A Win Against Roundup: The Battle for Justice in the Face of Corporate Immunity

Monsanto/Bayer's Attempt to End Pesticide/Herbicide Injury Litigation

By Michael L. Baum, Wisner Baum

WB

Overview of the Case Against Roundup: The Scientific Evidence

- In March, 2015, the International Agency for Research on Cancer ("IARC") classified glyphosate as a **"2A Probable Human Carcinogen."**

International Agency for Research on Cancer

World Health Organization

- The classification initiated a series of seismic events.
- It prompted California to require products containing glyphosate, like Monsanto's Roundup, to carry a warning label regarding the carcinogenic risks of glyphosate.
- Plaintiffs started filing lawsuits across the U.S.

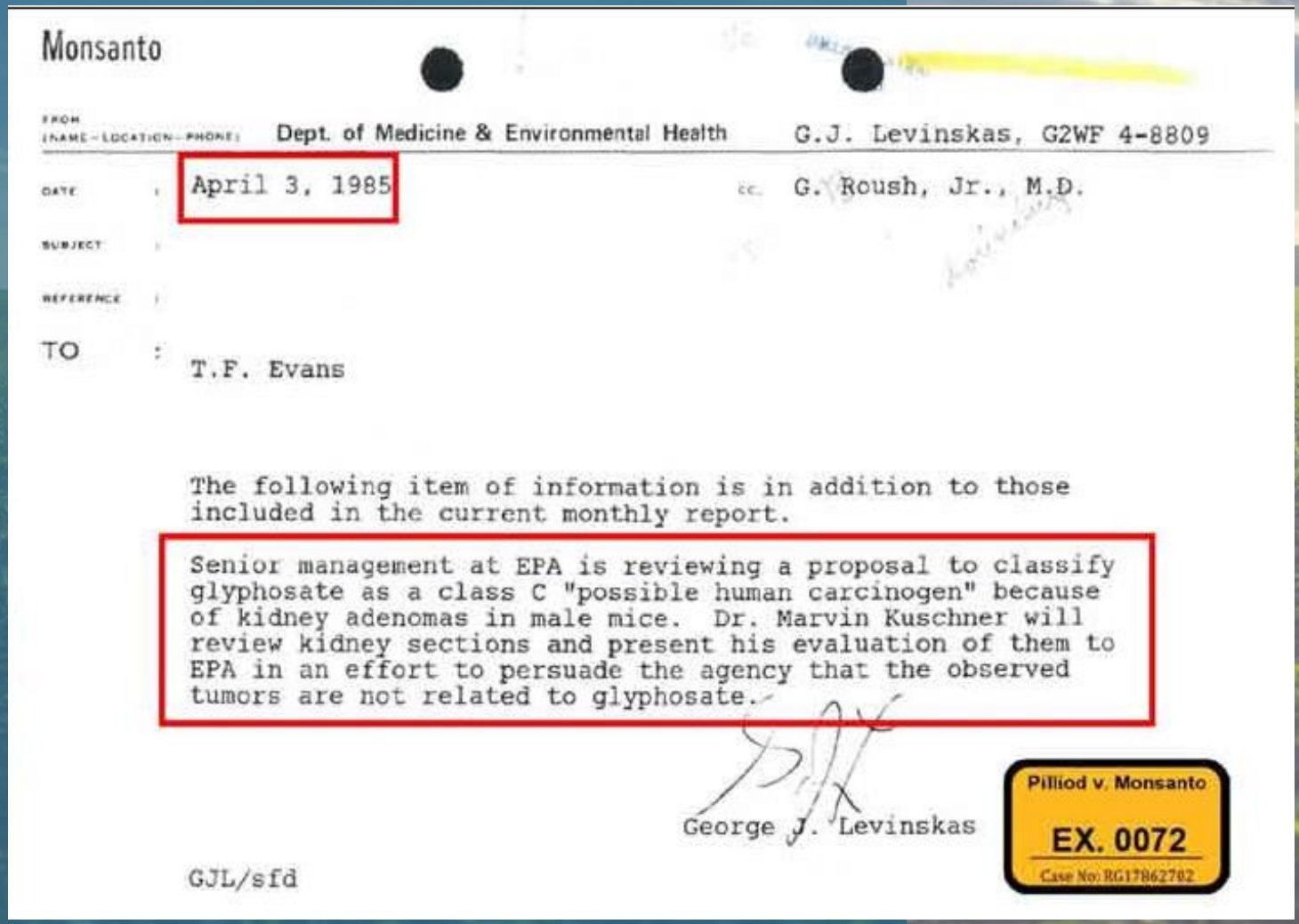
THE SCIENTIFIC EVIDENCE

In 1985, the EPA came to a consensus that, because of a study that found tumors in mice exposed to glyphosate, that Roundup was, in fact, a Class C carcinogen.

