Michael J. Miller (appearance *pro hac vice*)
Timothy Litzenburg (appearance *pro hac vice*)
Curtis G. Hoke (State Bar No. 282465)
The Miller Firm, LLC
108 Railroad Ave.
Orange, VA 22960
(540) 672-4224 phone; (540) 672-3055 fax
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choke@millerfirmllc.com

Attorneys for Plaintiff
DEWAYNE JOHNSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,

Plaintiff,

v.

MONSANTO COMPANY

Defendants.

Case No. CGC-16-550128

DECLARATION OF CURTIS G. HOKE IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE 7 TO EXCLUDE DONNA FARMER EMAIL

Trial Judge: TBD

Trial Date: June 18, 2018
Time: 9:30 AM
Department: TBD

DECLARATION OF CURTIS G. HOKE

I, Curtis Hoke, declare and state:

1. I am an attorney at law admitted to practice before all of the courts in the state of California. I am an attorney at The Miller Firm, LLC, attorneys of record for Plaintiff Dewayne Johnson. I am over eighteen years of age and am fully competent to make this Declaration in support of Plaintiff's Opposition to Defendant's Motion in Limine No. 7 to Exclude Argument or Reference to a 2009 Email by Dr. Donna Farmer. Except as otherwise expressly stated below, I have personal knowledge of the facts stated in this declaration, and if called to testify, I could and would competently testify to the matters stated herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of portions of Monsanto's Responses to Plaintiff's Request for Admissions.

3. Attached hereto as **Exhibit B** is a true and correct copy of portions of the EPA's 2005 Guidelines for Carcinogenic Risk Assessment.

4. Attached hereto as **Exhibit C** is a true and correct copy of a 3/5/2013 email from Xavier Belvaux Bates Number MONGLY01159775-76.

5. Attached hereto as **Exhibit D** is a true and correct copy of portions of the 12/14/2010 email from Stephen Adams, MONGLY01155974.

6. Attached hereto as **Exhibit E** is a true and correct copy of portions of the 11/24/2003 email from Donna Farmer, MONGLY00922458.

7. Attached hereto as **Exhibit F** is a true and correct copy of portions of the 8/24/2017 hearing transcript, In Re: Roundup Product Liability Litigation, MLD 16-02741.

8. Attached hereto as **Exhibit G** is a true and correct copy of the 1/11/2017 deposition of Donna Farmer PhD.

9. Attached hereto as **Exhibit H** is a true and correct copy of portions of the expert toxicological assessment of Dr. William Sawyer.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 7, 2018 in Orange, Virginia.

By: _____
Curtis G. Hoke,
Declarant

EXHIBIT A

Sandra A. Edwards SBN 154578
FARELLA BRAUN + MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480
Email: sedwards@fbm.com

Richard A. Clark SBN 39558
Steven R. Platt SBN 245510
PARKER, MILLIKEN, CLARK,
O'HARA & SAMUELIAN, A P.C.
555 S. Flower Street, 30th Floor
Los Angeles, CA 90071-2440
Telephone: (213) 683-6500
Facsimile: (213) 683-6669
Email: rclark@pmcos.com
splatt@pmcos.com

Joe G. Hollingsworth (appearance *pro hac vice*)
Eric G. Lasker (appearance *pro hac vice*)
Martin C. Calhoun (appearance *pro hac vice*)
HOLLINGSWORTH LLP
1350 I Street, N.W.
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Telephone: (202) 898-5800
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Email: jhollingsworth@hollingsworthllp.com
elasker@hollingsworthllp.com
mcalhoun@hollingsworthllp.com

Attorneys for Defendants MONSANTO COMPANY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,

Plaintiff,

v.

MONSANTO COMPANY,

Defendant.

Case No. CGC-16-550128

DEFENDANT MONSANTO COMPANY'S RESPONSES TO PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS

Hon. Judge Curtis E.A. Karnow

CONTAINS CONFIDENTIAL MATERIAL SUBJECT TO PROTECTIVE ORDER SPECIFICALLY ON PAGE 5, LINE 24 THROUGH PAGE 6, LINE 3

information. Notwithstanding Monsanto's objections, Monsanto **ADMITS** that Ranger PRO® Herbicide contains the listed ingredients, as detailed on the Confidential Statement of Formula approved by EPA, MONGLY00976635-42.

10. Admit that Monsanto has not conducted a chronic toxicity study of any of the glyphosate containing formulations sold in the United States as of June 29, 2017. [This Request is listed as No. 33 in Plaintiffs' Amended and Supplemental Requests for Admissions (June 29, 2017)].

