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importantly, none of these wells exceed EPA levels of concern, even for the most sensitive sub-populations. In addition, several other industry, state and USGS groundwater surveys support Syngenta's findings. Yet, EPA has still required more monitoring data from Syngenta.

- o In addition to requiring Syngenta to monitor more frequently and broadly than we believe is necessary in drinking (finished) water, EPA has required Syngenta to monitor for atrazine in raw (unfinished) water. Being regulated on raw water is a vast departure from the typical requirement of regulating a product on drinking water only. Human health assessments should be based on the type of water that humans actually consume.

These and other disagreements with EPA regarding atrazine risk assessments can be found in Syngenta comments submitted to the public docket (December 2001, July 2002, April 2003 and January 2004). I've attached our comments to the January 2003 IRED (dated April 2003) which contains some of these examples.

35. *You often read that atrazine is the most widely used herbicide in the world. Is this true?*

No, but atrazine is very popular with farmers because of its low cost and dependable weed control. Atrazine is the number two herbicide in the US (all crops) behind glyphosate but the most widely used herbicide on corn. Worldwide, according to analysts Phillips McDougall, atrazine is the number six herbicide, behind glyphosate, acetochlor, S-metolachlor and 2,4-D, in that order. These are 2002 figures. (need to update Phillips MacDougall list.)

36. *How many pounds of atrazine are used annually in the U.S.?*

According to EPA, about 77 million pounds of atrazine were applied in the US in 2003(?). (Need to verify from October 2003 IRED.)

37. *What is the Triazine Network?*

The Triazine Network is a coalition of agricultural grower organizations and individuals formed in 1995 as a result of the US EPA's Special Review of the triazine herbicides (atrazine and simazine). Its goals are to ensure a science-based review and to keep the triazines available to US growers.

38. *Is the Triazine Network funded by Syngenta?*

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The Triazine Network's activities are funded mainly by its non-profit members. Atrazine and simazine are important tools to them, and their participation in the Network is in the best interest of their constituents. Occasionally, Syngenta offers support to cover travel expenses for those groups whose financial limitations would prevent them from attending informational meetings.

Members of the Triazine Network include the American Farm Bureau Federation, American Soybean Association, American Agri-women, National Corn Growers Association, Kansas Corn Growers and Kansas Grain Sorghum Producers associations, Missouri Corn Growers, California Citrus Mutual, Hawaii Sugar Planters' Association, Northwest Horticultural Council, International Apple Institute, Iowa Farm Bureau and Michigan Farm Bureau, among others.

39. *Is atrazine an endocrine disrupter?*

We've seen effects on certain endocrine systems in one strain of female rat (Sprague Dawley), but EPA has since determined that this is not relevant to humans. We have not seen these effects in other species at concentrations found in the environment. In line with SAP's recommendation, EPA requested additional studies in the October IRED to determine atrazine's potential to affect gonadal development in frogs. In our opinion, neither humans nor ecosystems would be exposed to levels of atrazine that would cause adverse endocrine effects.

Furthermore, the following regulatory bodies have this to say about atrazine potential to be an endocrine disruptor:

"Atrazine is unlikely to be an endocrine disruptor in humans based on the known mechanism of action in Sprague Dawley rats."

Australian Pesticides & Veterinary Medicines Authority, 2004

"EPA does not agree that available frog research emphatically shows the effects of atrazine on the frog endocrine system and thus the likelihood of similar outcomes in humans."

*Anne Lindsay, Deputy Director, Office of Pesticide Programs
US Environmental Protection Agency, March 2005*

40. *Why was atrazine recently nominated for review and possible inclusion on the National Toxicology Program 12th Report on Carcinogens?*

We're not sure, because EPA has already reviewed multiple studies

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on this topic and convened two Scientific Advisory Panel meetings, all confirming that atrazine is "not likely to be a human carcinogen."

In a letter dated July 19, 2004, EPA recommends that atrazine be removed from the NTP nomination list. To quote: "EPA's opinion is that there would be no merit in NTP separately considering the cancer classification of atrazine..."

On October 18, 2005, the Federal Register reported that atrazine will not be reviewed in the NTP's 12th Report on Carcinogens. Instead, any review of the atrazine nomination has been "deferred" until the 13th RoC.

41. *How much did Syngenta spend on all atrazine-related research during the duration of the special review (1994-2003)? About how many in-house scientists have worked on it?*

In the 10 years since the beginning of the Special Review, Syngenta has totally updated the database for atrazine at a cost of more than \$30 million. This figure is in line with any product requiring an updated risk assessment. This included basic research in emerging areas of science that we hope will improve safety testing for all pesticides.

Regarding the number of scientists involved, we devote the time necessary to support the registration or re-registration of our products. A core group of about 10 scientists (out of approx. 250) have consistently worked on the atrazine re-registration, supported by dozens of others who have worked on various studies as needed over the years.

Atrazine is one of 65 active ingredients in the Syngenta portfolio.

42. *Aren't federally-designated endangered species at particular risk from exposure to atrazine?*

There is no scientific evidence to support that atrazine use has any adverse effect on endangered species. Syngenta supports the full protection of endangered species. We are a participating member of the FIFRA endangered species task force, which is working in cooperation with the EPA and the US Fish and Wildlife Service to evaluate potential risk to endangered species. This program provides an effective means of assuring that atrazine and other crop protection products do not put endangered species at additional risk.

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B. Drinking water monitoring

43. *What is a CWS?*

A *community water system*. This is a generic designation because many states have a variety of laws for water boards, some for ground water, some for surface water, etc. 'CWS' refers to a category above those, and refers to the broad spectrum of authorities.

44. *Does any CWS in the U.S. report ongoing exposure levels over EPA standards?*

None of which Syngenta is aware. (No ongoing but some occasional which are in remediation. I need to check on this.)

45. *Does Holiday Shores Sanitary District?*

No.

46. *How many people in the U.S. have atrazine in their drinking water?*

In 2003, more than 30,000 (of approx. 54,000) community water systems in the U.S. were monitored for atrazine, representing a population of nearly 207 million people. Of these 30,000+ community water systems, 476 had a detectable level of atrazine in 2003 (representing about 17.9 million people). Roughly half of these systems (226) had only one detection in 2003. And of course, "detectable" does not equate to "harmful." Because of advances in technology, we can detect much smaller quantities of a substance in water today than we could, say, 20 years ago. A detection can be as small as 0.05 ppb. (Needs to be updated by SDF)

47. *How many systems had atrazine concentrations of 25 ppb or greater in 2004?*

NOTE: Following answer approved for same Q re: 2003, not 2004.

Only two community water systems, serving about 11,000 people, had one atrazine detection of 25 ppb or greater in 2003. These levels are "spikes" that occurred for short periods of time in the spring and summer months. (As a comparison, frogs in the Carr study were subjected to 25 ppb of atrazine for 78 consecutive days, beginning two days after hatching through metamorphosis.) These systems are now being managed under the Atrazine Monitoring Program established by EPA in the Memorandum of Agreement. Data from

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this more frequent monitoring show that atrazine detections are significantly below 25 ppb in 2004. (The highest atrazine detection in Blanchester, OH, was 14.6 ppb in 2004; in Flora, IL, it was 2.9 ppb. Annual average atrazine concentration in 2004 was 1.3 ppb and 1.1 ppb respectively.) These dramatic results are typical of sites where monitoring and stewardship activities are implemented, and represent a greater trend across the US of significant decreases in atrazine detections and concentrations. (I have a chart which supports this statement if you'd like it.)

One important note: All of the monitored community water systems in the US in 2003 (except for Blanchester, OH) had average annual atrazine concentrations below the EPA drinking water safety standard of 3 ppb. (And as noted above, annual atrazine concentrations in both Blanchester and Flora are in compliance for 2004.) This 3 ppb standard has a built-in 1000-fold safety factor, meaning 100% of the US population served by the monitored systems is fully protected. The newest data on atrazine points to a more relaxed standard, which EPA is expected to consider in the coming months.

48. *What about in the farm states, like Illinois?*

(Will get IL info from Syt sources.)

49. *EPA has said the "level of concern" for atrazine in water is 12.5 ppb, four times higher than the current MCL of 3 ppb. Why the discrepancy?*

The figure 12.5 ppb represents EPA's very conservative "level of concern," calculated by applying demanding margins of safety to exposure levels associated with adverse effects in animal studies. Following this process, the EPA's Health Effects Division determined that a one-day (short-term) atrazine concentration in drinking water must exceed 298 parts per billion (ppb) to comprise a level of concern. The level of concern for long-term exposure was set at 12.5 ppb.

EPA's human health risk assessment for atrazine was based on the most up-to-date research available, and employed different methodologies than those used to set MCLs under the Safe Drinking Water Act. The availability of updated data and the difference in risk assessment methodologies account for the variance in the exposure values.

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50. *What is EPA doing about atrazine in drinking water?*

EPA has a track record of strong regulatory oversight on atrazine for nearly 50 years. It has set an MCL for atrazine of 3 ppb and is constantly refreshing the research on atrazine via peer-reviewed science. At this stage, EPA is in a science-based re-registration process for atrazine for use in the U.S. As part of that process, Syngenta is paying for very broad monitoring of atrazine in community water systems around the country. Results from that monitoring are going to EPA to be evaluated as part of the 2006 decision on atrazine.

51. *What is a HAL?*

A *health advisory level* is established for short-term exposure to products like atrazine. For atrazine, EPA has set the HALs at 200 parts per billion for adults and 50 parts per billion for children for up to seven years. That means EPA has decided that the health of adults and children is not threatened in any way through exposure at those higher levels for up to seven years.

52. *Why is it set at 200 ppb for adults and 50 ppb for children?*

Most scientific standards differentiate adults and children based upon height, weight and general development.

53. *Does any CWS report concentrations over the HALs?*

No. Of the 28,000 CWS's in the 32 states where atrazine is most heavily used, all systems had multi-year averages of annual mean atrazine concentrations below both the HAL of 200 parts per billion and below the federal lifetime drinking water safety standard of three parts per billion.

54. *Why did EPA require Syngenta to monitor drinking water systems for atrazine? Isn't this life the fox watching the hen house?*

The monitoring and stewardship required by EPA is designed to protect US community water systems where atrazine is used the most. These initiatives were voluntarily put in place on a smaller scale by Syngenta several years ago and have resulted in a steady decline of atrazine in drinking water with the adoption of best management practices by farmers.

The company also is implementing management plans in eight watersheds.

Part of the drinking water monitoring program is a website and toll-free number providing updates on atrazine exceedances in these watersheds (currently, there are none). The web site is www.atrazine-

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watershed.info and the toll-free number is 866-365-3014.

55. *How does the monitoring program work?*

The program monitors approximately 150 community water systems (CWS), incorporating educational outreach and tiered solutions that best fit each watershed and geographic area. If agency standards are exceeded, Syngenta will take steps to assist the community water system in returning to compliance. If the standard is exceeded once more, atrazine use may be cancelled in that geographic area.