There is a plethora of evidence showing that Roundup:

- Causes tumors in animals
- Is genotoxic
- Resides in human bones

THE SCIENTIFIC EVIDENCE



Monsanto

FROM (NAME - LOCATION - PHONE): Dept. of Medicine & Environmental Health — G.J. Levinskas, G2WF 4-8809

DATE: April 3, 1985

cc: G. Roush, Jr., M.D.

SUBJECT:

REFERENCE:

TO: T.F. Evans

The following item of information is in addition to those included in the current monthly report.

Senior management at EPA is reviewing a proposal to classify glyphosate as a class C "possible human carcinogen" because of kidney adenomas in male mice. Dr. Marvin Kuschner will review kidney sections and present his evaluation of them to EPA in an effort to persuade the agency that the observed tumors are not related to glyphosate.

George J. Levinskas

GJL/sfd

Pilliod v. Monsanto
EX. 0072
Case No: RG17862702

THE SCIENTIFIC EVIDENCE

Evaluation of the potential genotoxicity of Glyphosate,

Glyphosate mixtures and component surfactants

James M. Parry

Dr. Parry concluded on his evaluation of the four articles that glyphosate is capable of producing genotoxicity both in vivo and in vitro by a mechanism based upon the production of oxidative damage.

Evaluation. These studies provide some evidence that Roundup mixture produces DNA lesions *in vivo*, probably due to the production of oxidative damage.

Overview of the Case Against Roundup

- Plaintiffs file first Roundup cancer lawsuits in 2015 and 2016

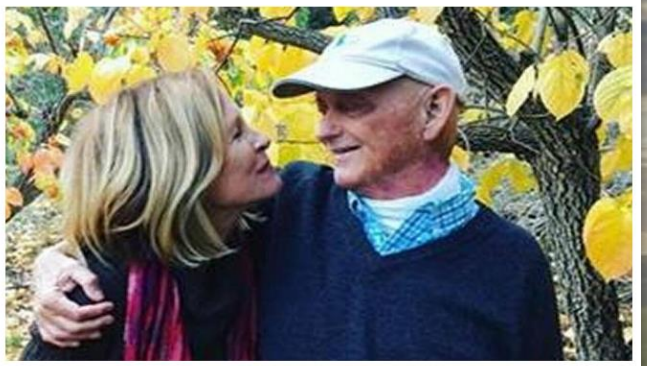
THE TRIBUNE

Cambria widow sues Monsanto, linking her farmer husband's death to use of Roundup

BY KATHE TANNER

KTANNER@THETRIBUNENEWS.COM

UPDATED MARCH 14, 2016 1:44 PM



Jack McCall with his wife, Teri, who has retained lawyers in a lawsuit against Monsanto.
COURTESY PHOTO

EcoWatch

TION FOOD + AGRICULTURE RENEWABLES OCEANS POLICY INSIGHTS + OPINION

Monsanto Faces Hundreds of New Cancer Lawsuits as Debate Over Glyphosate Rages On

By EcoWatch | Mar 22, 2017 3:41AM EDT

HOME

Coffee Farmers Sue Monsanto for Hiding Cancer-Causing Impact of Glyphosate

EcoWatch

By EcoWatch | Feb 09, 2016 8:23AM EST

LAW360

News, cases, com

INTELLECTUAL PROPERTY SECURITIES BANKRUPTCY COMPETITION EMPLOYMENT WHITE COLLAR LEGAL INDUSTRY ACCESS TO JUSTICE

Monsanto Roundup Cancer Suits Centralized In Calif.

THE LEGAL VICTORY

Three landmark verdicts in a row!

