



Johnson v. Monsanto

 Azevedo, Kirk J. (Vol. 01) - 06/08/2016 [No Timestamp]

1 CLIP (RUNNING 00:18:21.262)

 Good morning, Dr. Azevedo. Is that a ...

KA-0608-0000424

17 SEGMENTS (RUNNING 00:18:21.262)



1. PAGE 4:24 TO 6:22 (RUNNING 00:02:09.445)

24 Q. Good morning, Dr. Azevedo. Is that a  
25 comfortable --  
00005:01 A. Good morning.  
02 Q. -- title for me to call you?  
03 A. Oh, yeah. Kirk is fine, too.  
04 Q. All right. Could you state your full name for  
05 the record.  
06 A. Kirk Joseph Azevedo.  
07 Q. Okay. And do you have a -- do you have a title  
08 or a degree that goes with it?  
09 A. Doctor of chiropractic.  
10 Q. Okay. Dr. Azevedo, where are we today for this  
11 deposition?  
12 A. We're in Cambria, California.  
13 Q. And is that where you live?  
14 A. Yes, it is.  
15 Q. Is this where you have your medical or  
16 chiropractic practice?  
17 A. Yes.  
18 Q. Dr. Azevedo, where did you grow up?  
19 A. In Los Banos, California. I was born in Chico,  
20 just for a couple years, lived there, but I was quite  
21 young, but Los Banos, California.  
22 Q. Okay. And is that considered part of the  
23 Central Coast area?  
24 A. It's Central San Joaquin Valley.  
25 Q. Okay. Is that an agricultural area?  
00006:01 A. Yes. It's agriculturally based.  
02 Q. Tell us, if you would -- well, scratch that.  
03 Did you grow up on a farm or in a very agricultural  
04 part of the --  
05 A. Yes. I grew up on my family farm, and  
06 continues to farm.  
07 Q. What type of farming do they do?  
08 A. Diversified farming from row crops to trees and  
09 into cattle now, also.  
10 Q. And you understand we're here today to talk  
11 mostly about your experience working at Monsanto?  
12 A. Yes.  
13 Q. Okay. Before we get into that, I'd like to  
14 talk about your background some, but focusing now on  
15 your childhood, did you ever have any exposure or  
16 experience with Monsanto products growing up on the  
17 farm?  
18 A. Yes, I did.  
19 Q. Okay. Could you tell us about that?  
20 A. Gosh. Probably some of the earliest memories  
21 of Monsanto's Roundup was as if it were a miracle-type  
22 product to control some of the more difficult weeds,

2. PAGE 7:01 TO 7:11 (RUNNING 00:00:34.243)

00007:01 later on, working on the farm, you know, I grew up using  
02 Roundup quite regularly and doing things like wicking  
03 weeds, like Johnson grass, a difficult-to-control weed

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04 species. I spent many days out on the cotton field  
05 wicking weeds so that it could kill the Johnson grass  
06 without killing the cotton.

07 Q. At this time in your life and the time in your  
08 life working on the family farm, were you aware of any  
09 safety issues -- human safety issues involved with the  
10 use of Roundup?

11 A. No.

**3. PAGE 7:13 TO 7:18 (RUNNING 00:00:09.043)**

13 THE WITNESS: No, I was not.

14 BY MR. LITZENBURG:

15 Q. And did you discuss with your family or anybody  
16 else at that time any concerns about the safety of  
17 Roundup?

18 A. No, I did not.

**4. PAGE 34:01 TO 36:19 (RUNNING 00:03:33.026)**

00034:01 Q. Okay. And I think you've answered this, but  
02 were you dealing with some of the distributors that --  
03 well, like Helena Chemical Company, did you deal with  
04 them when you were at Monsanto?

05 A. Yes. And they are all over the place.

06 Q. And do you -- for lack of a better word, did  
07 some of your job entail entertaining distributor reps?  
08 Did you take them to meals, anything like that?