This flexible and innovative program allows continued use of atrazine by farmers, accounts for local conditions and assures that EPA safety standards are met.

A similar monitoring program, initiated by Syngenta several years ago, has contributed to a steady decline of atrazine detections and concentrations in water. No monitored CWSs have even approached the new trigger of 37.5 ppb in the last five years.

56. *When will it conclude?*

(SDF to check)

57. *Does the Memorandum of Agreement adhere to the Safe Drinking Water Act?*

Yes it does. In fact, it provides for more sampling than the SDWA requires, and thus produces more accurate results.

58. *Can use of atrazine be stopped under the MOA?*

Yes, if levels are too high and cannot be mitigated successfully.

59. *Who is paying for the CWS monitoring?*

Syngenta.

60. *Can atrazine be filtered from water?*

Yes, with charcoal filtration.

C. Ecological monitoring

61. *Why did EPA require Syngenta to conduct an ecological monitoring program?*

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A low-tier ecological risk assessment for atrazine suggested that the herbicide may impact flowing-water ecosystems. The monitoring program—devised by EPA, USDA, growers and Syngenta—will produce data that can be used to further refine the risk assessment and offer a more realistic picture of atrazine's potential to affect aquatic plant communities.

62. *How does the ecological monitoring program work?*

Syngenta is monitoring 40 watersheds that represent about 1,172 other indicator watersheds across the nation. Syngenta will monitor at key sites within these watersheds over a two- to three-year period to determine if a level of concern (LOC) is exceeded. If the LOC is exceeded, the watershed will be subject to remediation in accordance with EPA's Total Maximum Daily Load (TMDL) program and FIFRA.

63. *What is the new ecological level of concern for atrazine?*

The level of concern (LOC) is the concentration of atrazine that if not exceeded should not cause significant effects to plants in aquatic communities. Because atrazine concentrations in streams may vary during the growing season due to rainfall, soil conditions and time of application, the atrazine LOC was derived in such a way that it can evaluate complex atrazine exposure patterns. Three EPA offices (Water, Pesticide Programs and R&D) worked together to make sure their levels of concern are identical to ensure consistency for all stakeholders.

Data from a similar monitoring program conducted since the mid-1980s by Heidelberg College (Ohio), as well as data from US Geological Survey and state monitoring programs, indicate that no watersheds will likely exceed the new atrazine level of concern (LOC).

64. *Why are only 40 watersheds being monitored?*

These 40 were randomly selected from 1,172 watersheds in the US associated with atrazine in corn and sorghum production and considered to be among the most potentially vulnerable to atrazine runoff. Based on past monitoring data, Syngenta believes it is unlikely that any of these watersheds are exceeding—or will exceed—the EPA level of concern.

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65. *How much will Syngenta spend (or is Syngenta spending) on the new site-specific monitoring programs?*

	CWS	Eco	Rural Wells
2003	1.3 mill	1.7 mill	300K
2004	1.5 mill	2.0 mill	500K
2005 (est)	1.5 mill	2.2 mill	Ramp up
2006 (est)	1.5 mill	2.2 mill	Ramp up
Total	5.8 mill	8.1 mill	800K +

66. *How long does it take for atrazine to go away in the environment?*

(SDF to add)

67. *What about the chemicals atrazine breaks down into? Are they safe?*
(SDF to add from Syt sources)

68. *The Minnesota Department of Agriculture reports that in the Whitewater River, after big rain storms, atrazine may increase to 30 ppb. Is that safe?*

It is less than the "new trigger level" of 37.5 parts per billion. (I hesitate to start using this trigger level, as it's difficult to explain in relation to the MCL. Instead, let's use the HALs, which are also recognized SDWA figures.)

69. *Are atrazine levels in our nations, rivers, streams and lakes generally increasing, decreasing or staying the same?*

Decreasing. We believe this is a result of farmers' responsible use of "best management practices."

70. *Should the Whitewater River be listed as "impaired" for atrazine, if its levels range from .5 to 30 ppb?*

No. There is no scientific reason for doing so.

D. Atrazine overseas

71. *Why did Australia increase its atrazine MCL?*

Australia has very closely monitored the science on the subject and made its own conclusion. We think this is an instructive outcome for everyone involved in atrazine re-registration.

72. *Why did the EU ban atrazine?*

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The EU decision was based on concerns that past and outdated uses of atrazine at times exceeded an arbitrary 0.1 ppb standard in ground water. This standard is neither health-based nor scientifically supported, and has nothing to do with toxicity or possible health risks.

Further, the EU decision ignores its own favorable science review which showed that a health-based water standard for atrazine should be set at 15 ppb and confirmed that proposed uses of atrazine and simazine would not exceed the arbitrary 0.1 ppb standard in most corn-growing regions in Europe.

73. ***What is Syngenta's position regarding atrazine outside of Europe and the USA?***

Atrazine is registered and used safely in almost 100 countries worldwide. The EU decision not to include atrazine in the list of registered/re-registered active ingredients was most likely based on the precautionary principle, clearly unjustified given the favorable conclusions of the thorough review process. Syngenta will, therefore, continue to support the product as a valuable tool for the farmers in all other parts of the world.

74. ***Will the EU decision affect the ability of the U.S. to export crops treated with atrazine to Europe?***

No. The EU will continue to use atrazine for essential uses for the next several years. Further, residues on exported crops would not exceed acceptable levels.

75. ***What similar herbicide is used in Europe?***

Terbuthylazine – a sister triazine herbicide, is used in Austria and Germany. In fact, more than 70 percent of the corn in Germany will be grown with terbuthylazine for effective weed control.

76. ***Why isn't that herbicide used in the U.S.?***

Terbuthylazine is not used in the US because it does not offer American farmers the same spectrum of weed control as atrazine.

IV. Controversies

A. Human

77. ***NRDC alleges that atrazine is linked to high rates of prostate cancer at your St. Gabriel plant. What is your response?***

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There is no scientific link between prostate cancer and atrazine workplace exposure. In fact, in its January 2003 atrazine IRED, EPA concluded "animal data do not provide biologically plausible evidence to support atrazine as a cause of prostate cancer." This conclusion is upheld in the recent Agricultural Health Study of farm workers in Iowa and North Carolina conducted by the National Cancer Institute, which shows no association between atrazine exposure and prostate cancer.

The increase in prostate cancer detection in St. Gabriel workers is the result of a screening bias. EPA has stated "on balance, a role for atrazine seems unlikely because prostate cancer was found primarily in active employees who received intensive PSA screening; there was no increase in advanced tumors or mortality; and proximity to atrazine manufacturing did not appear to be correlated with risk." A Scientific Advisory Panel in July 2003 agreed that "the increase in PSA screening at the St. Gabriel plant likely led to an increase in the detection of cases of prostate cancer" but called for further examination of atrazine and any potential link to prostate cancer.

78. *What is screening bias?*

Screening programs for a disease or medical condition are applied in a uniform, consistent method to those people who meet certain requirements for participation in the program. This often results in earlier detection of a disease and, consequently, more effective treatment. Screening provides a clear medical benefit but can result in a "screening bias" when results are compared with populations receiving normal random testing for the same disease or medical condition.

79. *Is Syngenta's St. Gabriel plant a safe place to work?*

Yes. The St. Gabriel plant has been an OSHA "Star Site" since 1993. In fact, less than a year ago, it was awarded OSHA Region VI's "Super Star Among the Stars" for injury and illness *75 percent below the national average*.

80. *What is the St. Gabriel plant's environmental record?*

It was selected in January 2001 by EPA Administrator Carol Browner as a charter member of the National Environmental Achievement Track, which recognizes businesses that consistently exceed federal regulatory requirements.

81. *NRDC claims that your prostate cancer study showed a cancer rate significantly higher than the Louisiana statewide average. What is your response?*

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The occurrence of prostate cancer among Syngenta employees is no higher than what would be expected among the general population if it were screened in the same manner as St. Gabriel employees. EPA upheld this position in its January 2003 atrazine IRED, stating, "...most of the increase in prostate cancer incidence at the St. Gabriel plant is likely due to intensive prostate specific antigen (PSA) screening of employees conducted as part of the company's 'Wellness Program.'"

82. *Then why did EPA hold another SAP in July 2003 to look at the prostate cancer issue?*

Syngenta was surprised, considering EPA's January 2003 atrazine IRED, in which the agency classified atrazine as "not likely" to cause cancer in humans and stated that the increase in prostate cancer incidence at St. Gabriel is likely due to screening bias. EPA has been and continues to be very thorough in its evaluation of atrazine. We understand from EPA that the July SAP was a requirement of the Consent Decree agreement between EPA and NRDC.

83. *Why did Syngenta conduct another epidemiology study during 2003, and what did the study examine?*

Based on questions from EPA, Syngenta submitted a follow-up "nested case control study" to compare the work histories of workers with prostate cancer to workers who do not have prostate cancer. We retained Emory University epidemiologist Jack Mandell to conduct the study. Results support a screening bias, and EPA has agreed.

84. *NRDC asked the U.S. EPA and the U.S. Department of Justice to determine whether Syngenta violated federal law in the handling of health effects information at St. Gabriel. What is your response?*

NRDC's accusations are completely without merit. At all times, we have been completely forthcoming with information about atrazine, and we have consistently shared new information with EPA and our employees in a timely way.

85. *NRDC says one worker lawsuit claims the employee worked "eyeball deep" in atrazine and recalls instances of employees eating meals in areas covered with atrazine dust. Is this true? What kind of working conditions does St. Gabriel have?*

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The St. Gabriel facility is well known for its safe work environment. It is considered a model among manufacturing plants. The St. Gabriel plant has been an OSHA Star site since 1993. OSHA recognizes exemplary occupational safety and health practices through its Voluntary Protection Programs, and the Star designation is the top category, held by fewer than 1,000 manufacturing sites nationwide and only 192 sites in OSHA Region VI (includes Louisiana, Texas, Arkansas, Oklahoma and New Mexico).

This spring, St. Gabriel was awarded the "Super Star Among Stars" award for having injury and illness rates 75 percent below the national average. The plant was also awarded the "Regional Administrator's Award" in 2003 for management commitment, innovation in safety and health, proactive hazard identification and correction, safety and health stewardship, and other significant accomplishments. John Henshaw, Assistant Secretary of the Department of Labor, presented St. Gabriel with this prestigious award.

86. *But what about the dust? Is this true?*

In the last few decades, science and safety measures have improved steadily and markedly. Industrial hygiene standards in most manufacturing plants were very different in the 1970s compared to today.

