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EXHIBIT 7

Jayne Thompson & Associates documents with beginning
Bates numbers SYN04149933, SYN04493301, SYN04494046,
SYN04495906, SYN04569698, SYN04569721, SYN04573683,
SYN04577621, SYN04579139, SYN04579718, SYN04579220,
SYN04581928, SYN04582135, SYN04586612, SYN04750092,
SYN04751305, SYN04751681, SYN04752508, SYN04752512,
SYN04752467, SYN04753561, SYN04753226, SYN04756442

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FACT SHEET ON ATRAZINE

A Boon to Farmers

Atrazine has been used safely by farmers for more than 50 years. The EPA reports that it saves as much as \$28 per acre in reduced costs and increased yields.

In the United States, atrazine is used on¹:

- Over 50 percent of corn acreage
- 90 percent of sugar cane acreage
- Two-thirds of sorghum acreage

Losing atrazine would cost U.S. farmers \$2 billion a year...

According to the EPA, farming without atrazine would cost U.S. farmers more than \$2 billion a year and result in a 10 to 40 percent crop loss for sugar cane growers.²

Atrazine is one of the most widely used herbicides because it eliminates a wide variety of weeds that other herbicides cannot eliminate (and in combination with other herbicides it can enable them to work better). It is so gentle on the corn itself that it can be applied before and even after the corn has emerged.

It's said that two of the most important inventions in the history of agriculture were the plow and atrazine.

¹ dmrkynetec

² Environmental Protection Agency, October 31, 2003, Revised Atrazine Interim Reregistration Eligibility Decision, <http://www.epa.gov/oppsrrd1/reregistration/atrazine/atrazineadd.pdf#page=13>

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Protecting the Environment

Atrazine is a critical tool in protecting the environment and promoting responsible stewardship...

Atrazine is essential to no-till and conservation agriculture (most tillage, or plowing, is done to control weeds that otherwise choke the crop and starve it of nutrients).

- Approximately 64% of the atrazine used in corn enabled no-till or conservation farming in 2008.³
- About 63% of the U.S. corn crop today is grown by no-till and conservation tillage methods.⁴

Atrazine-enabled no-till agriculture provides huge environmental benefits...

- Preventing soil erosion: No-till agriculture dramatically lessens the loss of soil and its nutrients, and prevents the kind of soil run-off that clogs streams and waterways.
 - Preventing erosion protects aquatic ecosystems and preserves the quality of our nation's water.
 - No-till agriculture reduces soil erosion by as much as 90 percent when compared to intensive tillage
 - EPA ranks sediment runoff as the number one pollutant in our nation's waterways.
- Conserving water: Because crop residue from previous harvests (stalks, husks, etc.) is left on the ground, and the soil is not plowed up, evaporation is limited. More water stays in the soil.
- Cutting fuel costs to farmers: Less plowing means lower production costs and reduced emissions because of fewer equipment trips across the field.
- Reducing CO2 emissions: the constant plowing up of agricultural land required by old-style agriculture to control weeds results in the massive release of CO2 into

³ dmrkynetec

⁴ dmrkynetec

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the atmosphere from decomposing organic matter in the soil. No-till keeps that CO2 trapped in the ground.

The answer to global warming?

According to the U.S. Department of Energy,⁵ the extensive adoption of no-till methods would reduce carbon emissions by 40 to 50 billion tons a year – dwarfing the approximately 6 billion tons released from fossil fuels each year.

⁵ The Department of Energy: "Less is more: No-till agriculture helps mitigate global warming," at <http://www.eurekalert.org/features/doe/2005-09/dnnl-lim091605.php>. "Researchers estimate that the extensive adoption of no-till agriculture, diversified rotations, cover crops, fertility management, erosion control and irrigation management can lead to the recovery of two thirds of the carbon that has been lost from the soil due to conversion of native ecosystems to agriculture and the use of conventional management practices. That amounts to 40 to 50 billion tons of carbon. As a reference, fossil fuel emissions of carbon to the atmosphere exceed six billion tons a year."

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Safety and Human Health

Atrazine has been used safely by farmers for more than 50 years across the United States and in more than 60 countries around the world.

The most studied agricultural molecule on the planet...

Because of its extraordinary popularity and wide use, atrazine is one of the most thoroughly examined substances on the planet, having undergone nearly 6,000 studies on file with the EPA (compared to the 100 to 200 studies most products undergo before being registered as safe by the EPA).

Favorable safety reviews by regulatory bodies and health organizations around the world...

Since the EPA's founding in 1972, every single past EPA administrator has relied on sound science and transparent review in certifying atrazine's safety.

- The EPA in 2006 re-registered atrazine for use, finding that its class of herbicides (called *triazines*) pose "no harm" to "the general U.S. population, infants, children, or other major identifiable subgroups."⁶

Atrazine's safety has been reconfirmed by assessments and studies by organizations around the world, including the World Health Organization, the Food and Agriculture Organization of the United Nations, and regulatory review in the United Kingdom (2000), Canada (2004) and Australia (2008).

No country has ever discontinued the use of atrazine based on health concerns – including the European Union.⁷

In fact the EU's own safety review said atrazine would not harm human or animal health. While EU farmers do not currently use atrazine, they use a similar triazine herbicide with nearly the same safety profile.⁸

⁶ Environmental Protection Agency, Decision Documents for Atrazine, Memorandum dated April 6, 2006, http://www.epa.gov/oppsrrd1/REDS/atrazine_combined_docs.pdf

⁷ Atrazinefacts.com

⁸ Source: Atrazine Re-evaluation Announcement. The UK, which was assigned to conduct the review, said: "It is expected that the use of atrazine, consistent with good plant protection practice, will not have any harmful effects on human or animal health or any unacceptable effects on the environment." The alternative herbicide used in the EU is called terbuthylazine.

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What the Safety Standards Mean

Atrazine is safe a thousand times over...

Regulations create a 1,000-fold margin of safety below the level at which NO adverse effects have been found among the most sensitive animal test species.

In order to continue to ensure that agricultural inputs such as herbicides have no adverse effect on the general population, regulators in the U.S. have created a huge margin of safety in allowable exposure levels, which are measured in almost infinitesimal quantities of parts per billion.⁹

The maximum exposure level to atrazine allowed in U.S. drinking water is a four quarter rolling average of 3 parts per billion. This number was chosen because it was one thousand times lower than a level at which no adverse effect was found.

Can you drink 21,000 gallons of water a day?

A 150-pound adult could drink 21,000 gallons of water containing 3 parts per billion of atrazine every day for 70 years and still not reach levels shown to have no effects in lab studies.

Sometimes, in peak agriculture season, recorded levels in monitored drinking water rise for short periods of time. The highest level that has ever been recorded is very securely within the margin of safety. Even at this level, there would be no observable effect for an adult drinking hundreds of gallons of water a day. A person would drown from consumption long before they had a problem with atrazine.

⁹ Most drinking water systems, even in agricultural areas, have no observable or significant atrazine levels. Those that do – usually because they draw drinking water from surface ponds or creeks in heavily agricultural areas – are closely monitored to make sure the average exposure levels in the water don't exceed what is called the MCL, or maximum contaminant level.

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Trial Lawyers vs. Farmers

Out-of-state lawyers lead the assault on atrazine...

The legal assault on atrazine is being led by the controversial Texas trial lawyer firm Baron and Budd, which made 100s of millions in profits from asbestos and MTBE litigation, together with local counsel Stephen Tillery of Korein Tillery, which is based in Missouri.

These trial lawyers have filed a class action complaint in Madison County, Illinois, the one-time "judicial hellhole" that has been put on the official "watch list" in hopes of further reform. The suit was brought on behalf of the Holiday Shores Sanitary District, a community situated around an artificial lake, from which the residents draw their water.

Dubious science...

The suit makes false allegations based on a handful of highly dubious studies, which have recently been highlighted in a misleading report by the activist Natural Resources Defense Council and parroted in a New York Times article. It alleges that any exposure to atrazine – even within the massive margins of safety put in place by the EPA – may cause adverse health effects. Importantly, no adverse health effects have been found.

Questionable tactics...

The suit seeks class action remedies and a wide variety of financial penalties, even though Holiday Shores currently certifies to both state and federal regulators, as well as its customers, that its drinking water is safe and meets the stringent safety standards of those agencies.

Flying in the face of common sense...

Thus Holiday Shores Sanitary District is bringing a highly damaging suit...based on dubious science...claiming that the water it assures its customers is safe... and declares to government regulatory agencies is safe... is in fact not safe.

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Less than 10% chance case will be dismissed
Commodity mtgs after 1st of year
Fact sheet and water info on ILFB letterhead for water mtg
Greg Guenther to take the place of attorney? Jere White? At invitation of FB
Call to action by someone other than Syt

CWSs: Reduce amount of funding needed; reduce amt required from taxpayer
But finding of water unsafe could open them up to litigation from consumers
Water districts self-insured?
CWS focus groups? Dennis T. might ID. Possibly Iowa? Alan to call Dennis.
Local legislators invited to attend? Or staffer?
Are water reps elected or appointed? Usually an employee of city
Acres of corn/county; calculate add'l dollars to produce corn
What are other issues? Where does ours stand in relation?
Slippery slope: atz to nitrogen fertilizer?
Case goes far beyond atz
What does carbon filtration take care of? What doesn't it? Nitrogen? Bacteria?
Both farmers and CWS protected by regulation

Orion Samuelson as spokesperson at CWS mtg?
Would Dennis T. know ex-water person from another state to speak at CWS mtg?
What about Rural Water Assoc?