09 A. Yes. So that was, you know, part, even  
10 for -- doing continuing education, oftentimes, I'll  
11 do -- you know, have a free meal associated with  
12 entertaining and stewarding the product to get people in  
13 there and not starve them and then other times a meeting  
14 with pest control advisors. Say if it's 110 degrees in  
15 the San Joaquin Valley, let's go indoors and we'll have  
16 lunch and do this; and other times it was, you know, go  
17 ahead and doing events, maybe fishing or something like  
18 that.

19 Q. Okay.

20 A. So that was definitely part of the job.

21 Q. And these continuing education efforts or  
22 seminars you did, was there an underlying goal there in  
23 your job to encourage more sales of Roundup, more  
24 distribution of Roundup?

25 A. Yeah -- and the thing about Roundup was that  
00035:01 it kind of sold itself and so it was more of a matter  
02 of stewarding the product, like when we changed to the  
03 Ultra formulation, we changed things from going from a  
04 more toxic-type signal word going from like a warning  
05 signal word to a caution signal word where you didn't  
06 have to use as much, like, protective equipment. And  
07 so we would talk about that and try to talk about the  
08 benefits of it and how to use it.

09 You know, maybe 20 percent of our compensation  
10 was based upon -- or up to that amount based upon  
11 incentives at the end of the year if we make our goals  
12 and so forth, and those are sales goals. So we're all  
13 incentivized in that regard.

14 Q. And when you were starting this job or  
15 throughout this job, what human safety information, if  
16 any, were you given by Monsanto about Roundup?

17 A. Well, we'd all go through a training in  
18 St. Louis, Missouri, called local manager -- market  
19 manager training. It's a two-week training. In there,  
20 we get -- get that type of training, but it wasn't -- I  
21 don't recall exactly what that was, but at the time, you  
22 know, in the culture, agriculture, it was, "Oh, this

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23 chemical is safe," you know, and -- but then at the  
24 same time, we would go through and, with Monsanto, that  
25 they believed in safety and ways -- you know, that was  
00036:01 beyond some of the other companies I worked for in the  
02 sense that they, you know, brought us through a driving  
03 school when we were over there, too, Smith Driving  
04 School, where they'd go out and teach you how to drive  
05 safely, and then we got to meet with different, you  
06 know, managers and so forth.  
07 Q. You mentioned St. Louis. Was that held there  
08 because Monsanto's corporate headquarters is in  
09 St. Louis?  
10 A. I believe so. And we got to tour the  
11 facilities and the research facilities and look where  
12 they're doing the transformation of the genetic  
13 engineering, get to meet some of the scientists and some  
14 of the administrators and also work together in  
15 education.  
16 Q. Do you recall during that training being told  
17 about any significant human safety risks associated with  
18 Roundup?  
19 A. No.

### 5. PAGE 36:23 TO 37:20 (RUNNING 00:01:08.596)

23 Q. And same question throughout your time at  
24 Monsanto. Were you ever notified of any significant  
25 human safety risks associated with Roundup?  
00037:01 A. Again, only it would be, like, ocular. You  
02 don't want to get it in your eyes.  
03 Q. Okay.  
04 A. But that -- you know, it wasn't this  
05 overwhelming, you know, toxic product. You know, it was  
06 always held to be a safe product and safer than most of  
07 the traditional herbicides on the market. So I wasn't  
08 aware of any particular training like, "Hey, look out  
09 for this stuff, it causes cancer," or anything. I know  
10 there's reports that people said, "I'll drink this  
11 stuff," and I used it growing up.  
12 Q. And would you -- would you pass the information  
13 that you were given on to distributors?  
14 In other words, you mentioned ocular risk. Is  
15 that something that you would mention in your job when  
16 talking to distributors?  
17 A. Yes. Especially when transitioning to a  
18 safer -- we called it safer product. In general it had  
19 a safer signal word from warning to caution. So that  
20 was kind of a value added.