RESPONSE: Monsanto incorporates by reference General Objections 1-6 here as if restated in full. Monsanto objects to the phrase "chronic toxicity study" as vague, because plaintiff purports to define the term by citing a five-page background document that does not contain a precise definition of the term and references a variety of toxicity studies. Notwithstanding Monsanto's objections, Monsanto **ADMITS** that, after reasonable inquiry into the information that is known or readily obtainable, it has not identified any 12 month or longer chronic toxicity studies that it has conducted on glyphosate containing formulations that were available for sale in the United States as of June 29, 2017, but **DENIES** that Monsanto has not conducted toxicity studies of shorter durations, genotoxicity studies, and other tests on formulated glyphosate containing products sold in the United States as of June 29, 2017. Monsanto also **DENIES** the request to the extent it suggests that Monsanto has not conducted chronic toxicity studies on glyphosate. Monsanto otherwise **DENIES** this Request.

11. Admit that "Draft Report: Mortality Surveillance Results for Luling Plant 1980-89" is the only Monsanto report related to the Epidemiology Group's mortality surveillance project conducted during January 1, 1980 through 1989 (MONGLY07080736).

RESPONSE: Monsanto incorporates by reference General Objections 1-6 here as if restated in full. After reasonable inquiry into the information that is known or readily obtainable, Monsanto **ADMITS** this Request with respect to reports on plants that manufactured glyphosate

reasonable confidence." IARC, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans Preamble*, 22 (Jan. 2006), http://monographs.iarc.fr/ENG/Preamble/currentb6evalrationale0706.php. Monsanto otherwise **DENIES** this Request.

26. Admit that Monsanto never submitted the reports written by Dr. James Parry in 1999 on behalf of Monsanto regarding the genotoxicity of glyphosate and glyphosate containing products to the U.S. EPA.

RESPONSE: Monsanto incorporates by reference General Objections 1-6 here as if restated in full. Monsanto objects to the phrases "on behalf of Monsanto" and "regarding the genotoxicity of glyphosate and glyphosate containing formulations" as vague and ambiguous. Monsanto objects that this Request does not identify the documents it references. To the extent that this Request references MONGLY01312093-104 and MONGLY01314233-83, Monsanto **ADMITS** that, after reasonable inquiry into the information that is known or readily obtainable, it has not identified any documentary evidence that the referenced reports were submitted to U.S. EPA. To the extent that this Request references other documents, Monsanto cannot respond. Monsanto otherwise **DENIES** this Request.

Dated: October 16, 2017

FARELLA BRAUN + MARTEL LLP

By: _____
Sandra Edwards
Attorney for Defendant
MONSANTO COMPANY

EXHIBIT B

EPA/630/P-03/001F
March 2005

Guidelines for Carcinogen Risk Assessment

Risk Assessment Forum
U.S. Environmental Protection Agency
Washington, DC

for causality can be provided when a change in exposure brings about a change in disease frequency, for example, the decrease in the risk of lung cancer that follows cessation of smoking.

(i) Analogy. SARs and information on the agent's structural analogues can provide insight into whether an association is causal. Similarly, information on mode of action for a chemical, as one of many structural analogues, can inform decisions regarding likely causality.

2.2.2. Animal Data

Various whole-animal test systems are currently used or are under development for evaluating potential carcinogenicity. Cancer studies involving chronic exposure for most of the lifespan of an animal are generally accepted for evaluation of tumor effects (Tomatis et al., 1989; Rall, 1991; Allen et al., 1988; but see Ames and Gold, 1990). Other studies of special design are useful for observing formation of preneoplastic lesions or tumors or investigating specific modes of action. Their applicability is determined on a case-by-case basis.

2.2.2.1. *Long-term Carcinogenicity Studies*

The objective of long-term carcinogenesis bioassays is to determine the potential carcinogenic hazard and dose-response relationships of the test agent. Carcinogenicity rodent studies are designed to examine the production of tumors as well as preneoplastic lesions and other indications of chronic toxicity that may provide evidence of treatment-related effects and insights into the way the test agent produces tumors. Current standardized carcinogenicity studies in rodents test at least 50 animals per sex per dose group in each of three treatment groups and in a concurrent control group, usually for 18 to 24 months, depending on the rodent species tested (OECD, 1981; U.S. EPA, 1998c). The high dose in long-term studies is generally selected to provide the maximum ability to detect treatment-related carcinogenic effects while not compromising the outcome of the study through excessive toxicity or inducing inappropriate toxicokinetics (e.g., overwhelming absorption or detoxification mechanisms). The purpose of two or more lower doses is to provide some information on the shape of the dose-response curve. Similar protocols have been and continue to be used by many laboratories worldwide.

