16 MR. BURT: Object to form. This is pure  
17 argument.

18 THE WITNESS: CropLife America does not  
19 promote specific products.

20 BY MR. ESFANDIARY:

21 Q CropLife America --

22 A I said that to you several times today,  
23 and I'm going to say it again.

24 Q Okay.

1           A       We do not support or promote specific  
2 molecules. We represent numerous members, and we  
3 have to look out for all of their interests. We  
4 cannot play favorites. We would have some very  
5 angry members on the other side of the coin if we  
6 did that. So we do not promote specific  
7 chemistries. Again, we look at the process issues  
8 and the industry issues that are faced by our  
9 member companies.

10           Q       Is it possible that CropLife America  
11 could have been supporting a process issue which  
12 turned out to involve a product that is  
13 carcinogenic because CropLife America does not  
14 concern itself with the details of the individual  
15 chemistry?

16                   MR. BURT: Object to form. That calls  
17 for speculation, it's argumentative, and it calls  
18 for expert opinion testimony.

19                   THE WITNESS: I mean, I'm not going to  
20 guess to that. I'm going -- I'm going to say that  
21 the products that our registrants put forward to  
22 EPA are subject to rigorous approval by EPA, and  
23 once they're approved, we support our industry on  
24 the sale of their products.

1 BY MR. ESFANDIARY:

2 Q So once it's approved, that's it, right?

3 It's presumed to be safe by CropLife America,

4 correct?

5 MR. BURT: Object to form.

6 THE WITNESS: I don't think it's

7 CropLife America's job to -- to look at safety.

8 That is EPA's job. That's Monsanto's job. That's

9 our registrants' job.

10 BY MR. ESFANDIARY:

11 Q Thank you. All right.

12 Are you familiar with the Agricultural

13 Health Study?

14 A I am.

15 Q Have you read it?

16 A I haven't read it. I'm familiar with  
17 what it is, what kind of study it is, and CropLife  
18 America's position about it.

19 Q How can you testify competently about  
20 CropLife America's position about it if you  
21 haven't read the study?

22 MR. BURT: Object to form.

23 THE WITNESS: You expected me to read a  
24 longitudinal epidemiological study that's been

1 going on since the early 1990s to prepare for this  
2 deposition?

3 BY MR. ESFANDIARY:

4 Q I appreciate --

5 A I think that's a little bit outside of  
6 the scope.

7 Q I appreciate the sarcasm, but you do  
8 understand that the Agricultural Health Study's  
9 latest publication is 2018 and is no more than ten  
10 pages, correct?

11 MR. BURT: Objection. Category 9  
12 states: "Your knowledge, positions and conduct  
13 related to the Agricultural Health Study's  
14 evaluation of GBFs." That's what she's prepared  
15 to testify about.

16 MR. ESFANDIARY: No, no, I -- that's not  
17 what I agreed upon. She's here to talk about the  
18 Agricultural Health Study in general.

19 THE WITNESS: The Agricultural Health  
20 Study is not something conducted by CropLife  
21 America. I'm familiar with what it is, what type  
22 of study it is, and what CropLife America has done  
23 with respect to that study. I don't -- we don't  
24 have individuals that have worked on that study or



1 participated in that study.

2 BY MR. ESFANDIARY:

3 Q Right, but you --

4 A So I'm happy to -- to answer questions  
5 with respect to CropLife's position on that study.

6 Q CropLife America has -- well, let's get  
7 the...

8 So the Agricultural Health Study  
9 commenced in the 1990s, correct?

10 A I think it was around 1993.

11 Q Right, the year after I was born. And  
12 it was to assess the carcinogenicity of various  
13 pesticides, correct?

14 A I believe so. It's an epidemiological  
15 study --

16 Q Okay.

17 A -- involving farmer families, I believe.

18 Q Right. And the AHS studies the  
19 carcinogenic potential of Roundup as one of the  
20 chemicals, correct?

21 A I believe glyphosate was looked at.  
22 I -- I don't know what specific product or  
23 formulation of that, but I think glyphosate was  
24 part of it.

1           Q     You do know that glyphosate is the  
2 active chemical --

3           A     I do.

4           Q     -- in Roundup that is used by the study  
5 participants which were analyzed by the  
6 Agricultural Health Study, correct?

7           A     I -- I believe so.

8           Q     Okay.

9           A     And there are other products involved as  
10 well.

11          Q     Right. But I want to -- let's stay  
12 focused on Roundup, okay? So Roundup was one of  
13 the products that was evaluated by the AHS,  
14 correct?

15          A     I believe so.

16          Q     Okay. And --

17          A     Although I do think that's a  
18 mischaracterization of the way an epidemiological  
19 study is run, and, I mean -- if it was analyzing  
20 what data was submitted with respect to those  
21 who've used Roundup.

22          Q     Okay. I'm going -- I'm going to probe  
23 the basis for your knowledge in epidemiological  
24 studies in just a minute.

1                   What is a cohort study?

2                   A     Cohort -- okay.  This is beyond the  
3     scope for sure.

4                   Q     You just testified --

5                   A     And I -- and I -- I can testify to that  
6     as a personal individual based on my individual  
7     background.  I'm just simply stating to you the  
8     knowledge that I've learned in preparation for  
9     this deposition with respect to that study.

10                  Q     What is a cohort study?

11                  A     So --

12                         MR. BURT:  I'm going to object to form,  
13     as beyond the scope.

14                         THE WITNESS:  I mean, I don't think I --  
15     I'm the person qualified to answer that.

16     BY MR. ESFANDIARY:

17                  Q     You're aware that the Agricultural  
18     Health Study is a cohort study, correct?

19                  A     Absolutely.

20                  Q     Oh, absolutely.

21                  A     Mm-hmm.

22                  Q     Okay.  So what is it?

23                  A     A cohort study is -- if you -- can I  
24     testify in my personal capacity to that?

1 MR. BURT: Do you want her testimony in  
2 her personal capacity?

3 BY MR. ESFANDIARY:

4 Q Go ahead.

5 MR. BURT: And not on behalf of CropLife  
6 America?

7 THE WITNESS: I am not --

8 MR. BURT: As long as that's clear on  
9 the record.

10 MR. ESFANDIARY: On this one question --

11 THE WITNESS: As long as it's clear on  
12 the record, a cohort study is a study that takes a  
13 group of people and follows that group of people  
14 over a period of time.

15 BY MR. ESFANDIARY:

16 Q And CropLife America is aware there have  
17 been numerous publications coming out of the AHS,  
18 correct?

19 A Yes.

20 Q Are you aware of the AHS publication  
21 De Roos 2005?

22 A Can you say that again? I didn't --

23 Q Are you aware of the AHS publication  
24 De Roos 2005?

1           A     I -- I did not dig into the specific  
2     publications to understand CropLife America's  
3     position on the Agricultural Health Study.

4           Q     Now, are you aware that the association  
5     between Roundup exposure and non-Hodgkin's  
6     lymphoma was deemed negative in De Roos 2005?

7                     MR. BURT: Object to form. She just  
8     testified she doesn't know what that is.

9                     THE WITNESS: I'm not prepared to  
10    testify on that.

11    BY MR. ESFANDIARY:

12           Q     You do realize that De Roos 2005  
13    evaluated glyphosate, correct?

14                     MR. BURT: Object to form.

15                     THE WITNESS: I -- I believe that my  
16    preparation for the testimony in the Agricultural  
17    Health Study was our position -- CropLife  
18    America's position on that study.

