

05_OPEN_QUESTIONS

OPEN QUESTIONS, NEXT ACTIONS, and REQUEST DRAFTS

Each item: the unresolved question · exactly what was searched (so it isn't repeated) · the specific next step most likely to close it. Ends with a drafted **NARA reference request**, **FOIA language**, and the consolidated **running search log**.

Priority key: ● **high** (could change a central conclusion) · □ **medium** · □ **low/completeness**.

A. Items that could change a central conclusion ●

A0. ●● ToxicDocs: the 39 "John P. Frawley" vinyl-chloride (PVC) documents (NEWLY DISCOVERED, identity unconfirmed)

- **Why it matters:** ToxicDocs' native search API returns **251 "Frawley" / 39 exact "John P. Frawley"** hits, concentrated in the **Allied Signal / Society of the Plastics Industry vinyl-chloride collection, 1958–1970** — i.e., the documentary core of the PVC product-defense story (Markowitz & Rosner, *Deceit and Denial*). PVC was the dominant food-packaging plastic and vinyl-chloride-monomer migration was *the* indirect-additives toxicology issue — squarely Frawley's domain. If these are our toxicologist, they are an **entirely unexplored vein** potentially placing him inside the vinyl-chloride safety/defense effort.
- **Searched / blocked:** the toxicDocs **front-end is JS-gated** (fetcher sees only "Loading"); Google's `site:` index covers only a handful (all same-name false positives — the source of my earlier wrong "nothing" conclusion). The `/api/search` **endpoint works** and gave the counts above, but **document detail/OCR endpoints 404**, and the **scans are image-only (JBIG2)** so WebFetch/Google cannot read the text, and Bash is sandboxed. **I cannot confirm identity from this environment.**
- **Next step (needs the operator):** from the toxicDocs UI, run `q="John P. Frawley"`, and for ~3–5 of the PVC hits open the document viewer and read the **"People"/author metadata + the OCR text** (or download the PDFs into `./papers`) to confirm whether it is **John P. Frawley of Hercules / Health & Environment International** and in what role (SPI toxicology committee? VCM safety? a deposition?). Example IDs to start: hash

X7nY0av9Xa4NdMN0vnn0JwN2g (1958), x5j58NqrRdBje3b0XwoxZa8nm (1967), vBXrqqv6Z7jbEN238kXxmm10R (1969).

A1. ▶ NEW ROUTE — Frawley's MDL 381 deposition + the SECOND, likely-unsealed *Kemner* deposition set

- **NEW (2026-06-09):** beyond the sealed MDL 381 deposition, Frawley gave sworn testimony in **Kemner v. Monsanto** (St. Clair Co., IL): **deposed 8 Mar 1983 & 7–8 Feb 1984**, and **testified at the Vertac trial** (Kemner witness list, ToxicDocs XRqYoX0mvYxZNM88K8VJ8qr3w). The Kemner record is likely **outside** the PTO-43 seal → the best route to read Frawley's sworn account directly. **Next:** pull the Kemner transcript (St. Clair County, IL court record) and the Texas Tech Agent Orange **defense** files (Collection 2652, opened Jun 2025). (*original A1 notes below.*)
- **Why it matters:** these are the *actual* documents the court paraphrased; they would let us test the sworn account directly and may attach **Document A** and **Document B** as exhibits.
- **Searched:** confirmed they exist and are quoted in 565 F. Supp. 1263; sealed under **PTO 43 / 96 F.R.D. 582**; `site:toxicdocs.org`, `site:documentcloud.org`, UCSF Solr, NAL — none hold the transcript.
- **Next step: (NEW, try first — likely more accessible than NARA)** the **Texas Tech University Vietnam Center & Sam Johnson Vietnam Archive** (vietnam.ttu.edu) holds Agent Orange litigation records; query their reference service (finding-aid item 26520000000) for the Hercules/Frawley deposition, answering affidavit, and the Doc A/Doc B exhibits. Then the **NARA request** (drafted below) for the E.D.N.Y. MDL 381 summary-judgment record; and a **PACER/RECAP** docket pull for MDL 381.

▶ 2026-06-09 acquisition sweep (full results:

`_workflow_results/ACQUISITION_TARGETS_2026-06-09.md`). An 80-agent / 12-lane sweep produced concrete locators that **advance A1, A2, A3, and B3** — folded into the document register and master dossier. Highlights below.

