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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS
ST. CLAIR COUNTY

FRANCES E. KEMNER, et. al.)

Plaintiffs,)

VS.)

NO: 80-L-970

MONSANTO COMPANY,)

Defendant.)

REPORT OF PROCEEDINGS

Before the HON. RICHARD P. GOLDENHERSE

JURY TRIAL

November 20, 1985

APPEARANCES:

Mr. Rex Carr

Mr. Jerome Seigfreid

On Behalf of the Plaintiffs;

Mr. Kenneth Heineman

Mr. Joseph Nassif

On Behalf of the Defendant.

Debra M. Musielak, CSR, CM
Official Court Reporter

1 A. Because it would depend on the type of cancer that
2 is developed.

3 Q. If it causes a type of cancer that is fatal and not
4 treated, sir?

5 A. Yes, it's possible.

6 Q. And, Doctor, of course if the person that has this
7 cancer initiated by this molecule of TCDD, if he gets to a
8 doctor soon enough and if it's detected soon enough, he may
9 be saved from the devastating effects of that cancer, may he
10 not, sir?

11 A. No.

12 Q. No? Doctor, isn't most cancers, if they are
13 detected early enough, aren't most cancers treatable, so that
14 you can survive from them?

15 A. No, to the part that TCDD is not an initiator.

16 Q. Doctor, I want you to assume that it is, please.
17 I've asked you to assume that, the others have said that it
18 is, and I know that you disagree with that, and I've already
19 told you, I respect your disagreement, but, assuming that it
20 is, sir, if the person that has the cancer, and even if it's
21 not an initiator, if it's simply a promoter, it's something
22 else, something in a person's environment, an every day
23 exposure that he may have to something else, that could be an
24 initiator, even if TCDD is a promoter, sir, in that

1 circumstance, if a person gets his checkup, if he gets the
2 cancer detected at an early enough stage in the formation of
3 that cancer, and if it is detectable, assuming that as well,
4 he can be saved many times from the devastating effects of
5 that cancer, may he not, sir?

6 A. Yes.

7 Q. And so, would you say, Doctor, as a toxicologist,
8 it is important that a person who is at risk of having cancer
9 caused by a carcinogen or promoted by a carcinogen, that that
10 person receive careful and meticulous medical observation?

11 A. Yes.

12 Q. And should it be at least on an annual basis,
13 Doctor.

14 Q. That observation?

15 A. No.

16 Q. That medical observation, sir?

17 A. No.

18 Q. Doesn't have to be that often?

19 A. It would depend on the age.

20 Q. Doctor, if, as you suggest, the latency period can
21 be as little as five years, you are not giving that latency
22 period different for kids or different for adults are you,
23 sir?

24 A. No.

1 Q. If the latency period is five years, shouldn't a
2 person have, at least within five years of the time he's
3 exposed, times he has the risk of having this cancer either
4 initiated or promoted, shouldn't he have that checkup then on
5 an annual basis?

6 A. That's correct, yes.

7 Q. And, should that kind of checkup continue from that
8 day forward to the rest of his life?

9 A. Perhaps.

10 Q. Doctor, referring back to the Ranch Hand study,
11 those persons -- those Ranch Handers were exposed to a
12 molecule of dioxin, weren't they, sir?

13 A. Where do you see that?

14 Q. Well, Doctor, from the Ranch Hand study, aren't
15 they investigating the possible health risk of persons that
16 the authors of the Ranch Hand study believe were exposed to
17 TCDD?

18 A. The assumption is that they were exposed, yes.

19 Q. All right. Now, if they were exposed to TCDD, the
20 Viet Nam veterans -- those Viet Nam soldiers, if they were
21 exposed, and if TCDD is a carcinogen, either a promoter or
22 initiator in man, they are at some risk, aren't they, sir?

23 A. Yes.

24 Q. And if as the authors of this EPA document say,

1 since most cancers have a latency of 15 years, are you
2 suggesting that those people, if the 15 years is correct,
3 that they don't need an annual checkup until the 15-year
4 period has passed?

5 A. No. Is the answer for that that I would suggest the

6 Q. When do they need their checkup? After five years?

7 A. After five years.

8 Q. After five years. All right. Now, Doctor, you do
9 agree that there are some cancers, soft tissue sarcomas for
10 instance, that have a longer latency period?

11 A. Yes. Risk is greater as time goes on, would that

12 Q. And this -- I take it you agree with the statement
13 in the next sentence of the -- this paragraph at the top of
14 Page 11-88 that the soft tissue sarcoma may not appear as a
15 risk in this group until well after the twentieth year, you
16 do agree with that, then, sir?

17 A. Yes.

18 Q. All right. And, the risk of soft tissue sarcoma
19 then would not be current if they have -- if those people
20 have only been exposed for fifteen years prior, isn't that
21 correct, sir?

22 A. No, not necessarily.

23 Q. That isn't necessarily correct?

24 A. No.