

Responses to Subpoena
"Roundup Products Liability Litigation – Civil Action No. 3:16-MD-2741-VC"
Served on Roger O. McClellan on November 26, 2018

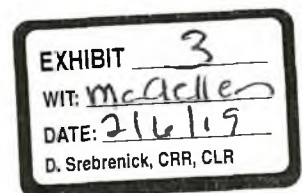
The Subpoena identified above was served on November 26, 2018 on Roger O. McClellan, Editor-in-Chief of Critical Reviews in Toxicology, an international journal published by Taylor and Francis. Attachment A to the Subpoena contains a section identified as "Documents and Things to be Produced" including a list of 19 items.

This document is a summary of the responses to the 19 items.

- (1) All agreements and contracts between YOU and Monsanto

Response:

There are no past or current agreements or contracts between Roger O. McClellan and Monsanto.



(2) All invoices from You to Monsanto

Response:

There are no invoices from Roger O. McClellan to Monsanto.

- (3) All communications and documents related to unrestricted research grants from Monsanto to You

Response:

There are no communications or documents related to unrestricted research grants from Monsanto to Roger O. McClellan

- (4) All communications and documents related to unrestricted research grants from Monsanto to Critical Reviews in Toxicology

Response:

Roger O. McClellan is not aware of any communications or documents related to unrestricted research grants from Monsanto to Critical Reviews in Toxicology.

- (5) All communications and documents related to peer-review reports for Monsanto-sponsored and/or authored manuscripts related to the potential adverse human health effects of GBFs, AMPA, and/or surfactants for GBFs published in *Critical Reviews in Toxicology* during your tenure at the journal.

Response:

I have served as Editor-in-Chief of *Critical Reviews in Toxicology* since 1987 (see attached Biography). Most recently, *Critical Reviews in Toxicology* has been published by Taylor and Francis and earlier by Informa Healthcare, both a part of Informa UK Limited.

I have not searched issues of *Critical Reviews in Toxicology* published prior to 2013 to determine if any papers on GBFs, AMPA, and/or surfactants for GBFs were published in *Critical Reviews in Toxicology* prior to 2013.

From 2013 to the present time, 9 manuscripts, authored by Monsanto scientists and/or scientists funded directly or indirectly by Monsanto, have been published in *Critical Reviews in Toxicology*. The 9 papers and a Foreword to a Special Supplement are listed below and copies are provided with this response.

Kimmel, G.L., C.A. Kimmel, A.L. Williams and J.M. DeSesso (2013). Evaluation of Developmental Toxicity Studies of Glyphosate with Attention to Cardiovascular Development. *Crit. Rev. in Toxicology* 43(2): 79-95.

Kier, L.D. and D.I. Kirkland (2013). Review of Genotoxicity Studies of Glyphosate and Glyphosate-Based Formulations. *Crit. Rev. in Toxicology* 43(4): 283-315.

Greim, H., D. Saltmiras, V. Mostert and C. Strupp (2015) Evaluation of the Carcinogenic Potential of the Herbicide Glyphosate Drawing on Tumor Incidence Data from Fourteen Chronic/Carcinogenicity Rodent Studies. *Crit. Rev. in Toxicol* 45(3): 185-208.

Kier, L.D. (2015). Review of Genotoxicity Biomonitoring Studies of Glyphosate-Based Formulations. *Crit. Rev. Toxicol.* 45(3): 209-218.

McClellan, Roger O. (2016). Foreword: Evaluating the Potential Carcinogenic Hazard of Glyphosate. *Crit. Rev. Toxicol.* 46(S1): 1-2. [Prepared independently in Roger O. McClellan's role as Editor-in-Chief of *Critical Reviews in Toxicology*]

Williams, Gary, Marilyn Aardena, John Acquavella, Sir Colin Berry, David Brusick and Michele M. Burns (2016). A Review of the Carcinogenic Potential of Glyphosate by Four Independent Expert Panels & Comparison to IARC Assessment. *Crit. Rev. Toxicol.* 46(S1): 3-20.

Solomon. Keith R. (2016). Glyphosate in the General Population and in Applications: A Critical Review of Studies on Exposures. *Crit. Rev. Toxicol.* 46(S1): 21-27.

Acquavella. John, David Garabrant. Gary Marsh. Tom Sorahan and Douglas L. Weed. (2016). Glyphosate Epidemiology Expert Panel Review: A Weight of Evidence Systematic Review of the Relationship Between Glyphosate Exposure and Non-Hodgkin's Lymphoma or Multiple Myeloma. *Crit. Rev. Toxicol.* 46(S1): 28-43.

