

More glyphosate lawsuits planned in Canada

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Two law firms have now launched class-action suits involving hundreds of Canadians, mostly from the Prairies

Glyphosate lawsuits are multiplying in Canada.

At least 360 Canadians have contacted law firms, asking to join class action suits against Bayer and Monsanto.

That number may have expanded over the last week because Canadians who have cancer want more information about the lawsuits.

“People contact us every day and every week,” Tony Merchant, founder of Merchant Law Group, said November 21.

This spring, Merchant Law Group filed the first class-action lawsuit in Canada regarding the safety of glyphosate. The lawsuit contends that exposure to glyphosate contributed to the cancer of a Saskatchewan farmer and the cancer of other Canadians.

Glyphosate is the active ingredient in Roundup, a Monsanto herbicide. Bayer purchased Monsanto in 2016. The deal was finalized in 2018.

In June and July, Diamond & Diamond Lawyers, a firm with offices in Ontario, Alberta and British Columbia, filed statement of claims against Bayer and Monsanto in those three provinces.

Diamond & Diamond held a news conference last week to publicize its class action. It claims glyphosate was a factor in its clients getting cancer and is suing for \$500 million in damages.

Diamond & Diamond isn't the only Canadian firm that has initiated class actions around the safety of glyphosate, Merchant said.

“After we launched, a whole bunch of law firms have gotten interested (in glyphosate),” he said from his Regina office.

So far, 291 people have contacted Merchant Law Group about the class action.

“That may not sound like a lot, but given they all have cancer, it’s a shockingly large number,” Merchant said. “This is predominantly a farmer group of people.”

The majority of people who contacted Merchant Law Group have non-Hodgkin’s lymphoma. It’s a cancer of the body’s lymphatic system, which fights off disease.

“I’d say it’s 90 percent non-Hodgkin’s lymphoma,” Merchant said.

Merchant Law Group has filed statements of claim in every province from Quebec to British Columbia. A significant number of claimants are from the Prairies.

“A ... disproportionate large percentage are in the three prairie provinces and a lot in the Peace River area. It’s clear they’re from farming communities,” Merchant said.

Diamond & Diamond Lawyers has about 70 people in its class action lawsuit and 17 are from Alberta, said Basil Bansal, a Diamond & Diamond lawyer in Edmonton.

“Most of (them) are from rural areas,” he said.

The Diamond and Diamond lawsuit is not just for people who developed cancer and believe glyphosate exposure is to blame. Family members of people who died from cancer can also participate in the class action.

At this point the lawsuits are proposed class actions. They cannot proceed until a judge certifies the cases. The purpose of certification is to ensure that the case is appropriate for a class action.

“We could be going forward in any province, but we think we will get to certification first in Saskatchewan,” Merchant said.

“We think we’ll get to certification maybe in the late spring or likely in the early fall.”

It’s difficult to estimate when the Diamond & Diamond case will be certified, Bansal said.

If or when it is certified, the Merchant case will be divided into two class actions — one for Quebec and another national class action for the rest of the country. That’s because Quebec has a different legal system.

Bayer maintains that glyphosate is safe and is not a carcinogen.

“While we have great sympathy for the plaintiffs, glyphosate-based herbicides are not the cause of their illnesses and we will vigorously defend our products,” Bayer said in an email.

“Glyphosate has been extensively studied globally by scientists and regulators, and results from this research confirm it is not carcinogenic.”

Health Canada, the U.S. Environmental Protection Agency and regulatory bodies around the world support that position.

In January, Health Canada announced the results of a special review on the safety of glyphosate.

The review confirmed Health Canada’s previous findings that glyphosate is safe.

“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.”

The number of lawsuits in Canada related to the safety of glyphosate are small when compared to the United States. Approximately 18,000 cases are before the courts in that country.

- The lead plaintiff for the Merchant Law Group lawsuit in Saskatchewan is Garry Gadd, a farmer from Moose Jaw who is in his early 60s. Gadd was diagnosed with non-Hodgkin’s lymphoma five years ago.
- The lead plaintiff for Diamond & Diamond Lawyers is Barry Miller, who is 76 and lives in Edmonton. He has leukemia. He used glyphosate on his farm and properties that he owned in Alberta and British Columbia, the statement of claim says.
- The co-plaintiff for Diamond & Diamond in Alberta is Thomas Penner, who is 35 and lives in Lethbridge. He comes from a farm family and worked on the farm. He was diagnosed with non-Hodgkin’s lymphoma when he was 30.
- In B.C., the co-plaintiff for Diamond & Diamond is Genevieve Boden of Duncan. She is 78 and worked on a golf course with her husband. She developed non-Hodgkin’s lymphoma in 2001. The statement of claim says she was exposed to glyphosate at the course, but also because his clothes went into the laundry with the family clothes.