### 6. PAGE 37:21 TO 38:08 (RUNNING 00:00:41.224)

21 Q. During that training, was there any mention of  
22 a human cancer risk associated with Roundup exposure?  
23 A. No. Not that I remember. I just -- I just  
24 always felt it to be a safe product and -- yeah.  
25 Q. Sure. And same question. Throughout your  
00038:01 tenure at Monsanto, were you ever contacted and informed  
02 of a human cancer risk associated with Roundup?  
03 A. No.  
04 Q. Okay. So, in turn, is it fair to say that you  
05 did not or were not able to discuss with distributors or  
06 other sales targets any sort of human cancer risk  
07 associated with the product?  
08 A. Yeah. I never did.

### 7. PAGE 47:21 TO 48:04 (RUNNING 00:00:25.112)

21 Q. Okay. Did -- in your experience as a salesman,

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22 did the perception of Roundup products around this time,  
23 were they perceived, in your experience, to be safer  
24 with that downgraded signal?

25 A. Yeah. And that's what we spoke about, like, at  
00048:01 these continuing education seminars is things that  
02 change, we would go ahead and educate the PCAs as to  
03 what those changes are, and in this case, it was the --  
04 you know, a safety difference.

**8. PAGE 48:24 TO 49:12 (RUNNING 00:00:45.485)**

24 Q. Okay. So it was able to get you into a  
25 different level of the market share?

00049:01 A. Different price point, yes.

02 Q. Were there other products at the time you were  
03 there that Monsanto made, glyphosate products, that  
04 didn't contain the word "Roundup"?

05 A. Yes. You know, one of which is like Rodeo.  
06 Rodeo was used mostly around aquatic areas and it had  
07 different types of, once again, less or no surfactant in  
08 it that could be dangerous to those -- the organisms  
09 that are living inside an aquatic environment.

10 There might have been other products, too, that  
11 were glyphosate-based, but the main one was Roundup  
12 itself, and so that's what I stewarded the most.

**9. PAGE 49:25 TO 50:02 (RUNNING 00:00:09.850)**

25 When you worked at Monsanto, did you develop an  
00050:01 impression of the company's attitude toward profits  
02 versus safety?

**10. PAGE 50:04 TO 50:08 (RUNNING 00:00:09.048)**

04 THE WITNESS: So it sounded like the question  
05 is did I have an impression of product sales versus  
06 safety?

07 MR. LITZENBURG: Yeah. And the company's  
08 attitude or philosophy.

**11. PAGE 50:10 TO 51:25 (RUNNING 00:01:55.011)**

10 THE WITNESS: That changed as I worked for  
11 Monsanto, to add some of the experiences that kind of  
12 changed my idea on that, where there were some  
13 disconnect with, you know, like with Robert Shapiro's  
14 vision with what was actually done in the field, and I  
15 know it's nearly impossible for it -- big corporations  
16 to, you know, bring their vision all the way down to the  
17 sales force, but I saw some things that were incoherent  
18 -- weren't consistent with some of the safety protocols  
19 that I had experienced with some of the other  
20 companies.

21 BY MR. LITZENBURG:

22 Q. Okay. Did you have any interactions that  
23 seemed to contradict in any way those visions that  
24 Robert Shapiro set forth?

25 A. Yeah. There's a couple experiences that I had  
00051:01 that really kind of changed my mind on some of these  
02 things --

03 Q. Okay.

04 A. -- for safety, one of which was -- well, the  
05 first one was doing local market manager training in  
06 St. Louis, Missouri, and at some point during that time,  
07 had a meet-and-greet with the vice presidents of the  
08 company and different managers and so forth, and in  
09 sharing, you know, some of this information with one of  
10 the vice presidents, I remember, you know, talking about

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11 the vision of Robert Shapiro, like talking about  
12 reducing in-process waste and the factories of the  
13 future not being these spewing pollution factories, but,  
14 you know, being these plants that are going to be green  
15 and we can, you know, help, you know, save the world in  
16 this regard.

