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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

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

CONFIDENTIAL

REMOTE VIDEOCONFERENCE CORPORATE DEPOSITION OF
SYNGENTA CORPORATION, BY AND THROUGH ITS
REPRESENTATIVE

CLARK OUZTS

MONDAY, JUNE 22, 2020

REPORTED BY:

DEBRA A. DIBBLE, RDR, CRR, Notary Public

JOB NO. 27661

1 You understood that; right?

2 A. Yes, sir.

3 Q. And you're the -- you are Syngenta for
4 that purpose today.

5 A. Yes, sir.

6 Q. All right. That's what they've
7 designated you for.

8 Would you agree with me that this
9 study tells you that half of the people tested
10 during that study -- they're working normal spray
11 operations -- had paraquat in their bloodstream?

12 MR. WEIR: Object to form.

13 THE WITNESS: That 9 out of 19
14 tested positive, yes, sir.

15 Q. (BY MR. TILLERY) All right. Let's go
16 to Exhibit 6.

17 (Ouzts Deposition Exhibit 6
18 marked.)

19 Q. (BY MR. TILLERY) If you could take a
20 look at this document. This is -- No. 6 is
21 CUSA-00073464.

22 The portion I'm going to be asking
23 you questions about is in the second half of the
24 document, but if you would just at least refresh
25 yourself so that we can go through generally and

1 there was a difference between recommended use and
2 normal use, and they put it in their question and
3 answer document, didn't they?

4 MR. WEIR: Object to form.

5 THE WITNESS: Yes, they recognized
6 that some may not follow the recommended label,
7 the recommendations.

8 Q. (BY MR. TILLERY) If we now go to
9 13882. And it says Paraquat toxicity in use under
10 No. 3.

11 Do you see that?

12 A. Yes, sir.

13 Q. The question is: What is normal
14 exposure?

15 And would you read the first five
16 lines, and then the word that spills over into the
17 next line? For the record.

18 A. From the Malaysian study where
19 paraquat was applied very intensively over long
20 periods, in parenthesis, up to 13 years, closed
21 parenthesis, spraymen did not wear anything like
22 full protective clothing: In some cases they wore
23 virtually no clothing at all. These people did
24 not come to any harm and their health was
25 perfectly normal.

1 A. No, sir, I haven't seen this one.

2 Okay, sir.

3 [Document review.]

4 Q. So let's just introduce this exhibit.

5 There's a lot of questions to go over here.

6 MR. TILLERY: Let's go off the
7 record for just a second, please.

8 (Discussion off the record.)

9 THE VIDEOGRAPHER: Going off the
10 record. The time is 12:34 p.m.

11 (Recess taken, 12:34 p.m. to
12 1:14 p.m. EDT)

13 THE VIDEOGRAPHER: We are going
14 back on the record. The time is 1:14 p.m.

15 Q. (BY MR. TILLERY) Mr. Ouzts, before we
16 broke, I referenced the Zeneca Agrochemical
17 Report, WER004, and that's SYNGENTA-PQ-0286519,
18 Plaintiffs' Deposition Exhibit No. 9.

19 Are you familiar with this study?

20 A. That particular one -- I just want to
21 open it back up.

22 So this particular one, no, sir,
23 I'm not familiar with this one.

24 Q. Okay. Well, let's go to the summary
25 and the purpose of this study, and that would be

1 on 6525.

2 Do you see under the summary, it
3 says: The purpose of the study was to determine
4 the absorbed dose of paraquat in workers who
5 mixed, loaded and applied 'Gramoxone' with hand
6 held knapsack sprayers for weed control in a
7 citrus orchard in Spain during November 1997.

8 Do you see that?

9 A. Yes, sir.

10 Q. All right. And let's go to the next
11 page.

12 And under Introduction, there's
13 three paragraphs. If you go midway down the
14 second paragraph. Follow along with me.

15 This study was designed to obtain
16 these data for workers wearing work clothing
17 consisting of a single layer of cotton clothing,
18 socks and rubber boots, with the addition of
19 'nitrile' protective gloves and a face-shield for
20 use during mixing and loading, and then it said, a
21 product label recommendation.

22 The study was carried out in
23 accordance with the principles stated in the OECD
24 Guidance Document for the Conduct of Studies.

