

# Open Letter to the US Environmental Protection Agency about glyphosate and the International Monsanto Tribunal

## Executive Summary

Monsanto and CropLife America paid in advance for the FAO/WHO/JMPR decision that glyphosate was non-carcinogenic and non-genotoxic. The same Chairman, Vice-Chairman and Rapporteur Member State Federal Pesticides Risk Assessment (BfR) were present at the FAO/WHO/JMPR in 2002 and made an identical decision.

Both CLA and Monsanto were very aggressive and impatient in their letters August 24/26 respectively because Monsanto had just had an invitation to attend the International Monsanto Tribunal launched by civil society to be held in The Hague October 14-16 2016. A selection of Monsanto's victims and their lawyers were going to appear before five judges (one of whom had been a judge in the International Criminal Court) and describe how Monsanto had violated their human rights.

The Dow AgroChemical submission also talked about the FAO/WHO/JMPR decision. However, the Bradford-Hill (1965) 'causality criteria' was mentioned in support of their claim that glyphosate was not carcinogenic to humans. Bradford Hill causality criteria cannot be applied in this context. It can only be applied to human diseases...for example the link between smoking and lung cancer.

On October 4 2016, CropLife America wrote to EPA to demand any scientist who had ever expressed an opinion against glyphosate be excluded from the FIFRA Scientific Advisory Panel. The specifically mentioned two names. EPA immediately bowed to that request and delayed the date of the SAP to find further 'epidemiologists' approved by industry.

## In the evidence from the Monsanto Tribunal, the truth is there for the world to see

The US EPA, the European Food Safety Authority, the European Commission, the UK Chemicals Regulation Directorate and the Republic of Ireland have been conspiring with Monsanto against civil society to destroy the environment with chemicals and poison their food. These countries have sustained over the years the largest loss of biodiversity, i.e. ecocide. In the International Criminal Court in The Hague, **ignorance is no defence**.

MESSAGE OF HIS HOLINESS POPE FRANCIS FOR THE WORLD FOOD DAY 2016 to Professor José Graziano da Silva Director General of the FAO<sup>1</sup>

*"Genetic selection of a quality of plant may produce impressive results in terms of yield, but have we considered the terrain that loses its productive capacity, farmers who no longer have pasture for their livestock, and water resources that become unusable?"*

## Main document

Public comments invited on 16/09/2016 to the Scientific Advisory Panel of FIFRA (Federal Insecticide, Fungicide and Rodenticide Act) on US EPA Glyphosate Issue Paper: Evaluation of Carcinogenic Potential<sup>2</sup>

**August 24 2016: CropLife America wrote a warning letter to EPA before 16/09/2016**<sup>3</sup>

<sup>1</sup> <https://w2.vatican.va/content/francesco/en/messages/food/documents/papa->

<sup>2</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0094>

This is a very aggressive letter from CLA<sup>4</sup> calling for cancellation of the FIFRA meeting in October. *“What’s more, the ability of EPA to gather scientists more qualified than those engaged by FAO/WHO and the JMPR to once again review the scientific literature is unlikely.... The Federal Advisory Committee Act (FACA) imposes strict conflict of interest requirements on the FIFRA SAP selection process. EPA must ensure that the FIFRA SAP acts “in the public interest,” and does not contain members with inappropriate special interests”* Monsanto wrote on August 26 2016<sup>5</sup> backing CropLife America and repeated CLA’s requests for members that have no conflicts of interest.

### **These are interesting statements and requests from CLA and Monsanto**

Professor Alan Boobis, Chairman of the FAO/WHO JMPR panel who claimed he had no conflicts of interest is Vice President of the International Life Science Institute (ILSI) Europe, an organisation that had received money from both Monsanto the and CropLife International. The following report was from Guardian journalist Arthur Neslen.<sup>6</sup> *“A UN panel that on Tuesday ruled that glyphosate was probably not carcinogenic to humans has now become embroiled in a bitter row about potential conflicts of interests. It has emerged that an institute co-run by the chairman of the UN’s joint meeting on pesticide residues (JMPR) received a six-figure donation from Monsanto, which uses the substance as a core ingredient in its bestselling Roundup weed-killer. Professor Alan Boobis, who chaired the UN’s joint FAO/WHO meeting on glyphosate, also works as the vice-president of the International Life Science Institute (ILSI) Europe. The co-chair of the sessions was Professor Angelo Moretto, a board member of ILSI’s Health and Environmental Services Institute, and of its Risk21 steering group too, which Boobis also co-chairs. In 2012, the ILSI group took a \$500,000 (£344,234) donation from Monsanto and a \$528,500 donation from the industry group CropLife International, which represents Monsanto, Dow, Syngenta and others, according to documents obtained by the US right to know campaign.”* When Glyphosate was reassessed in 2002, Alan Boobis was also Chairman of the UN’s JMPR meeting on pesticide residues.<sup>7</sup> Prof Boobis is current Chairman of the UK Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT), which is alleged to be an independent scientific body.

### **Croplife America wrote again after the opening of the public docket on 4 October<sup>8</sup>**

It objected to formulations being studied (it should only be active glyphosate) and said: ***“Convening a Meeting of the FIFRA SAP to Review the Carcinogenicity of Glyphosate is Unnecessary and an Inappropriate Use of EPA Resources”***. The letter reiterates: *“The most recent report of the FAO/WHO Special Session of the JMPR, “Pesticides in Food 2016,” in its in-depth review found that glyphosate is unlikely to pose a carcinogenic risk to humans via exposure from diet”* but doesn’t say that the Chairman’s organization was paid in advance by CLA and Monsanto. It emphasizes that those who have pronounced before should be excluded, specifically mentioning IARC scientists and the Consensus Statement on Glyphosate<sup>9</sup> written by 16 scientists. *“Finally, the FIFRA SAP should also exclude scientists who have a direct stake in final determinations of the FIFRA SAP on this issue...It is EPA’s*

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<sup>3</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0005>

<sup>4</sup> CLA - US trade association representing the major manufacturers, formulators and distributors of crop protection and pest control products.