- $289 Million – Johnson
- $80 Million – Hardeman
- $2 Billion – Pilliods

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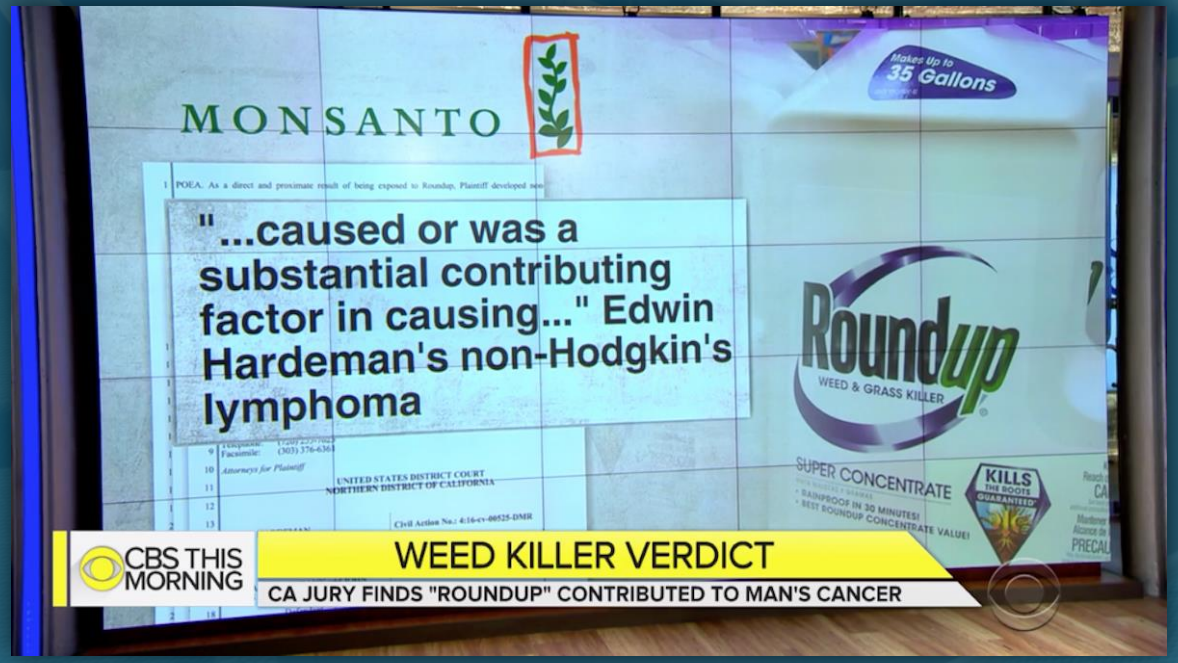
The New York Times

$2 Billion Verdict Against Monsanto Is Third to Find Roundup Caused Cancer

THE LEGAL VICTORY

Roundup was a substantial factor in causing the plaintiffs' non-Hodgkin Lymphoma.



VERDICT FORM

We, the Jury, answer the questions submitted to us as follows:

CLAIM OF DESIGN DEFECT

Was the Roundup Pro® or Ranger Pro® design a substantial factor in causing harm to Mr. Johnson?

Yes [X] No [ ]

Did the potential risks of Roundup Pro® or Ranger Pro® present a substantial danger to persons using or misusing Roundup Pro® or Ranger Pro® in an intended or reasonably foreseeable way?

Yes [X] No [ ]

CLAIM OF NEGLIGENT FAILURE TO WARN

Did Monsanto know or should it reasonably have known that Roundup Pro® or Ranger Pro® were dangerous or were likely to be dangerous when used or misused in a reasonably foreseeable manner?

Yes [X] No [ ]

THE LEGAL VICTORY

These trial victories paved the way for settlement resolutions for over 100,000 plaintiffs in 2020 worth a combined $10.9 billion.

Reuters

Business

Bayer to pay up to $10.9 billion to settle bulk of Roundup weedkiller cancer lawsuits

By **Ludwig Burger** and **Tina Bellon**

June 24, 2020 1:16 PM PDT · Updated 4 years ago

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MONSANTO / BAYER'S MISCONDUCT

Plaintiff lawyers uncover a mountain of evidence which we share publicly as **The Monsanto Papers**. They show decades of misconduct.