87. *What kind of cancer screening do you provide to your St. Gabriel workers?*

PSA testing is administered all male workers on an annual basis in accordance with an age criterion, regardless of their job function. Since 1992, all male workers at St. Gabriel age 45 or over have been offered PSA tests as part of their annual physicals. Male African American workers and male workers with a family history of prostate cancer are offered prostate cancer screening beginning at age 40.

88. *Have there been any statistically significant increases in any other cancers among these workers?*

There were no statistically significant increases in any other cancers or prostate cancer.

89. *You conducted an epidemiology study at St. Gabriel in 1999 and submitted the study to EPA in 2001. Why did it take so long to get a report out?*

In any scientific endeavor, it requires time to evaluate, analyze, and

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interpret the data collected. The time required to complete this massive project was not unusual. Further, the author of the study only gained access to the Louisiana Tumor Registry in 2000, and she needed this information to complete her scientific evaluation.

90. *Have any new prostate cancer cases turned up since the 1999 study?*

Yes, four. There were two cases identified in 2001, one in 2002 and one so far in 2003 (January). (SDF to update)

91. *Some St. Gabriel employees have filed lawsuits alleging that working with atrazine caused them to develop prostate cancer. How many workers are involved, and what is your position?*

One current and three retired workers from the St. Gabriel plant filed lawsuits against Syngenta, but these cases have now been dropped by the plaintiffs. Syngenta believes the cases were dropped because of lack of merit and the scientific data that support no link between atrazine and prostate cancer.

92. *How do you know that atrazine did not cause these prostate cancer cases?*

Atrazine has never been linked to the occurrence of prostate cancer, despite the numerous and stringent safety testing that has been carried out on the product. There simply isn't any scientific evidence to support these workers' claims.

Further, the recent Agricultural Health Study of farm workers in Iowa and North Carolina conducted by the National Cancer Institute shows no association between atrazine exposure and prostate cancer.

93. *Does the Agricultural Health Study establish a link between atrazine exposure and any form of cancer? (This and the NCI study are the same.)*

No, it does not.

94. *Is there an established link between exposure to atrazine and breast cancer?*

No, there is not.

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B. Animal

95. *Did Tyrone Hayes work for Syngenta?*

No. Dr. Hayes was contracted by a company called Ecorisk (Ferndale, Wash.) to sit on an expert panel for Syngenta. He was not a regular employee.

96. *What is Ecorisk?*

Ecorisk is a global network of environmental scientists providing project planning, consulting, research and development in ecological risk assessment, toxicology and chemistry. Ecorisk has served as a facilitator for Syngenta, convening the scientists on the panels, securing contracts, coordinating meetings, dispersing research funding, archiving data and samples, and handling other logistics. Ecorisk's involvement allows Syngenta to be more "hands-off" in the day-to-day operation of the panel.

97. *Did Syngenta fire Dr. Hayes after he produced adverse research on atrazine?*

No. Dr. Hayes resigned.

98. *Why did Dr. Hayes resign?*

Due to a number of issues including sample size and dosage, the panel could not validate the data from the first study conducted by Dr. Hayes with atrazine and frogs. The panel subsequently recommended additional replicated studies. Dr. Hayes disagreed with the panel's interpretations of his study, and we do not consider his disagreement with the panel to be well-founded. Beyond this, your question would best be answered by Dr. Hayes himself.

99.

100. *A general decline in wild frog populations has been widely reported. Is atrazine related to these population declines?*

No. This issue is being investigated widely and carefully in the scientific community, and to date, no single cause for the population declines has been identified.

The issue of population decline is complex and poorly understood. Frog population declines are thought to be due to a number of larger scale global changes, including significant habitat degradation and loss and climatic changes. In the 45 years that atrazine has been on the market, scientists have seen no association between atrazine and frog population declines.

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101. *Is atrazine responsible for the frog malformations we're seeing in the wild?*

Frog malformations have been observed and reported since the early 1700s. Evidence suggests that multiple factors may be involved in frog malformations—including the sun's ultraviolet rays, fungal diseases, urbanization of habitats, fertilizers and parasites.

Continuing lab and field research by university scientists shows atrazine has no effect on survival, growth or limb deformities of frogs. This work supports earlier studies conducted to meet registration requirements for atrazine.

In addition, a recent historical review of museum specimens in Illinois collected from 1930 to approximately 1990 actually shows a decrease in the percentage of frog limb malformations during the period when atrazine was introduced and used as a corn herbicide in the US.

102. *Why would Syngenta create a special panel of scientists if it didn't think a connection existed between atrazine and frog malformations?*

The atrazine panel was formed to assess current data on many species—including reptiles, fish, and amphibians—to identify research gaps and conduct research that will improve our understanding of potential ecological effects of atrazine.

Use of independent panels of experts to evaluate complex scientific issues in human and ecological risk assessment is an accepted practice. Members are typically renowned scientists whose areas of expertise will aid the panel in developing and conducting studies required for risk assessment by the EPA. The use of a panel of experts is especially critical in emerging areas of research such as the investigation of frog malformations.

103. *Don't many pesticide, chemical and other companies of this sort frequently rely on big labs to do a lot of their EPA research?*

Yes. Large labs are preferred when conducting tests with established protocols. However, the frog studies with atrazine are cutting-edge science, without established protocols, and contract labs do not conduct these kinds of studies. In this case, Syngenta needed the expertise associated with university researchers. (This also occurs in the pharmaceutical field.)

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Now that we have a few years' research behind us with atrazine and frogs, Syngenta has now contracted with three separate labs (Wildlife International in Maryland, Institute of Freshwater Ecology and Inland Fisheries in Berlin, and Experimental Pathology Laboratories, Inc. in Virginia) for the EPA-requested *Xenopus* work.

104. *Who facilitates the Syngenta panel?*

The panel is facilitated and paid by Ecorisk, (Ferndale, Wash.) with funding from Syngenta.

105. *What are Syngenta's views on the work of Dr. Hayes?*

Overall, we view Dr. Hayes' work as scientifically implausible and sensationalist. His work, and that of the atrazine panel, were deemed inconclusive by EPA and an independent Scientific Advisory Panel. Only time and additional studies, carried out in a thoughtful, step-wise process, will tell whether there is anything to Dr. Hayes' claims.

106. *What is your reaction to Dr. Hayes' claims that atrazine exposure could affect larynx size in male African-clawed (*Xenopus laevis*) frogs?*

Dr. Hayes conducted this initial study before his resignation from the Ecorisk panel. Due to uncertainties in study design (including sample size and dosage), the panel could not validate the data and recommended protocol changes and repeat studies.

107. *Did the panel repeat the initial study?*

Yes. The panel did repeat Dr. Hayes' research with the suggested changes in study design. The panel results neither refute nor support Dr. Hayes' claims.

108. *Dr. Hayes' work further suggests that atrazine affects the sexual development of African-clawed frogs. What's your reaction to this?*

Results of studies conducted by the Ecorisk panel differ significantly from Dr. Hayes' findings in the areas of larynx and gonadal effects. Further, Dr. Hayes reported a complete absence of malformations in control frogs, while the panel is observing a low frequency of malformations—which is more typical of the lab and field observations of other scientists.

EPA and a Scientific Advisory Panel have reviewed all available research related to this topic, including that of Syngenta, Dr. Hayes

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and other university scientists. EPA's conclusion after this extensive review is that "there are currently insufficient data to confirm or refute the hypothesis" that atrazine exposure may impact amphibian development (*amended atrazine IRED, November 3, 2003*).

109. *What's your reaction to Dr. Hayes' work that links atrazine with the same types of deformities in the leopard frog (*Rana pipiens*)?*

This field and lab work was published in the October 31, 2002, issue of *Nature* and in the April 2003 issue of *Environmental Health Perspectives*. In the lab, Dr. Hayes observed that male frogs developed different levels of gonadal abnormalities in controls and at atrazine concentrations of 0.1 ppb and 25 ppb. Hayes proposed that "atrazine is responsible for these effects in wild populations, even though other contaminants may be present that could produce similar effects."

The atrazine panel research neither refutes nor supports the claims made by Dr. Hayes. We believe Dr. Hayes' study design and lack of reported data preclude any meaningful interpretation of a potential link between atrazine and gonadal abnormalities in frogs, and will likely make the study difficult to reproduce.

If pressed for specifics:

- a. Lab study—sample size inadequate; only two concentrations of atrazine tested
 - b. Field study—no way to link gonadal effects which occur during the larval stage to atrazine concentrations measured months later; 9-fold difference in abnormalities at sites with identical atrazine concentrations indicate no correlation of atrazine with reported findings; single sampling of atrazine from surface waters is inadequate; other confounding factors not considered (age of frogs, water pH and temperature, presence of nitrates or other compounds in water)
110. *Didn't Dr. Hayes find evidence of something called testicular oocytes in his research on the leopard frog? What are oocytes?*

At seven of eight field sampling sites, Hayes observed testicular oocytes, or precursors to ovaries, in the local populations of leopard frogs. Based on literature review and additional studies, low levels of testicular oocytes are relatively common in frogs, regardless of exposure to atrazine.

111. *What was the conclusion of the June 2003 SAP on amphibians?*

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The SAP report upheld the EPA position that:

- a. "finds the overall weight-of-evidence so uncertain that it does not support any definitive conclusions,"
- b. that the current data set is incomplete and
- c. that a logical progression of additional studies is needed to adequately test the hypothesis that atrazine affects gonadal development.

112. *I've heard that Syngenta has tried to squelch the results of Dr. Hayes' work. Is this true?*

No. Dr. Hayes' original work was done at the request of Syngenta. Indeed, if Syngenta were trying to censor the results, we would not spend the time and money necessary to repeat the studies or to pursue further lab and field research. Further, one of the goals of the panel is publication of its research, in addition to submission of all resulting data to EPA.

Syngenta is fully committed to investigating potential effects of atrazine on frogs and is proceeding with multiple laboratory and field studies using the guidelines established by EPA and the SAP.

113. *The June 20, 2002, Ecorisk press release critical of Dr. Hayes' research references three panel studies. At that point, had these studies been submitted to statistical analysis? Had they been peer reviewed by the entire panel?*

Yes, these studies had been peer reviewed, and statistical analysis had been conducted. Unlike the initial Hayes study, the results of these studies had panel consensus.

114. *What influence does Syngenta have over the way the panel's study results are interpreted?*

Very little. Syngenta funds the research recommended by the panel but does not make decisions on methodology or interpretation of the data, although Syngenta scientists may offer suggestions. The six scientists who currently comprise the panel are recognized experts in their fields of study and would not be compromised in their scientific endeavors. Their objectivity and renowned expertise are the very reasons Syngenta relies on these scientists.

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115. *Is this the only panel which has ever addressed the ecological effects of atrazine?*

No. This panel—which is focused on aquatic toxicology and is examining developmental effects of atrazine on fish, amphibians and reptiles—is the third panel convened by Syngenta to examine atrazine. The first panel focused on water monitoring and analyzing runoff in streams. The second panel reviewed traditional ecological toxicology studies conducted on atrazine and concluded that atrazine poses no significant risk to aquatic wildlife. Each of the panels was chaired by Dr. Ron Kendall of Texas Tech University and facilitated by Ecorisk.

