



57 TEXAS GRAPE GROWERS SUE BAYER-MONSANTO, BASF FOR MILLIONS IN LOSSES CAUSED BY SEED SYSTEM USING DICAMBA

BEAUMONT, TX – (June 4, 2021) In a first for the American wine industry, 57 Texas High Plains wine grape growers filed suit in Jefferson County District Court today seeking hundreds of millions of dollars in damages from Bayer-Monsanto and BASF for selling a defective seed system featuring a highly volatile weedkiller that drifted and crippled scores of vineyards.

The suit says that since 2015-2016, when Bayer-Monsanto and BASF began selling their dicamba-based genetically modified seed system to High Plains cotton growers, the drifting herbicide has damaged up to 95% of the productive grape vines on dozens of family-owned and operated vineyards covering 3,000 acres near Lubbock. The worst of the damage has occurred in the past three years as more and more cotton growers used the product.

The loss threatens the existence of many High Plains vineyards, which have taken decades to cultivate and account for 85% of the grapes produced, sold or used by the state's \$13.1-billion wine industry, the nation's fifth largest.

“Because of their duplicity and greed, Bayer-Monsanto has turned a true Texas success story into an economic and environmental nightmare,” said Adam Dinnell, partner at Schiffer Hicks Johnson PLLC of Houston, one of the law firms representing the grape growers.

Added co-counsel Ted Liggett of the Liggett Law Group PC in Lubbock: “Many of these vineyards have taken 20 to 30 years to cultivate in an area where only cotton was grown. They gave new purpose to the land, delivered a far more lucrative crop and created an industry that's recognized for its excellence around the world. Now all that grit, hard work and community pride is at risk of being lost, sacrificed to Monsanto's reckless pursuit of corporate profit.”

Dinnell and Liggett said evidence shows Monsanto knew as early as 2009, years before the seed system was released, that dicamba is highly volatile under hot and dry conditions, turning into a gas that travels miles to wreak havoc on vulnerable broad-leaf crops, such as grapes and other fruits.

Yet lured by the prospect of billions in profits, the company joined forces with BASF in 2010 to develop and eventually market the Xtend seed system, in which seeds are genetically modified to survive application of a dicamba-based weedkiller. Internal spreadsheets show Monsanto officials factored millions of dollars of future legal losses from dicamba drift as a cost of doing business.

Experts now blame the Xtend products for a wide swath of economic and ecological destruction that has claimed an estimated 3.6 million acres of soybeans, fruits, and other non-GMO specialty crops in 24 states, mostly in the Midwest and South.

The use of Monsanto's Xtend seed system has sharply divided the agricultural community, pitting neighboring farmers against each other and spawning a wave of lawsuits against Bayer-Monsanto.

In February 2020, a Missouri jury awarded \$265 million in damages caused by dicamba drift to one peach orchard. While the award was eventually reduced to \$75 million, Bayer-Monsanto struck a \$300 million settlement to settle other suits filed by angry farmers.

But the agreement does not cover the Texas grape growers, who saw their highly productive vineyards wither and, in some cases, die as a result of the dicamba-resistant seed system's use on over two million surrounding acres of cotton. Since there are no dicamba-resistant grape vines, the plants were defenseless to the millions of pounds of the herbicide in the region's atmosphere.

The suit describes how leaves cupped and deformed as dicamba came in contact with their vines, interfering with photosynthesis that produces sugars for grapes and helps vines survive the winter.

Grape production began to plummet. Some vineyards experienced a 90% reduction in their grape harvest, which brings in more than \$2,500 a ton. Texas and out-of-state winemakers who had been long-time customers cancelled contracts.

"We've gotten top premium price for our grapes," said Cliff Bingham, a Plaintiff in the case and owner of Bingham Family Vineyards in Meadow. He added that his annual production crashed from 800 tons to under 100 tons last year.

"One winery that used our grapes got a double gold award. But now people aren't buying because they are worried about the dicamba."

Now Bingham says his family business is facing extinction because of dicamba poisoning.

"You're talking about the legacy of a family business. Eight of our 11 children's livelihoods depend on this vineyard. If we can't grow dicamba-free, we're history."

In addition to the 57 High Plains grape growers, four related Texas processing companies are included as Plaintiffs.

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