Get UK 2002 review from Janis

Do tbz fact sheet/compare to atz

Cranberry scare of 1958?

Expert witnesses as media spokespeople?

Powdered activated carbon---bags of black powder
Granular activated carbon

Dissolved organic carbon in surface water from leaves, etc.
All have to chlorinate for bacterial control
By products from chlorination reacting with dissolved organic carbon
 These have MCLs; associated with cancer
 80 ppb; 60 ppb
 In finished water

Granular often required plant retrofit for columns/chambers
4 steps: Flocculation; sedimentation;
Granular more cost effective for larger plants
More odor in summer
Powdered can be used seasonally as needed (e.g. June-Aug)
What could slip through? Viruses (but no MCL), metals (nickel, copper, zinc), naturally occurring arsenic
Water officials required to have continuing education; have conferences, speakers
Messages to water officials: not based on good science; MCLs protect water districts/customers (built-in large margins of safety); may not easily deflect other lawsuits involving other things voluntarily added to drinking water

*Send TH speaking info to JTA

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Email Message

From: Jayne Thompson [jthompson@jaynethompson.com]

Sent: Friday, May 12, 2006 1:22 PM

To: Ford Sherry USGR

Cc: Chris Robling; Susana Leyva

Subject: Telephone call follow-up

Importance: High

Attachments: Jayne Thompson.vcf

Dear Sherry:

After our call this morning, your team at JTA met to discuss the PBS piece and the initial idea of a letter to Hayes correcting factual errors/misstatements. We have several recommendations for your consideration:

1. We absolutely agree on the strategy to convene your team to harness and address Hayes' blatant and uncontested mischaracterizations. But the audience for these messages is not Tyrone Hayes; the audience is the regulators, officials, consumers, and media who receive his polluted science and regard it as fact. If your team harnesses responses to Hayes' polluted science and captures them in an effective error vs. truth format, that piece can be merchandized with your key audiences (outlined above) and posted on www.atrazinefacts.com. We also think you absolutely should go "on the record" with the show's producers to point out the factual errors in the broadcast--no demand for a venue for corporate response, just an on-the-record statement of factual errors.
2. While we discussed the Atrazine Truth Squad this morning (and I understand your concerns about it), we would suggest revisiting the issue in a modified format. For example, we could take Dr. Hayes' calendar of speaking engagements and share it with Dave Flackne and Donnelle Farmer, who can then start reaching out to the potential audiences with the Error vs. Truth Sheet before each Hayes presentation. As Hayes modifies his presentation, we continue to modify the Truth Sheet and have Dave re-distribute to the audiences after the Hayes presentation with whatever additional factual corrections are necessary. The more that we can buttress his speaking engagements and his media outreach with irrefutable evidence of his polluted messages, the more we are holding people to task for fact checking his claims.
3. We should also get the Error vs. Truth Sheet to Janice to share with interested government contacts and the EPA reps.
4. The Error vs. Truth sheet should also be used with *Harpers* during the fact checking process—we tell them that they should know that several mis-statements of fact have been made about atrazine recently and we want them to be perfectly clear on what the truth is about this product. Push-back with *Harper's* I think can only help us keep them on the "straight and narrow".

We are starting on a template for the "mixtures" messages and will forward to you for the substantive content early next week.

We are happy to discuss any of the above at your convenience.

Best regards,
Jayne

Jayne Thompson
President & CEO
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CONFIDENTIAL INFORMATION - SUBJECT TO
PROTECTIVE ORDER IN ATRAZINE LITIGATION

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Email Message

From: Chris Robling
Sent: Tuesday, April 25, 2006 2:02:19 PM
To: Ford Sherry USGR;
CC: Jayne Thompson; Susana Leyva;
Subject: FW: Proposal

dear sherry -- following please find an email from don. thanks,

chris

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

From: dlcourse@uchicago.edu [mailto:dlcourse@uchicago.edu]
Sent: Tuesday, April 25, 2006 12:53 PM
To: Chris Robling
Subject: Proposal

To: Shery Ford, Syngenta Crop Protection Incorporated
From: Don Coursey
Date: 22 April 2006
Regarding: Terms of My Consulting with Syngenta

Sherry,

I enjoyed our conversation last week and look forward to working with you concerning the economics of atrazine in Illinois.

I feel that with your initial help that I can complete the project by 30 September 2006. I offer to you the following choices regarding payment. Either a fixed price of \$35,000 for the project or an hourly rate of \$500.00 per hour. I will bill you monthly regarding the project. Payment can be sent to my home address:

Don Coursey
135 Ogden Road
Ogden Dunes, IN 46368

This payment will cover the cost of report preparation. If you desire that I make public presentations of the report after it is finished, then these will be billed in addition at the hourly rate indicated above.

I am not sure that I will need a graduate assistant to help me with the project. If I do the rate for such service is \$50.00 per hour. The hours worked by such a person would be limited to a maximum of 100 over the summer.

Finally, I would expect to be compensated for any costs associated with travel during the project (coach class airfare, hotel, meals). I do not anticipate much travel except possibly to meet with the experts we discussed during the phone conversation.

Again, I look forward to working with you and Thompson and Associates on the project.

Don Coursey
Ameritech Professor of Public Policy
University of Chicago

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Prepared at the request of counsel

C-O-N-F-I-D-E-N-T-I-A-L

Illinois Campaign Overview

1. Purpose

In Illinois in the last decade numerous coalitions of concerned parties have been organized to influence legislation, litigation and public debate. These have been organized to support positions on issues as diverse as airport expansion, reliable energy and appeal bond reform. We believe the Holiday Shores lawsuit and its irresponsible claims are an appropriate predicate for the organization of a coalition supporting sound regulation.

The coalition's purpose is to provide a platform for organizations and individuals – primarily from Illinois, but also from throughout the corn belt -- to express their support for EPA's independent, blind and science-based regulation of agricultural pesticides and the use of atrazine.

We anticipate interest in supporting EPA regulation from the following sectors:

- Defendants (Growmark, Inc., and others as appropriate) and prior supporters (Triazine Network)
- Illinois agri-business
- Generic Illinois pro-business
- Illinois based / related food-processors
- Tort reform groups
- Soil conservation and environmental groups
- Experts and former officials

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2. Goals

- A. Through **August 2006**, the current anticipated month of EPA's re-registration of atrazine, the coalition will be directed toward passing **resolutions** or **letters** attesting to atrazine's:
 - i. **safety** when used in accordance with EPA label instructions,
 - ii. **length of service** in Illinois,
 - iii. **effectiveness** for Illinois corn production and
 - iv. solid **scientific** foundation
- B. The coalition will provide **speakers** (list tbd) to assist groups considering such measures.
- C. The coalition will otherwise support groups considering such measures, with **information packets** and related documents.
- D. The coalition may provide the court with **amicus briefs** on key matters in the HSSD litigation.
- E. The coalition will communicate with the trade, and perhaps eventually the general circulation business, **media** about its activities.

3. Messages

- A. Defendants and prior supporters:
 - i. EPA process provides safety and needed certainty.
 - ii. Atrazine is vital to agriculture.
- B. Agri-business:
 - i. EPA provides safety and needed certainty.
 - ii. Today, atrazine; tomorrow, another chemical / process / compound of even greater importance.
- C. Generic Illinois pro-business:

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- i. Such lawsuits are bad for business in general. They subject legal businesses to shakedowns in which companies pay millions of dollars – after doing no wrong – to avoid putting a case in the hands of a jury and risking a judgment in the billions.
 - ii. Atrazine is vital to Illinois' agricultural economy.
- D. Illinois based / related food processors:
 - i. Such lawsuits are bad for business in general. They subject legal businesses to shakedowns in which companies pay millions of dollars – after doing no wrong – to avoid putting a case in the hands of a jury and risking a judgment in the billions.
 - ii. Today, atrazine; tomorrow, another chemical / process / compound of more direct importance.
- E. Tort reformers:
 - i. This lawsuit wastes scarce judicial resources on a matter rightly decided by EPA.
 - ii. This lawsuit alleges no harm. It seeks to enrich lawyers at the direct and indirect expense of Illinois farmers and legitimate businesses in a regulated industry.
 - iii. If you liked tobacco, you will love atrazine.
- F. Soil conservation and environmental (some items to be completed after conferring with appropriate experts):
 - i. No-till farming helps conserve Illinois' nutrient-rich topsoil by significantly reducing erosion.
 - ii. Atrazine is necessary for no-till corn farming.
 - iii. If the lawsuit is successful and atrazine is banned, topsoil erosion in Illinois corn fields will jump _____ percent, or _____ tons / lbs. / cubic feet per year.
 - iv. Because Illinois has so much acreage in corn production, banning atrazine will increase total Illinois topsoil erosion by _____ percent.

