

TESTIMONY OF JOHN BRADLEY  
NORTH DAKOTA WILDLIFE FEDERATION  
HOUSE BILL 1318  
SENATE AGRICULTURE AND VETERANS AFFAIRS COMMITTEE  
MARCH 14, 2025

Chairman Luick and Members of the Agriculture and Veterans Affairs Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation (NDWF). NDWF rises in opposition to HB 1318 and requests a Do Not Pass recommendation from the committee.

In 2017, [over 250,000 acres of North Dakota soybeans](#) were ruined by a herbicide called dicamba. Monsanto (Bayer) claimed their dicamba spray was “safe over the top,” but internal documents show they knew it would drift and destroy neighboring fields. In fact, they hoped it would happen to push farmers into buying dicamba-resistant seeds in the future just to protect themselves from damage.

Now, North Dakota HB 1318 would protect big chemical corporations from lawsuits when their products harm family farms. This bill would hand over all decisions to the EPA, even though Monsanto/Bayer lied to that very agency before. If they lie again, HB 1318 would protect them from accountability.

### **What Really Happened with Dicamba**

- Quarter-Million Acres Destroyed: In 2017, North Dakota farmers [lost at least 250,000 acres of soybeans](#) because dicamba drifted. Across the country, 3.6 million acres were harmed.
- Company Cover-Up: Court evidence shows Monsanto/Bayer and partner BASF hid the truth about dicamba drifting. They pushed it through the EPA anyway.
- Pressure on Farmers: When neighboring fields got wiped out, many farmers felt forced to buy dicamba-resistant seeds so they wouldn't be the next victims.
- Organic Farms at Risk: Organic and other conventional farms have no protection from dicamba drift if they don't use those special seeds. Under HB 1318, they couldn't even sue if they get hurt by false product claims.
- EPA Admits Problems: After the 2017 disaster, the EPA tightened dicamba rules, showing the original label was wrong. But with HB 1318, EPA label approval in 2017 would block local farmers from holding the manufacturer accountable.

### **How HB 1318 Hurts Our Property Rights**

- No Lawsuits Allowed: If the label says it won't drift “when used correctly,” HB 1318 means farmers who lose their crops can't sue.
- Broken EPA System: The EPA often trusts industry data and has missed major problems before, like they did with dicamba. HB 1318 puts even more trust in that same broken system.
- Takes Away Local Control: By removing lawsuits from North Dakota courts, farmers have no recourse if big companies cause damage.

### **Why We Need the Courts on Our Side**

- Past Failures: The dicamba crisis proved that big corporations don't always tell the truth, and the EPA can't always catch it. Farmers need the legal system to step in.

- **Accountability:** When companies fear lawsuits, they have an incentive to make safer products. If HB 1318 passes, that last line of defense is gone.

### **Reject HB 1318: Protect Our Farms**

- **Stop Corporate Immunity:** The dicamba scandal showed how easily companies can shift costs onto honest farmers.
- **Preserve Rural Life:** Farming is a cornerstone of North Dakota's economy and culture. We can't let big chemical companies get a free pass for destroying our fields.

**Bottom Line:** HB 1318 hands Monsanto/Bayer and other big chemical corporations a free shield against North Dakota farmers' legitimate claims—even when their products cause massive damage. The dicamba disaster shows exactly how high the stakes are. Our lawmakers should stand with North Dakota's farmers and reject this giveaway of legal immunity.

# MYTH OR FACTS

## PESTICIDE IMMUNITY BILLS

### MYTH

#1: These bills do not prevent anyone from suing pesticide manufacturers.



### FACT

These bills undermine the foundational legal argument used in thousands of previous and pending cases filed by those who have been harmed by pesticide use and exposure.

#2: EPA's registration process for pesticides is robust, involves rigorous testing, and ultimately leads to safe products.



Substantial scientific literature, inspector general reports, and litigation going up to U.S. Supreme Court point to limitations of pesticide registration, including safety claims.

#3: The weed killer <sup>TM</sup> glyphosate in Roundup will be taken off the market if state legislation is not passed. We need a fair legal climate!



Failure-to-warn claims have been a basic right in state courts going back to 1947. Users of pesticides are better protected by fair warning of product hazards in the marketplace.

#4 Farmers will be reliant on unsafe products developed in foreign countries if legislation is not adopted.



Current ability to sue for a manufacturer's failure to warn protects farmers, gardeners, and users of chemical products because it incentivizes truthful labeling of products, which enables informed consumer choices with full information.

# MYTH OR FACTS

## PESTICIDE IMMUNITY BILLS

### MYTH ONE UNPACKED



This is a health and safety and environmental protection issue for users and the communities where pesticides are used. Requiring disclosure of potential products hazards in the marketplace.

### MYTH TWO UNPACKED



EPA whistleblowers<sup>1</sup> reported to Inspector General and Office of Science Integrity<sup>2</sup> allegations of managers revising assessments significantly to indicate no toxicity concerns, despite data to the contrary and assigning work to less experienced employees to secure sign-offs on faulty or inadequate assessments. This is just the tip of the iceberg!<sup>3</sup>

### MYTH THREE UNPACKED



Federal pesticide labeling requirements do not provide full information on potential adverse effects, focusing on acute effects such as poisoning, but not longer term effects like cancer, reproductive problems, and birth defects. A landmark lawsuit<sup>4</sup> found that “[t]he specter of damage actions may provide manufacturers with added dynamic incentives to continue to keep abreast of all possible injuries stemming from use of their product so as to forestall such actions through product improvement.”

### MYTH FOUR UNPACKED



This is a health and safety issue for the user, communities where pesticides are used, and the environment. Creating the incentive to ensure a marketplace with safe products is a longstanding principle that has governed products in the marketplace, from automobiles, drugs, medical devices, to pesticides.

<sup>1</sup>. Beyond Pesticides. 2024. Bayer/Monsanto in Roundup/Glyphosate Case Stung with Largest Multi-Billion Dollar Jury Award, Asks States to Stop Litigation.

<https://beyondpesticides.org/dailynewsblog/2024/02/bayer-monsanto-in-roundup-glyphosate-case-stung-with-largest-multi-billion-dollar-jury-award-turns-to-state-houses-to-stop-litigation/>

<sup>2</sup>. Bennett, Kyla. 2021. EPA Risk Assessments Doctored to Mask Hazards. Public Employees for Environmental Responsibility. <https://peer.org/epa-risk-assessments-doctored-to-mask-hazards/>

<sup>3</sup>. Lerner, Sharon. 2021. Whistleblowers Expose Corruption in EPA Chemical Safety Office. The Intercept. <https://theintercept.com/2021/07/02/epa-chemical-safety-corruption-whistleblowers/>

<sup>4</sup>. Bates v. Dow Agrosciences LLC, 544 U.S. 431 (2005)