<sup>5</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0011>

<sup>6</sup> <https://www.theguardian.com/environment/2016/may/17/unwho-panel-in-conflict-of-interest-row-over-glyphosates-cancer-risk>

<sup>7</sup> [http://whqlibdoc.who.int/publications/2006/9241665203\\_eng.pdf?ua=1](http://whqlibdoc.who.int/publications/2006/9241665203_eng.pdf?ua=1)

<sup>8</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0005>

<sup>9</sup> <http://ehjournal.biomedcentral.com/articles/10.1186/s12940-016-0117-0>

***charge to ensure the credibility of its determinations, particularly where the question regards a topic of great interest to the public health and environmental community”.***

#### **Why was Monsanto so aggressive and impatient in its letter of August 26?**

Monsanto had just had an invitation<sup>10</sup> to attend the International Monsanto Tribunal launched by civil society to be held in The Hague October 14-16 2016. A selection of Monsanto’s victims and their lawyers were going to appear before five judges (one of whom had been a judge in the International Criminal Court) and describe how Monsanto had violated their human rights.

#### **Dow AgroSciences wrote a comment also on 4 October<sup>11</sup>**

It mentions the same study that Monsanto and CLA had paid for: *“Moreover, WHO’s own Joint FAO/WHO Meeting on Pesticide Residues (JMPR) in May 2016 also concluded that glyphosate is unlikely to pose a carcinogenic risk to humans.”* It also misquotes Bradford Hill, intended for use by doctors...to weigh the evidence between causality and disease...e.g. smoking and lung cancer. *“The modified Bradford’s hill (sic) criteria (Hill, 1965) is a widely accepted guideline in the scientific community for investigating causal relationship between a cause and an effect. This criteria evaluates multiple lines of evidence for strength, consistency, dose response, temporal concordance and biological plausibility”.*

#### **Intertek ‘Expert Panel’ concludes glyphosate not carcinogenic or genotoxic**

*“Intertek Scientific & Regulatory Consultancy, on behalf of an Expert Panel, hereby provides the publications pertaining to the Expert Panel’s review of the carcinogenic potential of glyphosate.”<sup>12</sup>*

Monsanto commissioned five reviews published in *Critical Reviews in Toxicology* and also funded them. *“As stated in the declarations of interest at the foot of each paper, all are funded by Monsanto via the industry consultancy firm Intertek. Many of the authors have links to Monsanto, other chemical companies, and industry consultancy firms.”<sup>13</sup>* The Center for Public Integrity wrote: *“The journal in which the new papers appear, Critical Reviews in Toxicology, together with another journal, Regulatory Toxicology and Pharmacology, has been dubbed by critics a purveyor of junk science – “misleading, industry-backed articles that threaten public health by playing down the dangers of well-known toxic substances such as lead and asbestos. The articles often are used to stall regulatory efforts and defend court cases.”<sup>14</sup> “You’d have to be delusional to not recognize that the issues they’re dealing [with] and policies they’re setting won’t affect the profits of very powerful sources,”* said Canadian anti-asbestos activist Kathleen Ruff, who called both journals “egregious examples” of a deeper problem of industry influence. *“Creating doubt is an endless activity and, in the meantime, people die unnecessarily.”*

#### **The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) docket for glyphosate**

It had 128,764 comments, the majority condemning the re-licensing of glyphosate, but only displayed 286 of them. Are they rotated around? That would account for the appearance and disappearance of various key submissions, but the industry ones always seem to stay.

<sup>10</sup> [http://www.monsanto-tribunal.org/upload/asset\\_cache/579350554.pdf](http://www.monsanto-tribunal.org/upload/asset_cache/579350554.pdf)

<sup>11</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0357>

<sup>12</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPP-2016-0385-0338>

<sup>13</sup> <http://gmwatch.org/news/latest-news/17253-surprise-monsanto-funded-papers-conclude-glyphosate-not-carcinogenic-or-genotoxic>

<https://www.publicintegrity.org/2016/02/18/19307/brokers-junk-science>

<sup>14</sup> <https://www.publicintegrity.org/2016/02/18/19307/brokers-junk-science>

**The Presidents/Vice Presidents of the following organizations said that experts had tested glyphosate over many years and it had never been shown to be carcinogenic. They all and said that farmers could not manage without it**

National Association of Wheat Growers

NuFarm America Inc

American Soya Bean Association

CropLife America...representing the Agrochemical Corporations (e.g. Syngenta, Dow etc.)

American Farm Bureau Federation

Dow Agrochemicals

Agricultural Retailers' Association

Monsanto Corporation

#### **Two submissions refer to documents with confidential data**

*“These can be viewed by contacting the EPA Docket Centre. Attachments are restricted to show meta-data only because it contains confidential data.”*

Dr Robert E Tarone: International Epidemiology Institute, US.

Nufarm America – the latter says it intends making an oral presentation at the meeting:

*Analysis of Moms Across America Report suggesting bioaccumulation in mothers' milk.*

It presumably intends disproving the thesis without the Moms seeing the data!

#### **Why did EPA suddenly delay the FIFRA SAP meeting?**

Carey Gillam<sup>15</sup> suggests it was because CropLife America wrote again to EPA to object to Peter Infante being included on the list of members of the SAP.<sup>16</sup> It produced 5 pages of spurious allegations that he would be biased against glyphosate. It also called into question the presence of Kenneth Portier, Christopher Portier's (IARC) brother.

### **The International Monsanto Tribunal**

The International Monsanto Tribunal<sup>17</sup> is an international civil society initiative to hold Monsanto accountable for human rights violations, for crimes against humanity, and for ecocide. Eminent judges will hear testimonies from victims, and deliver an advisory opinion following procedures of the International Court of Justice. A parallel People's Assembly provides the opportunity for social movements to rally and plan for the future we want. The Tribunal and People's Assembly will take place between 14 and 16 October 2016 in The Hague, Netherlands.

