

EXHIBIT 28

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP)
PRODUCTS LIABILITY) MDL No. 2741
LITIGATION)
_____) Case No.
THIS DOCUMENT RELATES) 16-md-02741-VC
TO ALL CASES)

WEDNESDAY, JANUARY 11, 2017
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
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Videotaped deposition of Donna Farmer, Ph.D., Volume I, held at the offices of HUSCH BLACKWELL, L.L.C., 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, commencing at 9:04 a.m., on the above date, before Carrie A. Campbell, Registered Diplomate Reporter, Certified Realtime Reporter, Illinois, California & Texas Certified Shorthand Reporter, Missouri & Kansas Certified Court Reporter.

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GOLKOW TECHNOLOGIES, INC.
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1 employed?

2 A. Monsanto Company.

3 Q. And how long have you, Donna
4 Farmer, been employed by Monsanto Company?

5 A. Since September of 1991.

6 Q. Okay. Don't make me do the
7 math.

8 How many years have you been
9 with Monsanto?

10 A. 25 years.

11 Q. 25 years continuously employed
12 with Monsanto?

13 A. Yes.

14 Q. And as we sit here today, still
15 employed by Monsanto?

16 A. Yes, I am.

17 Q. Okay. And what would you
18 describe your title as?

19 A. I'm a toxicol --

20 MR. JOHNSTON: Objection.

21 Vague.

22 Go ahead.

23 THE WITNESS: I'm a
24 toxicologist in our product safety
25 center.

1 QUESTIONS BY MR. MILLER:

2 Q. Would you -- is it fair to say
3 that you're the lead spokesperson for
4 Monsanto and Roundup?

5 A. I have been one of the
6 spokesperson for the safety of Roundup when
7 it comes to the toxicology.

8 Q. Ma'am, who is Christophe
9 Gustin?

10 A. Christophe Gustin is the head
11 of our regulatory affairs for chemical
12 products in Europe.

13 Q. And how long, approximately,
14 has he been with the company?

15 A. I don't know. I've known him
16 for many years.

17 Q. And you work together with him
18 as the job requires?

19 A. Yes.

20 (Farmer Exhibit 1-1 marked for
21 identification.)

22 QUESTIONS BY MR. MILLER:

23 Q. Okay. Let's look at the first
24 exhibit. We've been produced documents from
25 your custodial file.

1 Vague.

2 THE WITNESS: I have been
3 involved with glyphosate since 1996,
4 so as this indicated, I had a lot of
5 knowledge. And so based on that in
6 depth knowledge for over those many
7 years, yes, I was asked to be -- help
8 defend glyphosate.

9 QUESTIONS BY MR. MILLER:

10 Q. Okay. And that's your job,
11 defend Roundup, right?

12 A. No, that's not my job. I
13 wouldn't agree with that.

14 My job is to make sure as a
15 regulatory toxicologist for glyphosate that
16 we meet all the requirements by the
17 regulators. And then there are times when
18 there are questions that are asked about the
19 molecule that we need to do responses for.

20 So it's more than just, as you
21 say, defending the molecule.

22 Q. But part of your job is to
23 defend glyphosate, true?

24 A. It's a part -- yes, it is, and
25 it's to respond to questions or allegations

1 have him commenting on it, and so I think
2 it's very open and very transparent.

3 Q. And this was -- Dr. Belle's
4 comments we've been discussing were published
5 in a Journal of Toxicology and Environmental
6 Health?

7 A. Yes.

8 Q. A peer-reviewed journal?

9 MR. JOHNSTON: Objection.
10 Misstates -- lack of foundation.

11 QUESTIONS BY MR. MILLER:

12 Q. Are you aware that that's a
13 peer-reviewed journal, Dr. Farmer?

14 A. This would have been the same
15 journal that Williams would have submitted
16 in. I do believe it is peer reviewed.

17 But as we talked about, again,
18 peer review is not always the same. It's
19 very different these days. Too many
20 journals, and lots of variety of levels of
21 quality of peer review.

22 Q. Ma'am, your name originally
23 appeared on the Williams article as an
24 author, the Amy Williams article, and then it
25 was struck out before it was published.

1 Are you aware of that?

2 A. Yes, I was. I told him that I
3 didn't do anything on it and my name
4 shouldn't be on it. I had made some edits,
5 but it was not at a level where I was -- not
6 to be an author.

7 Q. You knew that if your name was
8 on it, it would be plain as day that it was
9 written by Monsanto, and you didn't want your
10 name on it, right?

11 MR. JOHNSTON: Objection.
12 Argumentative.

13 THE WITNESS: That's why I
14 didn't want my name on it, because I
15 didn't write it. And it's fully
16 known, as they acknowledge, that
17 Monsanto helped support it and that we
18 provided documents to them.

19 QUESTIONS BY MR. MILLER:

20 Q. You added a section to the
21 article on genotoxicity.

22 A. I'm sure that I did contribute
23 some to this, yes. As I said, I didn't write
24 the whole thing, but I did add some comments.

