



Glyphosate Case Correction

LITIGATION, OEHHA, CORRECTIONS

By ROGER PEARSON, January 17, 2018

We recently filed a story discussing a lawsuit filed in federal district court by Monsanto Corporation and several agricultural associations [see **Monsanto and Farm Groups Sue to Overturn Glyphosate Listing**¹], December 21, 2017]. That suit asks the court to block California from applying Proposition 65 to products and substances containing glyphosate; a Proposition 65 identified carcinogen. Monsanto's widely-used herbicide Roundup contains glyphosate.

At the end of that story we mentioned that Monsanto filed an earlier lawsuit in state court and that the trial court had dismissed that case. We said that the lower court's decision had been upheld by the state appellate courts, including, ultimately the California Supreme Court. Monsanto's attorney Trent Norris wrote to point out that we were wrong in our brief description of the state court case. In fact the Fifth District Court of Appeal, which is hearing the appeal of the trial court decision, simply refused Monsanto's request to stay the lower court decision pending its own decision. The Fifth District has yet to rule on the substance of Monsanto's appeal.

While the Fifth District refused to stay the case, it nevertheless granted calendar preference and recently noted that the oral argument will be heard sometime in March 2018. This ensures, says Norris, that a ruling is likely before the one-year anniversary of glyphosate's listing; the effective date of any warning requirement.

We regret the error and thank Attorney Norris for his correction.

Resources for this article

1. **Monsanto and Farm Groups Sue to Overturn Glyphosate Listing**
<https://prop65clearinghouse.com/articles/13282>