116. *Why has Ron Kendall chaired all three panels?*

Dr. Kendall is well known in ecological science circles and had worked with Syngenta (Ciba-Giegy) in the past as a consulting researcher on another project. Our experience with Dr. Kendall has been positive and, in addition to his science expertise, he is well-known for his clear abilities in managing research programs in an efficient and productive manner.

In addition, Dr. Kendall has a firm leadership style and a thorough understanding of the challenges that characterize new areas of research, which have served him well as chair of the atrazine panel.

117. *How much money has Syngenta given to the panel to enable this research?*

Syngenta provides funding for studies in this emerging area of science through Ecorisk based on the panels' recommendations for research needs. Since 2001, Syngenta has spent more than \$2 million on ecological research with atrazine.

118. *How much money has Syngenta paid to Ron Kendall for his role in chairing the panels?*

Syngenta has a private contractual agreement with Dr. Kendall. We wouldn't divulge his individual compensation from Syngenta any more readily than you or your employer would divulge your compensation.

119. *How much was Hayes paid?*

\$125,000 for his original study paid to Sokoke. We don't know how this was further broken out between Sokoke and Berkeley.

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120. *Through what arrangements were the panel members paid?*

The atrazine panel activities were broken down into two major areas. The first included the expenses associated with the actual lab and field studies conducted by the panel. All of these costs incurred by panel members were administered through Ecorisk, Inc. The only exception was Dr. Hayes, with his study costs administered between his wife's firm, Sokoke, and Ecorisk.

The second major activity that panel members participated in was administrative. This included consulting charges for non-study activities such as teleconferences, meetings, travel, scientific paper review and writing of risk assessments. Two of the panel members (Keith Solomon and John Geisy) preferred to bill their time directly to Syngenta, and the rest, including Dr. Kendall, used Ecorisk, Inc. to administer this billing. Dr. Hayes again used Sokoke to work with Ecorisk on billing for consulting work.

Syngenta has on occasion used Dr. Kendall as a consultant outside of the atrazine panel to provide expert advice and insight in areas of ecotoxicology. One example was advice he provided on the building and operating costs associated with developing an internal avian testing facility. This consulting work has been billed directly to Syngenta.

121. *Has Ron Kendall exerted undue or inappropriate influence with EPA on behalf of Syngenta?*

No. Kendall has not served on any EPA panels involving atrazine, although he has been a standing member of the Scientific Advisory Panel. All of Dr. Kendall's representations to EPA and to the media have been straightforward and in the best interest of science, with a clear understanding of this difficult and emerging area of research. (Add quote from Lindsay testimony here.)

122. *How can the panel remain independent when Syngenta pays for all the research?*

Research conducted by university scientists is often funded by third parties with the expectation of producing sound science. The credibility and reputation of the panel scientists precedes them. Their work is transparent and conducted according to Good Laboratory Practices. Publication is an ultimate goal. Besides a probabilistic risk assessment published in 1996, the panel currently has 10 articles in various stages of manuscript preparation, editorial

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review or publication. The studies will also be submitted to EPA for scientific review.

123. *Now that the SAP has reviewed all current research on atrazine and frogs, is Syngenta conducting additional research?*

Yes. Syngenta is pursuing additional research, using the step-wise approach recommended by EPA and the SAP, beginning with laboratory studies. We have contracted with three labs: Wildlife International (Maryland), Institute of Freshwater Ecology and Inland Fisheries (or IGB, Berlin) and Experimental Pathology Laboratories, Inc. (Virginia). EPL is a pathology lab which will analyze the study samples from the two other labs in a "blind" fashion, meaning they will not know which samples are control samples and which are atrazine-treated samples. EPL will submit all analytical data to the originating laboratories. Subsequent reports will be submitted with all raw data to EPA and Syngenta.

124. *IGB, one of the labs Syngenta is using to conduct research on frogs, employs Dr. Werner Kloas, who sat on the June 2003 SAP. Isn't this a conflict of interest?*

No. Syngenta has contracted with Dr. Werner Kloas, Distinguished Professor for Endocrinology at Humboldt University, Berlin, and head of the Department of Inland Fisheries at Leibniz Institute of Freshwater Ecology and Inland Fisheries, Berlin, to conduct EPA-mandated studies on frogs with atrazine. Dr. Kloas is a world-renowned expert who sat on the EPA Scientific Advisory Panel in June 2003 and helped to develop protocol for ongoing frog-atrazine studies. However, Dr. Kloas has no previous ties to Syngenta and understands that his involvement in these atrazine studies will prevent him from participating as a member of future SAP reviews of atrazine. EPA is fully aware of Dr. Kloas' current research with atrazine and supports his endeavor.

125. *Why is Syngenta not using Ecorisk for the newest frog research?*

The frog studies with atrazine are cutting-edge science, without established protocols, and contract labs do not conduct these kinds of studies. The earlier frog studies needed the expertise associated with university researchers.

Protocols for the newest research, while not fully standardized, have been shaped by our earlier research and by the EPA/SAP recommendations, and therefore are more suited to a contract lab

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environment. Further, conducting the next generation of studies in multiple labs serves to test the robustness of the new protocols. This way, we can ensure the study can be replicated with positive controls and provide confidence that any effects seen were caused by the test compound and not by another variable resulting from study design. Meanwhile, the atrazine panel members continue to work on their ongoing projects. All of this work, including the raw data and interpretation, will be submitted to EPA for review.

126. *Will this newest frog research put the issue to rest?*

The newest research being conducted by Syngenta will satisfy EPA requirements as set out in the atrazine IRED, but it's too soon to tell if the results of these studies will definitively answer whether atrazine affects frog development

127. *How much has EPA been involved in this latest research?*

EPA required this work and is obviously interested in the way it's carried out. We have welcomed EPA's input and expertise in developing proper protocols, but the final decisions and actual studies are left to the study directors.

128. *I've heard that Syngenta used its influence as a corporate donor to UC-Berkeley to hamper Dr. Hayes' research on atrazine. Is this true?*

This rumor is false. We have not, and would not, pressure any institution, including Berkeley, to halt research on our products. Syngenta has great faith in the scientific process, and we support sound science to build upon the broad knowledge that already exists on atrazine.

(Background: Syngenta had an agreement with UC Berkeley for research on biotechnology. Syngenta has given to UC Berkeley \$25 million over five years (2003 being the final year in contract) for unrestricted research grants. In exchange, Syngenta received the first right to license the resulting discoveries.)

129. *What influence did Syngenta have on Duke University's decision not to hire Dr. Hayes?*

Syngenta contacted Duke University upon reading in an article that Dr. Hayes intended to accept an offer of employment by the university. We did this for two reasons. First, Dr. Hayes has made several allegations about Syngenta and atrazine which have been

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widely purported in the media. We wanted to share with Duke our view on these allegations. Second, Duke, located in Durham, is close to Syngenta Crop Protection headquarters in Greensboro and to our research facility in RTP, and we wanted to protect our reputation in our community and among our employees.

Syngenta had absolutely no input into Duke's deliberations, sat on no review boards regarding Dr. Hayes and was not privy to the reasons behind Duke's ultimate decision to not offer a position to Dr. Hayes. (In fact, Syngenta has never officially heard from Duke on its decision.)

130. *Is there or has there been any litigation between Syngenta and Dr. Hayes in the matter of frog research?*

No.

131. *I understand that EPA conducted a criminal investigation regarding the possibility that Syngenta did not properly disclose negative data associated with the frog research. Is there any truth to this?*

This began with a news release dated June 3, 2002, in which the Natural Resources Defense Council (NRDC) claimed that Syngenta failed to promptly disclose information to the US Environmental Protection Agency (EPA) regarding studies conducted with workers at the Syngenta plant in St. Gabriel, La., and on frogs. Also in the release, NRDC called for a ban of atrazine and a criminal investigation of Syngenta. Syngenta refuted the claims in a news release dated June 7, 2002.

Syngenta wholeheartedly refutes these claims. We have at all times complied promptly with our reporting obligations to EPA and have submitted all reporting records to EPA. In fact, we have not, at any time, been challenged by EPA on the issue of compliance.

132. *Has atrazine exposure hurt the Barton Springs Salamander in Austin, Texas?*

There is no science that says that. We do not think so. The matter is under investigation and we are monitoring developments very closely. (SDF to confirm)

133. *Is Syngenta participating in the current EPA effects determination in Austin, arising from concerns for the Barton Springs salamander?*

(SDF to add.)

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134. *Does atrazine exposure detrimentally impact juvenile mice, as reported by N.M. Filipov / Mississippi State University?*

(SDF to add.)

C. Plant

135. *Is atrazine polluting Minnesota's Whitewater River?*

No. Under EPA guidelines and oversight, atrazine is being used safely in Minnesota.

136. *When atrazine washes off of a farm field, does it kill plants in lakes, rivers and streams?*

No. (I need to check on this—may depend on concentrations.)

D. Corporate

137. *How does Syngenta respond to allegations that it has hidden science that raises concerns about atrazine over the product's 48-year history?*

It is a total fabrication. We have made public more information about atrazine than any other institution in history, including voluntarily releasing potentially adverse results out of an abundance of caution. (We have to report adverse effects by law.)

138. *Dr. Hayes claims that Syngenta offered him a large amount of money to keep him on the panel and prevent him from publishing his initial results. Is this true?*

No. We want the panel not only to submit its final data to EPA but also to publish it—as long as the panel agrees the data is founded on sound science. In this case, the panel was not confident of the quality of the Hayes study and encouraged him to repeat it. Dr. Hayes instead chose to leave the panel and ultimately sought publication on his own rather than repeat the study as part of the panel, which is his prerogative. The panel then set about attempting to repeat the study. (Note: At the time Dr. Hayes was being encouraged to continue his work with the panel, Syngenta had already submitted a 6a2 report on the Hayes study to EPA.)

139. *I've heard Syngenta commissioned a psychological profile of Tyrone Hayes. Is this true? If so, then why?*

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Yes. Syngenta was prompted to commission a psychological profile due to some unusual and frequent email from Dr. Hayes.

140. *Are Syngenta's research funding programs compromising academic freedom?*

No. We are very proud of our research funding and have agreements with about 400 institutions worldwide. These are mutually beneficial relationships. Our funding allows universities to research topics with real-world implications and to maintain faculties who enjoy academic freedom. At the same time, Syngenta benefits from the incredible expertise that universities have to offer.

141. *I understand NRDC has sued EPA, claiming inappropriate "secret meetings" took place with Syngenta to negotiate conditions of the atrazine IRED. What's your response?*

This suit has no merit. Syngenta approaches all meetings with EPA with the assumption that they will be entered into the atrazine public docket. We have at all times during the Special Review process acted legally and according to the guidelines established by EPA.