(*Unverified flag carried over: the sweep claims the 565 F. Supp. 1263 SJ order is dated "May 12" not "May 20" 1983 — do not change the dossier's 20 May until the opinion's own dateline is re-read; treat as a check, not a correction.*)

A2. ▶ ADVANCED — Document A locator FOUND (scan still needed). 3 July 1963 Frawley → Rowe letter

- **Why it matters:** it is the one contemporaneous document that could test Frawley's sworn claim that the 1963 letter's hazards "relate to 2,4-D, not 2,4,5-T." Currently the *only* characterization is his own affidavit. Sent to Dow → should survive in **Dow's** produced files.
- **Searched:** DocumentCloud full-text API ("V.K. Rowe" Frawley → only the 1965 B 1575 letter); Poison Papers, ToxicDocs, UCSF IDL (zero 1963 Frawley docs), USDA NAL, ejnet — all miss.

- **FOUND (2026-06-09):** indexed as exhibit **H281 14-1 5** ("john p. frawley's letter to V. K. rowe of 07-03-63") in a local MDL-381 deposition/exhibit packet — ToxicDocs RBqNnvVrnkZ54xyyyqd90yKV (l.57656–57680).
- **Next step:** pull the **H281-series scan** itself (request from whoever holds the cited MDL-381 deposition exhibits); then NARA MDL 381 exhibits (A1); the **Dow archives at the Science History Institute** (Philadelphia).

A3. ▸ LARGELY RESOLVED — Doc B wording+date recovered from a litigation primary (Bates scan still needed)

- **FOUND (2026-06-09):** Doc B = a **12 Jul 1965 confidential Frawley/Hercules memo re a 9 Jul 1965 phone call with Earl Farnham (Dow)**. Verbatim text + date/author/subject recovered from an **Agent Orange MDL plaintiffs' brief** (ToxicDocs jyBDvYGzG58gkKk3VmDbjxLK5 , l.14017–14038) and indexed in Poison Papers DowDATA as Bates **A303 / 650712** (DocumentCloud 3418806 , *to confirm*) — superseding the U.S. Veteran Dispatch paraphrase. The "**rabbit-liver study**" detail was a conflation (absent from the real memo). **Remaining:** the Bates- stamped **memo scan** (A303), and confirm the DowDATA 3418806 index id.
- (*Superseded notes from the original A3 follow*) Document B — primary scan / exhibit number for the memo
- **Why it matters:** the central "smoking-gun" document. **It is real** (NYT reporters saw it among the documents Pratt unsealed in 1983) but reaches us only through uncited secondary paraphrase.
- **Searched:** the verbatim wording traces to the **U.S. Veteran Dispatch "Story of Agent Orange"** (no citation), which paraphrases **1983 NYT** reporting ("Dow Says U.S. Knew Dioxin Peril," 5 May 1983; "Files Show Dioxin Makers Knew of Hazards," cited 6 Jul 1983). No exhibit/Bates recoverable; no scan in Poison Papers/ToxicDocs/DocumentCloud. (Schuck's *Agent Orange on Trial* does **not** contain it — Google Books full-text: "Frawley" 0 hits, "Hercules" 14.)
- **Next step:** (1) pull the two **1983 NYT** articles via **ProQuest Historical Newspapers / TimesMachine** to confirm the verbatim wording and byline (likely **Ralph Blumenthal**) and any exhibit reference; (2) NARA MDL 381 (A1) for the memo itself; (3) check **Michael Gough, Dioxin, Agent Orange: The Facts (1986)** for the rabbit-liver detail and its endnote.

A4. Is Frawley's 1983 sworn account consistent with his own 1960s documents? (the central analytic question)

- **Status:** addressed in 06_ANALYTIC_MEMO.md . Short version: **no proven inconsistency** — and the one fully-verified contemporaneous document (the 19 Mar 1965 Rowe → Frawley letter) **supports** his Feb/Mar 1965 chronology — *but* the two soft spots (Doc A's 2,4-D-vs-2,4,5-T content; what Hercules knew before 1965) can only be tested with the still-sealed primaries in A1–A3.