45 years of deliberate disregard for consumer safety

IBT Scientific Fraud

Fabricating Science

Burying Studies

Using hazardous POEA

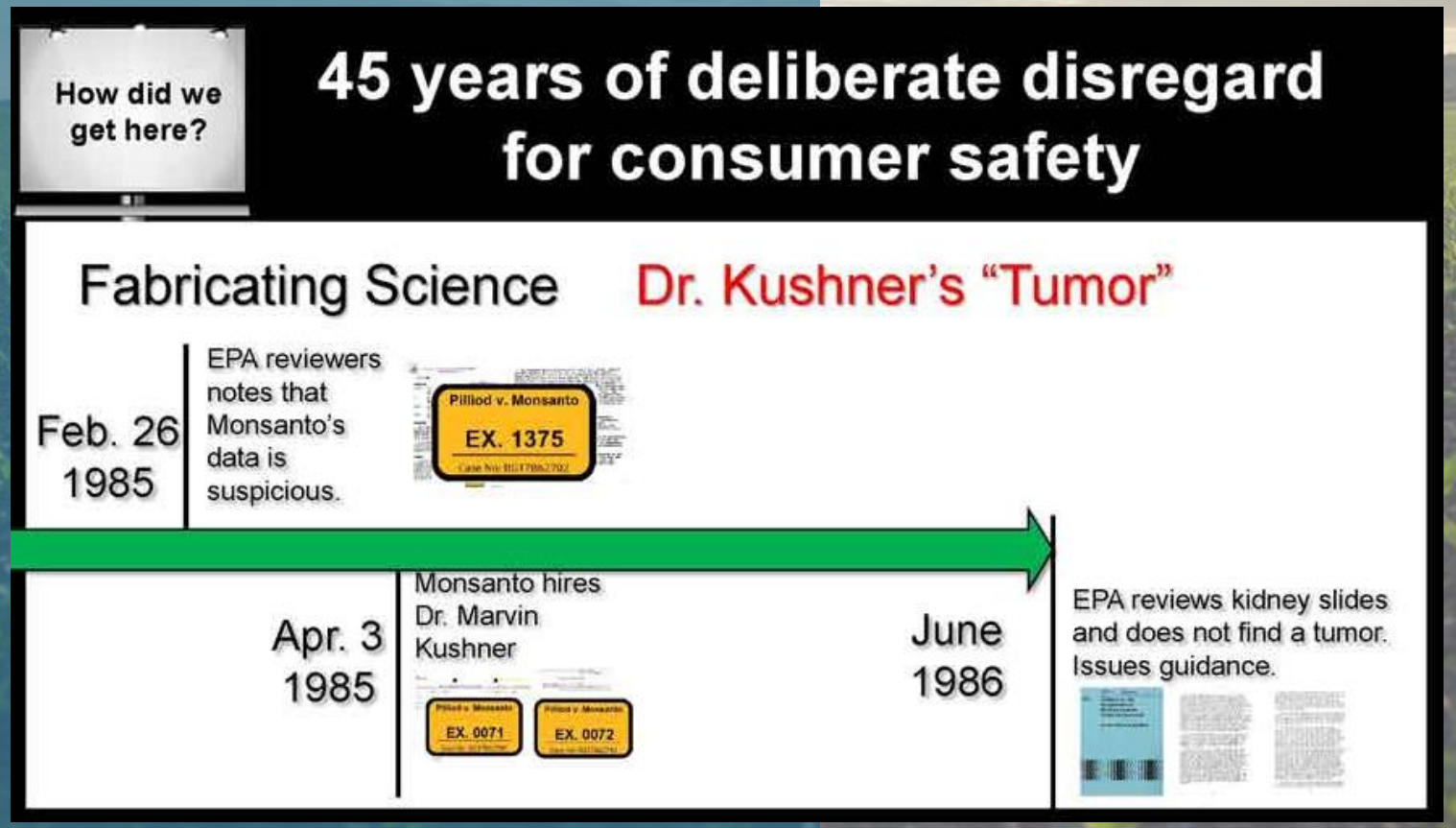
Refusing to Warn

Freedom to Operate (FTO)

MONSANTO / BAYER'S MISCONDUCT

Monsanto scientist basically convinces EPA that a mouse tumor was missed in the control group of the study the EPA considered to classify glyphosate as a carcinogen, so they change their mind.

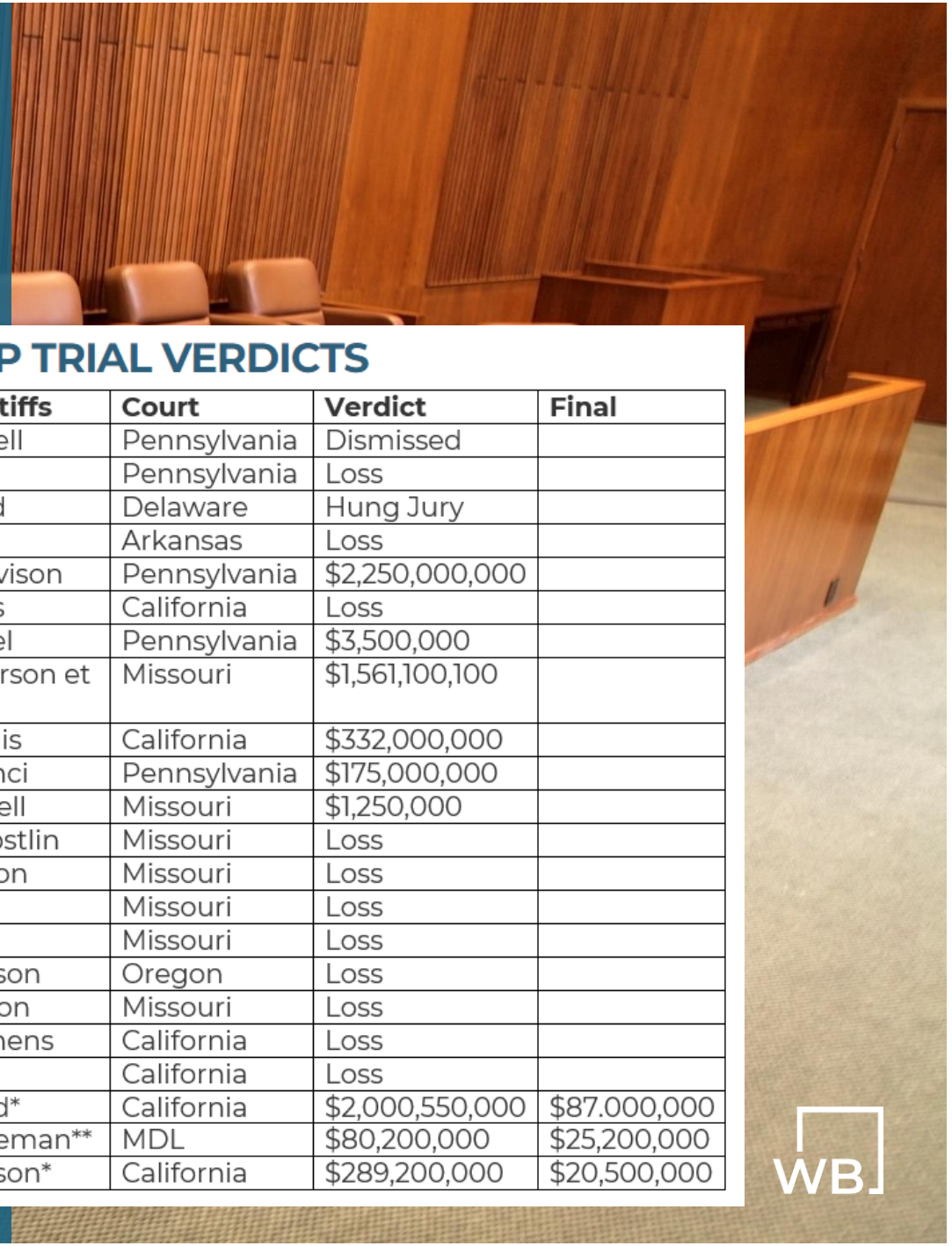
EPA asked Monsanto to conduct another mouse study, but to this day, they never have.



