IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,	)	
	)	
Plaintiff,	)	
-vs-	)	
	)	# CV-S-89-555-LDG (LRL
	)	
MONSANTO COMPANY, et al.,	)	
	)	
Defendants.	)	

30(b)(6) DISCOVERY DEPOSITION OF
JOHN H. CRADDOCK

On the part of the Plaintiff

July 21, 1993

Concannon & Jaeger
General Court Reporters
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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Plaintiff,)
-vs-) # CV-S-89-555-LDG (LRL)
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MONSANTO COMPANY, et al.,)
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Defendants.)

* * *

I N D E X

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JOHN H. CRADDOCK

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,)
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Plaintiff,)
-vs-) # CV-S-89-555-LDG (LRL)
)
MONSANTO COMPANY, et al.,)
)
Defendants.)

30(b)(6) DISCOVERY DEPOSITION OF WITNESS, to be used in an action pending in the District Court of the United States, for the District of Nevada, wherein NEVADA POWER COMPANY is Plaintiff, and MONSANTO COMPANY, et al. are Defendants, pursuant to Notice, under the provisions of Rule 26 of the Rules of Civil Procedure, taken on July 21, 1993, at the law offices of Messrs. Husch, Eppenberger, Donohue, Cornfeld & Jenkins, 100 N. Broadway, STe. 1300, St. Louis, Missouri 63102, before Mark D. Concannon, a Notary Public within and for the State of Missouri.

A P P E A R A N C E S

The Plaintiff was represented by Attorney Ralph A. Bradley of the law firm of Jones, Jones, Close & Brown, Chartered, 700 Bank of America Plaza, 300 South Fourth Street, STe. 700, Las Vegas, Nevada 89101.

The Defendant, Monsanto, was represented by Attorney Scott R. Bauer of the law firm of Kirkland & Ellis, 1999 Broadway, Ste. 4000, Denver, Colorado 70202.

The Defendant, Westinghouse, was represented by Robert P. Morgan, In-House Counsel, Westinghouse Electric Corporation, Westinghouse Building, Gateway Center, Pittsburgh, Pennsylvania 15222.

JOHN H. CRADDOCK,

of lawful age, being first duly sworn to tell the truth, the whole truth, and nothing but the truth, deposes and says on behalf of the Plaintiff, as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BRADLEY:

Q. Dr. Craddock, you have been designated as a witness who is here to speak on behalf of Monsanto Corporation regarding items six and eight on Attachment A, which I am going to mark as Plaintiff's Exhibit 1. I'll make a copy of that and mark it as Plaintiff's Exhibit 1.

(Thereupon, the reporter marked Plaintiff's Deposition Exhibit # 1, for identification.)

Q. (by Mr. Bradley) We have taken your deposition several times in this lawsuit where I represent Nevada Power Company, who has brought this lawsuit against Monsanto, General Electric and Westinghouse. If I ask you the same questions about your educational background and work history in this deposition that I asked you in your other depositions, would your answers be the same?

A. Yes.

Q. Are you familiar with Industrial Bio-Test Laboratories?

A. Yes.

Q. Also goes by the name IBT?

A. Yes.

Q. Did IBT conduct some tests for Aroclors manufactured by Monsanto?

A. Yes.

Q. At some point in time did Monsanto review the tests that were performed by IBT?

A. Yes.

Q. Why?

A. In 1981, in conjunction with a rule-making for PCB regulations by the U.S. EPA, the agency had asked for submission of data relevant to certain points. One included health effects and toxicities of PCB's of various industry groups.

I was a member of a task force of chemical manufacturers association members, and I was representing Monsanto on this task force, and I was elected chairman of the toxicology subgroup, and it was the task of this subgroup under my chairmanship to collect and provide certain information related to the published health effects of PCB's from the published literature.

Q. What was the name of the task force?

A. It was the Chemical Manufacturers Association Special Program Activities Group for Polychlorinated Biphenyls. It was called SPAG, S-P-A-G, for PCB's, or just CMA PCB.

STLCOPCB4025623

Q. Which agency requested the review of certain experiments?

A. The U.S. EPA requested the data, not necessarily a review of experiments, but a review of the published literature.

Q. Did the U.S. EPA require that submission for any company that had tests done by IBT?

A. No. This was purely a voluntary program, wherein the trade associations -- CMA was merely one who participated in this activity -- agreed to retain independent toxicological consultants who would review the literature.

