Bayer See an Increase in Lawsuits After Glyphosate Verdicts

The numbers are in! Lawsuits against the world's most popular herbicide, Round-up, have increased dramatically from 18,400 cases in July to 42,000 cases in October.

German company Bayer AG purchased agricultural behemoth Monsanto in June of 2018, and since then the pharmaceutical company has suffered three significant losses in rulings against glyphosate. Due to these, Bayer has seen a significant rise in the number of claims filed against the herbicide. The company comments in a statement shared with Reuters…

> *With the substantial increase in plaintiff advertising this year, we expect to see a significant surge in the number of plaintiff filings over the third quarter."*

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In Order

The first verdict was bit of a shock.

The International Agency for Research on Cancer classified glyphosate, the active ingredient in Round-up, as "probably carcinogenic in humans" in March of 2015. The United States federal government, especially the Environmental Protection Agency (EPA), doesn't agree with that status. When the California Office of Environmental Health Hazard Assessment declared glyphosate as carcinogenic to humans, the EPA went as far as to issue a news release to notify companies that the agency would not approve product labels stating that glyphosate causes cancer. In light of that opposition, arguing

to a jury that the herbicide causes cancer when the federal government disagrees would be a fool's errand. Yet Dewayne Johnson received a verdict for $289 million dollars in San Francisco County superior court in August 2018 (that award would later be cut down to $78 million). Lawyers estimate that Bayer's brand new acquisition is facing 4,000 similar cases.

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Those numbers didn't seem to bother the company. CEO Werner Baumann went on various news shows in February 2019 to discuss the company's 2018 stats and reported positive results. During a CNBC interview, Baumann said the company was optimistic looking into 2019. According to the interviewer, Bayer was facing 11,000 lawsuits.

https://www.cnbc.com/video/2019/02/27/bayer-ceo-says-company-is-confident-about-growth-in-2019.html

It seems Baumann's optimism was misplaced, as Bayer lost another California lawsuit during March of 2019. The plaintiff was awarded $80 million (that amount would later be reduced by the presiding judge to $26 million). This decision had clear consequences. Retail giant Costco stopped selling Round-up, and Bayer stock prices dropped almost $4,000 in less than two weeks.

May 2019 brought another verdict against the company. The amount of money awarded to the two plaintiffs increased significantly, with the jury awarding each person $1 billion in damages (that sum would later be reduced by a different judge to $86.7 million). Bayer's second-quarter report in July 2019 stated that there were 18,400 lawsuits in regard to glyphosate and cancer.

Now we have over 42,000 people involved in lawsuits against Bayer and glyphosate. The number of glyphosate lawsuits has more than doubled in the past four months. The judge presiding over the second verdict against Bayer, Vince Chhabria has

mandated confidential mediation aimed at settling the 900 cases he currently oversees, but it is unlikely that will be enough to slow down the number of lawsuits accumulating.

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Decisions

This doesn't seem like a big deal. There have only been three verdicts against the company. While juries awarded the plaintiffs substantial amounts, all three judgments have been later reduced. Bayer seems to have accepted this as the cost of doing business.

The increase in lawsuits against glyphosate is a positive thing. It's a necessary thing. But it isn't nearly enough. Roundup has been on the market since 1974. The amount of plaintiffs seems small when you consider the damage that had been done by forty-five years of using this product. Even more importantly, Bayer won't care until they see this affect their bottom line – their stock prices. It remains to be seen if that will entice them to do the right thing for the environment and human health.

Sources:

- *Roundup weedkiller: 42,000 plaintiffs sue Bayer over glyphosate* – Deutsche Welle
- *Number of Bayer Lawsuits May Increase to 45,000* – Mercola
- *Bayer expects significant surge in number of U.S. glyphosate cases* – Reuters
- *EPA Takes Action to Provide Accurate Risk Information to Consumers, Stop False Labeling on Products* – EPA.gov
- *U.S. judge appoints Ken Feinberg mediator for Bayer Roundup settlement talks* – Reuters