



## Pesticide newsletter

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### Jurisdictional news



#### **USA: Bayer's \$2 billion settlement for Roundup victims rejected by U.S. judge**

In the [multidistrict Roundup litigation](#), California federal judge Vince Chhabria roundly [rejected](#) Bayer's [proposal](#) for a \$2 billion settlement to resolve future Roundup victims' claims. There are two groups of people affected by this settlement. The first group consists of Roundup users diagnosed with non-Hodgkin's lymphoma (NHL), who have not yet filed a lawsuit or hired a lawyer to file one. The second consists of people who used Roundup before February 2021, but who have not been diagnosed with NHL. The agreement includes covering

medical exams and compensation up to \$200,000 for people exposed to Roundup who are diagnosed with NHL. But it blocks litigation linking Roundup to the development of non-Hodgkin's lymphoma for four years, prevents victims from seeking punitive damages, and imposes an opaque scientific panel as an intervener.

Many law firms and groups have opposed this agreement, which does not protect people whose cancer has not yet been diagnosed. It is very pernicious that limiting plaintiffs' ability to seek punitive damages is coupled with Bayer's continuing to sell Roundup. The product is still on the shelf and continues its mischief. This settlement plan is thus a true "*model of how manufacturers can suppress victims' rights to seek punitive damages for injuries caused by dangerous pesticides,*" according to the nonprofit legal group [Public Justice](#). No doubt such a settlement would have been primarily beneficial to Bayer. The federal decision rejects this attempted compensation scheme, which in reality is largely favorable to the agrochemical industry.

Within hours of the federal judge's rejection of the settlement, Bayer said it was considering [withdrawing the weed killer](#) from the U.S. domestic market. It also announced that it would re-evaluate its position regarding the approximately 30,000 pending complaints from Roundup users. Bayer had committed to pay \$9.6 billion to resolve approximately 125,000 complaints. While the vast majority of these have been settled with this agreement, 30,000 have not yet been settled. In addition, because there is a 10- to 15-year lag between the time of exposure to Roundup and the onset of symptoms, Bayer faces years of litigation from people currently using Roundup on their property.

Judge Chhabria had suggested that a reference to the 2015 findings of the World Health Organization's (WHO) International Agency for Research on Cancer (IARC), that glyphosate is "probably carcinogenic to humans," be included on [Roundup labels](#). According to him, this listing would avoid many of the lawsuits filed on the basis of not informing consumers of the link between Roundup and cancer. But the company said it only wants to seek permission from the Environmental Protection Agency (EPA) to include a link on the labels to inform about the studies conducted on the product.

It is increasingly clear that the only reasonable way forward for Bayer is to stop selling glyphosate-based herbicides, for the sake of Roundup victims and the environment.

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