

Monsanto and BASF held liable for farmers who misused older formulations of dicamba, resulting in drift and extensive crop damage

The difference between farmers and meth cooks who misuse legal products has proven crucial in a court ruling with far-reaching implications for the biotech industry.

Biotech companies can be held responsible for damages caused by farmers who misuse genetically engineered, herbicide-tolerant seeds or any chemicals sprayed on them, according to a federal appeals court.

The decision distinguishes such biotech companies from pharmaceutical firms, which were previously found not liable for cold medicines being used as methamphetamine ingredients.

Monsanto and BASF failed to convince the 8th U.S. Circuit of Appeals they aren't liable for damages caused by unlawful dicamba spraying of cotton and soybean crops, which were genetically engineered to tolerate the volatile chemical.

The 8th Circuit has upheld a jury verdict from 2020 that blamed Monsanto and BASF for the herbicide drift that caused millions of dollars in damages to a Missouri peach farm.

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Dicamba-resistant cotton and soybeans were approved by the USDA before federal regulators authorized new less-volatile formulations of dicamba that aren't as prone to drift.

When Monsanto commercialized the GE seeds, "off-label dicamba use exploded" in 2015 and 2016 because farmers used older formulations of the herbicide, the 8th Circuit said.

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