Further, it is standard operating procedure for EPA to request meetings with a registrant to discuss the consequences of risk management decisions affecting a registrant's product. It is the responsibility of the registrant to accept and agree to adopt any provisions, label restrictions or additional safety measures required by EPA in its risk management decisions (as in the atrazine Memorandum of Agreement, which outlined the required monitoring programs). Further questions about stakeholder involvement in the atrazine review should be addressed to EPA.

142. *Detractors allege Syngenta has an inappropriate working relationship with EPA and that the atrazine review benefited from this cozy relationship. What is your response?*

Syngenta has a good, professional working relationship with EPA, nothing more. In a highly regulated industry like agriculture, this is important to ensure we conduct the studies EPA needs to do its job. Our commitment to our customers—America's farmers—and to EPA is to pursue the best possible science with the highest ethical standards for all our products, including atrazine.

143. *Why did Syngenta retain Bob Dole?*

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Syngenta hired Alston & Bird, which employs Sen. Bob Dole, in July 2003 because Dole represented one of the largest corn-growing states in the nation and therefore understands the importance of atrazine to the industry. Sen. Dole has long-time experience in agricultural work and is a believer in following the scientific process. Alston & Bird also provides Syngenta with other legal services not associated with lobbying.

Sen. Dole lobbied for a science-based decision on atrazine.

This connection was made through Jere White, executive director of the Kansas Corn Growers and Grain Sorghum Producers.

144. *Did he get special treatment for Syngenta?*

No.

145. *Did Syngenta meet inappropriately with EPA?*

No, never.

146. *Has EPA ever met one-on-one with other parties?*

Yes. NRDC, for example.

147. *Has Syngenta influenced EPA in any way to abandon or overlook its duties re atrazine?*

No. We cooperate with EPA to make regulation easier and less costly for everyone. We have the record to back this claim.

148. *Dr. Hayes says in his December 2004 article in BioScience that of 16 studies he surveyed, the seven Syngenta-funded were favorable to atrazine, and the nine independent or government studies were not. Did Syngenta influence the seven favorable studies?*

No, we did not. Except for insisting on peer-review rigor, we do not influence studies.

On October 30, 2005, it was disclosed that Sir Alasdair Breckenridge had made a tardy public disclosure of his involvement with Syngenta in the testing of toxic pesticides on humans. Isn't this part of a pattern of conduct by the company of using covert means to gain approvals for its products which will ultimately result in increased revenues for the company?

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Syngenta rigorously adheres to all disclosure requirements in the regulatory processes in which it participates to obtain approval of its products. The company is not responsible for the personal reporting requirements of its consultants or advisors.



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2010 Illinois Plan Outline

1. Goals

The two goals of this 2010 campaign are:

- To assist Illinoisans in demanding that EPA act only on the basis of science in its review of atrazine, and
- To inform the public of the threat that plaintiff's lawsuit poses to atrazine use.

2. Objective

The objective is to provide facts about:

- atrazine,
- its use and benefits,
- the EPA process under which it is being reviewed and
- the pendency of the lawsuit, which facts will be used by atrazine supporters to express to the public and to the EPA process their support for atrazine use in accordance with sound science.

3. Strategies

- A. (Incorporated by reference) All messaging and tactics as defined by client regarding the national communications program directed at the EPA docket
- B. Portray Illinois jobs at stake in this battle between sound science and extremism
- C. Seek an "all ag" univocal voice
- D. Assist individual growers, retailers, family members, local officials, association leaders, etc. in making their own expressions via resolutions, letters, op-eds, etc.
- E. Employ language that will make expressions relevant to both EPA and public understanding of the lawsuit
- F. Seek multiple platforms for publication and exposure of all spokespeople and expressions
- G. Work cooperatively and primarily with the "Illinois Ag Group," as identified internally
- H. Invite Illinois animal and non-atrazine crop producers to support atrazine as well
- I. Activate pro-business and regulatory, tort and judicial reform organizations
- J. Solicit support from soil conservation, soil and drainage, land conservancy, non-party water boards and organizations and other groups similarly situated
- K. Communicate regularly throughout supporters

4. Partners

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A. Illinois "Ag Group"

These organizations have been recruited by David Flakne over many years. They are very supportive of a fact- and science-based EPA process. They are also well aware of and committed to informing the public about the stakes at risk in the lawsuit. A meeting with these groups was organized by Dave on Wednesday, December 9, in Bloomington, Illinois, at which they were briefed on the suit, EPA and currents in press coverage. Each restated its commitment to the communications program in 2010, including possibly a Resolution for adoption by the Illinois General Assembly that would call on EPA to be led by science, state atrazine's conservation benefits, recognize atrazine's economic impact and seek a quick resolution to the new review.

Illinois Farm Bureau
(Individual IFB chapters)
Illinois Corn Growers
Illinois Corn Marketing Board
Illinois Fertilizer Chemical Association
Chemical Industry Council of Illinois
Illinois Association of Drainage Districts

B. Illinois Animal Agriculture and other organizations

To seek an "all ag" position we must approach groups that have typically not been involved as such in atrazine-related matters. These threats – and the precautionary principle that would obviously benefit from either's success – should be used as the basis for inviting these groups and their members to this issue for the purpose of Illinois agriculture definitively and univocally protecting safe, effective and established means of production. Because of corn's ubiquity, and resulting price sensitivity, most of the following also have a direct concern with maintaining current high levels of production. This, like the other remaining lists, is dynamic and subject to expansion, especially into specific related and supporting industries and academic or quasi-academic settings.

Illinois Pork Producer Association
Illinois Milk Producer Association
Illinois Beef Association
Illinois Poultry Industry Council
Illinois Specialty Growers Association (herbs, vegetable, horticulture and irrigation)
Illinois Soybean Association
Illinois Wheat Association

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C. Business and reform groups

Illinois' unfortunate identification as a preferred jurisdiction for the plaintiff's bar has resulted in the institutionalization of tort and related legal reform advocacy in numerous pro-business groups. Some of these are member organizations with local chapters; others are think tanks or statewide offices. Some of these have been supportive in the past, some have not been approached, but each should be invited to participate because of the threats to jobs, productivity and income.

Illinois Chamber of Commerce
(Chapters and affiliates of the Chamber)
Illinois Manufacturer's Association
Illinois Civil Justice League
Illinois Lawsuit Abuse Watch
Lincoln Legal Foundation
(Illinois) Sam Adams Alliance
Illinois Policy Institute
(Illinois) Americans for Prosperity
Fort Dearborn Group
Illinois Alliance for Growth
Chicago Townhall Meetup Group

D. Related municipal and institutional

The municipal league is an extraordinarily formidable presence in state government. Many community water systems belong to an association. There is considerable overlap between memberships of some groups, such as the farm bureau downstate, and the ranks of elected officials. Each of the following should be appropriately approached to determine possible interest in either supporting or assisting the campaign in light of its own status, goals and objectives.

Illinois Municipal League
Association of Illinois Soil and Water Conservation Districts
Illinois Association of Groundwater Professionals
Illinois Rural Water Association (non-party members only)
Illinois Association of Waste Water Agencies
(Illinois) Nature Conservancy
Illinois Water Environment Association

5. Audiences

- A. EPA Docket
- B. Non-party Illinois water board officials
- C. Illinois Elected officials
 - A. Madison County
 - B. US Department of Agriculture

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6. Messages

- A. (Note above incorporation of national messages)
- B. Proven safety of product after years of testing and use
- C. Impact on Illinois jobs
- D. Impact on Illinois economy
- E. Impact on the environment
- F. Breadth of support from Illinois Agriculture

7. Tactics and timeline

A. Press relations

Ongoing relations have been established with the three principal platforms for coverage: *Madison St. Clair County Record*, *Edwardsville Intelligencer* and the *Bellville News-Democrat*.

We have also interfaced with various media on behalf of partners and find this to be appreciated as a benefit to partners and their stretched internal staff.

Other papers with significant circulation downstate include:

Dekalb Daily Chronicle
Decatur Herald & Review
The Journal Star (Peoria)
Marion Daily Republican
The News-Gazette (Champaign)
The Pantagraph (Bloomington)
Rockford Register Star
The State-Journal Register (Springfield)

Recommendation: Seek desk-side and editorial board briefings with each of these; continue policy of assisting partners with press relations as needed.
Timing: Ongoing

B. Courtroom support

Each hearing must be attended and monitored for developments. Stock language is prepared and adaptable for post-hearing statements if desired. The hearings are covered by the *Madison St. Clair County Record*. The case is currently in motion practice, discovery and production. Counsel advises it will likely remain there for the next 12 months. The legal issues at stake in this phase tend to be narrow, technical and not necessarily related to the larger questions presented.

Recommendation: Maintain current practice for court hearings.

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Timing: Ongoing

C. Court updates

Inasmuch as the lawsuit is a particular threat to Illinois agriculture, it should be noted that the EPA process, whatever else may be said of it, is relatively transparent via epa.gov. As individuals become interested in the campaign in part because of the lawsuit, we could inform them via court papers and brief (no more than 150 word) updates on the suit per events. This will create better awareness not only of our arguments in the case, but also of plaintiffs' contradictory claims and assertions.

Recommendation: A web home for the Illinois lawsuit be created in the easiest-to-develop location.

Timing: As soon as possible.

D. Initial Assessment of non-Ag Group partners

Each of the "new" groups listed above must be solicited for its interest in the issues at stake. The communications plan should be presented and their interest in proceeding either as supporters or as assisters (a group that assists in some way but does not issue an expression) must be determined.

Recommendation: Determine interest and participation level.

Timing: January

E. "Supporter" group relations

Supporters provide written expressions for use in the docket, op-eds, LTEs, websites, etc. The principal support they will receive from us is assistance in preparing their document. Messages for those documents will reflect the respective author's view of the issue, while incorporating the messages already identified regarding jobs, proven safety record, productivity, regulatory procedure, tort excess, etc. At each identification of a supporter, we will determine how many and what type of expressions are possible, and proceed to schedule those with them.

Recommendation: We seek expressions that reflect the breadth and depth of concern for science-based regulation, Illinois jobs and Illinois corn production.

Timing: From identification of supporters

F. "Assister" group relations

Assisters will provide information, ideas, introductions or other benefits that will assist us in our primary activity, which is creating expressions of support.

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Recommendation: We seek tangible coalition benefits from groups that can only assist and not support, such as lists, etc.

Timing: From identification of assisters

G. Support partner communications on this topic

As discussed in the national context, we must provide all supporters and assisters with access to coalition communications products and platforms, mainly through the coming website, but also in customized expressions tailored to their membership and circumstances, such as newsletters, partner websites, template resolutions, etc.

Recommendation: Provide partners with useable communications products up to 700 words.