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- v. That prime Illinois topsoil – the dirt that makes our farms great – will go straight into local watersheds as sediment.
- vi. And thus dramatically increase water pollution.
- vii. The cost of remediating such additional sediment in Illinois' lakes, rivers and streams is well beyond the state's ability to pay.

G. Experts and former officials:

- i. Only the established EPA process can correctly assess and weigh the mountains of complex scientific knowledge that bases a pesticide registration decision.
- ii. Individual jurists are grossly mis-matched to what is an encyclopedic, inter-disciplinary, iterative, all-encompassing, time-consuming scientific task.

4. Prospective members

We envision phased growth of the Illinois coalition as knowledge of and interest in the lawsuit increases.

The campaign should grow from those closest to and most knowledgeable about EPA regulation and atrazine, to those with other interests that encompass the integrity of EPA's process, to critics of class-action lawsuits, and to Illinois' pro-business community.

However, the earlier *a representative* from each of the categories is recruited, the broader the base of the coalition will be from that point.

The Triazine Network and Growmark, Inc. represent considerable membership resources on which to begin forming the coalition.

Many of the prospective coalition member organizations listed below have local chapters, which should also be recruited to the extent possible.

Also, membership should be pursued from across the corn belt, not just in Illinois, to emphasize the breadth of support for the EPA process, as well as concerns caused by the HSSD lawsuit.

The following lists are for illustrative purposes.

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- Need available FS member co-op contact info
- Need to co-ordinate outreach steps with counsel and leadership
- And procedure for approaching member co-op individual members
- Need lists of Illinois-based related activities from other defendants, as appropriate

C. Other Illinois agribusiness

- Grain & Feed Association of Illinois — Jeff Adkisson, executive vice president
- Illinois Corn Growers Association — Rodney Weinzierl, executive director
- Illinois Council on Best Management Practices — George Czapar
- Illinois Farm Bureau — Philip Nelson, president
- Illinois Farmers Union — Gordy Stine, president (investigate possibility)
- Illinois Irrigation Association — Don Knoblett, president
- Illinois Specialty Growers Association — Lowell Lenschow, manager
- Illinois Fertilizer & Chemical Association — Jean Payne, president

D. General Illinois pro-business

- Chicagoland Chamber of Commerce and Industry
- Illinois Chamber of Commerce
- Illinois Environmental Contractors Association
- Illinois Manufacturers Association
- Illinois Business Roundtable

E. Illinois based / related food processors

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- Kraft / Altria Group
- Nabisco / Kraft
- Quaker Oats / Pepsi
- Fortune Brands
- Tate & Lyle Global
- A.E. Staley & Co.
- Archer Daniels Midland

F. Tort reformers / public policy

- Heartland Institute (publisher of Lawsuit Abuse Fortnightly)
- Illinois Municipal League
- Illinois Institute for Rural Affairs -- Christopher Merrett, director
- Illinois Policy Institute -- Greg Blankenship, executive director
- Illinois Association of Defense Trial Counsel
- Illinois Campaign for Legal Reform, project of the U.S. Institute for Legal Reform -- www.landoflawsuits.com
- Illinois Civil Justice League -- Edward Murnane, president
- Lincoln Legal Foundation -- Joseph Morris, president
- Madison-St. Claire Record -- Ann Knef, editor

G. Soil conservation and clean water groups and individuals

- Doug Harford, Mazon, Illinois soy bean and corn farmer, recipient of company's 2000 Fourth Annual No-Till Innovator Award for No-Till Crop production, has made more than 400 presentations on no-till, precision farming and long range planning
- Association of Illinois Soil and Water Conservation Districts, Terry Davis, president
- Former recipients of Illinois EPA Farm Stewardship Award
- Illinois Conservation Foundation -- Joel Brunsvold, chairman
- Conservation Technology Information Center (Lafayette, Indiana) -- Karen Scanlon, interim executive director
- Soil and Water Conservation Society (Ankeny, Iowa) -- Craig Cox, executive director
- More available via company-co-sponsored January National No-Till Conference (see #5. D., below)

H. Experts and former officials

- John Block — Reagan Administration's first secretary of agriculture, onetime Illinois hog farmer

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- Renee Cipriano — immediate past director, Illinois EPA, now in private law practice in Chicago
- Don Coursey — University of Chicago professor of economics, former dean of the Harris School of Public Policy, noted expertise in valuation of abstract assets (once valued a forest preserve's impact on home prices and reputation of a suburb)
- Bob Dole — former U.S. Senate majority leader, former Kansas senator
- Mary A. Gade — former U.S. EPA Region V administrator and director of Illinois EPA, now in private law practice in Chicago
- Henry Henderson — first environment commissioner of the City of Chicago, now attorney in private practice
- Howard Lerner — founder, Environmental Law and Policy Center, environmental activist, very concerned with Great Lakes water issues, investigate possibility
- Mary O'Toole, P.E. — former top environmental official of ComEd / Exelon, now in private practice, was finalist to succeed Renee Cipriano (above)
- William Ruckelshaus — first U.S. EPA director, the official who banned DDT and later said EPA did so on flimsy evidence
- Tom Skinner — former U.S. EPA Region V administrator, now in private law practice in Chicago
- Clayton Yeutter — former U.S. Trade Representative, agricultural economist, former trader at the Mercantile Exchange
- academics
- other former officials

5. Tactics and calls to action

A. List development

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- Must focus on directors / officers / executives of prospective coalition member organizations
 - Key: who can set an agenda item
 - Timing: *December 05 / January 06*
- B. Document development
- Coalition one-pager / leave behind
 - Most needed documents have been prepared by company and as parts of phase 1 and phase 2 of Jayne Thompson & Associates, Ltd.'s work with Syngenta
 - Supportive resolutions and supportive letters, etc. to be drafted
 - Transmittal letters to be drafted
 - Timing: *Mostly complete / As needed*
- C. Network targeting
- Must determine best approach to key member of each organization / association
 - Must determine best "ambassador" to given individuals to actually make request
 - Timing: *January 06 / Ongoing*
- D. Outreach and ask
- Calling, personal visits, small group meetings
 - Important to leverage events, such as:
 - i. Agricultural trade shows, including:
 - a. Nat'l No-Till Conference, Jan. 11-14
 - b. Nat'l Alliance of Crop Consultants, Jan. 18-21
 - c. Illinois Fertilizer and Chemicals, Jan. 23-25
 - d. Nat'l Farm Machinery, Feb. 15-18
 - e. Commodity Classic, Mar. 2-4
 - ii. Smaller gatherings, such as the proposed IFB-sponsored February 9 and 10 meetings with Illinois CWS representatives
 - Request must be clearly made – and clearly identified as "only" request of the coalition until decision on class certification
 - Timing: *Begin January 2006*
- E. Meeting preparation support
- Vital to support key individual as s/he proceeds toward meeting and vote on resolution/letter of support

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- Provide key individual with "Member Tool Kit" including everything a new member needs to build support with others in group or association, such as Lindsay testimony, fact sheets, leave behinds, third-party info, etc. (from "Document development, #B, above, and from "Communications tools," #7, below)
 - Additionally support as needed with phone calls, other documents, visits, etc.
 - Timing: *As needed*
- F. Meetings and decision
- Create schedule of meetings, track progress
 - Create comprehensive prospect – to – member list and maintain day-to-day
 - Timing: *January 06 / ongoing*
- G. Execution of supportive resolution or letter
- Organization / association / individual executes supportive resolution or letter on appropriate letterhead
 - Prefer letter of transmittal to accompany, referencing fact that author is turning over to coalition to be used as needed, etc.
 - Timing: *Per member's schedule*
- H. Announcements
- By prior arrangement, execute appropriate announcement press release of supportive resolution or letter either by member or by coalition
 - Service relevant trade media
 - Post to website, etc.
 - Timing: *Per member's schedule*
- I. Coalition announcement
- Launch event if class is certified
 - Service trade and general circulation business section media
 - Timing: *Pending court consideration of class certification*

6. Naming the coalition

The coalition name must appeal to a broad range of interested parties, be easily associated with the group's mission and resonate with reporters and commentators. For illustrative purposes, we include:

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CROP

Credible Regulation and Oversight Protection

In any case, a naming exercise should be held, using key words such as:

- Safe
- Safety
- Health
- Healthy
- Water
- Green
- Corn
- Soil
- Farm
- Farmers
- Family farmers
- Common sense
- Credible
- Conservation
- Regulation
- Regulatory
- Illinois
- Coalition
- Alliance
- Network
- Group

...and others -- including acronyms -- that may arise as work develops.

Because the coalition is not intended to include consumers, the actual naming is not as pressing as it otherwise would be.

