IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.)4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

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THE VIDEOTAPED DEPOSITION OF

BERTON FISHER, PhD, produced as a witness on behalf of the Defendants in the above styled and numbered cause, taken on the 23rd day of January, 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Lisa A. Steinmeyer, a Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.

Exhibit 4

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contains very high levels of phosphorus, high levels of copper and zinc and arsenic in most cases, except for Tyson's, I believe current waste is not, but historically it would have. So there is a chemical signature, which I believe Dr. Olsen will discuss, 02:06PM that relates waste composition to its so-called poultry signature, but it's chemically distinctive. The only large significant source of -- it's not just looking at phosphorus, for example. You're looking at numerous components. In this case I 02:06PM think Dr. Olsen looked at 26 components. In this case we could refer your attention to the ones that are very easily demonstrated to be changing in time, and those would be phosphorus, copper, zinc and arsenic. 02:06PM

Q All right. You do not disagree, do you, sir, there are other sources, significant sources of phosphorus in the watershed?

A I think there are other sources of phosphorus in the watershed. 02:07PM

Q But you don't know whether they're significant or not?

A I have not completed that analysis.

Q I thought you just told me that the only significant sources of some of these chemicals were 02:07PM

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poultry?
A Well, in combination, that's true.
Q Well, is there another significant source of copper in the watershed?
A It's not as simple as individual sources. 02:07PM
There's a specific composition of the waste with respect to its internal consistency of phosphorus, copper, zinc and arsenic.
Q Well, explain that internal consistency between the specific components that is the 02:07PM signature of poultry waste.
A I think that's really Dr. Olsen's position.
Q Are you relying at all, sir, upon any independent work that you've done yourself regarding a chemical signature for poultry as part of your 02:08PM opinions offered in the affidavit in this case?
A A review of waste composition.
Q Okay. Tell me --
A Which would confirm that poultry waste is -- shows elevated levels of phosphorus, copper, zinc 02:08PM and arsenic.
Q Okay. When you say elevated, elevated in reference to what?
A Well, elevated in reference to soils.
Q Soils are not the only source of phosphorus, 02:08PM

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