THE ROUNDUP LAWSUITS NEVER STOP

Thousands of other Roundup cases were never resolved, and Monsanto refused to add a warning to its label, so the lawsuits keep on coming.

Plaintiffs have won and lost some more trials.



ROUNDUP TRIAL VERDICTS

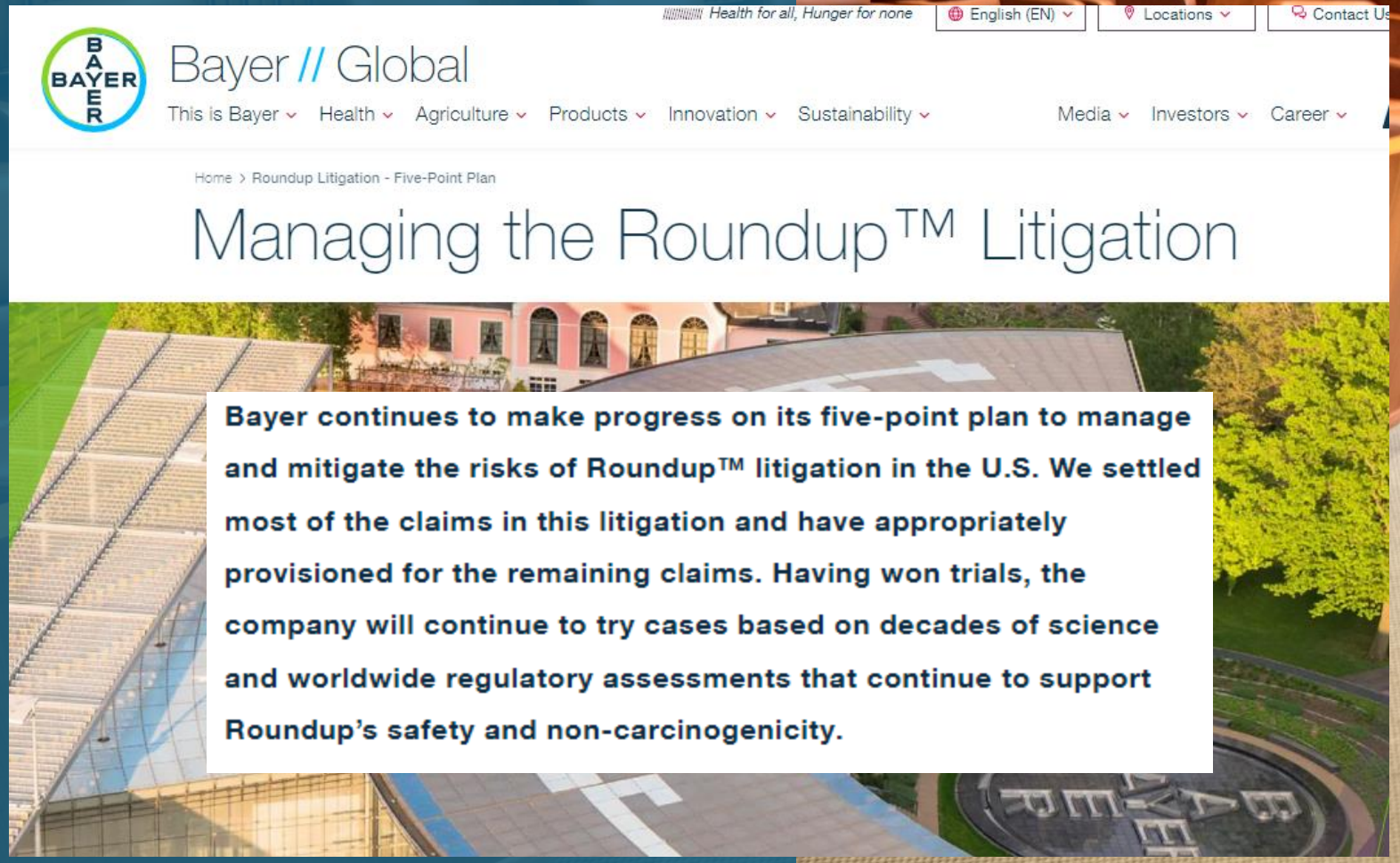
Date	Plaintiffs	Court	Verdict	Final
2024	Purnell	Pennsylvania	Dismissed	
2024	Kline	Pennsylvania	Loss	
2024	Cloud	Delaware	Hung Jury	
2024	Cody	Arkansas	Loss	
2024	McKivison	Pennsylvania	$2,250,000,000	
2023	Jones	California	Loss	
2023	Martel	Pennsylvania	$3,500,000	
2023	Anderson et al.	Missouri	$1,561,100,100	
2023	Dennis	California	$332,000,000	
2023	Caranci	Pennsylvania	$175,000,000	
2023	Durnell	Missouri	$1,250,000	
2023	McCostlin	Missouri	Loss	
2023	Gordon	Missouri	Loss	
2023	Ferro	Missouri	Loss	
2022	Alesi	Missouri	Loss	
2022	Johnson	Oregon	Loss	
2022	Shelton	Missouri	Loss	
2021	Stephens	California	Loss	
2021	Clark	California	Loss	
2019	Pilliod*	California	$2,000,550,000	$87.000,000
2019	Hardeman**	MDL	$80,200,000	$25,200,000
2018	Johnson*	California	$289,200,000	$20,500,000