Williams. Gary. Colin Berry. Michele Burns. Joao LauroViana de Camargo and Helmut Greim. (2016). Glyphosate Rodent Carcinogenicity Bioassay Expert Panel Review. *Crit. Rev. Toxicol.* 46(S1): 44-55.

Brusick. David. Marilyn Aardema. Larry Kier. David Kirkland and Gary Williams. (2016). Genotoxicity Expert Panel Review: Weight of Evidence Evaluation of the Genotoxicity of Glyphosate. Glyphosate-Based Formulations, and Aminomethylphosphonic Acid. *Crit. Rev. Toxicol.* 46(S1): 56-74.

All of these manuscripts, excluding my Foreword to the Supplement, were submitted to Critical Reviews in the same manner as the 100 or so manuscripts received by the journal each year. The entry point for manuscripts is an electronic manuscript management review system [Manuscript Central/Scholar One] provided by the publisher. The system may be accessed at <https://mc.manuscriptcentral.com/btxc>.

This electronic system has provision for:

- (1) authors to submit manuscripts in an electronic format,
- (2) the Editor to identify potential reviewers and solicit review comments,
- (3) reviewers to return comments to the Editor,
- (4) the Editor to send review comments (blind as to identity) to the author(s),
- (5) the author to return revised manuscript to the Editor.
- (6) the Editor to make a decision on the revised manuscript (accept, further revisions or reject),
- (7) the Editor to advise author of the editorial decision, and
- (8) the Editor to forward accepted manuscripts to the publisher.

The integrity of the manuscript management and review system and its successful use is dependent upon all parties recognizing the confidential nature of the communications between authors, Editor, reviewers and the publisher.

The following material taken from the Manuscript Central/Scholar One instructions to reviewers illustrates the emphasis given to ensuring confidentiality.

"Agreeing to review an article for this Journal implies that you as the reviewer will adhere to the accepted ethical standards of scientific, medical and academic publishing.

Material submitted for peer review is a privileged communication that should be treated in confidence. Material under review should not be shared or discussed with anyone outside the designated review process, unless approved by the editor. All communications relating to the paper in review should also be treated in confidence. Any breach of confidentiality in the review process is taken seriously by the journal and will be investigated according to the advice of COPE (<http://publicationethics.org>). Any conflict of interest, suspicion of duplicate publication, fabrication of data, plagiarism or other ethical concerns must immediately be reported to the Editor. By agreeing to review this manuscript, you are stating that you are the person completing this review. If you wish to collaborate with a colleague and/or trainee to perform this review, or wish to assign this review to a trainee for completion under your guidance, please contact the Editor for permission before sharing the manuscript. If the Editor agrees please provide the name, affiliation and e-mail address for the trainee/colleague so he or she may be assigned as a reviewer directly. If you have any conflict of interest (for example, collaborate with the author(s) or are currently working on a similar study), please decline to review this manuscript and, if possible, suggest appropriate alternate reviewers."

The publisher uses a second electronic system to manage the production and publication of the accepted manuscripts: that system operated by Taylor and Francis is called the Central Article Tracking System (CATS).

- (14) All communications with any of the authors of Williams, et al., *A Review of the Carcinogenic Potential of Glyphosate by Four Independent Expert Panels and Comparison to the IARC Assessment* 46 Crit. Rev. Toxicol. 3-20 (2016), including all communications with any of the authors of the four companion papers by the Intertek Expert Panel, related to GBs, AMPA, and/or surfactants for GBFs.

Response:

As noted above, the primary communications between authors and the Editor are initially conducted electronically using the Manuscript Central/Scholar One system provided by the publisher, Taylor and Francis. After critical review and acceptance by the Editor-in-Chief, the accepted manuscripts are electronically transferred to the Central Article Tracking System (CATS) operated by Taylor and Francis. The CATS system is used for processing of the accepted manuscripts, including production of galley proofs for review and approval by the authors before proceeding to on-line publication. CATS is maintained and used by Taylor and Francis to publish the approximate 2600 journals in its portfolio.

As Editor-in-Chief, I do not maintain files to duplicate the CATS system.

- (6) All communications with Monsanto related to GBFs, AMPA, and/or surfactants for GBFs.

Response:

Roger O. McClellan has had no communications with Monsanto personnel related to GBFs, AMPA and/or surfactants for GBFs except as related to specific manuscripts submitted to Critical Reviews in Toxicology and disclosed below.

- (7) All communications with Intertek, Inc related to GBFs, AMPA, and/or surfactants for GBFs.

Response:

The only communications between Roger O. McClellan and Intertek, Inc. personnel related to GBFs, AMPA and/or surfactants for GBFs are those with Ashley Roberts in his role coordinating the preparation and publication of five papers included in the Special Supplement to Volume 46 (2016) of Critical Reviews in Toxicology as noted in Item 10 below.