Timing: Ongoing

H. Identify partner spokespeople

As we know from our work with Jean Payne, partner leadership can have considerable ability as public spokespeople on this issue. We will identify such individuals as we assess partner involvement and assist them regarding their representational appearances and statements. This will perhaps feed into press outreach (below), especially regarding radio talk show appearances and – conceivably – speaking dates.

Recommendation: Identify and assist partner spokespeople, possibly developing into scheduling partner spokespeople for broadcast and speaking appearances.

Timing: Ongoing after early stages of partner assessment.

I. Support partner events

Most of the partners listed have member meetings between January and June. As was done in 1994, these could become sources of considerable expressions of support for the docket. (In some cases, an “assister” might grant access to its members via a meeting instead of taking an institutional position.)

Recommendation: Seek with each partner next most appropriate opportunity for direct interaction with its members for purpose of distributing factual information and receiving individual expressions of support. (The website will have its own mechanism for this.)

Timing: Ongoing

J. Opportunity identification – G.A. resolution

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Illinois' political situation (arrest of Governor, ongoing corruption probes) has created a volatile situation, which may present unanticipated opportunities for major expressions of support, such as the General Assembly resolution mentioned above. In such a context, it is vital that we maintain close coordination with Dave Flakne and the Ag Group to assess such possibilities as they arise.

Recommendation: Regular Illinois Ag Group sessions to review progress and identify new opportunities

Timing: Ongoing

K. Major announcement

Professor Coursey's updated Illinois impact statement will be completed soon. This could provide an opportunity for widespread coverage.

Recommendation: Consider possibility of public setting for Coursey updated paper release; distribute news widely.

Timing: TBD after consultation with counsel

L. Press outreach

Seek coverage through Illinois agriculture press weekly for developments in campaign: new partners, new expressions, radio talk show guests, status of next SAP in Washington, etc.

Recommendation: Make this campaign an ongoing story of 2010 for Illinois agriculture.

Timing: Ongoing.

#####

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Request for Proposal

Statement of Work

The Syngenta Crop Protection Legal Department intends to select one agency for public relations, issues management and possibly paid media, as appropriate, for support in connection with atrazine, a corn herbicide which is currently the subject of litigation in the Midwest, ongoing attack from activists and inquiry from the news media and others (the "Atrazine Issues Management"). The current litigation is a potential class action case or multistate litigation primarily in the Midwest.

Atrazine is an important product of Syngenta Crop Protection, and the company is the leader in crop protection products (by market share) in the U.S.

The chosen agency will develop a 12-18 month plan for a public relations and issues management strategy to protect and promote the Syngenta brand and atrazine herbicide in light of the Atrazine Issues Management concerns, including communications with respect to litigation. A key concern is the potential for more restrictive federal and/or state regulations and legislation of this and similar products (these products are already among the more heavily regulated marketed products). This would reduce our Freedom to Operate.

Scope of Work

Following is a summary of activities the selected agency will be expected to undertake during the course of the engagement, either on an ongoing basis, or as needed. This is not an exhaustive or definitive list but, rather, a set of minimum expectations. The successful agency will provide concrete examples of success in the following areas of their proposals.

- **Strategic communications counsel:** The successful agency will demonstrate the ability to add significant value as a key advisor to the organization. Of particular value in this assignment are insights and experience in the areas of:
 - issue, reputation, and crisis management;
 - "first strike" mentality and rapid response media expertise
 - third-party/ally cultivation and development;
 - leveraging academic and opinion research;
 - development of effective, persuasive themes and messages;
 - strategic planning;
 - and the use of objective metrics to monitor performance.
- **Primary research:** Agency should have the ability to conduct targeted, primary research to determine strategy and approach with key audiences.
- **Social media development and management:** As an area of increasing importance, creative and effective experience in the use of digital media as a communications tool will be required. The successful agency will have demonstrated experience using social media and other web-based applications in all forms for the benefit of advocacy, working to advance and elevate issue positions, not products. This also includes traditional Website design and creation.
- **Media relations:** The agency will serve as the direct support for our in-house legal and communications professionals and, as such, must have the demonstrated ability and capacity to deliver sustained and coordinated visibility at national, state and local levels. Credentials should include experience with print, broadcast and digital and

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emerging media on behalf of clients with comparably complex, long-term goals. This includes general monitoring, analysis, trend identification, and message development. A team should be oriented for "first strike opportunities" and rapid response actions.

- **Third-party spokesperson development:** Syngenta recognizes that third parties need to be nurtured well in advance of when they may actually be needed, especially in a crisis situation. The organization also needs a network of general, everyday "go to" sources comprising civic and opinion leaders, community-based organizations, non-profits, advocacy groups, and others who recognize and appreciate the essential nature of our industry and all of its applications and benefits. There are times that the organization cannot move quickly enough to respond, or other sensitivities preclude it from doing so. The agency should demonstrate its ability to recruit/cultivate and manage the relationships of those who may speak for us when appropriate.
- **Media buying in embattled states (cost permitting):** The program should have the flexibility to shift as rapidly as the litigation and regulatory climate. The agency should be able to undertake local and sometimes regional media-buying activities, be experienced in planning and directing issue advocacy advertising campaigns and be knowledgeable of relevant publications and broadcast media, their audience influence, and strategic value. Advertising dollars must be made to go as far as possible and a well-reasoned, targeted approach is highly valued. This includes digital media.
- **Staff support:** The scope and scale of the project may require significant staff support and the agency is expected to have the capacity to provide such support as needed and directed.
- **Existing Advocacy Websites**
Various advocacy Websites would become the responsibility of the agency for any future design, content and navigation. The agency also will be expected to develop and manage a stakeholder/ support network database as well as maintain a current database of news and trade media for clips. This would include strategic assessment and management of www.atrazine.com and www.atrazinefacts.com to reflect developing scenarios.

Audiences

Primary:

Media
Potential Jurors/Citizens of Illinois and other targeted states
Employees
Farmers
Retailers/Distributors
Ag industry groups
Town/city officials
University researchers

Secondary:

State/federal legislators
State/federal regulators
Public health officials
Community Water Systems

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Company background

Syngenta

An industry leader, Syngenta Crop Protection is committed to meeting the increased demand for food, feed and fuel. Our vast portfolio of products helps growers control the weeds, insects and diseases that threaten yield on farms across America. Through an investment of more than \$2.6 billion-a-year in research and development, we continue to bring novel products to market and improve the quality of our lives – with an eye on long-term productivity of the land and protection of the environment.

Atrazine

Atrazine is a selective corn herbicide that has been used successfully by farmers to kill grasses and broadleaf weeds for more than 50 years. For information about atrazine, see www.atrazine.com.

Agency Presentation

Agency presentations will be conducted in Greensboro, N.C., September 28 – 30, 2009. Agencies are asked to submit written proposals for advance review by September 21. Agencies will be contacted with assigned times and dates for in person presentations in Greensboro the week of September 21. Though each agency may bring anyone necessary to conduct the presentation, Syngenta requires that it meet and interact with those people responsible for servicing the account on a day-to-day basis—particularly the senior-most strategist in charge of the overall account and project.

Each agency will be allotted a total of 90 minutes – 60 minutes for presentation and 30 minutes to answer questions. Syngenta will provide the following presentation equipment in the designated conference room: LCD projector, TV/VCR/DVD player and flip charts. Agency presentations should be sure to include the following:

- A plan for overall reputation preservation and freedom to operate specific to atrazine in light of the Atrazine Issues Management concerns. The plan should include:
 - Media strategy, including print, radio, social and TV, if appropriate and within budget
 - Community involvement strategy
 - Third-party/ally recruitment and deployment
 - Strategy for legal communications and scenarios
 - Suggestions on primary research, if deemed necessary
- Ability to assess and respond to various scenarios that will impact reputation and freedom to operate. Be sure to address:
 - Possible counter moves company should be prepared for
 - Case studies of previous work done that relate to class-action and/or multistate litigation and reputation issues management
- National level perspective with ability to home in on localized events and markets
- Recommendations for building the Syngenta brand with positive emphasis on the contribution of atrazine

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Proposal Format

To facilitate review and comparison of proposals received, agencies are asked to organize their response documents as follows:

1. Agency description. Briefly describe your firm, including its practice areas, key clients, recommendation testimonials when available, organizational structure, headcount, and office location(s).
2. Qualifications. Describe in detail your firm's in-house capabilities, and provide a review of recent and/or current work with similar size, complexity, and requirements. These case studies should:
 - a) demonstrate successful experience developing and implementing long-term, multifaceted public affairs campaigns with similar budget levels;
 - b) illustrate your firm's experience in understanding, reaching out to, and establishing two-way communications with a highly diverse audience on multiple issues in a way that produces measurable desired changes in both opinion and behavior;
 - c) showcase the establishment/preservation of an effective brand identity/equity and image for a complex public interest issue; and
 - d) document your firm's experience in developing strong, issues-based social media/digital media programs that are capable of integrating grassroots coalition networks;
 - e) define how you measure program success and client satisfaction in each of the above.
3. Situation analysis. Identify and briefly assess the primary reputational challenges facing Syngenta and atrazine and what role a public information/education and awareness campaign can realistically be expected to play in addressing them, using the channels identified here, as well as any other pertinent ones. Describe your approach to developing a strategic communications program and how strategy determines which tactics are relevant to a given audience. Your proposal should assess what the other side's strategy might include.
4. Scope of work. Discuss in detail how your firm would approach both "Atrazine Issues Management" and specifically the pending litigation. As needed for illustration, include examples of relevant previous and/or current work in task/activity category. It is not expected that your response to this proposal will produce a final plan. It is expected, however, that your response will share the insight and ideas to give us confidence in your abilities (e.g. capabilities, experience, strategic and tactical insights) to be our partner.
5. Staffing. Describe how your firm would organize and staff this project, including a discussion of anticipated roles and responsibilities of both dedicated and as-needed personnel. Identify and provide professional biographies of key staff that will be accountable on a day to day basis.
6. Budget estimate. Using as a guideline the estimates provided in this request for proposal (and keeping in mind that, like the scope of work described, these estimates are subject to change); briefly outline your firm's estimated budget projection (based on a 12-month program). This should include labor, production, and out-of-pocket costs, to the extent that they can be identified at this point. Proposals will be considered on how the agency will deliver maximum value for the fee arrangements. Given the current and rapidly shifting

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economic climate, agency should submit a flexible program budget that can accommodate a 15% reduction, while still achieving outlined activities and results. Note that these projections are non-binding and will be used solely for comparison purposes in evaluating proposals received; a final budget for this assignment will be developed and agreed upon on execution of a contract.

Conflict of Interest

The agency must disclose any accounts that it currently services which may be perceived to be a conflict of interest. The agency should also identify any prior work it has performed, or proposals it has submitted, for Syngenta or any of its divisions or prior incarnations.

