

Dr. Jake Schmitz, DCN, MS, DC  
4233 44th Avenue South, Fargo, ND 58104  
701-770-0185  
[drjakedc4u@gmail.com](mailto:drjakedc4u@gmail.com)

- Business co-owner of several entities in ND involving agriculture, minerals, water, and real estate
- Associates degree at Williston State College, BS in Chemistry at Dickinson State University, Doctor of Chiropractic at Northwestern Health Sciences University, Master's degree in Human Nutrition and Functional Medicine at University of Western States, and Doctorate in Clinical Nutrition at University of Western States
- Married with 5 children

Chairman Luick, Senators of the Agriculture and Veterans Affairs Committee,

My name is Dr. Jake Schmitz, and I am representing myself as a licensed health professional in the state of North Dakota (ND). I have a doctorate in clinical nutrition, which makes food and nutrition science a heavy focus of mine. I have been practicing in Fargo for 13 years. I STRONGLY OPPOSE the proposed bill HB 1318.

Ag Commissioner Doug Goehring made a false claim in the first hearing of this bill, on March 14<sup>th</sup>. He said that Bayer was found liable in California lawsuits without the opportunity to present a defense. This assertion is **factually incorrect**. In reality, Bayer has been afforded full legal rights to defend itself in these cases. For instance, during the *Hardeman v. Monsanto* trial in 2019, Bayer actively participated, presenting comprehensive evidence and arguments.

The jury's verdict against Bayer came after thorough consideration of evidence from both parties. Furthermore, Bayer has secured defense verdicts in several cases, indicating that the company has had ample opportunity to present its case. Therefore, the claim that Bayer was denied a defense is unfounded and should not influence legislative decisions regarding HB1318.

HB1318 **removes accountability from pesticide manufacturers** and prioritizes corporate interests over public health. It grants a **liability shield** to companies **even when scientific evidence emerges linking their products to cancer, neurological diseases, and other chronic illnesses**. I urge this committee to reject this dangerous proposal. The proponents of this bill are doing a wonderful job of obfuscating the real issue. They claim this is simply a labeling bill. You could easily argue that, even though it isn't true.

Take for example, cancer. The EPA has concluded that glyphosate is "not likely to be carcinogenic". There is plenty of research I have listed below disproving that claim. Regardless, if the EPA does not require the RoundUp label to say cancer is a risk of using the product, then even if a person gets cancer from using it, they have no recourse for suing for damages.

Why? Because this bill shields pesticide manufacturers from liability. The proponents (Modern Ag Alliance AKA Bayer) are telling you this won't protect from false labeling claims or drift. That's true, and a complete Red Herring. In the example I mentioned above, since the EPA does not require a cancer

label, then even if a person can prove they got cancer from the pesticide in question, they can't sue because Bayer was in compliance with EPA's labeling requirement.

### **Scientific Evidence: Pesticides Cause Cancer and Disease**

Multiple peer-reviewed studies have demonstrated the **serious health risks of pesticides**, particularly for those exposed through occupation, drift, or environmental contamination.

#### **1. Glyphosate and Carcinogenicity**

- The systematic review "**Mapping the Key Characteristics of Carcinogens for Glyphosate and Its Formulations**" confirms that glyphosate, the active ingredient in Roundup, **exhibits key carcinogenic properties** linked to cancer development (Silva et al., 2022).
- This aligns with the **World Health Organization's International Agency for Research on Cancer (IARC)** classification of glyphosate as **"probably carcinogenic to humans."**

#### **2. Cancer Rates in Agricultural Communities**

- The study "**Cancer Incidence and Death Rates in Argentine Rural Towns Surrounded by Pesticide-Treated Agricultural Land**" found **significantly higher rates of cancer** in areas exposed to pesticides (Meneguzzi et al., 2022).
- This suggests a **direct correlation between pesticide exposure and increased cancer risk**, even among those not directly handling these chemicals.

#### **3. Occupational Exposure and Health Damage**

- "**Health Problems in Agricultural Workers Occupationally Exposed to Pesticides**" (Abreu-Villaça et al., 2023) reveals that farmworkers exposed to pesticides face **increased risks of cancer, neurotoxicity, and reproductive harm**.
- The review "**Health Impact of Occupational Pesticide Exposure**" (Lopez et al., 2022) highlights **chronic illnesses, immune dysfunction, and neurological disorders** in greenspace workers exposed to pesticides.

#### **4. Long-Term Health Effects and Government Underestimation**

- "**Cancer and Occupational Exposure to Pesticides: A Bibliometric Study of the Past 10 Years**" underscores the **strong link between pesticide exposure and multiple cancers**, raising concerns about underreporting by regulatory agencies.

### **The EPA Has Been Wrong Before**

Proponents of this bill argue that **EPA approval is a sufficient safeguard**. But history shows that **the EPA has repeatedly failed to protect public health** from dangerous chemicals.

- **DDT** was once approved and widely used until **it was banned after being linked to cancer, reproductive harm, and environmental destruction**.
- **Asbestos** was approved and used for decades before being recognized as a **deadly carcinogen**.
- **PFAS chemicals ("forever chemicals")** were deemed safe by regulators, yet today they are linked to **cancer, birth defects, and immune disorders**.

The EPA does **not always require companies to list cancer risks** on pesticide labels, even when **strong scientific evidence exists**. If HB1318 passes, companies would be immune from lawsuits if the EPA fails to **mandate label warnings indicating cancer risk**.

## How HB1318 Shields Companies & Hurts North Dakotans

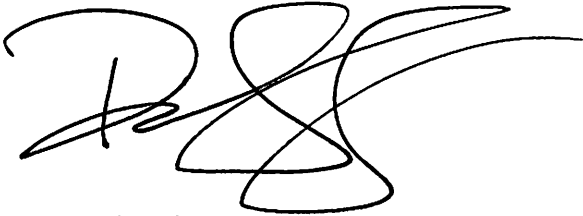
- **Manufacturers Escape Liability:** If future research confirms that a pesticide causes cancer, **but the EPA does not update the label, victims will have no legal recourse.**
- **Farmers, Workers, and Rural Families Pay the Price:** Those exposed to harmful pesticides **bear the medical and financial burden** while corporations avoid accountability.
- **North Dakota Taxpayers Foot the Bill:** If lawsuits are blocked, the cost of medical care, disability, and environmental cleanup falls on **state resources, Medicaid, and taxpayers.**

### Conclusion: Vote NO on HB1318

Pesticide manufacturers should not receive a **free pass** when their products cause harm. **This bill puts corporate profits above human lives.** The scientific evidence is clear: **pesticides can and do cause serious health conditions, and regulatory agencies do not always act in time to prevent harm.**

I urge this committee to **reject HB1318** and protect the people of North Dakota from **corporate immunity at the expense of public health.**

Thank you. I welcome any questions.

A handwritten signature in black ink, appearing to read 'Dr. Jake Schmitz', with a large, stylized flourish extending to the right.

Dr. Jake Schmitz