Timing: Complete by start of outreach, January 2006

7. Communications tools

A. Coalition web site:

- Home page with links to related sites, such as atrazinefacts.com, EPA atrazine page, Syngenta, Growmark and member organizations
- Pull-down coalition one-pager, draft supportive letters, draft supportive resolutions, draft transmission letters, etc.
- Pull-down fact sheets, FAQs, myths-vs.-facts, press kits and info-packets

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- Resolutions and letters of support
 - Member list
 - Publication list
 - Speaker list
 - Streaming testimonial videos
 - Coalition email address
- B. 800 # -- investigate possibility
 - C. Blog
 - D. Video / dvd for meeting presentations
 - E. Powerpoint presentation for meetings
 - F. Advertising -- investigate possibility
 - G. Industry trades press list (announcement, updates, etc. – press list developed)
 - H. General circulation business sections press list (after considerable growth in the coalition – press list developed)
 - I. Special interest press lists (public policy, tort reform, etc.)
 - J. Timing: *Complete by start of outreach, January 2006*

8. Administration

- A. Jayne Thompson & Associates, Ltd. will administer the coalition as part of its existing contract with Syngenta.
- B. The coalition may be organized as an educational, not-for-profit Illinois corporation. As such, it must meet all legal requirements of such status. Donations could be requested of members.
- C. As mentioned in the JTA proposal, specifically related various out-of-pocket costs will be billed as expenses.
- D. The coalition will require co-ordination between several elements of the client team, including especially the web site with the organizational development, and press activities (announcements) with corporate communications and the activity as a whole with the legal team.

9. Timeline – and see also page 13 below

- A. Naming the coalition: *January 06*
- B. Complete communications tools: *January 06*
- C. List development: *December 05 / January 06*

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- D. Document development: *Mostly complete / As needed*
- E. Network targeting: *January 06 / Ongoing*
- F. Outreach and ask: *Begin January 2006*
- G. Meeting preparation support: *As needed*
- H. Meetings and decision: *January 06 / Ongoing*
- I. Execution of supportive document: *Per member's schedule*
- J. Announcements: *Per member's schedule*
- K. Coalition announcement: *Pending court consideration of class certification*

10. Budget

Budget to be determined based on approved campaign targets, outreach and tactics.

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Illinois Campaign Tactics Timeline

	Dec '05	Jan '06	Feb '06	March '06	April '06	May '06	June '06	July '06	Aug '06
A. Coalition naming		✓							
B. Communications tools	✓	✓							
C. List development	✓	✓							
D. Document development (As needed)	✓	✓							
E. Network targeting		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
F. Outreach and ask		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
G. Meeting preparation support (As needed)		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
H. Meetings and decision		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
I. Execution of supportive document (Per member's schedule)		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
J. Announcements (Per member's schedule)		⇒	⇒	⇒	⇒	⇒	⇒	⇒	⇒
K. Coalition announcement (Pending court consideration of class certification)							?	?	?

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CONFIDENTIAL INFORMATION - SUBJECT TO PROTECTIVE ORDER IN ATRAZINE LITIGATION

SYN04569710

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Draft
Attorney-Client Privileged
Prepared at the request of counsel

C-O-N-F-I-D-E-N-T-I-A-L

Illinois Campaign Overview

1. Purpose

In Illinois in the last decade numerous coalitions of concerned parties have been organized to influence legislation, litigation and public debate. These have been organized to support positions on issues as diverse as airport expansion, reliable energy and appeal bond reform. We believe the Holiday Shores lawsuit and its irresponsible claims are an appropriate predicate for the organization of a coalition supporting sound regulation.

The coalition's purpose is to provide a platform for organizations and individuals – primarily from Illinois, but also from throughout the corn belt -- to express their support for EPA's independent, blind and science-based regulation of agricultural pesticides and the use of atrazine.

We anticipate interest in supporting EPA regulation from the following sectors:

- Defendants (Growmark, Inc., and others as appropriate) and prior supporters (Triazine Network)
- Illinois agri-business
- Generic Illinois pro-business
- Illinois based / related food-processors
- Tort reform groups
- Soil conservation and environmental groups
- Experts and former officials

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2. Goals

- A. Through **August 2006**, the current anticipated month of EPA's re-registration of atrazine, the coalition will be directed toward passing **resolutions** or **letters** attesting to atrazine's:
 - i. **safety** when used in accordance with EPA label instructions,
 - ii. **length of service** in Illinois,
 - iii. **effectiveness** for Illinois corn production and
 - iv. solid **scientific** foundation
- B. The coalition will provide **speakers** (list tbd) to assist groups considering such measures.
- C. The coalition will otherwise support groups considering such measures, with **information packets** and related documents.
- D. The coalition may provide the court with **amicus briefs** on key matters in the HSSD litigation.
- E. The coalition will communicate with the trade, and perhaps eventually the general circulation business, **media** about its activities.

3. Messages

- A. Defendants and prior supporters:
 - i. EPA process provides safety and needed certainty.
 - ii. Atrazine is vital to agriculture.
- B. Agri-business:
 - i. EPA provides safety and needed certainty.
 - ii. Today, atrazine; tomorrow, another chemical / process / compound of even greater importance.
- C. Generic Illinois pro-business:

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- i. Such lawsuits are bad for business in general. They subject legal businesses to shakedowns in which companies pay millions of dollars – after doing no wrong – to avoid putting a case in the hands of a jury and risking a judgment in the billions.
 - ii. Atrazine is vital to Illinois' agricultural economy.
- D. Illinois based / related food processors:
- i. Such lawsuits are bad for business in general. They subject legal businesses to shakedowns in which companies pay millions of dollars – after doing no wrong – to avoid putting a case in the hands of a jury and risking a judgment in the billions.
 - ii. Today, atrazine; tomorrow, another chemical / process / compound of more direct importance.
- E. Tort reformers:
- i. This lawsuit wastes scarce judicial resources on a matter rightly decided by EPA.
 - ii. This lawsuit alleges no harm. It seeks to enrich lawyers at the direct and indirect expense of Illinois farmers and legitimate businesses in a regulated industry.
 - iii. If you liked tobacco, you will love atrazine.
- F. Soil conservation and environmental (some items to be completed after conferring with appropriate experts):
- i. No-till farming helps conserve Illinois' nutrient-rich topsoil by significantly reducing erosion.
 - ii. Atrazine is necessary for no-till corn farming.
 - iii. If the lawsuit is successful and atrazine is banned, topsoil erosion in Illinois corn fields will jump _____ percent, or _____ tons / lbs. / cubic feet per year.
 - iv. Because Illinois has so much acreage in corn production, banning atrazine will increase total Illinois topsoil erosion by _____ percent.

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- v. That prime Illinois topsoil – the dirt that makes our farms great – will go straight into local watersheds as sediment.
- vi. And thus dramatically increase water pollution.
- vii. The cost of remediating such additional sediment in Illinois' lakes, rivers and streams is well beyond the state's ability to pay.

G. Experts and former officials:

- i. Only the established EPA process can correctly assess and weigh the mountains of complex scientific knowledge that bases a pesticide registration decision.
- ii. Individual jurists are grossly mis-matched to what is an encyclopedic, inter-disciplinary, iterative, all-encompassing, time-consuming scientific task.

4. Prospective members

We envision phased growth of the Illinois coalition as knowledge of and interest in the lawsuit increases.

The campaign should grow from those closest to and most knowledgeable about EPA regulation and atrazine, to those with other interests that encompass the integrity of EPA's process, to critics of class-action lawsuits, and to Illinois' pro-business community.

However, the earlier *a representative* from each of the categories is recruited, the broader the base of the coalition will be from that point.

The Triazine Network and Growmark, Inc. represent considerable membership resources on which to begin forming the coalition.

Many of the prospective coalition member organizations listed below have local chapters, which should also be recruited to the extent possible.

Also, membership should be pursued from across the corn belt, not just in Illinois, to emphasize the breadth of support for the EPA process, as well as concerns caused by the HSSD lawsuit.

The following lists are for illustrative purposes.

