



NALP MEMBER BULLETIN:

Statement Regarding Bayer Monsanto Glyphosate; Ongoing Litigation and EPA Review

Updated January 31, 2020

As the representative of the landscape industry, the National Association of Landscape Professional (NALP) is committed to educating the landscape workforce, customers and the general public about the safe use of lawn and landscape products. It is possible that you may have questions or will receive questions from your employees, customers, the general public or the media regarding this recent jury decisions and the safety of Roundup® or glyphosate. Please use the following information and facts as a reference to provide to your employees and customers as our association continues to closely monitor the ongoing litigation and regulatory determinations.

Glyphosate and the Environmental Protection Agency

On May 6, 2019, the U.S. Environmental Protection Agency (EPA) announced that a final interim determination on the review of the herbicide glyphosate has been reached. The EPA concluded “that there are no risks to public health when glyphosate is used in accordance with its current label and that glyphosate is not a carcinogen.” This determination was reached after EPA conducted extensive human health and ecological risk assessments. The interim final determination follows the publication of a draft assessment on glyphosate in 2017 which also did not find glyphosate to be harmful to public health when used in accordance with label instructions. The 2017 draft assessment was open for public comment for EPA to review prior to this final interim decision being published.

On August 8, 2019 EPA took action to stop false labeling claims in the state of California and issued guidance to ensure clarity on the labeling of glyphosate. This was in response to the State of California requiring registrants to label glyphosate as a carcinogen pursuant to state law Proposition 65. California based their reasoning on IARC determination that glyphosate was a probable human carcinogen, something no other international pesticide regulatory agency has concluded.

On January 30, 2020 EPA announced that it had concluded its regulatory review of glyphosate—the most widely used herbicide in the United States. After a thorough review of the best available science, as required under the Federal Insecticide, Fungicide, and Rodenticide Act, EPA has concluded that there are no risks of concern to human health when glyphosate is used according to the label and that it is not a carcinogen.



Glyphosate Litigation Update

In August of 2018, a California jury in San Francisco ruled that Roundup® weed killer, consisting of the active ingredient glyphosate, caused terminal non-Hodgkin's lymphoma in a former school groundskeeper. In March 2019, another California jury in San Francisco determined that products containing glyphosate have led to carcinogenic liability for another plaintiff. In May 2019, another California jury in Alameda County found that products containing glyphosate lead to carcinogenic liability. All three cases have been appealed by Bayer and are currently in various stages of the appeal process.

A fourth trial is ongoing in the Missouri Circuit Court for St. Louis. While initially delayed, as of January 24th the trial was near completion when both parties agreed to continue the case to further explore mediation as an alternative dispute resolution. This is the first case that is being heard out of the state of California and is being very closely monitored by all potential plaintiffs that are alleging harm from the use of glyphosate.

There are currently over 42,700 lawsuits pending in various courts throughout the U.S. alleging that products containing glyphosate caused cancer. T.

It is important to understand that liability determinations made by a jury of peers is different from scientific determinations and risk assessments made by EPA. NALP is continuing to closely monitor all court proceedings involving glyphosate and how the recent May 6th EPA determination may have on future litigation.

Pesticide Review Process, FIFRA is the Foundation

Ensuring the safety, health and well-being of our members, their employees, the general public and the environment is the top priority of NALP. Our association fully supports documented research conducted by regulatory bodies and the established framework for the regulation of pesticides in the United States through the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), and we continually and closely monitor for regulatory and research developments.

FIFRA prescribes and implements a robust federal and state pesticide registration and review process. NALP believes this process is the foundation for our industry to responsibly manage landscapes using federally and state approved pesticides. We rely on our regulators, as the experts, to make sound scientific decisions on pesticide registration approvals.

The EPA and the fifty state pesticide lead regulatory agencies are our pesticide regulators, and the landscape industry will continue to comply with all federal and state laws and regulations that is supported by the review processes, science, evaluations, decisions and enforcement pursuant to FIFRA.



