Powell

EXHIBIT 6

FILED UNDER SEAL

Page 1

IN THE CIRCUIT COURT

TWENTIETH JUDICIAL CIRCUIT

ST. CLAIR COUNTY, ILLINOIS

DIANA HOFFMANN,) individually and as) Independent Administrator) of the Estate of THOMAS R.) HOFFMANN, Deceased, et al.,) No. 17-L-517) Plaintiffs,) vs.) SYNGENTA CROP PROTECTION,) LLC, et al.,) Defendants.)

VIDEOCONFERENCE DEPOSITION OF DAVID POWELL, PhD

Wednesday, June 10, 2020 - 9:13 a.m.

Peoria, Illinois

Reported By: Marjorie Peters, FAPR, RMR, CRR Job No: 27569

	Page 2			Page 4
1	VIDEOCONFERENCE DEPOSITION OF DAVID POWELL, PhD	1	A P P E A R A N C E S	
2	a witness herein, called by the Plaintiff for	2	For the Defendant Chevron, USA, Inc.:	
3	examination, taken pursuant to the Illinois Supreme	3	Megan A. Scheiderer, Esquire	
4	Court Rules 206, as amended by the April 29, 2020		HUSCH BLACKWELL LLP	
5	Corrected Order of the Illinois Supreme Court	4	4801 Main Street, Suite 1000 Kansas City, MO 64112	
6	204(a)(3) and 201(l), by and before Marjorie Peters,	5	megan.scheiderer@huschblackwell.com	
7	a Registered Merit Reporter, Certified Realtime		816.983.8295	
8	Reporter and Notary Public in and for the	6		
9	Commonwealth of Virginia, at Heyl Royster Voelker &	7	ALSO PRESENT:	
10	Allen, PC, 300 Hamilton Boulevard, Peoria, Illinois,	8	Daniel Hall, Growmark	
11	on Wednesday, June 10, 2020, at 9:13 a.m.	9 10	Courtney Kahle, Growmark Juanita Brumitt, Korein Tillery	
12		11	Jean-Louis Ziesch, legal videographer	
13		12	Jean-Louis Ziesen, legar videographer	
14		13		
15		14		1
16		15		
17		16 17		
18 19		18		
20		19		
21		20		
22		21		
23		22		
24		23 24		
25		25		
	Page 3			Page 5
1	APPEARANCES	1		-
1 2	For the Plaintiffs:	1 2	INDEX EXAMINATION	PAGE
3	Stephen M. Tillery, Esquire Robert L. King, Esquire	3	EXAMINATION DAVID POWELL, PhD	FAGE
4	Diane Moore, Esquire Max Gibbons, Esquire	4	By Mr. Tillery 8	
5	KOREIN TILLERY, LLC	5	Acknowledgment of Deponent	227
6	One US Bank Plaza 505 N. 7th Street, Suite 3600	6		228
7	St. Louis, MO 63101 stillery@koreintillery.com	7	Errata Sheet 229	.20
1	rking@koreintillery.com	8	INDEX OF EXHIBIT	S
8	dmoore@koreintillery.com mgibbons@koreintillery.com	9	POWELL EXHIBIT	PAGE
9 10	314.241.4844	10		10
1	For the Defendant Growmark:	11	Exhibit 8 Quick Guides	62
11	Anthony Hopp, Esquire	12	Exhibit 1 Distributorship and	79
12	Steptoe & Johnson LLP 227 West Monroe Street, Suite 4700	13	Marketing Services	
13	Chicago, IL 60606	14	Agreement,	
14	ahopp@steptoe.com +1 312 577 1249	15	Growmark-Hoffmann_0016	
15 16	For the Defendant Growmark: Anne G. Kimball, Esquire, Of Coursel	16		180
	HEYL ROYSTER VOELKER & ALLEN	17	4.23.1966, CUSA-0306411-	
17	33 North Dearborn Street Chicago, IL 60602	18	· · · · · · · · · · · · · · · · · · ·	184
18 19	akimball@heylroyster.com For the Defendant Syngenta Crop Protection, LLC:	19	12.4.1985,	
20	Ragan Naresh P.C.	20	CUSA-00120745-47	105
21	KIRKLAND & ELLIS LLP 1301 Pennsylvania Avenue, N.W.	21	Exhibit 4 EPA letter and labels,	187
22	Wnshington, DC 20004 ragan.naresh@kirkland.com	22	SYNG-PQ-13800599-612	hal 100
	+1 202 389 5267	23	Exhibit 5 Syngenta Gramoxone la	bel, 192
23 24		24 25	[no Bates])	
25		120		

2 (Pages 2 to 5)

1	Page 6		Page 8
1	INDEX OF EXHIBITS	1	ready to proceed?
1 2	POWELL EXHIBIT PAGE	2	THE VIDEOGRAPHER: So will the Court
3	Exhibit 6 e-mail, 6.1.2019, 218	3	Reporter
4	Growmark-Hoffmann 00021460	4	THE WITNESS: I'm ready.
5	Exhibit 7 e-mail, 1.3.2018, 221	5	THE VIDEOGRAPHER: Will the Court
6	Growmark-Hoffmann 00101156	6	Reporter please swear in the witness.
7		7	MR. TILLERY: Oh, swear you in.
8		8	DAVID POWELL, PhD,
9		9	a witness, having been first duly sworn, was
10		10	examined and testified as follows:
11		11	EXAMINATION
12		12	BY MR. TILLERY:
13		13	Q. Would you state your name, please.
14		14	A. David Powell.
15		15	Q. And it's actually Dr. Powell, isn't it?
16		16	A. I have a PhD, yes.
17		17	Q. All right. Okay.
18		18	So before we begin the remote
19		19	deposition, I'm going to make a statement for the
20		20	record, okay?
21		21	I want to make clear the of the
22		22	expectations regarding communications with you and
23		23	counsel or any other people other people there.
24	1)	24	During the deposition, counsel
25		25	appearing with the deponent and the deponent will
-	Page 7		Page 9
1	P R O C E E D I N G S	1	have an opportunity to speak off the record at the
2	THE VIDEOGRAPHER: This is the tape	2	appropriate time, as this as if this were a
3	number one of the videotaped deposition of Dr. David	3	deposition taking place where all of the attorneys
4	Powell, in the matter of Diana Hoffinann versus	4	representing their respective clients were in the
5	Syngenta Crop Protection, et al., in the Circuit	5	same room with you.
6	Court of the 20th Judicial Circuit of St. Clair	6	However, in this setting, the
7	County Illinois. Case Number 17-L-517.	7	expectation is that counsel there with you will not
8	This deposition is being held at 300	8	be communicating with you during the deposition via
9	Hamilton Boulevard in Peoria, Illinois, on June 10,	9	text, e-mail or other electronic means, or vice
10	2020, at approximately 9:13 a.m.	10	versa, while we're on the record.
11	My name is Jean-Louis Ziesch from	11	It's also my understanding that the
12	the firm of TransPerfect, and I am the certified	12	deponent is not with anyone else physically in the
13	legal video specialist. The Court Reporter is	13	room other than Mr. Hopp and the Videographer.
14	Marjorie Peters, in association with TransPerfect.	14	So if anyone else is present with
15	Will counsel please introduce	15	the deponent at any time, let's put them on the
16	yourself.	16	record, and the deponent should make us aware of
17	MR. HOPP: Anthony Hopp,	17	that.
18	representing Growmark.	18	Do you understand those statements,
19	MR. TILLERY: Steve Tillery is	19	sir?
20	representing the Plaintiffs.	20	A. Yes.
21	MR. NARESH: Ragan Naresh,	21	Q. All right.
22	representing the Syngenta Defendants.	22	Would you tell me where you live?
23	MS. SCHEIDERER: Megan Scheiderer,	23	A. I live in Edwardsville, Illinois.
24	representing Chevron USA, Inc.	24	Q. Okay. And how long have you lived
25	MR. TILLERY: Mr. Powell, are you	25	there?

3 (Pages 6 to 9)

		Page 10			Page 12
1	A. Approximately two years	5.	1	located	?
2	Q. Who are you employed t		2	А.	Medora, Illinois.
3	A. I'm employed by Grown		3	Q.	Okay. Is that a family farm?
4	Q. What is your date of birt		4	À.	That is a family farm, yes, sir.
5	A. August 16, 1987.		5	Q.	Is that where you grew up?
6	Q. And your home address?	,	6	À.	That is where I grew up.
7	A. 6941 Drew Drive, Edwa		7	Q.	Did you grow up using paraquat?
8	Illinois	,	8	À.	No. We did not grow up using paraquat
9	Q. And your		9		currently lived at the farm.
10	À 62025.		10	Q.	Did your family ever use paraquat?
11	Q. All right. Your business	address?	11	À.	Since yes, we have used paraquat in
12	A. 1701 Towanda Avenue,		12	the last.	, I'm going to say five or six years,
13	Illinois.	U /	13		at has been used at some point.
14	(Powell Plaintiff's Exhibit 9, Pow	ell CV, was marked	14	Q.	And did you apply it yourself?
15	for identification.)		15	À.	Yes, sir.
16	Q. We have been provided :	a curriculum vitae	16	Q.	You personally, you did that?
17	for purposes of this deposition, an		17	À.	I personally applied it, yes, sir.
18	it ended in 2014 because there's a		18	Q.	Anybody else in your family?
19	completion date of your PhD for		19	À.	No, sir.
20	Has this CV been upda		20	Q.	Just you.
21	A. Yes, I did update that CV		21		And that's been and that's been
22	yes.	1 /	22	since ye	ou started at Growmark Corporation, right?
23	Q. Okay. So assuming this	stops at 2013,	23	Α.	Yes, sir.
24	I'll go through some of the questi		24	Q.	Where did you buy it?
25	has happened in terms of education		25	À	Bought it from my local member company,
-		Page 11			Page 13
1	first, since 2014?		1	FS.	-
2	A. Since 2014, I completed t	nv PhD at	2	Q.	Where which one of them?
3	Michigan State University, and the		3	Â.	Medora FS.
4	be the end of my education.		4	Q.	Okay. And how did you apply it?
5	Q. And when did you compl	ete that?	5	Ă.	We applied it broadcast with a with a
6	A. I completed that and grad		6	sprayer	
7	2014.		7	Q,	What kind of implement were you using to
8	Q. Okay. And what was the	PhD awarded in?	8	spray it	
9	It references here subject matter, "		9	Ă.	It was a tractor that pulled a an
10	microbial sciences." What is the I		10	implem	nent, a sprayer behind it.
11	A. That is the department that		11	Q.	Okay. So we'll come back to that later,
12	awarded in.		12	okay?	ç
13	Q. So PhD is basically a PhE) in weed	13	2	No one else in your family or
14	science?		14	anybod	ly else on your farm had used it up until five
15	A. Yeah, that would be a sub	ptopic. That	15		go, right?
16	would have been my focus area, y		16	A.	That is correct.
17	Q. Okay. Are the publicatio		17	Q.	Okay. And what was your first date of
18	you know, on this CV up-to-date?		18		ment with Growmark?
19	we have is a Multi-Resistant Palm		19	A.	It was I'm not sure of the specific
20	in Michigan; is that the last one?		20	date, bi	ut it was in May of 2014.
21	A. Yes, sir, that's the last one	Э.	21	Q.	Five years ago, six years ago?
22	Q. 2015?		22	À.	Six years ago, yes, sir.
23	A. I I believe I believe s	o. That	23	Q.	So you started using paraquat after you
24	even in the updated one, that woul		24		your employment at Growmark, correct?
25	Q. All right. And where is P		25	Α.	On our family farm, that would be
1	A THE POINT A MAG THAT O ID I		<u> </u>	4 ~1	

4 (Pages 10 to 13)

1 2 3	Page 14		Page 16
2	correct. I had used it previous to that as well.	1	A. They have been purchased or taken up by
	Q. Okay. What did you use as a burndown in	2	CHS.
-	lieu of paraquat in the years preceding your your	3	Q. What does CHS stand for?
4	use of paraquat?	4	A. You asked me a question that I I
5	A. Are you talking specifically about my	5	don't know anymore. So, sorry.
6	family farm or in general?	6	Q. Okay. And then you became a research
7	Q. Yes, sir. Medora family farm.	7	assistant at Southern Illinois University-Carbondale
8	A. As I you know, I am not privy to all	8	in 2008, right?
9	those details, as that's not my operation. I am	9	A. That would be correct.
10	someone who would help out there.	10	Q. And what did you do there?
11	Generally speaking, before	11	A. Those were mostly greenhouse operations
12	resistance issues, glyphosate was a big part of that	12	for the weed science department at SIU, and that
13	program.	13	would have primarily included watering plants,
14	Q. Okay. So you used glyphosate?	14	transplanting plants and general greenhouse upkeep.
15	A. Yes, sir.	15	Q. Okay. And you never did any weed
16	Q. Okay. What did you do at Shipman	16	science testing while you were there?
17	Elevator Company?	17	A. There were tests that would have taken
18	A. I was an intern for two different	18	place, but I was not a part of those tests.
19	summers, and I spent most of my time looking in	19	Q. Did your work always take place on the
20	field for pest problems and reporting back.	20	campus or adjacent to that in Carbondale?
21	Q. What kind of pest problems were you	21	A. As an intern, no. There were several
22	looking for?	22	offsite locations. I don't exactly remember where
23	A. It could have been weed issues. It	23	they would be, but I had I did go to a few other
24	could have been, you know, a lot of insect issues.	24	locations a few other times to help typically stake
25	We also scouted for diseases, primarily, as well as	25	plots or flag areas for future research.
	Page 15		Page 17
1	anything that just looked out of the ordinary and	1	(Off the record.)
2	the crop was not growing the way we thought it	2	BY MR. TILLERY:
3	should.	3	Q. Did you ever work at the test plots near
4	Q. Okay. Your CV says you "attended	4	Belleville associated with SIU-E
5	several agronomy sessions as well as corn and	5	A. During
6	soybean placement tours."	6	Q at any point?
	What types of agronomy sessions did	7	A. At SI for SIU-C, I worked at those
7	you attend?	8	,
8		1	during graduate school, yes.
8 9	A. Those are you referring to my time at	9	during graduate school, yes. Q. And where were they located?
8 9 10	A. Those are you referring to my time at Shipman Elevator; is that what it said?	9 10	during graduate school, yes.Q. And where were they located?A. They were located outside of Belleville,
8 9 10 11	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. 	9 10 11	during graduate school, yes.Q. And where were they located?A. They were located outside of Belleville,Illinois, I believe.
8 9 10 11 12	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been 	9 10 11 12	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work
8 9 10 11 12 13	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there 	9 10 11 12 13	during graduate school, yes.Q. And where were they located?A. They were located outside of Belleville,Illinois, I believe.Q. All right. And what was your workthere?
8 9 10 11 12 13 14	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there 	9 10 11 12 13 14	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research
8 9 10 11 12 13 14 15	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding 	9 10 11 12 13 14 15	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials.
8 9 10 11 12 13 14 15 16	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing 	9 10 11 12 13 14 15 16	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat?
8 9 10 11 12 13 14 15 16 17	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. 	9 10 11 12 13 14 15 16 17	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume
8 9 10 11 12 13 14 15 16 17 18	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? 	9 10 11 12 13 14 15 16 17 18	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on
8 9 10 11 12 13 14 15 16 17 18 19	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. 	9 10 11 12 13 14 15 16 17 18 19	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes.
8 9 10 11 12 13 14 15 16 17 18 19 20	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. Q. Were any of them conducted by Growmark? 	9 10 11 12 13 14 15 16 17 18 19 20	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes. Q. And which companies were participating
8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. Q. Were any of them conducted by Growmark? A. No, this was a competitor to Growmark. 	9 10 11 12 13 14 15 16 17 18 19 20 21	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes. Q. And which companies were participating in those trials?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. Q. Were any of them conducted by Growmark? A. No, this was a competitor to Growmark. Q. Okay. And that's a Shipman Elevator 	9 10 11 12 13 14 15 16 17 18 19 20 21 22	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes. Q. And which companies were participating in those trials? A. There were numerous companies that
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. Q. Were any of them conducted by Growmark? A. No, this was a competitor to Growmark. Q. Okay. And that's a Shipman Elevator Company you're talking about? 	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes. Q. And which companies were participating in those trials? A. There were numerous companies that participated; typically, probably anybody that in
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. Those are you referring to my time at Shipman Elevator; is that what it said? Q. 2007, 2008; that's right. A. Right. So those would have been sessions, typically field days, where, again, there was some focus on seed and seed placement, but there may have been an agronomic topic surrounding anything in agriculture. Maybe it was row spacing to nutrient management to pesticide usage. Q. Did you conduct those sessions? A. I was a participant at those sessions. Q. Were any of them conducted by Growmark? A. No, this was a competitor to Growmark. Q. Okay. And that's a Shipman Elevator 	9 10 11 12 13 14 15 16 17 18 19 20 21 22	 during graduate school, yes. Q. And where were they located? A. They were located outside of Belleville, Illinois, I believe. Q. All right. And what was your work there? A. It was generally weed efficacy research trials. Q. And did those include paraquat? A. I don't know that for sure. I assume that at some point, paraquat has been applied on that farm, yes. Q. And which companies were participating in those trials? A. There were numerous companies that

5 (Pages 14 to 17)

	Page 18	[Page 20
1	providing their chemical products or their	1	department, Southern Illinois University-Carbondale,
2	herbicides, and they were coordinating with the weed	2	working under the guidance of Dr. Bryan Young,
3	science department and the studies there at that	3	right?
4	at that farm, right?	4	A. Yes, sir.
5	A. It was contracted work out for research	5	Q. And how did your work responsibilities
6	that was conducted by the university, yes.	6	change during that assignment?
7	Q. When you say "the university," you're	7	A. My work responsibilities shifted to
8	talking about Southern Illinois University at	8	research, specifically on my graduate research,
9	Edwardsville or at Carbondale?	9	looking at resistant waterhemp and how to manage it
10	A. At Carbondale.	10	in soybeans.
11	Q. Okay. So you were doing them from	11	Q. Did you work with paraquat?
12	Carbondale in that same location as well?	12	A. Yes, I worked with paraquat during those
13		13	
		14	years.
14	Q. All right. Now, how long do you know	15	Q. Okay. In what way?A. There would have been not in my personal
15	those studies have been going on?		
16	A. Um, you know, I would be I would be	16	research, but as part of a teamwork, we would have
17	speculating. I know that there were things other	17	sprayed paraquat on some plots for some research
18	than pesticides, you know, long-term tillage studies	18	weed efficacy trials.
19	that had been going on for in excess of 30 years, so	19	So we were looking at weed control
20	a long time.	20	with paraquat.
21	Q. Right. And was SIU-Edwardsville also	21	Q. Were you doing those trials in
22	participating in those field studies in that same	22	Belleville as well?
23	location?	23	A. Again, I can't say for sure, but I know
24	A. Not to my knowledge.	24	that we would have applied paraquat in those years.
25	Q. Okay. How many people from	25	Q. I know, but in Belleville; that's what
	Page 19		Page 21
	ruge iv	1	Taye 21
1		1	
1	SIU-Carbondale were participating?	1	I'm asking.
2	SIU-Carbondale were participating? A. It would be hard to hard to know as	2	I'm asking. A. Again, I don't know during those years
2 3	SIU-Carbondale were participating?A. It would be hard to hard to know as many different departments were participating in	2 3	I'm asking. A. Again, I don't know during those years if I applied if paraquat was applied.
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6 (Pages 18 to 21)

<u> </u>	Page 22	1	Page 24
1	trouble remembering from 2009-2011, where you	1	been the limit to our meetings.
2	applied in a test context paraquat.	2	Q. Did they ever give you any kind of
3	I'm asking you, where do you	3	protocols that they wanted to use for tests of their
4	specifically remember applying it?	4	products?
5	A. I know that there was paraquat applied	5	A. They would have been given to Bryan
6	in De Soto, our De Soto location.	6	Young, and then those protocols, when complete and
7	Q. Was that owned by by the university	7	approved, would have been housed, and I would have
8	of let's say SIU-C?	8	had access to those, yes.
9	A. That was a grower cooperator.	9	Q. All right. And they would have been
10	Q. Okay. That's the only one you remember	10	posted in a way where you would have been able to
11	for sure?	11	see them during that three or four-year period you
12	A. For sure, yes, sir.	12	were there, right?
13	Q. Okay. And what assignments or research	13	A. Yes, sir.
14	were you doing specifically with paraquat during	14	Q. All right. Did any of those protocols
15	that time frame?	15	ever include testing neurotoxicity of paraquat?
16	A. You know, I I can't say for sure.	16	A. No.
17	Our duties were to typically spray help spray the	17	Q. Did any of them ever test human hazard
18	plots, and to get those applications made. And	18	from the use of paraquat?
19	sometimes if workload necessitated it, we might rake	19	A. No.
20	those for weed control. But details surrounding	20	Q. Would I be safe in assuming that every
21	•	21	single one of the criteria or protocols that you
22	anything further than that, I don't have that knowledge.	22	used were to test the efficacy of paraquat in
23	•	23	killing weeds?
24	Q. Okay. From 2008 to 2011, in that three-year period, in all the times that you did any	24	A. Yes, sir.
25	type of weed science research with paraquat, did you	25	Q. All right. Now, from 2011, and this
2.5		2.5	Page 25
	Page 23		
1	ever look into human hazards or neurotoxicity as it	1	says, "To present," I assume that is not you're
2	relates to paraquat?	2	not still associated with Michigan State University,
3	A. No, we did not do that.	3	are you?
4	Q. Did that ever even come up in any	4	A. No, I completed that in May of 2014.
5	discussion?	5	Q. Okay. All right.
6	A. At that time, weed control efficacy was	6	What did you do as a graduate
7	our focus.	7	research assistant at Michigan State University in
8	Q. Yeah. Could you answer my question	8	terms of fieldwork?
9	directly, sir, or we're going to have a long day.	9	A. So, we we tested the efficacy of
10	I asked you, did it ever come up in	10	herbicides to control weeds in corn, soybeans and
11	a conversation; that's my question.	11	corn, soybeans, sugar beets and dry beans.
12	A. No.	12	Q. Which chemical, again?
13	Q. All right. Now, did you ever talk to	13	A. No, the crops. We tested many chemicals
14	Syngenta folks?	14	for crops. Corn, soybeans, sugar beets and dry
15	A. Yeah, passing, in that time, yes.	15	beans.
16	Q. Who did you talk to?	16	Q. Did you ever test paraquat?
17	A. I don't remember any names.	17	A. I am sure paraquat was used. I do not
18	Q. Okay. Do you remember any positions;	18	remember testing it specifically.
19	what they were there for, what their responsibility	19	Q. It probably, you think, could have been
20	was?	20	part of (Clarification requested by the Court Penerter)
21	A. They were typically meeting with my	21 22	(Clarification requested by the Court Reporter.)
22	major professor, Bryan Young, to establish and		(Off the record.)
23	create those research trials that we previously	23	Q. Resuming, Dr. Powell.
24 25	discussed. And other than saying hi in the hall or, you know, introducing ourselves, that would have	24 25	Assuming that paraquat was involved, what kind of test would you have been undertaking
10 5			

7 (Pages 22 to 25)

1	Page 26		Page 28
1 -	with paraquat?	1	notification up there, no.
2	A. Again, that would be an assumption, but	2	MR. HOPP: Yeah, so we're not seeing
3	it would probably be weed it would be weed	3	anything or but we're hearing it.
4	control to for control of probably marestail,	4	MR. TILLERY: Okay.
5	would have been the weed species, that we were	5	BY MR. TILLERY:
6	testing its efficacy.	6	Q. What was your job when you started with
7	Q. And for purposes of the Court and jury's	7	Growmark?
8	understanding of what that means, efficacy, you're	8	A. I started as the insect and plant
9	really at that time testing to see how effective the	9	disease technical manager in 2014.
10	chemicals were, including paraquat, for killing	10	Q. And could you tell me what your
11	weeds, right?	11	responsibility was at that job, Dr. Powell?
12	A. Yes. We were testing to see if the	12	A. My responsibility was to educate our
13	herbicide managed the weed problem that we had, yes.	13	crop specialists on ways to manage insects and
14	Q. Now, did you make some kind of	14	diseases, and to help them identify any problem
15	determination as to which ones would do a job in	15	areas that they would have for their customers.
16	certain categories of effectiveness?	16	Q. Okay. I had a little cut-out there at
17	A. You know, that was the overall goal of a	17	the end.
18	lot of the trials, was to determine which ones were	18	Now, did your work include any
19	effective and which ones weren't.	19	specific herbicides?
20	So, yes, we would do that.	20	A. At that time, no.
21	Q. Okay. Did you ever test neurotoxicity	21	Q. Did you work with paraquat at that time
22	in any of those field trials?	22	at all?
23	A. No, sir.	23	A. I did not, no.
24	Q. Did you ever test human hazards from	24	Q. How has your position changed at
25	application for any paraquat trial?	25	Growmark over this period of time?
	Page 27		Page 29
1	A. No.	1	A. From late 2014, roughly October, through
2	Q. Did you ever test any aspect of safety		
		2	February of 2018, I was the weed science technical
3	for the applicator in terms of making them	3	February of 2018, I was the weed science technical manager.
3 4	for the applicator in terms of making them potentially safe, from any of those trials?	3 4	February of 2018, I was the weed science technical manager. And then from roughly February
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4 5 6 7 8 9	for the applicator in terms of making them potentially safe, from any of those trials? A. Specifically, tests, no, but we definitely wore the PPE required. (Sound interference.) MR. TILLERY: Do we know what the particular cause of that sound is that's	3 4 5 6 7 8 9	 February of 2018, I was the weed science technical manager. And then from roughly February 2000 2018, I I am the senior agronomy services manager. Q. Okay. In the first job, what was your responsibility? A. In my it was to help help our
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8 (Pages 26 to 29)

	Page 30		Page 32
1	trying to find solutions to their problems	1	have, you know, showed that it's a restricted-use
1 2	surrounding weed control.	2	pesticide. Every jug they see says, "Acute
3	Q. When you say "member companies," you're	3	toxicity." There's probably other materials that
4	talking about member cooperative companies, right?	4	would come that would have paraquat on it and show
5	A. And more specifically, typically, the	5	that it's restricted use. That would probably be
6	crop specialist at that member cooperative, yes.	6	the most common.
7	Q. And would you, for the record, tell	7	Q. You're talking about the label or the
8	describe what a crop specialist is?	8	handout that goes with it. What I'm talking about
9	A. A crop specialist is an individual	9	is your job during that period.
10	who who works with growers to provide all the	10	When you had these conversations
11	inputs and necessary tools to get the crop to	11	with these crop specialists, did you tell them about
12	produce a crop.	12	the hazards associated with the use of paraquat?
13	So they would sell and advise on	13	A. My recommendations were generally based
14	nutrient-related things, as well as any sort of	14	on weed control.
15	herbicide, insecticide, fungicide, as well as any	15	Q. So the answer would be, no, you didn't,
16	other agronomic any other agronomic program or	16	right?
17	process that would help our growers increase their	17	A. Generally, no. Yes.
18	yield.	18	Q. Okay. Is there one single time that you
19	Q. Okay. And did those discussions include	19	can remember where you advised them about neurotoxic
20	discussions of paraquat?	20	effects of paraquat?
21	A. Oh, yeah. Yes, sir.	21	A. No.
22	Q. Okay. And tell me the kinds of	22	Q. Okay. All right. Then you said
23	discussions you would have or the type of work you	23	strike that.
24	did with respect to paraquat?	24	Have we covered your
25	A. You know, as far as the discussions	25	responsibilities during that period preceding your
	Page 31		Page 33
1	-	1	
1	surrounding paraquat, you know, those discussions	1	job that you have now?
2	surrounding paraquat, you know, those discussions were generally that it is one of the tools that you	2	job that you have now? A. Yes, I think so, yes.
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9 (Pages 30 to 33)

1 2 3	Page 34		Page 36
2	specialist, and an insect and plant disease person;	1	that you think might have been involved in such
	all doing similar things to me, but in their own	2	testing?
	staying within their own area of expertise.	3	A. Not that I know of.
4	Q. Why did you move to Edwardsville?	4	Q. And where would reference of that type
5	A. You know, I have a territory that's	5	of testing be housed at Growmark?
6	closer to the territory that I live in for Growmark,	6	A. I don't know for certain. We I would
7	as well it's closer to our family farm for family.	7	have to ask Jeff about that.
8	Q. So this was something that you were	8	Q. How do you spell Jeff's last name?
9	permitted to do, to move into this area and still do	9	A. B-U-N-T-I-N-G.
10	your job?	10	Q. What is his job title?
11	A. Yes, sir.	11	A. Crop protection division manager.
12	Q. In other words, it wasn't mandated by	12	Q. Where is his office; Bloomington?
13	Growmark that you work out of this location?	13	A. Yes, sir.
14	A. Correct.	14	Q. Have you had any other job we haven't
15	Q. Okay. Does Growmark have a weed science	15	talked about already?
16	laboratory?	16	A. No, sir.
17	A. No.	17	Q. Does Syngenta sorry. Strike that.
18	Q. Did it ever have one?	18	Does Growmark sell any paraquat
19	A. Not to my knowledge.	19	product other than that produced by Syngenta?
20	Q. Did FS have one, FS Services?	20	A. Yes, sir, we have.
21	A. To my knowledge, we don't have any	21	Q. Which product?
22	research laboratories.	22	A. The trade name would be Parazone, is the
23	Q. I'm say I'm saying, did they ever	23	one that I'm thinking of for sure.
24	have one?	24	Q. And who makes that?
25	A. To my knowledge, no.	25	A. I believe that's that's Adama, I
	Page 35		Page 37
1	Q. Okay. Have you in the last four years	1	believe.
2	of, let's say strike the question.	2	Q. And when did Growmark purchase that
3	Have you in the period of time that	3	product?
4	you have been working with Growmark ever worked at	4	A. I I don't know.
5	the Belleville test fields that you had seen there	5	Q. Have they purchased Parazone since
6	near Scott Air Force Base?	6	you've been at Growmark?
7	A. Since my employment at Growmark, I have	7	A. Yes, sir.
	not been there, no.	8	Q. In the last five years, six years?
8	Q. Does Growmark participate in any weed	9	A. Yes, sir.
9	science testing there?	10	Q. In terms of the quantity or volume of
9 10	A. Currently, we do not.	11	paraquat formulated products, what percentage is
9 10 11		12	
9 10 11 12	Q. Have you in the past?		represented by Parazone, in general terms?
9 10 11 12 13	Q. Have you in the past?A. I believe at some point in the past,	13	A. I don't have that information.
9 10 11 12 13 14	Q. Have you in the past?A. I believe at some point in the past,there was, but not since my employment for sure.	13 14	A. I don't have that information.Q. Okay. Have we covered all of the work
9 10 11 12 13 14 15	 Q. Have you in the past? A. I believe at some point in the past, there was, but not since my employment for sure. Q. Okay. And when you you say you 	13 14 15	A. I don't have that information.Q. Okay. Have we covered all of the work that you did in connection with paraquat before
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10 (Pages 34 to 37)