Q. At some point did Monsanto learn that IBT employees were indicted for falsifying -- allegedly falsifying information relating to tests that were performed at IBT?

A. Yes.

Q. And did Monsanto learn that it was claimed in the indictments that part of the data falsified was for products manufactured by Monsanto?

A. Yes.

Q. And did Monsanto ultimately learn that at least three of the people who were indicted were ultimately convicted?

A. Yes.

Q. Did Monsanto know that one of the people who was indicted and convicted was named Dr. Paul Wright?

A. Yes.

Q. Did you know that Dr. Paul Wright was a Monsanto employee before he became an employee at IBT?

A. Yes. I knew there was a connection. I don't know the precise time chronology, but yes.

Q. Did you know that when Dr. Wright left IBT in September of 1972 he returned to work at Monsanto?

A. Yes.

Q. Did you know that while Dr. Wright was at IBT he worked on tests conducted for Monsanto on its Aroclor products?

A. I did not recall specifically that Dr. Wright worked on Aroclor products, no.

Q. Did you know that when Dr. Wright returned to work at Monsanto in September of 1972 that he maintained some responsibility for the toxicological testing of Monsanto's Aroclor products?

MR. BAUER: Object to the form. Lacks foundation.

A. In 1972 I did not know that. I was not involved then.

Q. (by Mr. Bradley) Did you ever learn that when Dr. Wright returned to Monsanto in September of 1972 that

he had some responsibility relative to Monsanto's Aroclor products?

A. No. I didn't.

Q. Did you ever learn that during the criminal investigation of Dr. Wright it was alleged that he falsified data regarding IBT's testing of Aroclor products manufactured by Monsanto?

A. No. I never learned that Aroclor products were involved in the IBT allegations at all.

Q. Following Monsanto's learning that Dr. Wright had been indicted and convicted, did Monsanto undertake any effort, that you're aware of, to determine whether any of the other data resulting from tests conducted at IBT on Monsanto products may have been falsified?

A. I am not aware of what investigations took part on the products, no.

Q. Did Monsanto review some of the data from IBT regarding Monsanto's Aroclor products in 1980 or 1981?

A. Yes.

MR. BAUER: Objection. Lack's foundation.

Q. (by Mr. Bradley) Do you have any foundation for telling me whether Monsanto ever reviewed experiments conducted by IBT on Monsanto's PCB products? Are you able to tell me that?

MR. BAUER: He just did.

MR. BRADLEY: But you just objected on foundation grounds.

A. What are you asking me?

Q. (by Mr. Bradley) Well, why don't you listen to my question.

A. Okay.

Q. Do you know whether Monsanto made any review of experiments conducted by IBT on Monsanto's PCB products?

A. I don't know whether Monsanto reviewed specific experiments or not, no.

Q. Do you know whether Monsanto reviewed results of experiments conducted by IBT on Monsanto's PCB products?

A. Yes.

Q. The results that Monsanto reviewed were the tests conducted by IBT on Monsanto's Aroclor products that Dr. Wright worked on; isn't that true?

MR. BAUER: Object to the form. Lacks foundation.

A. I don't know Dr. Wright's involvement with the details of any of the testing or the experiments on the Aroclor products.

Q. (by Mr. Bradley) When Monsanto conducted a review of the results of experiments conducted by IBT on Monsanto's PCB products, did it know that there was an allegation that Dr. Wright had falsified the data involved

in those experiments?

A. Repeat that again?

MR. BRADLEY: Would you read the question back.

(Thereupon, the reporter propounded the previous question.)

MR. BAUER: Object to the form of the question. Assumes a fact not in evidence, and contrary to the testimony of the witness. He had no information that there was ever an allegation that the falsification data was related to any PCB products or Aroclors.

MR. BRADLEY: That is an objection to the form of my question?

MR. BAUER: Yes.

Q. (by Mr. Bradley) Go ahead and answer.

A. I didn't know that Dr. Wright had any involvement with the PCB experiments.

Q. Do you know whether any of the reviewers who participated in Monsanto's review of the results of experiments conducted by IBT on Monsanto's PCB products acknowledged that Dr. Wright had falsified the data involved in those experiments?

