

Bayer faces ‘almost impossible’ task of ending glyphosate-cancer litigation while its Roundup herbicide remains in stores

Bayer faces an extraordinary challenge as it tries to settle tens of thousands of claims that its Roundup weedkiller causes cancer: The product remains on the shelves, making it almost impossible to put the litigation to rest forever.

To end mass-tort litigation, other companies generally have discontinued or altered their products or added warning labels—all of which are problematic for the German pharmaceutical and agricultural company.

“If you’re still putting out a product that people claim injures them, I don’t know how they can insulate themselves from future liability,” said Carl Tobias, a University of Richmond law professor

Bayer is moving closer to a settlement potentially totaling \$10 billion making it one of the most complex and costly corporate litigation cases ever. Many investors are demanding clarity and expect Bayer to deliver at least a partial solution before the company’s next annual shareholder meeting in late April.

The U.S. [EPA] said last year that manufacturers like Bayer can’t put cancer warnings on glyphosate-based herbicides like Roundup, and that states can’t require such labels. The company also can’t alter the product to remove glyphosate—which plaintiffs claim poses a cancer risk—because it is the herbicide’s main weedkilling chemical.

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