A5. ✓ RESOLVED — the "Frawley congressional testimony" thread = the 1994 tobacco hearings (prepared, not delivered)

- **Resolution:** A "**Statement of John P. Frawley, Ph.D.**" was drafted (March–April 1994) for the House Subcommittee on Health and the Environment (Waxman tobacco hearings, "Regulation of Tobacco Products," 103rd Cong.). UCSF IDL metadata confirms *our* Frawley (Health & Environment International Ltd., Hercules, SOT, ex-FDA), held in **Tobacco Institute / RJR** legal files, **marked DRAFT** with **Covington & Burling** privilege-log boilerplate. The complete printed record of all 7 hearing dates contains **zero "Frawley"** → **prepared but never delivered**. So "never *testified*" stands, but Frawley was a **late-career tobacco-industry consultant**. [**CONFIRMED-primary**] (UCSF IDL zqxb0104, lhyg0018, hmkb0121, tjhg0001, xhyn0050 + full 1994 hearing record on archive.org).
- **Residual:** confirm there is no *other*, earlier delivered appearance via a **ProQuest Congressional / CIS personal-name index** sweep for "Frawley, John P." (1958–1994) — the only way to make the universal negative airtight.

A6. ▶ PARTIALLY RESOLVED & REFRAMED — Is the IBT-fraud linkage specific to Frawley's named studies, or a genre inference?



- **DONE** (the EPA audit list was obtained and cross-referenced — full analysis in 09_IBT_FRAWLEY_OVERLAP.md). The EPA "**Summary of the IBT Review Program," OPP (1983)** is now local (papers/Summary of the IBT Review Program...PDF , OCR'd). Findings: (1) **only 4 of Frawley's 220 compounds cite IBT** (ref 26) — all **D&C colour additives**, structurally disjoint from EPA's **pesticides-only** audit; (2) **14 of his pesticides** appear by name in the EPA IBT review but were cited by Frawley to **Lehman**, not IBT; (3) the one fully-traced chain is a **Hercules-sponsored toxaphene reproduction-rat study EPA marked invalid** (OCR I.1563) — Frawley's employer, product, and reproduction-study genre. So the naive "his dataset is built on the invalidated IBT studies" is **refuted at the citation level**, but it is **not** a clean bill of health.
- **THE LIVE QUESTION — now ANSWERED** (lehman-ibt-provenance workflow): the worry that a **Lehman** citation merely launders IBT data is **structurally foreclosed** for these pesticides. Lehman's *Summaries* = the house output of the **FDA Division of Pharmacology** (Lehman ran it 1946–55; Frawley worked there), serialized **1948–55, before IBT (1953) did any pesticide testing**; the named values trace to FDA studies **several authored by Frawley himself** (parathion/EPN = Frawley & Fuyat 1957; toxaphene = Fitzhugh & Nelson 1951); and the IBT studies on those compounds are dated **1967+**, after his cutoff. The IBT contamination enters via Frawley's **own** ref-3 (Hercules) / ref-26 (dyes), not Lehman. [**established**] — full reasoning in 09 §4.
- **Remaining next steps:** (1) [**the one open hinge**] obtain the physical **Lehman, Summaries of Pesticide Toxicity (AFDOUS 1965)** and read its per-chemical source notes (closes the narrow post-1955 residual); (2) the **IBT criminal case (United States v. Keplinger et al., N.D. Ill. 1983)** + full

EPA IBT master list for any Frawley/Hercules study beyond toxaphene-2476 (and confirm the "BFC" ↔ **Hercules** agrochemical identity); (3) check whether **FDA's** parallel IBT colour-additive review caught the 4 D&C dye studies (EPA OPP excluded them).

B. Biographical gaps

B1. Exact death date and obituary

- **Searched:** legacy.com / echovita / Delaware Online; newspapers.com indexing; SOT In Memoriam; The Toxicologist; Find A Grave — only impostors. Death bracketed ~**2003–2004** by the SOT asterisk convention.
- **Next step: Newspapers.com / GenealogyBank** (paid) for *Wilmington News Journal* 2003–04 obituaries under "Frawley"; the **Delaware death index** (archivesfiles.delaware.gov), New Castle County 2002–04; query **The Toxicologist** 2003–05 supplements; contact **SOT HQ** for member-death records.

B2. The 1953 / 46th MASH identity (same man as the toxicologist?) — see *dossier §1*

- **Next step: NARA** Korean-War service record for the MSC officer "John P. Frawley"; a **Marquis Who's Who / American Men & Women of Science** entry (HathiTrust full-view) giving his service + degrees; ProQuest Dissertations for a late-1940s/50s Frawley pharmacology thesis.

B3. ▶ **PARTIALLY RESOLVED** — Education (PhD institution & year) and exact Hercules title progression

- **FOUND (2026-06-09):** PhD field = "**Biological Chemistry**" (Kemner v. Monsanto witness list, ToxicDocs [XRqYoX0mvYxZNM88K8VJ8qr3w](#)). *Institution & year still unknown.*
- **Next step: American Men of Science / Who's Who** (HathiTrust); **Hagley Museum & Library** Hercules Inc. records — corporate directories / the *Hercules Chemist* house organ / annual reports 1956–1990 (the personnel-card series online stops at 1933).