MR. BAUER: Same objection. Assumes facts not in evidence.

A. I didn't know that there was any allegations

against Dr. Wright regarding PCB experiments.

Q. (by Mr. Bradley) My question was, do you know whether anybody else knew about it who was involved in the review. Did anybody tell you about it? Did you read any documents authored by people involved in the review that indicated that, "We're doing this in part because there was an allegation that Dr. Wright falsified data"? Did you see any information like that at all?

MR. BAUER: Same objection.

A. There was never any question through my involvement that Dr. Wright's involvement had anything to do with our review of the IBT data for this 1981 purpose of submission to the regulatory agency.

Q. (by Mr. Bradley) So, when this review was conducted you had not seen any documents that alleged that Dr. Wright had falsified any information regarding the experiments that you were reviewing?

MR. BAUER: Objection. Assumes a fact not in evidence.

You can answer.

A. That's correct. Specifically regarding PCB's, I had no evidence that Dr. Wright had any involvement with the PCB experiments or any allegations of wrongdoing for the PCB experiments.

Q. (by Mr. Bradley) I am now going to show you

Plaintiff's Exhibit 710. Is this a Monsanto review of the results of experiments conducted by IBT on Monsanto's PCB products?

A. Yes.

Q. Is this the review that you referred to as being conducted in '80, '81?

A. Yes.

Q. Other than this document, did Monsanto prepare any other reviews of the results of experiments conducted by IBT on Monsanto's PCB products?

A. No. Not to my knowledge.

Q. Did you participate in the development of Plaintiff's Exhibit 710?

A. I participated to the extent that I requested Dr. Levinskas to review and summarize the results of the IBT studies.

Q. Why did you make that request to Dr. Levinskas?

A. As part of the submission of available information to the U.S. EPA regarding the health studies, the toxicological studies on PCB's on animal species, during our discussions with some EPA staff members, they indicated that they had not seen a complete published copy of the IBT studies. Some of these were younger staff members who had been in the agency only a few years. The IBT studies had

not been published in a Peer Review Journal because they had been presented to the agencies, various regulatory agencies, in the decade preceding, by the members of Monsanto's medical department as the results became available.

Q. Dr. Craddock, why didn't Monsanto simply provide the IBT study results to the EPA instead of preparing its own review of the results of those experiments?

MR. BAUER: Objection. Assumes facts not in evidence, that it was an instead-of situation.

A. The reason was -- is that, in my capacity as chairman of the toxicology subgroup, in discussions with my committee as to what kind of information that we would provide on all of the health affect studies, and what we would do is that we would provide summaries, and as brief as possible. This was an attempt to summarize three very lengthy two-year chronic rat feeding studies with several hundred animals. So this was a summary of results as recorded in the IBT reports, and it was left up to Dr. Levinskas as to the format, in whatever procedure he wanted to present the data. It was asked for in summary form and that is what they got.

Q. Did Dr. Levinskas show you, as part of his preparation of Plaintiff's Exhibit 710, any documents whereby Monsanto requested changes in the conclusions of

the test results prepared by IBT?

A. No.

Q. Are you aware that Monsanto wrote to IBT requesting changes in the conclusions of the portions of the reports prepared by IBT on Aroclor products manufactured by Monsanto?

MR. BAUER: Objection. Outside of the scope of this witness, who is being tendered only on topics six and eight.

You can answer.

A. I have heard of such allegations, but I have not seen any documents.

Q. (by Mr. Bradley) Had you heard the allegations prior to completion of Plaintiff's Exhibit 710?

A. No.

Q. I am going to show you Plaintiff's Exhibit 704 and represent that your attorney has told me that you are prepared to testify about this document in relation to today's deposition. Is this a document you have seen before, absent the fax information at the top?

A. Yes, I have.

Q. Is this document a Monsanto review of experiments conducted by IBT on Monsanto's PCB products and their results?

A. I think this may include the IBT studies.

This is a review of the literature of health effects studies, published health effects studies in general, but it also includes the IBT work, I believe.

Q. So this document does or does not include a review of experiments conducted by IBT on Monsanto's PCB products and their results?

A. I'd have to look, but I think it may include it, but I'd have to look at the tables to tell you. This may be everything except the Monsanto results.