- (8) All communications with Dr. Larry Kier related to GBFs, AMPA, and/or surfactants for GBFs.

Response:

The only communications Roger O. McClellan has had with Dr. Larry Kier related to GBFs, AMPA, and/or surfactants for GBFs are communications in McClellan's role as Editor-in-Chief of Critical Reviews in Toxicology and specifically relate to manuscripts authored or co-authored by Dr. Kier as identified below:

Larry D. Kier and David J. Kirkland (2013). Review of genotoxicity studies of glyphosate and glyphosate-based formulations. Crit. Rev. in Toxicol. 43(4):283-315.

Larry D. Kier (2015). Review of genotoxicity biomonitoring studies of glyphosate-based formulations. Crit. Rev. in Toxicol. 45(3):209-218.

Brusick, D., Aardema, M., Kier, L., Kirkland, D. and William, G. (2016). Genotoxicity expert panel review: Weight of evidence evaluation of the genotoxicity of glyphosate, glyphosate-based formulations, and aminomethylphosphonic acid. Crit. Rev. in Toxicol. 46 (Special Supplement): 56-74.

Copies of those published papers were provided in response to Item 5.

The third paper listed, authored by Brusick et al. (2016), which included Dr. Larry Kier as a co-author, was included in a special investigation addressed in Item 15.

- (9) All communications with Wallace Hayes related to GBFs. AMPA and/or surfactants for GBFs.

Response:

I do not recall any communications with Wallace Hayes related to GBFs. AMPA and/or surfactants for GBFs.

- (10) All communications with Ashley Roberts related to GBFs, AMPA, and/or surfactants for GBFs.

Response:

The communications I have had with Ashley Roberts related to GBFs, AMPA, and/or surfactants for GBFs relate to the five papers published in the Special Supplement to Volume 46 (2016).

- (11) All medical literature, studies, journal articles, tests and/or scientific analyses authored and/or conducted by You related to the potential adverse human health effects of GBFs, AMPA, and/or surfactants for GBFs. This request includes drafts.

Response:

I have not conducted independent research on the potential adverse health effects of GBFs, AMPA, and/or surfactants for GBFs and, thus, have not published on these topics. I did prepare a "Foreword" to the Special Supplement to Volume 46 of Critical Reviews in Toxicology in my role as Editor-in-Chief of the Journal. The Foreword, noted in the response to Item 5, was intended to provide an editorial context to the five papers published in the Supplement.

(12) All communications with Monsanto related to the documents in Request No. 9.

Response:

I had no communications with Wallace Hayes as I noted in my response to Request No. 9. I did have a communication from David Saltmiras of Monsanto (January 9, 2014) related to preparation of a "glyphosate carcinogenicity review manuscript" for submission to Critical Reviews in Toxicology. This manuscript, authored by Greim, Saltmiras, Mostert and Strupp (2015) was ultimately submitted to Critical Reviews in Toxicology and was noted in my response to Item 5. A second manuscript, authored by Larry Kier (2015), is also noted in the communications with David Saltmiras.

- (13) All documents and communications related to Williams, et al., *A Review of the Carcinogenic Potential of Glyphosate by Four Independent Expert Panels and Comparison to the IARC Assessment* 46 Crit. Rev. Toxicol. 3-20 (2016), including all documents and communications related to the four contemporaneously published companion papers by the expert panel organized by Intertek, Inc ("Intertek Expert Panel"). This request includes drafts.

Response:

The five papers referred to in Item 13 were previously noted in Item 5 and are listed below:

Williams, Gary, Marilyn Aardena, John Acquavella, Sir Colin Berry, David Brusick and Michele M. Burns (2016). *A Review of the Carcinogenic Potential of Glyphosate by Four Independent Expert Panels & Comparison to IARC Assessment*. Crit. Rev. Toxicol. 46(S1): 3-20.

Solomon, Keith R. (2016). *Glyphosate in the General Population and in Applications: A Critical Review of Studies on Exposures*. Crit. Rev. Toxicol. 46(S1): 21-27.

Acquavella, John, David Garabrant, Gary Marsh, Tom Sorahan and Douglas L. Weed. (2016). *Glyphosate Epidemiology Expert Panel Review: A Weight of Evidence Systematic Review of the Relationship Between Glyphosate Exposure and Non-Hodgkin's Lymphoma or Multiple Myeloma*. Crit. Rev. Toxicol. 46(S1): 28-43.

Williams, Gary, Colin Berry, Michele Burns, Joao LauroViana de Camargo and Helmut Greim. (2016). *Glyphosate Rodent Carcinogenicity Bioassay Expert Panel Review*. Crit. Rev. Toxicol. 46(S1): 44-55.

