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1 Q And you finally got the data,
2 correct?

3 A Well, I think that we got some of
4 the data. My memory is that we may not have got
5 it all, but I think we would need to discuss that
6 with others.

7 Q You folks got the data. You hired
8 epidemiologists. You hired biostatisticians from
9 Exponent to analyse the data, did you not?

10 MR. NARESH: Object to form and
11 commentary.

12 Q Is that true, sir?

13 A It is true, because this needed
14 expertise which we did not have in-house.

15 Q And the team that you hired of
16 biostatisticians and epidemiologists, they took
17 months to do Syngenta's own reanalysis of the
18 Tanner data, did they not?

19 A I can't remember exactly how long
20 they took.

21 Q Because you folks were interested in
22 incidence, correct?

23 A For the reasons I have indicated.

24 Q Sir, when your researchers
25 internally reanalyzed the Tanner data, looking at

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1 incidence, your internal researchers that you
2 folks hired, they found a 250 percent increase in
3 the risk of Parkinson's disease amongst paraquat
4 workers looking at incidence, did they not?

5 A I think you need to remind me of
6 where you have seen those data.

7 Q You don't remember that?

8 A This was a very complicated set of
9 analyses, and I don't remember all the detail of
10 exactly what incidence and prevalence numbers Jack
11 Mandel and his colleagues were telling us.

12 Q You were the one -- there was a big
13 meeting in Atlanta, where the biostatisticians and
14 Mr. Mandel, the epidemiologist, came and presented
15 you with their findings, the internal reanalysis
16 of the Tanner data, and they reported to you, and
17 you were present, that there was a 250 percent
18 increase in the risk of Parkinson's disease among
19 paraquat workers looking at incidence, did they
20 not, sir?

21 MR. NARESH: Object to form.

22 A I don't recall all the data.

23 Q Sir, as a matter of fact, you were
24 the one that actually had to make the Powerpoint
25 presentation to the leadership committee, telling

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1 them that: "We reanalyzed the Tanner data. We
2 looked at incidence, and there is a 250 percent
3 increase in the risk of PD among paraquat
4 workers." Weren't you the one that delivered that
5 message to the leadership committee?

6 MR. NARESH: Objection, foundation.

7 A I was, certainly.

8 Q Is that true?

9 A That is true, yes.

10 (Exhibit 272 marked for identification.)

11 Q Get me 272, please. Exhibit 272.

12 Health Science Team Update. "PILT",
13 that is the leadership team, Paraquat Issues
14 Leadership Team, correct?

15 A That is correct.

16 Q This is January 2013?

17 A That is correct.

18 Q Is that your name, "Phil Botham"?

19 A Yes, that is me.

20 Q If you go to page 381, please, of
21 your presentation. Look at the second bullet
22 point. Did you report to the leadership team and
23 state, in October 2012:

24 "All relevant data from Tanner (2011)
25 FAME study had finally been received. Mandel" --

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1 that is your outside epidemiologist from Exponent,
2 correct?

3 **A That is correct.**

4 Q "Mandel reported to December health
5 science team [and this is in bold] that the study
6 did include both incidence and prevalence cases,
7 and that the odds ratio for both was 2.5."

8 Do you see that?

9 **A Yes, absolutely.**

10 Q And 2.5 means a 250 percent increase
11 in the risk of getting PD amongst workers of
12 paraquat, correct?

13 **A That is what the odds ratios can be**
14 **equated to, yes.**

15 Q So, sir, let me ask you, this was a
16 34 page report that was presented to you folks by
17 the biostatisticians and Mr. Mandel, the
18 epidemiologist that you hired. Did you ever ask
19 them to take their 34 page report and turn it into
20 an article so that it could be published?

21 MR. NARESH: Objection, foundation.

22 Q Did you ask them to do that?

23 MR. NARESH: Object to form.

24 **A They certainly published a**
25 **commentary on the Tanner paper.**

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1 Q That is not what I asked. Did they
2 ever publish their reanalysis, showing that when
3 you looked at incidence there was a 250 percent
4 increase in the risk? Did they ever publish that?

5 A I am not aware of them having
6 published that.

7 Q Did Syngenta take the 34 page report
8 that was provided to them by these experts and
9 publish in the medical literature the finding of a
10 250 percent increase when looking at incidence?
11 Did you folks publish it?

