



Dear readers,

While **two court hearings began in the USA(1) and Australia(2)** in September, opposing Monsanto to hundreds of people who, according to their allegations, developed cancer of the lymphatic system following exposure to and/or use of glyphosate-based products manufactured by the company, **the member states of the European Union will vote on October 13 for or against the European Commission's proposal to renew the authorization of this herbicide for ten years.**

In this context, **we have published a petition for a global ban on glyphosate, signed by lawyers defending nature and pesticide victims around the world.**

In this newsletter n°12, you will find a **selection of court decisions published in our database in September 2023.** The topics covered are vast (risk assessment, protection of endangered species, illegal sale of pesticides, aerial spraying, investment arbitration, etc.).

We hope you enjoy reading it.

The Justice Pesticides Team.

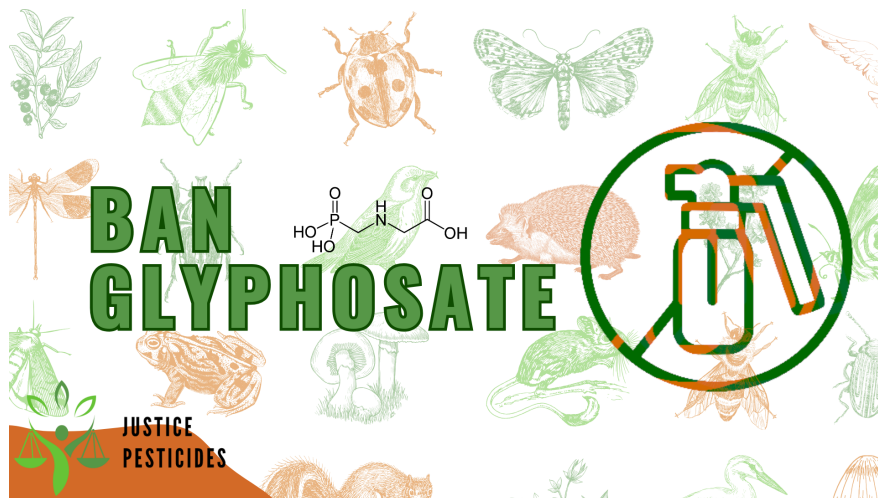
Paris, october 4th.

(1) Barbara Allegrezza, et al. v. Monsanto, n°19SL-CC03421 [Barbara Allegrezza, et al. v. Monsanto – Justice Pesticides](#)

(2) McNickle, et al. v. Monsanto et al., n°VID243/2020 [McNickle et al. v. Monsanto et al. – Justice Pesticides](#)

Justice Pesticides is an NGO that compiles court rulings on pesticides on its website, which is freely accessible in French and English. You can support this work by making [a donation](#).

[Petition against glyphosate](#)



We are 60 lawyers from 12 different countries, defending nature and the victims of pesticides, and calling for a worldwide ban on glyphosate. [Read our petition.](#)

International news



End of the 5th International Conference on Chemicals Management: what progress has been made? ICCM5 took place from September 25 to 29. The States Parties committed to phasing out highly toxic pesticides in agriculture by 2035. [For more information.](#)

European news



UE : For a pesticide authorization procedure based on the latest available scientific data

On September 28, the Advocate General delivered her Opinion on the three questions transmitted by a Dutch Court of Appeal to the Court of Justice of the European Union for a

preliminary ruling in a dispute concerning the renewal of marketing authorizations for three pesticides products containing fludioxonil, difenoconazole, fluxapyroxad and sulfoxaflor. [To find out more about the case, click here.](#)

Criminal law news



France: The chlordecone case: the fight must be collective!

An appeal has been launched to the entire population of Martinique to join as a plaintiff in the appeal against the decision to dismiss the case issued by the Paris Court of First Instance on November 22, 2022. [To find out more about the case, click here.](#)

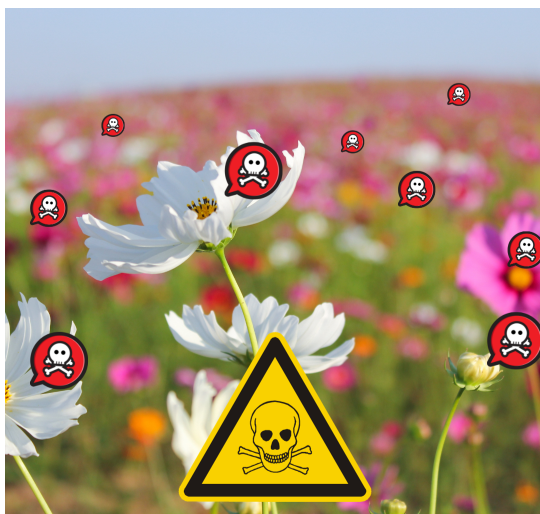
USA : Lawsuit against E-bay(er)?