17 And in speaking of this vision, really kind of  
18 quoting from the prospectus where Robert Shapiro is  
19 speaking on, one of the vice presidents pulled me aside  
20 and says, Hey, you know, we don't know what Robert  
21 Shapiro is really talking about here. He's just kind of  
22 this visionary guy. This sort of thing isn't really  
23 what we're about. We're about making money, so get it  
24 straight." And that kind of made me feel like, "Oh,  
25 man, jeez, I'm here to save the world," but I -- you

**12. PAGE 58:01 TO 58:18 (RUNNING 00:00:41.105)**

00058:01 Q. Where did that happen? Was it in St. Louis  
02 or --  
03 A. St. Louis, Missouri. That's where we get local  
04 manager -- market manager training.  
05 Q. And I'm sorry. You were talking to -- it was a  
06 meet-and-greet-type event with senior vice presidents?  
07 A. Yes. We had -- I don't know just vice  
08 presidents, and we had regional managers there, too.  
09 Q. Okay.  
10 A. Like, my regional manager was there, also.  
11 Q. Okay.  
12 A. Yeah.  
13 Q. And I think you said you had talked to one of  
14 the vice presidents about your enthusiasm, is that  
15 fair, about Robert Shapiro's stated visions?  
16 A. Yes.  
17 Q. And his response -- can you tell us again his  
18 response? Did it give you some misgivings?

**13. PAGE 58:20 TO 59:12 (RUNNING 00:00:53.171)**

20 THE WITNESS: Yes. What he said was, "We're  
21 not here -- a lot of us on the -- the higher-up vice  
22 presidents, we don't really understand what Robert  
23 Shapiro's talking about as far as these green ideas, and  
24 he's there like a face man to tell the story, but we're  
25 here to make money, so get it straight." And he's a farm  
00059:01 guy too. He was like a farm boy, too. So it was kind of  
02 like that deal, like, "Come on, get on board here."  
03 BY MR. LITZENBURG:  
04 Q. Okay. And I didn't mean to mischaracterize it.  
05 Did that give you any misgivings at the time?  
06 A. Oh, sure because I joined the company based on  
07 these visions of Robert Shapiro of reduce in-process  
08 waste, et cetera.  
09 Q. And do you know who that was that made that  
10 statement to you?  
11 A. Yeah.  
12 Q. Who was that?

**14. PAGE 59:14 TO 59:15 (RUNNING 00:00:06.332)**

14 THE WITNESS: Brett. The same name as my  
15 brother, Brett Bergmann or Bregemann.

**15. PAGE 77:07 TO 79:09 (RUNNING 00:02:34.786)**

07 Q. What is involved in becoming a pest control  
08 advisor?  
09 A. At the time, it was, in general, having met

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10 certain requirements, and that led to mostly a bachelor  
11 of science in that, but then further studies in, you  
12 know, pest control and so forth, and then there was, you  
13 know, a rigorous exam in order to become a pest control  
14 advisor and continuing education that was consistent  
15 with that to be able to stay educated in the field to  
16 protect people and animals in health.

17 Q. So pesticide control advisors, then, are  
18 experts in the field of pesticide applications; is that  
19 fair to say?

20 A. I believe so. It may have a new term now. I  
21 think they may have changed it and incorporate even more  
22 fertilizers and how to manage these things so that it's  
23 helpful for the environment or not as detrimental.

24 Q. So when you were working for Monsanto, in your  
25 role, you would be talking with these pesticide --  
00078:01 sorry -- these pest control advisors who were experts in  
02 the area of pesticides, correct?

03 A. Yeah. I assume they were experts, yeah.

04 Q. So you'd be talking to them on that expert  
05 level, correct? They would have an understanding of the  
06 issues, the science?

07 A. Yes, yes, or would help, you know, to  
08 illuminate if there's a new, let's say, mode of action  
09 on a new chemical that came up, we'd try to help them  
10 understand that and how to use these tools, these  
11 cutting edge tools more appropriately and how to steward  
12 these tools.

