

C:\PROJECTS\MONTAGUE\DISCOVER

TO: Gerson Smoger

FROM: Carol Van Strum

DATE: October 27, 1993

RE: Gaffey v. Montague

510-746-8799
pg. 1 of 4

Wish List for Discovery

The "Zack/Gaffey study" is to be interpreted as encompassing all material such as drafts, memos, etc., of the study published as the Zack/Gaffey study (*cite), whether Gaffey's name is on such material or not.

— page numbers are to *Rat* report

Document requests:

1. Copies of any and all deposition and testimony, including exhibits, of:

- A. Judith Zack (co-author, Zack/Gaffey study)
- B. Raymond Suskind (co-author, Zack/Suskind study, named in Monsanto press release, 1980, as author of Zack/Gaffey study)
- C. William Gaffey (plaintiff, co-author Zack/Gaffey study)
- D. Alistair Hay (critic of Zack/Gaffey study)
- E. Ellen Silbergeld (critic of Zack/Gaffey study)
- F. George Roush (Monsanto Medical Director)
- G. Mary Gaffey (William Gaffey's wife; librarian of Monsanto's medical library until 1989)
- H. Marcie Strauss (Monsanto, author of verbatim & critique of Zack Gaffey study prepared in defense, see p. 329, CVS/PEM Greenpeace report)
- I. Jan Yung (Monsanto clerk who assembled data for Zack/Suskind report; possibly for Zack/Gaffey report as well)

2. All communications between Monsanto and Michael Gough discussing or referring in any way to any or all of the Nitro studies. (Gough defended the Zack/Gaffey study in a letter published in Nature responding to Hay & Silbergeld's letter, and in his

book, "Dioxin/Agent Orange: the Facts," in both places revealing information -- without attribution -- that he could have obtained only from Monsanto.)

3. All records discussing or referring in any way to Monsanto's 1980 press release on the Zack/Suskind and Zack/Gaffey studies (identifying Suskind, not Gaffey, as the co-author of the Zack/Gaffey study).

A. All drafts, communications, news clippings, etc. of this press release.

B. All materials assembled for preparation of the press release

4. All drafts of the Zack/Gaffey study, whether Gaffey is named as author or not.

5. All drafts of protocols, study plans, rationales, and proposals for the Zack/Gaffey study.

6. All communications among Suskind, Zack, Gaffey, and Mary Gaffey discussing or referring in any way to the study, or underlying research, that was published as the Zack/Gaffey study.

7. All records discussing or referring in any way to the Zack/Gaffey study.

8. All records discussing or referring in any way to the decision to name Gaffey as co-author of the Zack/Gaffey study instead of Suskind.

9. All communications between William Gaffey and Marcie Strauss (pp. 329-344) discussing or referring in any way to the Zack/Gaffey study and/or Strauss's "Verbatim & Critique".

10. All communications between Marcie Strauss and each addressee and cc recipient of her "Verbatim & Critique" (pp. 329-344)

11. All drafts of Strauss's "Verbatim & Critique," including all reference materials used in its preparation.

12. All records in Monsanto's possession discussing or referring in any way to Strauss's "Verbatim & Critique."

13. All records discussing or referring in any way to the table and handwritten notes titled, "Table 9 Observed and Expected Number of Deaths during 1955-1977 by Cause and 2,4,5-T Exposure Category Showing Proportional Mortality Ratios (PMRs) (Not Including Deaths from TCP Incident)" [See attachment A]

14. All records of communications between Monsanto and NIOSH

discussing or referring in any way to the Zack/Gaffey study [See attachment A: if, as the handwritten notes on this table suggest, NIOSH pointed out the misclassification errors before the study was published, and Gaffey/Monsanto went ahead and published without correcting the errors, your fraud is established.]

15. All records discussing or referring in any way to EPA dioxin sampling at the Nitro plant (pp. 326-28)

16. All records discussing or referring in any way to Monsanto destruction of EPA samples from Nitro [p. 327]

17. All records of communications between Monsanto and EPA discussing or relating in any way to dioxin sampling at Nitro conducted by EPA, Monsanto, or any other entity.

18. All records discussing or referring in any way to Monsanto sampling and analyses for dioxin at the Nitro plant, including but not limited to sample plans, protocols, sampling records, chain-of-custody records, analytical methodology, raw analytical data, and analytical results.

19. All communications between Mary Gaffey and William Gaffey, Raymond Suskind, Judith Zack, Marcie Strauss, Jan Yung, George Roush, etc.* discussing or referring in any way to the Zack/Gaffey study.

20. All records discussing or relating in any way to the decision not to use chloracne as a surrogate for exposure in the Zack/Gaffey study.

21. All records -- including but not limited to drafts, protocols, and communications -- discussing or relating in any way to the study described in Zack/Suskind [cite] as "An analysis of the chloracne cases and exposures not associated with this accident but rather with the normal TCP/2,4,5-T production processes will be the subject of a future paper." (p. 12, Zack/Suskind)

22. All records discussing or relating in any way to the decision not to use chloracne as a surrogate for exposure in the Zack/Gaffey study.

23. All records discussing or relating in any way to the decision to substitute Gaffey for Suskind as co-author of the published Zack/Gaffey study.

24. All records of communication between Monsanto and NIOSH discussing or referring in any way to the Zack/Gaffey study.

25. All records discussing or referring in any way to allegations of fraud in the Nitro studies.

26. All records revealing, discussing, or referring in any way to Gaffey's role and/or actions in any or all of the Nitro studies.

27. All records discussing or referring in any way to the presentation of the Zack/Gaffey study at the 1981 International Dioxin Symposium.

28. All records of communications with the U.S. Air Force (e.g. Wolfe) discussing or referring in any way to the Nitro studies.

29. All communications between Monsanto and the U.S. EPA discussing or referring in any way to the Nitro studies.

30. All communications between Monsanto and the American Medical Association discussing or referring in any way to the Nitro studies.