This includes the IBT results in tabular form, along with the results from all of the other pertinent studies up to that point in time.

Q. Is that a review of the experiments conducted by IBT on Monsanto's PCB product?

A. This paper is a review of the conclusions of the various published papers and the literature, including the summary paper that Dr. Levinskas prepared for submission to the agency, which was not published in Peer Review literature.

Q. Were there communications between Monsanto and any government agency concerning PCB studies performed for Monsanto at IBT?

A. Yes.

Q. Tell me what communications you're aware of regarding that topic with any government agency.

A. With regard to chemicals which required a federal registration, such as U.S. EPA for pesticides, Food and Drug Administration for food and food additives, and USDA for certain agricultural product uses, any product that had been tested at IBT that required such a registration was required by the agency to be validated by a group of independent consultants, or, if it could not be validated under certain criteria, to be repeated at another laboratory.

Q. Do you know why that was required?

A. The agency required --

MR. BAUER: Objection. Outside of the scope of the 30(B)(6) Notice.

A. The agent required it to renew the registration.

Q. (by Mr. Bradley) Do you know why the agency required it?

MR. BAUER: Objection. Outside of the scope of the 30(b)(6) Notice. Lacks foundation. Hearsay.

A. (by Mr. Bradley) Go ahead and answer it.

Q. The agency required all animal studies that had been used for registration of any product by any company, including many companies other than Monsanto, that all of these studies had to undergo the same review criteria.

Q. Was it only for companies that had tests perform at IBT, or was it for companies, in addition, that had tests performed at other labs?

MR. BAUER: Same objections.

A. I don't know about other laboratories. All I was involved with was the IBT review and validation process for Monsanto.

Q. (by Mr. Bradley) And how did you get involved in the review process for the IBT studies at Monsanto? Did somebody ask you to get involved?

MR. BAUER: Same objections.

A. Yes.

Q. (by Mr. Bradley) Who?

MR. BAUER: Same objections. Outside of the scope.

A. It was my boss or director at the time. It was prior to my involvement as the corporate focal point for PCB's.

Q. (by Mr. Bradley) Okay. And you were given that assignment in 1980 or 1981?

A. Yes.

No. This assignment was before 1980-'81. The review and validation of the IBT studies was done probably about the 1978-'79 time frame, before my involvement as the PCB focal point.

Q. And did the person who asked you to participate in the review and validation of the IBT studies indicate to you why a review was being made of IBT studies?

A. Yes.

Q. What did that person indicate to you?

MR. BAUER: Objection. Outside of the scope.

A. As I testified previously, the agencies were requiring the validation of studies performed by IBT Laboratories of products that required registration from those three federal agencies.

Q. (by Mr. Bradley) And they didn't tell you why those agencies were requiring a validation of IBT studies?

MR. BAUER: Same objection.

A. Yes. It was known that there were allegations of fraud for certain studies at IBT Laboratories.

Q. (by Mr. Bradley) And as part of that review and validation of the IBT studies that made its way into Plaintiff's Exhibit 704, did Monsanto undertake any effort to determine whether the underlying data that was reported by IBT relative to its testing of Monsanto's Aroclor products was falsified?

MR. BAUER: Object to the form of the question. Vague, and assumes facts not in evidence as to what you mean by "review and validation."

(Thereupon, the reporter read back the question.)

A. As to the question just stated, the work that was done by Dr. Levinskas at my request in '81 was not a review and validation of the data. It was -- I asked him to summarize the results as had been reported. Dr. Levinskas was able to do this any way he wanted. I gave him no directions as to what to do. He subsequently told me he wanted to look at some of the underlying data, and I presume that is what he did, as well as look at the reports and the conclusions. But this report was not intended to be a validation or any type of investigation into the previous allegations. This was strictly to review what had been published and what had been submitted previously to the various regulatory agencies from 1971 up until whenever it was.

MR. BAUER: For the record, when the witness said "This document," he was touching Plaintiff's Exhibit 704.

Q. (by Mr. Bradley) Did Monsanto review and validate the IBT studies in 1979?

A. No.

Q. Did Monsanto review and validate the IBT studies ever?

MR. BAUER: IBT studies for PCB's?

MR. BRADLEY: Yes.

MR. BAUER: Object to the form. Vague as to

what you mean by "review and validate."