All available studies of tumor effects in whole animals should be considered, at least preliminarily. The analysis should discard studies judged to be wholly inadequate in protocol, conduct, or results. Criteria for the technical adequacy of animal carcinogenicity studies have been published and should be used as guidance to judge the acceptability of individual studies (e.g., NTP, 1984; OSTP, 1985; Chhabra et al., 1990). As these criteria, in whole or in part, may be updated by the National Toxicology Program (NTP) and others, the analyst should consult the appropriate sources to determine both the current standards as well as those that were contemporaneous with the study. Care should be taken to include studies that provide some evidence bearing on carcinogenicity or that help interpret effects noted in other studies, even if these studies have some limitations of protocol or conduct. Such limited, but not wholly inadequate, studies can contribute as their deficiencies permit. The findings of long-term rodent bioassays should be interpreted in conjunction with results of prechronic studies along with toxicokinetic studies and other pertinent information, if available. Evaluation of tumor effects takes into consideration both biological and statistical significance of the findings (Haseman, 1984, 1985, 1990, 1995). The following sections highlight the major issues in the evaluation of long-term carcinogenicity studies.

2.2.2.1.1. *Dosing issues.* Among the many criteria for technical adequacy of animal carcinogenicity studies is the appropriateness of dose selection. The selection of doses for chronic bioassays is based on scientific judgments and sound toxicologic principles. Dose selection should be made on the basis of relevant toxicologic information from prechronic, mechanistic, and toxicokinetic and mechanistic studies. A scientific rationale for dose selection should be clearly articulated (e.g., NTP, 1984; ILSI, 1997). How well the dose selection is made is evaluated after the completion of the bioassay.

Interpretation of carcinogenicity study results is profoundly affected by study exposure conditions, especially by inappropriate dose selection. This is particularly important in studies that do not show positive results for carcinogenicity, because failure to use a sufficiently high dose reduces the sensitivity of the studies. A lack of tumorigenic responses at exposure levels that cause significant impairment of animal survival may also not be acceptable. In addition,

EXHIBIT C

Message

From: BELVAUX, XAVIER [AG/5040] [/O=MONSANTO/OU=EA-5041-01/CN=RECIPIENTS/CN=234727]
Sent: 3/5/2013 10:33:07 AM
To: GARDETTE, SOPHIE [AG/5170] [/O=MONSANTO/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SGARD]
CC: SALTMIRAS, DAVID A [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=DASALT]
Subject: RE: Dossiers d'homologation Mon 79351et Mon 79376

Yes it should be sufficient if you properly inform them that the long term toxicity is covered by studies on the active ingredient.

From: GARDETTE, SOPHIE [AG/5170]
Sent: Tuesday, March 05, 2013 11:29 AM
To: BELVAUX, XAVIER [AG/5040]
Cc: SALTMIRAS, DAVID A [AG/1000]
Subject: RE: Dossiers d'homologation Mon 79351et Mon 79376

Ok, thanks for this additional information

I have already forward the review report of glyphosate to the Tunisian authorities.

I could imagine that it must be sufficient => what do you think ?

Sophie GARDETTE

Regulatory Affairs Manager - Monsanto SAS

[redacted]

From: BELVAUX, XAVIER [AG/5040]
Sent: Tuesday, March 05, 2013 11:27 AM
To: GARDETTE, SOPHIE [AG/5170]
Cc: SALTMIRAS, DAVID A [AG/1000]
Subject: RE: Dossiers d'homologation Mon 79351et Mon 79376

Sophie,

We do not conduct sub-chronic, chronic or terotogenicity studies with our formulations. The long term exposure has been assessed according to the regulatory requirements in chronic and carcinogenicity studies conducted with the active ingredient glyphosate. Based on review of chronic rat and mouse studies, EU Commission concluded in 2002 of "no evidence of carcinogenicity for the glyphosate. This was also confirmed by other international regulatory reviews (WHO/FAO 2004, US EPA 1993).

Do you need these tox studies conducted with the glyphosate?

Best regards,

Xavier

From: GARDETTE, SOPHIE [AG/5170]
Sent: Tuesday, March 05, 2013 10:55 AM
To: BELVAUX, XAVIER [AG/5040]
Subject: FW: Dossiers d'homologation Mon 79351et Mon 79376

Hello

La Tunisie me demande des études de toxicité sub-chroniques, chroniques et térotogénicité. pour les Mon 79376 et Mon 79351 qu'on veut déposer

A date je leur ai transmis la copie des dossiers d'homolo déposés pour la France

Est-ce qu'on a quelque chose d'autres à transmettre à ton avis ?