25 (Farmer Exhibit 1-18 marked for

1 see these kinds of responses, it's secondary
2 to cytotoxicity, not a primary oxidative
3 response.

4 Q. He recommended on page 2104,
5 paragraph B at the top there, ma'am, "an
6 assessment of the individual components of
7 Roundup mixture to determine whether there is
8 any components which act synergistically to
9 increase the potential genotoxicity of
10 glyphosate," right?

11 A. He did, and it was a basis for
12 a study that we actually did.

13 Q. What study?

14 A. It was with Heydens, et al.

15 Q. Can you spell that, please?

16 A. It was Bill Heydens,
17 H-e-y-d-e-n-s.

18 Q. Oh, your boss?

19 A. Uh-huh.

20 Q. And he did the study?

21 A. No, there was a group of us.
22 We had some -- because we are not in a
23 laboratory. We worked with some laboratory
24 people to look at this exact question
25 because, again, we did not believe that these

1 studies Parry suggests."

2 This was marching orders from
3 your boss, wasn't it?

4 A. Well, that may be what he said
5 then, but we did do the studies. So again, I
6 would have you look at that Heydens
7 publication.

8 Q. What Mark Martens said about
9 the Parry report, that it simply wasn't
10 suitable for defense of the product.

11 You're aware of that, right?

12 A. As we just talked about, we
13 didn't agree with Dr. Parry's interpretation
14 of all the data. We thought it was secondary
15 to cytotoxicity and irrelevant routes of
16 exposure, and we obviously had a disagreement
17 with him.

18 And, sure, if we have someone
19 who doesn't agree with the way we interpret
20 the data, we're not going to obviously have
21 them out there being spokespeople for us.

22 Q. In fact, when Monsanto sent
23 Mark Martens over to meet with Parry, he was
24 irritated at Monsanto because of the pressure
25 that was being put on him.

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THURSDAY, JANUARY 12, 2017
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Videotaped deposition of Donna Farmer, Ph.D., Volume II, held at the offices of HUSCH BLACKWELL, L.L.C., 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, commencing at 9:07 a.m., on the above date, before Carrie A. Campbell, Registered Diplomat Reporter, Certified Realtime Reporter, Illinois, California & Texas Certified Shorthand Reporter, Missouri & Kansas Certified Court Reporter.

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1 It's just what it says. It's a national
2 toxicology program. They conduct toxicology
3 studies and look at toxicology of various
4 substances.

5 Q. And you found out that the
6 National Toxicology Program in the summer
7 of 2016 was going to look in and investigate
8 this finding that IARC had made that Roundup
9 was a probable human carcinogen.

10 You found out about the NTP
11 going to do their own investigation, didn't
12 you?

13 A. I know the NTP was going to do
14 some investigations, but I don't think it was
15 directly related to exactly what you said. I
16 think there was some more specific studies
17 that they were going to conduct.

18 Q. And you and Monsanto went all
19 the way to Capital Hill to stop that, didn't
20 you?

21 A. I didn't go to Capital Hill to
22 stop that.

23 (Farmer Exhibit 1-66 marked for
24 identification.)

25

1 QUESTIONS BY MR. MILLER:

2 Q. Let's take a look at this last
3 exhibit that I have.

4 Exhibit 1-66, which I hope will
5 be the last exhibit to your deposition here
6 in the two days, a series of e-mails with you
7 and others about the National Toxicology
8 Program, and let's take a look at it.

9 Let me know when you're ready,
10 I have a few questions. I have one more
11 exhibit after this, and then we'll wrap up.

12 Okay. Have you had a chance to
13 look at it?

14 A. Uh-huh.

15 Q. And the whole line of e-mail,
16 and which you're included in a lot of them,
17 we'll look at which ones, are about -- and
18 from September of 2016. Subject matter NTP
19 will be evaluating glyphosate now,
20 exclamation point.

21 Do you see that?

22 A. Uh-huh.

23 Q. Okay. So it was important
24 enough at least for your colleague from
25 CropLife to put an exclamation point behind

1 the concept that the National Toxicology
2 Program was going to be looking into the fact
3 that IARC had concluded Roundup was a
4 probable human carcinogen.

5 It was an important issue,
6 wasn't it?

7 A. They -- yes, they indicate that
8 they think it is an important issue, yes.

9 Q. And so she e-mails you and
10 says, "This is something that is going to
11 need some communication at the 'Hill' level."

12 She's talking about Capital
13 Hill, isn't she?

14 A. I would assume so. Again, I'm
15 not a government affairs person, I'm the
16 toxicologist, and so she would be working
17 with that. So I assume that's what she's
18 referring to.

19 Q. Well, whatever she did at the
20 Hill, the National Toxicology Program
21 abandoned its research and its study on that
22 issue.

23 You're aware of that, aren't
24 you?

25 MR. JOHNSTON: Objection.