NALP understands the important role glyphosate plays in managing landscapes and delivering crops, and we are committed to promoting and ensuring its safe and effective use based on scientifically supported decisions made by EPA. NALP members are licensed and certified pesticide applicators that use glyphosate and other products in a safe and environmentally responsible manner.

NALP would recommend that you share accurate information with your employees and customers concerning products that contain glyphosate. NALP is closely monitoring all developments involving products that contain glyphosate and will be provide additional information when available.

NALP would suggest you review all available NALP resources on safety to ensure your employees understand all applicable Federal and State laws and regulations concerning the safe and proper handling of pesticides. [Please click here to access NALP safety resources](#). NALP will be enhancing and promoting these resources for June 2019, safety month.

Facts about Glyphosate

- Glyphosate is the most commonly used herbicide in the world and has been used safely for more than 40 years by agricultural and landscape professionals to control broadleaf weeds and grasses. It is used in products such as Roundup®.
- Glyphosate is one of the most widely used and effective tools the landscape industry uses to protect green spaces and to control weeds and other invasive species that can exacerbate allergies, spread diseases and cripple landscapes.
- Roundup® and many other products containing glyphosate are currently registered and approved for use by the U.S. Environmental Protection Agency (EPA), and also registered and approved by all 50-state lead pesticide regulatory agencies. These federally registered and state approved products remain legal to use when used in a manner consistent with label instructions.
- The EPA is statutorily mandated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to conduct reviews of all approved pesticide and herbicide products. FIFRA provides federal regulation of pesticide distribution, sale and use. Any pesticide registered under FIFRA, including glyphosate, must show that using the product according to specifications will not cause unreasonable adverse effects on the environment or to human health.
- The EPA's recent reevaluation of glyphosate was presented to the FIFRA Scientific Advisory Panel (SAP). The SAP provides independent scientific advice to the EPA on health

and safety issues related to pesticides. The SAP is comprised of biologists, statisticians, toxicologists and other experts. The independent SAP agreed with EPA's risk assessments and conclusions that glyphosate is not likely carcinogenic.

- During the evaluation of glyphosate, the EPA worked closely with its Canadian counterpart, Health Canada's Pest Management Regulatory Agency (PMRA), in concluding that glyphosate is unlikely to be carcinogenic or cause unreasonable risks to humans when used in accordance with label instructions. Other regulatory authorities around the globe in Europe, Japan, Korea and Australia, have also consistently reaffirmed that glyphosate is not carcinogenic.
- In 2015, the [International Agency for Research on Cancer \(IARC\)](#) classified glyphosate as a probable carcinogen. However, the IARC is not a regulatory agency and did not conduct independent studies before making this designation. Follow-up investigative reports of this designation found that IARC concealed important scientific data and edited conclusions from key studies of glyphosate. IARC also classifies "very hot beverages" and working as a "hairdresser" as being probable carcinogens. Furthermore, IARC classifies wood dust, rubber and salted fish as likely carcinogenic and more harmful than glyphosate.
- In May 2018, [the U.S. National Institutes of Health](#) reaffirmed there is not a statistically significant association between glyphosate use and cancer, stating that in their large, prospective cohort study of over 54,000 pesticide applicators in Iowa and North Carolina, no association was apparent between glyphosate and any solid tumors or lymphoid malignancies overall, including non-Hodgkin's lymphoma and its subtypes.
- Researchers have conducted more than [800 scientific studies and reviews](#) validating glyphosate's safety since it was introduced in the 1970s. Beginning with the initial registration with EPA in 1974, glyphosate has been evaluated and approved for use by EPA in 1986, 1993 and 2017 – spanning several decades and federal administrations.
- In April 2019, USDA Secretary Sonny Perdue stated that the loss of glyphosate would be "devastating" and that, "I'm afraid that while groups that oppose these types of uses have not been able to win on the science side, they've chosen the litigation route. I'm hoping that the appeals court will see through this and make better decisions about that."

For more information, contact **Andrew Bray** andrew@landscapeprofessionals.org