Confidentiality

In no case should confidential information be included in the proposal unless a prior confidentiality agreement has been executed with Syngenta.

Preliminary Project Budget

It is expected that during 2010, the Syngenta project spend will be approximately \$300,000-\$500,000.

The agency will service the Syngenta account on a project basis only. If it is deemed appropriate that a retainer fee is necessary, then please explain in detail the rationale in the RFP response as well as during the presentation.

Submission and Selection Process

Syngenta is not responsible for any costs incurred by you in the preparation of your response to this RFP. Syngenta reserves the right to accept or reject any proposal without the assignment of reasons for doing so. Syngenta views the chosen proposal as a starting point for jointly developing a detailed scope of work and project plan. Proposals must be received no later than close of business September 21, 2009, and addressed to: Alan Nadel, Esq., Syngenta Crop Protection, 410 Swing Road, Greensboro, NC 27409, phone 336 632 6492.

Please deliver four hardcopies as well as an electronic copy. Finalists will be asked to make an in-person presentation to Syngenta staff and will be provided instructions and a suggested presentation format when they are notified; the presentation will take place in Greensboro, NC, September 28 – 30, 2009. A specific date and time will be communicated to agencies during the week of September 21. A selection will be made shortly thereafter, and the agency should be prepared to begin work within two (2) weeks from notification of selection.

Please contact Sherry Duvall Ford at 336 632 6107 by Monday, September 14, if you intend to participate in this RFP process.

Thank you for your interest.

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From: Goldsmith Steven USGR
Sent: Wednesday, October 14, 2009 11:27 AM
To: 'Chris Robling'; JGilder@whwg.com; edoherty@whwg.com
Subject: RE: Tennessee researcher does good work on herbicide use

I haven't met him, but have talked with him on the phone. He is an engaging speaker and has been excited about this work. He and his brother (a university researcher at Illinois State) worked on the project.

We did some initial media outreach support when his results were published, but there's been some concern internally over whether we can promote this concept on our website or other materials since it claims a potential health benefit which is not on our label. I think it would be helpful to support his outreach efforts, but we may not be able to do it from Syngenta.

See the link to our website below (where it is currently located). There are links to a radio interview he did and to a Discovery channel story.

http://www.syngentacropprotection.com/prodrender/Atrazine/index.aspx?nav=atrazine_sweet_corn

Thanks.
Steve

From: Chris Robling [mailto:crobling@jaynethompson.com]
Sent: Wednesday, October 14, 2009 9:56 AM
To: Goldsmith Steven USGR; JGilder@whwg.com; edoherty@whwg.com
Subject: RE: Tennessee researcher does good work on herbicide use

ok – still an engaging guy on paper.

have you met him?

From: steven.goldsmith@syngenta.com [mailto:steven.goldsmith@syngenta.com]
Sent: Wednesday, October 14, 2009 8:47 AM
To: Chris Robling; JGilder@whwg.com; edoherty@whwg.com
Subject: RE: Tennessee researcher does good work on herbicide use

We've provided funding for the work. I don't know specifically what our involvement has been.

From: Chris Robling [mailto:crobling@jaynethompson.com]
Sent: Wednesday, October 14, 2009 8:58 AM
To: Goldsmith Steven USGR; JGilder@whwg.com; edoherty@whwg.com
Subject: Re: Tennessee researcher does good work on herbicide use

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When I saw this yesterday I thought... I hope he is independent and thus a potential independent third party?

Chris Robling, Jayne Thompson & Assoc.
o: 312-658-0445; m: 312-343-2026; h: 708-447-0244
from my i-mobile blackberry curve.

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

From: steven.goldsmith@syngenta.com <steven.goldsmith@syngenta.com>
To: JGilder@whwg.com <JGilder@whwg.com>; edoherty@whwg.com <edoherty@whwg.com>; Chris Robling
Sent: Wed Oct 14 07:47:17 2009
Subject: Tennessee researcher does good work on herbicide use

Associate professor in plant sciences speaks on benefits of herbicide use
<http://www.google.com/url?sa=X&q=http://tnjn.com/2009/oct/12/associate-professor-in-plant-s/&ct=ga&cd=ca_7BBWFUE&usq=AFQjCNGI0pNu9bWxK2nv3nq-xPd1VjkzqQ>
Tennessee Journalist

The brothers along with five others found that use of the herbicides mesotrione and atrazine can increase the level of carotenoids in sweet corn crops. ...

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From: Ford Sherry USGR
Sent: Wednesday, October 21, 2009 9:42 AM
To: Nadel Alan USGR; Goldsmith Steven USGR
Subject: FW: ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL: possible edits to op-eds
Attachments: HS Local ONE D2 10.16--Syngenta--revjct.doc; HS Local TWO D2 10.16--Syngenta--revjct.doc; HS Regional ONE D2 10.16--Syngenta--revjct.doc; HS Regional TWO D2 10.16--Syngenta--revjct.doc

Importance: High

Wanted you to be aware and to consider their edits.

From: Jayne Thompson [mailto:jthompson@jaynethompson.com]
Sent: Saturday, October 17, 2009 5:15 PM
To: Ford Sherry USGR
Cc: Chris Robling
Subject: ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL
Importance: High

ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL
For Internal Discussion Purposes Only

Dear Sherry:

On Friday afternoon, we received drafts of four op-ed's from the WHWG that are evidently being proposed for use locally in the Madison County area (2) and on a regional basis (2) before the next hearing date of October 28.

We seem to be operating in a bit of a vacuum and I would appreciate some clarification. My first question is whether there is a written plan for the public relations effort being mounted by WHWG and the teams that they are engaging for the company? If so, it would be extremely helpful for us to see it so that we can understand the strategy and be able to coordinate effectively and in a timely manner, without unnecessary duplication of effort.

My second question is what role would you like us to play in the circulation of documents like the draft op-ed's? We are happy to do as much or as little editing as will be helpful to you. For now, Chris and I have reviewed the drafts and have made edits of those things we considered "key"--that is, we have attempted to correct errors of fact (e.g. this is not a "class action") as well as some overstatements (e.g. "Future of Illinois on Trial in Madison Lawsuit"). If you would like further "word smithing" we are happy to help on that, too. We also need guidance on to whom we should send our suggested edits.

My third, and most important question is whether the lawyers have decided that these pieces are not only helpful but appropriate? We have serious concerns that at least the first three pieces may well be considered offensive by the judge--who, after all, will be making several discretionary rulings in this case on October 28th-- and which of course would not help our cause. And too, it must be kept in mind that Madison County is not a corn producing county, for the most part, so the emphasis in these pieces is incorrect for a local publication. And especially, the identification of opposing counsel by name I find inappropriate as an attorney and think Kurt, Mark and Alan might agree. Finally, some of the language of these pieces is suggestive of their source, which suggestion should be avoided at all costs.

One of the successes of the communications strategy for this litigation has been that to date we have been able to protect the company from being spotlighted or cast in an unflattering light. We need to continue with this level of discretion, which does not preclude the more vigorous pr effort that the company has recently chosen--it just makes the need for caution greater.

As a practical example, you might consider using in the near future the fourth draft op-ed ("Farmers Suffer as Lawyers Profit") with some further editing than what we have done in the attached as a possible editorial for the Madison County Record (which we believe we could place) or as an op-ed signed by Ed Murnane of the Civil Justice League.

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The draft op-eds make many good points and they also give voice to important and useful themes for our side. We simply need to be sure they are used in a timely and appropriate manner in the proper venue.

I hope you find these comments and the attached edits helpful. If you would like us to do anything further with respect to the op-eds, please let us know. And I would very much appreciate your additional guidance on the general pr protocol for this matter.

Best Regards,
Jayne

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*Privileged and Confidential. Prepared at the request on counsel
708 words
draft10/15/09*

Future of Illinois on Trial in Madison Lawsuit

As Illinois struggles to rise from the mat during the worst downturn in 60 years, Texas trial lawyers and their St. Louis partner are about to deal us another body blow. If they succeed, farmers will be devastated, city jobs will be destroyed, and our regional tax base will be eroded. Our state economy, says University of Chicago professor Don Coursey, could sustain a \$500 million hit.

The issue revolves around a junk lawsuit filed on behalf of the water district of Holiday Shores Sanitary District in Madison County—a venue notorious as a “judicial hellhole” thanks largely to the showmanship of St. Louis contingency fee-trial lawyer Stephen Tillery.

Now Tillery has joined forces with Baron & Budd of Dallas to claim that atrazine—an herbicide in wide use for more than half-a-century, and now applied to about 77 percent of Illinois corn acreage—is unsafe at any level.

What would it mean if this lawsuit succeeded in driving atrazine off the market? The U.S. Environmental Protection Agency estimates that the loss of atrazine would cost farmers \$28 an acre in reduced crop yields and substitutions. In the boom or bust business of farming, this dollar loss would reduce the gross margin the average corn farmer earns by about 20 percent.

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Farming is a tough, speculative business as it is. For many of our state's 76,000 farms, the loss of atrazine would mean the loss of the family farm.

The state economy would be the next victim. After all, Illinois farmers generate more than \$4.5 billion in corn sales and export more than \$4 billion in commodities.

From there, jobs in every sector would be hit. Food processing is the state's number one manufacturing activity, supporting more than 1,000 food companies. One million Illinois jobs are required to produce, ship and market our food products around the world. More than one in four Illinois jobs are tied, directly or indirectly, to agriculture. The "multiplier effects" of atrazine removal, as economists say, would be stark.

Of course, such a steep cost would be worth it if there were any credible reason to believe that atrazine is dangerous.

Is there?

Atrazine is the most studied molecule on Earth. While most products registered as safe by the EPA usually require fewer than 200 studies, EPA has 6,000 atrazine studies in its files. The agency recently completed an 11-year review of the herbicide, including analysis of 800 of these studies. After this exhaustive process, EPA re-approved atrazine for use.

The British and Australian government have also confirmed its safety. The World Health Organization's International Agency for Research on Cancer categorized atrazine in the same cancer-risk category as *tea*.

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Most drinking water systems, even in agricultural areas, have no observable detectable or significant levels of atrazine. In order to absolutely ensure no adverse effect on people, regulators created a thousand-fold safety standard, allowing an average of 3 parts per billion in drinking water.

What does this mean? If a 150-pound adult could drink more than 3,000 gallons of water containing such a level of atrazine every day for 70 years, that supremely hydrated person would still be at a level of exposure that shows no health effects in laboratory studies.

What about the environment? Ironically, those who worry most about the environment should join the EPA in supporting, rather than banning, this herbicide.

Atrazine greatly expands corn yields, which allows Illinois farmers to produce 700 million gallons of ethanol. Atrazine also reduces a substance EPA ranks as the number one pollutant in our nation's waterways—sediment runoff.