Sinon : comment on le justifie ?

EXHIBIT D

Message

From: ADAMS, STEPHEN A [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=113797]
Sent: 12/14/2010 6:07:35 PM
To: KLOPF, GARY J [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=162545]
CC: HEMMINGHAUS, JOHN W [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=521714]; DYSZLEWSKI, ANDREW D [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=102676]; LASARTE, MARTIN A [AG/5001] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=22015]; KAVANAS, DIEGO [AG/5001] [/O=MONSANTO/OU=LA-5001-01/CN=RECIPIENTS/CN=191954]; GUIBERT, MELISA [AG/5000] [/O=MONSANTO/OU=LA-5000-01/CN=RECIPIENTS/CN=661675]; WATSON, GREGORY R [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=GRWATS]; HEYDENS, WILLIAM F [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=230737]; FARMER, DONNA R [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=180070]; SALTMIRAS, DAVID A [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=DASALT]; MORRISON, BRINNON L [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=BLMORR1]
Subject: Re: Response Need - Re: Glyphosate Questions (Argentina); FW: publicaciones CASAFE en la página

All:

We have information and data to address most all of this. There are basically 2 parts that I see - 1) the chronic toxicity of glyphosate and its impurities and metabolites, and 2) the toxicity of the POEA surfactants.

With regards to the carcinogenicity of our formulations we don't have such testing on them directly but we do have such testing on the glyphosate component and some extensive tox testing on the surfactant. Since the glyphosate formulations are simply a blend of these components, I think we can address these questions in a confident manner. The biggest factor is time. With the approaching holiday season it may be several weeks before we can have the detailed response which this deserves prepared.

I have copied in the Tech Center people who would need to be involved in preparing the response and invite there comment. I will also follow-up with them.

Steve

From: KLOPF, GARY J [AG/1000]
To: ADAMS, STEPHEN A [AG/1000]
Cc: HEMMINGHAUS, JOHN W [AG/1000]; DYSZLEWSKI, ANDREW D [AG/1000]; LASARTE, MARTIN A [AG/5001]; KAVANAS, DIEGO [AG/5001]; GUIBERT, MELISA [AG/5000]
Sent: Tue Dec 14 08:28:57 2010
Subject: Response Need - Re: Glyphosate Questions (Argentina); FW: publicaciones CASAFE en la página

Steve,

Could you and/or someone else in the Regulatory group respond to the questions Martin has raised?

Thanks,

Gary [redacted]

From: HEMMINGHAUS, JOHN W [AG/1000]
Sent: Monday, December 13, 2010 4:58 PM
To: KLOPF, GARY J [AG/1000]
Cc: DYSZLEWSKI, ANDREW D [AG/1000]
Subject: FW: publicaciones CASAFE en la página

From: LASARTE, MARTIN A [AG/5001]
Sent: Monday, December 13, 2010 3:37 PM
To: HEMMINGHAUS, JOHN W [AG/1000]; DYSZLEWSKI, ANDREW D [AG/1000]
Cc: KAVANAS, DIEGO [AG/5001]; GUIBERT, MELISA [AG/5000]
Subject: FW: publicaciones CASAFE en la página

John, Andy:

Please can you contact me with the right person to answer the bellow question regarding glyphosate formulations metabolites and potential carcinogenic properties? We also would need some comprehensive information about POEAs surfactants

The request is to assist us regarding some discussions talking place with some Universities and we don´t have that kind of knowledge within the region.

Specifically we would need to understand:

1) Why Roundup formulations are not carcinogenic? What are their most relevant metabolites and what study showed they are not?

2) NNG and formaldehyde are the 2 impurities with known carcinogenic properties that we follow very closely with FAO standards. Are they also present on the metabolites?

3) I know from the process stand point that the AMPA is also a impurity we have under control. Is AMPA also a metabolite? Is it carcinogenic?

4) POEAs surfactant definition and classification. Why are they questioned?

It would be very comprehensive if there is a table showing the metabolites, their concentration on a regular basis, they carcinogenic properties and the limits

Thank you! Martin

From: FARINATI, JUAN M [AG/5000]
Sent: Lunes, 13 de Diciembre de 2010 10:45 a.m.
To: VILAPLANA, ADRIAN [AG/5000]; ALVAREZ ARANCEDO, MIGUEL [AG/5000]; PINA, JUAN [AG/5000]; PAVELY, CHLOE [AG/5000]
Cc: LASARTE, MARTIN A [AG/5001]; LIZARRAGA, DARDO S [AG/5001]
Subject: RE: publicaciones CASAFE en la página

[redacted]

[redacted]

[redacted]

[redacted]

Monsanto Argentina S.A.I.C.

