BAYER STATEMENT FOLLOWING $1.56 BILLION VERDICT

"In contrast to prior trials, recent trial courts improperly permitted plaintiffs to misrepresent the worldwide regulatory and scientific support for our products by falsely characterizing the EU's reapproval process and EPA's assessment of glyphosate as safety concerns. In fact, the EU Commission just last week re-approved glyphosate for another 10 years following positive scientific assessments, and the EPA continues to reaffirm that glyphosate is not carcinogenic. Additionally, the Ninth Circuit just this month concluded '*IARC stands essentially alone in its determination that glyphosate is probably carcinogenic to humans, while EPA, OEHHA, and regulators from around the world conclude that it is not.'*

"We have strong arguments to get the recent unfounded verdicts overturned and the excessive and unconstitutional damages eliminated or greatly reduced. Damages were greatly reduced in the three early trials the company lost. We won 9 of the last thirteen trials and the majority of claims in this litigation are resolved. The Company remains fully committed to defending the robust scientific and regulatory evidence in future trials and appeals."

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Background

The misrepresentation of key worldwide regulatory and scientific support for the safety of glyphosate in recent trials includes:

1. Plaintiffs have falsely claimed that the procedural delay in the EU's reapproval of glyphosate (the EU Commission re-approved glyphosate for 10 years last week) reflected concerns about the safety of these products. This is baseless because both the EFSA and ECHS, the European agencies that assess herbicide safety, have recently concluded these products are safe and not carcinogenic. Most recently, the European Food Safety Authority (EFSA) 'did not identify any critical areas of concern' impacting public health or the environment in their review of glyphosate in July 2023. In 2022, European Chemicals Agency (ECHA) determined that: *"Based on a wide-ranging review of scientific evidence, the committee again concludes that classifying glyphosate as a carcinogen is not justified."* Based on these determinations, the EU Commission has now reapproved these products for use for ten years.

2. Plaintiffs also misrepresented the procedural issues with EPA's Interim Registration decision and claimed these raise safety concerns. In Caranci, based on plaintiffs' representations, the court even suggested that these products were no longer registered for use in the U.S., which is false and highly prejudicial. EPA states unequivocally that "glyphosate is not likely to be carcinogenic to humans," on its glyphosate web page, and that its position has

not changed. Moreover, in response to the procedural issues, EPA states the “Agency intends to revisit and better explain its evaluation of the carcinogenic potential of glyphosate.” There is no indication that the Agency has changed its views on the safety of these products, and plaintiffs contrary testimony in recent trials is false and misleading.

Significantly, courts in prior cases have not permitted testimony before juries on these subjects because they found them to be either irrelevant to the core scientific issues in the cases and or prejudicial.

Additionally, the recent Prop 65 ruling from the U.S. Court of Appeals for the Ninth Circuit concluded that a compelled cancer warning was unconstitutional because, apart from IARC, the science and regulatory assessments conclude that glyphosate is safe and not carcinogenic. This further strengthens the company's arguments that the attempts to undermine worldwide scientific and regulatory support for these products are false and misleading.

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