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- A. The Triazine Network
 - Need to co-ordinate steps with TN leadership
 - Need member contact info
 - Need review of actions taken by individual members
 - And review of actions by the network as such
 - Need all branded / distributed materials

- B. Growmark, Inc. member FS co-ops, their members and other defendants
 - Need available FS member co-op contact info
 - Need to co-ordinate outreach steps with counsel and leadership
 - And procedure for approaching member co-op individual members
 - Need lists of Illinois-based related activities from other defendants, as appropriate

- C. Other Illinois agribusiness
 - Grain & Feed Association of Illinois — Jeff Adkisson, executive vice president
 - Illinois Corn Growers Association — Rodney Weinzierl, executive director
 - Illinois Council on Best Management Practices — George Czapar
 - Illinois Farm Bureau — Philip Nelson, president
 - Illinois Farmers Union — Gordy Stine, president (investigate possibility)
 - Illinois Irrigation Association — Don Knoblett, president
 - Illinois Specialty Growers Association — Lowell Lenschow, manager
 - Illinois Fertilizer & Chemical Association — Jean Payne, president

- D. General Illinois pro-business
 - Chicagoland Chamber of Commerce and Industry
 - Illinois Chamber of Commerce
 - Illinois Environmental Contractors Association
 - Illinois Manufacturers Association
 - Illinois Business Roundtable

- E. Illinois based / related food processors

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- Kraft / Altria Group
- Nabisco / Kraft
- Quaker Oats / Pepsi
- Fortune Brands
- Tate & Lyle Global
- A.E. Staley & Co.
- Archer Daniels Midland

F. Tort reformers / public policy

- Heartland Institute (publisher of Lawsuit Abuse Fortnightly)
- Illinois Municipal League
- Illinois Institute for Rural Affairs -- Christopher Merrett, director
- Illinois Policy Institute -- Greg Blankenship, executive director
- Illinois Association of Defense Trial Counsel
- Illinois Campaign for Legal Reform, project of the U.S. Institute for Legal Reform -- www.landoflawsuits.com
- Illinois Civil Justice League -- Edward Murnane, president
- Lincoln Legal Foundation -- Joseph Morris, president
- Madison-St. Claire Record -- Ann Knef, editor

G. Soil conservation and clean water groups and individuals

- Doug Harford, Mazon, Illinois soy bean and corn farmer, recipient of company's 2000 Fourth Annual No-Till Innovator Award for No-Till Crop production, has made more than 400 presentations on no-till, precision farming and long range planning
- Association of Illinois Soil and Water Conservation Districts, Terry Davis, president
- Former recipients of Illinois EPA Farm Stewardship Award
- Illinois Conservation Foundation -- Joel Brunsvold, chairman
- Conservation Technology Information Center (Lafayette, Indiana) -- Karen Scanlon, interim executive director
- Soil and Water Conservation Society (Ankeny, Iowa) -- Craig Cox, executive director
- More available via company-co-sponsored January National No-Till Conference (see #5. D., below)

H. Experts and former officials

- John Block — Reagan Administration's first secretary of agriculture, onetime Illinois hog farmer

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- Renee Cipriano — immediate past director, Illinois EPA, now in private law practice in Chicago
- Don Coursey — University of Chicago professor of economics, former dean of the Harris School of Public Policy, noted expertise in valuation of abstract assets (once valued a forest preserve's impact on home prices and reputation of a suburb)
- Bob Dole — former U.S. Senate majority leader, former Kansas senator
- Mary A. Gade — former U.S. EPA Region V administrator and director of Illinois EPA, now in private law practice in Chicago
- Henry Henderson — first environment commissioner of the City of Chicago, now attorney in private practice
- Howard Lerner — founder, Environmental Law and Policy Center, environmental activist, very concerned with Great Lakes water issues, investigate possibility
- Mary O'Toole, P.E. — former top environmental official of ComEd / Exelon, now in private practice, was finalist to succeed Renee Cipriano (above)
- William Ruckelshaus — first U.S. EPA director, the official who banned DDT and later said EPA did so on flimsy evidence
- Tom Skinner — former U.S. EPA Region V administrator, now in private law practice in Chicago
- Clayton Yeutter — former U.S. Trade Representative, agricultural economist, former trader at the Mercantile Exchange
- academics
- other former officials

5. Tactics and calls to action

A. List development

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- Must focus on directors / officers / executives of prospective coalition member organizations
 - Key: who can set an agenda item
 - Timing: *December 05 / January 06*
- B. Document development
- Coalition one-pager / leave behind
 - Most needed documents have been prepared by company and as parts of phase 1 and phase 2 of Jayne Thompson & Associates, Ltd.'s work with Syngenta
 - Supportive resolutions and supportive letters, etc. to be drafted
 - Transmittal letters to be drafted
 - Timing: *Mostly complete / As needed*
- C. Network targeting
- Must determine best approach to key member of each organization / association
 - Must determine best "ambassador" to given individuals to actually make request
 - Timing: *January 06 / Ongoing*
- D. Outreach and ask
- Calling, personal visits, small group meetings
 - Important to leverage events, such as:
 - i. Agricultural trade shows, including:
 - a. Nat'l No-Till Conference, Jan. 11-14
 - b. Nat'l Alliance of Crop Consultants, Jan. 18-21
 - c. Illinois Fertilizer and Chemicals, Jan. 23-25
 - d. Nat'l Farm Machinery, Feb. 15-18
 - e. Commodity Classic, Mar. 2-4
 - ii. Smaller gatherings, such as the proposed IFB-sponsored February 9 and 10 meetings with Illinois CWS representatives
 - Request must be clearly made – and clearly identified as "only" request of the coalition until decision on class certification
 - Timing: *Begin January 2006*
- E. Meeting preparation support
- Vital to support key individual as s/he proceeds toward meeting and vote on resolution/letter of support

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- Provide key individual with “Member Tool Kit” including everything a new member needs to build support with others in group or association, such as Lindsay testimony, fact sheets, leave behinds, third-party info, etc. (from “Document development, #B, above, and from “Communications tools,” #7, below)
- Additionally support as needed with phone calls, other documents, visits, etc.
- Timing: *As needed*

F. Meetings and decision

- Create schedule of meetings, track progress
- Create comprehensive prospect – to – member list and maintain day-to-day
- Timing: *January 06 / ongoing*

G. Execution of supportive resolution or letter

- Organization / association / individual executes supportive resolution or letter on appropriate letterhead
- Prefer letter of transmittal to accompany, referencing fact that author is turning over to coalition to be used as needed, etc.
- Timing: *Per member's schedule*

H. Announcements

- By prior arrangement, execute appropriate announcement press release of supportive resolution or letter either by member or by coalition
- Service relevant trade media
- Post to website, etc.
- Timing: *Per member's schedule*

I. Coalition announcement

- Launch event if class is certified
- Service trade and general circulation business section media
- Timing: *Pending court consideration of class certification*

6. Naming the coalition

The coalition name must appeal to a broad range of interested parties, be easily associated with the group’s mission and resonate with reporters and commentators. For illustrative purposes, we include:

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CROP

Credible Regulation and Oversight Protection

In any case, a naming exercise should be held, using key words such as:

- Safe
- Safety
- Health
- Healthy
- Water
- Green
- Corn
- Soil
- Farm
- Farmers
- Family farmers
- Common sense
- Credible
- Conservation
- Regulation
- Regulatory
- Illinois
- Coalition
- Alliance
- Network
- Group

...and others – including acronyms -- that may arise as work develops.

Because the coalition is not intended to include consumers, the actual naming is not as pressing as it otherwise would be.

Timing: Complete by start of outreach, January 2006

7. Communications tools

A. Coalition web site:

- Home page with links to related sites, such as atrazinefacts.com, EPA atrazine page, Syngenta, Growmark and member organizations
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- Resolutions and letters of support
 - Member list
 - Publication list
 - Speaker list
 - Streaming testimonial videos
 - Coalition email address
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9. Timeline – and see also page 13 below

- A. Naming the coalition: *January 06*
- B. Complete communications tools: *January 06*
- C. List development: *December 05 / January 06*

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- D. Document development: *Mostly complete / As needed*
- E. Network targeting: *January 06 / Ongoing*
- F. Outreach and ask: *Begin January 2006*
- G. Meeting preparation support: *As needed*
- H. Meetings and decision: *January 06 / Ongoing*
- I. Execution of supportive document: *Per member's schedule*
- J. Announcements: *Per member's schedule*
- K. Coalition announcement: *Pending court consideration of class certification*

10. Budget

Budget to be determined based on approved campaign targets, outreach and tactics.

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Illinois Campaign Tactics Timeline

	Dec. '05	Jan. '06	Feb. '06	March '06	April '06	May '06	June '06	July '06	Aug. '06
A. Coalition naming		✓							
B. Communications tools	✓	✓							
C. List development	✓	✓							
D. Document development (As needed)	✓	✓							
E. Network targeting		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
F. Outreach and ask		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
G. Meeting preparation support (As needed)		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
H. Meetings and decision		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
I. Execution of supportive document (Per member's schedule)		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
J. Announcements (Per member's schedule)		⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒							
K. Coalition announcement (Pending court consideration of class certification)							?	?	?

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From: Chris Robling [crobling@jaynethompson.com]
Sent: Wednesday, August 06, 2008 10:56 AM
To: Ford Sherry USGR
Cc: Hill Gene USGR; Jayne Thompson; Carrie Eggers; Susana Leyva
Subject: Coursey Illinois Document
Attachments: Illinois Atrazine 8-6-08.pdf, Illinois Atrazine 8-6-08.doc

Hi Sherry,

Attached is the latest revised Illinois draft from Don, in both word and pdf formats.

Don greatly appreciates all of the assistance he has received from Gene and Gary, the product of which you will see in the broadened and deepened sets of data in the paper.

Please note footnote #37, page 12, includes a small note in purple about possible updates to the existing list of 2006 Illinois gmo seed brands. I understand that this point is still being checked. Even if there are updates, they will be minor.

I look forward to speaking with you about this at your convenience.

