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DONNA FARMER

CANCER PATIENT LAWYER SPARS WITH MONSANTO SCIENTIST IN CALIFORNIA ROUNDUP TRIAL

Print Email

Posted on September 22, 2021 by Carey Gillam

A lawyer for a woman claiming her use of Roundup herbicide caused her to develop non-Hodgkin lymphoma sparred with a longtime Monsanto scientist in court on Wednesday, forcing the scientist to address numerous internal corporate documents about research showing Monsanto weed killers could be genotoxic and lead to cancer.

The testimony by former Monsanto scientist Donna Farmer marked her second day on the stand and came several weeks into the case of Donnetta Stephens v. Monsanto, the fourth Roundup trial in the United States, and the first since 2019. Juries in three prior trials all found in favor of plaintiffs who, like Stephens, alleged they developed non-Hodgkin lymphoma due to their use of Roundup or other Monsanto herbicides made with the chemical glyphosate. Thousands of people have filed similar claims.

Bayer AG, which bought Monsanto in 2018, has earmarked more than $14 billion to try to settle all of the U.S. Roundup litigation, but many plaintiffs have refused to settle, and cases continue to go to trial.

A "GENOTOX HOLE"

In hours of contentious back-and-forth, interrupted repeatedly by objections from a Monsanto attorney, Stephens' lawyer William Shapiro quizzed Monsanto toxicologist Donna Farmer about emails and documents dating back to the late 1990s that focused on research – and the company's handling of that research – into whether or not the company's herbicide products could cause cancer.

In one line of questioning, Shapiro asked Farmer about emails in which she and other company scientists discussed the company's response to outside research that concluded the company's glyphosate-based herbicides were genotoxic, meaning they damaged human DNA. Genotoxicity is an indicator that a chemical or other substance may cause cancer.

Shapiro focused during one series of questions on work done by a scientist named James Parry, who Monsanto hired as a consultant in the 1990s to weigh in on the genotoxicity concerns about Roundup being raised at the time by outside scientists. Parry's report agreed there appeared to be "potential genotoxic activity" with glyphosate, and recommended that Monsanto do additional studies on its products.

In an internal Monsanto email dating from September 1999 written to Farmer and other company scientists, a Monsanto scientist named William Heydens said this about Parry's report: "let's step back and look at what we are really trying to achieve here. We want to find/develop someone who is comfortable with the genetox profile of glyphosate/Roundup and can be influential with regulators and Scientific Outreach operations when genetox issues arise. My read is that Parry is not currently such a person, and it would take quite some time and $$$/studies to get him there. We simply aren't going to do the studies Parry suggests."

In a separate email revealed through the litigation, Farmer wrote that Parry's report put the company into a "genotox hole" and she mentioned a suggestion by a colleague that the company should "drop" Parry.

Farmer testified that her mention of a "genotox hole" referred to problems with "communication" not about any cancer risk. She also said that she and other Monsanto scientists did not have concerns with the safety of glyphosate or Roundup, but did have concerns about how to respond to paper and research by outside scientists raising such concerns.

Shapiro pressed Farmer on her reaction to Parry's finding: "You thought it would be okay on behalf of Monsanto to receive information as you did from Dr. Parry that this Roundup product was genotoxic or could be, you thought it would be okay to go ahead and continue to sell the product, correct?"

Farmer replied: "We didn't agree with Professor Parry's conclusions at the time that it may be, could be, capable of being genotoxic. We had other evidence.... We had regulators who had agreed with our studies and conclusions that it was not genotoxic."

Her answer was interrupted as Shapiro objected, saying he was asking a yes or no question and Farmer's attempt to respond beyond that should be stricken. The judge agreed and struck part of the response.

Continuing his questioning, Shapiro asked: "Well that didn't work out to have Dr. Parry be the spokesperson for Monsanto, did it Dr. Farmer?

"I would disagree with you because there is still a lot more to this Professor Parry, working with him, and I'd be happy to..." Farmer replied before being cut off by another Shapiro objection and the judge's striking of everything following the first five words.

A similar pattern played out throughout Farmer's testimony as Stephens' lawyer objected to Farmer's attempts to provide extended answers to multiple questions posed, and Monsanto's lawyer Manuel Cachan objecting repeatedly to Shapiro's questions as "argumentative."

