

1 THE COURT: All right. You may
2 proceed.

3
4
5 (WHEREUPON THE FOLLOWING PORTIONS OF THE VIDEO
6 DEPOSITION WERE SHOWN TO THE JURY.)

7

8

9 Q Would you state your full name, please?

10 A My name is George J. Levinskys.

11 Q After leaving American Sign in 1971, how
12 were you employed?

13 A I worked with Monsanto Company.

14 Q Do you remember the month?

15 A July, 1971.

16 Q What was your position when you were first
17 hired?

18 A The formal title was manager of product
19 evaluation.

20 Q What was your job assignment and what were
21 your duties and responsibilities as manager of
22 product evaluation?

23 A It was to start a program in the product
24 evaluation --

25

1 (WHEREUPON THE VIDEO DEPOSITION WAS INTERRUPTED)

2
3 MR. POHL: Your Honor, we have
4 introduced the witness to the jury. Now we
5 will proceed with our summary, if I could
6 call upon Mr. Musslewhite to assist me.

7 THE COURT: All right.

8 MR. POHL: Dr. Levinskass received his
9 Ph.D. from the University of Rochester in
10 pharmacology in 1953. He joined Monsanto in
11 July of '71 as manager of product
12 evaluation. He is currently employed by
13 Monsanto as senior toxicology consultant.
14 Levinskass is familiar with the IBT Aroclor
15 studies. IBT was an independent laboratory
16 which means it was self-governing or not
17 subject to control by others.

18 Elmer Wheeler of Monsanto approached
19 Paul Wright and asked him to leave IBT and
20 rejoin Monsanto. After Dr. Hunt died, Paul
21 Wright took over some of Dr. Hunt's
22 functions at Monsanto which included
23 coordination with IBT regarding ongoing
24 Monsanto studies.

25 Levinskass proposed a report entitled

1 Toxicity and Enviromental Effects of
2 Commercial PCBs. It is identified as
3 Exhibit No. 29 to his deposition. Exhibit
4 29 is a report prepared by Dr. Levinskass.
5 Questions regarding that record:
6

7 (Reading from video deposition)

8 Q All right. Page 1 of the report and
9 continuing over to Page 2 of the report there is
10 a topic entitled conclusions based on Monsanto
11 studies. Do you see that?

12 A Yes.

13 Q The first numbered paragraph as those
14 conclusions reads as follows and I will quote
15 Doctor: "As a class, the Aroclors are relatively
16 harmless materials for routine industrial
17 handling under ambient conditions."

18 Now, sometime after 1975, at or about the
19 time that this paper was authored marked
20 Levinskass 29, did you agree or disagree with
21 that statement?

22 A I think it's a valid statement then and now.

23 Q So, your position is to today that Aroclors
24 as a class are a relatively harmless material?

25 A Yes.

1 Q However --

2 (End of reading)

3

4 MR. POHL: Continuing with the summary.

5 However, in response to further

6 questions by counsel for plaintiffs

7 regarding the adverse human health effects

8 of exposure to PCBs, Levinskis testified as

9 follows:

10

11 (Reading from video deposition)

12 Q What type of liver injury could human beings

13 sustain under conditions of severe exposure?

14 A I'm not a good enough clinician to give a

15 very good description.

16 Q Just in laymans terms so the Court and jury

17 can understand.

18 A Yes.

19 Q The first numbered paragraph of those

20 conclusions reads as follows:

21 (End of reading)

22

23 MR. POHL: I'm sorry. They duplicated

24 that. Go to Page 3.

25 MR. MUSSLEWHITE: All right.

9
1 (Reading from video deposition)

2 Q In your discussions with people such as Dr.
3 Kimbrough and others and in your review of the
4 literature, did you uncover any other hazards to
5 human beings that might result from severe
6 exposure to PCBs?

7 A The -- basically that, those directed to the
8 liver, the chloracne, the skin, other
9 manifestations of skin eruptions, swelling of the
10 eyelids, distortion of surface of skin,
11 fingernail distortion. But things that are
12 generally related to the surface of the body or
13 the body surfaces. I don't believe there are any
14 other demonstrated consistent effects.

