

# Dicamba Lawsuit Against Monsanto, BASF, and DuPont Filed as Farmers Deal With Drift

There have been rumblings from farmers dealing with the damage caused by herbicide dicamba for quite some time now, and (legal) shots have now been fired. On Monday, a complaint against Monsanto, BASF, and DuPont was filed in Southern Illinois on behalf of Brian Warren, owner of Warren Farms in Broughton, IL. Filed by an attorney from Classaction.com, Rene Rocha, the lawsuit alleges that dicamba was deceptively marketed as “low-volatility”, a claim that the 2,242 farmers currently dealing with crops ruined by the herbicide would dispute.

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Dicamba has been touted as a replacement for glyphosate, whose effectiveness is dwindling as glyphosate-resistant, “super weeds” like Palmer amaranth become more common. For a new product launch, companies commission their own tests and share them with regulatory agencies. Conversations with scientists responsible for initial safety tests run by Monsanto have revealed that the company specifically did not allow them to test their new version of dicamba for volatility. The Environmental Protection Agency allowed to company to release the herbicide anyway.

Currently, more than 3 million acres of crops have been damaged by dicamba drift. States with substantial acreage devoted to growing soybeans, like Iowa, are experiencing record numbers of complaints from farmers. According to Scott

Partridge, Monsanto's vice-president of global strategy, as much as three-fourths of the problems occurring with dicamba application are caused by operator error. This actually makes sense. The insert that accompanies XtendiMax seems more suited for a meteorologist, with instructions like "If fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator..." and a chart designed to inform farmers of the ideal wind speed to apply the product during (3 and 10 miles an hour).

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## **Where is the Recourse?**

If your neighbors have applied the product incorrectly (and they likely have: check out these instructions!), you don't have much recourse. Insurance companies are unlikely to find in your favor, and Monsanto has made it clear where they feel the blame lies. In fact, the damage caused by dicamba is likely to be a good thing for Monsanto. Farmers hoping to avoid a repeat of this year's devastated crops could end up purchasing dicamba-resistant crops.

So we arrive back at the newly filed lawsuit. Farmers like Brian Warren who sue frequently lose, or spend so much money and time in court with biotech companies that a win ends up costing more than the initial loss. At this point, many farmers will have to write off this year's crops and make a big decision about next year. They can purchase dicamba-resistant seeds and grow the demand for a product that isn't safe and doesn't behave as promised or they can potentially lose their livelihood. What kind of choice is that?

### **Sources:**

- *Monsanto Sued for Allegedly Killing Farmers' Crops* – ClassAction.com

- *Iowa Farmers Make Record Number of Pesticide Misuse Claims* – Des Moines Register
- *Farmers Say It's Nearly Impossible to Follow Monsanto's Dicamba Directions* – Modern Farmer
- *PCBs, Roundup, and Dicamba – Monsanto's Current Problems* – Organic Lifestyle Magazine
- *Monsanto Prevented Key Independent Testing of Herbicide* – St. Louis Post-Dispatch