19    BY MR. ESFANDIARY:

20           Q     Right. And that's what I'm asking you  
21    about.

22                     De Roos is an Agricultural Health Study  
23    study.

24           A     I think that to be -- it might help you

1 to understand the Agricultural Health Study really  
2 hasn't been a focus of -- of CropLife America for  
3 at least about ten years. It's not something that  
4 has been at the forefront of what we've been  
5 working on. There's been a little bit of chatter  
6 about it in committees, but nothing that CropLife  
7 America has made a priority.

8 I could give you generally what our  
9 position is on the Agricultural Health Study as an  
10 organization if you'd like.

11 Q Is it CropLife America's position that  
12 the Agricultural Health Study is a reliable study  
13 for assessing the carcinogenicity of glyphosate?

14 MR. BURT: Object to form.

15 THE WITNESS: I think that --

16 MR. CALHOUN: Also objection, vague in  
17 this context.

18 THE WITNESS: CropLife America wouldn't  
19 take a position on that chemistry-specific  
20 question that you just asked me.

21 What we would be more concerned with  
22 would be the -- the way the study was conducted,  
23 variables looked at, the kind of study methodology  
24 would be something that we would be more concerned

1 with, and how that would implicate members  
2 industrywide as to kind of how studies should be  
3 conducted.

4                   That would be our position. We don't  
5 get into and advocate specifically on -- on the  
6 chemistries. That's not to say it's never been  
7 done, but I'm just saying that, generally  
8 speaking, we -- where we would be more concerned  
9 with the methodology used, variables looked at,  
10 and whether or not that's something that should be  
11 something that regulatory bodies, like EPA,  
12 should -- should follow as a standard or accept as  
13 a standard.

14 BY MR. ESFANDIARY:

15                   Q       So let's talk about the methodologies of  
16 the AHS, because you profess that that's what  
17 CropLife America concerns itself with.

18                             Do you agree that the AHS is an  
19 exploratory study?

20                             MR. BURT: Object to form. That's  
21 vague.

22                             THE WITNESS: Yeah, what do you mean by  
23 that?

24 BY MR. ESFANDIARY:

1           Q     Do you know what an exploratory study  
2 is?

3                   MR. BURT: Object to form.

4                   THE WITNESS: In my personal capacity or  
5 as --

6 BY MR. ESFANDIARY:

7           Q     No, you just testified that CropLife  
8 America's position concerned itself more with the  
9 methodologies of the AHS, and I'm now asking about  
10 that.

11           A     And I explained to you what I meant by  
12 that.

13           Q     Okay.

14           A     I meant with variables looked at, how a  
15 study is conducted, length of study, things like  
16 that.

17           Q     Right. And I'm asking you about, are  
18 you aware that the AHS was conducted to be an  
19 exploratory study?

20                   MR. CALHOUN: Objection to the question  
21 to the extent it's vague. You've established that  
22 there are numerous studies out of the AHS. So  
23 when you say AHS, it's vague in this context.

24 BY MR. ESFANDIARY:



1 Q Answer my question.

2 A I guess the question is which -- which  
3 part of -- of the study? I mean, it's been going  
4 on for years, correct?

5 Q Right.

6 Are you aware that the AHS has employed  
7 a consistent methodology for studying the effects  
8 of pesticides on human health?

9 MR. BURT: Object to form.

10 MR. CALHOUN: Objection. Vague.

11 THE WITNESS: I did not dig that deep  
12 when -- when talking to individuals here to  
13 understand our position on the study.

14 BY MR. ESFANDIARY:

15 Q What is a CropLife America epidemiology  
16 subgroup?

17 A A CropLife epidemiology subgroup is a  
18 group that no longer exists at CropLife America.  
19 It's a subgroup previously formed under our human  
20 health group really to understand the -- my  
21 understanding based on the education and talking  
22 with individuals here -- to understand  
23 epidemiological studies and their implications for  
24 the industry.

1           Q     Right.  And Monsanto employees sat on  
2     the epidemiology subgroup, correct?

3           A     I would be speculating to that, but the  
4     way we would typically populate a subgroup and a  
5     committee would be to ensure that there were  
6     representatives from large, medium, small member  
7     companies.

8           Q     It's true that prior to learning the  
9     results of the AHS in 2005, the CropLife America  
10    epidemiology subgroup was of the opinion that the  
11    AHS is a poor study.  Correct?

12          A     I would have to see a document to -- to  
13    see if I agree with that.  As a company position,  
14    I would say that, in general, when this study  
15    first began in the early '90s, we had a lot of  
16    questions as an organization about the study,  
17    which I think is normal to want to know how a  
18    study is being conducted.  So that -- that -- that  
19    is what I would -- from talking to individuals  
20    here and preparing for deposition, that is my  
21    understanding.

22          Q     Has it ever been CropLife America's  
23    position that the exposure assessment utilized in  
24    the AHS will be inaccurate?

1 MR. CALHOUN: Objection. Vague.

2 MR. BURT: Object to form.

3 THE WITNESS: I would say based on my  
4 conversations with individuals here preparing for  
5 today, that we would have wanted to know more  
6 about how the data on exposure was collected in  
7 the Agricultural Health Study.

8 BY MR. ESFANDIARY:

9 Q That wasn't my question.

10 My question was, was it ever CropLife  
11 America's position that the exposure assessment  
12 utilizing the AHS would lead to inaccurate  
13 results?

14 MR. CALHOUN: Objection. Vague.

15 MR. BURT: Object to form. Asked and  
16 answered as well.

17 THE WITNESS: Again, I'm not sure what  
18 you're asking by that, except that when that study  
19 was initiated, there would be -- there were  
20 concerns about an epidemiological study.

21 If you want to show me a document that  
22 says that, I'm happy to -- to look at it, and see  
23 if I can understand what you're getting at.

24 BY MR. ESFANDIARY:

1           Q     Sure. Well, let's look at -- if I can  
2 find it -- exhibit number --

3           MR. ESFANDIARY: Can we go off the  
4 record real quickly? I'm trying to find this  
5 document.

6           THE VIDEOGRAPHER: The time is 3:08 p.m.  
7 We're going off the record.

8           (Recess.)

9           THE VIDEOGRAPHER: The time is 3:14 p.m.  
10 We're back on the record.

11           (Exhibit No. 24 was marked for  
12 identification.)

13 BY MR. ESFANDIARY:

14           Q     Okay. This is a Monsanto document,  
15 MONGLY00885870, and --

16           MR. BURT: Can I have a copy, Counsel?

17           MR. ESFANDIARY: Oh, yeah. I'm sorry, I  
18 thought I gave you one there. There we go.

19           MR. BURT: Thank you.

20           MR. ESFANDIARY: I apologize about  
21 the -- the exhibit thing. That's from trial.  
22 It's how it was printed. No, no, your copy is  
23 fine. Theirs is -- it has a little plaintiffs'  
24 exhibit number from trial.