[redacted]

[redacted]

[redacted]

[redacted]: VILAPLANA, ADRIAN [AG/5000]
Sent: Lunes, 13 de Diciembre de 2010 08:57
To: ALVAREZ ARANCEDO, MIGUEL [AG/5000]
Cc: FARINATI, JUAN M [AG/5000]
Subject: RV: publicaciones CASAFE en la página

[redacted]

De: Pablo Grosso [redacted]
Para: FARINATI, JUAN M [AG/5000]; VILAPLANA, ADRIAN [AG/5000]
Enviado: Sun Dec 12 16:26:40 2010
Asunto: RV: publicaciones CASAFE en la página

[redacted]

[redacted]

[redacted]

[redacted]

Abrazo.

Pablo.

De: Augusto Piazza [redacted]
Enviado el: Viernes, 10 de Diciembre de 2010 10:11 p.m.
Para: 'Pablo Grosso'; [redacted] Etiennot particular Tato

CC: 'Juan C JAIME'; Jorge Perez Lissarrague; [redacted]
Asunto: RE: publicaciones CASAFE en la página

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

EXHIBIT E

Message

From: FARMER, DONNA R [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=180070]
Sent: 11/24/2003 2:32:41 PM
To: NATARAJAN, SEKHAR [AG/6020] [/O=MONSANTO/OU=AP-6020-01/cn=Recipients/cn=126349]
CC: CARR, KATHERINE H [AG/1000] [/O=MONSANTO/OU=NA-1000-01/CN=RECIPIENTS/CN=43435]
Subject: RE: Agitation against Roundup

Sekhar,

Your welcome and don't hesitiate to contact us.

Regards,

Donna
-----Original Message-----
From: NATARAJAN, SEKHAR [AG/6020]
Sent: Sunday, November 23, 2003 10:07 AM
To: FARMER, DONNA R [AG/1000]
Cc: DOANE, JULIE R [AG/1000]; CARR, KATHERINE H [AG/1000]; MONTGOMERY, JILL M [AG/5340]; MCDERMOTT, THOMAS J [AG/5040]; FISHER, LORI J [AG/1000]; LAL, DARSHAN; SMETACEK, RANJANA [AG/6020]; KAPOOR, RAJAN D; SMITH, ALLEN T [AG/5340]
Subject: RE: Agitation against Roundup

Thanks Donna for your guidance. Will get back to you if we need any additional support.

RGDS...sekhar

-----Original Message-----
From: FARMER, DONNA R [AG/1000]
Sent: Saturday, November 22, 2003 4:46 AM
To: NATARAJAN, SEKHAR [AG/6020]
Cc: DOANE, JULIE R [AG/1000]; CARR, KATHERINE H [AG/1000]; MONTGOMERY, JILL M [AG/5340]; MCDERMOTT, THOMAS J [AG/5040]; FISHER, LORI J [AG/1000]; LAL, DARSHAN; SMETACEK, RANJANA [AG/6020]; KAPOOR, RAJAN D; SMITH, ALLEN T [AG/5340]
Subject: RE: Agitation against Roundup
Sekhar,

Your Q & A was forward to Kathy Carr and me for review (see attached). I am the toxicologist responsible for glyphosate and glyphosate-based products worldwide and Kathy provides ecotoxicology suppport for glyphosate globally as well as manages the information resources for glyphosate.

As explanation for some of our edits - in many parts of the world there is no such formulation being sold called "Roundup". In addition, in the US we have some lawn and garden products with the Roundup name on them but they contain other active ingredients in addition to glyphosate and they may have different properties from glyphosate. That is why we were using the phrase Roundup herbicides or Roundup agricultural herbicides. When possible it is preferable to use the name of the product that is actually being used and the data that supports that particular formulation.

The terms glyphosate and Roundup cannot be used interchangeably nor can you use "Roundup" for all glyphosate-based herbicides any more. For example you cannot say that Roundup is not a carcinogen...we have not done the necessary

testing on the formulation to make that statement. The testing on the formulations are not anywhere near the level of the active ingredient. We can make that statement about glyphosate and can infer that there is no reason to believe that Roundup would cause cancer.