	Page 38		Page 40
1	A. No, sir.	1	things that they would do day-to-day, is to take
2	Q. You understand that Growmark designated	2	care of the safety issues of the
3	you for a number of different topics, right?	3	A. Yes.
4	A. Yes.	4	Q. Okay.
5	Q. You've seen that list of topics that	5	And are they trained to deal with
6	were appended to a deposition notice, I assume,	6	those issues as well?
7	right?	7	A. They train other individuals. So, yes,
8	A. Yes, sir.	8	they had to be trained.
9	Q. You went over those with counsel; they	9	And primarily, we look at the label
10	talked to you about those topics, right?	10	and the MSDSs. They provide that training material
11	(Clarification requested by the Court Reporter.)	11	on the potential hazards and ways to mitigate them
12	Q. They talked to you about those topics,	12	from becoming a problem, by utilizing PPE.
13	correct?	13	Q. Do they have a more specific knowledge
14	A. Yes, we talked about those topics.	14	of hazard associated with the use of paraquat than
15	Q. Okay. What did you do to prepare for	15	you do?
16	today's deposition?	16	A. I you know, that would be speculation
17	A. I talked with, met with counsel, and I	17	on my part, but from my conversations, they were
18	also spoke with previous safety managers, Danny Best	18	they were they would pass along labeled
19	and Doug DeFilippo.	19	information, we as Growmark, as a distributor, we
20	Q. And were they in the same position	20	looked at labels and tried to make sure that folks
21	you're in today?	21	were following the label.
22	A. No, sir.	22	Q. Well, the reason I'm asking is you
23	Q. What were their jobs?	23	you consulted with them on these topics for a
24	A. They were in the safety division. So	24	reason, presumably, right?
25	they were looking at safety.	25	A. Correct.
-	Page 39		Page 41
1	Q. And when you say "safety division," how	1	Q. You consulted with them because you
2	would that responsibility be different than yours?	2	thought they had a greater level of knowledge about
3	A. Their goal their primary one of	3	these topics than you do; is that right?
4	their primary goals was to ensure safety of all	4	A. I would say it was to to affirm the
5	things regarding anything from potential fuels to	5	robust safety culture that Growmark had; that was
6	oils to any herbicides, insecticides, fungicides for	6	the reason that I spoke with them. Both of these
7	their position.	7	individuals are retired, and this these folks,
8	Q. When you say "safety," are you talking	8	
9	O_{1} when you say salety, are you taiking	0	some of them started in the middle mid-to late
1 2		9	some of them started in the middle mid-to late '70s, and Doug retired in 2012.
10	about hazards from human exposure? A. I'm talking about making sure that we're		
1	about hazards from human exposure? A. I'm talking about making sure that we're	9	'70s, and Doug retired in 2012.
10	about hazards from human exposure?	9 10	'70s, and Doug retired in 2012. So it was to give a full picture of
10 11	about hazards from human exposure?A. I'm talking about making sure that we're taking the proper safety precautions to prevent	9 10 11	'70s, and Doug retired in 2012. So it was to give a full picture of the robust safety culture within Growmark.
10 11 12	about hazards from human exposure? A. I'm talking about making sure that we're taking the proper safety precautions to prevent undue exposure. So things like getting together	9 10 11 12	'70s, and Doug retired in 2012. So it was to give a full picture of the robust safety culture within Growmark.Q. So where does Doug live?
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11 (Pages 38 to 41)

Page 42 Page 44 1 Q. I agree with you, okay? 1 0. How did you reach him? 2 All right. Do you know who ICI is 2 Through the same means. A. Okay. And when you say "the same 3 3 0. or was? 4 means," you mean Mr. Hopp or his firm or other 4 Not -- not really. Nothing other than A. counsel representing you or in-house counsel for 5 the history books of that was a product of theirs. 5 Growmark set up a meeting where you could talk to And you understood that ICI ultimately 6 б **O**. 7 7 this gentleman, correct? became part of companies that ultimately wound up 8 being known as Syngenta; did you know that? 8 A. That's correct. 9 (Clarification requested by the Court Reporter.) 9 And when did you have those discussions О. 10 10 with those gentlemen? (Off the record.) A. I don't have specific dates. They were 11 MR. TILLERY: Being known as 11 both in the month of May. 12 12 Syngenta. 13 13 O. And what was the discussion about with I am not exactly sure how -- how that A. 14 came to be. I just know the previous registrants. 14 each one? 15 Okay. The previous registrants? 15 Α. The discussion -- like I mentioned **O**. 16 I just know that prior to Syngenta, ICI 16 before, the discussion was around the robust safety A. 17 and Chevron were the registrants of paraquat? 17 culture that we had, and some of the things that we 18 would do to -- to educate our crop specialist, and How did you know that? 18 **O**. 19 Through materials that I would have 19 make sure that they were following the label and Α. the -- and the SDSs now. 20 looked at preparing for this. 20 21 Okay. Let's talk about that. 21 Did your or their role with respect to O. **O**. advice, as you say, concerning hazards extend beyond 22 What materials did you look at to 22 23 the label on the product? 23 prepare for this deposition? Within Growmark, we always focus on the 24 We looked at, generally, paraquat 24 А. A. 25 25 materials that would have -- regarding our training, label and the -- and the SDSs. Page 45 Page 43 1 And what is an SDS? 1 and many of the labels that -- through history, 0. 2 throughout time, of paraquat-containing products. 2 So, it's a safety data sheet. That's A. 3 And you looked at materials regarding 3 what they are called today. They were MSDSs prior, **O**. 4 material safety data sheets. 4 training; training of whom? 5 5 Q. And who provides SDSs to you? A. It could be training of crop 6 So that information is widely available, 6 specialists, but typically, we do applicator А. but it is -- we get that information through the 7 trainings to make sure that applicators are applying 7 EPA, and some of that information is provided by the 8 these products in the appropriate ways. 8 9 registrants to the EPA. And do you conduct those applicator 9 О. 10 When you say "registrant," you're 10 training sessions yourself? Q. talking about the primary registrant of a particular 11 I was one of many people who 11 Α. 12 chemical? 12 participated in those trainings, yes. 13 And how long has Growmark been doing 13 Of a particular herbicide, yes. Α. О. those training sessions? 14 14 Or herbicide. Q. 15 15 So for example, do you know who the You know, there are many different kinds Α. 16 primary registrant of paraquat is? 16 of trainings. The specific applicator trainings 17 A. Currently, today, Syngenta. 17 have been going on for well over a decade. 18 18 Do you know if it's ever been any other Q. Were those applicator training sessions **O**. 19 entity besides Chevron, ICI, Zeneca or Syngenta? 19 in connection with restricted-use pesticides? I don't know of any others. 20 They would have included restricted-use 20 A. Α. Do you know what Zeneca is? 21 pesticides and any pesticide -- any herbicide, 21 O. specifically, that we would become a focus due to 22 Zeneca -- I know -- I believe is now --22 Α. 23 was -- is now or was a part, and Syngenta bought 23 increased use, or something. 24 Were there any particularly different 24 them or purchased them or something at some point. Q. 25 I don't know exactly. 25 guidelines or protocols in your applicator training

12 (Pages 42 to 45)

	Page 46		Page 48
1	that related to paraquat?	1	hazards from the use of herbicides, like paraquat,
2	A. There were a few that specifically	2	other than your testing to get a permit to buy
3	talked about paraquat, yes.	3	restricted-use pesticides?
4	Q. And how was the training different when	4	A. No.
5	it involved paraquat?	5	Q. Now, back to an SDS, a safety data
6	A. Each training is unique. The training	6	sheet; where do you get yours from when they apply
7	specifically that was done most recently was on the	7	to Gramoxone?
8	package change, and how how we went to a	8	A. I utilize digital tools. So CDMS.net is
9	closed-loop system, and how to how to go about	9	typically where I would go to look up any herbicide
10	that, making sure that we got those products in a	10	label and SDS.
11	closed-loop system.	11	Q. CDS?
12	Q. Did your training at Michigan State	12	A. MS.
13	involve any hazards associated with use of	13	Q. NS dot
14	chemicals?	14	A. M as in mom.
15	A. You know, with Growmark, with SIU, with	15	Q. Oh, I'm sorry, sir.
16	Michigan State, you know, the training that would be	16	CDMS. What does it stand for?
17	associated with hazards would be we always had to	17	A. I do not know. It's right on the
18	have a restricted-use pesticide license, where we	18	website, though.
19	would go through and have to pass that we able to	19	Q. Do you do a lot of website-type work for
20	understand what we needed to do to mitigate	20	this kind of thing, checking things out?
21	potential issues.	21	A. You know, at Growmark, we think the
22	Q. So let me move to strike your answer as	22	label is is so important that we always reference
23	completely unresponsive, and let's start over.	23	the label.
24	At your education in Michigan State	24	So this is one of the many places
25	University, did you have specific training on	25	that we could go.
1			
	Page 47		Page 49
1	herbicide safety or hazard issues?	1	Q. Okay. So I move to strike your answer
2	herbicide safety or hazard issues? A. Mr. Tillery, I education is more than	2	Q. Okay. So I move to strike your answer as unresponsive.
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13 (Pages 46 to 49)

	Page 50		Page 52
1	us?	1	weed control issues. So we're looking for something
2	A. The abstracts are a part of the	2	very specific in that.
3	speaking. And so the that would be the limit to	3	Q. So yeah. Can you answer my question?
4	their the written record.	4	A. No, I don't use it.
5	Q. All right. Can you just answer me,	5	Q. Do you use PubMed?
6	please. Were any of these things seven I can	6	A. I do not use it.
7	read them all in the record. There's seven on your	7	Q. Oh. Have you ever used it?
8	CV. Were any of these published in any kind of a	8	As a PhD, you're telling me you went
9	journal?	9	through a PhD program at Michigan State University
10	A. No.	10	and you never used or consulted the most widely used
11		11	method in the world for checking scientific
12	Q. Okay. Why did you call them	12	articles?
13	publications, then?	13	MR. HOPP: Object to the form of the
14	A. That is that is typically how we	14	question.
	would do it in our field.	15	You can answer.
15	Q. You would just make something up and put	16	
16	on your CV?	17	A. I would say that PubMed was not used
17	MR. HOPP: Objection. I object to		during my master's or PhD.
18	the form of the question.	18 19	Q. Okay. So not even by any of the people
19	Q. Can you answer me?	20	who taught you?
20	A. Um.		A. I I do not know the answer to that.
21	Q. Would you just make it up? Would you	21	Q. Okay. So if I went and talked to your
22	just make that up? That's not truthful, is it?	22	PhD sponsor, they would they would confirm that
23	A. That	23	you never were asked to or as part of any of your
24	MR. HOPP: Object to the form of the	24	you studies consult PubMed; is that what you're
25	question.	25	telling me?
	Page 51		Page 53
			5
1	A. I would say that's very truthful.	1	MR. HOPP: Object to the form.
1 2	A. I would say that's very truthful.Q. Yeah. Well, you know what I think of as	1 2	
			MR. HOPP: Object to the form.
2	Q. Yeah. Well, you know what I think of as	2	MR. HOPP: Object to the form. A. I would say they never specifically
2 3	Q. Yeah. Well, you know what I think of as a publication? I think of it as a piece of paper	2 3	MR. HOPP: Object to the form. A. I would say they never specifically asked me to look at PubMed, correct.
2 3 4	Q. Yeah. Well, you know what I think of as a publication? I think of it as a piece of paper you send into a journal, and they publish it. If it's a speech, that's something	2 3 4	MR. HOPP: Object to the form. A. I would say they never specifically asked me to look at PubMed, correct. Q. Okay.
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2 3 4 5 6 7 8 9 10 11 23 14 15 16 7 8 9 20 21 22	 Q. Yeah. Well, you know what I think of as a publication? I think of it as a piece of paper you send into a journal, and they publish it. If it's a speech, that's something else. So these could have been represented as speeches. You didn't do that, did you? MR. HOPP: Object to the form. A. No. Q. Who did you give this CV to; what was this for? A. I gave it for this, is where I Q. Yeah. Right. All right. Now, anything else you would consider to be a representative or useful research tool on the internet? A. I mean, typically, we would go to any sort of our university extension for weed control, and that would be where we would go, other than CDMS. Q. So do you know what PubMed is? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. HOPP: Object to the form. A. I would say they never specifically asked me to look at PubMed, correct. Q. Okay. Now, who is the host of CDMS.net? A. I don't know. Q. Are you prepared to testify for Growmark on the designated topics based on information known or reasonably available to Growmark today? A. Yes. Q. Do you believe your preparation has given you a sufficient base of information to testify for Growmark on each of the designated topics? A. Yes. Q. Okay. Do you understand that in testifying for Growmark on the designated topics, the matter on which you are required to testify is not limited to the period since the formation of Growmark, but covers the entire period from the first sale of paraquat in 1965 to the present? A. Yes.
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$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 9\\ 20\\ 21\\ 22\end{array}$	 Q. Yeah. Well, you know what I think of as a publication? I think of it as a piece of paper you send into a journal, and they publish it. If it's a speech, that's something else. So these could have been represented as speeches. You didn't do that, did you? MR. HOPP: Object to the form. A. No. Q. Who did you give this CV to; what was this for? A. I gave it for this, is where I Q. Yeah. Right. All right. Now, anything else you would consider to be a representative or useful research tool on the internet? A. I mean, typically, we would go to any sort of our university extension for weed control, and that would be where we would go, other than CDMS. Q. So do you know what PubMed is? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. HOPP: Object to the form. A. I would say they never specifically asked me to look at PubMed, correct. Q. Okay. Now, who is the host of CDMS.net? A. I don't know. Q. Are you prepared to testify for Growmark on the designated topics based on information known or reasonably available to Growmark today? A. Yes. Q. Do you believe your preparation has given you a sufficient base of information to testify for Growmark on each of the designated topics? A. Yes. Q. Okay. Do you understand that in testifying for Growmark on the designated topics, the matter on which you are required to testify is not limited to the period since the formation of Growmark, but covers the entire period from the first sale of paraquat in 1965 to the present? A. Yes.

14 (Pages 50 to 53)

1	Page 54		Page 56
	A. Yes.	1	purposes in answering them. It's not a memory game.
2	Q. Do you understand that in testifying for	2	The deposition is not for that purpose. It's trying
3	Growmark on the designated topics, the matters under	3	to get the correct answer, okay? Do you understand
4	which you are required to testify are not limited to	4	me?
5	the knowledge and actions of Growmark, but also	5	A. Yes, sir.
6	include the knowledge and actions with respect to	6	Q. More than willing to allow you to have
7	Growmark of Growmark's predecessor companies, like	7	him help you or direct you to something. That's not
8	FS Services, Farm Supply Services; you understand	8	a problem for me, all right, okay?
9	that?	9	A. Okay.
10	A. Yes.	10	Q. All right.
11	Q. I didn't hear you, sir.	11	If you don't understand any of my
12	A. Yes.	12	questions, I would ask you to stop me and make sure
13	Q. Okay.	13	you do. So we're not using different directions
14	If I refer later during the course	14	with respect to the question, okay?
15	of this deposition to Growmark's predecessors or to	15	A. Okay.
16	Growmark, you will understand that I mean with	16	(Clarification requested by the Court Reporter.)
17	respect to paraquat business, not only Growmark,	17	MR. TILLERY: Directions for them.
18	Inc., as it exists, but FS Services or Farm Supply	18	BY MR. TILLERY:
19	Services as well, correct?	19	Q. Did you talk to anybody else in
20	A. Yes.	20	preparation for the deposition, besides lawyers and
21	Q. Did you review documents in preparation	21	besides the two gentlemen you mentioned on the
22	for the deposition which were not listed on your	22	record?
23	reliance site?	23	A. No.
24	A. No.	24	Q. Was there any more to those
25	Q. What documents or data did you rely upon	25	conversations that you haven't told us?
	Page 55		Page 57
1	to prepare for answering questions?	1	A. You know, primarily, what we talked
2	A. All of the reliance documents provided,	2	about was how we were focused on safety, and we were
3	including labels, and some internal documents on our	3	putting together, at that time, MSDS sheets prior to
4	Quick Guides, our safety sheets.	4	the OSHA regulation that required us to do so, and
5	Q. Well, how many documents did you look	5	giving that to all the member companies as a form
6	at?	6	of a way to make sure that the safety that our
7	A. I many documents.	7	employees were safe. And that happened prior to
8	Q. Hundreds?	8	that 1988 time period.
9	A. Yes.	9	Q. MSDS sheets; that's what you did, right?
10	Q. Okay. Are there among them particular	10	A. That's one of the things that they did,
11	ones that you think that you will be consulting or	11	yes.
1.4.0	relying upon to answer my questions?	12	Q. Okay. And you have copies of the ones
12		13	vol handed out right?
13	MR. HOPP: Object to the form of the		you handed out, right?
13 14	question.	14	A. You know, verbal verbal is what I
13 14 15	question. A. I not unless something in particular	14 15	A. You know, verbal verbal is what I have. At one point, they even told me they had a
13 14 15 16	question. A. I not unless something in particular shows up, no.	14 15 16	A. You know, verbal verbal is what I have. At one point, they even told me they had a computer hooked up to the internet, and this was a
13 14 15 16 17	question.A. I not unless something in particular shows up, no.Q. Do you have them there in front of you?	14 15 16 17	A. You know, verbal verbal is what I have. At one point, they even told me they had a computer hooked up to the internet, and this was a little bit later, specifically dedicated so that any
13 14 15 16 17 18	 question. A. I not unless something in particular shows up, no. Q. Do you have them there in front of you? A. They're sitting beside me, yes, down on 	14 15 16 17 18	A. You know, verbal verbal is what I have. At one point, they even told me they had a computer hooked up to the internet, and this was a little bit later, specifically dedicated so that any member company could get log on and look at MSDSs
13 14 15 16 17 18 19	 question. A. I not unless something in particular shows up, no. Q. Do you have them there in front of you? A. They're sitting beside me, yes, down on the floor. 	14 15 16 17 18 19	A. You know, verbal verbal is what I have. At one point, they even told me they had a computer hooked up to the internet, and this was a little bit later, specifically dedicated so that any member company could get log on and look at MSDSs as well.
13 14 15 16 17 18 19 20	 question. A. I not unless something in particular shows up, no. Q. Do you have them there in front of you? A. They're sitting beside me, yes, down on the floor. Q. I want you to understand that at any 	14 15 16 17 18 19 20	A. You know, verbal verbal is what I have. At one point, they even told me they had a computer hooked up to the internet, and this was a little bit later, specifically dedicated so that any member company could get log on and look at MSDSs as well. We also put out Quick Guides that
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15 (Pages 54 to 57)

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20

	Page 58	1	Page 60
1	A. I'm unsure. I mean, I know I have a	1	back and see what the MSDSs are, but we to be
2	bunch of MSDSs that were provided, but I don't know	2	frank and maybe save you time, we did not give
3	specifically if those were the ones that were	3	Mr. Powell a comprehensive set of MSDSs going back
4	provided to member companies.	4	historically. We did that for labels.
5	Q. Okay. What I'm asking is, when you	5	MR. TILLERY: Okay. So were any of
6	prepared for this deposition, did you see MSDS	6	those provided to us in the reliance materials?
7	sheets that you believe were handed out to the	7	MR. HOPP: Yes. There were some
8	member cooperatives?	8	MSDSs on the list of reliance materials.
9	A. I believe that the MSDSs that I reviewed	9	MR. TILLERY: At the break or over
10	would have been provided to member companies.	10	lunch, would you be so kind as to identify the Bates
11	Q. Okay. And what were the ages of those	11	range of those documents so that I can explore the
12	or dates of those documents?	12	topic with Mr. Powell.
13	A. We can take a look at this at some of	13	MR. HOPP: Sure. Yes. We'll dig
14	the materials, if you would like. Is that what	14	those out.
15	would you like to do?	15	MR. TILLERY: All right.
16	Q. What I'm looking for is the type of	16	BY MR. TILLERY:
17	information you believe was and then I'm going to	17	Q. Now
18	find out what your belief is based on.	18	MR. HOPP: Steve, just we've been
19	A. I mean, these documents just have MSDS	19	at this almost an hour-and-a-half. When you find a
20	sheets in them, that would have been provided. The	20	convenient breaking point, could we take a quick few
21	other type of documents would be the Quick Guides	21	minutes.
22	that we provide.	22	MR. TILLERY: Anytime. Anytime.
23	Q. Okay. Let's just start after let's	23	And Mr. Powell, I should have told
24	start first with MSDS sheets. And then you said	24	you this, my fault. At any time you need a break,
25	Quick Guides. We'll go to those next.	25	all you have to do is signal to us, and he we can
-			
	Page 59		Page 61
		1	
1 2	Give us a reference to an MSDS sheet	1 2	control that. Okay? So we'll take a break right
2	Give us a reference to an MSDS sheet that was handed out to member cooperatives.	2	control that. Okay? So we'll take a break right now for about five minutes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Give us a reference to an MSDS sheet that was handed out to member cooperatives. MR. HOPP: Steve, let me let me just chime in here. I think we've provided him here in the room with the labels, and with some of the reliance materials he got, but we don't we don't have all the MSDSs that he looked at. And to be quite honest, in terms of the stuff he looked at for the deposition, the MSDSs themselves are a limited number. So MR. TILLERY: I didn't Tony, I didn't hear the very end, the MSDSs. MR. HOPP: Let me get closer. With the reliance materials in the room, we have a select selection of those sorry. (Clarification requested by the Court Reporter.) (Off the record.) MR. HOPP: The MSDSs here, we have them I don't know that we have them in his binders here in the room. We gave him a select you know, a subset of them. Most of what we gave	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	 control that. Okay? So we'll take a break right now for about five minutes. THE WITNESS: Thank you. THE VIDEOGRAPHER: It is 10:21 a.m. We are going off the record. (RECESS, 10:21 a.m 10:31 a.m.) THE VIDEOGRAPHER: This is the beginning of tape number two of the testimony of Dr. Powell. It is 10:32 a.m. We are back on the record. BY MR. TILLERY: Q. As we left off, we discussed the fact that you would provide the MSDS sheets later on, so we can discuss them before the end of the deposition. Is that okay with you, Dr. Powell? A. Yes, sir. Q. Mhat about the Quick Guides; do you have those there? A. Yes. Q. All right. And could you give us a Bates range of Quick Guides? A. So we have Quick Guide, and the number

16 (Pages 58 to 61)

	Page 62		Page 64
1	all of these or not.	1	cooperatives in southwestern Illinois, correct?
2	Q. How many are there?	2	A. Yes. All over Illinois.
3	A. I believe I counted 17.	3	Q. All right. Did they use this when they
4	Q. Okay. Do they have sequential dates	4	applied the chemical as well?
5	ranges?	5	A. That is the intention; however, we
6	A. Yes, sir. 2001 to 2017.	6	always, even on this page, say, hey, the label is
7	MR. HOPP: Sorry to sorry to	7	where you need to go to get all of your information.
8	interrupt. I think the question is the Bates	8	So this is to help boil it down, but
9	ranges. He just gave you dates, Steve. Years.	9	we still refer them to the label to get all of the
10	MR. TILLERY: Oh, okay.	10	information they need.
11	BY MR. TILLERY:	11	Q. Now, for example, this 00112412; this is
12	Q. So now you have the Quick Guides from	12	a 2001 Quick Guide.
13	the years 2001 through the years 2017, correct?	13	Who created that?
14	A. Yes. Yes, sir.	14	A. That is part of the safety department,
15	Q. Do you have for those 17, do you have	15	and that's one of the reasons why I talked to the
16	Bates ranges that are sequential; are they all	16	previous individuals. At that time, Doug DeFilippo
17	together, are they different?	17	would have been employed during that time. So I
18	A. No, sir. They are different. They're	18	don't know if he specifically was the only one, but
19	not sequential.	19	he played a part in creating these.
20	MR. TILLERY: Have these all been	20	Q. So the short answer is this would have
21	produced, Tony?	21	been created by Growmark employees?
22	MR. HOPP: Yes. Yeah yes.	22	A. Yes.
23	MR. TILLERY: All right.	23	Q. Okay. So and that would apply to all
24	(Powell Plaintiff's Exhibit 8, Quick Guides, was	24	of the Quick Guides, correct?
25	marked for identification.)	25	A. Yes, sir.
	Page 63		Page 65
1	BY MR. TILLERY:	1	Q. They would have been they would have
2	Q. Okay. So let's start off with the first	2	been generated by the Growmark some what
3	one. And that's 2412. What year is that?	3	department was that?
4	A. 2001.	4	A. It was either safety insurances or
5	Q. And what is this Quick Guide?	5	safety, and then it merged at one point to safety
6	A. So this Quick Guide is taking a look	6	and insurance.
7	at the goal of this Quick Guide is to provide	7	So it might cover multiple
8	safety to our members as they're applying this. And	8	conglomerations there.
9	so this is information taken directly off of a label	9	\tilde{Q} . Okay. What is the next one of those
10	and boiled down to some very important things that	10	guides for 2002?
11	they would need to know and safety precautions they	11	A. The next one for 2002 is 00112426.
12	would need to take for many herbicides and	12	Q. And for let's just pick 2010?
13	pesticides.	13	À. 00112157.
14	Q. All right. So you said, for your	14	Q. And for 2017.
15	members. Was this designed to be sent to your	15	A. I apologize for an error I made. I have
16	cooperative members?	16	through 2016.
17	A. Yes, sir.	17	Q. Okay. 2016.
18	Q. Was it designed to be sent to the end	18	A. 00037856.
19	user applicators?	19	Q. Have there been any specific portions of
20		20	those Quick Guides dealing with paraquat?
20	A. I believe this was for our member		
21	A. I believe this was for our member companies.	21	A. Yes, sir.
21 22		22	Q. Which ones apply directly to paraquat?
21 22 23	companies. So, no, I don't believe it was for end users.	22 23	Q. Which ones apply directly to paraquat?A. We would have to take a look
21 22	companies. So, no, I don't believe it was for	22	Q. Which ones apply directly to paraquat?

