

# Australian cancer victim sues Bayer-Monsanto

By Frank Gaglioti  
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On June 4, in the first such case in Australia, the Melbourne lawn mowing service operator Michael Ogalirolo launched legal action in the Supreme Court against the global chemical giant Bayer, the current owner of Monsanto, which manufactures the herbicide Roundup.

The case follows similar recent cases in the US that have heightened concerns internationally over the use of the herbicide. Bayer, the German pharmaceutical company, bought out Monsanto, the original producer of Roundup, in 2018. The US agricultural company had been founded in 1901.

Ogalirolo has developed the potentially lethal cancer, non-Hodgkin lymphoma (NHL), which he claims is due to 18 years of exposure to glyphosate, the active component of Roundup.

His writ declares: “The defendant [Bayer] knew or ought to have known that the use of Roundup products were dangerous for the plaintiff... in particular causing DNA and chromosomal damage in human cells, cancer, kidney disease, infertility and nerve damage among other devastating illnesses.

“As such, Roundup products are dangerous to human health and unfit to be marketed and sold in commerce, particularly without proper warnings and directions.”

Ogalirolo’s case follows three successful legal actions against Bayer in the US. School groundskeeper Dwayne Johnson sued Bayer after contracting an extremely aggressive and lethal form of NHL and was awarded \$US289 million in August 2018.

In a statement to jurors, a lawyer for Johnson, Brent Wisner, condemned Monsanto for putting profits first. He said that he had seen internal Monsanto company documents “proving that Monsanto has known for decades that glyphosate and specifically Roundup could cause cancer.”

In a second case in March, the US District Court in California found that Roundup caused Edwin Hardeman to develop NHL after using Roundup for 30 years on his property. Farmers Alberta and Alva Pilliod were awarded \$2 billion in May, the biggest settlement so far, after developing NHL.

Alva Pilliod told the media after her court hearing: “We wish that Monsanto had warned us ahead of time about the dangers of using Monsanto [weedkiller]... And that there was something on the front of their label that said ‘danger may cause cancer.’”

Currently, there are 13,400 claims pending in US courts and a number of other Australian cancer victims considering taking action against Bayer.

As a result of the law suits and significant scientific studies, action is being discussed in a number of countries. Vietnam and France banned glyphosate products in April and July respectively, and other European administrations are considering bans.

In Australia, municipal councils are reconsidering the use of Roundup.

On July 4, 500 outdoor workers from Blacktown council in suburban Sydney walked out over safety concerns over the use of Roundup. The strike took place after six workers were told that they would be placed on other duties if they refused to use the herbicide.

The workers returned to work after an Industrial Relations Commission hearing ruled that the council should trial an alternative weed control process. One crew would trial the alternative but the majority of workers would still have to use Roundup.

In June, residents reacted angrily to the Illawarra council’s annual aerial spraying of Roundup to control weeds on the local escarpment, south of Sydney. Petitions opposing the spraying were signed by

thousands of residents.

One petition signed by 2,500 people stated: “Roundup is extremely dangerous as proven in court now multiple times... The health implications for residents, their pets, and small children is simply unacceptable.”

The Illawarra District Weeds Authority officer David Pomery rebuffed residents’ concerns, stating Roundup was the “only practical and feasible method to control.”

The chemical giant Monsanto introduced Roundup in 1974. According to figures published in 2016, Roundup is the most heavily applied weed killer in the history of chemical agriculture internationally. There are 500 glyphosate products available to farmers and gardeners in Australia.

The huge expansion in the use of glyphosate products occurred after 1996 when Monsanto developed genetically modified seeds, including corn, wheat, soy, canola and cotton that are immune to the effects of the herbicide. This enables farmers to spray plants throughout their lifecycle, suppressing weeds but leaving the crop unharmed. Roundup-resistant seeds are marketed as Roundup Ready. This effectively ties the farmer to the continued use of Monsanto products, including having to rebuy seed every year.

According to a scientific paper, *Trends in glyphosate herbicide use in the United States and globally*, published in 2016, the introduction of Roundup Ready seeds enabled a 15-fold increase in the agricultural use of Roundup and allowed Monsanto to dominate the world herbicide market.

Glyphosate is also used for pre-harvest crop desiccation: That is the application of a herbicide near the end of the growing season to cause crops to dry and die uniformly, making them easier to harvest, and increasing the risk of chemical contamination of food products.

Bayer and Monsanto have conducted relentless campaigns against critics of the herbicide and Bayer continues to aggressively promote Roundup as a safe product.

Bayer has not responded to the Australian writ, but in the US it has indicated it will challenge the court victories of the successful litigants.

“We continue to believe firmly that the science confirms that glyphosate-based herbicides do not cause

cancer,” Bayer stated in March in response to the Hardeman case.

A number of scientific reports have questioned Roundup’s safety record. In 2015, the World Health Organisation’s International Agency for Research on Cancer classified the herbicide as “probably carcinogenic to humans,” based on a review of existing research.

A study published in February concluded that exposure to Roundup increased the probability of developing NHL by 41 percent. One of the co-authors, Lianne Sheppard, professor in the Environmental and Occupational Health Sciences at the University of Washington, told the *Guardian* that “from a population health point of view there are some real concerns.”

An Australian Broadcasting Corporation program, “The Monsanto Papers,” broadcast in October 2018, published an internal email from Monsanto’s chief toxicologist that contradicted the company’s promotion of the herbicide’s safety record. “[Y]ou cannot say that Roundup is not a carcinogen... we have not done the necessary testing on the formulation to make that statement,” the scientist stated.

Thus, there is mounting evidence that the continued promotion and sale of Roundup is another glaring example of the pursuit of corporate profit with scant concern for the potential consequences for health and the environment.

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