1 THE WITNESS: Oh. I thought you were  
2 referring to the fact that it looked typed --  
3 typewritten.

4 BY MR. ESFANDIARY:

5 Q Oh, no.

6 So this is a July 22nd, 1997, memo to  
7 the communications subcommittee.

8 Now, is that a CropLife America  
9 subcommittee?

10 MR. BURT: Again, I'm just going to have  
11 a standing objection on the MONGLY documents.

12 MR. ESFANDIARY: Of course.

13 THE WITNESS: Not that I'm familiar  
14 with. We don't have a committee like that.

15 BY MR. ESFANDIARY:

16 Q Okay. And it's from John Acquavella.  
17 Do you know who that is?

18 A I'm familiar with the name, but I don't  
19 know him.

20 Q And it says: "At your last meeting, I  
21 was asked to provide some background thoughts on  
22 epidemiology and the Agricultural Health Study  
23 that you could use to build positive messages."

24 Do you see that?

1           A     I see that.

2           Q     And then, "I have put your request for  
3 background information on the agenda for the next  
4 epidemiology work group meeting."

5                     That's referring to the CropLife America  
6 epidemiology work group, correct?

7           A     You know, I can't really say. The fact  
8 that it's referring to a communications subgroup,  
9 which is not something I'm familiar with at all --  
10 I mean, CropLife America had an epidemiology work  
11 group.

12          Q     Mm-hmm.

13          A     But I'm not sure whether that -- this  
14 document, which is not our document -- not  
15 CropLife America's document, if it would be  
16 referring to the CropLife America epidemiology  
17 work group or if that's something Monsanto would  
18 have. I just -- I can't clearly make that out  
19 from this. Unless there's something in here you  
20 can point me to that would help me understand --

21          Q     Well, are you aware that Mr. --  
22 Dr. Acquavella sat on the CropLife America  
23 epidemiology work group?

24          A     I believe he did.

1 Q Okay.

2 A Again, that's a -- that's a work group  
3 that has not been -- we've had a lot of change at  
4 CropLife America.

5 Q I know, this is from 1997. I -- I  
6 realize that.

7 This was the case at one point, though,  
8 right? There was a work group called the  
9 epidemiology work group, and on that work group  
10 sat a Monsanto employee by the name by Dr. John  
11 Acquavella, correct?

12 A I believe that's correct.

13 Q Great. Let's take a look at  
14 nominally what ends in 871. Do you see that?  
15 It's the next page.

16 And it says: "AHS rationale," and it  
17 says in the middle of the paragraph: "But the  
18 viability and eventual impact of the Agricultural  
19 Health Study will depend on the investigator's  
20 ability to generate a new class of scientific  
21 leads, most of which will be invalid."

22 Do you see that?

23 A (Peruses document.) I see that.

24 Q So back in 1997, before knowing the

1 results that were published out of the AHS in  
2 De Roos 2005, it was the position of CropLife  
3 epidemiology work group committee that any results  
4 published by the AHS will be invalid, correct?

5 MR. BURT: Object to form.

6 Mischaracterizes, calls for speculation.

7 THE WITNESS: I don't -- I don't agree  
8 with that characterization. I can't really --  
9 this is a Monsanto document for the communications  
10 subcommittee. Whether that's the position of this  
11 individual that he's presenting to the  
12 epidemiology work group and this communications  
13 subcommittee, which I'm not sure is even a part of  
14 CropLife -- I can't speak to whether that's the  
15 position. I can testify generally as to CropLife  
16 America's position on the Agricultural Health  
17 Study.

18 BY MR. ESFANDIARY:

19 Q Does CropLife America disagree with that  
20 criticism of John Acquavella that the AHS results  
21 will be invalid?

22 MR. BURT: Object to form.

23 THE WITNESS: I can't testify as to  
24 that. There's -- like I said earlier in my



1 testimony, CropLife America hasn't really been  
2 involved with the Agricultural Health Study for at  
3 least about ten years, based on my preparation for  
4 this and speaking with individuals here. So I  
5 can't really -- that -- that's not -- I can't  
6 really take a position on that for the company.

7 BY MR. ESFANDIARY:

8 Q Well, you are here to talk about  
9 CropLife America's position with respect to the  
10 AHS, and I'm asking you whether you agree with  
11 Dr. John Acquavella, who sat on a CropLife America  
12 subcommittee, that the AHS results will be  
13 invalid?

14 MR. CALHOUN: Objection to the form.

15 Go ahead.

16 MR. BURT: No, object to form. This is  
17 a Monsanto document you're asking her to opine  
18 about. That's an improper question.

19 THE WITNESS: I'm just -- and again, I'm  
20 saying there was nobody here that could -- that I  
21 was able to -- but I would know the answer to that  
22 question based on what I've been told. I have  
23 general -- I have general information from  
24 CropLife America employees that I spoke to to

1 prepare for this deposition on -- on what CropLife  
2 America's position is. This --

3 BY MR. ESFANDIARY:

4 Q Give -- give me the name of a CropLife  
5 America employee that could answer my question.

6 MR. BURT: Object to form.

7 You don't need to do that.

8 BY MR. ESFANDIARY:

9 Q Please give --

10 MR. ESFANDIARY: No, because I have a  
11 right to know. You proffered a witness to talk  
12 about the Agricultural Health Study, and here she  
13 is not able to talk about it in one bit of detail.

14 THE WITNESS: I --

15 MR. ESFANDIARY: Are you serious?

16 MR. BURT: Calm down, Counsel.

17 MR. ESFANDIARY: Are you --

18 MR. BURT: Calm down.

19 MR. ESFANDIARY: Are you serious?

20 MR. BURT: She's offered -- she's  
21 testified at depth about the Agricultural Health  
22 Study and what CropLife America's position is.  
23 That's exactly what's called for in the agreed-  
24 upon terms of this document.

1                   You have pulled this, a Monsanto  
2 document, out and are asking her to opine about  
3 that.

4                   MR. ESFANDIARY: I'm asking --

5                   MR. BURT: That's inappropriate.

6                   MR. ESFANDIARY: I'm asking if she  
7 agrees whether the analyses of the AHS were  
8 invalid. That's what I'm asking her about.

9                   MR. CALHOUN: Do you mean a document  
10 that's over 20 years old? You're asking her about  
11 a document --

12 BY MR. ESFANDIARY:

13                 Q     My question to you --

14                   MR. CALHOUN: -- that's over 20 years  
15 old.

16 BY MR. ESFANDIARY:

17                 Q     My question to you is --

18                   MR. CALHOUN: Right?

19 BY MR. ESFANDIARY:

20                 Q     -- is it CropLife America's position  
21 that the exposure assessment in the AHS will be  
22 inaccurate?

23                   MR. BURT: And I will add, Counsel, an  
24 objection that I -- I asked you to identify

1 specific documents for us so that we could prepare  
2 the witness, and you refused.