#### **Steering Committee**

**Vandana Shiva** founded Navdanya, a national movement to protect the diversity and integrity of living resources - especially native seed, the promotion of organic farming and fair trade - in 1999. She has initiated an international movement of women working on food, agriculture, patents and biotechnology called “Diverse Women for Diversity.” Time Magazine identified Dr. Shiva as an environmental “hero” in 2003, and Asia Week has called her one of the five most powerful communicators of Asia. Forbes magazine in November 2010 identified Dr. Vandana Shiva as one of the top seven most Powerful Women on the Globe.

**Corinne Lepage** is a lawyer since 1975, specializing in environmental issues. Former environment minister, she was MEP (Member of the European Parliament) from 2009 to

<sup>15</sup> [http://www.huffingtonpost.com/carey-gillam/epa-bows-to-chemical-indu\\_b\\_12563438.html](http://www.huffingtonpost.com/carey-gillam/epa-bows-to-chemical-indu_b_12563438.html)

<sup>16</sup> <http://191hmt1pr08amfq62276etw2.wpengine.netdna-cdn.com/wp-content/uploads/2016/01/CLA-Comments-on-SAP-Disqualification-10-12-16.pdf>

<sup>17</sup> [www.monsanto-tribunal.org](http://www.monsanto-tribunal.org)

2014. She is Honorary President of the Independent Committee for Research and Information on Genetic Engineering (CRIIGEN) after having been founding president of the association to study the effects of genetic technologies for life.

**Marie-Monique Robin** is an award-winning journalist and author. She has directed numerous documentaries across Latin America, Africa, Europe and Asia, receiving thirty awards. She wrote the best-selling documentary (and book by the same name), “The World to According Monsanto,” which has been broadcast on fifty international television stations, and translated into 22 languages. She is the patron of the Monsanto Tribunal.

**Olivier De Schutter**, Co-Chair of the International Panel of Experts on Sustainable Food Systems (IPES-Food), is a Professor at the Louvain University (Belgium) and former UN Special Rapporteur on the Right to Food (2008-2014). He is currently a member of the UN Committee on Economic, Social and Cultural Rights.

**Gilles-Éric Séralini**, professor of molecular biology since 1991, researcher at the Fundamental and Applied Biology Institute (IBFA) of the University of Caen and co-director of the pole Quality Risk and Sustainable Environment of the House of the Human Sciences Research (pole associated with the CNRS). He became particularly known to the public for his studies on GMOs and pesticides and, in particular, a toxicological study published in September 2012, driven by CRIIGEN, questioning the safety of GM maize NK 603 and Roundup health of rats.

**Hans Rudolf Herren** is President and CEO of the Millenium Institute and President and Founder of Biovision. He was coordinator of the Agriculture chapter of the UNEP Green Economy Report, 2011, and of the UNEP Report on the Ecological Bases of Food Security, 2012. He has been selected as a High Level participant for the UN’s High Level Consultation on Hunger, Food Security and Nutrition in the Post-2015 Development Agenda.

**Arnaud Apoteker** has participated in numerous Greenpeace campaigns on pesticides, protection of the Mediterranean Sea, ocean ecology, fisheries, nuclear waste and nuclear testing. In 1996, he developed a GMO campaign in France, which became one of the priority campaigns of Greenpeace France. From 2011 to 2015, he was in charge of the GMO campaign for the Greens/EFA group at the European Parliament. He wrote the book “Du poisson dans les fraises, Notre alimentation manipulée,” (Fish in the Strawberries: Our Manipulated Food).

**Valerie Cabanes** is a lawyer in international law with expertise in international humanitarian law and human rights law. She's a consultant and a trainer in the people's security sector and in the health and social sectors. She is the spokesperson for the world citizen movement – End Ecocide on Earth - that aims to add ecocide to the list of most serious international crimes.

**Ronnie Cummins** is currently the International Director of the two-million-member Organic Consumers Association (USA) and its Mexico affiliate, Via Organica. Cummins also serves on the steering committee of Regeneration International, a transnational NGO dedicated to reversing global warming and rural poverty. Cummins is currently serving as global coordinator for the Millions Against Monsanto Campaign. He is co-author of the book, “Genetically Engineered Food: A Self-Defense Guide for Consumers.”

**Andre Leu** is author of the award winning book, “The Myths of Safe Pesticides,” and the President of IFOAM Organics International, the world umbrella body for the organic sector. IFOAM Organics International has around 800 member organizations in 125 countries. He is a founding member of Regeneration International. He speaks at numerous conferences, seminars, and workshops, as well as United Nations events on every continent. He meets with governments, industry, farmers, consumers and NGOs on the multi-functional benefits of regenerative organic agriculture. Andre has written and published extensively in multiple media.

**Remaining members of the organizing committee (in alphabetical order):**

- **Françoise Boulègue**, Film editor for M2R Films
- **Tjerk Dalhuisen**, Secretary of Action for Solidarity Environment Equality and Diversity.
- **Luigi D’Andrea**, Executive Secretary of Alliance Suisse pour une agriculture sans génie génétique.
- **Esther Gerber**, Biologist and member of the Forum Civique Européen.
- **Benny Haerlin**, Former member of the European Parliament, campaign coordinator of “Save Our Seeds” campaign.
- **Hannes Lammler**, Agronomist, member of the Forum Civique Européen and campaigner for Falea21-Mali.
- **René Lehnerr**, IT Specialist, member of the Forum Civique Européen.
- **Gilles Lemaire**, Member of the commission on ecology and society of Attac France.
- **Michel Pimbert**, Executive Director of the Centre for Agroecology, Water and Resilience at Coventry University.
- **Bessie Schadee**, President of Network Vital Agriculture and Nutrition and member of Gezonde Gronden (Netherlands).
- **Mindi Schneider**, Sociologist, Agronomist, and Assistant Professor at the International Institute of Social Studies (ISS) of Erasmus University Rotterdam in The Hague, Netherlands.
- **Doro Schreier**, Founder of Netzfrauen.
- **Ruchi Shroff**, Coordinator of Navdanya.
- **François Veillerette**, Spokesperson for Générations Futures, President of the Pesticide Action Network Europe.