12 A No, we did not.

13 Q Did you ever go to any scientific
14 meeting and say: "We got all the Tanner data. We
15 went to great lengths to do it. We paid experts
16 to reanalyze it, and when we looked at incidence
17 there was a 250 percent increase in the risk of
18 Parkinson's disease among paraquat workers." Did
19 you do that?

20 A No, we did not.

21 Q As we discussed, the Tanner study
22 stood out because of what they found and who the
23 research group was, true?

24 A Yes, and what we were saying is that
25 it was certainly a part of the overall weight of

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1 **evidence which we still were taking seriously.**

2 Q In 2016 the New York Times wrote an
3 article about paraquat and Parkinson's disease,
4 did they not? Do you recall that?

5 **A I do remember that, yes.**

6 Q You were actually interviewed?

7 **A By the journalist, I was, yes.**

8 Q In fact, they focused in that
9 article on the Tanner study, did they not?

10 **A I do remember that, yes.**

11 Q Look at Exhibit 283, if you would.
12 That is an email from December 2016.

13 (Exhibit 283 marked for identification).

14 True?

15 **A That is correct.**

16 Q Are these folks from Syngenta that
17 are involved in this email?

18 **A Yes, they are.**

19 Q And they are including in this
20 email -- they say here "The long awaited article
21 from the New York Times". Do you see that?

22 **A Yes, I do.**

23 Q And the title of that New York Times
24 article would be: "A pesticide contradiction.
25 Prohibited in Britain but made there for export."

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1 Do you see that?

2 **A I do.**

3 Q And then the first paragraph states:

4 "Paraquat, one of many pesticides that
5 cannot be used in Europe but is sold in the United
6 States and elsewhere, has been linked to
7 Parkinson's disease in a growing body of
8 research."

9 Correct?

10 **A That is what it says.**

11 Q Now, if you will go to page 958, the
12 second paragraph, there is a quote there and it
13 states:

14 "The data is overwhelming, linking
15 paraquat and Parkinson's disease, said Dr. Samuel
16 M. Goldman, an epidemiologist in the San Francisco
17 Veterans Affairs Health System, who has studied
18 the connection. 'I am not a farmer. I don't need
19 to kill weeds, but I have to believe that there
20 are less dangerous options out there'."

21 Dr. Goldman was part of the Tanner
22 study, was he not?

23 MR. NARESH: Object to form.

24 **A I believe he was, yes.**

25 Q If we go down to the next paragraph,

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1 Freya Kamel, a scientist --

2 (Fire alarm test.)

3 MR. NARESH: Let's go off the record.

4 THE VIDEOGRAPHER: This is the end of
5 media one, volume two, in the video deposition of
6 Dr. Philip Botham. Going off the record at 9:59,
7 as indicated on the video screen.

8 (A short break)

9 THE VIDEOGRAPHER: This is the beginning
10 of media two, volume two, in the video deposition
11 of Dr. Philip Botham. Going back on the record at
12 10:00, as indicated on the video screen.

13 MR. KENNEDY: We are continuing on the
14 New York Times article. The next paragraph down,
15 it talks now about Freya Kamel. Do you see that?

16 **A Yes, I do.**

17 Q "Freya Kamel, a scientist with a
18 branch of the National Institutes of Health, who
19 has also studied the topic, said she found the
20 breadth of the research 'about as persuasive as
21 these things can get'."

22 Do you see that?

23 **A I do.**

24 Q Freya Kamel is also associated with
25 the Tanner study, was she not?

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1 MR. NARESH: Object to the form of the
2 prior question.

3 Q Is that true?

4 A As I mentioned earlier, she
5 published from that same big agricultural health
6 workers study back in 2007.

7 Q Go to the next page, 959. Six
8 paragraphs down, it starts with the 2011 study.
9 Do you see that?

10 A Yes.

11 Q Now they are specifically talking
12 about the Tanner study here in the New York Times
13 article, are they not?

14 A They are specifically talking about
15 the Tanner study I think is what you meant to say.

16 Q Yes. It states:

17 "A 2011 study, [which would be Tanner],
18 led by the Parkinson's Institute and the National
19 Institutes of Health, drew on a federal survey of
20 farmers and their spouses in Iowa and North
21 Carolina as well as others who handled pesticides.
22 Those studied were two and a half times more
23 likely to develop Parkinson's if they used
24 paraquat or rotenone."

25 Correct?

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1 **A Correct.**

2 Q The reporter who wrote this article
3 talked to representatives from Syngenta before the
4 article was published, did they not?