Atrazine does this by enabling farming methods that eliminate plowing and reduce tillage. This conservation tillage, in turn, makes cropland much less vulnerable to soil erosion, reducing sediment runoff to aquatic ecosystems.

No one should appreciate this positive effect on waterways more than the residents of the affluent Holiday Shores community, who enjoy 17 miles of lakeshore. To date, as their lawsuit is heard in an Edwardsville courthouse on Oct. 28, the community's water district has taken no significant action to guard its customers against the imaginary danger of atrazine.

The real risk is to the rest of us.

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Farmer's Suffer as Lawyers Profit

Word Count: 729

Out of state trial lawyers from Texas and Missouri have landed once again in Madison County's litigation-happy courtrooms armed with a class action suit, and it looks like the first casualty of their legal assault will be reason, fairness and the truth.

That will happen as they attempt to "prove" that Atrazine – the popular and effective herbicide that has never been shown to have any adverse human health effects whatsoever – is "unsafe at any level." The second casualty will be the farm families and the Illinois economy, which stand to take a \$230 million dollar hit if atrazine is taken off the market. Of course, atrazine is used widely on farms across the ~~continent~~ country, so if the suit is successful, the U.S. economy – which at last tally wasn't doing so well either – could suffer a \$2 billion yearly decline.

Let's first look at reason and fairness, or what passes for it in courts of law these days. The suit has been filed on behalf of Holiday Shores Sanitary District. These are the town officials responsible for providing drinking water to the residents of Holiday Shores, an upscale community with houses going for two-to-four times what they do in many farming communities. It's a nice place to live, if you can afford it, with most of its houses built around a large, artificial lake designed to give home owners lake-front property and a place to dock their leisure boats.

Through their Texas and Missouri law firms, these water officials are claiming that the atrazine levels in this central lake, from which they draw their drinking water, are unsafe, and they deserve to get a pot load of money for it.

Holiday Shores is in the middle of some of this nation's most productive farmland. Yet atrazine levels found there are infinitesimal, measured in parts per billion, less than one one-thousandth the level that any of 6,000 plus studies over the past five decades or the EPA have determined to do nothing to any animal. A normal adult would need to drink more than 3,000 gallons of Holiday Shores' drinking water every day for seventy years before he got to the level that still showed no effect in the most sensitive animal species tested.

In other words, he'd drown first, and he still would experience no adverse health effect from the atrazine.

~~To put it another way, the water itself is more dangerous than the infinitesimal quantities of atrazine these trial lawyers are suing over.~~

But it gets crazier than that. At the same time these Holiday Shores officials have signed up to this law suit, they are still selling their water to their customers officially claiming to state and federal ~~((CHECK))~~ regulatory authorities that their water is absolutely safe for their customers to drink. If this is the kind of "logic" that drives the courts in Madison County, it's no wonder they've earned their designation as one of the worst "judicial hellholes" in the nation. Recent changes from the reform-minded chief judge got the "hellhole" designation lifted and got the county put on a "watch list," but if this suit is any indication, they're headed right back into the trial lawyers' pit of flames.

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That's not necessarily bad for the residents of Holiday Shores. Many of them work and are economically tied to the litigation mill in Madison's county's seat in Edwardsville. It's farm families and the people of Illinois that are going to suffer. Atrazine boosts the profits of corn farmers by an average of \$28 per acre – assuming farmers make a profit, which they're not going to this year. In times like these, atrazine helps keep them from going too deeply in the hole. But even in a good year, that \$28 "atrazine profit" can account for one-third to one-fifth of a farmer's income.

~~If the residents of Holiday Shores were really so concerned about the water they drink, they could install relatively inexpensive water filters on their sinks at home. The Holiday shores Sanitary District has~~ Instead, they've chosen to team up with billionaire trial lawyers from Texas and their Missouri point man to raid the budgets of families who are trying to make an honest living by providing good, nutritious food to the rest of the world.

So I guess the other casualty of this suit may just be common human decency.

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From: Eileen Doherty [edoherty@whwg.com]
Sent: Wednesday, October 21, 2009 4:33 PM
To: Flakne Dave USGR
Cc: McFarland Janis USGR; Morris, Jeffrey; Doug Badger; Mike Burita; Chris Robling; Jayne Thompson; Carroll Beth USGR
Subject: ALL OPED's APPROVED **ATTORNEY/CLIENT PRIVILEGED AND CONFIDENTIAL**
Attachments: HS Local ONE final 10.21.doc; HS Local TWO final 10.21.doc; HS Regional ONE final 10.21.doc; HS Regional TWO final 10.21.doc

Dave,

Alan Nadel has approved all four of the op ed's I sent you earlier today. I have attached them here again and the only difference is that they are marked final. You should feel free to share them with anyone you approach as a signer. As I mentioned earlier, we need to get them submitted by Friday if they are to have a reasonable chance of being published by October 28.

Thanks again Dave.

Eileen Doherty

Eileen Doherty
Senior Director
White House Writers Group
1025 Thomas Jefferson Street, NW
Washington D.C. 20007
202-783-4600 - office
202-360-0583 - cell

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CONFIDENTIAL INFORMATION - SUBJECT TO PROTECTIVE
ORDER IN ATRAZINE LITIGATION

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- o Indicated deadline for response. Deadlines should be generous when possible, reasonable at minimum and designed to be aggressive enough to ensure we capture all opportunities. Commitment to hold firm to these deadlines unless extraordinary circumstances.
- o Internal stakeholder lists for comment tailored for relevance and areas of expertise
- o Any EPA oriented communication needs to include review by a regulatory affairs team member. Beth Carroll will serve as principle liaison. Dan Campbell is back up to Beth if she is unavailable.
- After all documents edited and commented on, final version to get last OK before release from either Steve Goldsmith or Jessica Adelman who commit to 1-2 hour final approval turnaround.
- Distribution lists for internal and external stakeholders will be maintained on frequent basis. Information flow to respect those finalized lists.
- When difference of opinion re strategy and tactics, final decision rights lie with Jessica Adelman in consultation with Eric Kuhn as Head of North America Triazine Leadership Team.

Tone Guidelines:

For PR and communications language when issuing items directly from Syngenta (not applicable to pure scientific publications technical in nature):

- Think assertive, not aggressive: eg “questionable science” vs. “junk science”
- Think optimistic and positive, vs. defensive and negative: eg focus on Syngenta contributions, code of conduct, values vs. reacting to others who may not contribute accordingly or adhere to the same high level of standards
- When possible, be proactive in telling our positive Syngenta story, vs. reacting to accusations and smears
- Project empathy and approachability, vs. complex scientific jargon and impenetrability
- Without sounding condescending, strive to explain complex topics – scientific, regulatory and legal – in laymans’ terms that would be easily re-reportable by a journalist: ie re-read things through lens – would an educated 20 year old get the big idea here and think better of Syngenta as a result?
- Try not to recycle or adopt negative terms or phrases used by detractors in association with Syngenta

Use of 3rd Parties:

- Relationships with 3rd parties will be transparent
- 3rd parties will have similar values and ideals to those of Syngenta, realizing that our reputations are entwined
- 3rd parties can be used to deliver messages in a different manner than Syngenta corporate materials – not subject to same tone guidelines
- When consultants recruit 3rd parties, no need to vet with core team unless we are aware of a controversial aspect to their involvement

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From: Chris Robling [crobling@jaynethompson.com]
Sent: Friday, February 12, 2010 10:27 AM
To: Josh Gilder; Goldsmith Steven USGR; Nadel Alan USGR
Cc: Jayne Thompson
Subject: Attorney-Client Privileged and Confidential

Attorney-Client Privileged and Confidential

dear josh,

i just spoke to senator mccain about this at a small breakfast here. (no mention of syn or atz.) he said it was the first he had heard about it, and that senator kyl is intensely concerned with EPA OW, for obvious arizona reasons, and that sen kyl might find such a posting particularly inappropriate. he urged me to make sure that sen. kyl knows about it. i of course do not think that i shd get in touch w sen kyl. i send this to you so you may decide how such a step would best fit in, if at all.

my point w sen mccain was that "trial lawyer theories and activist appointees are now populating regulatory agencies to the detriment of jobs, shareholders and production..." he thought about that for a second and said, "if you look at the second-tier obama appointees, it is really scary..." i agreed.

in general his comment on the administration was, "you could not make this stuff up..."

thanks and best,

chris

From: Josh Gilder [mailto:joshugilder@gmail.com]
Sent: Monday, February 08, 2010 12:43 PM
To: steven.goldsmith@syngenta.com
Cc: Josh Gilder (WHWG); Clark Judge; Eileen Doherty; Adam D'Luzansky; Chris Robling; Mike Burita; Doug Badger; Jessica Adelman
Subject: Re: EPA OW Deputy Administrator

We'll share this with Kim Strassel.

****Privileged and confidential. Attorney work product. Prepared at the request of counsel.****

Josh Gilder
Senior Director
The White House Writers Group
1025 Thomas Jefferson Street, NW
Suite 110G

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On Feb 8, 2010, at 12:06 PM, <steven_goldsmith@syngenta.com> wrote:

Ridiculous. There's got to be something that can be done with this.

From: Carroll Beth USGR
Sent: Monday, February 08, 2010 12:05 PM
To: Nadel Alan USGR; McFarland Janis USGR; Hertl Peter USGR; Barlow Todd USGR; Breckenridge Charles USGR; Campbell Dan USGR; Farmer Danelle USGR; Flakne Dave USGR; Ford Sherry USGR; Goldsmith Steven USGR; Hendley Paul USGR; Hosmer Alan USGR; Kelly Angus USWS; Kelly Dennis USGR; Williams Ron USGR; Kurtis Reeg; 'Mark.Surprenant@arlaw.com'
Cc: Kuhn Eric USGR; Beth Turner; Langkamp Scott USGR
Subject: EPA OW Deputy Administrator

It just keeps getting better.....

BNA: EPA Water Office Has New Deputy Administrator

EPA Water Office Has New Deputy Administrator
Nancy Stoner joined the Environmental Protection Agency on Feb. 1 as the No. 2 official in the Office of Water, the agency said Feb. 3. For Stoner, deputy assistant administrator for water, it is her second stint with the agency. From 1997 to 1999, she was director of policy analysis in the Office of Enforcement and Compliance Assurance. **From 1999 until joining EPA for the second time, Stoner had been an attorney with the Natural Resources Defense Council, most recently serving as co-director of NRDC's Water Program.** In this capacity, she worked to protect rivers,

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lakes, and coastal waters from contaminated stormwater, sewer overflows, factory farms, and other sources of water pollution, and led NRDC's efforts to clean up and restore the Anacostia River in Washington, D.C., according to EPA. Before joining EPA in 1997, Stoner worked as a trial attorney in the Environment and Natural Resources Division of the U.S. Department of Justice. She is a 1986 graduate of Yale Law School and a 1982 graduate of the University of Virginia.

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