3 BY MR. ESFANDIARY:

4 Q Please answer my question.

5 A I'm saying I can't give you a CropLife  
6 America position on that, but I can give you  
7 CropLife America's position generally on the  
8 Agricultural Health Study as --

9 Q Is it CropLife --

10 A -- my understanding from -- from my  
11 preparation.

12 Q Is it CropLife America's position  
13 generally that the results of the AHS are  
14 invalid?

15 MR. BURT: Object to form.

16 MR. CALHOUN: Also objection. Vague  
17 when you use AHS in this context.

18 THE WITNESS: I mean, I don't know  
19 exactly what you mean by that. I would say it's  
20 CropLife's position that when this study came out,  
21 there was interest in it and interest in  
22 understanding it, interest in understanding  
23 variables and what was going into the study. That  
24 there were some concerns over how the study was

1 set up, and thus sparking wanting to know more  
2 about it. And that really over the past ten-plus  
3 years, it has been a very little -- we've paid  
4 very little attention to it given our other  
5 organizational priorities.

6 And I did get that information for my  
7 preparation. I'm happy to go through everyone I  
8 talked to at some point, but I did spend a lot of  
9 time preparing. And like I said, we have very few  
10 people still around who were around back when this  
11 started. To give a specific characterization  
12 about that is -- would be very difficult on behalf  
13 of the company.

14 MR. ESFANDIARY: I'll move to strike  
15 that as completely nonresponsive.

16 BY MR. ESFANDIARY:

17 Q Turn to page 873.

18 MR. ESFANDIARY: Counsel may be sitting  
19 there with a smirk on his face, but I'm going to  
20 move -- be moving with the judge later on to  
21 compel further testimony from CropLife America on  
22 this matter, because this is completely  
23 unacceptable.

24 MR. BURT: The moment you move to the

1 judge, I'm moving for sanctions against you --

2 MR. ESFANDIARY: I'm going to sanction  
3 you, don't you worry --

4 MR. BURT: -- and for a protective  
5 order.

6 MR. ESFANDIARY: I'm going to sanction  
7 you and your client.

8 BY MR. ESFANDIARY:

9 Q Now, let's take a look at --

10 MR. BURT: Counsel, your actions have  
11 gone beyond the pale. I have never seen actions  
12 like this in a deposition.

13 MR. ESFANDIARY: Now you have.

14 BY MR. ESFANDIARY:

15 Q Take a look at page 873.

16 THE WITNESS: Can we break, please?

17 MR. BURT: You need a break?

18 MR. ESFANDIARY: No, we just went off --  
19 we just had a break.

20 MR. BURT: The witness needs a break.

21 THE WITNESS: No, I need -- I need a  
22 break.

23 MR. BURT: She can have a break.

24 MR. ESFANDIARY: This -- let's go off

1 the record.

2 THE VIDEOGRAPHER: The time is 3:23 p.m.  
3 We're going off the record.

4 (Recess.)

5 THE VIDEOGRAPHER: The time is 3:28 p.m.  
6 We're back on the record.

7 BY MR. ESFANDIARY:

8 Q Do you -- do you know what exposure  
9 misclassification is?

10 A Exposure misclassification. No, I'm not  
11 familiar with that term.

12 Q Are you aware of exposure  
13 misclassification -- scratch that.

14 Can you please give me the name of a  
15 CropLife America employee to which you spoke with  
16 to prepare you to testify about the Agricultural  
17 Health Study?

18 THE WITNESS: Is that --

19 MR. BURT: Yeah.

20 THE WITNESS: Ray McAllister.

21 BY MR. ESFANDIARY:

22 Q Ray McAllister?

23 A Mm-hmm.

24 Q So has he got training in epidemiology?

1           A       I'm not sure actually of Ray's  
2       credentials, but he's been with the organization  
3       for quite some time.

4           Q       Who else?

5           A       Ray McAllister would be the only person  
6       currently with the organization that would have  
7       familiarity with the Agricultural Health Study.

8           Q       Now, are you aware that -- and this is  
9       one of the categories of testimony you're here to  
10      talk about -- that CropLife America sought to  
11      obtain data from the National Cancer Institute,  
12      which conducts the AHS, regarding the AHS?

13          A       Yes, I'm aware.

14          Q       Okay. Let's take a look at exhibit --  
15                    (Exhibit No. 25 was marked for  
16                    identification.)

17   BY MR. ESFANDIARY:

18          Q       Exhibit 25. And this is a series of  
19      e-mails between CropLife America and Monsanto,  
20      and -- if you would please turn to the attachment.

21                   MR. BURT: Standing objection.

22                   THE WITNESS: Oh. I'm sorry, but  
23      where -- where is the CropLife America employee?  
24      Can you direct me to that?



1 BY MR. ESFANDIARY:

2 Q Sure. Oh, I'm sorry. No, there is --  
3 there is no CropLife America employee on here, but  
4 if you turn to the attachment --

5 A Sure.

6 Q -- it says: "CropLife America concerns  
7 about the Agricultural Health Study." Do you see  
8 that?

9 A I see that.

10 Q Okay. And it says in the middle of the  
11 paragraph: "Conclusions drawn from the AHS could  
12 have a major impact on agriculture in the United  
13 States for many years to come."

14 Do you see that?

15 A I see that.

16 Q Okay. And it says: "Unfortunately,  
17 CropLife America has several significant concerns  
18 about the AHS. These concerns fall into two  
19 areas: Access to data, quality of science. These  
20 concerns are outlined below."

21 Do you see that?

22 A I see that, mm-hmm.

23 Q Is it CropLife's position they had a  
24 problem with the quality of the science of the

1 AHS?

2 A It's CropLife's position -- I'm not sure  
3 the year of this document, but that, you know, in  
4 the early -- early years of the study that there  
5 was concern about this new study and wanting to  
6 see the data and variables that were inputs into  
7 this study and the quality of the study design.

8 Q Okay. Are those concerns still held  
9 currently?

10 A Like I said, we haven't really focused  
11 on the Agricultural Health Study in any great deal  
12 in the last ten years. So I don't -- CropLife  
13 America doesn't really have a position on that.

14 Q You say you haven't focused on it in the  
15 last ten years?

16 A Just tangentially, I believe a proposal  
17 was put forward by one of the committees, but it  
18 wasn't followed through on because it's just not  
19 one of our priority issues right now.

20 Q Okay. If you just look at the document  
21 that we've -- that I gave to you.

22 A Mm-hmm.

23 Q At this time this document was sent,  
24 which was back in 2004 -- I understand that's

1 consistent with what you testified about CropLife  
2 has not concerned itself with it for the past ten  
3 years. But at the time --

4 A About ten years.

5 Q Right.

6 A It may be a little more.

7 Q CropLife -- at the time, though, of this  
8 document CropLife was seeking to obtain additional  
9 data from the Agricultural Health Study, correct?

10 A Correct.

11 Q Okay. And if you look at the "Quality  
12 of the Science" paragraph, it says:

13 "Unfortunately, CropLife America believed that  
14 some of the science presented in recent AHS  
15 publications was of questionable quality."

16 Correct?

17 A I see that, yes.

18 Q Okay. And let's take a look at --

19 MR. ESFANDIARY: Leslie, do you have the  
20 stickies?

21 Thank you, sir.

22 THE WITNESS: Are you done with this or  
23 do you want me to keep --

24 BY MR. ESFANDIARY:

1 Q Yeah, you can put that aside for now.  
2 Exhibit No. 26, I believe?  
3 (Exhibit No. 26 was marked for  
4 identification.)