C. Strand I completeness /

- **C1. The exact ACS Sept 14 1966 session/abstract title** — pull the printed **152nd ACS National Meeting Abstracts of Papers** (HathiTrust / research library) or **C&EN / Food Chemical News** Sept 1966.
- **C2. NAS/NRC 1969 monograph — committee roster & verbatim recommendation** — obtain the 11-page PDF behind the **NAP** free-download (DOI 10.17226/20376) or a HathiTrust copy; cross-check the NRC Food Protection Committee 1968–69 membership.
- **C3. ▶ MOSTLY RESOLVED** — **FDA National Conference on Indirect Food Additives (13 Feb 1968)**. Both headline papers are now in primary text: **Frawley's** address = *Food Drug Cosm. Law J.* 23(5):260–270 (local PDF;

register D8) and **Summerson's** rebuttal = *Food Chem. News* 19 Feb 1968 (08_VINYL_CHLORIDE §4; sources/Summerson...excerpt.md). **Residual:** the **full official proceedings volume** and **Goddard's opening address** are still unlocated — try the FDA History Office, *Food Drug Cosmetic Law Journal* 1968–69 (other issues may carry companion papers), and the Food Chemical News archive.

- **C4. Contemporary notice of Frawley's COI** — Food Chemical News / C&EN / FCT editorials 1966–69; the **Hagley** Hercules archive; the IBT litigation record.
- **C5. Read the full text of the UCSF Darby Papers Frawley letters** (rxfb0228, yhgd0228, zkcb0228, qngd0228, xygd0228, xmfd0228) — the bodies refused programmatic fetch; open via a real browser at industrydocuments.ucsf.edu and export OCR (esp. **yhgd0228**, his 12 Jul 1968 letter declining to draft the NAS "Insignificant Levels" report).

D. Strand III completeness

- **D1. Hercules/Vertac year-by-year TCDD figures** — the **1991 NIOSH Dioxin Registry Report** (CDC stacks 119117 / NTIS **PB2003103783**) to corroborate the court's ".1 ppm / no measurable" account.
- **D2. The exact DocumentCloud ID and verbatim text of the Hercules March 24 1965 meeting memo** — browse Poison Papers project 28127 by date (1965) rather than keyword.
- **D3. Confirm the March 1965 meeting attendee list** (Dow/Diamond Alkali/Hercules/Hooker — and whether Monsanto attended) from the actual minutes scan.

DRAFT 1 — NARA reference request (National Archives at New York City)

To: National Archives at New York City (Archives I/RG 21 reference) — newyork.archives@nara.gov **Re:** Records of the U.S. District Court for the Eastern District of New York — *In re "Agent Orange" Product Liability Litigation*, **MDL No. 381** (RG 21)

I am researching the toxicologist **Dr. John P. Frawley** of Hercules Incorporated. I request access to / copies of the following from the MDL 381 case file:

1. The **affidavit(s) of John P. Frawley** filed in support of **Hercules Incorporated's motion for summary judgment** on the government-contractor ("military contractor") defense (the motion decided in *In re "Agent Orange,"* **565 F. Supp. 1263**, order dated **May 20, 1983**, Judge George C. Pratt), **and all exhibits attached to that affidavit** — in particular any 1963 and 1965 Frawley correspondence/memoranda.
2. The **deposition transcript of John P. Frawley** taken in MDL 381 (referenced in the opinion and later cited as an exhibit in *United States v.*

Vertac Chemical Corp., 671 F. Supp. 595 (E.D. Ark. 1987), as "PX 213, Frawley deposition").

3. The Hercules summary-judgment **motion papers and supporting exhibit list**.

Please advise on (a) whether these records were transferred to NARA or remain with the court/Federal Records Center; (b) their **seal status** under **Pretrial Order No. 43, 96 F.R.D. 582** (the blanket protective order), and the procedure to seek access to any sealed materials; and (c) reproduction costs. Identifying data: case **MDL 381 / E.D.N.Y.**; Special Master **Sol Schreiber**; Judges **George C. Pratt** and **Jack B. Weinstein**.