17 (Pages 62 to 65)

	Page 66		Page 68
1	Guides.	1	I, chemical-resistant footwear plus
2	Q. And does it reference paraquat in the	2	socks.
3	guide?	3	J, chemical-resistant headwear and
4	A. It references it shows trade name and	4	overhead exposure.
5	active ingredient, yes, paraquat.	5	K, dust/mist, MSHA or NIOSH
6	Q. And tells you specific details of how to	6	approved, number prefix TC-21;3M 8710 or 8715 series
7	handle paraquat?	7	respirator.
8	A. It talks about specific things on the	8	Q. Okay. Is that all, for that one?
9	label of paraquat.	9	A. For that one, yes.
10	Q. Okay. Why don't you pull up the first	10	Q. Okay. Now
11	one, 2412, okay?	11	A. And I should, I guess, note since you
12	A. Okay. I have it up.	12	had there's also another column that shows what
13	Q. Tell us where, on what page paraquat is	13	PPE is required for early entry, is another column,
14	referenced.	14	the last column on the page.
15	A. Page number 7.	15	Q. And all that is set out in those
16	Q. Okay. And tell us what the subject	16	documents and those spreadsheets for each one of
17	heading is for that on page 7?	17	them?
18	A. Subject heading is Crop Protection	18	A. Yes. And on the bottom of each page, it
19	Products 2001 Quick Guide.	19	does mention that, hey, we tried, you know, a
20	Q. Okay. And then read the portion	20	more it says, we tried to provide you with this
21	applicable to paraquat specifically.	21	accurate information, but you need to refer to the
22	A. This is an Excel spreadsheet, so there	22	label for all of the PPE requirements as well.
23	are cells. And so this tells you that we have	23	Q. So were your member cooperatives, then,
24	Glyphosate Extra or Gramoxone Extra and Gramoxone	24	in the business of applying this chemical as well?
25	Max, are the two paraquat-containing products.	25	A. They applied this chemical, yes, this
	Page 67		Page 69
1	Q. Okay.	1	herbicide.
2	A. They show the EPA number. They show the	2	Q. How would they have applied it?
3	signal word. They show if it's restricted-use	3	A. They were excuse me. Let me get
4	pesticide. They show what kind of notification.	4	these out of my way so the they were applying
5	They show REI, which	5	these chemical broadcast by ground self-propelled
6	Q. What is REI?	6	ground unit.
7	A. Re-entry interval.	7	Q. And not by aerial spray?
8	Q. Okay. Re-entry interval into the field?	8	A. That would be correct.
9	A. The time you must wait after making an	9	Q. Do you know if they ever used an aerial
10	application before you can go into the field.	10	spray?
11	Q. Okay.	11	A. I mean, that would just be speculation,
12	A. And the PPEs, personal protective	12	but not to my knowledge.
13	equipment for applicators and handles handlers.	13	Q. Okay. Speculation because your birth
14	Q. What does it say for paraquat?	14	date birth year was 1987, right?
15	A. So paraquat, so you have to go to the	15	A. And there's many different individuals
16	page at the bottom and read the codes.	16	from that time period, yes. So that as well.
17	So A, must need a long-sleeve shirt	17	Q. So if from 19 you were born,
18	and pants.	18	literally, 22 years after they started applying this
19	C, you need coveralls, cotton,	19	stuff, right?
20	cotton-polyester blend or Tyvec.	20	A. Yes.
21	D, you need chemical-resistant apron	21	Q. All right. So the question I have is,
22	or Tyvec coveralls.	22 23	does these instructions and these spreadsheets and these Quick Guides were intended for your
		123	and these Outek Guides were intended for your
23	F, waterproof gloves.		
23 24 25	F, waterproof gloves. H, protective eyewear, face-sealing goggles and face shield.	24 25	members, correct? A. Yeah. They were for the benefit of our

18 (Pages 66 to 69)

	Page 70	1	Page 72
1	members, yes.	1	A. That would be accurate.
2	Q. Did they did you have a policy, a	2	Q. So to be clear, the only thing that
3	written policy about whether these are to be	3	Growmark and when I say "you" in this deposition,
4	distributed to the people who actually buy the	4	I'm referring to Growmark because you're speaking
5	product, farmers, as opposed to member applicators?	5	for Growmark on these topics, okay? Do you
6	A. To my knowledge, no.	6	understand that?
7	Q. Were you made aware of the fact that	7	A. Yes, sir.
8	these quick notes or guides were never given to the	8	Q. All right. Now, the only thing that you
9	farmers, applicators who bought the product	9	know for sure that the farmer applicators got about
10	themselves?	10	the product was the product label that was affixed
11	A. Again, that would be speculation. I	11	to the container of paraquat they bought?
12	at some point, probably a grower got one. I'm not	12	A. I know that every every product would
13	saying that every grower got one. I don't know.	13	have had the label, yes.
14	Q. You're not saying it was the policy of	14	Q. So the answer would be yes; that's the
15	the cooperative to give them out, either, right?	15	only thing you could be sure about, right?
16	A. That that is correct.	16	A. Yes.
17	Q. All right. Now, the MSDS reports, okay,	17	Q. That they got. Yeah.
18	did the MSDS reports, were they created by Growmark?	18	Now, some of the topics that
19	A. No, they were not created MSDSs are	19	Growmark designated you to speak on were Topics 11
20	not created by Growmark.	20	through 16, and 26 through 28.
21	Q. Those were created by the primary	21	Do you remember those?
22	registrant of the chemical, weren't they?	22	A. Not not specifically, but I'm
23	A. And approved by the EPA, yes.	23	MR. HOPP: Do you want me to put it
24	Q. And approved by the EPA.	24	in front of him, Steve?
25	Now, how were they distributed?	25	MR. TILLERY: No. He will recognize
	Page 71		Page 73
1	A. They are distributed they must be	1	these questions as related to those topics.
2	A. They are distributed they must be with with the label. They also get the MSDS as	2	these questions as related to those topics. MR. HOPP: Sure.
	A. They are distributed they must be with with the label. They also get the MSDS as well, or the SDS today, with the product.	2 3	these questions as related to those topics. MR. HOPP: Sure. BY MR. TILLERY:
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19 (Pages 70 to 73)

1	Page 74		Page 76
1	Q. Does Growmark have a library?	1	A. We are a distributor of of products,
2	A. No.	2	and we distribute those products, any legally
3	Q. Does Growmark have an electronic	3	approved product that has a label for a herbicide or
4	repository of scientific studies?	4	in this case.
5	A. No.	5	Q. And in other words, if it's approved by
6	Q. Has it ever had a library?	6	the US government, and the primary registrant has
7	A. Not to my knowledge, no.	7	gone through jumped through the hoops necessary
8	Q. Has there ever been a division that just	8	to get that product registered for sale, even if
9	deals with science?	9	it's a restricted-use pesticides, that is good
10	A. I would say that we deal with science	10	enough for Growmark; is that what you're telling me?
11	based upon applied science of applying pesticides,	11	A. We rely on EPA to approve, and we rely
12	but not any research science, no.	12	on the registrants to provide accurate information.
13	Q. And when it comes to well, strike	13	Q. If the registrant doesn't supply
14	that.	14	accurate information, that upsets the reliance that
15	Is Growmark aware of any medical or	15	you're placing on the process; would you agree?
16	scientific studies investigating the health effects	16	MR. HOPP: Object to the form of the
17	or safety of any paraquat formulation?	17	question.
18	A. No.	18	You can answer.
19	Q. Has Growmark ever discussed whether it	19	A. I I I would I would I would
20	should attempt to learn about such studies?	20	say yes, but they would be lying to all of us, and
21	A. No.	21	that's why, hopefully, the EPA would is taking a
22	Q. When was the first time that you ever	22	look at that information as well before they approve
23	heard any claim or assertion that paraquat was	23	it.
24	neurotoxic?	24	Q. Well, how could they take a look at
25	A. The first time I heard that claim was	25	something that hasn't been turned over to them?
	Page 75		
			Page 77
		1	Page 77
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2 3 4 5 6 7 8 9 10 11 23 14 15 16 7 18 9 20 21 22	 was from this being prepared for this deposition, so this Q. Okay. So you didn't know about it up until the time that the counsel got ahold of you and told you there was a lawsuit involving this, right? A. That's correct. Q. In all the years you worked at the testing laboratories, testing field site, and at SIU-Carbondale and at Michigan State and anyplace else, you had never heard about neurotoxic issues associated with paraquat, correct? A. That's correct. Q. And no one in the farming community had told you about that, either, right? A. I would say that's accurate. Q. Has anybody at Growmark ever told you anything about neurotoxicity potential of paraquat? A. No. Q. Okay. Now, has Growmark ever questioned whether it should attempt to learn about neurotoxicity studies from the application of paraquat? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	 A. They cannot do that, sir. Q. All right. So if the US EPA is one of the people one of the entities and groups that have been lied to, then your reliance upon the EPA approval certainly doesn't get you much, does it? MR. HOPP: Object to the form of the question. You can answer, if you understand. A. I guess I don't understand the question. Q. We'll get there. Now, Growmark, then, apparently does not believe it has the responsibility as a distributor of paraquat formulated products to learn about potential effects to human health from paraquat; is that right? MR. HOPP: Object to the form. You can answer. A. We we look at the label, and if the label has any of that information, we follow the label. So that's where we focus. Q. And you would never feel the need or

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20 (Pages 74 to 77)

	Page 78		Page 80
1	and we don't we don't think that that is really	1	Marketing Services Agreement.
2	our role.	2	Do you see that?
3	Q. Okay.	3	A. Yes.
4	A. Again, it's the registrant's role.	4	Q. And it's dated October 1, 2004, and it's
5	Q. Could you answer my question directly.	5	by and between Syngenta Crop Protection, Inc., and
6	You don't believe you have any	6	Growmark, Inc.; do you see that?
7	responsibility as a distributor of paraquat	7	A, Yes.
8	formulated products to learn about the potential	8	Q. And if you look at Number 3, Paragraph
9	effects to human health from paraquat; is that	9	Number 3, it says, "Sale and purchase of products."
10	right?	10	Do you see that?
11	MR. HOPP: Object to the form.	11	A. Yes.
12	You can answer.	12	Q. And that says, "Requirements." So if
13	A. I no, I guess.	13	you look at this, you will see this is a
14	Q. That isn't right?	14	requirements contract, right?
15	A. I don't I don't understand the	15	A. I I believe so. I'm not a contracts
16	question.	16	expert, but yes.
17	Q. I'm asking you whether Growmark has a	17	Q. In other words, whatever Growmark needs
18	belief that it has no responsibility as a	18	in this business, it's going to buy them through
19	distributor of paraquat formulated products to learn	19	Syngenta for those products; that's what I'm saying?
20	about potential effects to human health from	20	MR. HOPP: Object to the form of the
21	paraquat?	21	question.
22	A. We believe we learn that information	22	Q. And if you don't understood it, fine.
23	from the labels.	23	You can say I don't know.
24	Q. Okay. And beyond the label, you have no	24	A. Yeah. I don't understand it, no.
25	obligation to do anything, right?	25	Q. That's not really where I'm going.
-	Page 7 9		Page 81
1	A. Correct.	1	Now, if you'd look at number 4,
2	Q. All right. Now, I want to direct your	2	which is at the bottom of the page.
3	attention to pull up KT515.	3	MR. TILLERY: Skip down, please,
4	MS, BRUMITT: 511?	4	Juanita. What, there's no bottom of the page?
5	MR. TILLERY: 511.	5	(Off the record.)
6	THE WITNESS: I guess I click open	6	MR. TILLERY: Tony, if you have that
7	new exhibit.	7	document there handy, you could just hand it to him,
8	MR. TILLERY: Oh, he has the	8	and we could go through it together.
9	control, not us.	9	MR. HOPP: Yeah. Steve, this isn't
10	Okay. Hit join. Who's controlling	10	one of his reliance documents, so I don't know that
11	the exhibit? You are? Okay.	11	I have it handy in the room right now.
12	(Plaintiff's Exhibit 1, Distributorship and	12	MR. TILLERY: It isn't. It didn't
13	Marketing Services Agreement,	13	get the end of it? It didn't print it?
14	Growmark-Hoffmann_00168793, was marked for	14	MS. BRUMITT: No, it's there, but
15	identification.)	15	and it's end of presentation and my screen is blank.
16	BY MR. TILLERY:	16	MR. TILLERY: I see.
17	Q. Do you see this document, sir, this is a	17	MS. BRUMITT: He can control it
18	document we'll refer to as Plaintiffs' Deposition	18	himself, if he opens it.
19	Exhibit Number 1, and it's	19	BY MR. TILLERY:
20	Growmark-Hoffmann_00168793.	20	Q. Okay. If you open it yourself now, sir,
21	It's listed in the group of reliance	21	I think you can control the document. Okay. There
22	materials that were provided us for the three	22	we go.
23	depositions occurring this week, okay?	23	And if you look at on the screen,
24	A. Okay.	24	I can see that it says, "Warehousing."
25	Q. And it's entitled Distributorship and	25	A, Yes.

21 (Pages 78 to 81)

	Page 82		Page 84
1	Q. And "from time to time, Syngenta may	1	A. Yes.
2	ship and place packaged products on consignment at	2	Q. What does "stewardship" mean in the
3	any of the distributors' warehouse locations in	3	business that you are in?
4	Schedule 3 of the marketing area."	4	A. You know, stewardship has many means to
5	You see that?	5	many individuals, so
6	A. I see that, yes.	6	Q. What does what does it mean to you?
7	Q. Does to your knowledge, does Syngenta	7	A. So so I would say proper handling.
8	have a consignment relationship with Growmark with	8	That is a brief definition that I would say.
9	respect to some of its products?	9	Q. So stewardship would be proper safe
10	A. I don't believe so.	10	and proper handling? Is that
11	Q. Okay. So they never did that; they	11	A. I just said, proper handling, yes.
12	never warehoused the products with you?	12	Q. Okay. Now, in that paragraph, it says,
13	A. Not to my knowledge.	13	"Policy, 5.1. Syngenta is committed to the safe and
14^{13}	Q. Okay. Now, if you would go, and I think	14	proper handling of its products in an
15		15	environmentally responsible manner and will sell its
16	this is you need the schedule number. MR. TILLERY: Is that one right	16	products only to distributors that share their
17		17	commitment."
18	there? All right. MS. BRUMITT: I have it. You want	18	So does Growmark share that
19	799?	19	commitment?
20		20	I
	MR. TILLERY: 799, if you'd pull	21	
21 22	that up.	22	safe and proper handle those products, yes.
	Little technical difficulties.	22	Q. Okay.
23	We're getting there.	24	A. Any product.
24	(Off the record.)	25	Q. Have you seen this document before?
25	BY MR. TILLERY:	23	A. No, sir.
	Page 83		Page 85
1	Q. What we're showing you is from that same	1	Q. All right. Now, look under 5.2,
2	Q. What we're showing you is from that same document, a schedule of authorized products, which,	2	Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of
2 3	Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is	2 3	Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand
2 3 4	Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up	2 3 4	Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark?
2 3 4 5	Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now.	2 3 4 5	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes.
2 3 4 5 6	Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir?	2 3 4 5 6	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the
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2 3 4 5 6 7 8 9 10 11 12 13	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing 	2 3 4 5 6 7 8 9 10 11 12 13	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling,
2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? 	2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? A. I didn't see any others. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir. Q. What did you understand that obligation to be?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? A. I didn't see any others. Q. Okay. Now, if we can, let's go to 795. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir. Q. What did you understand that obligation to be? A. That I understand that obligation to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? A. I didn't see any others. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir. Q. What did you understand that obligation to be? A. That I understand that obligation to be to primarily make sure that a label is attached
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 7 8 9 20 21 22 23 24	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? A. I didn't see any others. Q. Okay. Now, if we can, let's go to 795. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir. Q. What did you understand that obligation to be? A. That I understand that obligation to be to primarily make sure that a label is attached to each container, because that that has all the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. What we're showing you is from that same document, a schedule of authorized products, which, for counsel on the deposition, is Growmark-Hoffmann_00168799. She is pulling that up for you now. Do you see that Schedule 1, sir? A. Yes. Q. And it says, "Authorized products"? A. Yes. Q. And you look at the first column towards the end? A. Yes. Q. Yeah. This distribution and marketing agreement encompasses Gramoxone Max, right? A. Correct. Q. You understand that to be a paraquat formulated product, right? A. Correct. Q. Are there any others on that list that include paraquat? A. I didn't see any others. Q. Okay. Now, if we can, let's go to 795. And if you would direct your 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. All right. Now, look under 5.2, Required Stewardship. It says, "As a condition of this agreement, distributor" do you understand that to be Growmark? A. Yes. Q. Okay. "Shall perform all of the services below." Do you see that? A. Mm-hmm. Q. And it says, under (a), "Be informed and inform its employees, agents, contractors and customers of hazards and precautionary" measures "procedures with respect to the handling, transportation, use and disposal of any product or material made from the products, which is delivered or otherwise transferred to distributor or its retail customers hereunder." Do you see that? A. Yes, sir. Q. What did you understand that obligation to be? A. That I understand that obligation to be to primarily make sure that a label is attached

22 (Pages 82 to 85)

	Page 86		Page 88
1	precautionary procedures, to handling transportation	1	have their applicator's license, that they're
2	and disposal and use of that product.	2	required to read the label and understand all of the
3	Q. So you just as long as you don't take	3	hazards or precautionary procedures for all of this.
4	the label off of it, because you know it comes with	4	Q. Yeah. I move to strike your answer as
5	a label, right? You don't put the label on the	5	unresponsive.
6	product, right?	6	MR. TILLERY: Miss Reporter, would
7	A. No.	7	you read back my question, please.
8	Q. It comes from Syngenta with a label.	8	(Clarification requested by the Court Reporter.)
9	So effectively, you you	9	(The record was read back by the reporter.)
10	understand this to mean you do nothing; you just	10	BY MR. TILLERY:
11	deliver it without taking the label off, right?	11	Q. My question is this: Other than the
12	A. Yeah. We have to make sure the label is	12	label that appears on the product that is shipped to
13	affixed to the container, yes.	13	you from Syngenta, is there any other way or
14	Q. Oh, okay. So when you see here where it	14	document that you convey information to the farmer
15	says, to "be informed and inform its employees,	15	applicators about safety hazards from applying
16	agents, contractors and customers of hazards and	16	paraquat?
17	precautionary procedures with respect to handling,	17	A. I I do not know what our member
18	transportation, use and disposal of any product or	18	companies would supply to a grower.
19	material made from the products," you mean that all	19	Q. Okay. Now, do you know that you sell
20	you do is deliver the product with the label on it	20	directly to farmers?
21	and you're done, right?	21	A. The only direct sale to farmers would be
22	A. We also provide them with the material	22	our retail divisions.
23	safety data sheets as well that have any and all of	23	Q. Okay.
24	that information on it.	24	A. That I know of.
25	Q. You just told me that that went to your	25	Q. And when you're testifying here, let's
	Page 87		Page 89
1	member cooperatives.	1	make it clear, you're testifying on behalf of and
2	A. We once it gets to we our we	2	speaking for Growmark, not your personal beliefs,
3	consider our retail customers to be our member	3	okay? You understand that?
4	cooperative.	4	A. Yes.
5	Q. Okay. So when they hear when they're	5	Q. All right.
6	saying in this list their customers, contractors,	6	So what I'm trying to clarify is
7	agents, employees, you don't include the people who	7	this: When a farmer buys the product from one of
8	are on this like Mr. Niebruegge, Mrs. Rowan,	8	your retail stores, let's try that, do you tell
9	Mr. Schmidt; you don't include any of them.	9	those farmers about the hazards of paraquat?
10	Your customers are the member	10	A. In this case, we would have to get the
11	cooperatives on there, right?	11	restricted-use pesticide license number, and then we
12	A. My interpretation of this is that	12	would give them the product. And that would be the
13	that that is the way I personally interpret this	13	end of that potential relationship, unless questions
	document, as it stands today.	14	arose.
14			
15	Q. Okay. So is there any other document	15	Q. So the answer is, no, you would not give
15 16	Q. Okay. So is there any other document that you think tells you that you have to get	16	them any more information about the hazards from
15 16 17	Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to	16 17	them any more information about the hazards from using or applying paraquat; is that correct?
15 16 17 18	Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or	16 17 18	them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form.
15 16 17 18 19	Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware	16 17 18 19	them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer.
15 16 17 18 19 20	Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware of any other requirement that you get that	16 17 18 19 20	 them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer. A. Yeah, that's correct.
15 16 17 18 19 20 21	Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware of any other requirement that you get that information to them?	16 17 18 19 20 21	 them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer. A. Yeah, that's correct. Q. All right. And you have no information
15 16 17 18 19 20 21 22	 Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware of any other requirement that you get that information to them? A. They would have access to all of that 	16 17 18 19 20 21 22	 them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer. A. Yeah, that's correct. Q. All right. And you have no information that any of your member cooperatives give any more
15 16 17 18 19 20 21 22 23	 Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware of any other requirement that you get that information to them? A. They would have access to all of that information due to paraquat being restricted use, 	16 17 18 19 20 21 22 23	 them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer. A. Yeah, that's correct. Q. All right. And you have no information that any of your member cooperatives give any more information about the hazards of paraquat to the
15 16 17 18 19 20 21 22	 Q. Okay. So is there any other document that you think tells you that you have to get information about the hazards of this herbicide to the people who are buying it, like Mr. Niebruegge or Mr. Schmidt or Mr. Mills or Mr. Rowan; are you aware of any other requirement that you get that information to them? A. They would have access to all of that 	16 17 18 19 20 21 22	 them any more information about the hazards from using or applying paraquat; is that correct? MR. HOPP: Object to the form. You can answer. A. Yeah, that's correct. Q. All right. And you have no information that any of your member cooperatives give any more

23 (Pages 86 to 89)

	Page 90		Page 92
1		1	
	Q. And that means that, in all these	1 2	A. Yes.
2	conversations for many years with the people who	3	Q. Not human hazards or neurotoxicity,
3	serve as crop specialists that you're dealing with	4	right? A. Correct.
4	every day, you're telling the Ladies and Gentlemen	5	
5	of the Jury and the Court that you've never thought	6	Q. You've never told anybody to tell them,
6	to ask them whether or not they tell the farmers who	7	in any conversation, that paraquat is potentially
7	buy the product about the hazards of using paraquat,	8	neurotoxic, have you?
8	right?	9	A. No, because the label does not tell us that information is accurate.
9 10	MR. HOPP: Object to the form of the	10	
	question.	11	· ·
11 12	A. I we feel we provide that information	12	strike your answer as unresponsive.
	in the label.	13	Have you ever told a crop specialist to warn of any neurotoxic hazard from the use of
13	Q. Now, can you answer my question?	14	•
14 15	A. No. $(A = A + A)^{1/2}$	15	paraquat? A. No.
16	Q. You do not talk to them about it, right?A. That's that would be accurate.	16	
17		17	Q. Have you ever told a crop specialist who works for any of the member cooperatives to warn
18		18	farmer applicators who buy the product that it could
19	crop specialists who work for these member cooperatives who are stockholders of Growmark, have	19	cause Parkinson's disease?
20	you ever told them to share their knowledge of the	20	A. No.
21	hazards of paraquat with the farmers who buy your	21	Q. Have you ever told any crop specialist
22	product?	22	to tell a farmer, purchaser or any farmers operation
23	A. Our crop specialists are routinely	23	they service to warn about potential long-term
24	sharing all the knowledge that they have, and I'm	24	health effects from the use of paraquat?
25	my assumption is that some some information	25	A. As being that we sell these to member
		20	
	Page 91		Page 93
1	regarding paraquat has been shared. I don't know	1	companies, we do train on proper use of PPE to limit
2	what that information is.	2	exposure, so
3	Q. Have you ever talked to them; has anyone	3	Q. Can you answer my question?
4	ever asked you about it?	4	A. I don't understand your question.
5	A. Specifically asked me about what?	5	Q. All right. Let me let's I'll
6	Q. Of the hazards of using paraquat.	6	repeat it.
7	A. I think that people know the hazards	7	Have you ever told a crop specialist
8	of using paraquat due to its restricted-use being	8	who works with or for member cooperatives to warn
9	a restricted-use pesticide, and it says, "Acute	9	the farmer applicator, retail purchasers who that
10	toxicity," on the top of the label.	10	paraquat can cause Parkinson's disease?
11	Q. I move to strike your answer as	11	A. No.
12	unresponsive.	12	Q. Have you ever told any crop specialist
13	Have you ever been asked any	13	to tell a farmer purchaser about long-term health
14	specific information about how they address	14	effects from the use of paraquat?
15	questions of paraquat toxicity with the farmer	15	A. No.
16	applicators?	16	Q. Growmark has always relied upon third
17	MR. HOPP: Object to the form.	17	parties, like Syngenta, to assess the threats to
18	You can answer.	18 19	human health from paraquat products it distributes; is that a fair statement?
19	A. We would growers would be shared with	20	
20	information specifically on how, if they don't use		A. We rely on them and the EPA to approve a
21	it correctly, that there could be toxicity to plants	21 22	label, yes.
22	downwind of that application, and that would be the	23	Q. Do you understand the methodology to be that the EPA goes to them and asks them to produce
23	conversation that is had.	24	science about it, if they're the primary registrant?
24 25	Q. It would be concerning drift of plants	25	A. That that is my understanding.
120	in other fields, right?	125	Tr. That that is my understanding.

24 (Pages 90 to 93)

Page 94Page 961Q. Okay. So you're relying upon Syngeria1or Chevron, in the case of their production of this1a or Chevron, in the case of their production of this1b or the EPA, right?25A. That is correct.6Q. And if they don't do that, then your76Q. And if they don't do that, then your778M.R. HOP?: Object to the form of the9question.10You can answer.11A. I would say we're all in the same boat?12with misinformation in that case, yes.13Q. What does that mean, you're all in the14same boat?15A. You know, anyone who uses or - the16product twould be - would not have accurate17information in that case.18or Ronald Niebruegge or Mr. Mills, to the extention19or Ronald Niebruegge or Mr. Mills, to the extention20that they bought this product in reliace upon21honest reports to the US EPA, would be the vicitiv,23MR. HOPP: Object to the form of the24question.25Page 971that information is correct, and can you rephrase2the question.2Page 971that information relating to neurotoxicity of that chemical has relates to26the safety or neurotoxicity of hat chemical has27A. We assume that all Scientific material3Do you assume - do you assume si	2 3 4 5 6 7 8	 Q. Okay. So you're relying upon Syngenta or Chevron, in the case of their production of this product, to honestly produce scientific information to the EPA, right? A. That is correct. Q. And if they don't do that, then your reliance is misplaced; would you agree with that? MR. HOPP: Object to the form of the question. 	2 3 4 5 6 7	 plan to do those trials ourselves. I you know, I honestly don't know how we would come by that information. Q. Okay. A. And know its validity. Q. Right.
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22wouldn't they?22you found out, as long as the EPA gave it approval, you'd be okay with it, wouldn't you?23MR. HOPP: Object to the form of the23you'd be okay with it, wouldn't you?24A. I would assume that we assume that25A. We would be concerned about the validity of the information we were getting, if it did not25A. I would assume that we assume that25of the information we were getting, if it did not25A. I would assume that we assume that25of the information we were getting, if it did not26Page 95Page 971that information is correct, and can you rephrase1come from the EPA.2Q. Do you assume do you assume, sir, 4 that scientific information in the hands of the primary registrant of the chemical that relates to 6 the safety or neurotoxicity of that chemical has 7 been fully disclosed to the US EPA?18A. We assume that all scientific material 99mR. HOPP: Object to the form of the question.10reviewed that, and there is a legal document in the 11 label in which Growmark follows.10A. As long as it's an EPA-approved product12Q. Now, if I ask you to assume that 15 or 16 years in this, and some never fully13studies regarding the health effects or safety of paraquat?14paraquat wash't disclosed to the US EPA, and that 9147A. No, because we believed that information relating to paraquat?15there was a delay of some period of time, let's say 151616181615	21	honest reports to the US EPA, would be the victims,	21	
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2the question, please.2Q. Right. So if the EPA didn't even3Q. Do you assume do you assume, sir,3though they didn't know about it, if the EPA4that scientific information in the hands of the5primary registrant of the chemical that relates to55primary registrant of the chemical that relates to5you found out about this, for example, through your6the safety or neurotoxicity of that chemical has6counsel in this case, you would continue to sell7been fully disclosed to the US EPA?7this product, right?8A. We assume that all scientific material9question.9has been provided to the EPA, and the EPA has9question.10reviewed that, and there is a legal document in the10A. As long as it's an EPA-approved product11label in which Growmark follows.11with a current label, we would sell the product.12Q. Now, if I ask you to assume that12Q. Has Growmark ever asked Syngenta for any13scientific information relating to neurotoxicity of14paraquat wasn't disclosed to the US EPA, and that15there was a delay of some period of time, let's say15A. No, because we believed that1615 or 16 years in this, and some never fully16information's on the label.17disclosed, and you found out at Growmark that a17Q. Let me move to strike your answer as18product you're selling was being registered based18Has Growmark ever asked Syngenta or<	1		1	_
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4that scientific information in the hands of the4approved it, the information was never given, and5primary registrant of the chemical that relates to5you found out about this, for example, through your6the safety or neurotoxicity of that chemical has5you found out about this, for example, through your7been fully disclosed to the US EPA?7this product, right?8A. We assume that all scientific material8MR. HOPP: Object to the form of the9has been provided to the EPA, and the EPA has9question.10reviewed that, and there is a legal document in the10A. As long as it's an EPA-approved product11label in which Growmark follows.11with a current label, we would sell the product.12Q. Now, if I ask you to assume that12Q. Has Growmark ever asked Syngenta for any13scientific information relating to neurotoxicity of13studies regarding the health effects or safety of14paraquat wasn't disclosed to the US EPA, and that14paraquat?15there was a delay of some period of time, let's say15A. No, because we believed that1615 or 16 years in this, and some never fully16information's on the label.17disclosed, and you found out at Growmark that a17Q. Let me move to strike your answer as18product you're selling was being registered based18unresponsive.19upon incomplete information relating to19Has Growmark ever asked Syngenta or<				
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6the safety or neurotoxicity of that chemical has6counsel in this case, you would continue to sell7been fully disclosed to the US EPA?7this product, right?8A. We assume that all scientific material9MR. HOPP: Object to the form of the9has been provided to the EPA, and the EPA has9question.10reviewed that, and there is a legal document in the10A. As long as it's an EPA-approved product11label in which Growmark follows.11with a current label, we would sell the product.12Q. Now, if I ask you to assume that12Q. Has Growmark ever asked Syngenta for any13scientific information relating to neurotoxicity of13studies regarding the health effects or safety of14paraquat wasn't disclosed to the US EPA, and that14paraquat?15there was a delay of some period of time, let's say15A. No, because we believed that1615 or 16 years in this, and some never fully16information's on the label.17disclosed, and you found out at Growmark that a17Q. Let me move to strike your answer as18product you're selling was being registered based18unresponsive.19upon incomplete information relating to19Has Growmark ever asked Syngenta or20neurotoxicity, what would Growmark do; if it became20Chevron for studies regarding the health effects or				
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 A. We assume that all scientific material has been provided to the EPA, and the EPA has reviewed that, and there is a legal document in the label in which Growmark follows. Q. Now, if I ask you to assume that scientific information relating to neurotoxicity of paraquat wasn't disclosed to the US EPA, and that there was a delay of some period of time, let's say for 16 years in this, and some never fully for 16 years in this, and some never fully for 16 years in this, and some never fully groduct you're selling was being registered based upon incomplete information relating to neurotoxicity, what would Growmark do; if it became 				
 9 has been provided to the EPA, and the EPA has 9 question. 10 reviewed that, and there is a legal document in the 11 label in which Growmark follows. 12 Q. Now, if I ask you to assume that 12 Q. Now, if I ask you to assume that 12 Q. Now, if I ask you to assume that 12 as creating to neurotoxicity of 13 scientific information relating to neurotoxicity of 14 paraquat wasn't disclosed to the US EPA, and that 15 or 16 years in this, and some never fully 16 information's on the label. 17 disclosed, and you found out at Growmark that a 18 product you're selling was being registered based 19 upon incomplete information relating to 20 neurotoxicity, what would Growmark do; if it became 20 Chevron for studies regarding the health effects or 				
10reviewed that, and there is a legal document in the10A. As long as it's an EPA-approved product11label in which Growmark follows.11with a current label, we would sell the product.12Q. Now, if I ask you to assume that12Q. Has Growmark ever asked Syngenta for any13scientific information relating to neurotoxicity of13studies regarding the health effects or safety of14paraquat wasn't disclosed to the US EPA, and that14paraquat?15there was a delay of some period of time, let's say15A. No, because we believed that1615 or 16 years in this, and some never fully16information's on the label.17disclosed, and you found out at Growmark that a17Q. Let me move to strike your answer as18product you're selling was being registered based18unresponsive.19Has Growmark ever asked Syngenta or20neurotoxicity, what would Growmark do; if it became20Chevron for studies regarding the health effects or	1			
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19upon incomplete information relating to19Has Growmark ever asked Syngenta or20neurotoxicity, what would Growmark do; if it became20Chevron for studies regarding the health effects or				· · ·
20 neurotoxicity, what would Growmark do; if it became 20 Chevron for studies regarding the health effects or				-
21 aware of that, and it conducted its own 21 safety of paraquat?				
22 investigation and found that out, what would it do? 22 A. No, not to my knowledge.				
23 MR. HOPP: Object to the form. 23 Q. Has Growmark ever asked Syngenta for				
A. We had assumed that all of that 24 studies which prove that paraquat is safe to use?				
122 Information is accurately provided, and we do not 123 A. Can you repeat the question please	25	information is accurately provided, and we do not	25	A. Can you repeat the question, please.

