

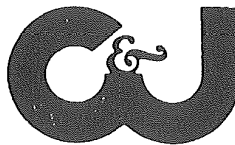
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,)
)
Plaintiff,)
-vs-)
) # CV-S-89-555-LDG (LR
)
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

705 Olive Street, Suite 604
St. Louis, Missouri 63101
(314) 421-1000

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)
)
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MONSANTO COMPANY, et al.,)
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Defendants.)

* * *

I N D E X

WITNESS: Page:

JOHN H. CRADDOCK

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Plaintiff's Deposition Exhibit # 710 . .12, 13, 14, 18, 19

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEVADA

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

8 30(b)(6) DISCOVERY DEPOSITION OF WITNESS, to be used
9 in an action pending in the District Court of the United
10 States, for the District of Nevada, wherein NEVADA POWER
11 COMPANY is Plaintiff, and MONSANTO COMPANY, et al. are
12 Defendants, pursuant to Notice, under the provisions of
13 Rule 26 of the Rules of Civil Procedure, taken on July 21,
14 1993, at the law offices of Messrs. Husch, Eppenberger,
15 Donohue, Cornfeld & Jenkins, 100 N. Broadway, Ste. 1300,
16 St. Louis, Missouri 63102, before Mark D. Concannon, a
17 Notary Public within and for the State of Missouri.

18 A P P E A R A N C E S

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

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

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

1 JOHN H. CRADDOCK,
2 of lawful age, being first duly sworn to tell the truth,
3 the whole truth, and nothing but the truth, deposes and
4 says on behalf of the Plaintiff, as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. BRADLEY:

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

12 (Thereupon, the reporter marked Plaintiff's Deposi-
13 tion Exhibit # 1, for identification.)

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

21 A. Yes.

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

24 A. Yes.

25 Q. Also goes by the name IBT?

1 A. Yes.

2 Q. Did IBT conduct some tests for Aroclors manu-
3 factured by Monsanto?

4 A. Yes.

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

7 A. Yes.

8 Q. Why?

9 A. In 1981, in conjunction with a rule-making for
10 PCB regulations by the U.S. EPA, the agency had asked for
11 submission of data relevant to certain points. One includ-
12 ed health effects and toxicities of PCB's of various in-
13 dustry groups.

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

21 Q. What was the name of the task force?

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

1 Q. Which agency requested the review of certain
2 experiments?

3 A. The U.S. EPA requested the data, not neces-
4 sarily a review of experiments, but a review of the pub-
5 lished literature.

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

8 A. No. This was purely a voluntary program,
9 wherein the trade associations -- CMA was merely one who
10 participated in this activity -- agreed to retain inde-
11 pendent toxicological consultants who would review the
12 literature.

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

17 A. Yes.

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

21 A. Yes.

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

25 A. Yes.

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

3 A. Yes.

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

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

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

10 A. Yes.

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

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

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

20 MR. BAUER: Object to the form. Lacks founda-
21 tion.

22 A. In 1972 I did not know that. I was not in-
23 volved then.

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

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

3 A. No. I didn't.

4 Q. Did you ever learn that during the criminal
5 investigation of Dr. Wright it was alleged that he falsi-
6 fied data regarding IBT's testing of Aroclor products manu-
7 factured by Monsanto?

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

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

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

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

19 A. Yes.

20 MR. BAUER: Objection. Lack's foundation.

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

25 MR. BAUER: He just did.

1 MR. BRADLEY: But you just objected on foun-
2 dation grounds.

3 A. What are you asking me?

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

6 A. Okay.

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

9 A. I don't know whether Monsanto reviewed spe-
10 cific experiments or not, no.

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

13 A. Yes.

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

17 MR. BAUER: Object to the form. Lacks founda-
18 tion.

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

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

1 in those experiments?

2 A. Repeat that again?

3 MR. BRADLEY: Would you read the question
4 back.

5 (Thereupon, the reporter propounded the previous
6 question.)

7 MR. BAUER: Object to the form of the ques-
8 tion. Assumes a fact not in evidence, and contrary to the
9 testimony of the witness. He had no information that there
10 was ever an allegation that the falsification data was re-
11 lated to any PCB products or Aroclors.