Brusick, David, Marilyn Aardema, Larry Kier, David Kirkland and Gary Williams. (2016). *Genotoxicity Expert Panel Review: Weight of Evidence Evaluation of the Genotoxicity of Glyphosate, Glyphosate-Based Formulations, and Aminomethylphosphonic Acid*. Crit. Rev. Toxicol. 46(S1): 56-74.

As noted earlier, these papers were all submitted to Critical Reviews in Toxicology through the Manuscript Central/Scholar One portal. Each of the manuscripts was reviewed by from 5 to 9 reviewers with the review comments provided to the authors to assist in revising the manuscripts. In total, the five manuscripts were reviewed by 27 different reviewers who provided 36 sets of review comments.

The reviewers were all selected and contacted by the Editor-in-Chief via the Manuscript Central/Scholar One System. The identity of the reviewers was not made known to the authors, a "single blind" review system. The review comments are considered to be confidential communications among the authors, the Editor and reviewers as discussed in response to Item 5.

The Editor does not retain an independent file of reviewer comments on individual papers. The author does not retain a file of original manuscripts nor revised manuscripts.

- (14) All communications with any of the authors of Williams, et al., *A Review of the Carcinogenic Potential of Glyphosate by Four Independent Expert Panels and Comparison to the IARC Assessment* 46 Crit. Rev. Toxicol. 3-20 (2016), including all communications with any of the authors of the four companion papers by the Intertek Expert Panel, related to GBs, AMPA, and/or surfactants for GBFs.

Response:

As noted above, the primary communications between authors and the Editor are initially conducted electronically using the Manuscript Central/Scholar One system provided by the publisher, Taylor and Francis. After critical review and acceptance by the Editor-in-Chief, the accepted manuscripts are electronically transferred to the Central Article Tracking System (CATS) operated by Taylor and Francis. The CATS system is used for processing of the accepted manuscripts, including production of galley proofs for review and approval by the authors before proceeding to on-line publication. CATS is maintained and used by Taylor and Francis to publish the approximate 2600 journals in its portfolio.

As Editor-in-Chief, I do not maintain files to duplicate the CATS system.

- (15) All communications with Taylor & Francis regarding the 2017 ethical investigation into the publication of the five manuscripts by the Intertek Expert Panel.

Response:

In 2017, the Editor-in-Chief (Roger O. McClellan) and Managing Editor (Charles Whalley) of Critical Reviews in Toxicology received two communications containing allegations with regard to the five papers included in the Special Supplement to Volume 46 (2016) and requesting that the papers be “retracted.” In view of the seriousness of the allegations a special investigation was initiated and coordinated by me, in my role as Editor-in-Chief, and Charles Whalley in his role as Managing Editor of Critical Review in Toxicology. The investigation was very thorough and comprehensive including how the manuscripts were prepared, edited, reviewed, accepted for publication and published.

The review was completed in August 2018 with a joint decision made by me, as Editor-in-Chief, and the Publisher, Taylor and Francis, to publish an “Expression of Concern” and Corrigenda for each of the five papers included in the Special Supplement to Volume 46 (2016) of Critical Reviews in Toxicology. These items have been published on-line in the Journal (September and November 2018).

Communications among the key participants (the Editor-in-Chief, the Managing Editor and the authors) is reproduced below.

- (16) All communications and documents related to the three corrigenda and “expression of concern” published in Critical Reviews in Toxicology on September 26, 2018 regarding the five manuscripts by the Intertek Expert panel.

Response:

As noted in the response to Item 16 “Expression of Concern” and five Corrigenda have now been published on-line in the Taylor and Francis web site for Critical Reviews in Toxicology. All of the communications and documents in my possession related to this matter have been provided in the Response to Item 15.

- (17) Communications and documents related to any medical literature, studies, journal articles, tests, and/or scientific analyses related to the potential adverse human health effects of GBFs, AMPA, and/or surfactants for GBFs for which You were involved with the peer-review process. This request includes drafts

Response:

I do not recall my involvement in the peer-review process related to potential adverse human health effects of GBFs, AMPA, and/or surfactants for GBFs that relate to any medical literature, studies, journal articles, tests, and/or scientific analyses other than those discussed above related to manuscripts published in Critical Reviews in Toxicology which I serve as Editor-in-Chief.

- (18) All communications related to the de-classified internal Monsanto documents dubbed the "Monsanto Papers."

Response:

Reference has been made to the "Monsanto Papers" during the investigation described above in to the manner in which the five papers published in the Special Supplement to Volume 46 (2016) of Critical Reviews in Toxicology. I am not aware of any other communications to me or from me involving the "Monsanto Papers."

(19) Documents relied on or reviewed to prepare for this Deposition.

Response:

I have not relied on any documents, other than those referenced above, responding to this Subpoena and preparing for my deposition.