Best,

Chris

Chris Robling
Principal
Jayne Thompson & Associates
Suite 2200, 33 North Dearborn Street
Chicago, Illinois 60602-3102
v 312-658-0445
f 312-658-0464
m 312-343-2026
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From: Chris Robling [crobling@jaynethompson.com]
Sent: Wednesday, September 16, 2009 1:45 PM
To: Ford Sherry USGR; Goldsmith Steven USGR
Cc: Jayne Thompson
Attachments: Duhigg LTE draft 9-16-09.doc

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Regarding *The New York Times'* Toxic Waters series:

1. Situation:

In two reports Charles Duhigg has conveyed compelling but fundamentally misleading depictions of the protection of drinking water by the government. More reports are expected shortly. While any number of comprehensive reports indicate that overall, since the 1970s, the quality of pre-treated water in the U.S. has improved dramatically on relative and absolute bases, Duhigg magnifies shortfalls wholly out of proportion to national results, and proceeds to implicate if not condemn the nature of the regulatory regime. Speculation over motives is pointless, but the articles can easily be read as factional expressions within EPA and its stakeholders. Simply put, Duhigg appears to have taken up the banner of the most extreme elements of the water regulation cohort – which has zero interest in the consequences of its agenda for the American people or the economy. Because of Duhigg's writing ability and the *Times'* prominence, such articles will bolster their supporters as the Obama Administration EPA sorts out its priorities.

2. The objection:

Had Duhigg provided an accurate depiction of water protection and enforcement, the public would be well informed. But by throwing in with the extremist regulators, he has polluted the information stream on which voters and taxpayers depend. His inaccuracies – through outright errors, obvious omissions and vast gaps in his topic – subsume the 95+ percent faithful compliance that is underway across industries, product categories, sectors and states. Unchecked and unchallenged, he alters the landscape of the public mind on these issues to less conformance with reality.

3. Recommended approach:

- A. We recommend that point-by-point, line-by-line challenges (or elucidations) be posted on firm websites.
- B. We recommend that a strong letter, such as that below (which is also attached) be signed by the president of CropLife America, and presented to his peers for their signatures. Potential national group signers include:

- Farm Bureaus
- Fertilizer / chemical
- Community water districts

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- Ecological regulatory associations / groups
- Grower groups
- Processors
- etc.

- C. We recommend that the letter be delivered to the LTE Editor of the *Times*, and after a suitable period (three days) posted to all websites.
- D. So far Duhigg has quoted only one Member of Congress, Chairman James Oberstar (D-Mn.), who as transportation chair has spent very little of his career in this area. It is an odd choice and probably indicative of his few Congressional supporters for this approach. That lack of Congressional support can be pointed out by a "Dear Colleague" letter along the lines of the draft below that garners numerous signers.
- E. The process should be updated as the series unfolds.

4. Conclusion

Even if Duhigg is in fact focused on internal EPA struggles, his writing travels well beyond those quarters. If he is not challenged and answered, his assertions will be assumed true.

Draft letter text follows:

To the Editor:

Each of us, our organizations and our members stand for full enforcement of the **Clean Water Act** and the **Safe Water Drinking Act**. In fact, our collective memberships spend hundreds of millions of dollars annually toward that end. Each of our groups sponsors conferences and symposia on the task, and our staffs and those of our members assist federal and state regulators daily. All of this takes place under the welcome and watchful eye of Congressional authorizing, appropriating and oversight.

The progress shown in water quality nationally since CWA and SWDA is quite apparent, dramatic and deeply beneficial. All elements of the protection chain – starting with voters who send their representatives to Washington to protect them and our environment -- may take just pride in society's successes of the last several decades.

As in any human endeavor, such as journalism, there are gaps, errors and failures. But to focus on these to the knowing exclusion of overwhelming evidence of conscientious compliance, professionalism and respectful independence on both sides of the national ecological regulatory table is an outrage.

That is why we denounce Charles Duhigg's two articles (August 22, 2000, "Debating How Much Weed Killer Is Safe in Your Water Glass," and September 13, 2009 "Clean Water Laws Are Neglected, at a Cost in Suffering,") as knowingly, grossly and perniciously distorting a picture of widespread compliance, co-operation and collegiality in advancing society's interests into a fictionalized caricature intended to "scare the bejesus" out of people, to quote the administrator of the U.S. Environmental Protection Agency. Duhigg's work has raised omission, distortion and misrepresentation to art forms worthy of critical attention, were they not marshaled to pollute the very information stream on which the taxpaying and food-consuming public relies to judge the actions of its government.

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Our web sites set the record straight. We appeal to Mr. Duhigg's editor to insist he do the same.

Sincerely,

(Names of signers)

#####

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From: Jayne Thompson [jthompson@jaynethompson.com]
Sent: Saturday, August 22, 2009 12:52 PM
To: Ford Sherry USGR
Cc: Susana Leyva; Chris Robling
Subject: Additional thoughts
Attachments: Jayne Thompson (jthompson@jaynethompson.com).vcf

Importance: High

ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL

Sherry:

Thank you for the update on the coming series in the NYT. We know you have a strategy well in place, but as you requested we would like to suggest some additional ideas for your consideration.

We will have two communications objectives: the first, rapid-response by third parties and Syngenta. The second, a plan for communications from the company and credible third parties if the article gets legs and is merchandized into TV interest-either locally in the cities where the Midwest water monitoring is occurring or nationally.

Rapid Response

- Myth vs. fact analysis. The day the article appears, we will need a team at Syngenta to go through the article line by line and find all 1) inaccuracies and 2) misrepresentations. Turn that into a simple chart where you identify the error in one column and present the accurate information (as briefly as possible) in the adjacent column. No statements or messages, just simple error vs. truth. Then, have a credible third party do the same. Submit both to the reporter and to his editor. Post this to atrazinefacts.com. And then ask for printing of an OpEd to address the error vs. truth analysis in the Editorial Page that week.

- Company response, industry response, credible expert response:.

- o Syngenta will need to have ready a brief statement on the article. Of course you want to stay out of it, but because you will be mentioned by name, you must have a brief response statement available that achieves two goals: addressing the major scientific inaccuracies of the piece while speaking to the average reader and his/her concerns about the impact of atrazine to water quality.

- o American Council on Science & Health comment: a credible, credentialed statement focused on the major inaccuracies/misrepresentations of the NYT article.

- o Crop Life America: the trade group statement on the history/safety of atrazine and the industry's proactive role in monitoring.

- o After we see the article, we will need to revisit the issue of appropriate third-party industry support and identify additional resources, e.g. The Illinois Farm Bureau, The Heartland Institute or other similar organization, etc.

- Whalen op-ed ready for distribution to media in Midwestern cities that are cited in article as part of water monitoring program: Quick turnaround (2 days at most) of a 200-word OpEd from ACSH on the major inaccuracies/misrepresentations of the NYT piece.

Print to Broadcast:

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Someone in **Atrazine EXPOSED Unsealed by the Court & Exposed by SourceWatch** Syngenta must have a spokesperson ready to address the issues in the piece if the story goes national. If there is local interest from a broadcast outlet, assess who the best spokesperson is - local growers/local farm bureau/Crop Life America? Finally, we'd recommend finding the most credible and credentialed independent voice (e.g. Whalen or someone else) to take on broadcast interviews to inject balance into what will otherwise be a one-sided debate.

We expect that the focus of the column will be that the EPA regulatory scheme is broken - by focusing on one compound in isolation, it is failing to protect human health from the effects mixtures are posing to drinking water and to human health. We absolutely need to work with Holiday Shores counsel and Syngenta to develop appropriate messages on this topic.

And finally, as I'm sure you noted already, Charles Duhigg is an award-winning reporter--
<<http://topics.nytimes.com/topics/reference/timestopics/people/d/charles_duhigg/index.html>>.

I hope these ideas are useful. We are ready to assist in any way needed as this matter proceeds.

Best regards and thank you for the update.

Jayne

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President & CEO

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From: Ford Sherry USGR
Sent: Wednesday, September 16, 2009 9:44 PM
To: Tricia Sheehan
Subject: RE: Attorney Client Privileged & Confidential: Touching base

Hi Tricia—Thanks for your message. There's been very little free time here. I just found out a few minutes ago that the hearing on Friday has been delayed a week, but let me go ahead and answer your questions. The release will go on Kurt Reeg's letterhead and be sent from his office to the list that all of you updated, but we will want you to post it to PRWeb. Now that I know your plans for Chuck's blog, I'll make sure you see the next round of draft releases. (There are various versions depending on scenarios.)

I'm back in the office on Friday if you'd like to talk then. I know I owe you some other things too.

Best,
Sherry

From: Tricia Sheehan [mailto:TSheehan@gibbs-soell.com]
Sent: Wednesday, September 16, 2009 7:08 AM
To: Ford Sherry USGR
Subject: Attorney Client Privileged & Confidential: Touching base

Hi Sherry –

I know you're swamped this week – but just wondered if you have a few minutes for us to talk about what all you need us to do on Friday after the hearing. If you have a minute or two that we can talk, let me know and I can plan to call your cell phone. If not, here's an update on what we're planning.

