

## Jurisdictional news



### *The American saga of dicamba*

On October 27 2020, the US Environmental Protection Agency (EPA) renewed the authorisation of dicamba-based herbicides on genetically modified cotton and soybean crops until 2025, despite the [ban decided by the Ninth circuit US Court of Appeals last June](#). The judges found that the EPA failed to take into account damage to farmers and environment caused by the use of dicamba, particularly since 2017 when its use soared with the release of soybeans and cotton seeds genetically modified to withstand the herbicide. The EPA's decision will allow farmers to continue using different versions of this toxic herbicide, which is responsible for contamination and crop damage on thousands of hectares due to its propensity to volatilise and drift, for the next 5 years. Accidents related to dicamba drift have increased year to year, with nearly 3,000 complaints from farmers in 2019. Legal actions have multiplied, and the companies Monsanto/Bayer and BASF have been found [responsible for the damages suffered by the peach trees of the producer Bader](#) and ordered to pay him \$265 million in damages, later reduced to \$75 million. Bayer announced a \$400 million settlement with the farmers whose crops were destroyed by dicamba to end the lawsuits. The few restrictions on the use of dicamba imposed by the EPA on the renewal of its authorisation, in response to the Court of Appeal's concerns, did not convince the groups behind the application to ban dicamba in view of the damage already suffered, and they intend to challenge the EPA's decision to renew the herbicide's authorisation. These restrictions have also triggered a reaction from the producers of dicamba and their associated GM crops, who intend to challenge them in court.