5 BY MR. ESFANDIARY:

6 Q Okay. Here is a series of e-mails from  
7 CropLife.

8 A Okay.

9 Q And it's from Reshma Arrington at  
10 CropLife America. Do you see that?

11 A Mm-hmm.

12 Q Dated 2016?

13 A Mm-hmm.

14 Q It says: Proposal for AHS quantitative  
15 analysis." Do you see that?

16 A Mm-hmm.

17 MR. BURT: I want a standing objection.  
18 This is a MONGLY document.

19 BY MR. ESFANDIARY:

20 Q So CropLife has addressed -- it says:  
21 "Quantitative Bias Analyses of Epidemiology  
22 Studies of Pesticides and Cancer," specifically  
23 the AHS as recently as 2016. Correct?

24 A Like I said, there was a proposal put

1 forward, but I -- I don't think it -- from my  
2 understanding it hasn't gone anywhere.

3 Q Okay.

4 A And it -- it could be -- I -- I know  
5 there was an epidemiological study that was done  
6 just like a literature review of epidemiological  
7 studies.

8 But if this is -- I might be confusing  
9 the many documents I've looked at. But again,  
10 it's -- there was no specific study going forward  
11 just on the Agricultural Health Study.

12 Q Have you seen this document before?

13 A No. This is -- this is not a CropLife  
14 document.

15 Q Okay. Now, with respect to the -- let's  
16 focus on the FOIA issue. With respect to  
17 gathering the data from the AHS investigators,  
18 CropLife would have had to go to NCI for that,  
19 right?

20 A Yes.

21 Q And NCI is the National Cancer  
22 Institute, correct?

23 A Yes, it is.

24 Q And it funded and was in charge of









































1 identification.)

2 BY MR. ESFANDIARY:

3 Q Take a look at Exhibit No. 29.

4 A Thank you.

5 Q And here we have CropLife's production  
6 of this document.

7 A Okay.

8 Q And it's the same letter. And it has  
9 Deb Carstoiu's signature line at the bottom, and  
10 it says "CropLife America, 1156 15th Street,  
11 Northwest, Suite 400, Washington, D.C.," correct?

12 MR. BURT: Mischaracterizes the  
13 document. Objection.

14 MR. ESFANDIARY: Okay.

15 THE WITNESS: I see what it says.

16 Can I ask, do we know who the custodian  
17 was of this document?

18 BY MR. ESFANDIARY:

19 Q I thought I had the metadata here. I  
20 believe it was Janet Collins, but I can't confirm  
21 that.

22 A Okay.

23 Q My question to you --

24 MR. ESFANDIARY: Do you know, Counsel,



1 who the custodian is?

2 MR. BURT: Hold on.

3 It's not Janet Collins.

4 MR. ESFANDIARY: Who is it?

5 MR. BURT: Well, we're not here to  
6 testify. If you want to go off the record and  
7 talk about it, we can.

8 MR. ESFANDIARY: Sure. Yeah, yeah.

9 MR. BURT: Go off the record.

10 THE VIDEOGRAPHER: The time is 3:57 p.m.  
11 We're going off the record.

12 (A discussion was held off the record.)

13 THE VIDEOGRAPHER: The time is 3:57 p.m.  
14 We're back on the record.

15 BY MR. ESFANDIARY:

16 Q So we just had clarification from  
17 counsel that the custodian of this document was  
18 Jay Vroom, correct?

19 A Okay. Mm-hmm.

20 Q And he was former CEO of CropLife --

21 A The former CEO.

22 Q -- America?

23 A Mm-hmm.

24 Q Okay. So CropLife America was in fact

1 involved with sending a letter encouraging people  
2 to ask Wally Hayes, editor of the journal, to  
3 retract the Seralini paper, correct?

4 MR. BURT: Object to form.

5 THE WITNESS: I wouldn't know if he was  
6 involved. I would say CLA is a member company of  
7 CLI, which probably explains why Jay Vroom would  
8 have gotten this somehow. Probably forwarded --  
9 if the "Dear All" is the -- is the members of CLI,  
10 that would make sense. I am not familiar as to  
11 what further actions would have been taken.

12 BY MR. ESFANDIARY:

13 Q Well --

14 A But if there's more documents that I can  
15 look at, that would be helpful.

16 Q Well, madam, we just looked at a  
17 document where this was sent to David Saltmiras of  
18 Monsanto, and then David Saltmiras sends it to the  
19 editor of the journal, correct?

20 A That's a Monsanto document. I would  
21 assume, but I don't know, that Monsanto would  
22 be -- also be a member of CLI.

23 Q Right, and they're a member of CLA too,  
24 right?

1 A Yes. Many of our members have --

2 Q Okay.

3 A -- overlapping membership.

4 Q So -- and David Saltmiras is actually --

5 I will represent to you that he sits on a CropLife

6 America committee. And here he is receiving a

7 letter from CropLife, asking the editor of the

8 journal to retract the paper, and then he forwards

9 it to the editor, correct?

10 MR. BURT: Object to form. It's a

11 CropLife International document.

12 THE WITNESS: And again, I don't know

13 what -- I mean, what he did.

14 BY MR. ESFANDIARY:

15 Q What who did?

16 A What David Saltmiras --

17 Q You can see from the e-mail, can't we?

18 He sends it to Wally Hayes, the editor.

19 A This is a Monsanto document. If that's

20 what he did -- again, I don't -- I don't have any

21 information as to whether CropLife America

22 forwarded anything to the editor.

23 Q So let's -- let's just break that down

24 for -- you know, for the understanding of people

1 watching this.

2 A Sure.

3 Q Here we have a document, the custodian  
4 is a former CEO of the company that you are here  
5 to testify about. There is -- the company's  
6 address is on the bottom of this e-mail. Correct?

7 A That again is CropLife International.  
8 They have a few employees that sit here in the  
9 biotech plant division --

10 Q Mm-hmm.

11 A -- not the crop division of CLI. And  
12 again, CropLife -- excuse me, CropLife America is  
13 a member company of CLI.

14 Q So CropLife America did have involvement  
15 in generating or sending this letter to David  
16 Saltmiras, correct?

17 MR. BURT: Object to form.

18 THE WITNESS: My testimony would be that  
19 CropLife America former CEO Jay Vroom received  
20 this request from CLI.

21 BY MR. ESFANDIARY:

22 Q Okay. Oh, so your testimony is that Jay  
23 Vroom received this from CLI, correct?

24 A That would be my assumption based on the

1 metadata and the fact that he was a custodian of  
2 it --

3 Q Right.

4 A -- and that CLA is a member of CLI.

5 Q And then CLI sends it to Monsanto,  
6 correct?

7 A Based on the document you put before me,  
8 I would say that CLI did that.

9 Q And then Monsanto in turn sends it to  
10 Wally Hayes asking him to retract the paper,  
11 correct?

12 A That's what this document -- this  
13 Monsanto document says.

14 Q Great. Are you aware that Wally Hayes,  
15 the editor of the journal that retracted the  
16 paper, was a paid consultant for Monsanto Company?

17 MR. CALHOUN: Objection. Lacks  
18 foundation.

19 MR. BURT: Object to form, beyond the  
20 scope.

21 THE WITNESS: I'm not aware of  
22 Monsanto's -- what consultants they hire.

23 BY MR. ESFANDIARY:

24 Q Let me ask you this in your personal

1 capacity.