Q. (by Mr. Bradley) You understand what I mean by that. You used the word. You said that the government required you to review and validate IBT studios. So, when you --

A. Well, we're talking about two different things. We have talked about IBT studies for existing product registrations. PCB's were never a product which had a government registration. It was never required. It was never done. PCB's were never a part of the validation program. The validation program was only for products which had a federal registration by one of the three agencies we discussed: USDA, FDA, and EPA. PCB's never were a registered product under any of those agencies. They were not required to be under the validation and review process. Those are two separate issues.

Q. (by Mr. Bradley) So I take it, then, Monsanto never did audit and validate the IBT studies that they undertook for Monsanto's PCB's; is that correct?

A. That's correct. As a part of what is the formal audit and validation review of products for government agency registration, that was never done. That is a correct statement.

Q. And even an informal audit, outside of any responsibility to any government agency, Monsanto never

undertook an effort to informally audit and informally validate the IBT studies for Aroclors product manufactured by Monsanto; isn't that true?

MR. BAUER: Object to the form of the question. It's contrary to the evidence. The evidence --

A. That's not a correct statement, no.

MR. BRADLEY; Well, you know, Mr. Bauer, I'm not certain that I could find that objection in any of the Federal Rules of Evidence. It appears to me you may be attempting to educate a witness regarding an answer you'd like him to give. Do you have an objection that's appropriate under the Federal Rules of Evidence?

MR. BAUER: I object to the form of that question.

MR. BRADLEY: Fine.

Did Monsanto undertake any informal audit, or formal audit, or informal validation, or formal validation, whether or not as a result of any requirement of any agency, to determine the reliability and validity of the IBT studies conducted on Monsanto's Aroclor products?

A. If you use the term "Monsanto" as any Monsanto employee, the answer is yes.

Q. (by Mr. Bradley) And describe for me what that Monsanto employee did.

A. As I have testified previously, at my request

Dr. Levinskas was to undertake a review of the IBT studies and the conclusions, and whatnot, and summarize his results. Dr. Levinskas told me that, to satisfy himself, that, in addition to reviewing the IBT reports where information was available, he undertook to validate the experimental data that was available to him. I do not know the details of what he did or how he did it, but he said his goal was to satisfy himself, and he is a board certified toxicologist, and I think his review was pretty good.

MR. BRADLEY: Well, let's go off the record.

(Thereupon, a discussion was had.)

Q. (by Mr. Bradley) And did Dr. Levinskas tell you whether he was able to validate the prior IBT studies?

A. Dr. Levinskas told me that he was satisfied that the results and the conclusions from the prior IBT studies were sound.

Q. Do you know what it means to validate a study?

A. Yes, I do.

Q. What does it mean?

A. In the validation program for IBT studies that I was involved with for registered products, there was an independent consulting firm of toxicologists who designed a formal protocol as to how they would do this in advance, and they designed the criteria that they would use to prioritizes the studies that they would evaluate, and they

decided in advance what information they would require to go through to look at, and how much data, and what types of data, and then attempts were made to go to the records at IBT to identify any and all notes, original notes, pages, notebooks, whatever, any information, data, weights, measurements, that were identified as being a part of the particular study, and that they would take this original data from the laboratory and they would look at this, and they would track the animals to make sure that the calculations from one phase to the other were in good shape. So it was a monumental job of actually trying to track the original data back to the conclusions and the results that were in the report.

Q. And as part of that validation did the independent group of toxicologists examine the individual data for individual animals that was reported in the IBT studies?

MR. BAUER: Objection. Outside of the scope. Validation for non PCB products.

A. For the validation program as we've defined it, yes, they looked at any and all raw data that they could find.

Q. (by Mr. Bradley) And is that what you believed was a requirement for validating a study in 1980?

MR. BAUER: Object to the form of the ques-

tion. Validation, if the purpose is not defined -- Well, it's vague if the purpose of validation is not defined.

A. We're sort of mixing apples and oranges here. The validation program was a specific program and protocol which was defined in advance by the consultants, which was agreed upon in advance by the scientists and powers that be at the regulatory agencies. So it was --

Q. (by Mr. Bradley) Dr. Craddock, let me ask you this question: Does validation have a meaning other than the way it's used by the federal agencies when they requested a review and validation of IBT studies that you have already referred to? Does it have a meaning in the field of toxicology that you are aware of, a meaning in the field of statistics that you are aware of, a meaning in any field that you are aware of?