25 (Pages 94 to 97)

	Page 98	1	Page 100
1	Q. Yes.	1	see if you want to continue this, because I'm not
2	Has Growmark ever asked Syngenta for	2	going to play the game with you.
3	studies which prove that paraquat is safe to use?	3	So what I'm going to do is ask that
4	A. I don't believe so.	4	we do this with the judge involved who can rule on
5		5	whether or not you need to be ordered to directly
6	Q. Has Growmark ever investigated whether such studies exist?	6	answer questions.
7	A. We don't believe that's our role.	7	I will, after lunch, if you do it
8	Q. Move to strike your answer as	8	again, we'll terminate the dep, that's what's going
9	unresponsive.	9	to happen.
10	Has Growmark ever investigated	10	Now, I'm asking you to give me
11	whether such studies exist?	11	straight answers. I'm giving you fair questions.
12	A. No.	12	Can we have agreement that you're
13		13	going to answer my questions?
14^{13}	Q. Do you know how at Growmark you would	14	A. Mr. Tillery, I believe I'm answering
15	even do an investigation or a study to determine whether a product like Gramoxone is safe to use?	15	your questions to the best of my ability right now.
16	-	16	Q. Okay. I'll ask this one: Would
17		17	would you agree that if Growmark, as a distributor
18	answer, no.	18	of paraquat formulated products in Illinois, is
19	Q. Would you agree that if Growmark, as the	19	unaware of studies regarding the health effects or
20	distributor of paraquat formulated products in Illinois, is unaware of such safety studies, or	20	safety of paraquat, it would be unreasonable to
21	studies regarding the health effects or safety of	21	expect the Plaintiffs in this case to be aware of
22	paraquat, it wouldn't be reasonable to expect the	22	them?
23		23	A. Yes.
24	Plaintiffs in this case to be aware of them, either, would it?	24	Q. Is Growmark aware of epidemiological
25	MR. HOPP: Object to the form of the	25	studies of possible disease clusters or
2.5		20	
			Dogo 101
	Page 99		Page 101
1	question.	1	above-average incidence of Parkinson's disease among
2	question. You can answer, if you understand	2	above-average incidence of Parkinson's disease among persons living or working in a specific geographic
2 3	question. You can answer, if you understand it.	2 3	above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used?
2 3 4	question. You can answer, if you understand it. A. I I don't understand the question.	2 3 4	above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No.
2 3 4 5	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know 	2 3 4 5	above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used?A. No.Q. So the agricultural study that was done
2 3 4 5 6	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any 	2 3 4 5 6	above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used?A. No.Q. So the agricultural study that was done about ten years ago, the so-called ag study, you
2 3 4 5 6 7	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like 	2 3 4 5 6 7	above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used?A. No.Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school?
2 3 4 5 6 7 8	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like Mr. Niebruegge or Mr. Schmidt or Mr. Rowan or 	2 3 4 5 6 7 8	 above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No. Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school? A. No, sir.
2 3 4 5 6 7 8 9	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like Mr. Niebruegge or Mr. Schmidt or Mr. Rowan or Mr. Mills who purchased it from one of your member 	2 3 4 5 6 7 8 9	 above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No. Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school? A. No, sir. Q. Okay. That was not part of your
2 3 4 5 6 7 8 9 10	question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like Mr. Niebruegge or Mr. Schmidt or Mr. Rowan or Mr. Mills who purchased it from one of your member cooperatives, that they should have more knowledge	2 3 4 5 6 7 8 9 10	 above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No. Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school? A. No, sir. Q. Okay. That was not part of your curriculum at Michigan State University?
2 3 4 5 6 7 8 9 10	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like Mr. Niebruegge or Mr. Schmidt or Mr. Rowan or Mr. Mills who purchased it from one of your member cooperatives, that they should have more knowledge of those safety studies than Growmark? 	2 3 4 5 6 7 8 9 10 11	 above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No. Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school? A. No, sir. Q. Okay. That was not part of your curriculum at Michigan State University? A. No, sir.
2 3 4 5 6 7 8 9 10 11 12	 question. You can answer, if you understand it. A. I I don't understand the question. Q. Well, I'm asking you if you don't know anything about the safety or health effects of any studies of paraquat, do you believe the people like Mr. Niebruegge or Mr. Schmidt or Mr. Rowan or Mr. Mills who purchased it from one of your member cooperatives, that they should have more knowledge of those safety studies than Growmark? A. I I believe the label provides 	2 3 4 5 6 7 8 9 10 11 12	 above-average incidence of Parkinson's disease among persons living or working in a specific geographic area where paraquat products are used? A. No. Q. So the agricultural study that was done about ten years ago, the so-called ag study, you never read that in school? A. No, sir. Q. Okay. That was not part of your curriculum at Michigan State University? A. No, sir. Q. Okay. Is there anybody else at Growmark
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26 (Pages 98 to 101)

	Page 102	1	Page 104
		1	
1	A. No.		spray a significant, large number of acres, and we
2	Q. In your department where you're involved	2	have many, many what we call custom applied acres.
3	with the science, how many people are employed?	3	Q. And is there a record of that
4	A. Four.	4	application?
5	Q. Who are they, and what are their roles?	5	A. There's a record of all applications for
6	A. I have Dr. Victoria Kleczewski, she's	6	two years.
7	our insect and plant disease technical manager.	7	Q. Okay. Is Growmark aware of any studies
8	I have Mike Gill, he's our crop	8	regarding occupational health and safety relating to
9	nutrients technical manager.	9	paraquat, including any assessment of workers'
10	Then there is Rhett Stolte, weed	10	exposure at any paraquat storage or distribution
11	science technical manager.	11	facility?
12	As well as myself.	12	A. We don't do those studies, no.
13	Q. Would it be fair to say that Growmark	13	Q. No. That wasn't what I asked you, was
14	relies entirely on third parties like Syngenta to do	14	it, sir?
15	epidemiology studies regarding paraquat?	15	A. I I believe it was. Can you repeat
16	A. I would say that's accurate.	16	the question.
17	Q. Do you know what studies Syngenta has	17	Q. That question was: Is Growmark aware of
18	conducted?	18	any studies regarding occupational health and safety
19	A. No, sir.	19	related to paraquat, including any assessment of
20	Q. Have you ever asked for them?	20	workers' exposure at any paraquat storage or
21	A. I don't believe so.	21	distribution facility?
22	Q. Is Growmark in possession of studies	22	A. No, I do not believe so.
23	regarding occupational health and safety related to	23	Q. Is Growmark aware of any other studies
24	paraquat, including any assessment of workers'	24	regarding or the health effects of workers from
25	exposures at paraquat manufacturing plants?	25	exposure to paraquat?
	 Page 103		Page 105
1	A. I don't know that information because we	1	A. We know of the studies based upon we
2	don't produce paraquat.	2	know the results of those studies based upon label
3	Q. But have you ever asked for it?	3	and what the MSDS says, and that's our the limit
4	A. I don't know the answer to that	4	for us.
5	question.	5	Q. So then tell me what they are, if you
6	Q. Okay. Do you ever mix paraquat?	6	know what they are. What are those studies that
7	A. Before it's applied to a field, paraquat	7	have been done?
8	is mixed, yes.	8	A. You know, typically, they're acute
9	Q. So who mixes it; the member	9	toxicity studies, is what we can find.
10	cooperatives, your customers?	10	And we can find pounds or
11	A. The member cooperative, typically. The	11	milligrams per kilogram of body weight and LD50s on
12	end user.	12	certain animals, in that case, that I believe they
13	Q. Okay. The end user, namely, you call	13	use to get exposure limits.
14	the end user being the member cooperative?	14	Q. And where do you find those studies?
15	A. I would say, again, that's making	15	A. I I only have the outcomes what
16	assumption, but I would say most of it is used by	16	the outcomes of what those studies are in regards to
17	the member cooperative.	17	safety.
18	Q. So you think that the most of the	18	Q. I mean, have you ever gone on the EPA
19	material that would be sold as a paraquat formulated	19	website to look at paraquat?
20	product is applied onto fields not by farmers, but	20	A. I don't believe so.
21	by the cooperatives themselves?	21	Q. Okay, So you don't know what studies
22	A. While that's an assumption, yes.	22	have actually been done, is what you're saying?
23	Q. And what do you base that assumption on?	23	A. That would be correct.
23	A. That we spray a significant number of	24	Q. Have you ever gone on the internet, just
25	acres across the we, as a member company, would	25	Google, and looked up paraquat?
125	acres across the we as a member company would	1 2	A TOOPIE: AND TOOKED HE DATACHINE?

27 (Pages 102 to 105)

1 2 3	Page 106		Page 108
2	A. In regards to something specific, yes.	1	Q. Does Growmark believe it has any
	Not just paraquat, enter.	2	responsibility as a distributor of paraquat
-	Q. Okay. What specifically did you look	3	formulated products to its member cooperatives to
4	up?	4	learn about occupational health and safety threats
5	A. You know, I can only assume and give you	5	from the use and application of paraquat beyond what
6	examples of the types of things, but how large of	6	is on the label?
7	waterhemp would paraquat manage; or is paraquat	7	MR. HOPP: Object to the form of the
8	can paraquat is paraquat good on marestail; or	8	question.
9	things of that nature on very specific things.	9	You can answer.
10	Q. Okay. Have you	10	A. Not what is beyond the label, no.
11	A. Efficacy.	11	Q. Okay. Does Growmark rely entirely on
12	Q. Have you looked it up in Wikipedia; has	12	third parties such as Syngenta and Chevron to assess
13	that been the source?	13	occupational safety studies regarding paraquat?
14	A. No. No. Typically, I go to Google and	14	A. That would be accurate.
15	I would try to find what university information pops	15	Q. Has Growmark ever asked Syngenta or
16	up.	16	Chevron for any studies regarding occupational
17	Q. Okay. So you've never looked up the	17	safety of paraquat?
18	Wikipedia site on paraquat, ever?	18	A. I can't be sure, but I don't believe so.
19	A. Oh. I'm sure that that has probably been	19	Q. And you would agree that if Growmark, as
20	clicked on at some point, yes.	20	the distributor of paraquat formulated products in
21	Q. Okay. And you've read it. When would	21	Illinois, is unaware of such studies, it would be
22	you have done that?	22	unreasonable to expect the Plaintiffs in this case
23	A. Um I it could have been as long	23	to be aware of them; is that correct?
24	ago as, well, graduate school. It could have been	24	MR. HOPP: Object to the form.
25	two months ago.	25	A. That would be correct.
	Page 107	-	 Page 109
1		1	36
1	So there's questions that come up	2	Q. Growmark is not in possession of studies regarding an association between exposure to
2	every day, so	3	
3	Q. Do you know what it says about	4	paraquat and any neurological injury or disease in any given organism, correct?
45	neurotoxicity of paraquat?	5	A. Can you repeat that question, please.
	A. I do not, no.	6	
6 7	Q. That part, do you think you didn't read	7	Q. Sure. Growmark is not in possession of any
	to the last paragraph? A. I don't know if I read anything	8	studies regarding an association between exposure to
9	A. I don't know if I read anything regarding that.	9	paraquat and any neurological injury or disease in
8		10	
9	O Okay All right		any living organism including Parkinson's disease
9 10	Q. Okay. All right.	111	any living organism, including Parkinson's disease
9 10 11	Is Growmark aware of any other	11	in humans, correct?
9 10 11 12	Is Growmark aware of any other studies regarding the health effects on workers from	12	in humans, correct? A. That is correct.
9 10 11 12 13	Is Growmark aware of any other studies regarding the health effects on workers from exposure to paraquat?	12 13	in humans, correct?A. That is correct.Q. Is Growmark aware of any studies
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9 10 11 12 13 14 15 16 17 18 19 20 21	Is Growmark aware of any other studies regarding the health effects on workers from exposure to paraquat? A. No, I don't believe so. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. Did Growmark know that paraquat is a highly toxic poison? A. We know that "Danger: Poison" is on the label.	12 13 14 15 16 17 18 19 20 21	 in humans, correct? A. That is correct. Q. Is Growmark aware of any studies regarding an association between exposure to paraquat and any neurological injury or disease? A. No. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. And as long as the product is available for sale and approved for sale, it's Growmark's
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Is Growmark aware of any other studies regarding the health effects on workers from exposure to paraquat? A. No, I don't believe so. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. Did Growmark know that paraquat is a highly toxic poison? A. We know that "Danger: Poison" is on the label. Q. Did Growmark know that if you swallow a	12 13 14 15 16 17 18 19 20 21 22	 in humans, correct? A. That is correct. Q. Is Growmark aware of any studies regarding an association between exposure to paraquat and any neurological injury or disease? A. No. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. And as long as the product is available for sale and approved for sale, it's Growmark's position that it needs not conduct any such
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Is Growmark aware of any other studies regarding the health effects on workers from exposure to paraquat? A. No, I don't believe so. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. Did Growmark know that paraquat is a highly toxic poison? A. We know that "Danger: Poison" is on the label. Q. Did Growmark know that if you swallow a very small quantity of it, it will kill you?	12 13 14 15 16 17 18 19 20 21 22 23	 in humans, correct? A. That is correct. Q. Is Growmark aware of any studies regarding an association between exposure to paraquat and any neurological injury or disease? A. No. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. And as long as the product is available for sale and approved for sale, it's Growmark's position that it needs not conduct any such investigation; is that correct?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Is Growmark aware of any other studies regarding the health effects on workers from exposure to paraquat? A. No, I don't believe so. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. Did Growmark know that paraquat is a highly toxic poison? A. We know that "Danger: Poison" is on the label. Q. Did Growmark know that if you swallow a	12 13 14 15 16 17 18 19 20 21 22	 in humans, correct? A. That is correct. Q. Is Growmark aware of any studies regarding an association between exposure to paraquat and any neurological injury or disease? A. No. Q. Has Growmark ever investigated whether such studies exist? A. I don't believe so. Q. And as long as the product is available for sale and approved for sale, it's Growmark's position that it needs not conduct any such

28 (Pages 106 to 109)

1approved label, and we would encourage everyone to 21Q. Is Growmark aware of a series performed about 15 years ago by Dr. Lo 33Q. And you're relying entirely upon the 4 honesty and integrity and completeness exposure 5 of disclosure to the US EPA, correct?2performed about 15 years ago by Dr. Lo 35Of disclosure to the US EPA, correct?3Q. Have you ever heard of those s 66A. That would be correct.5Q. Have you ever heard of those s 67Q. Is paraquat neurotoxic to some 8 applicators when it is used as intended?69A. We don't have that information.910Q. Have you ever been told by anybody that10	ouise Marks of studies
2still follow the label, yes.2performed about 15 years ago by Dr. Lo3Q. And you're relying entirely upon the3Syngenta?4honesty and integrity and completeness exposure3Syngenta?5of disclosure to the US EPA, correct?4A. I don't believe so, no.6A. That would be correct.5Q. Have you ever heard of those s7Q. Is paraquat neurotoxic to some6being done involving I'll refer them to8applicators when it is used as intended?8A. I9A. We don't have that information.9Q that's entitled "Investigating	ouise Marks of studies
3Q. And you're relying entirely upon the4honesty and integrity and completeness exposure5of disclosure to the US EPA, correct?6A. That would be correct.7Q. Is paraquat neurotoxic to some8applicators when it is used as intended?9A. We don't have that information.	studies
4honesty and integrity and completeness exposure4A.I don't believe so, no.5of disclosure to the US EPA, correct?5Q.Have you ever heard of those so6A.That would be correct.5Being done involving I'll refer them to7Q.Is paraquat neurotoxic to some6being done involving I'll refer them to8applicators when it is used as intended?8A.I9A.We don't have that information.9Q that's entitled "Investigating	
5of disclosure to the US EPA, correct?5Q. Have you ever heard of those s6A. That would be correct.6being done involving I'll refer them to7Q. Is paraquat neurotoxic to some6being done involving I'll refer them to8applicators when it is used as intended?8A. I9A. We don't have that information.9Q that's entitled "Investigating	
6A. That would be correct.6being done involving I'll refer them to7Q. Is paraquat neurotoxic to some7dichloride hydrate, that's8applicators when it is used as intended?8A. I9A. We don't have that information.9Q that's entitled "Investigating	
7Q.Is paraquat neurotoxic to some7dichloride hydrate, that's8applicators when it is used as intended?8A.I9A.We don't have that information.9Q that's entitled "Investigating	1 1
8applicators when it is used as intended?8A.I9A.We don't have that information.9Q that's entitled "Investigating	
9 A. We don't have that information. 9 Q that's entitled "Investigating	
110 Q. Thave you ever been tota by anybody that 120 reported paradata hearded here in the c	
11 it is? 11 C57 black mouse. The neurochemical a	
12 A. No. 12 effects on the dopaminergic system of the	
12 A. No. 13 Q. You've never read anywhere, from any 13 injections of 1,1 dimethyl, 1,1,4 bipyrid	
	.58 Research
	atudar?
	study:
18 Q. Growmark does not believe that it has 18 Q. Do you have a copy of it?	
19 any responsibility as a distributor of paraquat 19 A. No, sir.	
20 formulated products to learn about any possible 20 Q. No counsel has ever given it to	o you?
21 association between exposure to paraquat and any 21 A. No, sir.	1 1
22 neurological injury or disease; is that right? 22 Q. To your knowledge, Growmark	
23 MR. HOPP: Object to the form of the 23 been afforded a copy of that study? Yo	
24 question. 24 about it right now for the first time, right	
25A.We don't believe that's our role,25A.This is the first time I've heard	l of it,
Page 111	Page 113
1 correct. 1 yes, sir.	
2 Q. Okay. Growmark relies entirely on third 2 Q. Did you know that in that stu	udy,
3 parties like Syngenta or Chevron to assess whether 3 Dr. Louise Marks found a statistically	y significant
4 there is an association between exposure to paraquat 4 reduction in dopaminergic neurons in	the substantia
5 and any neurological disease like Parkinson's 5 nigra of mice after the administration	
6 disease, correct? 6 paraquat?	
7 A. And provide that information to the EPA, 7 MR. HOPP: Object to the f	form of the
8 yes. 8 question.	
9 Q. You would agree with the statement, 9 You can answer.	
10 correct, the question? 10 A. I don't have any information	on that.
11 A. Repeat it one more time for me to make 11 no.	,
12 sure. 12 Q. The answer to the question is	s. no. vou
12sure:13Q.Growmark relies entirely on third13don't know, correct?	-,, , ,
13Q.Orownark refers chartery on third10don't know, concert14parties such as Syngenta or Chevron to assess14A.I I believe you would have	ave to
15 whether there's an association between exposure to 15 repeat the question, if you would like	
, · · · · · · · · · · · · · · · · · · ·	
	arayuar:
	more would
21 neurotoxicity of paraquat? 22 Q. Is that information that Grow	
22 A. Not to my knowledge. 22 have wanted to know about one of the	e producis it
23 Q. Do you know if such studies exist? 23 distributes?	fame of the
A. I do not know. Not with my knowledge, MR. HOPP: Object to the f	form of the
25 no. 25 question.	

29 (Pages 110 to 113)

	Page 114		Page 116
1	You can answer.	1	couldn't validate it ourselves.
2	A. We we think we are following the	2	Q. Okay. Move to strike your answer as
3	label, so I guess if it's if it's a labeled	3	unresponsive.
4	product, we're going to use it in we're going to	4	You want the question read back to
5	follow the label.	5	you? You know
6	Q. So you want to try to answer my question	6	A. Um.
7	instead of whatever it was you were imagining? Do	7	Q. You know the question. Do you want to
8	you want to try again?	8	try answering it again?
9	A. Mr. Tillery, I don't think I understand	9	A. We'd no, we would still sell the
10	the question.	10	product.
11	Q. Okay. Then I'll re-ask it.	11	Q. You'd still sell it. All right.
12	Is that information, what I told you	12	Do you know what a FIFRA Section
13	about that study, information that Growmark would	13	6(a)(2) obligation is?
14	have wanted to know about one of the products it	14	A. I am somewhat familiar.
15	distributes, paraquat; is that something your	15	Q. Would you give us and the Ladies and
16	corporation would want to know about?	16	Gentlemen of the Jury and the Court your
17	MR. HOPP: Object to the form.	17	understanding of what a 6(a)(2) FIFRA obligation is?
18	You can answer.	18	A. You know, so I believe what you're
19	A. I would believe we would want that	19	probably referring to is if we would have to or
20	information to go to a source such as the EPA.	20	who has to provide information regarding exposure;
21	Q. Right. Well, I'm going to tell you	21	would that be correct?
22	right now it didn't. They didn't turn it over.	22	Q. It's it's a statutory reference that
23	So you wanted it to go there. Why	23	says what it says. I just want to know if you
24	did you want it to go there?	24	understand what it means.
25	A. I would want all information about all	25	A. I have read part of it. I can't say
	Page 115		Page 117
1	products that we use.	1	that I have read every single word, but I understand
2	Q. Okay. Now, I'm representing to you that	2	some parts of it.
3	I wrote to Syngenta's counsel in this case in	3	Q. Do you understand that it requires the
4	December 2019, and demanded that they send this in a	4	principle registrant, when it comes along comes
5	letter, and it wasn't until just a matter of a few	5	upon scientific information, certain scientific
6	months ago that this report was even sent to the US	6	information, not all, to report it to the US EPA?
7	EPA.	7	A. That is my understanding, yes.
8	Did you know that?	8	Q. And it has criminal sanctions for
9	A. No, sir.	9	non-compliance; are you aware of that, too?
10	Q. Is that information that's important to	10	A. I would assume that to be true, but I
11	Growmark?	11	don't know that for certain. I would have to read
12	A. If deemed important by the EPA, then	12	the whole thing.
13	and the label changed, then yes.	13	Q. Would these neurotoxic findings be
14	Q. But as long as that EPA if that label	14	things that you would want disclosed to the EPA?
15	change stays, you don't really care about whether or	15	MR. HOPP: Object to the form of the
16	not Dr. Louise Marks found in this study, XM7258,	16	question.
17	that the administration of doses of paraquat caused	17	A. Um
18	brain injury, the loss of dopaminergic neurons; you	18	Q. Or you think it's okay for Syngenta to
19	wouldn't care, would you?	19	keep them secret?
1-2		20	A. No, we would want all the information.
20	MR. HOPP: Object to the form of the	120	in ito, no nould null his information.
20 21	MR. HOPP: Object to the form of the question.	21	So the answer is yes.
20 21 22	question. You can answer.	21 22	So the answer is yes. Q. Did you ever ask Jeff Bunting who he
20 21 22 23	question. You can answer. A. I don't think we can validate that	21 22 23	So the answer is yes. Q. Did you ever ask Jeff Bunting who he works with about the dangers of paraquat?
20 21 22	question. You can answer.	21 22	So the answer is yes. Q. Did you ever ask Jeff Bunting who he

30 (Pages 114 to 117)

	Page 118	1	Page 120
1	to Growmark from Zeneca; did you know that?	1	Q. Do you know what causes Parkinson's
2	A. I may have knew that in the past, but	2	disease?
3	it's kind of familiar now. That's all I'll say.	3	A. No, sir.
4	Q. Okay. And how did it get familiar?	4	Q. Do you know if Growmark has ever asked
5	A. Probably just through passing	5	to get on a phone call with a neurologist at any
6	conversations, and you bringing it right back up	6	time in its history and ask them, what causes or
7	today.	7	what is known in the group of causes for Parkinson's
8	Q. Okay. Now you're remembering.	8	disease?
9	All right. So what did he do at	9	A. I don't believe we have.
10	Zeneca?	10	Q. Have you ever asked a neurologist in
11	A. I I don't know.	11	your area whether Parkinson's disease can be related
12	Q. Do you think he might have known a	12	to neurotoxins, including paraquat?
13	little bit about paraquat?	13	A. I don't believe so, no.
14	A. If it was during the time that, you	14	Q. Was Growmark aware that paraquat is
15	know, that paraquat was sold by Zeneca, I would have	15	regarded as the most probable toxicant for
16	to make an assumption that, yes.	16	environmental toxicant for Parkinson's disease in
17	Q. Well, let me ask you something. Are you	17	the United States?
18	aware of any day in the entire existence of Zeneca	18	MR. HOPP: Object to the form of the
19	when it didn't sell paraquat products?	19	question.
20	A. I don't know the history of Zeneca.	20	You can answer.
21	Q. Okay. Was Growmark ever advised of the	21	A. No.
22	existence of Dr. Marks's study, XM7258?	22	Q. Have you ever heard any word about that,
23	A. I don't believe so, no.	23	given the fact that you sell enormous amounts of
24	Q. Okay. Now, let's move to another study.	24	paraquat every year throughout the United States?
25	And this is a study by Dr. Louise	25	MR. HOPP: Object to the form of the
	Page 119		Page 121
1	Marks, and it's called "Paraquat dichloride hydrate.	1	question.
2	Investigating reported paraquat-induced dopaminergic	2	A. Enormous is I don't know if we I'd
3	neurotoxicity in the Charles River C57 black mouse.	3	say enormous, but we do sell paraquat. And, no, I
4	The neurochemical, neuropathological and	4	do not know that information.
5	neurobehavioral effects of increasing the dosing	5	Q. And you never tried to get it, either,
6	frequency of 1,1'-dimethyl-bipyridinium paraquat,	6	have you?
7	XM7371, research report."	7	A. We just didn't think that's our role,
8	Have you ever heard of that study?	8	no.
9	A. No, sir.	9	Q. Because as long as it's
10	Q. Did Growmark know that the purpose of	10	A. We
11	this study was to investigate whether the loss of	11	(Clarification requested by the Court Reporter.)
12	dopaminergic neurons in the substantia nigra	12	MR. TILLERY: It was a bad question.
13	observed in her second study, that's the one we	13	I'll withdraw it.
14	talked about before, which we referred to as XM7258,	14	BY MR. TILLERY:
15	could be further enhanced by increasing the	15	Q. I want you to assume that Syngenta did
16	frequency of paraquat doses; were you aware of that?	16	not report that study to the US EPA, and that
17	A. No, sir.	17	Dr. Marks's study demonstrated further scientific
18	Q. Do you know where dopaminergic neurons	18	evidence of dosing of paraquat causing neuronal
19	are located in the brain?	19	damage in the mid-brain, the same area of the brain
20	A. No, sir.	20	that causes Parkinson's disease.
21	Q. Do you know what the substantia nigra	21	Is that the kind of information you
22	is?	22	think that should have been disclosed to the US EPA?
23	A. No, sir.	23	MR. HOPP: Object to the form of the
24	Q. Do you know what Parkinson's disease is?A. No, not really, sir.	24 25	question. A. Yes.
25			

31 (Pages 118 to 121)