15 Q These damages to the skin, to the surface of
16 the body that could be caused by the severe
17 exposures to PCB, would that include skin cancer?

18 A No.

19 Q What more specifically would it include?

20 A There is a blacking of fingernails,
21 fingernails turned inward, lost of facial hair,
22 head hair, body hair. Apart from chloracne, a
23 general breakout of a rash, generalized skin
24 rash, swelling of the eyelids, probably some
25 difficulty breathing because of swelling of the

nasal tissues, pigmentation, darkening of the skin, most of them are -- that's related to the skin surface.

Q Levinsksas Exhibit No. 6 refers to conversations with Dr. Renate Kimbrough regarding her study of Aroclor 1260.

The Aroclor 1260 used by Dr. Kimbrough was the same as that used by IBT in its tests. In connection with Exhibit 6, Dr. Levinsksas notes chloracne and liver hazards. Dr. Levinsksas passed on to Drs. Kelly and Johnson of Monsanto the questions raised by Dr. Kimbrough regarding prophyria. They had no particular reaction to Dr. Kimbrough's comments and Monsanto did not, "sponsor any studies to further determine whether or not Aroclor products caused prophyria in rather."

Regarding Dr. Kimbrough's 1974 Aroclor study, Dr. Levinsksas assisted efforts to reconcile the findings of IBT and Dr. Kimbrough. Dr. Levinsksas accompanied Dr. Donovan Gordon and Dr. Ward Richter when they met with Drs. Kimbrough and Squire in Washington, D.C. to review Dr. Kimbrough's slides.

Did you a company them on that review?

1 A Yes.

2 Q Did you actually look at the slides
3 yourself?

4 A No.

5 Q And what was the conclusion of the IBT
6 pathologists, Drs. Gordon and Richter upon their
7 review of Dr. Kimbrough's slides?

8 A In general, the lesions that they described
9 and Dr. Kimbrough's slides were more advanced and
10 they concurred with those -- that those were
11 carcinomas.

12 The lesions that they had seen in the
13 Monsanto-sponsored studies were less advanced and
14 they did not regard them as carcinomas.

15 Q So, ino the rats fed Aroclor 1260 or fed
16 Aroclor by Dr. Kimbrough, the liver damage was
17 more advanced than that in those rats fed the
18 same Aroclor product by IBT?

19 A Yes.

20 Q Now, what explanation did you consider to
21 explain that variance?

22 A They used a difficult strain of rats. So,
23 the source and origin of the animal was
24 different; the housing conditions, while
25 superficially similar were different, one was in

1 Chicago, one was in Atlanta; despite
2 air-conditioning and such, there are variations.

3 The sources of feed and the contaminants or
4 other materials, the composition of the feed
5 could vary, the water supply is different, the
6 subtleties of handling the animals day in and day
7 out and so for, could vary. So, there are a
8 variety of potential distinguishing features.

9 Q I think you indicated a moment ago that
10 subtleties and the handling of the animals, the
11 course of their feed and their housing could make
12 a difference in the result of the test.

13 A Yes.

14 Q And so that if two different groups of rats
15 were fed the same Aroclor products but one group
16 was handled differently than the other and one
17 was housed differently than the other and one
18 received watering differently than the other,
19 that could result in a variance?

20 A Those are potential variances.

21 Q Now, is one of the goals of a 24-month
22 chronic rat study to try to keep the rats on the
23 study for the full 24 months?

24 A Yes.

25 Q And is one of the reasons that you do that

1 is because that will expose the rodents to the
2 product being tested for the substantial balance
3 of their natural life?

4 A Yes.

5 Q PCBs the are the type of product that
6 accumulate in the system. Rats exposed to PCBs
7 for a shorter time would have less product
8 accumulated in their bodies than rats exposed for
9 a longer period of time.

10 "If animals are started late, their response
11 could be expected to be less severe than those
12 started earlier."