MR. BAUER: Objection. Outside the scope.

A. The answer is, most words have a meaning that is far beyond the scope of the regulatory definition. For instance, PCB's, in the regulatory definition, is total different from PCB's in a definition of a chemist.

Q. (by Mr. Bradley) My question is, does validation have a meaning in the field of statistics. Do you know?

A. It most probably does, but I don't know about the statistics.

Q. We have been talking about whether, among many things, whether Dr. Levinskas validated the IBT studies on Aroclor. What did you mean when you answered my question on that subject? What did you mean by "validation"?

MR. BAUER: Object to the form of the question. Characterization of the earlier testimony, which I believe was related to an attempt to validate.

Q. (by Mr. Bradley) Whether it was related to validation or an attempt to validate, what did you mean by the word "validate," or "validation"?

A. In our first discussion of the validation -- we keep mixing these things -- the validation program for the IBT studies involved products which were registered products, and that was a very deliberately defined protocol.

Q. I do not want, ever again in this deposition, to talk about that program. I agree it's apples and oranges; I don't want to talk about it.

My question to you is, when we talked about validate, or validation done by Dr. Levinskas of IBT studies on Aroclor, what did you mean by "validate" or "validation"?

MR. BAUER: Again, I object to the form of the question. I don't recall that he ever used those words specifically with respect to the words that Dr. Levinskas

used?

A. I don't recall that exact question. If we could read that answer back, I'd be happy to try to explain it. Dr. Levinskas said -- I think I said in answer to one question, Dr. Levinskas said he wanted to satisfy himself.

Q. (by Mr. Bradley) Let's go back for a moment, then.

A. As to the quality of the data. The quality of the data and the reliability of the data, and he did that.

Q. My question I believed posed to you at one point was whether Dr. Levinskas ever indicated to you that he had validated the IBT studies on Aroclor. And so, subject to an asked-and-answered, let me ask that same question again.

A. I thought we talked about that. The Aroclor studies were not validated, they were not part of the validation program. That is a separate issue. I guess I would have to ask you to read that answer back. I don't understand --

Q. I know they weren't part of the validation program, and I'm not suggesting they were. I know they were not.

Separate from whether they were part of the validation program, did Dr. Levinskas indicate to you whether he had validated the IBT studies on Aroclor

products manufactured by Monsanto?

MR. BAUER: Objection. Asked and answered.

A. Dr. Levinskas indicated to me that he reviewed the data to satisfy himself that it was sound scientific data, and that it was reliable, and the conclusions based upon it were reliable scientifically.

Q. (by Mr. Bradley) Did he ever use the word "validate" in describing the work he did relative to the IBT studies on Aroclors?

A. I don't recall that he ever used that word in that context.

Q. Did Dr. Levinskas indicate to you that, in determining that the IBT studies were reliable, that he reviewed data on individual animals that were part of those IBT studies on Aroclor manufactured by Monsanto?

A. I don't recall he specifically said he used data on individual animals. He said something to the effect that he looked at original data, where available, whatever that means.

Q. Did he indicate to you that he looked into necropsy logs?

A. I did not go into that detail, and I don't think that he did, no. He did not indicate that to me.

Q. Do you know whether a researcher would need to review necropsy logs to determine if a study was statis-

tically reliable?

A. I don't know the details of what he did to determine the reliability of the studies. I asked Dr. Levinskas to undertake this task because he is a board certified toxicologist, and he is the director of the toxicology department at Monsanto Company.

Q. Dr. Levinskas is also the gentleman who employed Paul Wright in 1972, when, prior to that, Paul Wright was an IBT employee; isn't that correct?

A. He may have been; I don't know that for a fact. I don't know who hired him.

MR. BAUER: Object to that. Lacks foundation.

Q. (by Mr. Bradley) You don't have any training in statistics, I take it?

A. I've had a couple of courses in statistics, but I am not a statistician, no.

Q. You are not able to tell us, for example, what is statistically required to determine whether a study is statistically valid or reliable?

MR. BAUER: Objection. Outside of the scope.