2 Do you think that it's appropriate for  
3 the editor of a journal to be a consultant for the  
4 company whose product is being peer reviewed in a  
5 publication for that editor to make a retraction  
6 decision?

7 MR. BURT: Object to form. She's here  
8 as a corporate representative.

9 BY MR. ESFANDIARY:

10 Q I'm asking in your personal capacity.

11 A In my personal --

12 MR. BURT: She's a corporate -- hold on.  
13 She's here as a corporate representative to answer  
14 the noticed topics, and to ask her to give opinion  
15 testimony in her personal capacity about that is  
16 inappropriate.

17 BY MR. ESFANDIARY:

18 Q I'm asking you in your personal  
19 capacity.

20 A In my personal capacity, I would want  
21 more information --

22 Q Oh, you would?

23 A -- to be able to answer that.

24 Q Okay. Well, let's do that.

1           A       Yeah, so you're -- you're now going to  
2 question me in my personal capacity?

3           Q       Sure.

4           MR. BURT: Counsel, you've noticed up a  
5 30(b)(6) deposition of this witness. How is her  
6 personal -- personal opinion on this relevant at  
7 all to anything?

8           MR. ESFANDIARY: Just curious.

9 BY MR. ESFANDIARY:

10          Q       Here's a consulting agreement between  
11 Monsanto Company and Professor A. Wallace Hayes,  
12 dated September 7, 2012.

13                  Now, you've never seen this before,  
14 correct?

15          A       No. This is a Monsanto document.

16          Q       Yeah, it is. And it says: "This letter  
17 is issued pursuant to the agreement and authorizes  
18 you to provide the following consulting services  
19 beginning September 7th, 2012, for the agreed-upon  
20 fee of \$400 per hour, not to exceed \$3,200 per  
21 day, and a total of \$16,000."

22                  Do you see that?

23          A       I see that.

24          Q       And can you see it's dated September 7,

1 2012?

2 A The consulting agreement is dated  
3 August 21st, 2012.

4 Q Yes, that's when the consulting  
5 agreement is dated.

6 Now, if you look at the letter that you  
7 testified CropLife International generated and  
8 sent to CropLife America asking for retraction,  
9 that is dated September 27th, 2012, correct?

10 A I see that. Although I testified as to  
11 this document as CropLife America's corporate  
12 witness, and now you're asking me questions in my  
13 personal capacity. So I'm a little confused as to  
14 where you're going.

15 Q Well, I'm just asking whether you agree  
16 that the letter generated by CropLife  
17 International, dated September 27th, followed this  
18 contractual agreement between Monsanto Company and  
19 Professor Wally Hayes.

20 A And you're asking that to me as a  
21 corporate witness?

22 Q No, you can answer in your personal  
23 individual capacity.

24 A That is what the documents say, mm-hmm.



1           Q     Okay.  So Monsanto had a consulting  
2 relationship with the editor of the journal that  
3 CropLife International was asking to retract the  
4 paper, correct?

5           MR. CALHOUN:  Objection.  Lacks  
6 foundation.  This witness is not in a position to  
7 talk about any of this.

8           MR. ESFANDIARY:  Counsel --

9           MR. BURT:  This witness has no knowledge  
10 of any of this.  Has never seen these documents,  
11 has had no -- has no ability to testify about  
12 this, Counsel.

13           THE WITNESS:  As an individual, I would  
14 say this is not signed, so I have no idea whether  
15 there was a consulting relationship.

16 BY MR. ESFANDIARY:

17           Q     Okay.  That's fine.

18                     Do you know who Dr. James Parry was?

19           A     Okay.  Are we back to --

20           Q     Yes.

21           A     -- corporate?

22                     I'm not familiar with that name, but if  
23 you have something that you can refresh my  
24 recollection with, I'm -- I saw a lot of names.

1           Q     Well, let's just -- can we just  
2     establish one thing quickly -- just really, really  
3     quickly for the record so this -- this is clear,  
4     okay?

5           A     Mm-hmm.

6           Q     Now, if you look at 11.

7                   MR. ESFANDIARY:   Topic 11, Counsel, it  
8     says that you're going to be here to testify about  
9     your knowledge, positions and conduct related to  
10    tests, studies regarding the potential human  
11    carcinogenicity of GBFs, AMPA, and/or surfactants  
12    for GBFs, correct?

13                  MR. BURT:   That's what 11 says, and this  
14    witness has spent over 50 hours reviewing  
15    documents --

16                  MR. ESFANDIARY:   Okay.

17                  MR. BURT:   -- reviewing materials,  
18    speaking with CropLife employees about this and  
19    all the topics that were agreed upon.

20                  MR. ESFANDIARY:   Okay.

21                  MR. BURT:   She has done her best to  
22    educate herself on this, and she will give her  
23    best testimony pursuant to the more than  
24    reasonable and adequate preparation that she

1 performed.

2 MR. ESFANDIARY: Thank you for the  
3 clarification, Counsel.

4 BY MR. ESFANDIARY:

5 Q Are you able to testify about that?

6 A It's helpful to see a document so that I  
7 can remember what I've looked at.

8 Q Sure. Take a look at --

9 (Exhibit Nos. 30 and 31 were  
10 marked for identification.)

11 MR. ESFANDIARY: You have that, right?

12 MR. BURT: Well, I will note for the  
13 record that the parties amended this.

14 MR. ESFANDIARY: Yeah, yeah. So take a  
15 look at the version I just handed to the witness.

16 THE WITNESS: Mm-hmm.

17 MR. BURT: Do you have a copy for  
18 Monsanto counsel?

19 MR. ESFANDIARY: Yeah.

20 BY MR. ESFANDIARY:

21 Q Okay. Do you see topic 11 identifies  
22 testimony regarding the carcinogenicity of GBFs --

23 A Right, I understand the category, but  
24 you're asking me if I remember a specific

1 researcher, and I am saying --

2 Q No, no.

3 A -- that if you want me to remember  
4 everything I looked at, I need to see a document.

5 Q Are you able to testify about that  
6 category, madam?

7 A (Peruses document.) Yes.

8 Q Okay. Do you know what genotoxicity is?

9 MR. BURT: Object to form to the extent  
10 it calls for expert opinion testimony.

11 THE WITNESS: This is our knowledge and  
12 position and conduct related to tests and studies  
13 related to carcinogenicity, and CropLife America  
14 does not do that. Nor does CropLife America fund,  
15 sponsor or conduct studies on behalf of Monsanto.

16 So I'm -- I'm not sure why I need to  
17 understand that definition as a corporate witness.  
18 This is -- we don't get into tests and studies on  
19 specific chemistries. That would be a conflict of  
20 interest for us -- for our members to take a  
21 position like that or to do something like that  
22 unless a committee approved it.

23 But, again, it's really -- tests and  
24 studies would more fall along the line of like

1 literature reviews of studies that have been done  
2 by others.

3 So I can answer this the best I can. We  
4 just don't do a lot of this, so that's what I'm  
5 trying to explain.

6 BY MR. ESFANDIARY:

7 Q Did you ever review -- and this is --  
8 did you ever review a genotoxicity literature  
9 review by Dr. James Parry that was conducted on  
10 behalf of the Monsanto Company?