1 2	Dago 122		Dage 124
2	Page 122		Page 124
	MR. TILLERY: Let's take our lunch	1	demanded that it do so, Syngenta did not file any of
	break, now. Tony, I have a court hearing in four	2	that information with the US EPA.
3	minutes. Okay?	3	I also want you to assume that for
4	MR. HOPP: Okay.	4	the 14 years until the Plaintiffs in this case
5	MR. TILLERY: All right. So be	5	demanded it to do so, Syngenta did not report to the
6	back	6	U to the EPA that its own experts had conducted
7	THE VIDEOGRAPHER: This is the end	7	three separate studies with paraquat in which the
8	of tape one. It is 11:51 a.m. We are going off the	8	loss of dopaminergic neurons in the substantia nigra
9	record.	9	of the black mouse was comparable to the findings
10	(RECESS, 11:51 p.m 12:54 p.m.)	10	reported in the public literature.
11	THE VIDEOGRAPHER: This is the	11	Based on those assumptions, is that
12	beginning of tape number three of the testimony of	12	the kind of scientific information Growmark would
13	David Powell. It is 12:54 p.m. We are back on the	13	want to know about the paraquat formulated products
14	record.	14	that it sells in Illinois?
15	BY MR, TILLERY:	15	MR. HOPP: Object to the form of the
16	Q. I want to ask you about another study by	16	question.
17	Dr. Marks. Are you aware of a study by Dr. Marks,	17	You can answer.
18	and for a point of reference, this is	18	A. I I don't know exactly what was in
19	Syngenta-produced document 00492785, entitled	19	that article, as I've not read it myself, to know
20	"Paraquat dichloride hydrate, investigating the time	20	the validity of that.
21	portion and reversibility of dopaminergic cell loss	21	Q. That's not what I've told you to
22	in the Charles River C57 mouse following	22	assume is the results. If it turns out what I've
23	administration of paraquat." It's XM7480 research	23	told you to assume is incorrect, then the Court will
24	report.	24	not allow the question to go forward. If it turns
25	Have you ever heard of that study?	25	out that it is, then I'm asking you to answer my
	Page 123		Page 125
		1	
1	A. No.	1 2	question.
2	Q. Would it be a fair statement that	3	Is that information that I reported
3	Growmark was unaware that the purpose of the fourth		and recited to you and summarized information of the scientific nature that Growmark would be interested
4	study was to investigate the reversibility of the	4	
I E	loss of dopaminergic neurons in the substantia nigra		
5	d d o d o d o d o do o do o do o do o		in knowing?
6	over three months after dosing the same strain of	6	A. If that influenced label changes, then
6 7	mice with paraquat; is that a fair statement?	6 7	A. If that influenced label changes, then yes.
6 7 8	mice with paraquat; is that a fair statement? A. That would be fair.	6 7 8	A. If that influenced label changes, then yes.Q. If it doesn't influence label changes,
6 7 8 9	mice with paraquat; is that a fair statement?A. That would be fair.Q. Okay. Was Growmark aware of any	6 7 8 9	A. If that influenced label changes, then yes.Q. If it doesn't influence label changes, you're not interested in it, correct?
6 7 8 9 10	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion 	6 7 8 9 10	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no
6 7 8 9 10 11	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive 	6 7 8 9 10 11	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so.
6 7 8 9 10 11 12	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of 	6 7 8 9 10 11 12	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that
6 7 8 9 10 11 12 13	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable 	6 7 8 9 10 11 12 13	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to
6 7 8 9 10 11 12 13 14	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." 	6 7 8 9 10 11 12 13 14	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it.
6 7 8 9 10 11 12 13 14 15	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? 	6 7 9 10 11 12 13 14 15	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a
6 7 8 9 10 11 12 13 14 15 16	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? A. No. 	6 7 8 9 10 11 12 13 14 15 16	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a label change if they don't have the data?
6 7 8 9 10 11 12 13 14 15 16 17	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? A. No. Q. I want you to assume that, once again, 	6 7 8 9 10 11 12 13 14 15 16 17	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a label change if they don't have the data? A. It is hard
6 7 8 9 10 11 12 13 14 15 16 17 18	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? A. No. Q. I want you to assume that, once again, Syngenta did not report to the US EPA that 	6 7 8 9 10 11 12 13 14 15 16 17 18	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a label change if they don't have the data? A. It is hard Q. Can you tell me that?
6 7 8 9 10 11 12 13 14 15 16 17 18 19	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? A. No. Q. I want you to assume that, once again, Syngenta did not report to the US EPA that Syngenta's own studies had replicated the findings 	6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a label change if they don't have the data? A. It is hard Q. Can you tell me that? A. It's hard to influence a label change
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 mice with paraquat; is that a fair statement? A. That would be fair. Q. Okay. Was Growmark aware of any information that about Dr. Marks's conclusion that "the study data would appear to be supportive of a hypothesis that a sensitive subpopulation of dopaminergic neurons may exist, which are vulnerable to paraquat-induced toxicity." Was Growmark aware of that? A. No. Q. I want you to assume that, once again, Syngenta did not report to the US EPA that Syngenta's own studies had replicated the findings reported in the public literature regarding the loss 	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. If that influenced label changes, then yes. Q. If it doesn't influence label changes, you're not interested in it, correct? A. If the EPA had determined that it's no issue, then, no, we're we don't believe so. Q. Were you aware, for the assumption, that they did not have the information? I told you to assume they didn't get it. Okay. So how do they influence a label change if they don't have the data? A. It is hard Q. Can you tell me that? A. It's hard to influence a label change since the label is dependent on data.
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32 (Pages 122 to 125)

1 A. If they're valid scientific studies, 1 A. That is not my area of expertise, and 2 ther yes. Q. And you would, then, send it to the US 2 that's not what Growmark does, so no. Q. Well, did 1 ask yon about - 1 asked you 4 EPA yourself? Q. New would - we would hope that they Significance. Q. Nell, did 1 ask yon about - 1 asked you 6 would provide that information directly to the EPA. As long as it's a labeled product, we follow the Image: Significance. And you don't? 7 As long us it's a labeled product, we follow the Image: Significance. Significance. And you don't? 7 A. No, Significance. G. So would you know whether there's a Image: Significance. 11 If they didn't do is, is this the Image: Significance. Image: Significance. Image: Significance. 11 Foody, Td probably have to ask my legal Image: Significance. Image: Significance. Image: Significance. 12 A. Tody, Td probably have to ask my legal Image: Significance. Image: Significance. Image: Significance. 13 Image: Significance of Image: Significance		Page 126		Page 128
2 that's not what Growmark does, so no. 3 Q. And you would, ten, send it to the US 4 EPA yourself? 5 A. We would we would hope that they 6 Molecular and the difference, if you knew the difference between the difference between the predictive characteristics of 7 As long as ifs a labeled product, we follow the 8 Q. Right. But if they didn't - if it 1 If they didn't do it, is this the 11 If they didn't do it, is this the 12 kind of thing youd you would send on at Growmark 13 if you knew they hadn't reported it? 14 A. Today, 1'd probably have to ask my legal 15 counsel what they would like to do. 16 a. No, sit. 19 A with the knowidge I have. 10 Q. So youd follow the advice of counsel as 11 there would be no baseline policy to disolose that 12 A. Yes, sit. 13 Q. On your own, there would be no policy at 14 there would be no baseline policy to disolose that 15 there would be no baseline policy to disolose that	1	A. If they're valid scientific studies,	1	A. That is not my area of expertise, and
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4 FPÅ yourself? 4 if you knew the difference, if you knew the 5 A. We would we would hope that they 5 significance. 6 Jabel and you don't? A. No. 7 As long as it's a labeled product, we follow the 6 So would you know whether there's a 9 Q. Right. But if they didn't if it 7 A. No. 12 kind of fining yout d you would send on at Growmark 6 Q. So would you know whether there's a 11 They didn't do it, is this the 12 a chemical in terms of neurotoxicity, if you 're 13 A. Today, I'd probably have to ask my legal 10 O. Kay. And have you ever asked anybody 14 A. Today, I'd probably have to ask my legal 10 O. No, sir. 15 Q. You 18 A. No, sir. 16 what to do? 2 3 A. No, sir. 17 recessary 18 A. No, sir. 12 18 fiformation which had previously been hidden from 2 A. No, sir. 12 14 fiformation which had previously been hidden from 2 14 A. No, sir.			3	
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33 (Pages 126 to 129)

	Page 130		Page 132
1	changes in neuromelanin?	1	A. It is a it is a cornerstone in some
2	A. No, sir.	2	cases, yes.
3	Q. All right. Do you know if any of those	3	Q. That's because you have people who have,
4	findings have ever been publicly reported at any	4	let's say, a vested interest in a potential baked-in
5	time, ever?	5	conflict and their studies, once carefully
6	A. I do not know that information.	6	scrutinized by scientists in the field, don't hold
7	Q. Based upon the fact that those studies	7	up if they're so-called peer-reviewed, right?
8	of monkeys demonstrate up-regulation of	8	MR. HOPP: Object to the form of the
9	alpha-synuclein, the loss of striatal dopamine, a	9	question.
10	change in neuromelanin; are those the kinds of	10	A. I think we have to be general here
11	studies that you would hope and expect Syngenta to	11	because I think we all know peer-reviewed studies
12	file with the US EPA?	12	that have been rejected later on, but, yes, in
13	MR. HOPP: Object to the form.	13	general.
14	You can answer.	14	Q. You agree with me in general terms,
15	A. If it was a valid scientific study, then	15 16	right?
16	yes.	17	A. In general terms, yes.Q. All right. Well, let me ask you this:
17 18	Q. And what is the how what's your definition of a valid scientific study?	18	Q. All right. Well, let me ask you this: Are you aware of a single peer-reviewed journal
19	A. I would I would want you know, I	19	article by Syngenta on any of these topics that
20	know it would be independently peer-reviewed	20	we've been discussing and Dr. Louise Marks's
21	by myself, by not by myself, but by someone	21	studies?
22	that would I would consider an expert in the	22	A. No, sir.
23	area. And that may take some digging because I	23	Q. Okay. Are you aware of a peer-reviewed
24	don't know much about this topic at all.	24	journal article from anybody else, anywhere else in
25	Q. So how would you know what is valid or	25	the world, on any of these topics?
-	Page 131		Page 133
	5		
1	ion!+?	1	A This is not the type of work that
1	isn't? A I would have to find an individual that	1	A. This is not the type of work that Growmark does so no
2	A. I would have to find an individual that	2	Growmark does, so no.
2 3	A. I would have to find an individual that I believed understood that area and was the expert	2 3	Growmark does, so no. Q. When you say, it's not the type of work
2 3 4	A. I would have to find an individual that I believed understood that area and was the expert in their field.	2 3 4	Growmark does, so no. Q. When you say, it's not the type of work it does, you mean, it's not the type of work you
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34 (Pages 130 to 133)

	Page 134		Page 136
1	safety regarding paraquat?	1	been completed, that included paraquat.
2	A. Can you repeat the question, please.	2	Q. Where? I'm sorry. I interrupt you. Go
3	Q. Yes.	3	ahead, sir.
4	Has Growmark asked Syngenta or	4	A. No, I was
5	Chevron for any studies regarding occupational	5	Q. Did you all right.
6	safety of paraquat?	6	So weed control efficacy studies; is
7	A. I don't believe so.	7	that what you said?
8	Q. Would you agree that if Growmark, as a	8	A. Yes, sir.
9	distributor of paraquat formulated products in	9	Q. And where and when were those done?
10	Illinois, is unaware of studies regarding an	10	A. One was completed in 2015, four
11	association between the exposure to paraquat and	11	treatments contained paraquat. And then there was
12	Parkinson's disease, it would be unreasonable to	12	one, I believe, in the spring of 2016, and one
13	expect the Plaintiffs in this case to be aware of	13	treatment contained the active ingredient of
14	them?	14	paraquat.
15	A. That would be correct.	15	Q. And where were the studies done?
16	Q. Is Growmark in possession of any	16	A. One was done in Springfield, Illinois,
17	information regarding the effect of paraquat on any	17	and the other one was done in Medora, Illinois.
18	organism other than a weed?	18	Q. Okay. And can you give us a description
19	A. Just the information that is labeled on	19	of the studies?
20	the MSDS, or the current SDSs.	20	A. The studies were looking at
21	Q. Well, what other organisms are listed on	21	glyphosate-resistant marestail, and the different
22	those besides weeds?	22	herbicide products that would be used to possibly
23	A. We can take a look at some, if you would	23	control that weed, and paraquat is one of those
24	like. Generally speaking, rats tend to be another	24	potential options of the probably 20 over 20
25	organism, other mammals, many times.	25	different treatments.
	Page 135		Page 137
1	Q. Okay. So whatever is on that MSDS that	1	Q. On which plots of grounds or farms were
2	you sent to your member cooperatives, right?	2	these studies conducted?
3	A. Yes.	3	A. One was on our family farm in 2016, with
4	Q. Okay. Has Growmark ever taken any	4	one treatment.
5	action in response to any study that investigated	5	And then in 2015, that was done at
6	the health effects any of any paraquat product	6	Lincoln Land Community College on their research,
7	formulation?	7	that was conducted by us. We used their their
8	MR. HOPP: Object to the form.	8	land.
9	You can answer.	9	Q. And did you apply the product in 2016 in
10	A. I don't think so, no.	10	Medora?
11	Q. Okay. Would you agree that if Growmark	11	A. Yes.
12	has no knowledge of paraquat's effects on living	12	Q. Is that when you told me you applied it;
13	organisms other than weeds, it would be unreasonable	13	is that what you're referring to?
14	to expect farmers who buy it and apply it to have	14	A. It has also been applied on our family
	such knowledge?	15	farm sometime between 2015 and 2020, broadcast on
15			
15 16	MR. HOPP: Object to the form.	16	larger acres as well.
15 16 17	MR. HOPP: Object to the form. You can answer.	17	Q. Have you done that yourself?
15 16 17 18	MR. HOPP: Object to the form. You can answer. A. Yes.	17 18	Q. Have you done that yourself?A. Yes.
15 16 17 18 19	MR. HOPP: Object to the form. You can answer.A. Yes.Q. Has Growmark ever conducted any study of	17 18 19	Q. Have you done that yourself?A. Yes.Q. Are you the only person who's applied it
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35 (Pages 134 to 137)

	Page 138	1	Page 140
1	Did you apply it wearing rubber	1	you're coming back to the immediately adjacent rows
2	gloves?	2	from the ones you just sprayed, right?
3	A. Yes, they were used.	3	A. Absolutely.
4	Q. So you used it while you were driving	4	Q. Right. And when you do that, did you
5	the tractor, you applied and you were wearing	5	drive through spray?
6	rubber gloves?	6	A. No, I don't believe so.
7	A. No, only during the mixing process of	7	Q. You don't know if you did or not,
8	adding it to the sprayer.	8	though, do you?
9	Q. Okay. Did you have any clogged spraying	9	A. It would it would be highly unlikely,
10	nozzles in that process?	10	as it sticks the booms are very wide.
11	A. I don't believe so, sir.	11	Q. So you're assuming you could see the
12	Q. So you've been successful in applying	12	spray, right?
13	paraquat for several years without ever having a	13	A. I'm assuming with the GPS technology
14	clogged spray nozzle, right?	14	that shows where I have and haven't sprayed that if
15	MR. HOPP: Object to the form.	15	it says I haven't sprayed that area, that I'm not
16	You can answer.	16	going over that again.
17	A. None specifically with paraquat, I	17	Q. No, I'm my question is, you're
18	would that I can remember, no.	18	assuming that the spray that is in the field is
19	Q. Okay. And how many hours do you think	19	visible to you when you're driving through it,
20	you've applied it?	20	right?
21	A. As I mentioned, I applied somewhere	21	A. Immediately after application, it is
22	between 2015 and '20. It has not been that many	22	visible, if you were to see it.
23	that much total in period of time. I would be I	23	Q. Okay. And that there's no harm or fear
24 25	would have to go back, but I would say four to five	24 25	or any risk if you can't see it; is that your thought?
25	hours.	2.5	
1	Page 139		
1			Page 141
1	Q. In all the time you applied it?	1	MR. HOPP: Object to the form of the
2	Q. In all the time you applied it?A. Yes, sir.	2	MR. HOPP: Object to the form of the question.
2 3	Q. In all the time you applied it?A. Yes, sir.Q. Okay. And have you ever watched farmers	2 3	MR. HOPP: Object to the form of the question. A. No, you know, and I think the label
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36 (Pages 138 to 141)

	Page 142		Page 144
1	Q. Would it matter to Growmark how many	1	A. No.
2	countries it cannot be legally sold in?	2	Q. Okay. How much money per year does
3	A. I I don't believe so, as we have	3	Growmark make from the sales of paraquat?
4	faith in the EPA to make sure that we are using a	4	A. I do not know that information.
5	registered federally registered product.	5	Q. How does Growmark stack up strike
6	Q. So your faith is over would overcome	6	that.
7	the fact that more than 70 countries, it's not legal	7	How does paraquat products stack up
8	to do it, right?	8	in terms of individual products and volumes of
9	And your faith over is	9	sales?
10	overcomes all that after I told you that neuro	10	A. Generally speaking, paraquat is one of
11	neurotoxicity studies were never reported.	11	many products we sell, and it would be a a much
12	A. I	12	lower than many of the products we sell.
13	Q. So the fact that it's been banned in all	13	Q. In terms of the money you make?
14	these countries wouldn't matter to you, right?	14	A. In terms of probably I don't have
15	MR. HOPP: Form of the question.	15	that information, but as far as sales dollars and
16	You can answer.	16	quantity.
17	A. I have no idea the reasoning behind the	17	Q. And in terms of sales dollars and
18	banning in those countries, and don't have any	18	quantity, tell me the ones that where Growmark
19	insider information as to why they would do that.	19	makes more money?
20	Q. Okay.	20	MR. HOPP: Object to the form of the
21	A. So, without information, I wouldn't	21	question.
22	know.	22	A. I don't know where we make our money. I
23	Q. All right. So did you ever try to find	23	just know sales dollars total, what I've seen in the
24	out why they banned it?	24	past. But there are many other products.
25	A. No.	25	Q. Okay. You can't tell me their names,
	Page 143		Page 145
	Tage 143		Tuge 115
	0 01 11	1	1
1	Q. Did you ever get on the internet and do	1	though, right?
2	the baseline research as to why it can't be sold in	2	A. No, sir.
2 3	the baseline research as to why it can't be sold in the entire European Union?	2 3	A. No, sir. Q. All right.
2 3 4	the baseline research as to why it can't be sold in the entire European Union? A. No.	2 3 4	A. No, sir.Q. All right.Did Growmark know that it was
2 3 4 5	the baseline research as to why it can't be sold inthe entire European Union?A. No.Q. Did you ever ask?	2 3 4 5	 A. No, sir. Q. All right. Did Growmark know that it was understood by Syngenta, and by Chevron, by 1969, 51
2 3 4 5 6	 the baseline research as to why it can't be sold in the entire European Union? A. No. Q. Did you ever ask? Did you ever ask Syngenta suppliers? 	2 3 4 5 6	 A. No, sir. Q. All right. Did Growmark know that it was understood by Syngenta, and by Chevron, by 1969, 51 years ago, that paraquat could get into the human
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2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 2 5 6 7 8 9 20 1 2 3 4 2 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 6 7 8 9 20 1 1 2 3 4 5 5 6 7 8 9 20 1 1 2 3 4 5 5 7 8 9 20 1 1 2 3 4 5 1 2 3 1 2 2 1 2 3 1 2 3 1 2 2 1 2 3 1 2 3 1 2 3 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 2 1 2 2 1 2	 the baseline research as to why it can't be sold in the entire European Union? A. No. Q. Did you ever ask? Did you ever ask? Did you ever ask Syngenta suppliers? A. No, sir. Q. Did you ever ask about Pacific Rim countries and why it can't be used? A. No. Q. Countries in Africa? A. We don't believe that's our role, no. Q. Okay. Doesn't matter, does it? MR. HOPP: Object to the form. Q. It doesn't matter to you? A. It matters what is legal and labeled in the United States. That is what that is what we go by Q. Right. A when we apply these products and sell them. Q. Have you ever undertaken any 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. No, sir. Q. All right. Did Growmark know that it was understood by Syngenta, and by Chevron, by 1969, 51 years ago, that paraquat could get into the human brain? MR. HOPP: Object to the form of the question. A. I don't believe so. Q. Okay. Does Growmark know that by 1969, it was known to Syngenta, Chevron that paraquat in the brain could cause damage to brain tissue? MR. HOPP: Object to the form. You can answer. A. No. Q. Okay. Does Growmark know that Syngenta avoided measuring paraquat in the brain because such findings would be a threat to business? MR. HOPP: Object to the form. A. No. Q. Would that be important to you?
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2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 11 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 6 7 8 9 0 2 1 2 3 4 5 5 6 7 8 9 0 2 1 2 3 4 5 5 1 2 3 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2 2 1 2	 the baseline research as to why it can't be sold in the entire European Union? A. No. Q. Did you ever ask? Did you ever ask? Did you ever ask Syngenta suppliers? A. No, sir. Q. Did you ever ask about Pacific Rim countries and why it can't be used? A. No. Q. Countries in Africa? A. We don't believe that's our role, no. Q. Okay. Doesn't matter, does it? MR. HOPP: Object to the form. Q. It doesn't matter to you? A. It matters what is legal and labeled in the United States. That is what that is what we go by Q. Right. A when we apply these products and sell them. Q. Have you ever undertaken any 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. No, sir. Q. All right. Did Growmark know that it was understood by Syngenta, and by Chevron, by 1969, 51 years ago, that paraquat could get into the human brain? MR. HOPP: Object to the form of the question. A. I don't believe so. Q. Okay. Does Growmark know that by 1969, it was known to Syngenta, Chevron that paraquat in the brain could cause damage to brain tissue? MR. HOPP: Object to the form. You can answer. A. No. Q. Okay. Does Growmark know that Syngenta avoided measuring paraquat in the brain because such findings would be a threat to business? MR. HOPP: Object to the form. A. No. Q. Would that be important to you?

37 (Pages 142 to 145)

	Page 146	1	Page 148
1	accurate, is important	1	Q. So
2	Q. Okay.	2	(Clarification requested by the Court Reporter.)
3	A for labeling purposes.	3	A. But we're very concerned about helping
4	(Clarification requested by the Court Reporter.)	4	at the grower level of managing.
5	A for labeling purposes.	5	Q. Okay. Can all right.
6	Q. Growmark knows that people who mix, load	6	Can you just tell me what redox
7	or apply paraquat, or work nearby it when it is	7	cycling is in the context of a plant; walk through
8	applied, could be expose to it, correct?	8	the process.
9	A. We we make sure they use the PPE to	9	A. You know, in the context of a plant and
10	limit any possible exposure that we can.	10	what is learned is typically that paraquat gives the
11	Q. Okay. Let me move to strike your answer	11	electrons, we get ingoing oxygen, and more or less
12	as unresponsive.	12	that reaction causes photosynthetic death of plant
13	Growmark has knowledge that those	13	tissue.
14	people who mix, load and apply paraquat, or who are	14	Q. You're talking about the electronic
15	nearby when it is mixed, loaded or applied, could be	15	transport chain in photosynthesis, right?
16	exposed to it, don't they?	16	A. That would be correct.
17	MR. HOPP: Object to the form.	17	Q. Okay. Electronic transport chain in
18	A. Yes, they could.	18	cellular respiration, right?
19	Q. Okay. Growmark also knows about	19	A. Yes.
20	paraquat's very high redox cycling potential,	20	Q. Okay. Now, you know, have you read any
21	correct?	21	of the depositions that I've taken of other people,
22	A. We know that paraquat redox cycles, but	22	toxicologists and other in preparation for this dep?
23	high is we don't know, or how low.	23	A. No, sir.
24	Q. Would it have been reasonable from a	24	Q. Have you read any depositions?
25	scientific standpoint for Growmark to have inferred	25	A. No, sir.
	Page 147		Page 149
1	that paraquat would undergo redox cycling in the	1	Q. Have you boned up a little bit on redox
2	human brain if it could reach the brain?	2	cycling?
3	A. We have information regarding how	3	A. No, sir.
4	paraquat mitigates our weed issues, not on human	4	Q. So you're relying upon your
5	exposure.	5	understanding of redox cycling from school, right?
6	Q. Okay. And you know that it causes redox	6	A. That would be correct.
7	cycling, right?	7	Q. Do you know, for example, of the use or
8	A. Redox cycling or giving and taking of	8	understanding of redox cycling in any aspect of your
9	electrons does happen when paraquat is applied to	9	job at Growmark?
10	weeds.	10	MR. HOPP: Object to the form of the
11	Q. Right. And you, as a weed scientist,	11	question.
12	understand that process, right, the redox cycling	12	You can answer.
13	process?	13	A. Can you repeat that, please.
14	A. To a certain degree, yes. As far as the	14	Q. Yes, sir.
15	giving and taking of electrons, yes.	15	Has redox cycling ever been an issue
16	Q. I mean, that's part of your scientific	16	in terms of your understanding of the use of any
17	studies and understanding, right?	17	agricultural herbicide since you've been employed at
18	A. Some of that that science was	18	Growmark?
19	provided in graduate school, and other	19	A. We utilize sites of action and modes of
20	(Clarification requested by the Court Reporter.)	20	action to make sure that we manage weeds, but other
21	A. Okay.	21	than that, redox cycling does not come up?
22	Some of that was provided in	22	Q. Has it ever come up in a single
23	graduate school; however, you know, they most of the	23	conversation since you've been at Growmark?
24	time is spent on managing the weeds and not what is	24	A. Redox cycling is not what we would call
25	always going on at the molecular level.	25	standard terminology for myself in a weed science

38 (Pages 146 to 149)

1 role. characteristics of paraquat will attack animal cubics of paraquat sectors the same way, do you? 2 Q. All right. So could you answer my question? cells, mammalian cells in exactly the same way, do you? 4 A. So, no. All right. Now, can you give me all cubic to the form. All right. Now, can you give me all cubic to the form. 7 the reasons why you think everything you've ever the the ransmith acells? A. No, sit. 9 principles of redox cycling would not apply to marking acells canswer that question. A. No, sit. 10 MR. HOPP: Object to the form of the principles of redox cycling, that is the mode of cubic to gramaguat uses in a photosynthetic process to fill plants, wouldh tikey is attack animig about. Q. Chay. Would you agree that the form of the ability of paraquat when they were using if? 11 A. I don't know the answer to that. Q. Okay. Usid you agree that the? 12 Q and transfer electrons in generally cubic to the form. Q. Okay. Usid you agree that the? 12 A. I don't know the answer to that. Q. Okay. Would you agree that the? 13 A. I don't know the answer to that. Q. Okay. Would you agree that the? 14 Q. Okay. Usid you agree that the? Q. Okay. Would you agree that the? 15 Parafe 153 Parafe 153 16		Page 150	1	Page 152
2 Q. All right. So could you answer my 2 cells, mammalian cells in exactly the same way, do 4 A. So, no. 3 you? 5 Q. So fit's never come up. 5 All right. Now, can you give me all 5 7 the reasons why you think everything you've ever 5 A. No, sit. 6 9 principles of redox cycling would not apply to 7 7 A. I dou't have that information. 9 principles of redox cycling, would not apply to 7 A. I dou't have that information. 10 Q. So would hat be a no - 11 A. No. 12 question. 12 Q since you are Growmark today? 13 A. I - I bave no understanding of 13 A. That would be a no. 14 mammalian cells? 13 A. That would be a no. 15 Q. Ima asking you if you know the 14 Pace to in the we known about 16 redox cycling, that is the mode of 14 Paceton. 17 for Growmark could not likely have been abit of for anquat when they were using if? 18 Imammalian cells? A. I don't know the answere to that. 2	1			
3 question? 3 you? 4 A. So, no. 3 you? 6 A. So, no. MR. HOPP: Object to the form. 5 7 All right. Now, can you give me all the reasons why you think everything you've ever 5 8 been tanght in school about redox cycling and the principles of redox cycling would not apply to 7 10 mammalian cells? 1 A. I don't have that information. 11 MR. HOPP: Object to the form of the 12 Q since you are Growmark toda? 13 A. I - I have no understanding of 13 A. That would be a no 14 mammalian cells on subwer that question. 12 Q since you are Growmark toda? 15 Q. Tm asking you about your knowledge of codition that the the 12 16 readity cycling, which you did have some education and 15 4 A. That would be a no 17 training about. 12 Q since you are Growmark toda? 18 process to kill plants, would'n' likewy stack 10 MR. HOP?. Object to the form. 19 parge 151 A. I don't know the answer to that. 20 Codity have answer that qu				
4 A. So, no. 4 MR. HOPP: Object to the form. 5 Q. So fit's never come up. 5 A. No, sit. 7 the reasons why you think everything you've ever 5 A. No, sit. 9 principles of redox cycling would not apply to 7 Whether or not paraquat could enter the brain of 9 mammalian cells? 9 A. I don't have that information. 10 Q. So would that be a no 10 Q. So would that be a no 11 mammalian cells to answer that question. 14 7 A. That would be a no. 16 redox cycling, which you did have some education and the principles of redox cycling, that is the mode of 13 A. That would be a no. 17 training about. 14 9 A. That would be a aco: 18 Th asking you are sin a photosynthetic 14 9 A. That would not likely have been 19 principles of redox cycling in git? 14 A. That would not likely have been 14 19 principles of redox cycling, that is the mode of 14 14 M. HOPP: Object to the form of the 19 principles of redox cycling, that is the mode of 14 M. Hot'PP: O				
5 Q. So its never come up. 5 A. No, sit. 6 All right. Now, can you give me all 6 Q. Did Growmark ever ask Syngenth about 7 the reasons why you think everything you've ever 6 Q. Did Growmark ever ask Syngenth about 8 been taught in school about redox cycling and the 9 A. I don't have that information. 9 mammalian cells to answer that question. 10 Q. So would that be a no - 11 A. No. 12 Q since yon are Growmark today? 13 A. I - I have no understanding of 13 A. No. 14 Q. Okay. Would you agree with me that the 15 P. Transking you about your knowledge of 16 the billity of paraquat to cause brain injury, if 16 redix cycling, which you did have some education and 16 the would bou accurate. 10 mammalian cells - 18 MR. HOPP: Object to the form. 12 process to kill plants, wouldn't likewise attack 21 Q. Okay. Would you agree that the 14 Q. Okay. Is that something you've ever able to find out aryhing about tik. 22 14 A. I don't know the answer to that. 22 MR. HOPP:				
6 All right. Now, can you give me all 6 Q. Did Growmark ever ask Syngenta about 7 the reasons why you think everything you've ever been taught in school about redox cycling and the 7 9 principles of redox cycling would not apply to 7 A. I don't have that information. 9 mammalian cells? 0 O. So would that be a no 11 M.R. HOPP: Object to the form of the 10 Q. So would that be a no 12 Q. mainting which you did have some education and 10 Q. Okay. Would you agree with me that the 16 redox cycling, which you afd have some education and 11 A. That would be a no 17 training about. 17 if Growmark could nt? 4 18 Principles of redox cycling, that is the mode of 12 Q. Okay. Using, that is the mode of 12 19 principles of redox cycling and thave some abut the 13 A. That would be accurate. 14 10 Q. okay. Stat something you're ver 20 A. That would be accurate. 21 11 A. I don't know that asswer to that. 22 Q. Okay. Stat something you're ver 22 11 A. I don't know that som				5
7 the reasons why you think everything you've ever 7 whether or not paraquat could enter the brain of 8 been taught in school about redox cycling and the 7 whether or not paraquat could enter the brain of 9 A. 1 don't have that information. 0 10 mammalian cells to answer that question. 14 0. 0. 13 A. 1 - 1 have no understanding of 13 A. 1 A. No. 15 Q. Tha aking you about your knowledge of 16 16 17 18 Paraquat to cause brain injury, if 16 training about. 17 17 18 Paraquat to cause brain injury, if 17 training about. 10 Q. Okay. Would you agree with me that the 10 principles of redox cycling, that is the mode of 19 question. 10 20 cation which paraquat uses in a photosynthetic 17 if Growmark couldn't likely have been 21 Q. Okay. Would you agree that the 19 Q. Q. Q. 22 mammalian cells - 20 Q. Q. Q. Q. Q. Ne.				
8 been taught in school about redix cycling and the 9 principles of redix cycling would not apply to mammalian cells? 8 humans? 1 9 A. I. don't have that information. Q. So would that be a no 11 M. HOPP: Object to the form of the question. 10 Q. So would that be a no 13 A. I I. have no understanding of 14 13 A. I I. have no understanding of 15 13 14 mammalian cells training about. 14 Q. Okay. Would you agree with me that the 15 9 principles of redox cycling, that is the mode of 16 13 A. That would be accurate. 17 if Growmark couldn'? 20 A. That would be accurate. 19 principles of redox cycling, that is the mode of action which paraquat uses in a photosynthetic action which paraquat uses in a photosynthetic and the knosedut is yoo use out in the in				
9 principles of redox cycling would not apply to mammalian cells? 9 A. I don't have that information. 10 MR. HOPP: Object to the form of the 10 Q. So would that be a no 11 MR. HOPP: Object to the form of the 12 Q since you are Growmark today? 14 mammalian cells to answer that question. 14 A. No. Q. Okay. Would you agree with me that the 15 Q. That would be a no 14 Q. Okay. Would you agree with me that the 16 redox cycling, which you did have some education and 16 16 17 training about. 17 if Growmark couldn't? MR. HOPP: Object to the form of the 19 principles of redox cycling, that is the mode of 19 Q. Okay. Would be accurate. Q. Okay. Would be accurate. 20 action which paraquat uses in a photosynthetic 16 MR. HOPP: Object to the form. 21 21 mammalian cells - Q. Okay. Would you agree that the 22 23 MR. HOPP: Object to the form. 22 23 the same way. If you know the answer to that. 25 MR. HOPP: Object to the form. 23 3 Q. Okay. Jo you know if you could go on Google. 16				
10 mammalian cells? 10 Q. So would that be a no 11 MR. HOPP: Object to the form of the 11 A. No. 13 A. I I have no understanding of 13 A. That would be a no. 14 mammalian cells to answer that question. 14 Q. Okay. Would you agree with me that the 15 Q. Tra asking you if you know the 15 Plaintiffs in this matter could not have known about 16 redox cycling, which you did have some education and 16 The ability of paraquat to cause brain injury, if 17 if Growmark couldn'? MR. HOPP: Object to the form of the 10 19 principles of redox cycling, that is the mode of 10 A. That would be accurate. 21 process to kill plants, wouldn'! likewise attack 21 Q. Okay. Would you agree that the 22 mammalian cells - 22 Plaintfig in this matter would not likely have been 23 MR. HOPP: Object to the form. 22 23 4 A. I don't know the answer to that. 21 MR. HOPP: Object to the form. 2 Q. Okay. Is that something you've ever 32 MR. HOPP: Object to the form. 2 Q. Okay. Do you kno				
11 MR. HOPP: Object to the form of the 11 A. No. 12 question. 12 Qsince you are Growmark today? 14 mammalian cells to answer that question. 14 Q. Okay. Would you agree with me that the 15 Q. That would be a no. 14 Q. Okay. Would you agree with me that the 16 Thr asking you if you know the 15 16 17 training about. 17 if Growmark couldn't? 18 Thr asking you if you know the 18 19 principles of redox cycling, that is the mode of 19 20 action which paraquat uses in a photosynthetic 20 21 process to kill plants, wouldn't likewise attack 21 20				
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39 (Pages 150 to 153)

