

California Supreme Court Ends Glyphosate Debate, for the Time Being



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One week after a San Francisco jury decided against Monsanto and awarded a plaintiff \$289 million due to the alleged exposure that caused his cancer, the California Supreme Court refused to hear any further challenges by Monsanto as to whether California's Office of Environmental Health Hazard Assessment (OEHHA) properly relied upon a 2015 International Agency for Research on Cancer report in determining that glyphosate is a carcinogen and therefore products containing it are subject to Prop 65 warnings.

The decisions are unrelated but as the saying goes: "timing is everything."

As previously addressed in this space (July 31, 2017 post, [here](#)), Monsanto's quest was initially rejected by a trial court in Fresno, *Monsanto Co. v. Office of Env'tl. Health Hazard Assessment*. The California Court of Appeal, Fifth District, rejected the same argument in April of this year. In May, Monsanto appealed to the California Supreme

Court while the Supreme Court refused to stay the requirement for a warning to be placed on the product during the pendency of the appeal. The Court docket reflects that only Justice Ming Chin voting for review.

Monsanto, in an August 15 statement, said it is considering options for further legal action.

“There is no scientific basis to list glyphosate under Prop 65,” the company said. “The listing contradicts 40 years of science and the conclusions of regulatory bodies around the world.”

The fight still rages on the Federal court in Sacramento as described in several prior posts (January 11, 2018 post, [here](#), and March 5, 2018 post, [here](#)).

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