

1 that a single serving of canned tuna could contain enough methylmercury to harm the fetal
2 brain. Rice, 2 Tr. 115:14-117:1; Rice, 24 Tr. 3093:3-14; 25 Tr. 3140:26-3146:28.

3 122. To buttress her misleading testimony that a single exposure to methylmercury
4 at the levels at issue in this case can have harmful effects, Dr. Rice misstated the WHO's
5 analysis of the Iraq poisoning, and testified that the WHO "observed" paresthesia from a
6 single day's exposure to methylmercury at 50 and 200 ug/day. Only when confronted with
7 the WHO report did Dr. Rice acknowledge that the 50 and 200 ug/day levels were modeled,
8 not observed, and were for cumulative exposures over a long period of time, and not single
9 exposures. Rice, 25 Tr. 3154:10-3156:11; 25 Tr. 3149:23-3152:15.

10 123. The Court finds that Dr. Rice's testimony was unreliable. It was also biased.
11 Under Dr. Rice's MADL, products with methylmercury levels below the level of detection
12 would be required to carry a Proposition 65 warning. Murray, 11 Tr. 1296:23-1297:17. As a
13 result, all servings of fish and shellfish larger than literally a grain of rice would require a
14 warning under Proposition 65. Murray, 11 Tr. 1296:23-25; 11 Tr. 1298:18-1299:5; TX 828.
15 Dr. Rice disagrees with the fish consumption advisories issued by the FDA/EPA, and the
16 advisories put forth by state agencies (including her home state of Maine) regarding safe fish
17 consumption for pregnant women and women of childbearing age. Rice, 4 Tr. 361:15-
18 368:27; TX 706; TX 347; TX 348; TX 349; TX 350; TX 351; TX 764. Specifically,
19 Dr. Rice does not believe that women and young children should eat up to 12 ounces of
20 canned light tuna per week and 6 ounces of canned albacore per week. Rice, 3 Tr. 237:15-
21 238:3.²⁵

22 **E. Dr. Golub's Cursory Review and Endorsement of the Rice MADL**

23 124. The State also presented testimony from OEHHA scientist Dr. Mari Golub to
24 endorse the appropriateness of Dr. Rice's MADL under Proposition 65. Although Dr. Golub
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26 ²⁵ Dr. Rice did not include a section in her report on the application of the MADL in terms of
27 exposure. TX 8. Dr. Rice was not sure how many grams or ounces of canned tuna her
28 MADL would allow a person to eat without issuing the warning. Rice, 3 Tr. 300:3-7.
Dr. Rice did not compare her MADL to other commercial seafood. Rice, 3 Tr. 301:8-11.