5 **A Yes, he did.**

6 Q Including you?

7 **A Absolutely, yes.**

8 Q And they talked to folks at Syngenta
9 about the Tanner study, which seemed to be
10 somewhat of a focus of the article, true?

11 **A That was one of the things that he**
12 **was interested in certainly.**

13 Q And by the time this article was
14 published, Syngenta had already obtained all of
15 the underlying Tanner data and done its own
16 reanalysis that we talked about, correct?

17 **A Correct.**

18 Q So, when the reporter called,
19 Syngenta had already done the reanalysis and
20 already knew the results. True?

21 **A By then I guess, yes, we would**
22 **certainly.**

23 Q And when the New York Times reporter
24 asked Syngenta about the Tanner study, Syngenta
25 did not tell the reporter that Syngenta had all of

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1 the data and had done its own analysis of Tanner,
2 did you?

3 A No, we didn't, but equally we also
4 said we were not dismissing the study, as the
5 quotation in this article says, we still felt that
6 the hypothesis was something that we had to
7 explore.

8 Q Look at Exhibit 284, sir.
9 (Exhibit 284 marked for identification).

10 If you go to page 850, down to the
11 bottom, the bottom email from Luke Gibbs, it looks
12 like. Is that somebody from Syngenta?

13 A That is correct.

14 Q And on November 30, 2016, this
15 Syngenta employee wrote: "Danny", and that is the
16 New York Times reporter, correct?

17 A Yes, that is correct.

18 Q "Thank you for the call yesterday.
19 I appreciated the insight you provided me. Below
20 are answers to the questions you have asked. I
21 believe that this covers off all of the points
22 where are able to help. Best, Luke" from
23 Syngenta." correct?

24 A Correct.

25 Q Go over and see what answers he

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1 provided, the next page, 51. Go all the way down
2 to the bottom. There is a bolded heading:
3 "Rotenone, paraquat and Parkinson's disease
4 (Tanner Environmental Health Perspectives 2011)".
5 So this is the Tanner study, correct?

6 **A That is correct.**

7 Q And this is the information provided
8 by Syngenta concerning the Tanner study, correct,
9 underneath this heading?

10 **A That is correct.**

11 Q Go to the next page, if you would,
12 52. If you look at the second and last bullet, do
13 you see that? It starts with "Syngenta".

14 **A Yes.**

15 Q And this is what Syngenta told the
16 reporter at the New York Times about the Tanner
17 study:

18 "Syngenta went to significant lengths to
19 attempt to access the data underlying the Tanner
20 study in order to gain as complete an
21 understanding as possible of the study in the
22 pursuit of scientific rigor."

23 Is that what you folks told the New York
24 Times?

25 **A Absolutely, and that was precisely**

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1 what we did.

2 Q Exactly, sir. You told them that
3 you attempted to get the data, correct?

4 A And we did get the data.

5 Q Exactly, sir. You told them you
6 attempted to get the data, when in reality you
7 actually got the data. True?

8 A We did not tell them we did not get
9 the data.

10 Q And in reality you didn't just
11 attempt, as you stated. You got the data, you did
12 a reanalysis, and you found a 250 percent increase
13 in the incidence of Parkinson's disease amongst
14 workers, correct?

15 MR. NARESH: Object to form.

16 A Essentially confirming what Tanner
17 said, which is why we still felt that that paper
18 was of significance. We were not trying to
19 dismiss that paper.

20 Q You did a lot more than attempt to
21 get the data, sir, didn't you?

22 A Would you like to elaborate?

23 Q You did more than attempt to get the
24 data, didn't you?

25 A Would you like to elaborate what you

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1 mean, sir?

2 Q Yes, sir. You got the data, you
3 reanalyzed it, and you found a 250 percent
4 increase in the incidence of PD, correct?

5 A That is what we saw earlier.

6 Q That is more than an attempt, true?

7 A Yes, that is what I have said. We
8 attempted -- it was a very great and difficult
9 effort to get those data, but we got them and we
10 did the analysis and we confirmed Tanner's
11 findings.

12 Q Let's change topics. I am going to
13 talk about misleading. We talked about the
14 failure to disclose, but let's move to misleading.

15 MR. NARESH: Object to the attorney
16 commentary.

17 MR. KENNEDY: Can we agree that
18 misleading the scientific community can possibly
19 be more harmful to scientific understanding than
20 the failure to disclose scientific information?
21 Can we agree on that.

22 MR. NARESH: Objection to the
23 hypothetical.

24 A I would have to look at a specific
25 case to look at that, but again in theory, yes.