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

14 MR. BAUER: Yes.

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

16 A. I didn't know that Dr. Wright had any involve-
17 ment with the PCB experiments.

18 Q. Do you know whether any of the reviewers who
19 participated in Monsanto's review of the results of experi-
20 ments conducted by IBT on Monsanto's PCB products acknow-
21 ledged that Dr. Wright had falsified the data involved in
22 those experiments?

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

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

1 against Dr. Wright regarding PCB experiments.

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

9 MR. BAUER: Same objection.

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

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

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

20 You can answer.

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

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

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

4 A. Yes.

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

7 A. Yes.

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

11 A. No. Not to my knowledge.

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

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

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

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

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

6 Q. Dr. Craddock, why didn't Monsanto simply pro-
7 vide the IBT study results to the EPA instead of preparing
8 its own review of the results of those experiments?

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

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

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

1 the test results prepared by IBT?

2 A. No.

3 Q. Are you aware that Monsanto wrote to IBT re-
4 questing changes in the conclusions of the portions of the
5 reports prepared by IBT on Aroclor products manufactured by
6 Monsanto?

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

10 You can answer.

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

13 Q. (by Mr. Bradley) Had you heard the allega-
14 tions prior to completion of Plaintiff's Exhibit 710?

15 A. No.

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

21 A. Yes, I have.

22 Q. Is this document a Monsanto review of experi-
23 ments conducted by IBT on Monsanto's PCB products and their
24 results?

25 A. I think this may include the IBT studies.

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

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

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

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

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

15 A. This paper is a review of the conclusions of
16 the various published papers and the literature, including
17 the summary paper that Dr. Levinskas prepared for submis-
18 sion to the agency, which was not published in Peer Review
19 literature.

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

23 A. Yes.

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

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

10 Q. Do you know why that was required?

11 A. The agency required --

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

14 A. The agent required it to renew the registra-
15 tion.

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

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

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

21 Q. The agency required all animal studies that
22 had been used for registration of any product by any com-
23 pany, including many companies other than Monsanto, that
24 all of these studies had to undergo the same review
25 criteria.

1 Q. Was it only for companies that had tests per-
2 form at IBT, or was it for companies, in addition, that had
3 tests performed at other labs?

4 MR. BAUER: Same objections.

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

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

11 MR. BAUER: Same objections.

12 A. Yes.

13 Q. (by Mr. Bradley) Who?

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

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

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

21 A. Yes.

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

1 Q. And did the person who asked you to partici-
2 pate in the review and validation of the IBT studies indi-
3 cate to you why a review was being made of IBT studies?

4 A. Yes.

5 Q. What did that person indicate to you?

6 MR. BAUER: Objection. Outside of the scope.

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

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

13 MR. BAUER: Same objection.

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

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

22 MR. BAUER: Object to the form of the ques-
23 tion. Vague, and assumes facts not in evidence as to what
24 you mean by "review and validation."

25 (Thereupon, the reporter read back the question.)

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

15 MR. BAUER: For the record, when the witness
16 said "This document," he was touching Plaintiff's Exhibit
17 704.

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

20 A. No.

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

23 MR. BAUER: IBT studies for PCB's?

24 MR. BRADLEY: Yes.

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

1 what you mean by "review and validate."

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

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

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

20 A. That's correct. As a part of what is the for-
21 mal audit and validation review of products for government
22 agency registration, that was never done. That is a cor-
23 rect statement.

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

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

4 MR. BAUER: Object to the form of the ques-
5 tion. It's contrary to the evidence. The evidence --

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

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

13 MR. BAUER: I object to the form of that ques-
14 tion.

15 MR. BRADLEY: Fine.

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

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

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

25 A. As I have testified previously, at my request

1 Dr. Levinskas was to undertake a review of the IBT studies
2 and the conclusions, and whatnot, and summarize his re-
3 sults. Dr. Levinskas told me that, to satisfy himself,
4 that, in addition to reviewing the IBT reports where infor-
5 mation was available, he undertook to validate the experi-
6 mental data that was available to him. I do not know the
7 details of what he did or how he did it, but he said his
8 goal was to satisfy himself, and he is a board certified
9 toxicologist, and I think his review was pretty good.

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

11 (Thereupon, a discussion was had.)