WB

THE ROUNDUP LAWSUITS NEVER STOP

Immunity from liability is their goal.

Preemption is the legal remedy they have sought since we won the first verdict.



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THE PUSH FOR CONGRESSIONAL IMMUNITY

The “Farm Bill”

Pesticide Immunity - Sec. 10204 [Farm Bill]
H.R. 8467 - The Farm, Food and National Security Act of 2024

Section 10204 - Uniformity of Pesticide, Labeling and Requirements

- Prohibit the right to sue for failure to warn when harmed by pesticides.
- Prohibit the rights of states and local governments to restrict pesticides and protect public health and the environment.

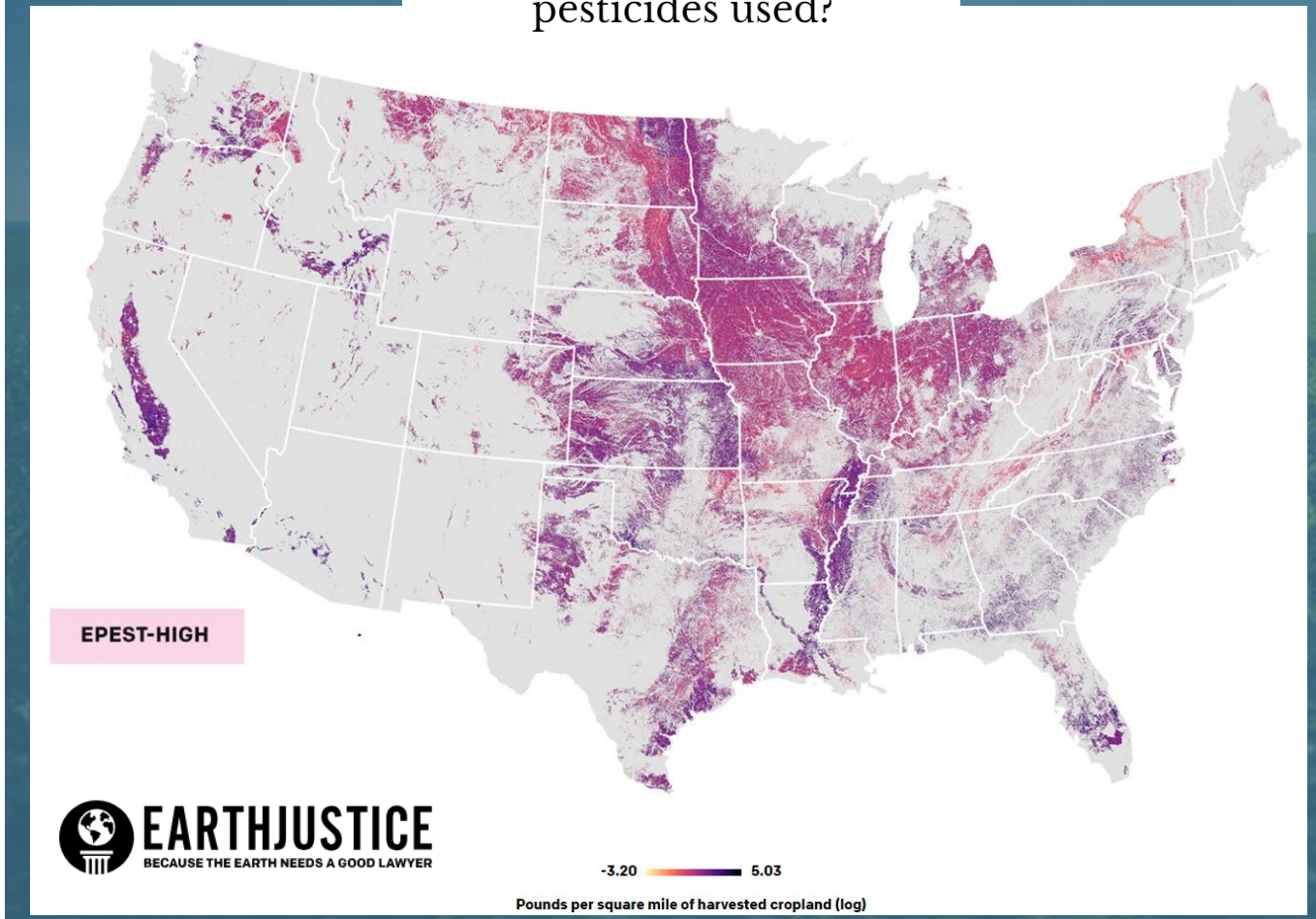
THE PUBLIC POLICY IMPACT

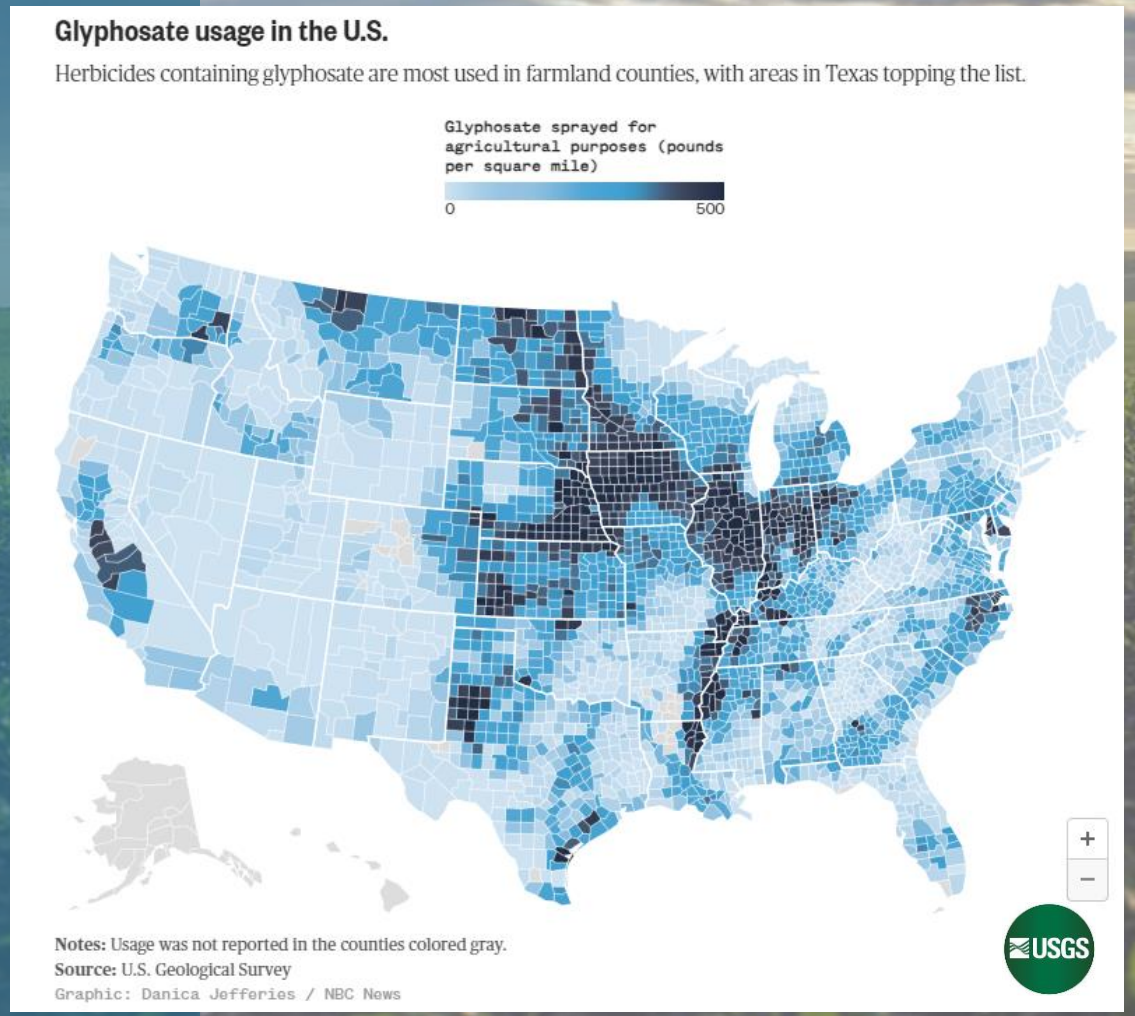
Getting away with murder?