We cannot support the statement about "no adverse effects whatsoever on flora, or fauna or on the human body". Adverse effects are seen on flora (glyphosate is meant to kill vegetation), adverse effects on fauna - in studies with laboratory animals - even death is seen (LD50 studies for example) and in humans - mild reversible eye and skin irritation are seen with normal use and death can occur in suicide attempts. Therefore we advise using the phrase...."When Roundup herbicides are used according to label directions, no unreasonable adverse effects to people, wildlife, and the environment are expected."

Below is a link to the glyphosate team space where you will find numerous reference materials:

Glyphosate Regulatory & Stewardship TeamSpace: http://w3.monsanto.com/asp/T.asp?id=404.

Also you can send external contacts to the Monsanto site for a number of backgrounders for various items:http://www.monsanto.com/monsanto/layout/sci_tech/crop_chemicals/default.asp

Please don't hesitate to contact me or Kathy or Julie if you have any questions or need any additional information.

Donna
****
Donna R. Farmer, Ph.D.
Manager, Toxicology Programs
Glyphosate-Worldwide
Monsanto Company
[redacted]

-----Original Message-----
From: DOANE, JULIE R [AG/1000]
Sent: Friday, November 21, 2003 8:34 AM
To: FARMER, DONNA R [AG/1000]; CARR, KATHERINE H [AG/1000]
Subject: FW: Agitation against Roundup
Importance: High
I would appreciate your review of the materials below. I'd like to provide our feedback by COB today. We may also want to remind them of the reference material available via the web, teamspace, etc. Please advise. Thanks inadvance, Julie

-----Original Message-----
From: NATARAJAN, SEKHAR [AG/6020]
Sent: Friday, November 21, 2003 6:39 AM
To: MONTGOMERY, JILL M [AG/5340]
Cc: MCDERMOTT, THOMAS J [AG/5040]; FISHER, LORI J [AG/1000]; LAL, DARSHAN; SMETACEK, RANJANA [AG/6020]; KAPOOR, RAJAN D; SMITH, ALLEN T [AG/5340]; GLOVER, JERRY P [AG/1000]
Subject: Agitation against Roundup
Importance: High

Jill- As I had indicated yesterday in our telecon, we have had a series of adverse reports that have appeared in the southern state of Kerala against Roundup (in local print and TV coverage). Although we have sent rebuttals and explanations, the adverse publicity continues unabated and has started impacting some of our trade and users. The State farmers and NGOs in the past have agitated against "endosulfan" too. We are not sure if any our known Biotech opponents are involved in this activity as the usual " Agent Orange " story is strong.

This story has not hit any mainline press or wire service and we are trying to see if we can quickly get this under control. (understand that some of the local media do not want to even talk to us)

We are attaching herewith the following files:

- A detailed list of allegations/issues. A briefing note to Dr Abraham (Weed Specialist, Dept of Agronomy in the Kerala Ag University) who is willing to talk to the media and explain.
- A quick two pager on Roundup and some Q and A guidelines.

Jerry/Tom/Lori- Do let us know if you have any inputs by Friday evening your time. We plan to get Dr Abraham to meet the press tomorrow. Also forward it to any one else, if required.

RGDS...sekhar

EXHIBIT F

Pages 1 - 102

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Vince Chhabria, Judge

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION,) NO. M. 16-02741 VC

San Francisco, California
Thursday, August 24, 2017

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiffs:

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BY: KATHRYN MILLER FORGIE

For Plaintiffs:

Weitz & Luxenberg PC
700 Broadway
New York, NY 10003
(213) 558-5802
BY: ROBIN L. GREENWALD

Reported By: Lydia Zinn, CSR No. 9223, FCRR, Official Reporter

lymphoma. The scientific consensus is that Roundup does not cause non-Hodgkin's lymphoma.

In any of those filings, did you rely on any of these reports that we now know were ghostwritten by Monsanto?

MR. HOLLINGSWORTH: No. You're referring to -- you're referring to the 2000 article by Williams and others. Williams is the only living author among three different authors. That's a review-based paper.

And you're referring to something called "the intertech panel," which is a panel of seven or eight experts and consultants that Monsanto put together after the IARC came out with its conclusion. It's a review article. It's a review of all of the literature. Both of those papers are reviews of the literature. They're not the original opinions and findings and reports of the people who conducted the original, basic science. And it's the original, basic science on which Monsanto company has relied, in every statement that I'm aware of, to say that there's no support for the notion that glyphosate can cause cancer.

It's impossible for anybody to say that glyphosate doesn't cause cancer, because you cannot prove a negative; all you can say is that there's no reliable science to say that it does. And that's what *Daubert* is to address to you. That's what the Supreme Court was talking about when it wrote the *Daubert* Opinion.

