

EXHIBIT 1



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May 8, 2017

VIA E-Mail

Heather Pigman, Esq. - hpigman@hollingsworthllp.com

James Sullivan, Esq. - jsullivan@hollingsworthllp.com

RE: URGENT—Challenging the Confidentiality of Documents Related to the California Office of Environmental Health Hazzard Assessment’s Evaluation of a Safe Harbor for Glyphosate

Dear Heather & Jim,

Pursuant to the Court’s December 9, 2016 (Dkt. 64) and March 13, 2017 (Dkt. 186) Orders, Plaintiffs formally challenge the confidentiality designations of the forty-two documents listed on **Exhibit A**. Our specific challenge to each designation is that none of the documents on **Exhibit A** contain confidential, proprietary, or trade secret information and therefore none of the documents warrant a confidentiality designation. As you know, the Office of Environmental Health Hazzard Assessment (OEHHA) is presently soliciting comments on a proposed regulatory amendment to Title 27 of the California Code of Regulations, Section 25705(b), establishing for a safe harbor for glyphosate exposure. Today was the deadline to request a hearing and the deadline to submit comments is May 22, 2017. Today, my law firm, as well as several other law firms, requested a hearing.

Because the MDL counsel represent dozens if not hundreds of California residents and citizens who have developed cancer as a result of Roundup and glyphosate exposure, we have a specific interest in accurately expressing our clients’ views and interests to OEHHA. Additionally, throughout this litigation, Monsanto has raised issues about exposure levels and their relationship to general causation. While we do not necessarily agree that exposure level relates to general causation, Monsanto has claimed so and since OEHHA is expressing a regulatory view about that very issue, OEHHA’s determination and comment period are potentially relevant to this phase of the litigation. Nonetheless, regardless of any relationship to general causation, due to the time-sensitive nature of OEHHA’s determination—a determination that could potentially affect our clients’ rights after the general causation phase—we have an obligation to present our client’s interests on this important issue relating to public health.

The forty-two documents listed on **Exhibit A** all relate to the issues currently before OEHHA and they all are labeled, inappropriately, as Confidential. To present an accurate, balanced, and fair comment on our clients’ behalf, we seek to submit these documents along with other commentary to inform OEHHA about issues it has not considered in evaluating the safe harbor level for glyphosate for the State of California. Since these documents do not contain any trade secrets and relate both to the primary focus of this MDL and an issue potentially affecting

the rights of plaintiffs, we ask that Monsanto immediately withdraw its improper confidentiality designations.

Please advise by **Wednesday, May 10, 2017 at 4:00 pm PDT** if Monsanto agrees to de-designate these forty-two documents. I am happy to go through each of these documents with you tomorrow if you would like to meet-and-confer on them, just let me know when and I will make myself available. If Monsanto refuses to withdraw the improper confidential designations, we will raise this issue with the Court and request an expedited briefing schedule on the confidentiality of these documents—prior to the expiration of the May 22, 2017 comment deadline.

Sincerely,

ANDRUS WAGSTAFF, PC

/s/ Aimee H. Wagstaff

Aimee H. Wagstaff

MDL 2714, Plaintiffs' Co-Lead Counsel

CC via E-mail: Robin Greenwald, Esq, Michael Miller, Esq.
Eric Lasker, Esq., Joe Hollingsworth, Esq.

