

Black Farmers Go to Court to Stop Sale of Roundup

JOE HARRIS August 26, 2020



(AP Photo/Charlie Riedel, File)

ST. LOUIS (CN) — A federal lawsuit filed Wednesday claims Monsanto plotted to force America’s black farmers into buying Roundup-resistant seeds, which forced them to rely on heavier and heavier concentrations of the herbicide to the detriment of their health.

Nationally renowned civil rights attorney Benjamin Crump and Chris Schnieders, a partner at Napoli Shkolnik, filed the [complaint](#) on behalf of the National Black Farmers Association. The group seeks an order banning the sale of the controversial weed killer in the United States.

“Abraham Lincoln may have signed the Emancipation Proclamation in 1863, but Black American farmers are still not free,” Crump said in a statement. “They live in bondage to Bayer Corporation and its subsidiary Monsanto, the creator and marketer of the deadly weed killer Roundup, enslaved by their Roundup-resistant seeds.”

Bayer, which bought Monsanto in 2018, [announced](#) in June that it intended to set aside about \$9.6 billion to settle claims with current plaintiffs and another \$1.25 billion for future claims that the use of Roundup caused cancer.

But in July, the judge overseeing the case [balked](#) at part of the proposed settlement, finding it unreasonable to bind future plaintiffs based on old scientific conclusions and to take decision-making away from a judge and jury.

In a statement, Schnieders called the proposed agreement a “cynical settlement process” that leaves thousands of other victims with “pennies on the dollar” and future victims potentially without legal recourse at all.

Monsanto, in its own statement, denied the racism allegations.

“This lawsuit is brought by two law firms that are holdouts in the Roundup product liability litigation and people should see this action for what it is – an attempt by plaintiffs’ lawyers to use media and more litigation to further their own financial interests,” the company said. “There is no basis in fact or law for the health claims in this suit, as Roundup has been assessed and approved by independent health regulators worldwide, including the EPA, which have found that Roundup can be used safely as directed.”

It added, “Farmers have many choices and select the seeds and chemistries that best meet their needs. Competition and choice are alive and well in agriculture and benefit farmers equally.”

Monsanto also noted that its parent company worked to settle Roundup cases with hundreds of law firms representing approximately 125,000 claimants without regard to race or any other demographics. Bayer said roughly 75% of the claims have been resolved.



But Schnieders paints a different picture, claiming Monsanto preyed on the vulnerability of Black farmers by not educating them on the risks of using Roundup in a similar way that they did with other communities and larger industrial farms.

“The black farmer tends to be less literate and tends to be less financially stable or able to gain access to the credit,” the attorney said in an interview. “He, therefore, has to buy his seed at the local seed farm or the seed silo. And Monsanto has gone around, and now Bayer, their parent company, and bought up all of those mom and pop seed shops and they

filled them up with Roundup Ready seeds over time, to the point where Black and Hispanic and other minority farmers are handcuffed to the product on both.”

The National Black Farmers Association claims Monsanto has created “a vicious cycle” for rural Black farmers who are forced to use the company’s Roundup Ready seeds, which breed super-weeds that require the use of dangerous chemicals that must be made stronger over time.

The group claims Monsanto restricted access to conventional seed and deprived its members “of the resources to adopt alternative practices by decades of outright and structural racism in the administration of farm programs.”

As a result, its members expose themselves to more carcinogens that lead to lethal cancers. The only way to break the cycle, according to the lawsuit, is to force Monsanto to stop selling its carcinogenic product.

Several countries in Europe and Asia have already banned the sale and use of Roundup. Germany, Bayer’s home country, has announced a plan to [phase out](#) its use by 2023.

“If Roundup is banned, not only will farmers like me be safer, but it will open the door for the return of the conventional seed market,” John Wesley Boyd Jr., founder and president of the National Black Farmers Association, said in a statement. “That would mean economic freedom from the chains Bayer-Monsanto has placed on Black farmers, and really all small farmers.”

The National Black Farmers Association represents 109,000 Black farmers in 42 states.

Boyd, a multigenerational farmer, believes the proposed settlement further exploits Black farmers who have been forced to use Roundup in heavier and heavier amounts and who may not be diagnosed with cancer for several years.

“Let’s face it, many Black farmers, struggling to scrape a living from the land, work too hard and too long to notice an enlarged lymph node or that they’re more tired than usual or that they’ve lost weight,” Boyd said. “This is another epically cynical business move on the part of Bayer-Monsanto to stick it to small farmers again after years of profitable exploitation.”

In its statement, Monsanto said there is no evidence of higher risks or cancer rates among Black farmers.

“We are sympathetic to anyone with cancer, but the fact is that the National Cancer Institute SEER database indicates that [non-Hodgkin lymphoma] incidence for Blacks is lower than that for white and Hispanic populations, and is largely unchanged over the past 17 years, despite the significant increase in glyphosate sales in the 90s,” the company said.

Concerns regarding the herbicide’s safety increased after the World Health Organization’s International Agency for Research on Cancer deemed glyphosate, the active ingredient in Roundup, a probable human carcinogen in a report released in 2015.

Monsanto condemned the report, pointing to regulatory bodies in the United States, Canada, European Union, Japan and Australia that reached a contrasting determination on glyphosate.

Monsanto, now Bayer, has clung to the U.S. Environmental Protection Agency’s multiple determinations that glyphosate poses no risks to humans.

But Bayer suffered several staggering losses in pivotal bellwether cases over whether glyphosate caused consumers to develop non-Hodgkin lymphoma.

In the first, a San Francisco jury in 2018 awarded Bay Area groundskeeper Dewayne Johnson [\\$289 million](#) after finding glyphosate likely caused his cancer and that Monsanto deliberately failed to warn the public about the risk. That verdict was reduced to [\\$78.5 million](#) by a trial judge.

In March 2019, a federal jury [awarded](#) Sonoma County resident Ed Hardeman \$80 million in punitive damages, [finding](#) Roundup likely caused his non-Hodgkin lymphoma. U.S District Judge Vincent Chhabria later found the award excessive and [reduced](#) it to \$20 million.

Then two months later, a jury in nearby Alameda County Superior Court awarded a California couple [\\$2 billion in punitive damages](#), later [reduced](#) to \$86.7 million.

The amounts were reduced because the U.S. Supreme Court has placed constitutional limits on extremely large punitive damages awards.

The proposed settlement does not apply to these three verdicts, which have all been appealed.

[Bayer Reaches \\$10 Billion Settlement in Roundup Cancer Suits](#)

June 24, 2020
In "Consumers"

[Monsanto-Bayer Hurdle Merger Challenge With \\$9B Divestment](#)

May 29, 2018
In "Business"

[Monsanto Fights California Over Roundup Warning Label](#)

November 16, 2017
In "Government"