

Cancer Patient Lawyer Spars with Monsanto Scientist in California Roundup Trial

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A lawyer for a woman claiming her use of Roundup herbicide caused her to develop non-Hodgkin lymphoma sparred with a longtime Monsanto scientist in court on Wednesday, forcing the scientist to address numerous internal corporate documents about research showing Monsanto weed killers could be genotoxic and lead to cancer.

The testimony by former Monsanto scientist Donna Farmer marked her second day on the stand and came several weeks into the case of [Donnetta Stephens v. Monsanto](#), the fourth Roundup trial in the United States, and the first since 2019. Juries in three prior trials all found in favor of plaintiffs who, like Stephens, alleged they developed non-Hodgkin lymphoma due to their use of Roundup or other Monsanto herbicides made with the chemical glyphosate. Thousands of people have filed similar claims.

Bayer AG, which bought Monsanto in 2018, has earmarked more than \$14 billion to try to settle all of the U.S. Roundup litigation, but many plaintiffs have [refused to settle](#), and cases continue to go to trial.

A “genotox hole”

In hours of contentious back-and-forth, interrupted repeatedly by objections from a Monsanto attorney, Stephens’ lawyer William Shapiro quizzed Monsanto toxicologist Donna Farmer about emails and documents dating back to the late 1990s that focused on research – and the company’s handling of that research – into whether or not the company’s herbicide products could cause cancer.

In one line of questioning, Shapiro asked Farmer about emails in which she and other company scientists discussed the company’s response to outside research that concluded the company’s glyphosate-based herbicides were genotoxic, meaning they damaged human DNA. Genotoxicity is an indicator that a chemical or other substance may cause cancer.

Shapiro focused during one series of questions on work done by a scientist named James

Parry, who Monsanto hired as a consultant in the 1990s to weigh in on the genotoxicity concerns about Roundup being raised at the time by outside scientists. [Parry's report](#) agreed there appeared to be "potential genotoxic activity" with glyphosate, and recommended that Monsanto do additional studies on its products.

In an internal [Monsanto email](#) dating from September 1999 written to Farmer and other company scientists, a Monsanto scientist named William Heydens said this about Parry's report:

"let's step back and look at what we are really trying to achieve here. We want to find/develop someone who is comfortable with the genotox profile of glyphosate/Roundup and can be influential with regulators and Scientific Outreach operations when genotox issues arise. My read is that Parry is not currently such a person, and it would take quite some time and \$\$\$/studies to get him there. We simply aren't going to do the studies Parry suggests."

In a [separate email](#) revealed through the litigation, Farmer wrote that Parry's report put the company into a "genotox hole" and she mentioned a suggestion by a colleague that the company should "drop" Parry.

Farmer testified that her mention of a "genotox hole" referred to problems with "communication" not about any cancer risk. She also said that she and other Monsanto scientists did not have concerns with the safety of glyphosate or Roundup, but did have concerns about how to respond to paper and research by outside scientists raising such concerns.

Shapiro pressed Farmer on her reaction to Parry's finding:

"You thought it would be okay on behalf of Monsanto to receive information as you did from Dr. Parry that this Roundup product was genotoxic or could be, you thought it would be okay to go ahead and continue to sell the product, correct?"

Farmer replied:

"We didn't agree with Professor Parry's conclusions at the time that it may be, could be, capable of being genotoxic. We had other evidence.... We had regulators who had agreed with our studies and conclusions that it was not genotoxic."

Her answer was interrupted as Shapiro objected, saying he was asking a yes or no question and Farmer's attempt to respond beyond that should be stricken. The judge agreed and struck part of the response.

Continuing his questioning, Shapiro asked:

"Well that didn't work out to have Dr. Parry be the spokesperson for Monsanto, did it Dr. Farmer?"

"I would disagree with you because there is still a lot more to this Professor Parry, working with him, and I'd be happy to..." Farmer replied before being cut off by another Shapiro objection and the judge's striking of everything following the first five words.

A similar pattern played out throughout Farmer's testimony as Stephens' lawyer objected to Farmer's attempts to provide extended answers to multiple questions posed, and Monsanto's lawyer Manuel Cachan objecting repeatedly to Shapiro's questions as "argumentative."

Ghostwriting and "FTO"

Shapiro asked Farmer to address multiple issues expressed in the internal corporate emails, including one series in which [Monsanto scientists discussed](#) ghostwriting scientific papers, including a very prominent paper published in the year 2000 that asserted there were no human health concerns with glyphosate or Roundup.

Shapiro additionally asked Farmer to address a strategy Monsanto referred to in emails as "[Freedom to Operate](#)" or "FTO". Plaintiffs' lawyers have presented FTO as Monsanto's strategy of doing whatever it took to lessen or eliminate restrictions on its products.

And he asked her about Monsanto emails expressing concerns about research into dermal absorption rates - how fast its herbicide might absorb into human skin.

Farmer said multiple times that information was not being presented in the correct context, and she would be happy to provide detailed explanations for all of the issues raised by Shapiro, but was told by the judge she would need to wait until questioning by Monsanto's lawyers to do so.

Zoom trial

The Stephens trial is taking place under the oversight of Judge Gilbert Ochoa of the Superior Court of San Bernardino County in California. The trial is being held via Zoom due to concerns about the spread of Covid-19, and numerous technical difficulties have plagued the proceedings. Testimony has been halted multiple times because jurors have lost connections or had other problems that inhibited their ability to hear and view the trial testimony.

Stephens is one of tens of thousands of plaintiffs who filed lawsuits against Monsanto after the World Health Organization's cancer experts classified glyphosate as a probable human carcinogen with an association to non-Hodgkin lymphoma.

The three prior trials were all lengthy, in-person proceedings loaded with weeks of highly technical testimony about scientific data, regulatory matters and documents detailing internal Monsanto communications.

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