	Page 154		Page 156
1	unresponsive.	1	MR. HOPP: Object to the form of the
2	Growmark never warned users that	2	question.
3	exposure to paraquat can cause neurotoxicity, right?	3	A. Generally speaking, with all pesticides,
4	A. That's correct.	4	we know of acute and chronic exposure, but we don't
5	Q. Okay.	5	know what about that chronic exposure with paraquat.
6	Did Growmark ever attempt to learn	6	Q. Okay. Then you would agree, if you
7	about long-term effects of paraquat exposure?	7	don't know about that chronic exposure, the
8	A. The	8	Plaintiffs in this matter wouldn't know it, either,
9	MR. HOPP: Object to the form.	9	would they?
10	A. The information we tried to gamer is	10	MR. HOPP: Object to the form.
11	from the label, and if that information were on the	11	A. That would be correct.
12	label, then yes; otherwise, no.	12	Q. Was Growmark aware that the applicators
13	Q. So back to my question. Move to strike	13	and bystanders can receive inhalation exposure even
14	that as unresponsive.	14	if a low percentage of the total amount of particles
15	Did Growmark ever attempt to learn	15	are respirable?
16	about the long-term effects of paraquat exposure?	16	MR, HOPP: Object to the form of the
17	A. No.	17	question.
18	Q. Did Growmark ever ask Syngenta or	18	A. Typically, there wouldn't be any
19	Chevron if there were any long-term effects to	19	bystanders at the field level for that to happen to.
20	farmers from paraquat exposure?	20	Q. So you've you've never seen this
21	A. I don't believe so.	21	applied, you said you've never seen anybody apply it
22	Q. Okay.	22	but yourself, right?
23	Did Growmark even ask Syngenta about	23	A. Correct.
24	the types of studies it was conducting regarding	24	Q. Okay. So you and you've never been
25	paraquat?	25	told by any of these people you've talked to who are
	Page 155		Page 157
	rage 100		rage 107
1		1	-
1	A. I don't believe so.	1 2	the crop, what did you call them, specialists, crop
2	A. I don't believe so.Q. Okay. Was Growmark aware that Syngenta	2	the crop, what did you call them, specialists, crop specialists?
2 3	 A. I don't believe so. Q. Okay. Was Growmark aware that Syngenta had a strategy to publicly refute independent 		the crop, what did you call them, specialists, crop specialists? A. Crop specialists.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23	 A. I don't believe so. Q. Okay. Was Growmark aware that Syngenta had a strategy to publicly refute independent findings in the public literature about the health effects of paraquat? MR. HOPP: Object to the form of the question. A. No, we were unaware. Q. Was Growmark aware that oral and inhalation exposure occurs when spraying of paraquat? MR. HOPP: Object to the form. A. We know that we use PPE to mitigate that risk. Q. Okay. Was Growmark aware of reports of adverse reactions from prolonged paraquat exposure? MR. HOPP: Object to the form. A. No. Q. Would you agree, then, that if an Illinois distributor of paraquat formulated products like Growmark did not know this, the Plaintiffs in this matter could not have known, either, correct? A. Correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	 the crop, what did you call them, specialists, crop specialists? A. Crop specialists. Q. Yeah. Crop specialists. Sorry, I can't remember that for some reason. That person, none of them have told you let me start over. You've never learned from crop specialists how the farmer applicators apply the product, either, right? MR. HOPP: Object to the form. A. That would be correct. Q. Okay. So how do you know if there's people in or around where the product's applied? A. Farms are typically very rural with very low populations; therefore, the chance of individuals being in that field of somebody else's is very low. Q. Okay. So you're basing it on the fact that of where you grew up and what you saw, and there weren't that many people around, right? A. That would be correct.

40 (Pages 154 to 157)

	Page 158	1	Page 160
1	A. That would be correct.	1	prevent or reduce exposure of persons to the health
2	Q. All right. And would you agree with me,	2	effects of paraquat?
3	then, that if an Illinois distributor of paraquat	3	A. The only information we get are the
4	formulated products like Growmark did not know that	4	updated labels. That's the information that we get.
5	exposure could lead to long-term threats to human	5	Q. Okay. We talked briefly before about
6	health, the Plaintiffs in this case could not have	6	Parkinson's disease, and I want to just touch upon
7	known, either, correct?	7	this just to confirm what Growmark's knowledge or
8	MR. HOPP: Object to the form of the	8	understanding of this is.
9	question.	9	Do you know what causes Parkinson's
10	You can answer.	10	disease?
11		11	
12		12	
	Q. If paraquat was shown to cause brain and	13	Q. How would you define neurotoxicity?A. I do not have a definition for that.
13 14	central nervous system damage, and satisfied what	14	
15	you said earlier about your level of of certainty	15	Q. Is paraquat neurotoxic?
15	in terms of peer-reviewed journal articles, that it was neurotoxic and led to Parkinson's disease in	16	A. I am a weed scientist, and don't deal
		17	with neurological issues whatsoever.
17	certain applicators, would you think it reasonable		Q. So would the answer be that you don't
18	to continue selling paraquat as a herbicide, even if	18 19	know whether it's neurotoxic or not? A. That would be correct.
19	the US EPA continued its registration?	20	
20	MR. HOPP: Object to the form of the	21	Q. Is paraquat neurotoxic at any dose in
21 22	question.	22	any species? MR. HOPP: Object to the form.
	A. If the EPA continues its registration,	23	
23 24	we would be we would	24	
24	(Clarification requested by the Court Reporter.) A. We would assume that the PPE that is on	25	Q. The answer is you don't know?
25		20	A. Correct.
	Page 159		Page 161
1	the label would mitigate any of those most of	1	Q. Okay. Has Growmark has done no
2	those potential risks.	2	investigation into the neurotoxicity of paraquat,
3	Q. Yeah. My question I move to strike	3	correct?
4	that as unresponsive. My question was different.	4	A. If it's not on the label, then no.
5	I asked you to assume that you had	5	Q. Well, have you done any investigation
6	become satisfied from all of the sources that you	6	into the neurotoxicity of paraquat at Growmark?
7	told us earlier in this deposition you needed,	7	A. No.
8	peer-reviewed journals, articles, scientists that	8	Q. Does Growmark have any knowledge
9	met your standard, and you learned that it caused	9	regarding whether paraquat is or may be a
10	Parkinson's disease, brain damage, and you were	10	biologically plausible link to Parkinson's disease?
11	satisfied as the scientist for Growmark, but the US	11	A. We don't have that information.
12	EPA continued its registration; would would	12	Q. Does Growmark have any information
13	Growmark continue to sell it so long as the	13	regarding the neurotoxicity or potential
14	registration continued, despite the fact that you	14	neurotoxicity of paraquat in humans, including the
15	were satisfied this chemical causes brain injury and	15	effect or potential effect on neurotoxicity of
16	Parkinson's disease?	16	surfactants and other compounds contained in
17	MR. HOPP: Object to the form of the	17	paraquat formulations and mixtures?
18	question.	18	A. No.
19	A. If it were still a registered product,	19	Q. Does Growmark have any information
20	then, yes, and we have no idea we would hope that	20	regarding the existence of an association or
21	the PPE measures on the label would mitigate	21	potential association between exposure to paraquat
22	potential risks to people.	22	and neurological damage or injury in humans?
23	Q. Okay. All right. Is Growmark aware of	23	A. No.
127	any information about investigations into the	24	Q. Do you know what the blood-brain barrier
24 25	potential to reformulate paraquat products to	25	is?

41 (Pages 158 to 161)

	Page 162	1	Page 164
1	A. No, sir.	1	questions and then we can break briefly to make sure
		2	we can get these up on the screen for the witness to
2	Q. All right. You have labels from your	3	
3	that I sent there with you?		see. That may be the simpler way to do it, okay?
4	A. Yes, sir.	4	BY MR. TILLERY:
5	Q. Did you bring those to the deposition	5	Q. Have you reviewed these warning labels
6	with you, sir?	6	and instructional labels yourself?
7	A. Yes, I have some labels, yes, sir.	7	A. I have reviewed the labels, yes.
8	Q. All right. Okay. I'm going to ask you	8	Q. Okay. And they go back to the '60s, the
9	some questions about some labels, and be referring	9	ones you have reviewed, haven't they?
10	to them, and the ones that I'm going to ask you I	10	A. Yes, sir.
11	think are all ones that you have set out in your	11	Q. All right. And what's the last one, in
12	reliance set.	12	terms of date or time?
13	But I was going to give your counsel	13	A. The most recent?
14	a heads up so he could be pulling those, and we may	14	Q. Is that the one that's on the label now?
15	or may not be able to use them electronically here	15	A. That would be an assumption. I would
16	on the screen. So I'll give you an idea of the ones	16	have to look specifically.
17	that I'm looking at.	17	Q. That's all right. We'll get to it.
18	MR. TILLERY: I think these are all,	18	We'll have time. You don't need to break at this
19	Mr. Hopp, ones that were supplied to us in your	19	point. I was just trying to get an idea of the
20	reliance set, okay?	20	scope of what you've looked at. All right?
21	MR. HOPP: We have them here, so if	21	I think we're going to follow with
22	you want to give us a number or a year or something,	22	what you chose in terms of the reliance set to
23	we'll try to find them.	23	answer these questions. Okay?
24	MR. TILLERY: I'm going to do that	24	The paraquat labels, and when I say
25	now, it's a it's a Chevron or CUSA exhibit,	25	this, I mean every single one of them, none of them
	Page 163		Page 165
	2-3		rage 105
1	CUSA-00306411.	1	-
1 2	-	1 2	ever warned of the dangers of long-term, chronic exposure, did they?
	CUSA-00306411.		ever warned of the dangers of long-term, chronic
2	CUSA-00306411. MR. HOPP: You have a year? MR. TILLERY: It's '66.	2	ever warned of the dangers of long-term, chronic exposure, did they? A. I have not reviewed all of the I
2 3	CUSA-00306411. MR. HOPP: You have a year?	2 3	ever warned of the dangers of long-term, chronic exposure, did they?
2 3 4	CUSA-00306411. MR. HOPP: You have a year? MR. TILLERY: It's '66. And while you're looking at that, there's a CUSA-00120745 at '79. And then there's an	2 3 4	ever warned of the dangers of long-term, chronic exposure, did they? A. I have not reviewed all of the I mean, I don't have them memorized, so I don't know for sure.
2 3 4 5	CUSA-00306411. MR. HOPP: You have a year? MR. TILLERY: It's '66. And while you're looking at that, there's a CUSA-00120745 at '79. And then there's an '88, which is a Syngenta number, 13800599.	2 3 4 5	ever warned of the dangers of long-term, chronic exposure, did they?A. I have not reviewed all of the I mean, I don't have them memorized, so I don't know for sure.Q. I'm talking about the ones you looked
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42 (Pages 162 to 165)

	Page 166	1	Page 168
		1	-
1	that you had in that field.	1 2	EPA and change the label; did you ever do that?
2	Q. Right. We know that. There's lots of		MR. HOPP: Object to the form of the
3	other things on them. I'm talking about my specific	3	question.
4	topic. Okay? There's mixing instructions. There's	4	A. We have not done that, and besides, we
5	all that.	5	don't have very many there's nothing we don't
6	I'm asking about the warnings in	6	have any exposure that we know of.
7	terms of human health. You understand the lawsuit	7	Q. Okay. So you've never done that, right?
8	is about gentlemen who are dying or who have already	8	A. That is that is correct.
9	died from Parkinson's disease, right; you understand	9	Q. Did Growmark ever conduct any type of
10	that?	10	investigation as to whether the labels should be
11	A. I understand what the	11	changed to warn of neurological hazards?
12	Q. Okay. All right.	12	A. No.
13	So the paraquat labels that you	13	Q. Did Growmark ever conduct any type of
14	looked at that are part of your reliance set were	14	investigation as to whether the labels should be
15	designed to warn of short-term, immediate harm; is	15	changed to warn of Parkinson's disease?
16	that correct?	16	A. No. Again, we don't think that's our
17	A. I would say at least immediate harm. I	17	role.
18	don't know about chronic exposure.	18	Q. Move to strike your answer as
19	Q. Okay. That's what you remember, is the	19	unresponsive.
20	immediate harm, right?	20	Did Growmark ever conduct any type
21	A. Yes, sir.	21	of investigation as to whether the labels should be
22	Q. All right. Growmark never suggested to	22	changed to warn of Parkinson's disease?
23	Chevron or Syngenta that the warning label on	23	A. No.
24	Growmark formulated products be changed to warn of	24	Q. Did Growmark ever discuss any aspect of
25	neurotoxic effects, did it?	25	the warning labels with Syngenta?
	Page 167		- 1.00
	Page 167		Page 169
1	MR. HOPP: Sorry, Steve. You said,	1	A. We would have discussed restricted-use
	MR. HOPP: Sorry, Steve. You said,	1 2	A. We would have discussed restricted-use
1 2 3	MR. HOPP: Sorry, Steve. You said, "Growmark formulated products." I object to the		A. We would have discussed restricted-use pesticides and potential PPE, probably, at some
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2 3 4	MR. HOPP: Sorry, Steve. You said, "Growmark formulated products." I object to the form of the question. MR. TILLERY: Grow yes, that was my do you want me to read it say it over	2 3 4	 A. We would have discussed restricted-use pesticides and potential PPE, probably, at some point, yes. Q. Who did that? A. I I can't give you an individual
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43 (Pages 166 to 169)

	Page 170		Page 172
1	police or confirm that because you don't know	1	the labels of paraquat about any neurotoxic
2	whether they are or they are not selling it only to	2	potential of paraquat?
3	people with licenses, do you?	3	A. I don't believe so. Not on the ones
4	A. Again, that's not really our role to	4	I've reviewed.
5	track that information. So	5	Q. Okay. Is there any person, a working
6	Q. I move to strike your answer as	6	group or assigned individual, at Growmark
7	unresponsive.	7	responsible for evaluating the instructions or
8	Do you have a system at Growmark for	8	cautionary statements, warning labels, on the
9	confirming that your member cooperatives have sold	9	products that you distribute in Illinois?
10	only to licensed applicators?	10	MR. HOPP: Object to the form of the
11	A. No.	11	question.
12	Q. Do you have an audit system that	12	A. Our our safety area would look at the
13	confirms that they've only sold product to licensed	13	labels, and that's what we produced those Quick
14	applicators?	14	Guides based off of, but in the end, we still we
15	A. Growmark does not, no.	15	prefer everyone to go to the label.
16	Q. Has it ever done that?	16	Q. But no you have no individual group
17	A. I do not know.	17	or person that assesses the labels and the adequacy
18	Q. You have no information that it ever	18	of the labels, right?
19	has, do you?	19	A. No, we look at what the labels actually
20	A. I have no information on it, no.	20	say, but not I think that answers the question.
21	Q. Okay. Has Growmark ever discussed the	21	Q. Not from a not from a critical
22	adequacy of paraquat product labels with the EPA?	22	standpoint, from a knowledge standpoint?
23	A. I I don't believe so.	23	A. Yes, sir.
24	Q. Okay. Do you know how many different	24	Q. All right. What specific risks of
25	instructions, cautionary statements and warning	25	injury or illness are the instructions, cautionary
	Page 171		Page 173
	5		raye 1,5
1	labels have been used since 1965 on formulated	1	statements and warning labels on paraquat products
1	labels have been used since 1965 on formulated	1 2	-
	_		statements and warning labels on paraquat products
2	labels have been used since 1965 on formulated paraquat products distributed in Illinois by by	2	statements and warning labels on paraquat products distributed by Growmark in Illinois intended to
2 3	labels have been used since 1965 on formulated paraquat products distributed in Illinois by by Growmark?	2 3	statements and warning labels on paraquat products distributed by Growmark in Illinois intended to reduce, minimize or eliminate?
2 3 4	labels have been used since 1965 on formulated paraquat products distributed in Illinois by by Growmark?A. No, sir.	2 3 4 5 6	statements and warning labels on paraquat products distributed by Growmark in Illinois intended to reduce, minimize or eliminate? A. They generally, they as a whole, they all try to eliminate oral, dermal, inhalation and eye exposure.
2 3 4 5	 labels have been used since 1965 on formulated paraquat products distributed in Illinois by by Growmark? A. No, sir. Q. Does Growmark maintain a database or 	2 3 4 5	statements and warning labels on paraquat products distributed by Growmark in Illinois intended to reduce, minimize or eliminate?A. They generally, they as a whole, they all try to eliminate oral, dermal, inhalation
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2 3 4 5 6 7 8 9 0 1123 15 6 7 8 9 0 1123 15 6 7 8 9 0 123 14 5 6 7 8 9 0 123 14 5 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	 labels have been used since 1965 on formulated paraquat products distributed in Illinois by by Growmark? A. No, sir. Q. Does Growmark maintain a database or repository on the instructions or labels? A. We don't have all of that information, no, from the past. We don't have all of that information. Q. So in other words, as a product comes to you for sale, do you happen to keep that formula strike that. When a product comes to you for sale, do you keep the product label in some kind of inventory or library? A. We would have that information up until that registration expired. Q. And then you get rid of it? A. I can't be sure what happens to it after that. I just don't know. Q. You don't know if there's a database of 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21	 statements and warning labels on paraquat products distributed by Growmark in Illinois intended to reduce, minimize or eliminate? A. They generally, they as a whole, they all try to eliminate oral, dermal, inhalation and eye exposure. Q. And what medical hazard is the warning about oral ingestion designed to cover? A. I don't understand the question, sir. Q. Well, there's there must be a hazard associated with oral ingestion, right? A. Yes. Q. What's the hazard, as you know it, from oral ingestion of paraquat? A. The most extreme hazard is death. Q. Okay. And so you're thinking it would poison you and kill you? A. Yes. Q. Okay. And what do you understand oral ingestion to be on the label; what's that mean,
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2 3 4 5 6 7 8 9 10 11 23 4 15 16 7 8 9 20 21 22	 labels have been used since 1965 on formulated paraquat products distributed in Illinois by by Growmark? A. No, sir. Q. Does Growmark maintain a database or repository on the instructions or labels? A. We don't have all of that information, no, from the past. We don't have all of that information. Q. So in other words, as a product comes to you for sale, do you happen to keep that formulastrike that. When a product comes to you for sale, do you keep the product label in some kind of inventory or library? A. We would have that information up until that registration expired. Q. And then you get rid of it? A. I can't be sure what happens to it after that. I just don't know. Q. You don't know if there's a database of that or not? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 statements and warning labels on paraquat products distributed by Growmark in Illinois intended to reduce, minimize or eliminate? A. They generally, they as a whole, they all try to eliminate oral, dermal, inhalation and eye exposure. Q. And what medical hazard is the warning about oral ingestion designed to cover? A. I don't understand the question, sir. Q. Well, there's there must be a hazard associated with oral ingestion, right? A. Yes. Q. What's the hazard, as you know it, from oral ingestion of paraquat? A. The most extreme hazard is death. Q. Okay. And so you're thinking it would poison you and kill you? A. Yes. Q. Okay. And what do you understand oral ingestion to be on the label; what's that mean, drinking the product?

44 (Pages 170 to 173)

	Page 174	1	Page 176
1	A. Smoke you did things that weren't on	1	Inhalation. What's the medical
2	the label. You did you did things against the	2	hazard that's the focus of inhalation?
3	label. You smoked while you mixed. You drank a	3	A. Again, I I don't know the effects of
4	drink while you were mixing. You did things that	4	paraquat on the human body.
5	weren't on the label, as the label shows you how to	5	Q. Okay. So what did you think was being
6	reduce or potentially eliminate oral exposure.	6	encompassed in that warning when people, as you're
7	Q. And that oral exposure could get it in	7	the head of the whole program, may call and ask you?
8	your body and poison you, because it's a known, very	8	What happens to me, Doctor, if I get
9	toxic poison; is that your thinking?	9	this stuff, and I get a big, long breath of it in my
10	A. It is known to be toxic, yes.	10	nose; what's the harm?
11		11	What do you tell them?
12	Q. Okay.	12	MR. HOPP: Object to the form.
13	Is that the hazard oral ingestion is	13	You can answer.
14	meant to cover; is that your thinking? I'm trying	14	
	to just understand.	15	A. I would tell them to immediately do what the label says, which is probably going to be to
15	A. That that is that is my	16	contact the health official. They don't need to be
16	understanding, yes.	17	-
17	Q. All right.	18	talking to me in that situation, because I can't
18	Now, dermal exposure. What's the	19	provide them that information.
19	hazard health hazard that's encompassed within		Q. You really don't know what could happen;
20	dermal exposure?	20	you don't know what the health hazard of inhalation
21	A. It's really just getting it on your	21	is, do you?
22	skin. I don't know exactly all of the potential	22	A. I don't know the outcome, that's
23	hazards that the outcomes it may have by the	23	correct.
24	dermal exposure. I just know that we're supposed to	24	Q. What do you mean an outcome?
25	minimize dermal exposure.	25	A. I I don't know what happens when
	Page 175		Page 177
1	Page 175 Q. Well, if one of these crop specialists	1	Page 177 paraquat is inhaled.
1 2	_	12	
	Q. Well, if one of these crop specialists		paraquat is inhaled.
2	Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I	2	paraquat is inhaled. Q. Okay. So the health hazard is the term
2 3	Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I get this stuff on my skin, what could it do to me?	2 3	paraquat is inhaled. Q. Okay. So the health hazard is the term I was using to describe that.
2 3 4	Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I get this stuff on my skin, what could it do to me? What are you going to tell them?	2 3 4	paraquat is inhaled. Q. Okay. So the health hazard is the term I was using to describe that. You don't know what the health
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2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I get this stuff on my skin, what could it do to me? What are you going to tell them? A. I'd tell them, look at the label and the SDS and see what that information has, and if you aren't satisfied, you need to contact the manufacturer. Q. Okay. So, you would tell them to call Syngenta, right? A. After a thorough look at the label, yes. That is Q. Okay. So if the if the label didn't 	2 3 4 5 6 7 8 9 10 11 12 13 14	 paraquat is inhaled. Q. Okay. So the health hazard is the term I was using to describe that. You don't know what the health hazard would be from inhaling paraquat, correct? A. That would be correct. Q. And would you know the health hazard from inhaling just small amounts of it over a long period of time, sort of like when you were putting your four hours in at your farm, just that little bit, if you do it enough; do you know what that hazard is? MR. HOPP: Object to the form. A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I get this stuff on my skin, what could it do to me? What are you going to tell them? A. I'd tell them, look at the label and the SDS and see what that information has, and if you aren't satisfied, you need to contact the manufacturer. Q. Okay. So, you would tell them to call Syngenta, right? A. After a thorough look at the label, yes. That is Q. Okay. So if the if the label didn't say what would happen to you from dermal exposure, 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 paraquat is inhaled. Q. Okay. So the health hazard is the term I was using to describe that. You don't know what the health hazard would be from inhaling paraquat, correct? A. That would be correct. Q. And would you know the health hazard from inhaling just small amounts of it over a long period of time, sort of like when you were putting your four hours in at your farm, just that little bit, if you do it enough; do you know what that hazard is? MR. HOPP: Object to the form. A. No. Q. Okay. Now, what about the eye? You
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Well, if one of these crop specialists says, hey, you know, I just have a question. If I get this stuff on my skin, what could it do to me? What are you going to tell them? A. I'd tell them, look at the label and the SDS and see what that information has, and if you aren't satisfied, you need to contact the manufacturer. Q. Okay. So, you would tell them to call Syngenta, right? A. After a thorough look at the label, yes. That is Q. Okay. So if the if the label didn't say what would happen to you from dermal exposure, do you know whether the label says, hey, if you get 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 paraquat is inhaled. Q. Okay. So the health hazard is the term I was using to describe that. You don't know what the health hazard would be from inhaling paraquat, correct? A. That would be correct. Q. And would you know the health hazard from inhaling just small amounts of it over a long period of time, sort of like when you were putting your four hours in at your farm, just that little bit, if you do it enough; do you know what that hazard is? MR. HOPP: Object to the form. A. No. Q. Okay. Now, what about the eye? You said the eye.
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45 (Pages 174 to 177)

	Page 178		Page 180
1	products?	1	THE WITNESS: Okay.
2	MR. HOPP: Object to the form.	2	BY MR. TILLERY:
3	A. I would say that's accurate.	3	Q. Okay. You want to take a look at that.
4	Q. Has Growmark ever formulated paraquat	4	The page we have is page 5 of that document, and the
5	products itself?	5	page number or Bates Number for the record, and we
6	A. No, sir. Not to my knowledge.	6	can offer this one as Plaintiff's Exhibit Number
7	Q. Okay. And just so we're clear, and if	7	1 sorry, Number 2, sorry, is CUSA-00306411 is the
8	I've asked you this, I apologize to you, sir, but I	8	beginning, the page reference number we're looking
9	want to make sure my record is clear.	9	at is 415.
10	Did Growmark ever participate in the	10	(Powell Plaintiff's Exhibit 2, letter and labels,
11	process of changing any of the warnings or labels on	11	4.23.1966, CUSA-0306411-15, was marked for
12	formulated paraquat products at any time?	12	identification.)
13	A. I don't believe so, no.	13	Q. You see that, sir?
14	Q. All right. Thank you.	14	A. Yes, sir.
15	Is it true that Growmark is not in	15	Q. Do you recognize this as one of the
16	possession of any of Syngenta's internal or external	16	documents you reviewed?
17	communications regarding labels for crop protection	17	A. Yes.
18	products?	18	Q. Okay. In preparation for the
19	A. Internal communications, I would say,	19	deposition?
20	no, we don't have that information.	20	A. Yes.
21	Q. Putting aside the issue of labels for a	21	Q. Correct?
22	second, Growmark has never attempted to warn users	22	A. Yes.
23	or the public about the neurotoxic potential of	23	Q. And this is an Ortho Paraquat CL label
24	paraquat, correct?	24	from 1966, correct?
25	A. No.	25	A. Correct.
	Page 179		Page 181
1	Q. Are you aware of any way the Plaintiffs	1	Q. This would have been the label that
2	in this matter could have been aware of the health	2	would have been distributed by Growmark in Illinois,
3	risks from long-term exposure to paraquat when they	3	
			not really Growmark, but a predecessor, FS Services,
4	bought when they bought and applied it?	4	correct?
4	bought when they bought and applied it? A. I don't know. I would say have to	4 5	correct? A. We would assume so, yes.
	A. I don't know. I would say have to say no.	4 5 6	correct? A. We would assume so, yes. Q. Yeah. All right. Let's focus on the
5	A. I don't know. I would say have to say no.Q. So could we pull up KT532. This is the	4 5 6 7	correct? A. We would assume so, yes. Q. Yeah. All right. Let's focus on the box, if we can.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. I don't know. I would say have to say no. Q. So could we pull up KT532. This is the 1966 exhibit, and it's CUSA-00306411. MR. HOPP: Is this in eDepoze, Steve, or is it you have to share your screen? MR. TILLERY: We're going to put it on the screen, I hope. THE WITNESS: I got it in eDepoze. It opened up. MR. TILLERY: Doesn't look like what I have. Page 3. Oh, I see. Yeah, it's not the same one. Bear with us for a second, sir. (Pause in the deposition, off the record discussion with staff.) MR. HOPP: That one, we have, 415. MR. TILLERY: There we go. Yeah. The one that's on the screen 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 correct? A. We would assume so, yes. Q. Yeah. All right. Let's focus on the box, if we can. No skull and crossbones, right? A. That is correct. Q. If you'd look and read the language, focuses on acute injury, right? A. It does not say that specifically, but it appears to, yes. Q. All right. Nothing about wearing gloves while applying paraquat, right? A. Yes, it says, "Use rubber gloves and rubber apron when handling product." Q. When handling it, but when applying it is what I meant. Just like you did when you applied it? A. That is correct. Q. Okay.