Two of the Tribunal Judges wrote to Monsanto to invite them to participate in the Tribunal.<sup>18</sup> Monsanto **decided not to appear for their defense**. They issued a statement in 5 languages saying that the Tribunal was ‘*pushing the wrong issues, since the real discussion is about feeding the world.*’

**Nnimmo Bassey** at the opening said: “*Being an ambassador to this Tribunal is like being an ambassador to mother Earth. If mother Earth could speak, Monsanto ought to be in jail long before now. Food is a celebration, it is culture, it is life. This is a struggle not against one multinational corporation, it is a struggle for life, it is a struggle for liberty. A struggle to stop big companies from colonizing our food systems, colonizing our agriculture, holding mother Earth as a slave for their profits.*”

### Topics

Attacks on Science & Scientists	Impacts on biodiversity
Attacks on Farming & Freedom	Mayan Beekeepers and Lawyer Mexico
Victim of lasso poisoning France	Victim of Roundup poisoning
Monsanto’s lobbying tools & tricks	War crimes in Vietnam---Agent Orange
Right to health and food	Right to information
Right to clean water	Right to a healthy environment
Impact on animal health	Impacts on soil of mineral chelation
Victims of spray Argentina & Paraguay	Laws that protect our food
GMO Labeling and the DARK Act	Toxics and Autism
Impact on farmers and right to food	Ecocide and genocide
Attacks on Democracy	Suspended whistleblower from Canada
Stealing Brinjal seeds & putting patents on them; Bangladeshi farmers did not know	Monsanto has infiltrated many governments around the world to bring in GM

<sup>18</sup> [http://www.monsanto-tribunal.org/upload/asset\\_cache/579350554.pdf](http://www.monsanto-tribunal.org/upload/asset_cache/579350554.pdf)

## Opening Session: A Century of Ecocide and Genocide

### Owning Life

Patents on Seed and the attempt to “own” life; Canadian farmer sued by Monsanto) - Farmers vs. Monsanto; Argentina: Citizen Coalition against Monsanto’s claims to Patents on Life.

### Poisoning Life

Why are they poisoning our children?; Farming without pesticides; Toxics and Autism; Health effects of pesticide contamination in Brazil; Pesticides in people: a widespread contamination that threatens the health of present and future generations.

### People’s vision and Actions for the future of food and the future of the planet

Right to safe and healthy food; Organic Agriculture and Poison Free food; From Degeneration to Regeneration; Agro ecology nourishes the world; (Kids Right to Know) Rights of future generations.

Dismantling Corporate Power and building People’s Sovereignty; The Future of Food Sovereignty; End Ecocide; Sowing the Seeds of Earth Democracy.

Collective Launch of Global Participatory Declaration for the future of food and future of the planet and sharing of biodiversity.

### Workshops:

- How to ban GMOs worldwide
- Ideas to ban Pesticides and toxic chemicals
- Steps towards Seed Freedom
- Steps to hold trans-national corporations (TNCs) responsible for their acts
- Promoting agro ecology to feed the world

Presentation of Glyphosate Monograph<sup>19</sup> by Pesticide Action Network with Sarojeni V. Rengam (PAN Asia and the Pacific) and representatives of PAN Europe.

### Attack on Democracy and Laws that protect the planet and our food freedom

GMO Labelling and the US DARK Act; Monsanto’s lobbying tools and tricks; How agrochemical lobbies try to overtake EU-regulation and decision making.

### New Corporate Strategies for extending control over our seed, food and planet

Facing The Monsanto-Bayer Merger; The poison cartel, Bill Gates and new attempts to control our seed and food; The Syngenta – Chem China Merger; Multi Watch Basel – Launch of March against Syngenta; The new technologies of corporate control.

### International exchanges allowed participants to compare notes

Between the meetings witnesses could talk to each other and compare notes. For example a farmer in Europe could show pictures of his deformed piglets after being fed GMO soya to a physician in Argentina who had seen identical deformities in children in the Crop-Sprayed Towns. An Iowa veterinarian could speak to a European veterinarian who had linked glyphosate with botulism that was traced to animal feeds. He could tell Europe that there was worse to come with GMOs and deterioration in animal health. *“The most obvious*

<sup>19</sup> [http://www.panap.net/sites/default/files/monograph\\_glyphosate.pdf](http://www.panap.net/sites/default/files/monograph_glyphosate.pdf)

*problems with glyphosate-GMO have been with the Fusarium mycotoxins.*" Laboratory analysis had revealed Fusarium, a fungal pathogen that can produce mycotoxins in GM feeds. This was linked to the breeding problems in livestock. The mycotoxin enters the food chain and can negatively affect human and animal health.

## Judges to the Tribunal

Judge Françoise Tulkens from Belgium, Chairwoman of the Tribunal and former Vice-President of the European Court of Human Rights

**Dior Fall Sow, Senegal**, is a consultant to the International Criminal Court, a former Advocate General at the International Criminal Tribunal for Rwanda, and founding member and honorary chairwoman of the Senegalese Lawyers Association

**Jorge Fernández Souza, Mexico**, is currently Judge at the Court of Administrative Litigation of Mexico City.

**Eleonora Lamm, Argentina**, is the Human rights Director for the Supreme Court of Justice of Mendoza.

**Steven Shrybman (Canada)** is a partner in the law firm of Goldblatt Partners LLP and practices international trade and public interest law in Toronto and Ottawa.

## Lawyers to the Tribunal

**Dr. Jackson Nyamuya Maogoto, UK**, will be dealing with the question of whether Monsanto is complicit in war crimes as defined in Article 8(2) of the International Criminal Court  
Lawyer of the Monsanto Tribunal: William Bourdon: Right to Information.

Lawyers of the Monsanto Tribunal, Gwynn McCarrick (represented by Jackson Maogato) and Koffi Dogbevi, Ecocide: Lawyer to End Ecocide.

