

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

March 16, 1990

Ms. Carol Van Strum
7493 E. Five Rivers Road
Tidewater, Oregon 97390

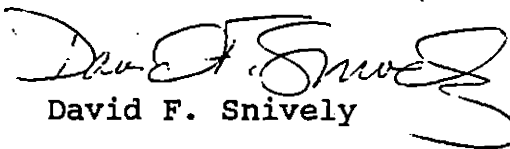
Re: Mortality Studies of Nitro Plant Population

Dear Ms. Van Strum:

Please find enclosed copies of the two mortality studies referenced during our telephone call today. I have also enclosed for your review, copies of the trial record regarding Dr. Roush and Dr. Suskind which relate to those studies. I have also included in this packet a chart which was prepared during the trial to illustrate for the jury the statistical manipulation which was being undertaken by the plaintiffs' lawyer to artificially create the impression that there was an excess in cancer mortality at the Nitro Plant when as explained by both Dr. Roush and Dr. Suskind; the actual study data would lead to the opposite conclusion.

If you have any further questions regarding this litigation or the matters addressed in this correspondence, please feel free to give me a call at (314) 694-2821.

Sincerely,


David F. Snively

DFS/dlr

Enclosures

CC: Dan Bishop w/o enclosures



CAROL VAN STRUM
Science Writer
7493 East Five Rivers Road
Tidewater, Oregon 97390
Telephone: (503) 528-7151 Telefax: (via voicemail)

April 2, 1990

David Snively
Law Department
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Re: Information request

Dear Mr. Snively:

Thank you for the materials you sent from the Kemner case record. They are very informative, and I appreciate the trouble you took to copy them for me.

Would it be possible for you to copy page 2 of the Monsanto Offer of Proof for me? It was missing from the copy of the Offer that I received.

I also have a question about one document that puzzles me. The attached copy of Table 9 was stapled into the copy of the 1983 Zack and Gaffey study that you sent me, in front of page 586 (Table 9) of the study. There is no exhibit number on this page; is it part of some other document in the record of the Kemner case? I would be most grateful if you could send me a copy of the document it is from.

Thank you again for your courtesy and help.

Sincerely,

Carol Van Strum

CVS:cvs

attachment

Each country - how many people in study
to protect & lead judgment
probably at meeting prior to NIOSH

Re-eval. per NIOSH
criteria take accid.
Group out of
non-exposed

Table 9 Observed and Expected Number Deaths During 1955-1977 by Cause and
2,4,5-T Exposure Category Showing Proportional Mortality Ratios (PMRs)
(Not Including Deaths from TCP Incident)

Cause of Death	Exposed			Non-Exposed		
	Observed	Expected	PMR	Observed	Expected	PMR
All causes of death	58	58.00	100	89	89.00	100
All malignant neoplasms	9	10.94	82	21	17.19	122
Buccal cavity and pharynx	0	0.38	0	0	0.64	0
Digestive organs and peritoneum	0	2.80	0	3	5.74	52
Stomach	0	0.52	0	0	1.06	0
Liver	0	0.19	0	0	0.39	0
All other digestive organs	0	2.09	0	3	4.29	70
Respiratory system	6	3.78	159	4	5.58	72
Lung	6	3.57	168	4	5.26	76
All other respiratory organs	0	0.21	0	0	0.39	0
Skin	0	0.29	0	0	0.35	0
Genitourinary organs	2	0.96	208	10	2.70	370*
Bladder	2	0.22	909	7	0.65	1077*
All other genitourinary organs	0	0.74	0	3	2.05	146
Lymphatic and hematopoietic tissue	0	1.35	0	1	2.07	48
Other sites	1	1.38	72	3	2.12	142
Diseases of the nervous system and sense organs	0	0.61	0	0	0.83	0
Diseases of the circulatory system	31	26.48	117	52	47.37	110
Arteriosclerotic heart disease, including CHD	27	19.72	137	43	33.63	128
All other diseases of the circulatory system	4	6.76	59	9	15.66	57
Diseases of the respiratory system	2	2.67	75	4	6.49	62
Diseases of the digestive system	1	3.70	27	2	4.06	49
All other diseases	3	4.31	70	2	6.70	30
External causes of death	12	9.29	129	8	9.28	86

③ - Analysis could
allow factor large
④ - chance factor large
⑤ - chance factor large
⑥ - chance factor large
⑦ - chance factor large

N/STS

My analysis showed 65 deaths.

* P<.05

INCLUDE 1 STS (check to see if confirmed)

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

April 11, 1990

Carol Van Strum
Science Writer
7493 East Five Rivers Road
Tidewater, OR 97390

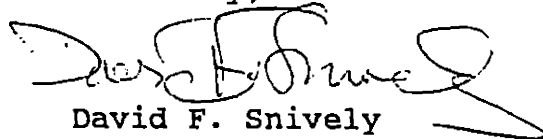
Re: Information Request

Dear Ms. Van Strum:

Thank you for your correspondence of April 2, 1990. Please find enclosed a copy of the missing page from Dr. Suskind's offer of proof. The other material which you referenced in your letter was inadvertently included with materials previously forwarded to your office. It is not a portion of a document in the court record of the Kemner case.

To bring you current with the status of that case, I note that the Kemner appeal was argued last week by the parties. Monsanto remains confident that the verdict will be reversed when the decision is issued by the Illinois Appellate Court.

Sincerely,


David F. Snively

report health effects he found in Monsanto's workers when asked by the West Virginia Compensation Commission, and of publishing studies intended to downplay the actual human health effects of dioxin. As a result of the extreme and unfair limitations placed upon his testimony and this Court's subsequent ban on his further testimony, Dr. Suskind never had the opportunity to respond to these charges, and to demonstrate that his recollection was totally accurate.

The importance of Dr. Suskind's testimony to plaintiffs' punitive damage case is illustrated by the manner and length (18 days) of cross-examination of Dr. Suskind after a reasonably concise direct exam (2-1/2 days), and the extensive use of Dr. Suskind's testimony in the cross examination of Dr. James Webster, Monsanto's chief examining expert. Plaintiffs' counsel spent days cross-examining Dr. James Webster, Monsanto's final medical expert, with the unclarified, and at times unduly and erroneously restricted, testimony of Dr. Suskind.

In addition, misinformation offered by plaintiffs' counsel which was corrected and clarified by Dr. Suskind during his direct examination (which clarification was left unchallenged by plaintiffs' counsel despite 18 days of cross examination) relating to the number of workers reported by Dr. Suskind in his 184 health study as having cancer was used, nevertheless, in it's incorrect and unclarified state to cross examine Dr. Webster. (Tr. 6/8/87). This Offer of Proof demonstrates that Dr. Suskind's redirect examination is critical to Monsanto's