GHOSTWRITING AND "FTO"

Shapiro asked Farmer to address multiple issues expressed in the internal corporate emails, including one series in which Monsanto scientists discussed ghostwriting scientific papers, including a very prominent paper published in the year 2000 that asserted there were no human health concerns with glyphosate or Roundup.

Shapiro additionally asked Farmer to address a strategy Monsanto referred to in emails as “Freedom to Operate” or “FTO”. Plaintiffs’ lawyers have presented FTO as Monsanto’s strategy of doing whatever it took to lessen or eliminate restrictions on its products.

And he asked her about Monsanto emails expressing concerns about research into dermal absorption rates – how fast its herbicide might absorb into human skin.

Farmer said multiple times that information was not being presented in the correct context, and she would be happy to provide detailed explanations for all of the issues raised by Shapiro, but was told by the judge she would need to wait until questioning by Monsanto’s lawyers to do so.

ZOOM TRIAL

The Stephens trial is taking place under the oversight of Judge Gilbert Ochoa of the Superior Court of San Bernardino County in California. The trial is being held via Zoom due to concerns about the spread of Covid-19, and numerous technical difficulties have plagued the proceedings. Testimony has been halted multiple times because jurors have lost connections or had other problems that inhibited their ability to hear and view the trial testimony.

Stephens is one of tens of thousands of plaintiffs who filed lawsuits against Monsanto after the World Health Organization’s cancer experts classified glyphosate as a probable human carcinogen with an association to non-Hodgkin lymphoma.

The three prior trials were all lengthy, in-person proceedings loaded with weeks of highly technical testimony about scientific data, regulatory matters and documents detailing internal Monsanto communications.

Monsanto Roundup Trial Tracker agrochemical, Bayer, cancer, chemicals, courts, Donna Farmer, environment, EPA, Food, glyphosate, health, herbicides, Monsanto, non-Hodgin lymphoma, pesticides, regulation, RoundUp, trial, weed killer
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CANCER VICTIM HEADED BACK TO THE STAND

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Posted on March 22, 2019 by Carey Gillam

(Transcript of today’s proceedings)

Plaintiff Edwin Hardeman took the stand today to offer more testimony in his lawsuit against Monsanto over claims his use of the company’s Roundup herbicide caused him to develop non-Hodgkin lymphoma.

Hardeman already testified in the first phase of the trial, which drew a unanimous jury verdict finding that Roundup was to blame for his cancer. His testimony today addressed the question of Monsanto’s liability and if the company should pay damages for the loss of his health.

Hardman's attorneys are trying to convince jurors that Monsanto knew of the dangers of its products but actively worked to suppress that information through a variety of tactics, including pressuring regulators, ghostwriting scientific literature, and misleading consumers such as Hardeman with heavy marketing about the safety of glyphosate-based herbicides.

In the first phase of the trial, Judge Vince Chhabria sharply limited testimony about Hardeman's medical treatments and the suffering he endured. In this phase, such testimony is allowed.

Jurors also heard from Mary Hardeman, Edwin's wife, on Friday. In the first phase, which dealt only with evidence pertaining to whether or not Roundup caused Mr. Hardeman's cancer, the judge rebuked Hardeman's attorney Aimee Wagstaff for even trying to introduce Mary Hardeman to jurors and for describing the couple's courtship and long marriage.

Also taking the stand was plaintiff's expert witness Chadi Nabhan, chief medical officer for Cardinal Health in Chicago.

The first witness Friday was Monsanto toxicologist Donna Farmer, whose testimony was presented via video. Hardeman's attorneys started her testimony on Wednesday. There was no court held Thursday.

Next week, Hardeman's attorneys plan to play video testimony of former Monsanto Chairman and CEO Hugh Grant.

Monsanto Roundup Trial Tracker Chadi Nabhan, Donna Farmer, Edwin Hardeman, Hugh Grant, Judge Vince Chhabria, Mary Hardeman

MORE DETAILS ON LIMITS TOO LARGE VOLUMES OF EVIDENCE

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Posted on January 10, 2019 by Gary Ruskin

For those wanting more details on the reasoning and ramifications of a federal court judge's decision to limit large volumes of evidence related to Monsanto's internal communications and conduct from the first federal trial, this transcript of the Jan. 4 hearing on the matter is informative.

