

# Missouri Peach Farm Awarded \$265M Damages in Suit Against BASF and Bayer

[GM Watch](#)

February 16, 2020



Peach tree damaged by dicamba drift (photo: Kade McBroom)

*Dicamba herbicide drifted onto the farm from other farms planting GM dicamba-tolerant crops*

A jury on Saturday [awarded](#) \$265 million in punitive damages against Bayer and BASF to a southeastern Missouri peach farmer who argued that weedkiller dicamba that had drifted onto his orchards from other farms had severely damaged his trees.

The punitive damages awarded to farmer Bill Bader came a day after the jury awarded him \$15 million in actual damages, agreeing with his argument that dicamba had drifted over from other farms and severely damaged Bader Farms, which is one of the largest peach farms in Missouri. Bader's attorneys argued

that his trees likely wouldn't survive the dicamba exposure.

The owners of Bader Farms alleged the companies conspired to create an "ecological disaster" that would induce farmers to buy dicamba-tolerant seeds.

Attorneys for Bayer said they will appeal.

The awards in Bader's lawsuit could bode well for other similar lawsuits filed against Bayer and BASF, which invented the pesticide. The lawsuits blame dicamba for of acres of crops across the country.

Farmers have been using dicamba for more than 50 years, but after Monsanto – which was bought by Bayer in 2018 – released genetically modified dicamba-tolerant cotton and soybeans, the weedkiller's use became more widespread, leading to more complaints from neighboring farms whose non-dicamba-resistant crops were getting killed off by dicamba drift.

Dicamba has been [used](#) by farmers since the 1960s but with limits that took into account the chemical's propensity to drift far from where it was sprayed. When Monsanto's popular glyphosate weedkilling products, such as Roundup, started losing effectiveness due to widespread weed resistance, Monsanto decided to launch a dicamba cropping system similar to its popular Roundup Ready system, which paired glyphosate-tolerant seeds with glyphosate herbicides. Farmers buying the new genetically modified dicamba-tolerant seeds could more easily treat weeds by spraying entire fields with dicamba, even during warm growing months, without harming their crops. Monsanto announced a collaboration with BASF in 2011. The companies said their new dicamba herbicides would be less volatile and less prone to drift than old formulations of dicamba.

The Environmental Protection Agency approved the use of Monsanto's dicamba herbicide "XtendiMax" in 2016. BASF developed its own dicamba herbicide that it calls Engenia.

Both XtendiMax and Engenia were first sold in the United States in 2017.

Linda Wells, Pesticide Action Network organizing director, [commented](#) on the ruling: “This verdict is just the tip of the iceberg – there is a long queue of farmers who have been impacted by dicamba drift and deserve their day in court. The internal Monsanto (now Bayer) documents uncovered in this case show that the company released a highly destructive and intentionally untested product onto the market, and used its influence to cheat the regulatory system.

“While farmers who don’t use the Xtend system are hit with crop damage and yield loss from dicamba drift, Bayer and BASF are reaping the financial gains of an increase in acreage planted to dicamba resistant soybeans, and an increase in use of dicamba formulations. Bader Farms’ victory in this case signals a turning tide, and opens opportunities for farmers to hold Bayer and BASF legally accountable for the dicamba drift crisis more broadly.”

More details of the case are reported by [US Right to Know](#).