DRAFT 2 — FOIA / agency requests

- **FDA (History Office / FOIA)**: records 1966–1971 concerning the "**toxicologically insignificant levels**" / "**0.2% GRAS**" food-packaging proposal by **J. P. Frawley (Hercules)**; the **National Conference on Indirect Additives** (Feb 13–14, 1968); and the "**Ramsey Proposal**" (Dr. Lessel L. Ramsey), including the **June 3, 1971** decision memorandum. (*FDA records may also be at NARA College Park, RG 88.*)
- **EPA (FOIA / NSCEP)**: the **FIFRA 2,4,5-T/Silvex** consolidated docket (Nos. **295** and **415**) — party-submission and witness lists, to confirm whether **Hercules / Frawley** filed any Statement of Position or testimony (Dow/Rowe were lead).
- **NARA College Park, RG 88 (FDA)**: internal correspondence on the Frawley proposal and the NAS referral.

DRAFT 3 — items to ask the operator to retrieve (paywalled / JS-gated / offline)

1. **ToxicDocs — the 39 "John P. Frawley" PVC documents (TOP PRIORITY; see A0)**. The API confirms **251 "Frawley" / 39 exact "John P. Frawley"** hits (mostly Allied Signal/SPI **vinyl chloride**, 1958–1970), but the scans are **image-only** and unreadable here. Please open ~3–5 in the toxicDocs viewer and copy the **People/author metadata + OCR text**, or download the PDFs into `./papers`, so I can confirm whether they are our Frawley and, if so, mine them. (Start IDs in A0.)
2. The two **1983 New York Times** articles (TimesMachine / ProQuest) — for Document B's wording + byline.
3. **NAP** 11-page PDF of the 1969 NRC *Toxicologically Insignificant Levels* monograph (committee roster).
4. ✓ **DONE** — Frawley, *Food Drug Cosm. Law J.* **23(5):260–270** (1968) is **acquired and read in full** (operator added `papers/food_drug_1968_v23_n5.pdf`; OCR `papers/fdcLj_1968.txt`; excerpt + register D8). It is the **text of his 13 Feb 1968 National Conference address** — see C3 below, now largely closed.
5. **Wilmington News Journal** obituary index 2002–2004 (Newspapers.com/GenealogyBank) — death date.

6. Library/borrow copies of **Martini (2012), Michaels (2008), Gough (1986)** — to run a clean index/full-text check for "Frawley" (Google Books/archive.org were preview- or lending-restricted).
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RUNNING SEARCH LOG (consolidated highlights; full per-agent logs in `_workflow_results/`)

- In re Agent Orange 565 F. Supp. 1263 — Justia direct **403**; **r.jina.ai proxy & cetient.com mirror = HIT** (6 verbatim Frawley sentences, cross-confirmed by 3 agents).
- DocumentCloud API q=Frawley project:28127 — **HIT**: doc **3253794** = the 1965 Rowe → Frawley letter (Bates **B 1575**); all other "Frawley" hits = impostors.
- UCSF Solr ltdl3 q=Frawley Hercules — **HIT**: Darby Papers cluster (rxfb0228, yhgd0228, zkc0228, qngd0228, ...).
- site:toxicdocs.org Frawley[/ Hercules/ dioxin] — **MISS** (Ceramic Bulletin roster; OSHA-PVC memo — all same-name false positives).
- PubMed E-utilities "Frawley JP" — **HIT** (32 PMIDs; 27 attributed after disambiguation).
- Rulis "De Minimis and the Threshold of Regulation" content.pdf (regulations.gov) — **HIT** ("duly noted by Frawley in 1967").
- NAP catalog 20376 — **HIT** (1969 NRC *Toxicologically Insignificant Levels*; front matter gated).
- govinfo FR-1995-07-17/95-17435 (21 CFR 170.39) — **HIT** (cites Rulis 1992; **no "Frawley"** in the rule).
- NAL 2,4,5-T 1970 Senate hearing PDF — **HIT** (read witness index; **Frawley absent**, Dow present).
- Cong. Rec. Daily Digest D406 (10 Aug 1967) — **HIT** (Goddard to Senate Monopoly subcttee; House heard a "public witness").
- "extremely frightened" "this situation might explode" dioxin Hercules — **MISS** on exact phrase; wording found only in U.S. Veteran Dispatch "Story of Agent Orange" (uncited) → 1983 NYT.
- "July 3, 1963" Frawley Rowe / Doc A scan — **MISS** everywhere (survives only as court paraphrase).
- 46thmash.com Frawley — **HIT** ("1st Lt. J. P. Frawley, MSC") — identity-with-toxicologist **unconfirmed**.