

Zumbiehl Janine CHBS

From: Sullivan Jonathan Dale CHBS
Sent: Mittwoch, 16. Juli 2008 17:50
To: Brady Angela CHBS; Dieterle Roland Mario CHBS
Cc: Doe John GBJH
Subject: Comments on PQ team meeting minutes 7-15-08

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

Angela / Roland,

Attached are the comments from U.S. external counsel on the draft Risk Assessment, which do not call for any change other than in relation to the marker at the head of the document (point 1. In the comments). I explained when we embarked on this process that the Risk Assessment was unlikely to attract a defensible claim of privilege .

I am reverting to U.S. outside counsel with Angela's responses to the questions which he raised on the two sets of draft minutes and I will let you know whether having reviewed those responses he believes any changes to the drafts are called for .

Regards,

Jonathan .

-----Original Message-----

From: Wolff, Jeffrey [mailto:jwolff@fulbright.com]
Sent: Mittwoch, 16. Juli 2008 16:51
To: Sullivan Jonathan Dale CHBS
Cc: Nadel Alan USGR
Subject: RE: Comments on PQ team meeting minutes 7-15-08

Jonathan:

I reviewed the re-evaluation of the reference dose report (the "Report"). It is obviously a highly technical document for which I do not have any substantive comments except the following general observations:

1. The Report is designated as "Privileged" and "Attorney-work product." As previously discussed, the attorney-client privilege generally applies only to communications which involve seeking, receiving, or assisting an attorney in providing legal advice. The attorney-work product doctrine generally applies only when litigation is anticipated and work is performed at the request of an attorney.

It does not appear either of these privileges apply to the Report (but I don't know all the facts surrounding its preparation). If neither privilege applies, I would suggest removing the "Privileged" and "Attorney-work product" designations but keeping the "Confidential" designation.

2. The Report contains several statement I would prefer not fall into the hands of a litigation adversary such as: "The one consistent finding from the body of animal studies is the loss of dopaminergic neurones in the substantia nigra pars compacta of male C57Bl6J mice. This finding is judged to be real, to be related to paraquat treatment, and to be adverse in nature."

However, I recognize that the technical and scientific inquiries into these issues cannot be accomplished if blunt statements like this example are sanitized.

3. I find it odd that the assessment of risk to operators is based on a dietary endpoint. Of course I have no scientific or technical basis to challenge this, but I am uneasy, from purely a jury or PR perspective, about the issue of operator risk assessment being tied into (or confused with) a consumer risk assessment for paraquat which is based on consumption of food which might contain residues of paraquat. But as I read the Report, a modest reduction in the dietary NOEL for paraquat would have no consequence for safety to consumers.

Please let me know if I can be of further assistance.

Regards.

Jeff

Jeffrey S. Wolff
Fulbright & Jaworski
1301 McKinney
Suite 5100
Houston, TX 77010-3095
Phone: 713-651-5466
Fax: 713-651-5246
jwolff@fulbright.com

-----Original Message-----

From: jonathan_dale.sullivan@syngenta.com
[mailto:jonathan_dale.sullivan@syngenta.com]
Sent: Wednesday, July 16, 2008 1:05 AM
To: Wolff, Jeffrey
Cc: alan.nadel@syngenta.com
Subject: RE: Comments on PQ team meeting minutes 7-15-08

Jeff,

Thank you for coming back so quickly . I have forwarded your comments to Angela Brady and Roland Dieterle . Alan is on vacation . Did you have any comments on the draft Risk Assessment ?

Regards,

Jonathan .

-----Original Message-----

From: Wolff, Jeffrey [mailto:jwolff@fulbright.com]
Sent: Mittwoch, 16. Juli 2008 01:11
To: Sullivan Jonathan Dale CHBS; Nadel Alan USGR

Subject: Comments on PQ team meeting minutes 7-15-08

Jonathan and Alan:

Attached are redlined comments and questions concerning the meeting minutes that Jonathan circulated today.

I did not have an opportunity to discuss these comments with Alan so my apologies if any of the questions seem rather rudimentary.

Regards.

Jeff

Jeffrey S. Wolff
Fulbright & Jaworski
1301 McKinney
Suite 5100
Houston, TX 77010-3095
Phone: 713-651-5466
Fax: 713-651-5246
jwolff@fulbright.com

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comments.DOC>>

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