46 (Pages 178 to 181)

	Page 182		Page 184
1	Q. And then when it says it says, "Do	1	there, we can dispense with that, and just go
2	not breathe spray mist."	2	through the questions ourselves. We'll call this
3	Do you see that? About two-thirds	3	Plaintiff's Exhibit Number 3.
4	of the way down.	4	(Powell Plaintiff's Exhibit 3, letter and labels,
5	A. Yes.	5	12.4.1985, CUSA-00120745-47, was marked for
6	Q. And it says, "Do not breathe spray mist	6	identification.)
7	in order to" what "to avoid nasal, throat and	7	MR. HOPP: Yeah. Sorry. We don't
8	respiratory tract irritation," right?	8	have that one. We have 47, but we don't have 45. I
9	A. Correct.	9	don't know why we're not tracking these.
10	Q. Again, an immediate-type problem,	10	Let's just use the screen.
11		11	BY MR. TILLERY:
12	correct, acute injury? A. I mean, that would be speculation; but	12	5
13		13	Q. Can you see it can you see this now, sir?
14	speculating, yes.	14	
	Q. All right. No indication on this label	15	A. I I have nothing on the screen.Q. Okay. Okay. All right. Sorry.
15	of any potential neurotoxic-type effect from	16	
16	paraquat, right?	17	Sir, can you see this on the screen?
17	A. That would be correct.		MR. HOPP: One second.
18	Q. No warnings of long-term or cumulative	18	Q. Okay. Great.
19	health effects, right?	19	This is Plaintiff's Exhibit Number
20	A. I do not see that language; that is	20	3, and for the record one more time, CUSA-0012745,
21	correct.	21	we're at page 46 in the analysis.
22	Q. Nothing about Parkinson's disease,	22	Do you see the box that says, "First
23	right?	23	aid and treatment"?
24	A. That's correct.	24	A. Yes.
25	Q. Let's go to another one that's in	25	Q. Okay.
	Page 183		Page 185
1	your in your reliance set. And this is 533, the	1	The paraquat labels were revised in
2	your in your reliance set. And this is 533, the next document. And this is, for counsel,	2	The paraquat labels were revised in approximately '74, weren't they?
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2 3 4	your in your reliance set. And this is 533, the next document. And this is, for counsel, CUSA-00120745. We're going to be looking at pages 46 and 47. This is 2 and 3 of your document.	2 3 4	The paraquat labels were revised in approximately '74, weren't they? A. There are many updates and revisions to them, but I'm sure '74 also had some changes.
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47 (Pages 182 to 185)

1	Page 186		Page 188
	So we're there we go.	1	MR. HOPP: The year.
2	Do you see that other one where	2	MR. TILLERY: It's Syngenta the
3	no, I'm sorry. Is that the is that the second	3	year is '88.
4	page there? Yes.	4	MR. HOPP: 599, beginning Bates?
5	Sir, I didn't show you the second	5	MR. TILLERY: 599, yes, sir.
6	page. So please look at this and see if you need to	6	MR. HOPP: We're with you.
7	change your response.	7	BY MR. TILLERY:
8	A. Yeah, the glove information is on	8	Q. Okay. Do you have that one in front of
9	mixing. That's that's what I see.	9	you, sir?
10	Q. All right. Only mixing. Nothing about	10	A. Yes, sir.
11	spraying and wearing gloves, right?	11	Q. All right. So instead of putting it
12	A. That is that is correct.	12	does everybody it may be a little unfair to the
13	Q. No warning about wearing a respirator	13	other counsel, I want to make sure.
14	while applying the paraquat, either, right?	14	MR. TILLERY: Megan and Ragan, would
15	A. It does use a face mask, is what it	15	you prefer we put this up?
16	says.	16	MR. NARESH: Yeah, if it's not too
17	Q. While applying it, is what I'm talking	17	much trouble.
18	about, not mixing or	18	MR. TILLERY: We will.
19	A. Spray application, it says, "If there's	19	Put it up, please.
20	risk of exposure, wear goggles and approved face	20	MR. NARESH: Thank you.
21	mask capable of filtering spray droplets."	21	MR. TILLERY: You're welcome. I
22	Q. Okay, droplets, okay? Nothing about a	22	think it might have to can he see anything?
23	mask?	23	BY MR. TILLERY:
24	A. It does say mask, "face mask."	24	Q. Well, you have it in front of you. Yes,
25	Q. Okay. No statement about neurotoxic	25	okay, sir.
	Page 187		Page 189
1	effects?	1	Just for the record, Plaintiff's
2	A. That is correct.	2	Exhibit Number 4 is Syngenta-PQ-13800599. We're
3	Q. No statements about wearing a	3	directing your attention, sir, to 601, Bates Number.
4			
	respirator?	4	If you'd look at that. This is
5	respirator? A. No.	4 5	If you'd look at that. This is another document that you reviewed prior to the
5 6	A. No.Q. No statement about long-term or	4 5 6	If you'd look at that. This is another document that you reviewed prior to the deposition, correct?
5 6 7	 A. No. Q. No statement about long-term or cumulative health effects, exposure? 	4 5 6 7	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct.
5 6 7 8	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. 	4 5 6 7 8	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right?
5 6 7 8 9	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn 	4 5 7 8 9	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct.
5 6 7 8 9 10	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? 	4 5 7 8 9 10	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super
5 6 7 8 9 10 11	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. 	4 5 7 8 9 10 11	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct?
5 6 7 8 9 10 11 12	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of 	4 5 6 7 8 9 10 11 12	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct.
5 6 7 8 9 10 11 12 13	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No - nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? 	4 5 6 7 8 9 10 11 12 13	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that
5 6 7 8 9 10 11 12 13 14	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No - nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. 	4 5 6 7 8 9 10 11 12 13 14	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois?
5 6 7 8 9 10 11 12 13 14 15	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. 	4 5 6 7 8 9 10 11 12 13 14 15	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so.
5 6 7 8 9 10 11 12 13 14 15 16	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 	4 5 6 7 8 9 10 11 12 13 14 15 16	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about
5 6 7 8 9 10 11 12 13 14 15 16 17	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct,
5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for identification.) 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are using wearing your around concentrate, is the
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for identification.) Q. And this is Syngenta-PQ-13800599, and 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are using wearing your around concentrate, is the language.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for identification.) Q. And this is Syngenta-PQ-13800599, and we're going to be at 601. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are using wearing your around concentrate, is the language. Q. Just so for the Ladies and Gentlemen of
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for identification.) Q. And this is Syngenta-PQ-13800599, and we're going to be at 601. MR. HOPP: What is the year again, 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are using wearing your around concentrate, is the language. Q. Just so for the Ladies and Gentlemen of the Jury, concentrate is in the generally, in the
5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22	 A. No. Q. No statement about long-term or cumulative health effects, exposure? A. No. Q. No nothing there designed to warn against neurotoxic effects of paraquat? A. That would be correct. Q. Nothing warning about the possibility of getting Parkinson's disease, right? A. Correct. Q. Okay. Let's move on to the next one. This will be Number 4. Plaintiff's Exhibit Number 4. (Powell Plaintiff's Exhibit 4, EPA letter and labels, SYNG-PQ-13800599-612, was marked for identification.) Q. And this is Syngenta-PQ-13800599, and we're going to be at 601. 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	If you'd look at that. This is another document that you reviewed prior to the deposition, correct? A. Correct. Q. It's on your reliance list, right? A. Correct. Q. It's an example of a Gramoxone Super label from 1988, correct? A. Correct. Q. Again, it's a product of this sort that was distributed by Growmark in Illinois? A. We can assume so. Q. Yeah. Nothing in the warning about wearing gloves while applying paraquat, correct, just while mixing and handling it? A. It says use gloves anytime you are using wearing your around concentrate, is the language. Q. Just so for the Ladies and Gentlemen of

48 (Pages 186 to 189)

	Page 190		Page 192
1	before you put it on the fields, right?	1	MR. HOPP: Object to the form.
2	A. That's correct.	2	A. That is possible, yes.
3	Q. So you don't apply you don't apply	3	Q. Well, tell me any word you think of that
4	the concentrate directly to the fields; you mix it	4	warns that user, Mr. Schmidt or Mr. Rowan, reading
5	first?	5	this label, that they're going to have long-term,
6	A. That's correct.	6	neurological injury from using this product?
7	Q. So when you're applying it, there's no	7	A. That language does not appear here.
8	requirement on this label for wearing gloves, right?	8	Q. It's not there, is it, right?
9	A. I believe that's accurate, yes.	9	A. That is correct.
10	Q. Just when mixing or handling the	10	Q. All right. Now, let's move on to the
11	concentrate?	11	last exhibit, and this is Exhibit Number 5.
12	A. Correct.	12	(Powell Plaintiff's Exhibit 5, Syngenta Gramoxone
13	Q. No indication of any potential	13	label, [no Bates]), was marked for identification.)
14	neurotoxic effect from paraquat, right?	14	Q. And this is the current labeling. This
15	A. That's correct.	15	is a Gramoxone SL 2.0.
16	Q. No warning about Parkinson's disease?	16	Do you see this on the screen, sir?
17	A. That's correct.	17	A. It's just loading up right now.
18	Q. No warning of any kind to indicate there	18	Q. All right. Thank you.
19	may be delayed and cumulative health effects,	19	A. And it is up.
20	correct?	20	Q. Okay. And if you'd take a look at this
21	A. On the front page, it says, "Symptoms	21	and if you'd direct him to the precautionary
22	are prolonged," so I don't know if that means	22	statement, which is at page 3 of the document.
23	long-term or not.	23	Are you familiar with this label on
24	Q. Okay. The instructions do not recommend	24	Gramoxone products?
25	the use of a respirator, right?	25	A. With this familiar, yes.
	Page 191		Page 193
1	A. That is correct.	1	Q. Yeah, this is a I believe, I'm told,
2	A. That is correct.Q. Where it says to avoid spray mist, it	2	Q. Yeah, this is a I believe, I'm told, this is a current version, okay?
2 3	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose 	2 3	Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary
2 3 4	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? 	2 3 4	Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right?
2 3 4 5	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. 	2 3 4 5	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct.
2 3 4 5 6	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling 	2 3 4 5 6	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom
2 3 4 5 6 7	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and 	2 3 4 5 6 7	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right?
2 3 4 5 6 7 8	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or 	2 3 4 5 6 7 8	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct.
2 3 4 5 6 7 8 9	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no 	2 3 4 5 6 7 8 9	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for
2 3 4 5 6 7 8 9 10	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? 	2 3 4 5 6 7 8 9 10	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that.
2 3 4 5 6 7 8 9 10 11	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? MR. HOPP: You can answer. 	2 3 4 5 6 7 8 9 10 11	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that. Is this a product that is
2 3 4 5 6 7 8 9 10 11	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? MR. HOPP: You can answer. A. I do not see that information here. 	2 3 4 5 6 7 8 9 10 11 12	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that. Is this a product that is distributed by Growmark in Illinois today?
2 3 4 5 6 7 8 9 10 11 12 13	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? MR. HOPP: You can answer. A. I do not see that information here. Q. Right. Doesn't warn that long-term 	2 3 4 5 6 7 8 9 10 11 12 13	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that. Is this a product that is distributed by Growmark in Illinois today? A. Yes, this product is distributed by
2 3 4 5 6 7 8 9 10 11 12 13 14	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? MR. HOPP: You can answer. A. I do not see that information here. Q. Right. Doesn't warn that long-term inhalation can cause neurological damage, does it? 	2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that. Is this a product that is distributed by Growmark in Illinois today? A. Yes, this product is distributed by Growmark.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 A. That is correct. Q. Where it says to avoid spray mist, it once more cautions that the mist could cause nose bleeds, irritation and poisoning, right? A. That is correct. Q. No indication that getting it, inhaling it, like if you were coming down through a field and inhaling the mist, could get into your brain or cause neurotoxic damage to your brain, is there; no indication of that? MR. HOPP: You can answer. A. I do not see that information here. Q. Right. Doesn't warn that long-term inhalation can cause neurological damage, does it? A. I don't see that information here, no. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. Yeah, this is a I believe, I'm told, this is a current version, okay? So you see, "Precautionary statements, continued," at the top, right? A. Correct. Q. All right. Then in the bottom paragraph, it says, "Environmental hazards," right? A. Correct. Q. So this would be the current label for Gramoxone SL 2.0. Is this a product strike that. Is this a product that is distributed by Growmark in Illinois today? A. Yes, this product is distributed by Growmark. Q. And this this label says the
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49 (Pages 190 to 193)

	Page 194		Page 196
1	all? Tony, help.	1	(RECESS, 2:34 p.m 2:50 p.m.)
2	MR. HOPP: If I can.	2	THE VIDEOGRAPHER: This is videotape
3	We can't we can't it's not	3	number four in the testimony of Dr. Powell. It is
4	moving for us, Steve.	4	2:50 p.m. We are back on the record.
5	MR. TILLERY: All right. We'll	5	BY MR. TILLERY:
6	start over.	6	Q. You are also listed, Dr. Powell, as a
7	MR. HOPP: Back up?	7	spokesman for Growmark on Topics 11L through Q, 23
8	MR. TILLERY: Yep.	8	through 25, and 29 through 35.
9	MR. HOPP: We have the caution	9	Did you understand that as well,
10	label.	10	sir?
11	BY MR. TILLERY:	11	A. Yes.
12	Q. Yeah, so you have it up. You have the	12	Q. Okay. Is Growmark aware of any studies
13	same one. Okay.	13	or investigations into the design of equipment to
14	And I had asked, this label says,	14	prevent or reduce the exposure of users to paraquat?
15	the applicators must wear gloves, right?	15	A. No.
16	A. Yes.	16	Q. Is Growmark aware of any studies or
17	Q. All right. And respirator, right?	17	investigations into the use of methods for mixing,
18	A. Yes.	18	loading or applying paraquat products to prevent or
19	Q. Why has that changed, do you know?	19	reduce the exposure of persons to paraquat?
20	A. I do not know. No.	20	A. Only what's on the label, so no studies.
21	Q. Okay. It still does not warn of the	21	Q. And it's and Growmark is also unaware
22	dangers of long-term, cumulative exposure, does it?	22	of any studies into the presence of paraquat in the
23	A. I don't see that there, no.	23	air and spray equipment?
24	Q. Doesn't warn of possible possible	24	A. That is accurate.
25	neurotoxic effects, does it?	25	Q. Growmark has never attempted to
	Page 195		Page 197
1	-	1	-
	A. I don't see that there, either, no.	1 2	Page 197 investigate these issues itself, has it? A. That is correct.
1 2 3	A. I don't see that there, either, no.Q. Does not warn of the risk of getting		investigate these issues itself, has it? A. That is correct.
2	A. I don't see that there, either, no.	2	investigate these issues itself, has it? A. That is correct.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 8 9	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 8 9 20	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied? A. No, sir.
2 3 4 5 6 7 8 9 10 11 23 14 15 16 17 18 9 20 21	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? A. Yes. MR. TILLERY: Let's take a break at 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied? A. No, sir. Q. Is Growmark aware of any studies or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 7 8 9 20 21 22	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? A. Yes. MR. TILLERY: Let's take a break at this point in time, okay, and come back in, say, ten 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied? A. No, sir. Q. Is Growmark aware of any studies or investigations into the effectiveness of personal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17 18 20 21 22 23	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? A. Yes. MR. TILLERY: Let's take a break at this point in time, okay, and come back in, say, ten minutes, okay? Thank you. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied? A. No, sir. Q. Is Growmark aware of any studies or investigations into the effectiveness of personal protective equipment in preventing or reducing
2 3 4 5 6 7 8 9 10 11 23 14 15 16 7 8 9 20 21 22	 A. I don't see that there, either, no. Q. Does not warn of the risk of getting Parkinson's disease, does it? A. No. Q. Since paraquat was first sold in the United States in 1965 up until the current time, would you agree it's never had a warning label warning of neurotoxic effects of paraquat? A. In my reviews, I have not found that information, that's correct. Q. Okay. And since it was first sold in the United States in 1965 up until the current time, it's never had a warning of the risk of getting Parkinson's disease from using paraquat, has it? A. That is correct. Q. Would you agree that the Plaintiffs in this case could not have known of those health risks by reading the paraquat warning labels we've reviewed in this deposition? A. Yes. MR. TILLERY: Let's take a break at this point in time, okay, and come back in, say, ten 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 investigate these issues itself, has it? A. That is correct. Q. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing, or applying paraquat products? A. Repeat the question, please. Q. Of course. Is Growmark aware of any studies of the exposure of persons to paraquat as a result of loading, mixing or applying paraquat products? A. No, sir. Q. What about cleaning or maintaining equipment used to load, mix or apply it; are you aware of any studies regarding those topics? A. No, sir. Q. Is Growmark aware of any studies of exposure of persons to paraquat as a result of being in or near places where paraquat products have been loaded, mixed or applied? A. No, sir. Q. Is Growmark aware of any studies or investigations into the effectiveness of personal

50 (Pages 194 to 197)

	Page 198		Page 200
1	Q. Is Growmark aware of any studies or	1	Q. What's a closed-loop system?
2	investigations into the nature and extent of	2	A. Closed-loop system is where a handler or
3	compliance with warnings, cautionary statements,	3	mixer does not come into direct contact with the
4	directions or instructions on the labels of paraquat	4	product during the loading process.
5	products?	5	Q. When did that change occur?
6	A. Can you repeat that for me one more	6	A. That change I'd have to look at my
7	time, please.	7	document, but that change goes into effect with
8	Q. Absolutely.	8	this year, I believe, the end of this year.
9	Is Growmark aware of any studies or	9	Q. What hazard was that change intended to
10	investigations into the nature and extent of	10	avoid?
11	compliance with warnings, cautionary statements,	11	A. I I can speculate, but it's just
12	directions or instructions on the labels of paraquat	12	going to be one of those things we talked about
13	products?	13	earlier, right, that exposure that an individual may
14	A. No, sir.	14	have, one of those four different potential
15	Q. Your response to the deposition notice	15	exposures.
16	states that, "Growmark never makes any	16	Q. Okay. Does Growmark tell its trainers
17	safety-related statements to customers about	17	during the applicator training programs to instruct
18	paraquat formulated products beyond what is on the	18 19	the people they're training about neurotoxic
19 20	label"; is that correct? A. That would be correct.	20	potential of paraquat? A. No. We would train on the label,
20		21	specifically.
22	Q. Does Growmark do applicator training?A. Yes, sir.	22	Q. Okay. So you'd never tell them that
23	Q. And what kind of applicator training	23	this could cause "this," being paraquat, could
24	does it do?	24	cause neurotoxic issues health-wise, right?
25	A. It trains our individual member company	25	A. That is correct.
-	Page 199		Page 201
1	applicators on how to use key herbicides, typically,	1	Q. You would never tell them that it could
2	in the field, and how to be successful doing that.	2	possibly, if they inhaled it, cause Parkinson's
3	Q. Does it train farmer applicators who buy	3	disease, right?
4	from your member cooperatives?	4	A. That's correct, because it's not on the
5	A. Typically not, no.	5	label.
6	Q. So the people that you're training are	6	Q. Okay. Anything nothing except what's
7	effectively your own employees?	7	on the label?
8	A. Or employees of a member company, of a	8	A. Right.
9	member cooperative that we provide product to.	9	Q. Okay. Your responses to the notice of
10	Q. All right.	10	this deposition stated that, "Growmark was unaware
11	What pesticides or herbicides are	11	of any studies regarding safety issues."
12	covered in that training?	12	How does Growmark design its
13	A. It can be a multitude of products. Much	13	applicator training programs without specific
14	is focused on Dicamba, but there are many other	14	knowledge of the hazards of paraquat?
15		15	MR. HOPP: Object to the form of the
16	products that we've we've looked at as well in	116	avastian
11 7	that training.	16	question.
17	that training. Q. Does it include paraquat?	17	A. We train on potential PPE to help
18	that training.Q. Does it include paraquat?A. Yes, it has included paraquat, yes.	17 18	A. We train on potential PPE to help mitigate exposure to that product.
18 19	 that training. Q. Does it include paraquat? A. Yes, it has included paraquat, yes. Q. Have you been involved in any of those 	17 18 19	A. We train on potential PPE to help mitigate exposure to that product.Q. Okay.
18 19 20	 that training. Q. Does it include paraquat? A. Yes, it has included paraquat, yes. Q. Have you been involved in any of those training sessions for paraquat? 	17 18 19 20	 A. We train on potential PPE to help mitigate exposure to that product. Q. Okay. A. It's all herbicides.
18 19 20 21	 that training. Q. Does it include paraquat? A. Yes, it has included paraquat, yes. Q. Have you been involved in any of those training sessions for paraquat? A. Yes, sir. 	17 18 19 20 21	 A. We train on potential PPE to help mitigate exposure to that product. Q. Okay. A. It's all herbicides. Q. Growmark would not consider studies into
18 19 20 21 22	 that training. Q. Does it include paraquat? A. Yes, it has included paraquat, yes. Q. Have you been involved in any of those training sessions for paraquat? A. Yes, sir. Q. What has your role been? 	17 18 19 20 21 22	 A. We train on potential PPE to help mitigate exposure to that product. Q. Okay. A. It's all herbicides. Q. Growmark would not consider studies into various pathways of exposure in designing and
18 19 20 21	 that training. Q. Does it include paraquat? A. Yes, it has included paraquat, yes. Q. Have you been involved in any of those training sessions for paraquat? A. Yes, sir. 	17 18 19 20 21	 A. We train on potential PPE to help mitigate exposure to that product. Q. Okay. A. It's all herbicides. Q. Growmark would not consider studies into

51 (Pages 198 to 201)

	Page 202		Page 204
1	Growmark would not consider studies,	1	specialists, they have never reported seeing
2	scientific studies, into the various pathways into	2	anything different, or ever even watching farmers do
3	the human body from exposure to paraquat in	3	this process, correct?
4	designing its training?	4	A. That's correct.
5	A. That is correct. We look at the label	5	Q. So in all the years that paraquat's been
6	and what the EPA provides.	6	applied, as far as you know, none of the people from
7	Q. Growmark does not consider studies to	7	your member cooperatives or their employee crop
8	the extent to which strike that.	8	specialists have ever gone out and watched the
9	Growmark wouldn't consider studies	9	farmers apply the product, paraquat, right?
10	that have evaluated the extent to which users follow	10	A. To my knowledge, they have not gone out
11	PPE guidelines in designing its training, would it?	11	and watched the farmers apply the product, that
12	A. That would be correct.	12	would be correct.
13	Q. Okay. Is Growmark aware that	13	Q. Okay. Are you aware that your your
14	applicators sometimes mix and load paraquat	14	sprayers and applicators from member cooperatives
15	formulated products without wearing gloves?	15	sometimes mix and load paraquat formulated products
16	A. No, we are not aware of that.	16	without gloves?
17	Q. Okay. Is Growmark aware that	17	A. No.
18	applicators sometimes mix and load formulated	18	Q. Okay. Are you aware that they mix and
19	paraquat without wearing face shields?	19	load formulated products without face shields?
20	A. We're not aware of that, either.	20	A. No.
21		21	Q. Are you aware that applicators sometimes
22	Q. Is Growmark aware that applicators sometimes get paraquat product on their hands during	22	get paraquat on their hands during mixing and
23	mixing or loading?	23	loading, those who work for the member cooperatives
24		24	or for your wholly owned subsidiary units; were you
24	A. No, we're not aware of that.Q. Okay. And is is strike that.	25	aware of that?
	Q. Okay. And is is surke that.	20	
	Dago 202		Page 205
	Page 203		Page 205
1	Is Growmark aware that farmers	1	A. No.
2	Is Growmark aware that farmers sometimes remove their gloves when unclogging a	2	A. No.Q. Okay. Are you aware that they sometimes
2 3	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle?	2 3	A. No.Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles?
2 3 4	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow	2 3 4	A. No.Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles?A. No.
2 3 4 5	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would	2 3 4 5	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use
2 3 4 5 6	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to	2 3 4 5 6	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints?
2 3 4 5 6 7	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive.	2 3 4 5 6 7	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir.
2 3 4 5 6 7 8	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some	2 3 4 5 6 7 8	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term?
2 3 4 5 6 7 8 9	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a	2 3 4 5 6 7 8 9	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir.
2 3 4 5 6 7 8 9 10	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle?	2 3 4 5 6 7 8 9 10	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer
2 3 4 5 6 7 8 9 10 11	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No.	2 3 4 5 6 7 8 9 10 11	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat
2 3 4 5 6 7 8 9 10 11 12	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike	2 3 4 5 6 7 8 9 10 11 12	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently
2 3 4 5 6 7 8 9 10 11 12 13	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike that.	2 3 4 5 6 7 8 9 10 11 12 13	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently treated vegetation?
2 3 4 5 6 7 8 9 10 11 12 13 14	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike that. I'm missing the term one more time.	2 3 4 5 6 7 8 9 10 11 12 13 14	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently treated vegetation? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike that. I'm missing the term one more time. Help me out. The name of your group. I have a	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently treated vegetation? A. No. Q. As far as you know, that doesn't happen?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike that. I'm missing the term one more time. Help me out. The name of your group. I have a mental block on that. What is the group of people	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently treated vegetation? A. No. Q. As far as you know, that doesn't happen? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Is Growmark aware that farmers sometimes remove their gloves when unclogging a spray nozzle? A. Our assumption is that all users follow the label, which would Q. All right. So I move yeah, I move to strike your answer as unresponsive. Are you at Growmark aware that some farmers remove their gloves when unclogging a sprayer nozzle? A. No. Q. And you have none of your strike that. I'm missing the term one more time. Help me out. The name of your group. I have a mental block on that. What is the group of people that you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 A. No. Q. Okay. Are you aware that they sometimes take off their gloves to unclog spray nozzles? A. No. Q. Okay. Do your applicators ever use knapsack spray paints? A. I do not know what that is, sir. Q. Okay. Have you ever heard of that term? A. No, sir. Q. Okay. Are you aware that farmer applicators sometimes are exposed to paraquat formulated products by walking through recently treated vegetation? A. No. Q. As far as you know, that doesn't happen? A. Correct. Q. Okay. Are you aware that applicators,
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52 (Pages 202 to 205)

	Page 206		Page 208
1	Q. Okay.	1	Q. All right. Have you ever done, at
2	And you're aware you're strike	2	Growmark, any investigation to determine whether
3	that.	3	there's strict adherence to the warning labels in
4	You're unaware of the fact that your	4	the application of paraquat?
5	own member cooperative sprayers or applicators are	5	A. No. I do not believe so.
6	exposed to paraquat products by inhaling during the	6	Q. Okay.
7	application process, correct?	7	(Clarification requested by the Court Reporter.)
8	A. That's correct.	8	A. No. I do not believe so.
9	Q. Are you aware that bystanders are	9	Q. What PPE does Growmark mandate for its
10	sometimes exposed to paraquat formulated products	10	employees applying paraquat formulated products?
11	due to spray drift?	11	A. We tell them to follow the label and
12	A. No.	12	anything that's on the label is what we request them
13	Q. As far as you know, that hasn't	13	use.
14	happened, either, right?	14	Q. Okay. And that's no matter what it is,
15	A. That is correct.	15	right?
16	Q. Okay. And are you aware that severe	16	A. That is correct.
17	weather conditions, such as extreme heat, can cause	17	Q. Okay. How long have you done it that
18	applicators to disregard certain PPE requirements?	18	way?
19	A. No.	19	A. Talking with Danny Best, we have been
20	Q. Never that never was known to you	20	doing that since the mid to late '70s, for sure,
21	or strike that.	21	since he was around the safety division.
22	That was not something that was ever	22	Q. Okay. Growmark has never done its own
23	known by by Growmark, right?	23 24	investigation into appropriate PPE, correct?
24 25	A. That's correct.	24	A. That is correct.Q. Has Growmark ever tested to see if
25	Q. Okay. And was Growmark aware of the	23	
	Page 207		Page 209
1	fact that there's a significant variation in the	1	paraquat is in the urine of paraquat applicators
2	applicators' adherence to warning labels?	2	that it employs or which are employed by member
3	A. No, we were not aware.	3	cooperatives?
4	Q. You assume that all farmer applicators	4	A. Not that I know of, no.
5	adhered in every way to every label restriction,	5	Q. Okay. Are you aware of studies that
6	correct, and warning?	6	have done just that?
7	A. Correct.	7	A. No.
8	Q. Okay. That was your assumption.	8	Q. Okay. Do you know if Growmark has ever
9	And you assumed that every single	1 -	asked Chevron or Syngenta about any studies they've
10	applicator who worked for a member cooperative,	10	conducted about exposure from applicators to
11	adhered in every way to the letter of the law of	11	paraquat?
12	that label, correct?	12 13	A. I do not know.
13	A. That is correct.	14^{13}	Q. You're not aware that they've ever asked
14 15	Q. Okay. And you have no knowledge of any	15	for it, right? A. Not aware it.
16	kind to the contrary? A. I do not.	16	Q. As far as
17		17	Q. As fai as Is Growmark aware that users of
18	Q. Are you aware of any (Clarification requested by the Court Reporter.)	18	paraquat formulated products sometimes get
19	A. I do not. Yes, that's correct.	19	nosebleeds?
20	Q. Are you aware of any studies that have	20	A. Other than what's on the label, we would
21	been conducted by Chevron or Syngenta or Zeneca to	21	not know that.
22	determine whether or not applicators follow these	22	Q. Have any of your applicators or any of
23	PPP PPE and other warning label instructions	23	the farmer applicators who purchased from member
		24	cooperatives ever reported any health effects from
24	interany?		
24 25	literally? A. No, I'm not aware.	25	using paraquat?

