



Pesticide newsletter

N°2 - March 2021

Jurisdictional news



USA: New \$2 billion deal for Bayer to get out of future pesticide litigation

Following the avalanche of lawsuits from non-Hodgkin's lymphoma (NHL) patients due to their use of Roundup herbicide, and the recognition in the first 3 cases of the liability and malice of Monsanto, the company producing these glyphosate-based herbicides, Bayer, has proposed a \$11 billion [settlement](#) to resolve pending lawsuits (except for the three already tried, for which Bayer has appealed). On September 14, 2020, a final agreement was reached with three major law firms representing thousands of plaintiffs. This considerable sum, especially when compared to the \$63 billion spent by Bayer to acquire Monsanto, turns out to be quite modest when one considers that approximately 125,000 plaintiffs would be affected by this settlement. In addition, some of them are in critical health, or even died before their lawyers could consider the settlement.

This is the case of Mr. Jaime Alvarez Calderon, who was diagnosed with non-Hodgkin's lymphoma in 2014 after working for 33 years with a backpack sprayer to apply Roundup herbicides in vineyards, and who died on November 12, 2020. The [settlement](#), finally accepted by lawyers on January 13, 2021, will benefit Mr. Calderon's 4 sons.

But this \$11 billion dollar agreement only settles the cases in progress. To protect itself from future litigation and class actions, Bayer proposed another [agreement](#) on June 24, 2020, while denying the health impact of its Roundup herbicides and continuing to market them. Judge Vince Chhabria, however, is skeptical of the fairness and equity of the proposed settlement because it would delay any new Roundup-related cancer claims for years and shift the key question of whether the herbicide causes cancer from a jury of the people to a group of scientists handpicked by [the company].

On February 3, 2021, the German group announced a new \$2 billion plan to get out of the litigation. The new proposal, which now faces court review, has drawn opposition from 93 law firms and 167 legal experts, joined by the National Trial Lawyers (NTL) on March 8, 2021. According to opponents of the agreement, "the proposed settlement seriously undermines access to justice for millions of people in the proposed class, would prevent Monsanto's victims from holding it accountable, and would reward Monsanto in many ways."

Bayer's appetite for buying Monsanto has clearly not been a good idea, and its problems with Roundup are not over, especially as litigation in other countries continues to grow. The group's next general meeting on April 27 promises to be lively!

[Back to site Justice Pesticides' website](#)