

**EXHIBIT  
PLTF-1092**

**From:** Gary L Schmitz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B99725376D1041B09D2CC5C2693D18C6-SCHMITZ]  
**Sent:** 3/21/2017 4:35:08 PM  
**To:** Dan Eric Westberg [dan.westberg@basf.com]  
**Subject:** RE: DRAFT Guidelines for Expectation Setting with Retailer Applicator

Dan,

Here are some edits. Most of the edits are around us not stating what we think. I don't think we should state things like where we think the drift came from unless we think there was another source. In the conversation it will become obvious that we are treating the situation like it did come from the application but I don't think we should say it did come from there. Remember, this probably be a BR or even a DRI on the call. I was always told to never admit guilt. I have done that at times when later I learned that i actually was not really at fault. Once you state it you are stuck with it. The same for saying that it will probably impact yield.

Thanks,  
Gary

**From:** Dan Eric Westberg  
**Sent:** Tuesday, March 21, 2017 10:30 AM  
**To:** Gary L Schmitz <gary.schmitz@basf.com>  
**Subject:** RE: DRAFT Guidelines for Expectation Setting with Retailer Applicator

Here are my thoughts so far.

**Dan Westberg**  
Diversified Region Tech Service Manager

Phone: 919 547-2552 Mobile: 919-280-6813 Fax: N/A E-Mail: [dan.westberg@basf.com](mailto:dan.westberg@basf.com)  
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**From:** Gary L Schmitz  
**Sent:** Monday, March 20, 2017 6:12 PM  
**To:** Dan Eric Westberg <[dan.westberg@basf.com](mailto:dan.westberg@basf.com)>  
**Subject:** RE: DRAFT Guidelines for Expectation Setting with Retailer Applicator

Here are some additional thoughts and edits.  
Gary

**From:** Dan Eric Westberg  
**Sent:** Monday, March 20, 2017 3:19 PM  
**To:** Gary L Schmitz <[gary.schmitz@basf.com](mailto:gary.schmitz@basf.com)>  
**Subject:** DRAFT Guidelines for Expectation Setting with Retailer Applicator

Gary,



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Here is my first pass.

Thanks,

**Dan Westberg**  
Diversified Region Tech Service Manager

Phone: 919 547-2552 Mobile: 919-280-6813 Fax: N/A E-Mail: [dan.westberg@basf.com](mailto:dan.westberg@basf.com)  
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## Q&A for Alleged Off-Target Investigations

### Introduction at the Field

Hello, I am *Jane Smith* with BASF. I am here to investigate this claim and to address any questions that you may have.

### Questions for the BASF Rep to Ask at the Field

Could you please tell me what are your concerns?

When did you first see the symptoms?

What pattern of response do you see?

- If the symptom response gradient not associated with an application to the field (tank contamination) showing symptoms, evaluate level of symptoms from potential source out into the field.
- If no gradient or appears to be uniform to an application made to the field, ask questions about potential sprayer contamination.

Where do you believe the drift came from?

Did you witness the suspected application? Verify date and time frame based on what you have been told. Does it correlate with the information that you have collected prior to the call-call?

### Key Talking Points

1. Is this Engenia drift?
  - a. After investigating the field and viewing symptomology consistent with Plant Growth Herbicide symptomology:
    - i. **Although many things can cause these types of symptoms. This symptomology is consistent with a Plant Auxin type herbicide.**
    - ii. ***Alternate:* This symptomology is consistent with a Plant Auxin type herbicide; however, there may be other things that can cause a similar response that we should consider.**
2. Who is going to pay for this? (If presented with the question when you first arrive at the field)
  - i. ~~I understand that you have a concern about the condition of the crop. May I take a closer look at it?~~
  - ii. ~~*Alternate:* I understand that you have a concern about the condition of your crop. I am here strictly on an advisory role. Any settlement will have to be worked out with the applicator. Let's take a closer look at the symptoms so we can better evaluate what the impact may or may not be to your crop.~~
3. Will this hurt my soybean yield?
  - a. After examining the soybean field, you determine that the terminal growth is not affected and only the new leaves are puckered:



5. Did the applicator spray the product incorrectly?

**i. I am still collecting information at this time so I can't say one way or the other. These symptoms would indicate a very low rate of product moved off target. Based on our research, this symptomology will have no impact on soybean yield.**

~~ii. I wasn't here when it was applied but there is never a situation where there is no risk of spray drift. These symptoms would indicate a very low rate of product moved off target. Based on our research, this symptomology will have no impact on soybean yield.~~

~~Alternate based on lack of information or potential for other sources: Based on the information that I have collected to date, I can't say one way or the other.~~

~~iii. Alternate based on information confirming applicator as source: Based on the information that I have collected and what we have looked at today, it is likely that he/she may have drifted onto your crop. However, there is.....(describe symptomology and potential affect on yield).~~

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6. Why is BASF not taking liability for the off-target damage?

**i. BASF provides Best Management Practices on the label but there is never zero risk of spray drift. Some local judgement is always required. Even if applied per our label it is possible that some non-yield impacting soybean leaf symptomology may be visible beyond the downwind buffer zone even after the implementation of these practices.**

7. Is my pet/child safe (if suspected dicamba drift into a homeowner's yard)?

**i. This is an herbicide that only has activity on plants and is used in many crops including lawns. If there was drift, it would be at an extremely low dose**

**ii. If you are still concerned, they can call 1-800-832-HELP (4357) or Poison Control**

8. Homeowner/Garden: Is this crop safe to eat? Can I sell this locally?

a. If the crop is on dicamba MRL approved list:

**i. Yes, BASF has conducted trials for the EPA showing that this crop is safe to eat/sell if it has been exposed to drift from dicamba**

b. If the crop is NOT on the dicamba MRL approved list:

- I. If you believe this crop has been exposed to dicamba then "No", a residue tolerance has not been established with the EPA and the crop/fruit can't be consumed