I know JTA was drafting up a release – and at this point we're planning to issue the release to the trade pubs and farm broadcasters, and then post to PRWeb on Friday. Do you also want us to send to the IL media list that we developed with JTA, or will they handle that part? After the release is issued we were planning to use that as the basis for a blog or two from Chuck on the SF and AgWeb sites.

Laura is also working on a sales PPT presentation based on the talking points that we have for atrazine. Our plan is to have that ready for you to review next week when you're back.

We're also working on the golf release you sent over on Friday.

Hope your meetings are going well. Talk to you later,
Tricia

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From: Chris Robling [crobling@jaynethompson.com]
Sent: Tuesday, September 15, 2009 12:30 PM
To: Kurtis Reeg
Cc: Ford Sherry USGR; Goldsmith Steven USGR; Jayne Thompson
Subject: Attorney-Client Privileged and Confidential

Attorney-Client Privileged and Confidential

Hello Kurt,

For preparation purposes, following are four clips each from the two reporters now booked for Thursday morning. Each has an atrazine article and more recent articles for you to gain a sense of their respective tones and approaches. We will discuss all of this more Thursday morning before the first meeting, as you point out.

Both reporters are experienced court house writers. I think these will be very basic conversations in which they will need you to re-introduce the case(s) to them and bring them up to speed on current issues.

Given what appears to be ahead, our most important objective is their coming to know you as a reliable source of information. If they emerge from these meetings knowing you as we do, then the conversations will have been very successful.

I assume in all of my dealings there that the next person they speak with will be Steve Tillery or his representative. However, neither appeared to have been briefed recently by ST on this.

My sense is they will be very comfortable for you to catch them up on background. I will be absolutely clear about this when we meet. But, even if they say everything is off the record and they put their pens down stop taking notes, please assume you are on the record and everything said will be viewed by plaintiffs to use against us. I say this not because of either of them – they appear to be very decent people – but rather as a matter of practice. As I think we discussed last year, nothing is off the record.

They will say they want your mobile phone number, and they will want you to make yourself available after hearings, such as Friday's, for on-the-record comment. Our preference would be that their calls for you go through Sherry and Steve or us – so that you can benefit from issue clarification before getting on the phone. Obviously, your going on the record is a matter for you and Alan.

Once you establish the basics, you have every right to characterize the proceedings as agreed-to by Alan and Sherry. Sherry has requested several thoughts from Mark re his "similarity" point – that P's are attempting here what they failed to do previously. Jayne and I think that is a substantive point – and it brings in the great judgment entered in that case, which has persuasive authority. I also think the "madness" point: tossing all of EPA's regime for trial judges from Maine to California to set MCL's per jurisdiction is a very solid, generic and compelling point.

Their interest in these cases is considerably higher than, say, it was in Philip Morris, because the plaintiff is both real and local and the defendant(s) are linked as well to southern Illinois via the growers and their related activities. Each was aware of the hearing we attended, mainly because of

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the handoff from Judge Stack to Judge Crowder. Neither has -- so far -- followed the case intently. Frankly, they tuned out during the glacial consideration of Dismissal and more recent motion practice. But both knows it is time to get back on the matter.

Should the MCR get scheduled, that will be a more familiar conversation due to the interest MCR has sustained in the case even when little was happening in the courtroom.

I will call you presently about selecting several representative pleadings to send to the reporters.

As for schedule, just to review:

Thursday, September 17

8 am, Fiona's, **Steve Horrell** of the EI.

9:30, 216 C N. Main St., Edwardsville, Ill., **Brian Brueggemann** of the BND

I am hoping for 11 with the MCR, and continue to trade calls with Brian Timpone and Ann Knief about this -- will advise and supplement if necessary.

In re your question this morning, I have my reservation out tomorrow night. Will confirm other plans shortly.

Thanks and best,

Chris

Steve Horrell -- Edwardsville Intelligencer

<http://www.goedwardsville.com/articles/2007/06/29/import/20070629-archive2.txt> (atrazine article from June 2007)

Recent articles:

http://www.goedwardsville.com/articles/2009/09/14/local_news/doc4aae6088ed03f010516950.txt

http://www.goedwardsville.com/articles/2009/09/11/local_news/doc4aaa5eab7f8c1290743865.txt

http://www.goedwardsville.com/articles/2009/09/10/local_news/doc4aa91cf913dd5594181049.txt

Brian Brueggemann -- Bellville News Democrat

http://www.redorbit.com/news/science/424911/food_supply_threat_seen_in_pending_suit_classaction_aimed_at/ind_ex.html (atrazine article from March 2006)

Recent articles:

<http://www.bnd.com/news/local/story/916742.html>

<http://www.bnd.com/news/crime/story/915037.html>

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<http://www.bnd.com/news/politics/story/911881.html>

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Draft
Attorney-Client Privileged
Prepared at the request of counsel

C-O-N-F-I-D-E-N-T-I-A-L

DRAFT MESSAGES (v2)

HOLIDAY SHORES SANITARY DISTRICT VS. SYNGENTA

The Holiday Shores lawsuit flies in the face of good regulatory policy, good science, and good common sense.

- Plaintiff seeks to represent all of the Community Water Systems in Illinois in class action lawsuits filed last year in Madison County, Illinois.
- The defendants include the makers and distributors of atrazine.
- The irony of this lawsuit is that the water district certifies that its water meets stringent federal and state safety standards, yet has sued atrazine manufacturers on the premise that the water is unsafe, even as they continue to sell it to customers.

This case is about money – not safety.

- This lawsuit defies common sense because atrazine has been used safely by farmers for more than 45 years.
- This lawsuit won't improve health or safety, but it could effectively result in a ban on atrazine, depriving farmers of a critical tool in corn production.
- This lawsuit makes very broad claims that simply are not substantiated by a number of world-renowned institutions.

Atrazine is one of the most-studied agricultural products in the world.

- Because it has been so widely used for 45 years, atrazine is one of the most-studied agricultural products in the world.
- U.S. EPA completed a 10-year review of atrazine, including analysis of 800 studies, and recommended re-registration of the herbicide.

U.S. EPA is the appropriate agency to establish to provide science-based oversight of herbicides – not plaintiff.

- Plaintiff wants to substitute its view for the scientific research and rigorous regulatory process used by the EPA to establish the safety standards for crop protection chemicals across this nation.
- Allowing local litigation to supersede stringent federal regulation will have far-reaching implications for agriculture, industry, and consumers.
- The U.S. EPA has affirmed, and the Illinois EPA has adopted, a safety standard (called an MCL) for atrazine of 3 ppb. This MCL has a built-in 1000-fold safety factor.

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Those who know atrazine best support its continued use.

- The people who are in the best position to understand the value and safety of atrazine are those closest to the product – from farmers in Madison County to the likes of the World Health Organization.
- Growers and agriculture groups are defending atrazine because the herbicide helps to produce abundant and healthy crops. Growers understand atrazine and feel confident in its use.

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Draft

January 10, 2006

ATTORNEY-CLIENT PRIVILEGED

PREPARED AT THE REQUEST OF COUNSEL

C-O-N-F-I-D-E-N-T-I-A-L

**Syngenta Q-and-A Section Headings,
Questions and Answers**

Syngenta questions and answers in Arial bold (Blue)

JTA questions and draft answers in Times New Roman (Red)

(Sherry Ford's 1-9-06 changes in Times New Roman (Green))

NOTE: Syngenta additional information needed answers to questions 21, 22, 35, 36, 44, 46, 47, 48, 53, 56, 66, 67, 90, 132, 133, 134 and 136.

JTA to refine answers to questions 25, 26, 40, 50, 68, 80, 121 (Lindsay re Kendall quote), 137, as well as formatting issues.

I. Lawsuit

1. *Who is suing Syngenta?*

Holiday Shores Sanitary District (HSSD) of Madison County, Illinois, which is a public body responsible for distributing drinking water to its constituents. HSSD also says that it is suing on behalf of other Community Water Systems (CWS) in Illinois. However, the judge in the case has not yet approved a "class" action in this case, so right now the only plaintiff is HSSD.

2. *What are the plaintiffs claiming in this case?*

HSSD says that there is atrazine in its water, and that atrazine at any level is unsafe.

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3. *What is Syngenta's response?*

Syngenta believes the suit has no merit and is vigorously defending against it. EPA has set a science-based standard for atrazine of three parts-per-billion (ppb) in drinking water—a standard which Holiday Shores has fully met over the last 10 years. This is a conservative standard with a built-in, 1000-fold safety factor that protects human, animal and environmental health.

4. *Is Holiday Shores' drinking water contaminated?*

Syngenta believes that as far as atrazine is concerned, HSSD water is safe to drink. HSSD must believe that as well, since it continues to sell its water to its constituents.

5. *Does the EPA say Holiday Shores' water is safe to drink?*

alternative:

The State of Illinois has adopted EPA's standard for atrazine in drinking water. Holiday Shores has met that standard for ten years. EPA does not certify HSSD's water.

6. *Is human exposure to atrazine in drinking water at or below EPA's three parts-per-billion MCL safe? (MCL only applies to drinking water/humans)*

(This does not answer the question, but I'm not sure we need this question—seems redundant.)

alternative:

Yes. Syngenta strongly supports EPA's MCL for atrazine.