Juan Ignacio Pereyra, Lawyer for the Victims of Spray, Argentina.

María Colin, Lawyer for the Mayan Community Beekeepers, Mexico.

Timothy Litzenburg, Lawyer for the victim of Roundup, USA.

## Ambassadors to the Tribunal

**Nnimmo Bassey**- Nigerian architect, environmentalist activist, author and poet. He has been nominated among the Times Magazine's "Heroes of the Environment" in 2009.

**Irene Cardoso** - Soil science Professor and President of the Brazilian Agroecology Association.

**Richard Falk**, Professor Emeritus of International Law at Princeton University and former UN Rapporteur (USA).

**Claude Gruffat**, President of Biocoop, a major actor in the organic food cooperative movement in France.

**Nicolas Hulot** - French journalist, author, environmental campaigner and politician.

**Florianne Koechlin** - biologist and GMO specialist, Switzerland.

**Renate Künast** - former German Minister of Agriculture, member of German Parliament, the Green Party/Alliance 90

**Simone Lovera** - Executive Director Global Forest Coalition, Paraguay.

**Sarojeni Rengam** - Executive Director, Pesticide Action Network Asia and the Pacific (PAN AP).

**Dr. Stephanie Seneff** - US researcher.

**João Pedro Stedile** - national coordinator of the landless workers movement, MST in Brazil.

**Esther Vivas Esteve** – Catalan journalist and researcher at the Centre of Studies about Social Movements (CEMS).

**Konstantin Wecker** - famous German singer.

**Vivienne Westwood** - extraordinary British fashion designer.

## Report immediately post-Tribunal

*"The Monsanto Tribunal is an international civil society initiative to hold Monsanto accountable for human rights violations, for crimes against humanity, and for ecocide. Eminent judges heard testimonies from victims, and will deliver an advisory opinion following procedures of the International Court of Justice. A distinct and parallel event, the People's Assembly, has the opportunity for social movements to rally and plan for the future we want. The Tribunal and People's Assembly took place between 14 and 16 October 2016 in The Hague, Netherlands.*

*During the last two days the world was watching witnesses' testimonies, lawyers' pleas, and the first impressions of the judges. We had 750 participants in The Hague representing 30 nationalities from all over the world, thousands were following us online on the live-stream and social media, and the Tribunal received a lot of press attention. Both **victims and experts thanked us for giving them a voice** on this important international platform; and a very well documented voice in this new process to hold corporations accountable for their acts."*

**The judges are now thoroughly reviewing the evidence from legal briefs and witness testimonies** to answer the six questions posed in the Tribunal's terms of reference. They will then present a legal advisory opinion, hopefully soon but if necessary next spring: we will supply logistic support, but the timing is up to them.

**As Judge Tulkens said,** *"We will try to deliver the legal opinion before December 10th, the International Day of Human Rights. It will be addressed to Monsanto and to the United Nations. From this legal opinion, other jurisdictions can be involved and more judges will step in. We, as the judges [at the Monsanto Tribunal] have seen, heard, noted and deliberated. **Chances are that the international law will take into consideration new issues such as the ones related to ecocide.**"*

## Comments by Tribunal Members on the UK on harassment

Multiple attacks on scientists by media all round the world:

"Three well-known GMO studies form a pattern of authors' being harassed, intimidated, and even having their findings "retracted" or withdrawn by a scientific journal after being published.<sup>20</sup> Arpad Pusztai was a world authority in the important field of plant lectins at the Rowett Research Institute in Aberdeen, Scotland. (Plant lectins are proteins that bind to sugar molecules.) Beginning in 1995, Pusztai investigated a GM potato whose developers thought that it might be toxic to insects, nematodes, and fungi without harming mammals. To his surprise, Pusztai found that rats that ate the GM potato had damage to their immune and digestive systems. Alarmed that his findings could indicate dangers to humans, he tried to warn the Ministry of Agriculture. They did nothing. As his worries mounted, Pusztai obtained permission from the head of the Institute to broadcast his findings. They appeared on World Action Television in 1998. After intense corporate and political pressure, Pusztai was forcibly retired and denied access to his data. An enormous furore followed - Pusztai was exonerated, but not rehired, and his "findings were published in the medical journal, Lancet." A few years later, the hammer fell on Ignacio Chapela at the University of California, Berkeley. Along with his graduate student David Quist, Chapela demonstrated that GMO contamination was threatening the genetic diversity of Mexican maize. As Andy Rowell wrote: "Quist and Chapela reached two conclusions. The first was that GM contamination had occurred in Mexican maize and the second was that the GM DNA seemed to be randomly fragmented in the genome of the maize. If the first point was contentious, the second was explosive, as it suggested that transgenic DNA was not stable."

<sup>20</sup> <http://gmwatch.org/news/latest-news/15858-gmo-contamination-denial-controlling-science>

When their findings were published in *Nature*, the biotech industry and scientific establishment went to extraordinary lengths to discredit them. *Nature* danced around whether it would or would not retract the publication, though the findings were finally accepted. The University of California attempted to deny tenure to Chapela, but after a loud campaign he received tenure in 2006.”

A world-wide campaign was orchestrated by UK Industry sponsored Science Media Centre (in which the European Food Safety Authority was also complicit), Monsanto Scientists and other shadowy lobbyists when Prof **Gilles-Eric Séralini** and his team in France did a 2-year feeding study on rats fed GM maize and Roundup; they developed liver and kidney damage and tumours. He was accused of fraud. After a year the Editor-in-Chief of *Food and Chemical Toxicology* asked him to withdraw his paper. The journalist Stéphane Foucart from *Le Monde* found many emails. There is evidence that Monsanto was involved, but the decision was taken by Hayes himself, who had conflicts of interest of his own.<sup>21</sup>

**Prof Séralini won an award for his rat feeding studies on GMOs, glyphosate and tumours**

On 16 October 2015 Prof Gilles-Eric Séralini was awarded Whistleblower of the Year by German Scientists for his work on GMOs and Glyphosate. Citation: “*He was the first to publish animal test results demonstrating the toxic and carcinogenic properties of the most commonly used herbicide worldwide, the glyphosate-based “Roundup” by carrying out a two-year feeding test on rats. After the research was published, Prof Séralini was attacked by a vehement campaign by ‘interested circles’ from the chemical industry as well as the industry-financed British Science Media Centre.*”<sup>22</sup> It was a shared award.

