

Trump's EPA Goes to Bat for Bayer as Company Fights \$25 Million Verdict in Roundup Cancer Case

The chemical company is asking a federal appeals court to reverse its ruling in favor of a California man suffering from non-Hodgkin's lymphoma.

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President Donald Trump's Environmental Protection Agency—already accused of being “pesticide cheerleader”—threw its weight behind chemical company Bayer AG on Friday when the agency asked a federal appeals court to reverse a lower court's ruling in favor of a man who said the company's Roundup weedkiller was responsible for his cancer.

The case centers on [Edwin Hardeman](#) of California, who was diagnosed with non-Hodgkin's lymphoma in 2015 after using the glyphosate-based pesticide, made by Monsanto, for years on his property. Bayer [acquired](#) Monsanto last year.

A federal jury in July [ordered](#) the company to pay Hardeman roughly \$25 million in damages, a lower amount than the \$80 million a federal judge had [ordered](#) months earlier.

The EPA [maintains](#)—to the [outrage](#) of environmental and public health groups—that glyphosate is not a carcinogen. The federal decision notwithstanding, California in 2017 [agreed with](#) the World Health Organization's 2015 classification of glyphosate as a “probable carcinogen.” Trump's EPA has pushed back on the state's finding and said that product labels informing users of that cancer risk would “misbranding” and announced in August of this year that the agency would not approve of labels carrying that warning.

In an amicus brief filed Friday with the U.S. Court of Appeals for the Ninth Circuit, attorneys with the EPA and Justice Department said,

EPA approved the label for the pesticide/herbicide at issue here, Roundup, through a registration process that did not require a cancer warning. In fact, EPA has never required a labeling warning of a cancer risk posed by Roundup, and such a warning would be inconsistent with the agency's scientific assessments of the carcinogenic potential of the product. Mr. Hardeman nevertheless sought damages under California common law, alleging that Monsanto had failed to adequately warn consumers of cancer risks posed by the active ingredient in Roundup. FIFRA therefore preempts Mr. Hardeman's claims to the extent that they are based on the lack of a warning on Roundup's labeling.

The filing from the federal government came the same week Bayer AG [asked](#) the appeals court to toss out the lower court's ruling and defended Roundup's safety.

Bayer is currently facing nearly 43,000 claims related to glyphosate-linked cancer in federal courts. An end to the company's legal woes is unlikely to happen soon, [according to Bloomberg Environment](#).

"The only vehicle that remotely approaches [an end to litigation] might be bankruptcy," Loyola Law School professor **Adam Zimmerman** told the outlet last week. "Short of that, or some victories in court, I don't see what kind of arrangement would absolve them of future liability."

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Featured image: Roundup's active ingredient, glyphosate, is the most heavily-used agricultural chemical in history. (Photo: Mike Mozart/Flickr/cc)

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