A. Talking specifically about an animal study, no, I am not.

Q. Are there any other communications between Monsanto and government agencies concerning PCB studies performed for Monsanto by IBT that you have not described

for us?

MR. BAUER: Object to the form. I don't recall that he's described any of the communications yet, but I could just be missing whatever.

THE WITNESS: No, I haven't described any communications.

Q. (by Mr. Bradley) All right. What communications took place between Monsanto and any government agency concerning PCB studies performed by Monsanto at IBT?

A. Monsanto had these studies prepared by Dr. Levinskas. They were made available to the CMA PCB panel, which included them in the submission of data to the U.S. EPA under the rule made in the public domain.

In subsequent meetings with the U.S. EPA staff of the HERD group, which is the Health Evaluation Research Department of the Office of Toxic Substances, there were meetings among the CMA panel members and other industry association groups to discuss their needs in order to review all of the information that was coming in. They had a court-mandated deadline.

The agency asked industry groups if they could provide hard copies of information and references to certain of the summaries that they wanted to look at individually at the request of certain people from the U.S. EPA.

I provided copies of references to Dr.

Levinskas's studies, to the references contained therein, so that they would be able to look at those references or any other information that they asked for.

Q. And during any of those meetings was it discussed that there were allegations that Dr. Wright had falsified data as part of the work at IBT on Aroclor products manufactured by Monsanto?

MR. BAUER: Object to the form. Assumes facts not in evidence.

A. Dr. Wright was never mentioned.

Q. (by Mr. Bradley) Have we concluded your knowledge of communications between Monsanto and government agencies concerning PCB studies performed for Monsanto?

A. Any knowledge of --

Q. Are there other communications that you have not told us about that you are aware of between Monsanto and government agencies concerning PCB studies performed for Monsanto at IBT?

A. During the time period '76 to eighty --

MR. BAUER: The time period which is being tendered is 1980 forward.

A. There is no other information that I am aware of.

MR. BRADLEY: I have no further questions.

MR. BAUER: I have no questions.

MR. MORGAN: I have no questions.

_____
JOHN H. CRADDOCK

Subscribed and sworn to before me this _____ day of _____, A. D., 1993.

MY COMMISSION EXPIRES _____.

_____
Notary Public, within and for the State of Missouri

STLCOPCB4025649

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Mark D. Concannon, a Notary Public within and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to take and certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the District Court of the United States, within and for the District of Nevada, entitled NEVADA POWER COMPANY, Plaintiff, -vs- MONSANTO COMPANY, et al., Defendants, to be used in the trial of said cause in said Court, I was attended at the law offices of Messrs. Husch, Eppenberger, Donohue, Cornfeld & Jenkins, 100 N. Broadway, Ste. 1300, in the City of St. Louis, State of Missouri, by Ralph A. Bradley, attorney for the Plaintiff; by Scott R. Bauer, attorney for the Defendant Monsanto; by Robert P. Morgan, In-House Counsel for the Defendant Westinghouse; and by JOHN H. CRADDOCK, the witness, in said office on July 21, 1993.

The said witness, JOHN H. CRADDOCK, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing tran- script, said testimony being by me reported in shorthand and caused to

be transcribed into typewriting, and that the foregoing pages correctly set out the testimony of the aforementioned witness, JOHN H. CRADDOCK, together with the questions propounded by counsel and the remarks and objections of counsel thereto, and is in all respects a full, true and complete transcript of the questions propounded to and the answers given by said witness; and that said testimony, so transcribed, was subscribed to by the witness on the _____ day of _____, A.D., 1993.

I FURTHER CERTIFY that I am not of counsel nor attorney for any of the parties to said suit, nor related, nor interested in any of the parties or their attorneys.

WITNESS MY HAND and Notarial Seal, given this _____ day of _____, A. D., 1993, at St. Louis, Missouri.

MY COMMISSION EXPIRES MARCH 21, 1994.

_____
MARK D. CONCANNON,
Notary Public, within and
for the State of Missouri

STLCOPCB4025651

JOHN H. CRADDOCK

- DEPOSITION CORRECTION SHEET -

In Re: NEVADA POWER Vs. MONSANTO

Upon reading his deposition transcript and before subscribing thereto, the deponent indicated the following:

Page Line should read:

Reason assigned for change:

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JOHN H. CRADDOCK

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