13 Although Dr. Parvis Poor disagreed with Dr.
14 Kimbrough's finding of carcinogenicity, he did
15 find that PCBs caused toxic effects in rodents.
16 This fact was communicated to Dr. Levinskass.
17 Dr. Levinskass sent Dr. Poor's report to Dr.
18 Gordon who responded by reaffirming his finding
19 of carcinogenicity and disagreeing with Dr.
20 Poor's report.

21 (End of reading)
22

23 MR. POHL: With regard to studies whose
24 validity had been jeopardized, Dr.
25 Levinskass testified on Pages 77 through 79

1 of his deposition as follows:

2
3 (Reading from video deposition)

4 Q If you are reviewing a toxicological study
5 that was done by somebody on a product that you
6 were involved with and animals had been
7 substituted during the course of the study and
8 that fact had not been recorded in writing, if
9 some animal's data such as body weight data,
10 feeding data or other data had not been
11 accurately recorded, and in instances had been
12 fabricated, and you learned that in connection
13 with your study, would you rely on the validity
14 of that study as a toxicologist?"

15 A The confidence I have in the data would
16 depend on the quality from which it came, yes.

17 Q Well, to put it more simply, Doctor, if you
18 have learned of facts that would indicate to you
19 that the validity of a particular toxicological
20 study was jeopardized, would you rely on that
21 study?

22 A I would want to confirm the information that
23 I had.

24 Q Well, just assume with me for purposes of
25 this question that you had confirmed that there

1 were events which had occurred in connection with
2 one of your studies that jeopardized that study's
3 validity. Should you, as a professional
4 toxicologist rely on that study whose results had
5 been jeopardized?

6 A Since we are dealing with evaluations and
7 assessment of information, I think one would have
8 to take into account the totality of the
9 information available to properly assess the
10 results of that particular study.

11 Q I just want to understand. I want the Court
12 and jury to be able to understand.

13 You don't know, then, today, or can't answer
14 more directly whether you would rely on a study
15 whose validity had been jeopardized?

16 A You would have to define whose validity had
17 been jeopardized.

18 Q So, without any further explanation, you are
19 not able to answer the question?

20 A No.

21 (End of reading)

22
23 MR. POHL: Continuing with the
24 summary.

25 Levinsk's Exhibit 17 is a letter from

1 Paul Wright dated September 30, 1971, which
2 refers to "a general indication of the
3 toxicity of the material," referring to
4 Aroclor 1254.

5 "A toxic effect would be a general
6 adverse effect caused by the chemical, which
7 includes death."

8 The letter goes on to say that, "There
9 appears to be a reduction in the pup
10 survival in the group fed the highest level,
11 100 ppm of Aroclor 1254, which means that
12 there was a problem with the survivability
13 of the offspring of the rats fed Aroclor
14 1254."

15 Regarding the editing of IBT papers by
16 Monsanto, Dr. Levinskis testifies as
17 follows:

18
19 (Reading from video deposition)

20 Q Did you review any papers that were prepared
21 by employees of IBT with regard to Aroclor
22 studies that had been conducted by IBT for
23 Monsanto?

24 A Yes.

25 Q And would you, from time to time, make

1 changes in their proposed papers?

2 A I would make editorial comments, yes.

3 Q In addition to your reviewing papers to be
4 published by IBT personnel, either in the
5 literature or at seminars, did others in the
6 medical department at Monsanto also review papers
7 to be published by IBT personnel?

8 A Yes.

9 Q And was that review done typically before
10 the papers were put out in final form?

11 A The review would be on the proposed papers.

12 Q If a paper was to be published under the
13 name of a person conducting independent research
14 on Monsanto's products, whose opinions should
15 have been expressed in the papers: those of the
16 independent researcher or those of Monsanto?

17 A The ones which were technically correct.

18 Q Let me show you Exhibit 18 to your
19 deposition and see if you can recognize that
20 document.

21 "QUESTION: The letter goes on to say,
22 quote, "I hope to get copies of all of the
23 studies in the hands of Bill Papageorge, Scott
24 Tucker and the lawyers next week. I do not
25 anticipate a lot of changes from them and hope

1 that the attorneys agree that we can go ahead
2 with publication."