25 Do you see that?

1 A. Yes, sir.

2 Q. And then let's go to the next page.

3 And I just refer you to 3.2, the test chemical was
4 dimethyl-4,4 bipyridinium. And that's paraquat,
5 chemical name.

6 Do you see that?

7 A. Yes, sir.

8 Q. And let's go to the next page, please.

9 And if you look under Biological Monitoring, and
10 it says: Urine specimens -- sample -- urine
11 samples were collected from all the workers over a
12 7-day period. The collection comprised full
13 24-hour samples and started on the morning of
14 pre-exposure day and finished on the first void in
15 the morning of the seventh day.

16 Do you see that?

17 MR. WEIR: Objection.

18 Q. (BY MR. TILLERY) Do you see that
19 reference?

20 A. I do see: The morning of the sixth
21 day after exposure.

22 Q. The morning of the sixth day after
23 exposure, seven days in total.

24 A. Yes, sir.

25 Q. All right. So this was designed to

1 use an accurate means of testing whether or not
2 there was evidence of paraquat in the urine
3 specimens of the people who applied it; right?
4 You understood that as well?

5 A. Yes, sir.

6 Q. All right. And they noted individual
7 observations of the workers. There were 20 of the
8 workers, weren't there, in the study?

9 A. Is that on this document here, sir?

10 Q. Actually, why don't we go to 6540 and
11 I'll show you the references.

12 A. Sure.

13 Q. We'll go to that.

14 A. Okay.

15 Q. And they noted the worker numbers on
16 the left column, and they assigned numbers 01
17 through 20 for the 20 people who were in the
18 study.

19 Do you see that?

20 A. Yes, sir.

21 Q. And they noted observations of what
22 those people did and how they handled the
23 equipment, what they did in terms of activities
24 with handling the sprayer, similar results to what
25 we've seen in other studies that we've talked

1 about, if you look at this; correct?

2 MR. WEIR: Object to form.

3 THE WITNESS: I see the
4 information, yes, sir.

5 Q. (BY MR. TILLERY) Now, the point that
6 I want to make, if we go back to 6529.

7 And if you look at the bottom of
8 that page under Results and Observations, it says:
9 There were minor deviations from the label
10 recommendations, mainly workers forgetting to wear
11 their gloves or face shields for the mixing and
12 loading. Some of the workers were observed to
13 have splashes of spray on their back due to not
14 closing the lid of the sprayer properly. However,
15 there were no major product spillages.

16 So, in other words, you see -- do
17 you see that reference?

18 A. Yes, sir.

19 Q. All right. So, in other words, this
20 would be consistent with what Syngenta had seen in
21 terms of the usual ordinary type of handling and
22 application of the chemical protocol, wouldn't it?

23 A. It's similar to the previous document,
24 yes, sir.

25 Q. And with one exception, of course, and

1 that is that here, Syngenta made sure that it
2 required that they use face shields. Okay?

3 A. Mm-hmm.

4 Q. They wore nitrile gloves and a face
5 shield for use during mixing and loading. That
6 was a requirement of this particular study.

7 Remember that?

8 A. Yes, sir.

9 Q. All right. Now let's go back to 6525,
10 which is the Summary page.

11 This one here.

12 Do you see that?

13 A. Yes, sir.

14 Q. The second paragraph says: The
15 absorbed dose was determined by use of a
16 biological monitoring method. This involved
17 collection of workers' urine for a 7-day period
18 from the day prior to application (baseline day)
19 until 5 days after the application and analysis
20 for unchanged paraquat.

21 And then look at the next
22 paragraph, please.

23 Paraquat was detected in the urine
24 of 18 of the 20 workers using a highly sensitive
25 radioimmunoassay method ...

1 Do you see that?

2 A. Yes, sir.

3 Q. And that was despite the fact that
4 they had been given face shields to use during
5 mixing and loading of the product; correct?

6 Is that right?

7 A. Well, I mean, in spite of? I mean,
8 it's representative that there were 18 that had
9 paraquat in their urine even though not all wore a
10 face shield, but yes, sir.

11 Q. They were given those? They were
12 asked to wear face shields? They mentioned that
13 one of them was late wearing it, and one of them
14 forgot one. But the test showed 18 out of 20 had
15 paraquat in their blood stream and in their urine;
16 correct?

17 MR. WEIR: Object to form.

18 THE WITNESS: The document shows
19 18 out of 20, yes, sir.

20 Q. (BY MR. TILLERY) All right. Now,
21 let's move to Exhibit No. 10.

22 (Ouzts Deposition Exhibit 10
23 marked.)

24 Q. (BY MR. TILLERY) This is a one-paged
25 document.