7. *Plaintiff insists that Syngenta has known for years that atrazine is bad for humans / plants / animals, but has kept this information from the public while continuing to sell the product. What is Syngenta's response?*

Syngenta believes in the science, and the science is clear that atrazine exposure within established standards is safe for people and the environment. Syngenta has never withheld information from EPA or the public that calls atrazine's safety into question.

8. *Who else is involved in this case?*

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Plaintiff also sued other atrazine manufacturers, including Dow, Drexel, Makhteshim-Agan and Sipcam, and UAP, a formulator of products that contain atrazine. In addition, Growmark, a federated regional cooperative comprised of Illinois farmers, was named co-defendant in each of the suits.

9. *What did Syngenta say in its motion to dismiss?*

In all, Syngenta presented to the judge nine distinct bases on which the suit should be dismissed—any one of which is sufficient for the court to dismiss this case. Those bases include the absence of standing by the plaintiff to bring the suit and the legal insufficiency of the claims alleged.

10. *Who represents the people who drink the water?*

Consumers are protected by the stringent federal and state safety standards that all drinking water has to meet—and HSSD **does** meet these water safety standards for atrazine.

11. *Why did Syngenta try to remove this case to federal court?*

All of the defendants agreed there were important legal reasons for this case to go to federal court. The judge there heard our argument and disagreed, and we respect that decision.

12. *Why didn't the federal court take this case?*

The judge wrote that HSSD's complaint was most appropriately heard by a state court.

13. *Isn't the local state court the best place to hear this case?*

We are happy to defend this suit in state—or federal court—because we believe EPA's science-based oversight of atrazine is solid.

14. *Why did Syngenta opt to remove the assigned judge early in the case?*

Under Illinois law, all parties in civil actions are entitled to change courtrooms under certain circumstances without stating any reasons for doing so. That's what we did in this case.

15. *Is Syngenta paying the legal fees of the other defendants?*

We are paying for ourselves, UAP and Growmark, not Dow.

16. *Have there been other lawsuits involving atrazine exposure through drinking water?*

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Not many. Notable was *Iberville Parish Waterworks Dist. No. 3 v. Novartis Crop Protection, Inc.*, 45 F. Supp. 2d 934 (S.D. Ala. 1999), which found that plaintiff's water district had no standing to present its claims when atrazine levels did not exceed the MCL. (Aff'd., 204 F.3d 1122 (11th Cir. 1999)).

II. Product history / safety record

17. *What is atrazine?*

Atrazine is a weed-killer that, according to EPA, saves corn farmers an estimated \$28 per acre. It has been used for 47 years and is one of the most-studied herbicides on the market today.

18. *How long has it been on the market?*

47 years in the US, since 1959.

19. *Who uses it?*

In Illinois, corn farmers. It is also used by sugar cane and sorghum growers.

20. *How is it used?*

Farmers spread it onto their fields. It can be applied before, during or after planting. Many farmers use "best management practices," in conjunction with atrazine, including conservation tillage, which reduces run-off and soil erosion by as much as 90 percent.

21. *How does atrazine work? (What is its mode of action?)*

Atrazine interrupts photosynthesis...

22. *Does atrazine have residential uses?*

Atrazine is used in the fall and spring to control weeds in turf in certain areas of the US. Residential use of atrazine is limited to the southern states (FL, LA, MS, eastern TX, VA, SC, GA, AL, eastern OK, AR, TN, NC), and it can only be used on the following warm-season grasses: St. Augustine grass, centipede grass, zoysia grass and Bermuda grass.

23. *What are the agricultural and economic benefits of atrazine?*

Atrazine is the most widely used herbicide in conservation tillage systems, helping to prevent soil erosion and to reduce runoff by as much as 90 percent.

Because of its activity on a tremendous variety of weeds, atrazine is the active ingredient most frequently used by manufacturers in herbicide pre-mix products and is now found in more than 45 pre-mixes in the US.

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From an economic standpoint, EPA estimates that by using atrazine over alternative herbicides, farmers save \$28 per acre in herbicide costs and yield advantages.

24. *How can we be assured that water containing atrazine is safe to drink?*

U.S. EPA has an open and transparent regulatory process that is science based. The agency has determined that three parts per billion, or three ounces in 7,812,500 gallons of water, is an acceptable level of exposure *by a safety factor of 1000*. This is roughly the size of a cell phone in a swimming pool five feet deep, 40 feet wide, and one mile long.

This determination is based on decades of constantly refreshed research, thousands of studies, 80,000 public comments and peer review by EPA scientists.

Is atrazine a poison?

Atrazine is a restricted use pesticide, meaning only certified applicators or people under their supervision may use it in agriculture. When handled and applied according to the label, atrazine can be used safely. (This needs more work—EPA web site may have add'l info on hazard levels. For instance, I know some pesticides have skull and crossbones on the label—atrazine doesn't.)

25. *Is atrazine a contaminant?*

In EPA language, atrazine, like many chemicals we use in our home, such as ammonia and bleach, is labeled by EPA as a "contaminant." So is sediment from the erosion of our topsoil. (I would prefer not to compare atrazine to bleach or ammonia, which are much more toxic than atrazine.)

26. *What are some other contaminants that may also be found in water?*

Water contains trace elements of almost every chemical known. Arsenic, lead, gold... they are all in water, but, like atrazine at approved levels, they are there in miniscule amounts. (Not necessarily—we shouldn't vouch for the purity of drinking water regarding other chemicals.)

III. Regulatory

A. General

27. *What is a Special Review?*

A Special Review is a thorough assessment of the safety of a crop protection product to human health and the environment in

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connection with its re-registration by the US Environmental Protection Agency (EPA). Since late 1994, a class of herbicides called the triazines—including atrazine and simazine—have been in Special Review. Through the course of the triazine Special Review, hundreds of research studies have been analyzed, more than 80,000 public comments have been received (mostly from supportive growers, commodity groups and university researchers), and EPA has sought public participation and comment on risk assessments and other documents submitted as part of an open review process.

28. *When will the Triazine Special Review be completed?*

In 2006, EPA is expected to issue the tolerance reassessment and final re-registration decision for atrazine, once the cumulative risk for all triazine herbicides on the US market, including simazine and propazine, is considered.

29. *What is an IRED?*

An Interim Re-registration Eligibility Decision (IRED) is a document issued by EPA in the course of re-registering a pesticide. In the case of atrazine, the IRED, approved by EPA in January 2003, represents the Agency's re-registration decision for that individual chemical, after considering potential risks, public comment and mitigation options. An amended IRED for atrazine, which took into account further public comment and available data, was issued on October 31, 2003. EPA's final re-registration decision on atrazine will be issued once the cumulative risk for all triazine herbicides is considered.

30. *What is a RED?*

A Re-registration Eligibility Decision is the formal, final EPA decision on an herbicide like atrazine.

31. *What is an SAP?*

A Scientific Advisory Panel, convened by EPA, provides scientific advice on pesticides and pesticide issues related to their potential impact on health and the environment. An SAP also serves as a peer-review body for current scientific issues that may influence the direction of regulatory decisions. The panel is composed of seven members selected by the EPA Administrator on the basis of their professional expertise. These names are submitted from a total list of 12 nominees identified by the National Institutes of Health and the National Science Foundation.

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32. *Why did EPA schedule an SAP meeting in June 2003 on atrazine and frogs?*

This SAP was mandated by the Consent Decree agreement between NRDC and EPA to evaluate emerging data that potentially links atrazine exposure to frog malformations.

33. *Why did EPA schedule another SAP in July 2003 on atrazine and epidemiology/cancer?*

Syngenta was surprised about this SAP, particularly in light of EPA's statements in the January 2003 IRED regarding the lack of evidence linking atrazine to prostate cancer. Again, the July SAP was a requirement of the Consent Decree agreement between EPA and NRDC.

34. *Were there things Syngenta wanted, but didn't get, in the atrazine IRED?*

Yes. A few of them are:

- Syngenta believes that the use of LH (hormone) surge as an endpoint, taken from a six-month study in adult rats, is inappropriate for assessing risk to the young. Infants (until puberty) do not experience LH surge, making them, in fact, less sensitive to atrazine. We did not win on this point, leading to the application of an additional 10x uncertainty factor above and beyond the standard 100x safety factor and a much more conservative (and costly) monitoring program for drinking water. In fact, the proper endpoint should have been an endpoint other than LH surge suppression. If that were accepted by EPA, and the additional 10x safety factor was not employed, the acceptable exposure level would be more than 30 times higher than it is currently.
- In attempts to determine atrazine exposure through rural wells, EPA relied upon data from a Syngenta survey of 1,505 rural wells conducted in 1992-1994, conducted prior to labeled rate reductions. In the survey, Syngenta deliberately selected highly vulnerable settings representing worst-case scenarios. Some of the wells are not even used for drinking water.
- After two re-sampling surveys (1994-1997 and again in 2001), we know that levels of atrazine and its metabolites have declined significantly in all of the wells since the original survey. Most