3 Was it the practice of the medical
4 department at Monsanto to additionally have
5 Monsanto's lawyers review publications of studies
6 by independent laboratories on Monsanto's Aroclor
7 products?

8 A It's a practice in all companies by
9 member -- or all publications by members of the
10 company have to have clearance.

11 Q By the legal department?

12 A Individuals that Mr. Wheeler picked for
13 that, I don't -- I have no knowledge of how or
14 why.

15 Q Well, what knowledge do you have about why
16 the lawyers at Monsanto would review -- would be
17 reviewing a proposed publication by an
18 independent entity, such as IBT?

19 A I have no knowledge of why that was there.

20 Q Is that a practice that was companywide or
21 was companywide back in the 1970's or is that a
22 practice that was limited strictly either to IBT
23 or to Aroclor products?

24 A I said I have no knowledge on it.

25 Q Either way?

1 A Either way.

2 (End of reading)

3
4 MR. POHL: Levinskass identifies
5 Exhibit 18, which a letter dated April 18,
6 1975, from Dr. Calandra. In that letter,
7 Dr. Calandra of IBT states:

8 "Please let me know of any action that
9 you contemplate in the way of seeking
10 additional assistance in pathology or in
11 contacting federal agencies. We will be
12 pleased to be of help in any way that you
13 may."

14 Levinskass says that IBT helped
15 Monsanto in presenting Monsanto's position
16 to governmental agencies. Regarding changes
17 to the IBT Aroclor study reports, Levinskass
18 testifies on Page 119 of his deposition.

19 To save time, we have prepared a short
20 summary, a blowup of that page.

21
22 (Reading from video deposition)

23 Q Did you request IBT to change any of its
24 reports to Monsanto with regard to IBT's
25 examination of Aroclor products?

1 A No.

2 Q You never did that?

3 A No.

4 Q Let me show you Exhibits 21 and 22 to your
5 deposition and see if you can recognize these
6 documents. Dr. Levinskys, let me see if I can
7 refresh your recollection.

8 In July of 1975, did you request that an IBT
9 report of a study of Aroclor 1252 be amended to
10 say, "Does not appear to be carcinogenic," in
11 lieu of the phrase, "slightly tumorigenic?"

12 Answer?

13 A That's correct.

14 (End of reading)

15

16 MR. POHL: The summary continues. The
17 changes requested by Dr. Levinskys were
18 made by IBT. The wording "slightly
19 tumorigenic" was deleted and the wording
20 "does not appear to be carcinogenic" was
21 substitute. Therefore, Levinskys testifies
22 as follows:

23

24 (Reading from video deposition)

25 Q The language that IBT uses in the conclusion

1 that you just read to the Court and jury is an
2 exact, verbatim quote of the language which you
3 set forth in your letter dated July 18, 1975; is
4 it not?

5 A Yes.

6 (End of reading)

7 MR. POHL: Levinskass' letter
8 requesting his change is dated July 18,
9 1975.

10 On August 8, 1975, IBT responded and
11 forwarded revised conclusion pages to
12 Monsanto. Those conclusion pages were dated
13 March 24, 1975.

14 Regarding revisions to the Aroclor
15 reports, Levinskass testifies as follows, on
16 Page 278 of his deposition:

17

18 (Reading from video deposition)

19 Q Yesterday, we talked about these and the
20 documents did not include the full text of the
21 report. Let me hand to you Levinskass Exhibits
22 41, 42 and 43 and ask if these are the reports
23 that you were referring to yesterday?

24 A Based on the amount I read, they appear to
25 be the reports.

1 Q And they are the ones that Dr. Calandra sent
2 to you after you sent to Dr. Calandra your letter
3 dated July 18, 1975?

4 A They appear to be the same.

5 Q After having reviewing all three of the
6 reports on the Aroclor products, is a fact that
7 each of the three contains a verbatim recitation
8 of the language which you suggested in your
9 letter of July 1975?