53 (Pages 206 to 209)

	Page 210	1	Page 212
1	A. Not that we know of, other than this	1	Growmark, and from the member cooperatives, is the
2	case here.	2	product with the label on it?
3	Q. Does Growmark monitor the farmer	3	A. To the best of my knowledge, yes.
4	applicators who buy from your member cooperatives to	4	Q. Okay. There's not somebody who comes
5	determine whether they have any understanding of the	5	out from Growmark and says, Farmer Smith, this is
6	labels, and whether they follow the warnings on the	6	how you apply this. This is what you don't do, this
7	labels?	7	is what you do.
8	MR. HOPP: Object to the form.	8	You expect them to do that, or know
9	You can answer.	9	that on their own, correct?
10	A. We assume that all applicators are	10	A. We would assume they would read the
11	restricted-use or have their restricted-use	11	label and follow those directions, correct.
12	license. And so we assume they have that	12	Q. So you don't afford them any kind of
13	information. So but, no, we do not track that.	13	instruction or answers to their questions or any
14	Q. You Growmark has no means of tracking	14	kind of information about safety features applying
15	whether or not farmers comply with the warning	15	paraquat, correct?
16	labels, right?	16	MR. HOPP: Object to the form of the
17	A. We do not have that information.	17	question.
18	Q. And you've never made an effort to try	18	You can answer.
19	to do it, have you?	19	A. I don't think that we've provided them
20	A. We've feel that the label requires	20	with information, no.
21	it's a legal document and it requires certain things	21	Q. Like that.
22	to be done. They've been trained through their	22	Has Growmark ever tried to determine
23 24	licensure, that way that we assume that they would follow the letter of the law and the label.	23	how far paraquat drifts?
24		24 25	A. I don't believe so.
20	Q. I move to strike your answer as	25	Q. Do you know whether it does drift?
	Page 211		Page 213
1	unresponsive.	1	A. Any chemical is capable of particle
2	unresponsive. You've never made an effort to try	2	A. Any chemical is capable of particle drift, so
2 3	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that	2 3	A. Any chemical is capable of particle drift, soQ. So the answer so the answer would be
2 3 4	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct?	2 3 4	A. Any chemical is capable of particle drift, soQ. So the answer so the answer would be yes, right?
2 3 4 5	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct? A. Correct.	2 3 4 5	 A. Any chemical is capable of particle drift, so Q. So the answer so the answer would be yes, right? A. Yes.
2 3 4 5 6	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct? A. Correct. Q. Okay. Has Growmark ever provided	2 3 4 5 6	 A. Any chemical is capable of particle drift, so Q. So the answer so the answer would be yes, right? A. Yes. Q. Do you know if there's any particular
2 3 4 5 6 7	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct? A. Correct. Q. Okay. Has Growmark ever provided instruction on how to clean spray nozzles in	2 3 4 5 6 7	 A. Any chemical is capable of particle drift, so Q. So the answer so the answer would be yes, right? A. Yes. Q. Do you know if there's any particular risk of danger associated with exposure to the mist
2 3 4 5 6 7 8	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct? A. Correct. Q. Okay. Has Growmark ever provided instruction on how to clean spray nozzles in applying paraquat formulated products without	2 3 4 5 6 7 8	 A. Any chemical is capable of particle drift, so Q. So the answer so the answer would be yes, right? A. Yes. Q. Do you know if there's any particular risk of danger associated with exposure to the mist from paraquat formulated products?
2 3 4 5 6 7 8 9	unresponsive. You've never made an effort to try to monitor whether they follow the labels; is that correct? A. Correct. Q. Okay. Has Growmark ever provided instruction on how to clean spray nozzles in applying paraquat formulated products without removing gloves?	2 3 4 5 6 7 8 9	 A. Any chemical is capable of particle drift, so Q. So the answer so the answer would be yes, right? A. Yes. Q. Do you know if there's any particular risk of danger associated with exposure to the mist from paraquat formulated products? MR. HOPP: Object to the form.
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54 (Pages 210 to 213)

	Page 214		Page 216
1	Q. Okay. Can farmers purchase paraquat	1	well.
2	products directly from Growmark?	2	Q. And he makes sure that they're complying
3	MR. HOPP: I'm sorry, I didn't hear,	3	with the law. And is that for making sure that
4	from who?	4	their registrations are correct, that they're
5	MR. TILLERY: Growmark.	5	getting appropriate information; what tell me the
6	A. Through retail divisions, they can, but	6	things that he does.
7	not directly from Growmark, Inc.	7	A. I believe that he's complying with the
8	Q. Retail divisions, which are wholly owned	8	regulations, but he's also he's in the safety
9	stores of Growmark?	9	department, so he's trying to mitigate potential
10	A. Yes, sir.	10	adverse reactions or adverse accidents.
11	Q. All right. You have two of those in the	11	Q. Attributable to some act or conduct by
12	state, right?	12	the member cooperatives, right, or their employees?
13	A. Yes.	13	A. Yeah, or as simple as a slip and fall,
14^{13}		14	
15	Q. Okay. Let's pull up KT Exhibit 523, please.	15	yes.
16	1	16	Q. Okay. So does he come and visit the facility?
17	Do you see this exhibit?	17	
18	A. Yes, sir.Q. Okay. Who is Kevin Frye?	18	
19		19	Q. Does he do that on a regular basis as part of his job?
20	A. Kevin Frye is in our safety department in Growmark.	20	
		21	
21 22		22	Q. And would he visit them routinely
23	A. He's based out of Growmark's central office.	23	throughout the State of Illinois? A. He does them routinely throughout at
23		24	
25	Q. In Bloomington?A. In Bloomington, yes, sir.	25	least a part of Illinois. There are other individuals that would share duties and
2.5	0 11	20	
	Page 215		Page 217
1	Q. Okay. What is his job?	1	responsibilities.
2	A. His job is to to to help try and	2	Q. So if he sees some problem, that either
3	make sure that our member companies are doing things	3	they're not compliant with regulations, or if
4	that they have to, according to the law.	4	they're in some way not doing what he thinks is a
5	Q. How does he go about doing that?	5	safe thing, what does he do to fix that problem?
6	A. You know, I I don't know his	6	A. Specifically, I don't know exactly. I
7	day-to-day, how he would do his specific duties. I	7	know that he points out the issue, and he talks to
8	don't know that.	8	those about the issue, but I don't know the
9	Q. So his from reading this, it said	9	specifics in that matter.
10	you said that his job is to help try to make sure	10	Q. Yeah. Are there other people besides
11	that your member cooperatives are doing things to	11	Kevin Frye who do the same thing?
12	comply with the law.	12	A. They would as far as going to member
13	Does he visit them?	13	companies and monitoring, yes.
14	A. I believe that he does visit them, and	14	Q. Who are those people?
15	he also does training. Trains individuals.	15	A. I'd have to get you those names at a
16	Q. And how does he do training?	16	later date. I believe Jenny Poole is one of them,
17	A. You know, it might be you know, he	17	and I don't know think there may be a couple of
18	also plays a role in our applicator trainings that	18	other individuals.
19	we do. So he also would have a part to train our	19	Q. Are they assigned different territories?
20	applicators.	20	A. That is my understanding, yes.
21	Q. Well, he trains applicators, and he	21	Q. And who is assigned the Southwestern
22	trains other people at the member cooperatives,	22	Illinois territory?
23	right?	23	A. Um, I do not know for sure.
24	A. Yes, on many other things, that includes	24	Q. Okay. All right.
25	pesticides and applicators, but other things as	25	Have you reviewed Plaintiff's

55 (Pages 214 to 217)

	Page 218		Page 220
1	Exhibit Number is this 6 6 before your	1	Do you see that?
2	deposition?	2	A. Yes.
3	(Powell Plaintiff's Exhibit 6, e-mail, 6.1.2019,	3	Q. Okay. And then if you look at the very
4	Growmark-Hoffmann 00021460, was marked for	4	last paragraph, okay I think we have the wrong
5	identification.)	5	one. Oh, there it is. No. I'm sorry.
6	A. No, I have not seen this document.	6	Do you see the second to the last
7	Q. This is listed. This is	7	paragraph, "It is important to play a portion of the
8	Growmark-Hoffmann_00021460.	8	video since" is it a "it is the approved EPA
9	It's an e-mail, isn't it?	9	training. I played the intro to the Handler portion
10	A. Yes, sir.	10	starting at 21:50 mark, ending at 23:05. Then I
11	Q. It was sent a little over a year ago?	11	played the labeling explanation beginning at the
12	And it was sent by Mr. Frye to right, to J.	12	30:40 mark. Do whatever you want, but must play
13	Poole; who is he?	13	some portion of the video so we can say it was
14	A. No, that is that is a her, that is	14	used."
15	Jenny Poole.	15	You see that?
16	Q. Okay. And to Matt Harken, who is that?	16	A. Yes, I see that.
17	A. I I don't recognize that name.	17	Q. So do you have to just play enough so
18	Q. Okay. What about Gabe Meador?	18	that you can tell the EPA that you have played some
19	A. Gabe is another one of the trainers.	19	portion of this video to your training people?
20	Q. Okay. And in this e-mail, they're	20	A. I I don't know the context under
21	referring to applicator training by Growmark, don't	21	this. I take this as if he if another individual
22	they?	22	found something more important, that they should
23	A. That appears so.	23	play that. He was giving suggestions.
24	Q. Does it cover they're referring to	24	Q. Oh, okay. What about my interpretation
25	"Address all elements required by the EPA"; Safety	25	that Mr. Frye's suggestion that the video simply
	Page 219		Page 221
1	Phase 3, "and hopefully hopefully get approved by	1	needs to be played so that Growmark can say it was
2	EPA as approved training for WPS."	2	used, consistent with an obligation to thoroughly
3	What is that? What is the WPS?	3	train applicators in safety issues; would you agree
4	A. Worker protection standards.	4	interpretation as well?
5	Q. Okay. "Jenny submitted, but we" do not	5	MR. HOPP: Object to the form of the
6	yet "we've not yet to hear back, likely because	6	question.
7	of the government shutdown. Covers all the elements	7	A. Knowing Kevin, that's not how I
8	required for WPS training. Feel free to just use	8	understand what he's saying. He's
9	the one, it is in the O-drive; however, I did modify	9	Q. Okay. Well, let's so, you let's
10	the presentation a little so I could identify key	10	go to another one, okay?
11	points more quickly, and removed most of the	11	Let's go to KT Number 7, Plaintiff's
12	animated slides more to my style of presenting.	12	Exhibit 7, KT524.
13	I also hid some slides where I felt	13	(Powell Plaintiff's Exhibit 7, e-mail, 1.3.2018,
14	there could be information overload and anticipated	14	Growmark-Hoffmann_00101156, was marked for
15	time crunch, but still felt I covered the required	15	identification.)
16	elements, so feel free to adjust to your style."	16	Q. This Exhibit Number 7 is
17	You see that? So is what he is	17	Growmark-Hoffmann_00101156. And if you look at
18	talking about; is this your training preparation for	18	this, this is a Kevin Frye e-mail dated January 3,
19	your applicators?	19	2018, to Bob Eichelberger.
20	A. My my assumption here is that he has	20	Who is he?
21	done one of these trainings or they're putting it	21	A. Bob Eichelberger is the operations
22	together and they're modifying it to make sure that	22	manager at Evergreens FS.
23	it hits home the key points.	23	Q. Evergreens?
24	Q. Okay. And up here at the subject line,	24	A. Evergreen FS.
25	it says, "WPS training/crop schools."	25	Q. Is that a member cooperative?

56 (Pages 218 to 221)

1 A. That's a member cooperative. 1 with that, right? 2 Q. Okay. And is does it appear that he's referring to a 2018 applicator training agenda, safety agenda? 1 with that, right? 3 he's referring to a 2018 applicator training agenda, safety agenda? Q. Okay. MR. TILLERY: Let's go off the record while I review my notes to decide if I want to follow a very lengthy path, or call it a day. 6 Q. And if you look at the e-mail, does 9 MR. Frye suggest the possibility of doing an abbreviated training because the full training may 10 abbreviated training as painful hoop to jump through; is that right? MR. HOPP: Okay. 12 A. It does say that, yes. 9 MR. TILLERY: Off the record. 12 A. It does say that, yes. 12 (RECESS, 3:32 p.m 3:38 p.m.) 13 D. All right. And Growmark generally looks 14 We're going off the record. 14 We are back on the record. We're going to go off the record and take care of some remaining exhibits, if there's no further examination of you. 15 MR. HOPP: Object to the form of the e-mails that were in the reliance set? Are you sure about that? MR. HOPP: Hold on. Anything from 12 Q. Have you looked at the rest of the e-mails. Page 223 Page 1 Page 223 Page 1 Page 2	
2 Q. Okay. And is does it appear that he's referring to a 2018 applicator training agenda, safety agenda? 2 A. That would be correct. 3 he's referring to a 2018 applicator training agenda, asafety agenda? 3 Q. Okay. 4 safety agenda? 4 MR. TILLERY: Let's go off the record while I review my notes to decide if I want to follow a very lengthy path, or call it a day. 7 A. Yes. 6 NR. HOPP: Okay. 8 Q. And if you look at the e-mail, does 8 9 Mr. Frye suggest the possibility of doing an abbreviated training because the full training may 10 10 abbreviated training because the full training may 10 MR. HOPP: Okay. 11 be, quote, "too painful," end quote? 11 We're going off the record. 12 A. It does say that, yes. 12 (RECESS, 3:32 p.m 3:35 p.m.) 13 THE VIDEOGRAPHER: It is 3:38 p.m. 14 at the training as painful hoop to jump through; is that right? 14 15 that, generally, yeah, Growmark views training as something that is is a good and ecessary thing to help make sure that our members 16 12 Q. Have you looked at the rest of the about that? 24 MR. TILLERY: All right. 25	
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5 like the use of respirators? See that? 5 (Off the record.)	
6 A. No. 6 MR. HOPP: Okay. Let's go off the	
7 Q. Okay. Okay. So just so we're clear, 7 video record.	
8 instead of going through all these e-mails, are you 8 THE VIDEOGRAPHER: This conclude	
9 telling me that no one at Growmark has suggested 9 the deposition of David Powell. It is 3:39 p.m. W	les
10 that respirators are a waste of time for the people 10 are off the record.	
11 that are training? 11 (The video record was concluded.)	
12 A. I believe that I don't know what any 12 MR. HOPP: Steve, just to be clear,	
13 individual says because I don't see everything that 13 we're staying on the record?	
14 comes across everybody's e-mail. 14 MR. TILLERY: Yeah, we're staying on	
15 I know that we like to train to the 15 the stenographic record, okay?	Ve
16label, and that's what we would train to.16Exhibit Number 8 will be a group	Ve
17 Q. How about a line like this: "Putting 17 exhibit which contains all 16 of the	Ve
18 every worker that could get a whiff of a pesticide 18 enumerated Quick what did you call them?	Ve
19 whose label says to wear a respirator into the 19 MR. HOPP: Quick Guides.	Ve
20 respiratory program is inefficient, impractical and 20 MR. TILLERY: Quick Guides. That's	ve
21 unnecessary." 21 right. I was going to call them Quickbooks. There	Ve
22Agree with that one?22are 17. I thought you had 16. So there's 17 of	ve
23A.Probably not, no.23those documents in group Exhibit Number 8.	ve
24Q.Okay. So if one of the directors of24Group Exhibit Number 9 is the	ve
25 your training program says that, you wouldn't agree 25 three-page CV of David K. Powell. She says she c	ve n

57 (Pages 222 to 225)

	Page 226		Page 228
1	load that one electronically.	1	CERTIFICATE OF COURT REPORTER
2	MR. HOPP: I think we can agree that	2	
3	it's the three-page CV that we produced.	3	I, Marjorie Peters, Fellow of the Academy of
4	MR. TILLERY: Right. That's it	4	Reporting, Registered Merit Reporter, Certified
5	and that's it for our exhibits. I think you have	5	Realtime Reporter, Notary Public the Commonwealth of Virginia, before whom the foregoing deposition was
6	everything else, but I'd appreciate it if you would	7	taken, do hereby certify that the foregoing
7	stay with her to work that out, okay? Thank you.	8	transcript is a true and correct record of the
8 9	(Signature NOT WAIVED.) (CONCLUDED, 3:40 p.m.)	9	testimony given; that said testimony was taken by me
10	(CONCLUDED, 5.40 p.m.)	10	stenographically and thereafter reduced to
11		11	typewriting under my direction and that I am neither
12	2	12	counsel for, related to, nor employed by any of the
13		13 14	parties to this case and have no interest, financial
14		15	or otherwise, in its outcome. I further certify that signature was not
15		16	waived by the witness.
16		17	
17		18	IN WITNESS WHEREOF, I have hereunto set my
18 19		19	hand this day of, 2020.
20		20	
21		21	Marjorie Peters, RMR, CRR
22		22	My Commission expires on August 31, 2020.
23		23	
24		24	
25		25	
	Page 227		Page 229
1	ACKNOWLEDGMENT OF DEPONENT	1	ERRATA SHEET
2		2	IN RE:
3	I, DAVID POWELL, PhD, do hereby acknowledge	3	DEPONENT:
4 5	that I have read and examined the foregoing testimony, and the same is a true, correct and	45	RETURN BY:
6	complete transcription of the testimony given by me	6	PAGE/LINE CORRECTION AND REASON
7	and any corrections appear on the attached Errata	7	
8	sheet signed by me	8	
9		9	
10		10	
11		11	
12	(DATE) (SIGNATURE)	12	
13 14		13 14	
14		$14 \\ 15$	
16		16	
17		17	
18		18	(DATE) (DEPONENT SIGNATURE)
19		19	
20		20	
21		21	
22 23		22 23	(DATE) (NOTARY PUBLIC)
23 24		23	
25		25	
		1-2	

58 (Pages 226 to 229)

Page 230

A	91:14 218:25	191:22 195:7,16	89:15,19 90:13	222:2 227:7
abbreviated 222:10	adequacy 170:22	213:11,16 221:3	91:11,18 92:11	appearing 8:25
	172:17	223:22,25 226:2	93:3 94:10 97:17	appears 88:12
ability 100:15	adhered 207:5,11	agreement 5:14	98:8,17 99:2,15	181:13 218:23
152:16 213:20	adherence 207:2	79:13 80:1 83:14	99:21,22 100:6,13	222:5
able 24:10 46:19	208:3	85:3 100:12	101:17 103:4	appended 38:6
53:24 73:19	adjacent 16:20	agricultural 101:5	108:9 113:9,12	applicable 66:21
115:25 143:24	139:21 140:1	101:20 149:17	114:1,6,18 115:22	application 26:25
152:23 153:6	adjust 219:16	agriculture 15:16	116:2 117:21	67:10 75:21 91:22
162:15	administration	29:22	120:20 124:17.25	104:4 108:5
above-average	113:5,19 115:17	agronomic 15:15	130:14 135:9,17	140:21 141:11
101:1	122:23 123:22	30:16,16	138:16 142:16	165:25 186:19
absent 126:24	Administrator 1:5	agronomy 15:5,7	145:15 146:11	205:21 206:7
Absolutely 33:11	adverse 155:16	29:5	149:12 150:2,14	208:4
140:3 198:8	216:10,10	ahead 136:3 211:15	150:25 151:1,6,11	applications 22:18
abstracts 50:2	advice 42:22	ahold 75:4	153:9,25 158:10	31:8 104:5
Academy 228:3	126:20	ahopp@steptoe.c	160:17,24 164:23	applicator 27:3
access 24:8 71:16	advise 30:13	3:13	165:18 168:18	31:15 45:6,9,16
73:15 87:22	advised 32:19	aid 175:18,19 183:7	170:6 176:13	45:18,25 71:13
accidents 216:10	118:21	184:23		93:9 177:18
accurate 31:10	aerial 69:7,9	air 35:6 196:23	191:11,20 203:7	198:21,23 200:17
68:21 72:1 75:15	affiliated 47:12		210:9,25 211:15 212:18 213:3,3	201:13 207:10
76:12,14 90:16	affirm 41:4	akimball@heylr 3:18		
92:9 94:16 102:16			answering 29:25 55:1 56:1 73:16	215:18 218:21 222:3
108:14 146:1	affixed 71:10 72:10 86:13	al 1:6,10 7:5 Allen 2:10 3:16	100:14 116:8	applicators 45:7
152:20 171:23	afford 212:12	allow 56:6 124:24	answers 53:24	63:19 67:13 70:5
178:3 190:9	afforded 112:23		100:11 151:7	70:9 72:9 88:15
196:24	211:20	alpha-synuclein	172:20 185:25	
accurately 95:25	Africa 143:11	129:13,16 130:9 Amaranth 11:19	212:13	91:16 92:18 110:8 110:15 156:12
acknowledge 227:3		amended 2:4		
Acknowledgment	ag 101:6	amount 156:14	Anthony 3:11 7:17	157:9 158:17
5:5 227:1	agenda 222:3,4	amounts 120:23	anticipated 219:14 anybody 12:18	169:10 170:10,14
acquaint 47:25	agents 85:11 86:16 87:7	177:8	13:14 17:23 56:19	193:16,18 194:15 199:1,3 202:14,18
acres 19:9,10		analysis 184:21	73:9 75:16 92:5	202:21 204:14,18
103:25 104:1,2	ages 58:11	animal 127:24	101:12 110:10	-
137:16	ago 13:15,21,21,22			205:5,11,17,18
act 216:11	19:15 101:6,21	152:1	128:15 132:24	206:5,18 207:2,4
action 135:5	106:24,25 112:2	animals 105:12	156:21 167:15	207:22 209:1,10
149:19,20 150:20	115:6 145:6	animated 219:12	anymore 16:5	209:22,23 210:4
actions 54:5,6	218:11	Anne 3:16	anyplace 75:9	210:10 211:22
active 66:5 136:13	agree 44:1 76:15	answer 23:8 32:15	anytime 60:22,22	215:20,21,25
acute 32:2 91:9	94:7 98:18 100:17	33:13 46:22 49:1	189:19	219:19 221:3
105:8 156:4	108:19 111:9	50:5,19 52:3,15	apologize 65:15	applicator's 87:25
181:11 182:11	131:25 132:14	52:20 55:12,21	178:8	88:1
Adama 36:25	134:8 135:11	56:3 64:20 71:24	apparently 77:11	applied 12:17 13:5
adding 138:8	152:14,21 155:19	72:14 73:10,19	225:4	17:18 20:24 21:3
additional 131:16	156:6 158:2	76:18 77:8,17	appear 123:11	21:3,9,15,16,18
address 10:6,11	177:22 185:5,8	78:5,12 88:4	191:21 192:7	22:2,5 64:4 68:25

Page 231

1				
69:2 74:11 103:7	121:19 128:1	96:15 129:4	audit 170:12	118:6 122:6,13
103:20 104:2	130:23 131:3	173:11 213:7	August 10:5 228:22	138:24 139:20,23
137:12,14,19	139:24 140:15	association 7:14	author 49:14	139:25 140:1
138:5,20,21 139:1	172:12	109:2,8,14 110:21	authority 167:14	154:13 163:8
141:9 146:8,15	areas 16:25 28:15	111:4,15 134:11	authorized 83:2,8	164:8 183:8,8
147:9 156:21	arose 89:14	161:20,21	available 43:6 53:9	193:22 194:7
157:14 179:4	article 124:19	assume 17:17 25:1	109:20 127:8	195:22 194.7
181:19 197:19	132:19,24	38:6 94:25,25	153:2	219:6 224:14
204:6	articles 49:14,18	95:3,3,8,12 96:8,9	Avenue 3:21 10:12	background 27:22
apply 12:14 13:4	52:12 131:19	106:5 117:10	avoid 182:7 191:2	bad 121:12
48:6 64:23 65:22	158:15 159:8	121:15 123:17,23	200:10	baked-in 132:4
135:14 137:9,22	aside 178:21	124:3,22,23	avoided 145:18	Bank 3:5
133:14 137:9,22	asked 16:4 21:23	124.3,22,23	awarded 11:8,10	banned 141:21
143:20 146:7,14	23:10 52:23 53:3	159:5 177:20	11:12	
145.20 140.7,14	91:4,5,13 97:12	181:5 185:16	aware 9:16 70:7	142:13,24
150:9 150:21	97:19,23 98:2	189:15 207:4	74:15 87:19 95:21	banning 142:18 barrier 161:24
190:3,3 197:13	102:20 103:3			
204:9,11 212:6	102:20 103:3	210:10,12,23 212:10	98:23 100:21,24 104:7,17,23	base 35:6,16 53:12 103:23
applying 22:4 45:7	111:19 120:4,10	assumed 95:24	104:7,17,23	based 32:13 53:8
63:8 68:24 69:4	128:3,15 133:24	207:9	107.11 108.25	
69:18 74:11 88:15	128.5,15 155.24	assuming 10:23	117:9 118:18	58:18 74:11 95:18
89:17 138:12	194:14 209:9,13	24:20 25:24	119:16 120:14	105:1,2 124:11 130:7 172:14
139:7,11,16,17	asking 21:1 22:3	140:11,13,18	122:17 123:9,15	
181:15,18,24	40:22 58:5 78:17	assumption 26:2	125:12 127:20	185:9 214:22
186:14,17 189:17	99:5 100:10	65:24 90:25		baseline 126:25 143:2
190:7 196:18	124:25 141:17	103:16,22,23	129:11 132:18,23 134:13 155:2,9,15	
190.7 190.18	150:15,18 166:6	118:16 125:12	155:24 156:12	basically 11:13
211:8 212:14	asks 93:23	164:15 203:4	159:23 179:1,2	basing 157:20 basis 216:18
		207:8 219:20	,	
appreciate 226:6	aspect 27:2 149:8 168:24		196:12,16 197:3,8	Bates 5:24 60:10
appropriate 9:2 33:6 45:8 126:16	assertion 74:23	assumptions 124:11	197:14,16,21 198:1,9 199:25	61:21 62:8,16
208:23 216:5	assess 93:17 108:12	attached 85:23	202:13,16,17,20	180:5 183:23 188:4 189:3
approval 77:5	111:3,14	227:7		192:13
96:22	assesses 172:17	attack 150:21	202:21,24 203:1,8 204:13,18,21,25	beans 25:11,15
approve 76:11,22	assessment 102:24	152:1		
93:20	104:9,19	attempt 74:20	205:2,10,17,23	Bear 179:17,25
	assigned 172:6		206:2,9,16,25	becoming 40:12
approved 24:7 68:6 70:23,24 76:3,5	217:19,21	75:20 154:6,15	207:3,17,20,25	beets 25:11,14
97:4 109:21 110:1	assignment 20:6	attempted 178:22 196:25	209:5,13,15,17 213:14	beginning 61:8 122:12 180:8
186:20 219:1,2	assignments 22:13	attend 15:8	a.m 1:14 2:11 7:10	122:12 180:8
220:8	assignments 22:13 assist 33:5,14 55:24	attended 15:4		
approximately	assist 35.5,14 55.24 assistant 16:7	attention 79:3	61:4,6,6,9 122:8	behalf 89:1
7:10 10:1 185:2,6	19:19,25 25:7	83:24 189:3	В	beings 127:25
April 2:4	associated 17:4		B 5:8 6:1	belief 35:16 58:18
apron 67:21 181:17	25:2 31:12 32:12	attorneys 9:3 Attributable	back 13:11 14:20	78:18 beliefs 89:2
area 11:16 34:3,9	40:14 46:13,17	216:11	48:5 60:1,3 61:9	believe 11:23,23
82:4 101:3 120:11	47:16,20 75:11	attuned 101:13	88:7,9 116:4	17:11 35:13,16
02.7 101.5 120.11	77.10,20 / 5.11	accuneu 101.15	5517,5 11011	17.11 55.15,10