11 A No. I don't believe CLA would have  
12 conducted such a study.

13 Q I didn't ask about conducted. I asked  
14 if you reviewed it.

15 A No.

16 Q You know there is a difference between  
17 conducting a study and reviewing a study, right?

18 A I -- I understand that. I wouldn't have  
19 a reason to review that unless CLA was involved.

20 Q Let's just establish what CLA has  
21 reviewed, okay?

22 A Sure.

23 Q Has CLA -- so CLA has reviewed the  
24 Agricultural Health Study, correct?

1 A CLA -- I reviewed --

2 Q I'm just going to write this down.

3 A -- the documents produced by CLA where  
4 FOIA requests were made about the Agricultural  
5 Health Study. I've read numerous documents in the  
6 production to understand our position on the  
7 Agricultural Health Study. I spoke with Ray  
8 McAllister to understand the history of CLA's  
9 interest in the Agricultural Health Study, and I  
10 think I testified as to what that was.

11 Q Okay. And -- well, let's take a look at  
12 CropLife -- and this time I hope it is -- you will  
13 agree that it is CropLife America's position,  
14 because this is a CropLife America document that  
15 was given to us by CropLife America.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]































































































































































1                   Would you just quickly peek at that. I  
2 think it should be Exhibit No. 5 or 4. Yes, I  
3 believe it's -- correct.

4                   MR. ESFANDIARY: Thank you, sir.

5 BY MR. ESFANDIARY:

6                   Q     Take a look at the very last page really  
7 quickly.

8                   MR. CALHOUN: Are we on 5?

9                   MR. BURT: Five.

10 BY MR. ESFANDIARY:

11                   Q     And this is a CropLife America document,  
12 as we previously established, correct?

13                   It says: "An Overview of the IARC  
14 Process by CropLife America" on the first page,  
15 and then if we turn to the attachment, it's an  
16 "Overview of the process of IARC."

17                   MR. BURT: Object to the form. This is  
18 asked and answered many hours ago.

19                   THE WITNESS: I think I -- I testified  
20 previously that this was -- that I couldn't really  
21 say, but that it was attached to this e-mail --

22 BY MR. ESFANDIARY:

23                   Q     Madam, the front of the e-mail --

24                   A     -- from Clare Thorp, but I couldn't

1 really say if this was a -- a compilation of work  
2 from the committee or by crop -- CropLife America.

3 Q Okay. It says, "An Overview of the IARC  
4 Process by CropLife America," and if you turn to  
5 the attachment, that's actually what the title is,  
6 right?

7 MR. BURT: Object to form. We've  
8 examined this at length many hours ago.

9 BY MR. ESFANDIARY:

10 Q Okay. Well --

11 A It doesn't by -- it says, "IARC  
12 Monograph's Overview of the Process,  
13 Decision-Making and Next Steps."

14 Q Okay. Let's take a look at the last  
15 page --

16 A I think you added "CropLife America"  
17 into that title.

18 Q No, no, no, look at the front page of  
19 the document. It says, "An Overview of the IARC  
20 Process by CropLife America." Right?

21 A Okay.

22 Q Okay. Now, turn to the last page of the  
23 attachment.

24 A Okay.

1           Q     And it says, "Next steps considerations"  
2     at the bottom, "Integration with CropLife  
3     International." Do you see that?

4           A     I see that.

5           Q     What does that mean?

6           A     I -- sitting here today, I would not be  
7     able to tell you what was meant by that. I can  
8     say that, like I've testified before, it's a  
9     separate entity. We coordinate from time to time  
10    on -- on different issues, but --

11          Q     You and I can both agree on what  
12    "integration" means, correct?

13                   MR. BURT: Object to form.

14                   THE WITNESS: I would say that that  
15    could take many different meanings depending on  
16    who wrote it. It could be communicating. It  
17    could be working with. It could mean several --  
18    several different things. So...

19    BY MR. ESFANDIARY:

20          Q     So could it involve integrating CropLife  
21    International's IARC strategy with that of  
22    CropLife America's strategy?

23                   MR. BURT: Object to form, calls for  
24    speculation.

1 THE WITNESS: I mean, I have no  
2 knowledge of that happening.

3 BY MR. ESFANDIARY:

4 Q Could it be?

5 MR. BURT: Object to form, calls for  
6 speculation.

7 THE WITNESS: I'm not going to  
8 speculate.

9 BY MR. ESFANDIARY:

10 Q Well --

11 A Unless you're asking me to speculate,  
12 but I -- I really don't think that --

13 Q No, I'm just saying --

14 A -- I could make that determination based  
15 on that.

16 Q Right.

17 A It's a separate organization. They have  
18 separate interests. We've clearly laid out what  
19 our position was on the IARC monograph --

20 Q This is a --

21 A -- of CropLife America.

22 Q Well, as the attachment identified,  
23 "IARC Monograph CropLife America Overview," and we  
24 turn it around and the name of the attachment is



1 "Overview of the Process of the IARC Decision" --

2 A Mm-hmm.

3 Q -- we can agree that CropLife America  
4 generated this document, right?

5 MR. BURT: Object to form. Asked and  
6 answered many, many, many times.

7 BY MR. ESFANDIARY:

8 Q I don't know why you're being so  
9 reluctant to -- I mean, it says --

10 A I -- I'm not going to speculate as to  
11 what that means when, as the company  
12 representative, I -- I don't have that  
13 information.

14 Q So you --

15 A I told you what our position was, and in  
16 the documents I think it's clear what we did. I'm  
17 not sure what --

18 Q What did you do?

19 A -- what you're suggesting that --

20 MR. BURT: Could I get -- before she  
21 answers that question, how many minutes do we have  
22 left? Okay, we're done.

23 MR. ESFANDIARY: Okay. We can end it  
24 there.

1 MR. CALHOUN: All right. Can we take a  
2 short break, and I'll confer?

3 MR. BURT: Sure.

4 THE VIDEOGRAPHER: The time is 6:11 p.m.  
5 We're going off the record.

6 (Recess.)

7 THE VIDEOGRAPHER: The time is 6:15 p.m.  
8 We're back on the record.

9 CROSS-EXAMINATION

10 BY MR. CALHOUN:

11 Q Just a few follow-up questions, ma'am.  
12 So do trade associations represent  
13 members?

14 A I don't know what you mean by that, but  
15 I would say -- I would say we have member  
16 companies, and we -- we represent their interests.

17 Q And -- I just had a question about  
18 something from CropLife America's website.

19 Does CropLife America represent  
20 manufacturers, formulators and distributors of  
21 pesticides?

22 A Yes.

23 Q And about how many members does CropLife  
24 America have?

1           A       Wow, I didn't count, but we have --

2           Q       An estimate.

3           A       -- many. I would say at least 40, 50.

4           Q       And is Monsanto the only CropLife  
5 America member that sells glyphosate-based  
6 herbicides?

7           A       I don't believe so.

8           Q       And are all CropLife America members  
9 given the opportunity to give their views about  
10 the positions that CropLife America should take  
11 with respect to particular issues?

12                   MR. BURT: Object to form.

13                   THE WITNESS: As I explained earlier  
14 today, yes, we would strive to do that through our  
15 committee structure by opening up committees to  
16 member companies, and making sure that small,  
17 medium, large member companies are on those  
18 committees.