10 A Yes.

11 Q And the fact is, from the correspondence
12 that you authored and from the response that you
13 testified yesterday that you received, you know
14 that the revised report that you got as a
15 consequence of your recommendation was backdated,
16 was it not?

17 A I know that now.

18 Q In connection with Dr. Kimbrough's speech to
19 the Society of Toxicologists regarding her
20 findings of carcinogenicity in connection with
21 her PCB study, Monsanto intended to issue a press
22 release noting Dr. Parvis Poor's disagreement
23 with Dr. Kimbrough's finding.

24 This proposed press release did not mention
25 the fact that Dr. Gordon, Dr. Richter and Dr.

1 Squire agreed with Dr. Kimbrough's findings.

2 The Epily (spelled phonetically) Institute,
3 Dr. Poor's employer, requested that this press
4 release not been issued.

5 (End of reading)

6

7 MR. POHL: Referring to Exhibit 29, the
8 report prepared by Dr. Levinskys, the
9 witness testifies as follows:

10

11 (Reading from video deposition)

12 Q Under the section that you referred to a
13 moment ago entitled "comments," a reference is
14 made, is it not, to a review of the Kimbrough
15 results by Drs. Gordon, Richter and Poor?

16 A Yes.

17 Q Let me read this sentence to you and tell me
18 if I read it correctly. Talking about
19 Kimbrough's slides.

20 "The slides were read independently by
21 Dr. D. Gordon of Industrial Biotech
22 Laboratories, professor W. Richter of the
23 University of Chicago and by professor P. Poor of
24 the Epily Institute for Research in Cancer." Did
25 I read that correctly?

1 A Yes.

2 Q "In addition, Dr. Poor evaluated the
3 Kimbrough slides and does not agree with the
4 reported findings." Is that correct?

5 A That's correct.

6 Q And so, this paper is telling the reader
7 that Dr. Poor disagreed with Kimbrough's finding
8 of carcinogenicity in the Aroclor products,
9 correct?

10 A Correct. Yes.

11 Q Where do you tell the reader that both Dr.
12 Gordon and Dr. Richter agreed with Dr.
13 Kimbrough's findings of carcinogenicity in her
14 study? Show me the language.

15 A That is not in that summary.

16 (End of reading)

17

18 MR. POHL: Monsanto attempted to
19 validate IBT's Aroclor tests. Levinskas
20 was in charge of that validation.
21 Levinskas concluded that IBT's Aroclor
22 tests were, "adequately conducted."

23 The following testimony appears:

24

25 (Reading from video deposition)

1 Q Who assisted you in that endeavor?

2 A I did it myself.

3 Q Now, in conducting your review and
4 validation of IBT's Aroclor studies, did you go
5 to the facilities of IBT and visit their offices?

6 A No.

7 Q When you did your attempted validation of
8 the IBT Aroclor studies in 1981, did you consult
9 with Dr. Wright?

10 A No.

11 Q How did you determine that the rats were
12 properly housed during the course of the IBT
13 study?

14 A I made no attempt to do so.

15 Q What about the source of feed, how did you
16 determine what the source of feed was for the
17 rats while they were on the IBT Aroclor studies?

18 A I can't specifically recall whether we had
19 records on the source of feed or not.

20 Q So, that's not an element that you can
21 recall having validated, correct?

22 You will have to answer verbally.

23 A Correct.

24 Q Now, another element that you said was
25 important was water supply. Do you remember

1 that?

2 A Yes.

3 Q How did you validate the water supply to the
4 rats while they were on IBT Aroclor study?

5 A I did not validate. And I'm not sure that
6 validation in that since has -- I said that the
7 different water supplies could contribute to
8 different outcomes. I do not know that anybody
9 would make an attempt to validate water supply.

