

**Testimony HB1318**

Sam Wagner  
Ag and Food Field Organizer  
Dakota Resource Council  
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To the Honorable Chairman and the members of the Committee. We submit these remarks on behalf of DRC.

To the Senate Ag and Veterans Committee,

We oppose this law because out of state corporate interests are trying to mess with our abilities to reasonably defend ourselves in court from pesticide labels that are not doing their job properly. To our knowledge there have been bills like this in Idaho, Florida, Oklahoma, , Florida, Georgia, Missouri, Tennessee, and Iowa. Mississippi, Montana, and Wyoming all have recently defeated this bill. Behind this is the Modern Ag Alliance funded by the Bayer Corporation trying to protect their profits. They have also tried to introduce this language federally and in the Farm Bill I'm asking you all today to reject this legislation.

**Their arguments are:**

1. *If they don't get immunity, the farmers will lose access to important tools like glyphosate and other chemicals that are "necessary" for farming.*

There are millions of farmers around the world who farm without glyphosate or toxic chemicals. Roundup isn't the only tool for farming, and this is a disingenuous argument. When you have warning labels on your products you do not restrict access to them. This is far more about the fact that you can sue for not being properly informed, and changing the laws to state that labels that have clearly not warned the population properly is disingenuous.

2. *If the farmers lose these agrochemicals, the price of food will go up, putting disadvantaged people at an even greater disadvantage.*

Over the past decade (2014-2024), US food prices have generally increased, especially from 2020 to 2024 with the all-food Consumer Price Index (CPI) rising by 23.6 percent, while the all-items CPI grew by 21.2 percent over the same period. This is because of many factors and cannot be tied to any one reason. Access to glyphosate has not kept food prices low.

3. *The agrochemical companies should enjoy immunity because the EPA has deemed their products safe.*

Your product safety is your responsibility, not the EPA's, they do not do safety testing. If your products aren't safe, you should be held accountable. Reformulate your products to be safe. This is corporate interest talking out of both sides of their mouth, The EPA is at the same time perfectly suited to regulate this but overbearing and killing business at the same time and must be cut. Every time we talk about regulation we get into a game of hot potato, the federal government tells us the state and local governments should handle this, and the state and local government tells us that the federal government should handle this and in the meantime the people suffer from this. In this instance this is Bayer doing the math and realizing that it costs less to lobby and change the laws rather than do the necessary research and development to change their products.

4. *The state-by-state laws are too cumbersome, there should be "uniformity" in pesticide laws, meaning a federal law that allows all chemical companies immunity.*

We at DRC have the right to local control. The states, localities, and individuals have the right to sue. Period.

The International Agency for Research on Cancer (IARC), a world-renowned cancer research center, determined that glyphosate is a probable human carcinogen in 2015. They based this finding on decades of research. For example, one study found that animals that were exposed to glyphosate had organ tumors. Other research found that farmers who utilized Roundup had a higher likelihood of suffering from various forms of cancer.

In August 2018, a California Superior Court jury found that Bayer-Monsanto's Roundup was liable for a former school groundskeeper's terminal cancer. The jury found that Monsanto had failed to warn the groundskeeper of the risks of Roundup use, including the risk of cancer.

In 2019, a U.S. District Court jury found that Monsanto's Roundup also caused a Santa Rosa resident's cancer, and another California Superior Court found that the company was responsible for a couple's non-Hodgkin's lymphoma.

Since then, Bayer-Monsanto has faced over 125,000 claims that Roundup caused farmers, gardeners, and landscapers to develop non-Hodgkin's lymphoma and other cancers. The company has paid over \$10 billion to settle over 100,000 of the claims out of court and made the decision to phase out the sale of glyphosate-based products to homeowners starting in 2023. It can take up to 15 years after exposure to Roundup for its impacts on human health to be detected. That means that Bayer may still face litigation over a decade after it pulls glyphosate from the residential market.

Bayer's decision to stop selling glyphosate to consumers appears to be an attempt to manage the litigation risk of the chemical, not to protect people's health.

Glyphosate will continue to be used in vast quantities in agriculture because the U.S. Environmental Protection Agency goes against IARC's cancer determination and claims that "there are no risks to public health when glyphosate is used in accordance with its current label." But we know the truth. I would like to remind you that Asbestos, DDT, and opioids were deemed safe to use until they weren't.

Bayer should be held accountable for their actions just as much as any other industry that disregards the safety of the public. I urge you to stand up for the people of North Dakota.

Thank you for your consideration. We recommend a **DO NOT PASS** vote on this bill.