EXHIBIT A

No.	Description	Bates
Dermal/Exposure Internal Documents		
1	1/16/2011 Email from Richard Garnet regarding Glyphosate Repeat Dose ADME	MONGLY06731019-1022
2	1/31/2011 email from Kevan Richardson regarding Glyphosate EU Re-Reg	MONGLY01160109
3	11/1/1983 report re: Glyphosate Plasma and Bone Marrow Levels Following Intraperitoneal Injection	MONGLY04268319-9324
4	11/12/2008 email from Christopher Gustin regarding Comparison of GLY Monkey studies	MONGLY02155826-5831
5	4/11/1983 report re: Elimination and Dermal Penetration in Monkey's, MA-081-349 (Report attached)	MONGLY01330781-0783; Report – MONGLY02142251-265
6	7/4/2008 email from William Graham regarding Modeling of Plasma levels	MONGLY02285700
7	11/24/2003 email from Donna Farmer regarding Agitation against Roundup- "cannot say that Roundup is not a carcinogen."	MONGLY00922458-2460
8	Surfactant Issue Analysis	MONGLY01700591-0592
9	Ethylene Glycol in glyphosate	MONGLY01745304
10	3/8/2002 Email regarding in Vitro dermal study ----- Monsanto response to the concern of the Slovenian authorities on the composition of the Plant Protection Product MON 79376 (360 g/l glyphosate) and the surfactant MON 59117 (CAS n6847896-6)	MONGLY06409924-9927 MONGLY02817577-7584
11	Email from Richard Garnett re: MON 59117 GI tract study; "more glyphosate absorption than expected."	MONGLY06424476-4478
12	4/25/2000 email from Stephen Wratten re; Glyphosate dermal penetration	MONGLY03735338-5339
13	4/2/2002 email from William Heydens re: TNO dermal penetration studies: new issues and topics for the conf. call of Tuesday 2, April	MONGLY03738295
14	4/5/2002 email from Stephen Wratten regarding TNO dermal penetration studies	MONGLY03737014-7016
15	8/21/2002 email from Fabrice Broeckaert re: TNO Draft report	MONGLY00888421-8422
16	6/14/2002 fax from Johan Van Burgsteden re: Study 4478, Unaudited draft report	MONGLY00888353-8388
17	The UK Predictive Operator Exposure Model (POEM)	MONGLY06293737
18	Glyphosate acid – In Vitro Absorption through Abraded Rabbit Sin using C-glyphosate	MONGLY01284534 -4570

19	9/15/2009 email from Christophe Gustin regarding nude mouse model	MONGLY02804480 -4482
20	8/23/2011 email from Christophe Gustin regarding Dermal penetration study argumentation for applicability to MON 79991	MONGLY04107778- 7779
21	4/10/2003 email from Richard Garnett regarding Glyphosate penetration through gloves	MONGLY06401072-1075
22	10/29/1988 letter from EPA to Monsanto regarding Glyphosate products request for postponement of additional requirements for protective clothing	MONGLY00223577-3581
23	1/23/2015 Acquavella stating that other ingredients in roundup are relevant for judging glyphosate	ACQUAVELLAPROD00008909
24	8/14/2003 email from Fabrice Broeckeaert regarding K salt of glyphosate by inhalation	MONGLY06722565-2566
25	6/17/2001 email from Richard Garnett regarding droplet sizes for Rup formulations	MONGLY06388557-8558
26	8/11/2003 email from Mark Martens regarding K-salt of Glyphosate	MONGLY06722561-2564
27	10/19/2009 email from David Saltmiras re: Manuscript: Toxicokinetics of Glyphosate & AMPA in rats	MONGLY02159396-9399
28	Exposure Estimate refinements	MONGLY05795088-5124
29	Absorption, Distribution and Excretion Study Summaries	MONGLY01526625-6647
30	Summary of NSRL Data	MONGLY03099501
31	NSRL Levels	MONGLY01529788
32	NSRL Calculations	MONGLY01307561
33	Meeting with OEHHA	MONGLY02914477
34	CLH Report	MONGLY02319393
35	Chronic Dietary Assessment (Glyphosate Exposure Assessment for Prop 65)	MONGLY03682041
Microbiota/Shikimate Pathway		
36	Discussion of raising AOEL (“careful not create new issues”)	MONGLY04188925
37	1/3/2013 Email from Gary Hartnell- “surfactant can have effect”	MONGLY02811375
38	1/4/2013 Response to Shehata- discussing various issues of gut microbiota	MONGLY02246128
39	6/8 2000- lack of knowledge about microflora	MONGLY01140172
40	2/27/97- Donna Farmer admits to effect of glyphosate on mammalian cells in culture	MONGLY00976696
41	3/10/2005- Issues with effects on shikimate pathway	MONGLY00923951
42	4/15/2015- Goldstein on gut microbes	MONGLY00901786