10 Q You didn't?

11 A I did not.

12 Q What subtleties of handling animals? You
13 remember when you told me about that this
14 morning?

15 A Yes.

16 Q How did you validate the subtleties of the
17 way that the people at IBT handled --

18 A I did not.

19 Q -- the rats that were on the Aroclor
20 studies?

21 A I did not.

22 Q Didn't make any effort to?

23 A No.

24 Q In terms of validating the actual raw data
25 itself, in terms of confirming that the actual

1 body weights listed were the true body weights of
2 the animals at the time, that the actual amounts
3 of the Aroclor product was fed to each of the
4 test animals, that the animals were properly
5 watered and housed, you didn't make any
6 validation of those facts, did you, Doctor?

7 A I did not.

8 Q Did you ever retest any of the Aroclor
9 products that had been tested by IBT?

10 A No.

11 (End of reading)

12
13 MR. POHL: Continuing with the summary.

14 Body weight data would assist one in
15 determining whether or not animals had been
16 substituted during the course of the test.
17 The sequential intervals of weighing an
18 animal attest to the animal's existence on
19 test over a period of time.

20 Levinskis prepared employee
21 evaluations with regard to Dr. Paul Wright.
22 Exhibit 38 is a personnel evaluation of Dr.
23 Wright.

24
25 (Reading from video deposition)

1 Q No. You speak in your evaluation of Dr.
2 Wright, in your recommendation of him for merit
3 award that he forestalled EPA's promulgation of
4 unrealistic regulations. Is that what you just
5 read to the Court and jury?

6 A Yes.

7 Q What unrealistic regulations of the EPA was
8 Dr. Wright successful in forestalling?

9 A There was talk of a 0 discharge.

10 Q What is a 0 discharge?

11 A None could be permitted.

12 Q To escape into the environment?

13 A Yes.

14 Q Okay. And that was unrealistic in your
15 opinion?

16 A Yes.

17 Q And that's how you characterized it in your
18 memorandum marked Levinsk's Exhibit 38?

19 A Yes.

20 Q And when you say that Dr. Wright was
21 successful in forestalling the EPA's prohibition
22 about the discharge of any PCBs into the
23 environment, do you mean by that that he was
24 ultimately able to prevent such regulation by the
25 EPA or that he was simply able to delay the

1 implementation of such a regulation?

2 A It permitted time for review of the
3 situation so EPA could issue realistic
4 regulations.

5 Q All right. And who was the one that charged
6 Dr. Wright with the responsibility of
7 forestalling the EPA's promulgation of regulation
8 preventing any discharge of PCBs into the
9 environment?

10 A He was not charged with forestalling.

11 Q Was he reported to you at the time that he
12 undertook these activities --

13 A Yes.

14 Q -- on behalf of Monsanto?

15 A Yes.

16 Q All right. And did he undertake the
17 activities strictly on his own volition or did
18 you give him guidance in what he was to do?

19 A He presented the information to the agency.
20 With other considerations and that information,
21 the agency took its action. So, the outcome of
22 Dr. Wright's action was a forestalling. It was
23 not his charge to forestall.

24 Q It was the result that he was able to
25 achieve as noted by you in your recommendation of

1 him for a merit award, correct?

2 A That's correct.

3 Q Why did you note in your written
4 recommendations of Dr. Wright for a merit award
5 that, "EPA's proposed regulations would have
6 precluded the use of these materials by
7 Monsanto's customers," again referring to
8 Aroclors?

9 A I have indicated earlier a that 0 discharge
10 is impractical for the use of any products.

11 Q Well, I understand. You were making the
12 point that if the EPA had implemented the
13 regulations which Dr. Wright was able to
14 forestall, then the customers of Monsanto
15 wouldn't have been able to continue their use of
16 PCBs or the discharge of any of those PCBs into
17 the environment; is that correct?

18 A That's correct.

19 (End of reading)
20

21 MR. POHL: Levinskass toured the
22 facilities of IBT on various occasions. He
23 told IBT of each planned trip before his
24 arrival. Levinskass thought that the
25 facilities and operations were in accordance

14 1 with acceptable standards. He did not
2 notice anything unusual about the way IBT
3 handled the feeding of its rodents or the
4 administration of dosages.