13 Q. These pest control advisors would then use the  
14 information you gave them and also their independent  
15 expertise to go out and talk with farmers and give them  
16 advice about issues they had with pesticide applications  
17 or how to use pesticides most effectively, correct?

18 A. In general, yeah. They could do with the  
19 information what they wanted to do with the information,  
20 but that was kind of the idea, is to help educate.

21 Q. Generally speaking, these pest control advisors  
22 would have their own understandings even before you  
23 spoke with them about various pesticides and their  
24 pluses and minuses and costs and benefits, correct?

25 A. Oh, I believe so, yeah.

00079:01 Q. The pest control advisors would use their  
02 independent judgment, then, in making their advice to  
03 farmers as to what they thought was best, given the  
04 information and expertise they had, correct?

05 A. Yeah. It was very similar to a medical doctor,  
06 you know, and, you know, you could have pharmaceutical  
07 companies saying here's what this is, but in the end,  
08 it's the doctor or the PCA writing that recommendation  
09 and it's their license that's on the line, yes.

16. PAGE 105:01 TO 106:06 (RUNNING 00:01:11.734)

00105:01 Q. And I've read a number of your -- some of the  
02 interviews you've given when you've talked about some of  
03 the things you talked about here today and you mentioned  
04 that you went and you approached a number of  
05 California -- I think you said a number of different  
06 California agricultural commissioners with your concerns  
07 at that time, correct?

08 A. Yeah. And some of those interviews, I've been  
09 misquoted, too. So I'm not sure exactly to the detail  
10 of what that was. It could have been two or three  
11 commissioners I spoke with.

12 Q. Do you remember the names of the commissioners  
13 you spoke with?

14 A. I don't recall right now. In the ag extension,

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15 I sometimes -- you know, if you deal with ag extension  
16 people and commissioners, they're all kind of working  
17 together to help with the health and safety.

18 Q. With respect to California agricultural  
19 commissioners, they -- when you shared your concerns  
20 with them, is it fair to say that they did not have the  
21 same concerns that you had?

22 A. That's fair, yeah.

23 Q. You also went and, again, I don't know if this  
24 is misquoted or not, but in some of your interviews,  
25 it's mentioned that you talked to people at the

00106:01 University of California?

02 A. Yes.

03 Q. So you talked to scientists or Ph.D.s there?

04 A. Yes.

05 Q. And did they share your concerns?

06 A. No.

**17. PAGE 128:05 TO 129:15 (RUNNING 00:01:14.051)**

05 Q. Let me just interrupt you and make sure the  
06 record is clear here.

07 When you say "when we did these toxicological  
08 studies" --

09 A. That would be Monsanto. Yeah.

10 Q. You didn't conduct any --

11 A. No, I didn't. I'm just kind of going back in  
12 time.

13 Q. Right. And you've not conducted any studies  
14 with respect to any of the issues you raised?

15 A. No. Yeah, of course. Yeah. Not me. It's  
16 Monsanto and other universities and so forth.

17 Q. And you talked earlier about your research and  
18 I think you said your research was reading PubMed.

19 That's a --

20 A. That's one of the main areas, medically, we  
21 look at. It's one of the more respected areas to find  
22 things that are not just subjective, but we look at  
23 double-blind clinical trials. That's the gold standard,  
24 you know, and try to look at these things and even  
25 reviews and so forth and using this as a resource to  
00129:01 then find other information and researchers.

02 Q. And just to be clear, so the research you --  
03 when you talk about you have done research, you've gone  
04 and you've read things?

05 A. Besides working with Abbott Laboratories and  
06 doing research test plots --

07 Q. Way back as an intern?

08 A. -- when I was working with Abbott, yeah, and  
09 that was research.

10 Q. So what you've done when you talk about  
11 research is you've read things on the Internet and  
12 you've reached your own opinions --

13 A. And, also, at the time when I was -- why I went  
14 to Palmer College of Chiropractic is because we had  
15 access to the medical library at Stanford --

**TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:18:21.262)**