- Cancer-causing ingredients will remain on the market.
- Lawsuits blocked; no path to justice for victims.
- No accountability for injuries and deaths pesticides and herbicides cause to humans
- Agricultural companies can add other toxins harmful to humans, unchecked.
- The Act will prohibit local and state governments from passing pesticide ordinances that are more stringent than federal regulations and policy.

ENVIROMENTAL IMPACT

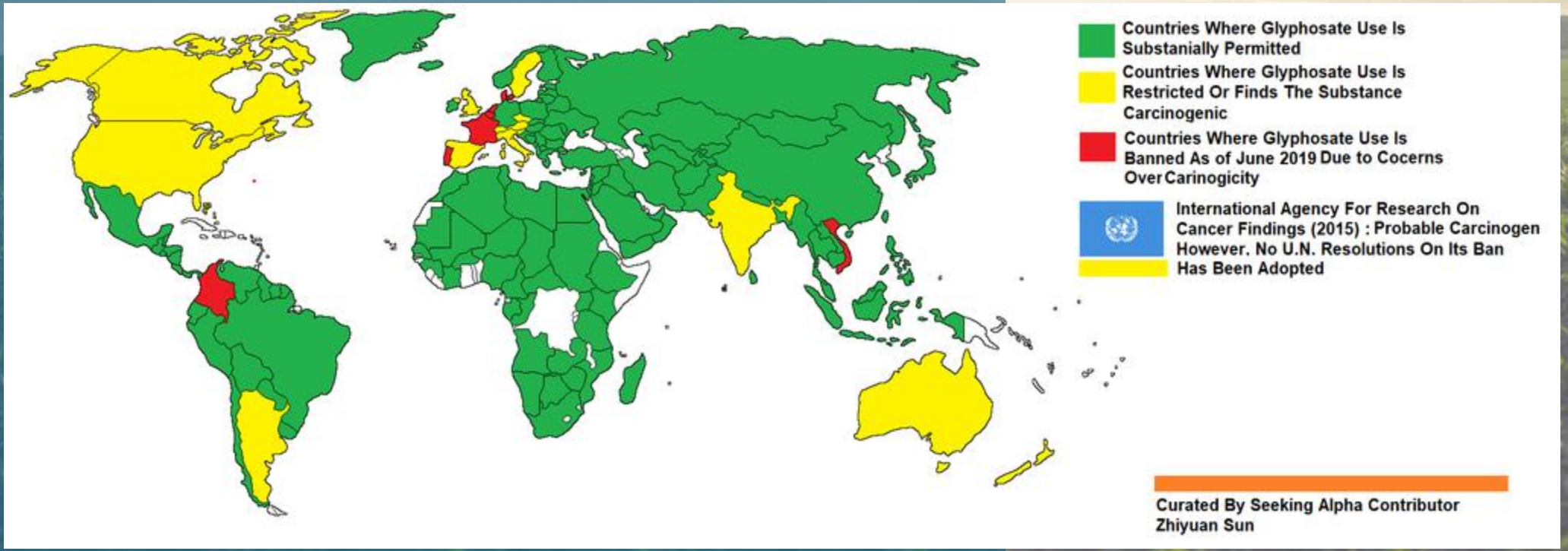
Where are organophosphate pesticides used?





WHERE IS GLYPHOSATE RESTRICTED OR BANNED?

Since the International Agency on Research on Cancer found glyphosate to be probably carcinogenic in 2015, several countries have banned or restricted glyphosate use.



THE NEED FOR CONTINUED LITIGATION

Our civil justice system:

- Empowers U.S. citizens
- Safeguards society
- Ensures accountability

WHAT CAN BE DONE?

Contact your congressional reps and tell them to vote “no” on the legal immunity provision in the Farm Bill, as it further victimizes the victims.

- Call
- Email
- Write
- Spread the word
- Encourage others to do the same