**Fiona Fox Director of the UK SMC Centre boasted that it had prevented the British public from hearing adverse reports and studies concerning Monsanto and GMO technology**

Violation of human rights: denying citizens the right to information

Ms Fox took this as evidence that the 10-year-old centre was fulfilling its remit to prevent a repeat of incidents such as the uncritical reporting in 1998 of the claim - heavily criticised by the scientific community - made by Árpád Pusztai, a former researcher at the Rowett Research Institute in Aberdeen, that rats fed on GM potatoes had stunted growth and a repressed immune system.<sup>23</sup> She said that the relatively muted coverage in the UK contrasted with how the story was reported in other countries, particularly France, where it was “*front-page news everywhere*”, prompting the French government to launch an inquiry into the study's findings.

**Séralini’s team wins defamation and forgery cases on the team’s GMO and pesticide research.<sup>24</sup> Neither of these events vindicating Séralini was reported in the British media**

On 25 November 2015, the High Court of Paris indicted Marc Fellous, former chairman of France’s Biomolecular Engineering Commission, for “forgery” and “the use of forgery”, in a libel trial that he lost to Prof Gilles-Eric Séralini. The Biomolecular Engineering Commission has authorised many GM crops for consumption.

<sup>21</sup> <http://gmwatch.org/news/latest-news/17121-emails-reveal-role-of-monsanto-in-seralini-study-retraction>

<sup>22</sup> [http://neu.vdw-ev.de/wp-content/uploads/2015/10/Presseinformation-Whistleblower-Preisverleihung-2015\\_150917\\_eng.pdf](http://neu.vdw-ev.de/wp-content/uploads/2015/10/Presseinformation-Whistleblower-Preisverleihung-2015_150917_eng.pdf)

<sup>23</sup> <https://www.timeshighereducation.com/news/research/research-intelligence-shock-troops-check-poor-gm-study/421361.article>

<sup>24</sup> <http://www.gmoseralini.org/seralinis-team-wins-defamation-and-forgery-court-cases-on-gmo-and-pesticide-research/>

In September 2012, an article written by Jean-Claude Jaillette in Marianne magazine said that “researchers around the world” had voiced “harsh words” about the research of Séralini and his team on the toxic effects of a GMO and Roundup over a long term period – research that was supported by the independent organisation CRIIGEN. The journalist wrote of a “scientific fraud in which the methodology served to reinforce pre-determined results”. Séralini, his team, and CRIIGEN challenged this allegation in a defamation lawsuit. They were assisted by the notaries Bernard Darteville and Cindy Gay. On 6 November 2015, after a criminal investigation lasting three years, the 17th Criminal Chamber of the High Court of Paris passed sentence. Marianne magazine and its journalist were fined for public defamation of a public official and public defamation of the researchers and of CRIIGEN, which is chaired by Dr Joel Spiroux de Vendômois.

Nicolas DeFarge described how he was unable to get a job because of the defamation resulted in some of his young researchers being unable to get jobs.

### **Comments from Tribunal witnesses about the situation in Europe**

The Judge from Mexico asked about whether an independent body existed in Europe. No, was the reply. The system in Europe had been constructed to benefit the Agrochemical Industry. There were multiple lobbyists and there were ‘revolving doors’ in EFSA and the European Commissioners allowing individuals with conflict of interest to move around the positions of power.

### **Comments from Tribunal witnesses about the situation in the USA**

It is worse. Many Senators and Judges have previously worked for Monsanto. *“The most notorious example was that of Michael Taylor the architect of the US substantial equivalence principle that assumes GM crops are equivalent to non-GM if they have comparable amounts of a few basic components. Taylor first entered the US Food and Drug Administration before becoming a lawyer for Monsanto. He returned to the FDA in 1991 and later moved to the US Department of Agriculture (USDA). In both roles he dealt with the US policy on how (not) to regulate GM foods. Taylor then went back to working for Monsanto as Vice President public policy until 2000. But in 2010 the Obama administration appointed him again as a senior adviser to the FDA.”*<sup>25</sup>

### **Roundup® and AMPA residues in GM Soya: GM Soya is not ‘substantially equivalent’**

Prof Thomas Bøhn’s paper from Norway which found that GM soya is not ‘substantially equivalent’ to non-GM has been ignored.<sup>26</sup> This paper describes the nutrient and elemental composition, including residues of herbicides and pesticides, of 31 soya bean batches from Iowa, USA.

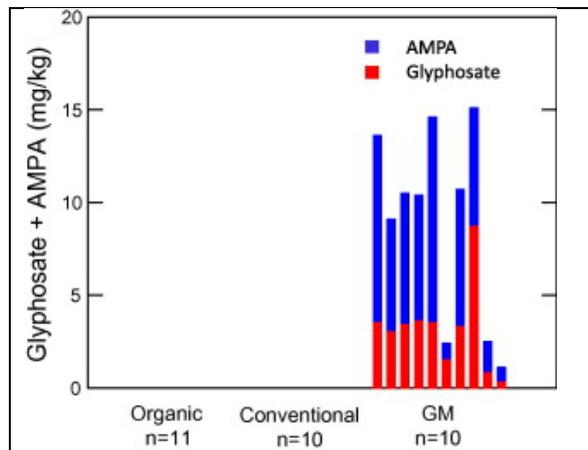
In a commentary on the paper Bøhn wrote: *“Extreme Levels” of Roundup® in Food Became the Industry Norm:*<sup>27</sup> *“Roundup® Ready GM-soy accumulates residues of glyphosate and aminomethylphosphonic acid (AMPA) and GM soy also differs markedly in nutritional composition compared with soybeans from other agricultural practices. Organic soybean samples also showed a more healthy nutritional profile (e.g. higher in protein and lower in saturated fatty acids) than both industrial conventional and GM soybeans. Lack of data on pesticide residues in major crop plants is a serious gap of knowledge with potential consequences for human and animal health. How is the public to trust a risk assessment system that has overlooked the most obvious risk factor for herbicide tolerant GM crops, i.e.*

<sup>25</sup> [https://corporateeurope.org/sites/default/files/attachments/monsanto\\_v09\\_web.pdf](https://corporateeurope.org/sites/default/files/attachments/monsanto_v09_web.pdf)

<sup>26</sup> <http://www.sciencedirect.com/science/article/pii/S0308814613019201> Compositional differences in soybeans on the market: glyphosate accumulates in Roundup Ready GM soybeans.

