

# Monsanto Must Face Georgia State Jurors in Lawsuit Over Cancer-Causing Roundup Herbicide

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*11th Circuit opinion finds chemical giant subject to state's warning label laws*

*Nachawati Law Group trial lawyers gearing up for next Roundup cancer trial in August*

ATLANTA, July 15, 2022 /PRNewswire/ -- Thousands of people who developed cancer following exposure to Monsanto's Roundup herbicide secured an important victory Tuesday when a federal appellate court halted Monsanto's latest attempt to secure dismissal of valid state court lawsuits and removal of the claims to federal court.

The ruling provides clarity for other pending lawsuits against Bayer (OTCMKTS: BAYZF, BAYRY) and its Monsanto subsidiary. It also means a Georgia man diagnosed with a type of cancer called fibrous histiocytoma after using Roundup on his lawn for 30 years can have a Georgia jury evaluate Monsanto's history of failing to warn users about the dangers of their glyphosate-based herbicide.

Senior U.S. Circuit Court Judge Gerald Bard Tjoflat authored the opinion rejecting Monsanto's argument that such failure-to-warn lawsuits could only be filed in federal courts. According to the ruling, initial safety determinations made by the U.S. Environmental Protection Agency (EPA), which resulted in approval of Monsanto's proposed label and registration of Roundup for

sale, do not carry the force of law necessary for such federal preemption, particularly where pesticide manufacturers have a perpetual duty to adhere to federal labeling requirements and to report any new adverse effects to the EPA.

The opinion notes that Congress created wide latitude for state regulation in the context of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), allowing a state to regulate the use of any federally registered pesticide or device so long as the regulation does not permit any sale or use prohibited by FIFRA. Additionally, a state agency may ban the sale of a pesticide if it later finds that one of the product's label-approved uses is unsafe.

"The 11th Circuit saw right through Monsanto's attempts to avoid accountability for its dangerous product and its long history of refusing to place a simple warning label on Roundup," said trial lawyer Majed Nachawati, whose Dallas-based firm represents more than 5,000 cancer victims in litigation against Monsanto.

The case is *Carson v. Monsanto Company*, No. 21-10994, in the United States Court of Appeals for the Eleventh Circuit.

Mr. Nachawati has been an outspoken voice against Monsanto's attempts to circumvent the settlements of thousands of related lawsuits consolidated in multidistrict litigation. Three federal bellwether trials have produced multimillion-dollar verdicts after finding that exposure to the herbicide in Roundup caused cancer. The verdicts have withstood appeal, including a \$25 million verdict that Bayer took all the way to the United States Supreme Court.

The Nachawati Law Group represents individuals in mass tort litigation, businesses and governmental entities in contingent litigation, and individual victims in complex personal injury litigation. One of the largest and most diverse products liability law firms in the nation, the Nachawati Law Group ranks No. 1 nationally in federal court products liability filings over the past three years, according to Lex Machina. For more information, visit <https://www.fnlawfirm.com>.

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