On September 27, the U.S. Department of Justice filed a complaint against U.S. online retailer eBay for allowing the sale and distribution of over 23,000 pesticides banned or restricted in the U.S.

[To find out more about the case, click here.](#)



Civil law news



Netherlands: Appeal court re-authorizes lily grower to use pesticides near residents

On July 10, the Arnhem-Leeuwarden Court of Appeal upheld a request for suspension of the interim measures prohibiting a company growing lily flowers from spraying pesticides on plots of land because of the risk of serious adverse effects on the health of local residents. [To find out more about the case, click here.](#)

USA: Individual dismissed for lack of evidence against Monsanto

On September 28, the 21st Circuit Court of Missouri granted Monsanto's motion for a directed verdict in a dispute with Mark McCostlin, an individual who developed non-Hodgkin's lymphoma after using Roundup in his garden. [To find out more about the case, click here.](#)



Administrative law news

USA : The EPA fortunately forced to comply with the Endangered Species Act

On September 13, a district court approved an agreement between several NGOs and the Environmental Protection Agency to implement a series of reforms aimed at protecting endangered species from pesticides, in line with the agency's legal obligations. [To find out more about the case, click here.](#)

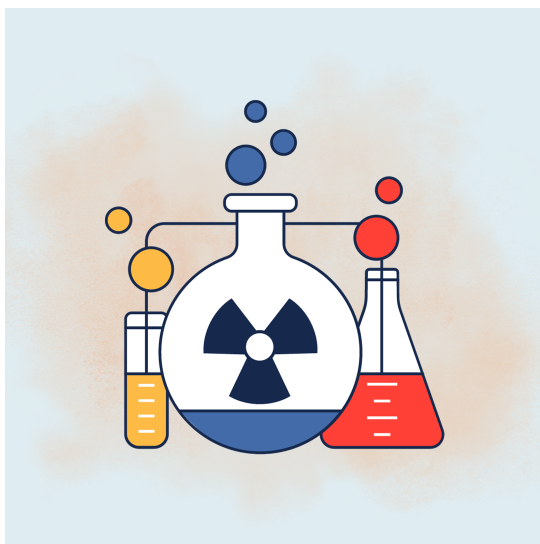


Argentina: Buenos Aires Supreme Court validates municipal ordinance banning aerial pesticide spraying

On September 18, the Supreme Court of Buenos Aires upheld the validity of municipal ordinance no. 5792/11 of 2011 prohibiting the aerial spraying of pesticides within a safety distance of one kilometer from ecologically sensitive and protected areas. [To find out more about the case, click here.](#)

France: Glyphosate-based product **Kyléo** on trial

On September 21, the Administrative Court of Cergy-Pontoise rejected the request of NGO Générations Futures to overturn the decision to renew the marketing authorization for **Kyléo**, a glyphosate-based herbicide. The NGO had not sufficiently established that the authorization had been taken on the basis of obsolete scientific data. [To find out more about the case, click here.](#)



USA: EPA refuses to assess the risks of complete formulations

On September 28, the Environmental Protection Agency rejected a request from several NGOs concerning the failure of risk assessments to take account of co-formulants, which represent the majority of ingredients in plant protection products. [To find out more about the case, click here.](#)

Constitutional law news



Argentina: Growers take action against Misiones Province law banning glyphosate

On September 15, an inter-union organization defending the rights of agricultural producers asked the Supreme Court to annul as unconstitutional law n°VIII-103, adopted last June by the province of Misiones, banning the use of glyphosate-containing pesticides by 2025. [To find out more about the case, click here.](#)

Mexico: Amparo filed against the Governor of the Federal State of Campeche

On September 15, Ricardo Medina Farfan, a member of parliament for Mexico's Institutional Revolutionary Party (PRI), filed an amparo appeal challenging the negligence of the Governor of the State of Campeche and Mexico's Ministry of the Environment in fulfilling their duty to protect the environment and human health by regulating pesticides. [To find out more about the case, click here.](#)



Colombia: Immediate and definitive ban on chlorpyrifos

In an order dated March 24, 2023, published in Colombia's Official Gazette on June 6, Colombia's Constitutional Court rejected the Colombian Institute of Agriculture's request for extensions of time to implement the decision handed down on October 5, 2022, by which the Court had ordered the immediate banning of chlorpyrifos. [To find out more about the case, click here.](#)



History : international investment law and pesticides



Canada : Chemtura Corporation v. Canadian Government (2010)

In 2010, an arbitral tribunal dismissed all claims by US-based Chemtura Corporation for \$78 million in compensation following Canada's ban on lindane-based pesticides. [To find out more about the case, click here.](#)

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