Here is an exchange between plaintiff's attorney Brent Wisner and Judge Vince Chhabria that illustrates the frustration and fear plaintiff's attorneys have over the limitation of their evidence to direct causation, with much of the evidence dealing with Monsanto's conduct and internal communications restricted. The judge has said that evidence would only come in at a second phase of the trial if jurors in a first phase find that Monsanto's Roundup products directly contributed substantially to the plaintiff's cancer.

MR. WISNER: Here is a great example: Monsanto's chief toxicologist,
Donna Farmer, she writes in an e-mail: We can't say Roundup
doesn't cause cancer. We have not done the necessary testing
on the formulated product.
THE COURT: That would not come in — my gut reaction
is that that would not come in in the first phase.
MR. WISNER: So that is literally Monsanto's chief
toxicologist — a person who has more knowledge about Roundup

than anyone else in the world — saying —
THE COURT: The question is whether it causes cancer, not whether — not Farmer's opinion on what Monsanto can say or not say. It is about what the science actually shows.
MR. WISNER: Sure. She is literally talking about the science that they didn't do.
THE COURT: My gut is that that is actually really a fairly easy question, and the answer to that fairly easy question is that that doesn't come in in the first phase."

Stay tuned....

Monsanto Roundup Trial Tracker Brent Wisner, Donna Farmer

HOW MONSANTO MANUFACTURED 'OUTRAGE' AT IARC OVER CANCER CLASSIFICATION

Print Email

Posted on September 19, 2017 by Stacy Malkan

By Carey Gillam

Three years ago this month Monsanto executives realized they had a big problem on their hands.

It was September 2014 and the company's top-selling chemical, the weed killer called glyphosate that is the foundation for Monsanto's branded Roundup products, had been selected as one among a handful of pesticides to undergo scrutiny by the World Health Organization's International Agency for Research on Cancer (IARC). Monsanto had spent decades fending off concerns about the safety of glyphosate and decrying scientific research indicating the chemical might cause cancer or other diseases. And even though the IARC review was still months away, Monsanto's own scientists knew what the outcome would likely be—and they knew it wouldn't be good.

Internal company records show not just the level of fear Monsanto had over the impending review, but notably that company officials fully expected IARC scientists would find at least some cancer connections to glyphosate. Company scientists discussed the "vulnerability" that surrounded their efforts to defend glyphosate amid multiple unfavorable research findings in studies of people and animals exposed to the weed killer. In addition to epidemiology studies, "we also have potential vulnerabilities in the other areas that IARC will consider, namely, exposure, genetox and mode of action…" a Monsanto scientist wrote in October 2014. That same email discussed a need to find allies and arrange funding for a "fight"—all months before the IARC meeting in March 2015.

And Monsanto predicted internally before IARC even met that the review of the scientific evidence would result in a decision that glyphosate "possibly" was carcinogenic or "probably" was. Monsanto officials had forecast the IARC decision in an internal "preparedness" plan that warned colleagues to "assume and prepare for the outcome…" The document shows Monsanto thought it most likely that IARC would peg

glyphosate as a "possible human carcinogen." The rating of probable carcinogen was "possible but less likely," the Monsanto memo stated. IARC ultimately did classify glyphosate as "probably carcinogenic to humans."

As the IARC meeting loomed, the internal documents show that Monsanto did not wait for the actual IARC decision before acting. It enlisted teams of PR and lobbying experts, scientists and others in a plan aimed at creating what was designed to appear as a storm of "outcry" and "outrage" to follow the IARC classification. IARC had a history of "questionable and politically charged rulings," the Monsanto memo said.

The plan was to create enough controversy to thoroughly discredit IARC's evaluation because Monsanto officials knew that regulators would be influenced by IARC, and continued widespread use of the top-selling chemical could be at risk.

"It is possible that IARC's decision will impact future regulatory decision making," Monsanto stated in its internal correspondence.

