

What might be Bayer's defense if one of the glyphosate cancer verdicts end up at the Supreme Court?

Bayer AG plans to argue that a \$2 billion jury award and thousands of U.S. lawsuits claiming its glyphosate-based weed killer Roundup causes cancer should be tossed because [the U.S. Environmental Protection Agency] said the herbicide is not a public health risk.

Some legal experts believe Bayer will have a tough time convincing appellate courts to throw out verdicts and lawsuits on those grounds. Bayer has a better shot if a business-friendly U.S. Supreme Court takes up the case, experts said. But that could take years.

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[T]he company said it will argue that the lawsuits, which are brought under state law, conflict with guidance from .... the EPA [who] reaffirmed prior guidance saying that glyphosate is not a carcinogen ....

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Under the legal doctrine of preemption, state law claims are barred if they conflict with federal law .... Lars Noah, a law professor at the University of Florida, said Bayer's chances of success would increase significantly if the Supreme Court takes up the Roundup appeals.

The high court only accepts around 70 cases each year, but a business-friendly majority on the court could be inclined to hear the dispute ....

**Read full, original article:** [Bayer bets on 'silver bullet' defense in Roundup litigation; experts see hurdles](#)