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

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

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

18 A. Yes, I do.

19 Q. What does it mean?

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

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

14 Q. And as part of that validation did the inde-
15 pendent group of toxicologists examine the individual data
16 for individual animals that was reported in the IBT
17 studies?

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

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

23 Q. (by Mr. Bradley) And is that what you be-
24 lieved was a requirement for validating a study in 1980?

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

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

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

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

16 MR. BAUER: Objection. Outside the scope.

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

21 Q. (by Mr. Bradley) My question is, does valida-
22 tion have a meaning in the field of statistics. Do you
23 know?

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

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

5 MR. BAUER: Object to the form of the ques-
6 tion. Characterization of the earlier testimony, which I
7 believe was related to an attempt to validate.

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

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

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

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

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

1 used?

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

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

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

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

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

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

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

1 products manufactured by Monsanto?

2 MR. BAUER: Objection. Asked and answered.

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

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

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

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

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

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

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

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

1 tically reliable?

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

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

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

12 MR. BAUER: Object to that. Lacks foundation.

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

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

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

20 MR. BAUER: Objection. Outside of the scope.

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

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

1 for us?

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

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

7 Q. (by Mr. Bradley) All right. What communica-
8 tions took place between Monsanto and any government agency
9 concerning PCB studies performed by Monsanto at IBT?

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

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

21 The agency asked industry groups if they could
22 provide hard copies of information and references to cer-
23 tain of the summaries that they wanted to look at indivi-
24 dually at the request of certain people from the U.S. EPA.

25 I provided copies of references to Dr.

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

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

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

10 A. Dr. Wright was never mentioned.

11 Q. (by Mr. Bradley) Have we concluded your know-
12 ledge of communications between Monsanto and government
13 agencies concerning PCB studies performed for Monsanto?

14 A. Any knowledge of --

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

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

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

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

24 MR. BRADLEY: I have no further questions.

25 MR. BAUER: I have no questions.

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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

1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)

4 I, Mark D. Concannon, a Notary Public within and for
5 the State of Missouri, duly commissioned, qualified and
6 authorized to administer oaths and to take and certify to
7 depositions, do hereby certify that pursuant to Notice in
8 the civil cause now pending and undetermined in the
9 District Court of the United States, within and for the
10 District of Nevada, entitled NEVADA POWER COMPANY,
11 Plaintiff, -vs- MONSANTO COMPANY, et al., Defendants, to be
12 used in the trial of said cause in said Court, I was
13 attended at the law offices of Messrs. Busch, Eppenberger,
14 Donohue, Cornfeld & Jenkins, 100 N. Broadway, Ste. 1300, in
15 the City of St. Louis, State of Missouri, by Ralph A.
16 Bradley, attorney for the Plaintiff; by Scott R. Bauer,
17 attorney for the Defendant Monsanto; by Robert P. Morgan,
18 In-House Counsel for the Defendant Westinghouse; and by
19 JOHN H. CRADDOCK, the witness, in said office on July 21,
20 1993.

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

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

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

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

15 MY COMMISSION EXPIRES MARCH 21, 1994.

16
17
18 _____
19 MARK D. CONCANNON,
20 Notary Public, within and
21 for the State of Missouri
22
23
24
25

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:

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JOHN H. CRADDOCK

Concannon and Jaeger
General Court Reporters
705 Olive Street, Ste. 604
St. Louis, Missouri 63101

August 10, 1993

Mr. Scott R. Bauer
Kirkland & Ellis
1999 Broadway
Denver, Colorado 80202

Re: Nevada Power Vs. Monsanto

Dear Mr. Bauer:

This letter, incorporated as the last page of Mr. Craddock's deposition, taken on July 20 and 21, 1993, will serve as notice to you that Mr. Craddock's testimony is now ready for his reading and signing of same.

Enclosed, please find your copy of the deposition, along with the original signature page, (pg.31), and errata sheets. Please have Mr. Craddock read his deposition at his earliest possible convenience, making whatever changes he feels necessary on the errata sheets, along with his reason for making same. Have him sign the original signature page and errata sheets before any notary, and return the original signature page and errata sheets to me at the above address so that I may file the original transcript in Court and notify opposing counsel of the changes.

Thank you for your cooperation in this regard.

Sincerely,



MARK D. CONCANNON

MDC:mk
encls.

JOHN H. CRADDOCK

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JOHN H. CRADDOCK