The timing was critical because in 2015 both the U.S. Environmental Protection Agency (EPA) and the European Commission were evaluating re-authorizations of Monsanto's weed killer. Following IARC's classification, both the European Union and the EPA delayed final decisions on glyphosate amid the still-brewing debate over the chemical's safety.

"What this indicates to me is that it was obvious to Monsanto that there was evidence of carcinogenicity," said Peter Infante, an epidemiologist who worked for more than 24 years for the U.S. government studying cancer risks to workers from exposure to toxic substances. "It would seem to me that Monsanto does not like the public to be informed of the cancer hazard."

> *"What this indicates to me is that it was obvious to Monsanto that there was evidence of carcinogenicity."*

After the IARC ruling, a storm of protest did erupt from various individuals and organizations alongside Monsanto's howls of indignant outrage. Some have questioned the wisdom of U.S. funding for IARC and Monsanto has perpetuated a false narrative that the chairman of the IARC working group withheld critical information from the team.

The document trail, which includes internal emails, memos and other communications obtained from Monsanto by plaintiffs' attorneys through litigation pending in the U.S., makes clear that the debate over, and challenge to, IARC's classification did not sprout authentically from a variety of voices, but rather was manufactured by Monsanto in advance of IARC's decision and continued afterward. The goal was—and is—to convince regulators to discount the findings of the team of independent scientific experts who made up the IARC team that examined glyphosate.

The internal records obtained through litigation, combined with documents obtained through Freedom of Information Act (FOIA) and state records requests also show that the actions employed to discredit IARC were part of a decades-long pattern of deceptive tactics by Monsanto to persuade regulators, lawmakers and members of the press and public that glyphosate and Roundup are safe. The company has used these tactics multiple times over the years to try to discredit several scientists whose research has found harmful effects associated with glyphosate.

"**Orchestrate Outcry"**

The IARC attack plan, which was laid out in a February 2015 memo, involved not only Monsanto's internal PR people, scientists and marketing experts, but a range of outside industry players. Various individuals were assigned tasks. The "strategies and tactics" included:

- "Orchestrate Outcry" with IARC Decision—Industry conducts robust media/social media outreach on process and outcome.
- "Identify/request third-party experts to blog, op/ed, tweet and/or link, repost, retweet, etc." The documents show one such "expert," academic Henry Miller, was provided a draft article to submit to Forbes for publication under his name with no mention of Monsanto's involvement. Forbes learned of the deceit last month and severed relations with Miller.
- "Inform/Inoculate/Engage Industry Partners"—Notably the industry partners listed included three organizations that purport to be independent of Monsanto but have long been seen by critics as front groups for the company—Monsanto named Academics Review and the Genetic Literacy Project, both based in the U.S. and Sense About Science, which has run operations in the United Kingdom and the U.S., as groups to help with its mission. In fact, Sense About Science was the group identified by Monsanto to lead the industry response and "provide a platform for IARC observers." The groups did as Monsanto planned, posting scathing attacks on IARC on their websites.
- Engagement with Regulatory Agencies—Monsanto planned for grower associations/ growers to "write regulators with an appeal that they remain focused on the science, not the politically charged decision by IARC."
- "Push opinion leader letter to key daily newspaper on day of IARC ruling" with assistance of the Potomac Group marketing firm.

The preparedness plan also called for supporting "the development of three new papers on glyphosate focused on epidemiology and toxicology." As planned, shortly after the IARC decision Monsanto arranged for several scientists—many of them former employees or paid consultants—to author and publish research papers supporting glyphosate safety. It was revealed through discovery documents that Monsanto discussed ghostwriting the papers. In one email, company scientist William Heydens told colleagues the company could "ghost-write" certain reports that would carry the names of outside scientists—"they would just edit & sign their names so to speak," he wrote. He cited as an example a 2000 study that has been regarded as influential by regulators. Documents show Monsanto's heavy writing and editing involvement in the resulting purportedly "independent" review.

Monsanto has adamantly denied ghostwriting, but one memo from August 2015 from the files of Monsanto scientist David Saltmiras actually uses that term, stating that he "ghostwrote cancer review paper Greim et al (2015)…" referring to a paper that showed authorship by German scientist Helmut Greim along with Saltmiras. (Monsanto has acknowledged that Greim worked as a consultant to the company with part of his job being to publish peer-reviewed data on glyphosate).