5 Levinsksas concluded that, "Their
6 facilities were acceptable and their work
7 was valid."

8 Regarding Levinsksas Exhibit 25, a
9 letter dated August 14, 1975, from
10 Levinsksas to IBT, reference was made to
11 discrepancies or inconsistencies with regard
12 to rodents used in connection with the IBT
13 Aroclor study.

14 Question on Page 359:

15
16 (Reading from video deposition)

17 Q Now, you pointed out to Dr. Calandra in your
18 letter that there was some confusion in this
19 numbering, correct?

20 A Yes.

21 Q For example, there was some male rats that
22 were shown to be in the control group and yet
23 they were also shown to be in the one parts per
24 million group and also in the 10 parts per
25 million group at the same time; is that correct?

1 A Yes.

2 Q And below that, under female rats, you
3 expressed that you were confused because two of
4 the animals appeared -- at least two of the
5 animals appeared in more than one experimental
6 group; is that correct?

7 A Yes.

8 Q For example, Rat No. 3 was purported by IBT
9 to be in the one part per million dose group, the
10 10 part per million dose group, as well as the
11 100 part per million dose group; is that correct?

12 A Yes.

13 Q And you found it confusing that a rat could
14 have been in three separate dose groups at the
15 same time, correct?

16 A I asked him to check the numbering, the
17 numbers to see whether the basis for the
18 inconsistency, yes.

19 Q And so the Court and jury will understand
20 it, when a rat is placed in a toxicological study
21 and administered a particular dose, such as 10
22 parts per million, that rat is supposed to stay
23 confined to that particular group; is that
24 correct?

25 A Yes.

1 Q And so that same rat couldn't be at the same
2 time in the one part per million dose group and
3 the 100 part per million dose group, correct?

4 A It could not.

5 Q And when the female control rats, which you
6 identified on Page 1 as Nos. 46 through 48 and
7 Nos. 50, 52, 59, 64, and 69 are some of the same
8 numbers that you referred to on the second page,
9 are they not?

10 A Yes.

11 Q For example, at top of the second page, you
12 have question concerning animals 46, 47, 48, 50,
13 52, 59, 64, and 66; is that right?

14 A Yes.

15 Q And let me see if I understand the concerns
16 that you're having in your letter to Dr.
17 Calandra.

18 You note that Animal 52, for example, was
19 listed as a control animal, but at the same time
20 was shown as a 10 parts per million test animal,
21 correct?

22 A Yes.

23 Q Page 1, you reflect that IBT showed that Rat
24 No. 52 was a female control, correct?

25 A Yes.

1 Q On the second page, you note -- on Page 11
2 of IBT's report, Rat No. 52 was shown as a 10
3 parts per million dose group male rat, correct?

4 A Yes.

5 Q And then on Page 83 of IBT's report, it was
6 shown as a control group female; is that correct?

7 A Yes.

8 Q And Rat No. 64, just to pick one more
9 example -- I won't try to belabor this -- on Page
10 1 of your letter to Dr. Calandra, you note that
11 Rat No. 64 was designate by IBT as a control
12 female rt; is that correct?

13 A Yes.

14 Q On Page 2, you note that that same rat, No.
15 64, was listed as a 100 parts per million male
16 rat, correct?

17 A Yes.

18 Q And then you go on to note on Page 83 of
19 IBT's report, that the same rat, 64, was shown as
20 a control female?

21 A Yes.

22 Q Then, there are other similar instances on
23 this second page of your letter, dated August 14,
24 1975; is that correct?

25 A Yes.

1 (End of reading)

2
3 MR. POHL: That conclude our offer from
4 the deposition of Dr. Levinskass.

5 THE COURT: Ladies and gentlemen of the
6 jury, we are going to stand recess until
7 1:30. Please return to your places at 1:30.

8
9
10 (WHEREUPON AT 11:52 A.M., COURT WAS IN RECESS
11 UNTIL 1:30 P.M., AT WHICH TIME THE FOLLOWING
12 PROCEEDINGS WERE HAD AND DONE.)