19 BY MR. CALHOUN:

20           Q       So is it fair to say that any one single  
21 member of CropLife America doesn't control  
22 CropLife America's agenda or decision-making?

23           A       I would agree with that.

24           Q       Now, is it part of CropLife America's

1 regular activities as a trade association to  
2 comment on regulatory issues and the kind of  
3 process issues that you testified about that are  
4 of interest to its members?

5 MR. ESFANDIARY: Object to form.

6 MR. BURT: Object to form.

7 THE WITNESS: Yes. Yes.

8 BY MR. CALHOUN:

9 Q And is that because CropLife America  
10 believes that doing that supports proper  
11 regulation and science-based regulation of -- of  
12 the kinds of products that its members manufacture  
13 or sell?

14 MR. ESFANDIARY: Objection. Vague.

15 THE WITNESS: I would say that we do  
16 that because, yes, we -- we want to make sure  
17 there's integrity in the process.

18 BY MR. CALHOUN:

19 Q Now, does CropLife America sometimes  
20 meet with officials at EPA?

21 A I believe I testified earlier that, yes.

22 Q And does CropLife America sometimes  
23 provide information to EPA with respect to  
24 regulatory process issues?

1           A     Yes.

2           Q     And would CropLife America ever try to  
3 provide officials at EPA with information that  
4 CropLife America doesn't believe to be accurate?

5                   MR. ESFANDIARY:  Objection.  Form.

6                   THE WITNESS:  No.  That would be  
7 inappropriate.

8 BY MR. CALHOUN:

9           Q     And is it unusual for a trade  
10 association to meet with the regulators that  
11 regulate the products of its members?

12           A     No.  I mean, that's the role of a trade  
13 association by its very nature.

14           Q     And when CropLife America meets with EPA  
15 officials, is there any mystery about whom  
16 CropLife America is representing when it's meeting  
17 with those officials?

18                   MR. ESFANDIARY:  Objection.  Form.

19 Vague.

20 BY MR. CALHOUN:

21           Q     You can answer.

22                   MR. BURT:  Same objection.

23                   THE WITNESS:  We would be there on  
24 behalf of our members.  EPA would be aware of --

1 of that.

2 BY MR. CALHOUN:

3 Q It's so obvious that maybe it doesn't  
4 need to be stated, but let me state it anyway.

5 So the EPA officials are aware that  
6 CropLife America represents the interests of  
7 pesticide manufacturers, correct?

8 MR. ESFANDIARY: Objection. Same  
9 objections. Vague, form.

10 THE WITNESS: I -- I can't speak for  
11 EPA, but I would assume so.

12 BY MR. CALHOUN:

13 Q And then does CropLife America sometimes  
14 meet with members of Congress or Congressional  
15 staff?

16 A Yes.

17 Q And does CropLife America -- if it  
18 provides information to members of Congress or  
19 Congressional staff, does CropLife America try to  
20 ensure that the information is correct and  
21 accurate?

22 MR. ESFANDIARY: Objection. Form.

23 THE WITNESS: I would say -- I would say  
24 we go to great lengths to make sure the

1 information we provide to government officials,  
2 including Congress, is accurate and truthful.

3 BY MR. CALHOUN:

4 Q And is it unusual in your experience for  
5 a trade association to meet with members of  
6 Congress or Congressional staff?

7 MR. ESFANDIARY: Objection. Vague,  
8 form.

9 THE WITNESS: No, not in my experience.

10 BY MR. CALHOUN:

11 Q And would CropLife America ever mislead  
12 members of Congress or Congressional staff about  
13 what CropLife America is or who its members are?

14 MR. ESFANDIARY: Objection. Same  
15 objections.

16 THE WITNESS: No. That would be  
17 inappropriate.

18 MR. CALHOUN: Those are all the  
19 questions I have at this time, ma'am. Thank you.

20 THE WITNESS: Thank you.

21 MR. ESFANDIARY: Can I have just one  
22 follow-up, just one?

23 MR. BURT: I -- I think you're out of  
24 time, but go ahead.

1 MR. ESFANDIARY: A single -- I  
2 appreciate your indulgence, a single question.  
3 Well, two.

4 REDIRECT EXAMINATION

5 BY MR. ESFANDIARY:

6 Q The SAP published its evaluation of the  
7 EPA's analysis of glyphosate in 2017. Are you  
8 aware of that?

9 MR. CALHOUN: Objection. Beyond the  
10 scope of my questioning.

11 MR. BURT: That is beyond the scope.

12 MR. CALHOUN: That is now going back to  
13 your other prior questions.

14 MR. ESFANDIARY: You asked about the  
15 EPA.

16 MR. BURT: No, that's beyond the scope,  
17 Counsel.

18 THE WITNESS: Do I answer it or --

19 BY MR. ESFANDIARY:

20 Q Have you heard of it?

21 MR. BURT: You can answer. It's beyond  
22 -- we have a standing objection that it's beyond  
23 the scope.

24 THE WITNESS: I -- I mean, we talked



1 about it earlier. I believe that's the timeline.

2 BY MR. ESFANDIARY:

3 Q Have you read the SAP's evaluation?

4 MR. CALHOUN: Again, objection. Beyond  
5 the scope.

6 THE WITNESS: No.

7 BY MR. ESFANDIARY:

8 Q Are you aware of anyone at CropLife  
9 reading SAP's evaluation?

10 MR. CALHOUN: Same objection.

11 THE WITNESS: I would believe that  
12 members of the Human Health Committee would have  
13 been the ones that would have done that.

14 MR. ESFANDIARY: Thank you. Nothing  
15 further.

16 THE VIDEOGRAPHER: That's it?

17 MR. BURT: Thank you. Nothing from --

18 THE VIDEOGRAPHER: The time is 6:21  
19 p.m., February 8th, 2019. Going off the record,  
20 ending the videotaped deposition.

21 MR. BURT: The witness will read and  
22 sign.

23 THE REPORTER: Do you need a copy of the  
24 transcript?

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MR. BURT: Yes.  
  
(Whereupon, the deposition of  
DOREEN MANCHESTER was concluded  
at 6:22 p.m.)

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

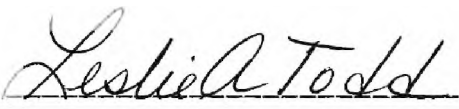
2 The undersigned Certified Shorthand Reporter  
3 does hereby certify:

4 That the foregoing proceeding was taken before  
5 me at the time and place therein set forth, at  
6 which time the witness was duly sworn; That the  
7 testimony of the witness and all objections made  
8 at the time of the examination were recorded  
9 stenographically by me and were thereafter  
10 transcribed, said transcript being a true and  
11 correct copy of my shorthand notes thereof; That  
12 the dismantling of the original transcript will  
13 void the reporter's certificate.

14 In witness thereof, I have subscribed my name  
15 this date: February 12, 2019.

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LESLIE A. TODD, CSR, RPR

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made. After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby  
certify that I have read the foregoing pages, and  
that the same is a correct transcription of the  
answers given by me to the questions therein  
propounded, except for the corrections or changes  
in form or substance, if any, noted in the  
attached Errata Sheet.

\_\_\_\_\_

DOREEN MANCHESTER

DATE

Subscribed and sworn to

before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public