

**TEXAS HIGH PLAINS GRAPE GROWERS v.
BAYER-MONSANTO and BASF
FACT SHEET**

Plaintiffs

- 57 Texas High Plains vineyards and four related processing companies.
- 3,000 total acres with 3 million grapevines, all located within an hour of Lubbock.
- High Plains vines yield 85% of the grapes produced by the state's \$13.1 billion wine industry.
- Majority of grapes are Merlot and Cabernet Sauvignon.
- Started in the 1980s, the High Plains wine grape industry began booming 10 years ago.
- The vineyards are surrounded by 3 million acres of cotton farms, biggest cotton patch in US.
- Over 65% (2 million acres) of the cotton farms use the Bayer-Monsanto/BASF dicamba-resistant seed system.
- Prior to 2015-2016, before the seed system was released, there was no sign of dicamba damage on the High Plains.

Defendants

- Bayer Crop Science LP (acquired Monsanto Company June 2018).
- Monsanto Company
- BASF Corporation
- Jurisdiction is Jefferson County District Court (Beaumont), location of BASF's dicamba manufacturing plant.

Claims

- The Bayer-Monsanto/BASF dicamba-resistant seed system has caused grape growers hundreds of millions of dollars in actual damages and economic loss from dicamba drift.
- Every single vineyard in the area has suffered damage.
- Some have seen their production drop by as much as 95%.
- Internal memos show that as early as 2009, years before the seed system's release, Monsanto knew the system would inflict collateral damage to grapes and other highly sensitive crops.
- Monsanto built the cost of litigation and court judgments into its profit projections.

Vineyards and Dicamba

- Vineyards are 25-year investments requiring up-front costs of \$20,000+ an acre.
- Each acre is expected to produce 3 to 6 tons of grapes, worth an average of at least \$2,500 per ton.
- It takes 16 to 25 healthy grape leaves to produce two clusters of wine-worthy grapes.
- Dicamba is a powerful herbicide that, prior to the development of this seed system, had never been used over the top of crops during the growing season.

- The dicamba-based seed system was developed to kill glyphosate-resistant weeds caused by the over-marketing and over-use of Monsanto's Roundup herbicide.
- Dicamba is applied as a liquid spray on top of GMO crops designed to survive the herbicide.
- Dicamba is so volatile it readily converts to a gas that can drift miles onto unprotected crops.
- Once applied, dicamba can turn into a gas for 72 hours to 7 days, especially under hot and dry conditions such as those on the High Plains.
- Dicamba accelerates cell production so plants can't produce enough sugar for food.
- Once dicamba penetrates a grape vine, it moves through the entire plant.
- Within hours, grape leaves begin curling, ("cupping"), deforming, and shriveling.
- The deformed leaves stop growing, greatly shrinking leaf surface area for the vine.
- The reduction in leaf canopy reduces the plant's ability to convert sunlight into energy and impacts the ability to store sugars, produce grapes, and survive through the winter.
- There's no such thing as a dicamba-resistant grape vine. Grapes are often ranked among the plants "most susceptible" to dicamba's effects.

Selected News Coverage

["U.S. peach grower Awarded \\$265 million from Bayer, BASF in weedkiller lawsuit."](#) Reuters. Feb. 16, 2020.

["Off-Target Herbicide Drift Threatens Vineyards Across U.S."](#) By Michelle Williams. WineBusiness.com. Jan. 12. 2021.

["Buy it or else': Inside Monsanto and BASF's moves to force dicamba on farmers:](#) "Internal company records show the companies knew crop damage from their weed kill would be extensive. They sold it anyway." By Johnathan Hettinger. Midwest Center for Investigative Reporting. Dec. 4, 2020

["A Killing Season:](#) "Monsanto's new herbicide was supposed to save U.S. farmers from financial ruin. Instead, it upended the agriculture industry, pitting neighbor against neighbor in a struggle for survival." By Boyce Upholt. The New Republic, Dec. 10, 2018.

["Is this controversial weedkiller helping or hurting our food supply?"](#) By Bruce Tang. Marketplace. June 22, 2020.

["Dicamba's 2020 Legal Tug-of-War Likely to Continue In 2021."](#) By Emily Unglesbee. Progressive Farmer. Dec. 23, 2020.

["Monsanto's Weed Killer, Dicamba, Divides Farmers."](#) By Danny Hakim. The New York Times. Sept. 21, 2017

["Crops in 25 States Damaged by Unintended Drift of Weed Killer."](#) By Eric Lipton. The New York Times. Nov. 1, 2017