EXHIBIT G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION	)	MDL No. 2741
THIS DOCUMENT RELATES TO ALL CASES	)	Case No. 16-md-02741-VC

WEDNESDAY, JANUARY 11, 2017

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

- - -

Videotaped deposition of Donna Farmer, Ph.D., Volume I, held at the offices of HUSCH BLACKWELL, L.L.C., 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, commencing at 9:04 a.m., on the above date, before Carrie A. Campbell, Registered Diplomate Reporter, Certified Realtime Reporter, Illinois, California & Texas Certified Shorthand Reporter, Missouri & Kansas Certified Court Reporter.

- - -

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particular skills and expertise that we've been discussing about, even you, Donna Farmer, cannot say that Roundup does not cause cancer, true?

A. Roundup does not cause cancer. There's no data that supports that statement.

Q. It would be intellectually dishonest for Donna Farmer to tell us today that she can say Roundup does not cause cancer, true?

MR. JOHNSTON: Objection. She just answered your question, Counsel.

MR. MILLER: Let's take a look at the answer --

MR. JOHNSTON: You're being argumentative if you're asking her if she's being -- not being intellectually honest. I think the Court would agree with me on that.

(Farmer Exhibit 1-8 marked for identification.)

QUESTIONS BY MR. MILLER:

Q. Let's take a look at the documents you prepared before the lawsuit was filed, ma'am. This is 1:8, produced from

your file, and I have a copy for you and a copy for counsel.

You've seen this before, haven't you, ma'am?

MR. JOHNSTON: Give her a second to look at it.

MR. MILLER: Of course.

QUESTIONS BY MR. MILLER:

Q. Take your time. Have you seen it before? Take your time.

MR. JOHNSTON: You didn't really give her a second to look at it.

MR. MILLER: Who's being argumentative?

QUESTIONS BY MR. MILLER:

Q. Let me know when you're ready.

All right, ma'am. Now this is a document, a copy of an e-mail, sent by you, right, ma'am? Donna Farmer?

A. Yes.

Q. Okay. And it was sent by you on September 21, 2009, right?

A. Yes.

Q. And it's concerning Roundup, right?

A. Yes.

Q. And in that you say this: "You cannot say that Roundup does not cause cancer. We have not done the carcinogenicity studies with Roundup."

Did I read that correctly?

A. Yes, you did read that correctly.

But I want to point out that I should have -- in other e-mails that I have done is that what we talk about is while we have not done carcinogenicity with Roundup per se, we have data on glyphosate. We don't believe the surfactants -- they are not carcinogenic.

So normally what I would say is that when you put those two together, even though we haven't done these carcinogenicity studies, that there is no evidence that Roundup would be carcinogenic.

Q. I want to read what you said before the lawsuit was filed.

You said, "You cannot say that Roundup does not cause cancer...we have not done carcinogenicity studies."

EXHIBIT H

TCAS

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Toxic Exposures · Environmental Testing · Risk Assessment · Forensic Toxicology · Causation Evaluation

Toxicological Assessment of Dewayne Johnson and Toxicological Risk Assessment of Glyphosate and Roundup® and Ranger PRO® Formulations

William R. Sawyer, Ph.D., D-ABFM
Toxicologist

December 21, 2017

Prepared for

Michael J. Miller, Esq.
Jeffrey A. Travers, Esq.
Timothy Litzenburg, Esq.

The Miller Firm, LLC
108 Railroad Avenue
Orange, VA 22960

which purport to reduce the apparent percentage of glyphosate absorbed thus bringing the value below the minimum required for regulatory approval.

- **Absorption Factors:** Additives within Roundup® formulations increase glyphosate dermal absorption. These include (a) "co-formulants" (ingredients other than glyphosate) such as surfactants (compounds which lower surface tension) and humectants (to inhibit moisture loss) and (b) adjuvants (chemicals which modify the effect of other agents). Other factors affecting absorption include skin damage such as lesions, cracks and other irregularities, lack of personal protective gear, etc. Co-formulants are of particular concern as they can be more toxic than glyphosate itself.

- **Pharmacokinetics:** This refers to the amount and the rate at which a substance is directly absorbed, distributed and metabolized by the body and how much is excreted. While normally an objective measurement, there are examples cited herein showing that the percent absorbed versus excreted is higher than that purported by the manufacturer. Additionally, Monsanto (knowingly or unknowingly) has regularly misstated glyphosate dermal absorption recovery in its communications. These are regarded as pertinent issues with respect to credibility and weight of evidence.