Another internal email illustrates the writing by a Monsanto scientist of a research paper titled "Developmental and Reproductive Outcomes… after Glyphosate Exposure." The scientist, Donna Farmer, did extensive work, including what she called a "cut and paste" of certain information. But her name was not included as an author before the paper was submitted to a journal. The published version concluded there was "no solid evidence linking glyphosate exposure to adverse developmental or reproductive effects."

The paper trail of documents also show that Monsanto feared that a U.S. health agency planning to review glyphosate in 2015 might agree with IARC and collaborated with the EPA to successfully block that agency—the Agency for Toxic Substances & Disease Registry (ATSDR)—from doing its review. "We're trying to do everything we can to keep from having a domestic IARC occur," a company official wrote.

The record also shows that well before IARC, Monsanto recruited networks of academic scientists in the U.S and Europe who have defended Monsanto's products, including its weed killer, without declaring their collaborations with Monsanto. And that these silent soldiers helped Monsanto discredit scientists who reported research showing harm associated with glyphosate and Roundup, including working at Monsanto's bidding to get one damaging study by French scientist Gilles-Éric Séralini retracted from a scientific journal where it was published in September 2012. The company even discounted concerns by one of its own paid consultants who found evidence of glyphosate's genotoxicity and refused to do the additional tests he recommended.

If what Monsanto says is true, that glyphosate is so very safe, and that there is no evidence it causes cancer or other health problems, then why all the smoke and mirrors? Why would the company need to ghostwrite research papers to present to regulators? Why would Monsanto need to establish networks of scientists to promote glyphosate safety and to tear down scientists whose research raises concerns? Why would Monsanto try to block a review of glyphosate by the U.S. ATSDR?

Two committees of the European Parliament have scheduled a hearing for Oct. 11 in Brussels to delve into these and other questions as the European Commission faces a looming deadline for making a decision on the re-authorization of glyphosate before the end of 2017.

Lawmakers should take note of evidence that their own food safety agency appears to have dropped the ball on independent assessments of glyphosate research. Records show that the European Food Safety Authority (EFSA) dismissed a study linking Monsanto's weed killer to cancer at the advice of an EPA official who Monsanto deemed "useful" and who is part of a probe now into possible collusion between the EPA and Monsanto.

They should also pay heed to news that EFSA based its recommendation on glyphosate on a report that copied and pasted analyses from a Monsanto study.

Monsanto Chairman Hugh Grant was invited to address the Parliament meeting in October, but declined to appear or to send anyone else from Monsanto. Dr. Roland Solecki, head of chemical safety for the German Federal Institute for Risk Assessment (BfR), has also declined, according to organizers. I do plan to participate, as will a representative from IARC and several others.

Throughout this debate, it is worthwhile to remember that the concerns about glyphosate safety have deep roots that date all the way back to at least 1985 when EPA toxicologists looked at data showing rare tumors in mice dosed with glyphosate and determined that glyphosate was "possibly carcinogenic to humans."

Monsanto protests eventually reversed that classification but in light of all of the deceptive tactics recently revealed in documents, the words of an EPA scientist more than 30 years ago are worth considering today: "Glyphosate is suspect… Monsanto's argument is unacceptable."

The EPA scientist in that 1985 memo also wrote: "Our viewpoint is one of protecting the public health when we see suspicious data. It is not our job to protect registrants…"

European lawmakers would be wise to recall those words.

This article was originally published in EcoWatch.

Carey Gillam is a veteran reporter and author of Whitewash – The Story of a Weed Killer, Cancer and the Corruption of Science. She is research director for U.S. Right to Know, a nonprofit consumer watchdog group working for truth and transparency in our food system.

Our Investigations, Pesticides Academics Review, cancer, David Saltmiras, Donna Farmer, EPA, European Food Safety Authority, Genetic Literacy Project, glyphosate, Helmut Greim, Henry Miller, Hugh Grant, IARC, Monsanto, Potomac Group, Sense About Science, WHO, William Heydens

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U.S. RIGHT TO KNOW

PURSUING TRUTH AND TRANSPARENCY FOR PUBLIC HEALTH