<sup>27</sup> <http://www.independentsciencenews.org/news/how-extreme-levels-of-roundup-in-food-became-the-industry-norm/>

*high residue levels of herbicides, for nearly 20 years? If it has been due to lack of understanding, it would be bad. If it is the result of the producer's power to influence the risk assessment system, it would be worse."*



From: Compositional differences in soybeans (Organic, Conventional and GM.) from Iowa, USA. Reproduced by kind permission of Prof Thomas Bøhn, Genøk, Centre for Biosafety, Norway.

### **Cancer Research UK: Chairman of Cancer Research UK works for the Agrochemical Industry**

Michael Pragnell Chairman of Cancer Research UK was founder of Syngenta and former Chairman of CropLife International (that paid money to Prof Boobis' organization). It was formed in 2001 from BASF, Bayer, Dow, DuPont, FMC Corp, Monsanto, Sumitomo and Syngenta. The CRUK website says that there is no convincing evidence that pesticides cause cancer. Syngenta has strong interests in suppressing evidence that the increases in cancer are linked to pesticides. Syngenta is a member of the Glyphosate Task Force and of ILSI.

### **Alcohol is linked with seven forms of cancer: this 'alleged fact' is endlessly reinforced by the UK media until people in the UK are brainwashed and believe it to be true**

An article was published in the *British Medical Journal* on 9 April 2016<sup>28</sup> reporting a survey commissioned by **Cancer Research UK** 'People lack awareness of link between alcohol and cancer.' The Report produced by researchers at the University of Sheffield 'comes ahead of the consultation closing on how well new drinking guidelines proposed by the UK's Chief Medical Officers in January 2016, are communicated.'<sup>29</sup>

*"Almost 90 per cent of people in England don't associate drinking alcohol with an increased risk of cancer" Alison Cox, **Cancer Research UK's** Director of Cancer Prevention. She said: "The link between alcohol and cancer is now well established, and it's not just heavy drinkers who are at risk. Drinking alcohol is linked to an increased risk of seven different cancers - liver, breast, bowel, mouth, throat, oesophageal (food pipe), laryngeal (voice box) - but when people were asked "which, if any, health conditions do you think can result from drinking too much alcohol?" just 13 per cent of adults mentioned cancer." Dr Penny Buykx, a senior research fellow at The University of Sheffield and lead-author of the report, said: "We've shown that public awareness of the increased cancer risk from drinking alcohol remains worryingly low. People link drinking and liver cancer, but most still don't realise that cancers including breast cancer, mouth and throat cancers and bowel cancer are also linked with alcohol, and that risks for some cancers go up even by drinking a small amount."*

<sup>28</sup> <http://www.bmj.com/content/353/bmj.i1881>

<sup>29</sup> <http://www.cancerresearchuk.org/about-us/cancer-news/press-release/2016-04-01-9-in-10-dont-link-alcohol-and-cancer>

**01/04/2016: Trends in adult body-mass index in 200 countries from 1975 to 2014: a pooled analysis of 1698 population-based measurement studies with 19.2 million participants<sup>30</sup>**

A study in the Lancet 01/04/2016 of overweight and obesity: *"If present trends continue, not only will the world not meet the global obesity target, but severe obesity will also surpass underweight in women by 2025. The world has transitioned from an era when underweight prevalence was more than double that of obesity, to one in which more people are obese than underweight.*

*If post-2000 trends continue, the probability of meeting the global obesity target is virtually zero. Rather, if these trends continue, by 2025, global obesity prevalence will reach 18% in men and surpass 21% in women; severe obesity will surpass 6% in men and 9% in women."*

By 2025 the UK will have the highest obesity level in Europe among both men and women at 38%. Women in some countries had almost no increase in BMI...including Czech Republic, Belgium, France and Switzerland.

**THIS IS STRONG EVIDENCE THAT GLYPHOSATE RESIDUES IN FOOD ARE LINKED TO OBESITY  
Pesticide usage statistics show a massive increase in glyphosate between 2012 and 2014**

The UK Food and Environment Research Agency (Fera) statistics showed that in 2012 the area treated by glyphosate was 1,750,000 ha. This had increased in 2014 to 2,250,000 ha. In lobbying the EU to protect pesticides in June 2014,<sup>31</sup> The National Farmers' Union (NFU), the Crop Protection Association (CPA) and Agricultural Industries Confederation (AIC) launched *Healthy Harvest – safeguarding the crop protection toolbox*. The NFU and pesticide companies continually defend the use of pesticides for economic reasons and complain at any attempt to restrict the 320 at their disposal. CPA, AIC and the NFU commissioned Andersons to write a Report: The effect of the loss of plant protection products (i.e. pesticides) on UK Agriculture and Horticulture that predicted dire economic effects on UK farming if pesticides were restricted.<sup>32</sup>

**Our Daily Poison: From Pesticides to Packaging, How Chemicals Have Contaminated the Food Chain and Are Making Us Sick**