- **Industrial Secrecy:** IARC relied solely on *independent research* to render its conclusion. Monsanto-sponsored studies played little or no part in the IARC classification ruling. Similarly, this toxicological assessment has primary relied upon independent studies though Monsanto-sponsored studies were also assessed, noting inconsistencies and consistencies where appropriate.

- **Regulatory Considerations:** Regulatory rulings play a role no more or less important in a toxicological assessment than any other objective evidence. It is noteworthy that there is presently disagreement within the U.S. EPA itself with respect to some of the issues raised in this assessment. Although the State of California listed glyphosate as a carcinogen on July 7, 2017, *this toxicological assessment does not assume any position of advocacy*. The opinions expressed herein are based on objective, reliable evidence without deviation from the assessment methodology.

- **Carcinogenic Studies:** This assessment takes into account numerous studies and cancer bioassays in animals as well as chronic dietary studies and carcinogenicity

µg/cm^2 while the maximum penetration was about 3.5 µg/cm^2 or approximately **4.4 % of the applied dose**.

- At the lower dose, using the worst case scenario, the missing 27% of the dose should be included in the amount absorbed and, therefore, the amount of absorbed glyphosate would be **30% of the applied dose**.

The measured 10.3 % dermal absorption of glyphosate through rat skin in the presence of a surfactant was not received well by Monsanto.

A series of communications among corporate employees followed disclosure of the test results which collectively suggests a keen lack of interest in making their findings known to the outside world. Thus, in a spirit of relevant disclosure and objective assessment, samples of Monsanto internal correspondence appear on the following pages.

In a message from [redacted] (3-29-02) to [redacted]: Subject: *"TNO dermal penetration studies: new issues and topics for the conference call of Tuesday, 2 April (8 A.M STL time),"* the following was noted:

> *"As of today we received preliminary surprising results on in vitro dermal penetration of propachlor and glyphosate through rat skin, it is imperative that we work closely together and communicate well on the conduct, the practical difficulties and the results associated with these studies.*
>
> *Glyphosate:*
>
> *- The EU rapporteur for glyphosate used a dermal penetration factor of 3% based on several published in vitro/in vivo dermal penetration studies*
>
> *- We launched human and rat in vitro dermal penetration studies with MON 35012 with and without surfactant*
>
> *- Preliminary results with rat skin are not acceptable (see fax); due to very bad reproducibility (sic) that TNO cannot explain, they proposed to repeat the study in parallel with the human skin study. However, we can already conclude that:*
>
> *a. For the concentrate MON 35012, the % in vitro dermal penetration of glyphosate through rat skin is between 5 and 10%*
>
> *b. For the spray dilution of MON 35012, the % in vitro dermal penetration of glyphosate through rat skin will be around 2%*
>
> *c. The dermal penetration of glyphosate itself in the absence of surfactant is lower than 1.5%."*

Rather than attempt to interpret this message, it is perhaps more instructive and revealing to cite a follow-up communication from Mr. William Heydens (4-2-02, to Charles Healy): Subject: *"TNO dermal penetration studies: new issues and topics for the conf call of Tuesday, 2 April (8 A.M STL time)."*

> *"… My primary concern is with the glyphosate in terms of the potential for this work to blow Roundup risk evaluations (getting a much higher dermal penetration than we've ever seen before."*

It seems the primary concern among Monsanto employees was for the potential of the test results to upset the product risk evaluations and confound the regulatory approval process. The potential human health issues raised by the product test results were not raised by any participant.

For undisclosed reasons, Monsanto **did not share this study** with the public or the scientific community. Additionally, they also decided not to have it repeated. Some incidental communications on this subject are available for consideration:

[redacted] (4-4-02):

> *"Although we agreed to repeat the in vitro dermal penetration study with rat skins as proposed by TNO, we came to the conclusion that the penetration of glyphosate would have been [probably] greater than the 3% already imposed by the German authorities. We decided thus to STOP the study (effective today morning)."*

In view of the concern that the test results might derail the regulatory approval process, the ethical red flags raised by this message are largely self-explanatory.

With further explanation, [redacted] (4-5-02):

> *"…we initiated the studies from a regulatory angle to help meet the requirements for operator exposure, given that the Annex I endpoint for dermal absorption for glyphosate was set at 3%, …the results of the rat skin studies show levels of absorption for glyphosate of a similar order to the Annex I endpoint, also confirm our expectation that surfactant concentration affects the dermal absorption… therefore, from the regulatory angle, there is no point in pursuing the studies further."*