KEVIN IGLI, 5-8-09

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 KEVIN IGLI, produced as a witness on behalf of the Plaintiff in the above styled and numbered cause, taken on the 8th day of May, 2009, in the City of Fayetteville, County of Washington, State of Arkansas, 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

Q Do you actually know whether Tyson's contract growers are following their nutrient management plans?

A Do I personally know?

Q Yes. 10:52AM

A I cannot tell you that I personally know everyone is following their plan.

Q Does Tyson know?

MR. GEORGE: Object to form.

A I would say that we cannot tell you we know 100 percent of the time whether people are following their plans. It's their duty to follow the plan, but if the state agencies are providing the plans, they need to perform surveillance of the plans and determine whether they believe people are following the plans. 10:52AM 10:53AM

Q Okay, but, again, Tyson doesn't perform that surveillance?

A No, we do not.

Q Okay. Does it cause you any concern -- I realize that you've just now -- this is the first time you've seen this, but do these findings that USDA has made in this report, does it cause you any concern as chief environmental officer at Tyson? 10:53AM

MR. GEORGE: Object to form. 10:53AM

application rate provided that you're supposed to follow, and the whole idea behind that is it's not just looking at phosphorus. It looks at nitrogen, looks at other organic matter that would be present in what is being applied, whether it's litter or 11:10AM
something else. Probably also looks at things like potassium that are important to the soil.

Q And I know that while it's your expectation that those are being followed, again, you don't know whether Tyson's growers are following those plans; 11:10AM
right?

MR. GEORGE: Objection, asked and answered. Answer it again, if you can.

A The -- we do not -- Tyson does not know because we don't own those farms. We don't feel 11:10AM
it's our obligation to perform the surveillance. It's the obligation of the regulatory authorities who are charged with that responsibility for the State.

Q Okay. If you'd look at the next sentence down 11:11AM
here, the third sentence in this paragraph it says, within the Tenkiller watershed, Baron Fork, Caney Creek, Flint Creek, Illinois River and Tenkiller Ferry Lake are listed as impaired due to an excess of phosphorus, and Sager Creek is impaired due to 11:11AM