

Court Orders Bayer to Pay \$265 Million to Farm Hit by Deadly Herbicide



Missouri: Bader Farms, one of the largest peach farms in the state, sued Bayer for poisoning its trees. In 2018, Bayer bought Monsanto, a manufacturer of dicamba herbicide, for \$63-billion, and, therefore, now holds Monsanto's liability. A jury awarded the farm \$265-million in damages, which included \$250-million in punitive fines. In 2015, dicamba was not yet approved for use. However, it was readily available, and farmers used it freely. Dicamba easily becomes airborne and drifts onto neighboring fields where it kills natural plants. Internal emails indicated that Monsanto refused to test the product for safety so they could claim that there was no evidence of a health risk. Monsanto produced both Roundup and dicamba and is being sued for both products. -GEG

Dicamba drift—in which airborne pesticides float onto unprotected neighboring farms—just got its first big legal ruling.

Over the weekend, a federal jury in Missouri awarded a total of \$265 million to Bader Farms, one of the largest peach farms in the state, penalizing Bayer AG, the newish owner of Monsanto.

If you'd like a full primer on dicamba, we've written an explainer on what's going on, but here's the brief story. Dicamba is a broad-spectrum (meaning, not very selective) herbicide, and not a particularly new one; it's been around

for decades, but was not, until around 2015, particularly common in large-scale agriculture. That was when Monsanto began selling dicamba-resistant seeds, namely soybean and cotton. Dicamba for this use case had not, at that point, been approved, but dicamba was not hard to find. So farmers that bought those new seeds simply sprayed the dicamba they could find.

It turned out that dicamba has a tendency to go airborne and drift onto neighboring fields, where it has very nasty effects on crops that don't have protection built in. Monsanto and Bayer have insisted that user error is a major cause of dicamba drift.

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