

Sask. farmer leads class action glyphosate lawsuit | The Western Producer

By Robert Arnason FOLLOW Published: May 15, 2019 Farm Living, News 0 comments 134

A Moose Jaw, Sask., farmer who was diagnosed with cancer five years ago is leading a class action lawsuit against Bayer and Monsanto.

The lawsuit, filed in Saskatchewan, contends that exposure to Roundup herbicide contributed to his cancer and the cancer of other Canadians participating in the class action.

As well, the suit claims Monsanto, which Bayer acquired in 2018, withheld information about the safety of its herbicide.

Merchant Law Group, a firm best known for the \$1.9 billion residential school settlement, has already filed a motion for the class action.

"We have sued in Saskatchewan. We've applied to have a judge and we're ready to go forward with certification (for the class action)," said Tony Merchant, founder of Merchant Law Group, which has six offices in Saskatchewan and 19 across Canada.

"We have people (members of the class action) in Western Canada, particularly, because Roundup is used (there) so commonly, people who have cancer."

The lead plaintiff in the lawsuit is a man who farms near Moose Jaw and was diagnosed with non-Hodgkin's lymphoma five years ago.

The farmer contacted Merchant Law Group last September.

"He's a relatively young man. He's in his 50s," Merchant said.

"From the early 1990s he (did) custom spraying, and he took safety courses in pesticide use.... In 1997 he began spraying Roundup on pre-seeding to control weeds. He used Roundup a minimum of two times per year."

Merchant didn't provide the identity of the lead plaintiff, but his name will likely be released this summer.

"Probably in six weeks or so."

Bayer Canada, in an email to The Western Producer, said the company is aware of the statement of claim in Saskatchewan and the proposed class action lawsuit related to glyphosate, which is the active ingredient in Roundup.

"As this is a legal action, we're not able to discuss the details of this matter publicly," the email said.

"Bayer firmly stands behind the safety of glyphosate-based products. Glyphosate has been extensively studied and the research shows it is not carcinogenic."

Over the last nine months there's been three major court decisions in California regarding the safety of Roundup. Most recently, on Monday a California jury awarded US\$2 billion to a couple who claimed that Roundup caused their cancer.

In March a San Francisco jury awarded \$80 million to another California man who said Roundup caused his cancer. As well, last August a jury ordered Monsanto to pay \$289 million to a California groundskeeper who developed non-Hodgkin's lymphoma.

These California cases are just a few of the thousands of legal actions in America related to the safety of glyphosate.

"(Bayer) faces more than 13,400 U.S. lawsuits over the herbicide's alleged cancer risk," Reuters reported Monday.

The potential class action in Saskatchewan and the U.S. lawsuits stem from a 2015 World Health Organization decision.

In March of that year, the International Agency for Research on Cancer, a division of WHO, classified glyphosate as "probably carcinogenic to humans."

Dozens of toxicologists and a number of national regulatory bodies, including Health Canada and the European Food Safety Authority, criticized the IARC decision as biased and flawed. In January, Health Canada issued the results of a scientific study on glyphosate, reviewing its 2017 evaluation of the herbicide's safety.

Health Canada said its 2017 decision "will stand" — glyphosate is not a risk to human health.

"Our scientists left no stone unturned in conducting this review. They had access to all relevant data and information from federal and provincial governments, international regulatory agencies, published scientific reports and multiple pesticide manufacturers," the department said in January.

"No pesticide regulatory authority in the world currently considers glyphosate to be a cancer risk to humans at the levels at which humans are currently exposed."

Health Canada may believe glyphosate is safe, but its stance will not be the final word on this topic.

Lawyers could be litigating its safety in a Moose Jaw or Regina court by next January.

"Early 2020," Merchant said. "It could be November-December of 2019."

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