Marie-Monique Robin is an award-winning French journalist and filmmaker. She is the patron of the Monsanto Tribunal and on the Steering Committee. She received the 1995 Albert-Londres Prize, awarded to investigative journalists in France. She is the director and producer of more than thirty documentaries. Her new book: ***Our Daily Poison: From Pesticides to Packaging, How Chemicals Have Contaminated the Food Chain and Are Making Us Sick.***<sup>33</sup>

*"Pull at the corner of any recent public health scandal, and you can find the fingerprints of the multinationals that profit from lax regulation. In this muckraking exposé, Marie-Monique Robin lays bare the hidden history of the chemical industry and its long trail into the present. Unless you're part of the international lobbying set, you'll be shocked by the global connections between regulatory agencies, the corporations that have nestled into them, and the betrayal of public health that they have licensed. For anyone concerned about democracy, corporate power or public health, this is a gripping and urgent book."* Raj Patel, author of Stuffed and Starved

*"Marie-Monique Robin's Our Daily Poison is a gift to citizens across the world. She brings us scientific facts about pesticides and poisons in a period when this evidence is being kept from the public. Whether you are interested in your health and the safety of your food, the protection of species and ecosystems, or the independence of science and laws from*

<sup>30</sup> [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)30054-X/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)30054-X/fulltext)

<sup>31</sup> [https://www.nfuonline.com/healthyharvest\\_final\\_digital/](https://www.nfuonline.com/healthyharvest_final_digital/)

<sup>32</sup> [http://www.cropprotection.org.uk/media/89364/andersons\\_final\\_report.pdf](http://www.cropprotection.org.uk/media/89364/andersons_final_report.pdf)

<sup>33</sup> <http://thenewpress.com/books/our-daily-poison>

*corporate law, this is a book you must read.” Vandana Shiva, author of Stolen Harvest and Making Peace with the Earth*

## **US EPA declares that glyphosate is not an endocrine disruptor but most of the studies come from Monsanto and are unpublished**

The US Environmental Protection Agency published a Report on 29 June 2015 Weight of Evidence (WoE) assessment evaluating results of the Endocrine Screening Program (EDSP) for glyphosate.<sup>34</sup>

However, under FOI, *The Intercept* discovered that “out of 32 studies, just five were independently funded.<sup>35</sup> The other 27 were funded by Monsanto. Not surprisingly, all 27 of the industry-backed studies concluded that glyphosate does not cause endocrine disruption – even though data within those studies might suggest otherwise.” In fact most of them were unpublished and came from, or were funded variously by, Syngenta, the Glyphosate Task Force, US EPA, Ceetox Kalamazoo (Pfizer).

### **Massive criticism of the US EPA came from US endocrinologists: ‘toxicologists understanding of hormones is still stuck in the last century’: hormones act at extremely low doses<sup>36</sup>**

“In 2002, the relevance of EDCs to people and their biological mechanisms were poorly understood” says Andrea Gore (Professor of Pharmacology and Toxicology, University of Texas at Austin in the USA). But a flood of papers since then by “academic researchers and epidemiologists with no conflicts of interests”, Gore emphasises, has led to a radical reappraisal of the hazards posed by EDCs. Standard toxicology assumes that as the dose of a chemical increases, so does its effect, and vice versa. This is a monotonic dose response. Safe exposure standards are usually set by exposing an experimental animal to a high dose of a chemical, and then successively decreasing doses until the effects of the chemical are no longer detectable. But this logic falls apart if the compound under investigation happens to cause a non-monotonic dose response—i.e., there is no linear relation between dose and response, and a significant response can be caused at a low dose despite there being no or little response at a high dose. “Hormones act at extremely low doses; furthermore, actions of hormones (or EDCs) at one dose may not predict outcomes at another dose”, Gore points out. Linda Birnbaum, the straight-talking Director of the US National Institute of Environmental Health Sciences (NIEHS), one of the National Institutes of Health, sums up the mood of frustration. “*There are some people still stuck in the last century*”, she says. And although she stresses that the EPA can “*only do so much*”, she continues that “*the EPA’s focus on endocrine disruption is very much on oestrogen, androgen, and thyroid. Well guess what, there are lots of other endocrine systems. Ten years ago we were thinking things were pretty simple, it turns out to be a lot more complicated*”, and many regulators, in Birnbaum’s opinion, are not capturing that complexity. “*Context is everything*”, she says. “*You can have a completely different response to the same hormone, possibly going through the same receptor system, in one tissue than you’d have in another tissue. And that response can be very time dependent; not only chronic versus acute but developmentally.*”

<sup>34</sup> [https://www.epa.gov/sites/production/files/2015-06/documents/glyphosate-417300\\_2015-06-29\\_trx0057175.pdf](https://www.epa.gov/sites/production/files/2015-06/documents/glyphosate-417300_2015-06-29_trx0057175.pdf)

<sup>35</sup> <http://www.healthynaturalcures.org/feds-used-monsanto-funded-studies-determine-glyphosate-containing-weedkillers-safe/>

<sup>36</sup> [http://www.thelancet.com/journals/landia/article/PIIS2213-8587\(13\)70057-3/fulltext](http://www.thelancet.com/journals/landia/article/PIIS2213-8587(13)70057-3/fulltext)

For example one study<sup>37</sup> found that breast cancer cell proliferation is accelerated by glyphosate in extremely low concentrations. *"The present study used pure glyphosate substance at log intervals from 10<sup>-12</sup> to 10<sup>-6</sup> M. These concentrations are in a crucial range which correlated to the potential biological levels at parts per trillion (ppt) to parts per billion (ppb) which have been reported in epidemiological studies."*

Large effects from small exposures I. Mechanisms for endocrine-disrupting chemicals with estrogenic activity.<sup>38</sup> *Information concerning the fundamental mechanisms of action of both natural and environmental hormones, combined with information concerning endogenous hormone concentrations, reveals how endocrine-disrupting chemicals with estrogenic activity (EEDCs) can be active at concentrations far below those currently being tested in toxicological studies.*

**If Monsanto wants someone on the Panel excluded by them, I suggest FIFRA asks someone who is an expert on endocrine disruptors, not an epidemiologist.**

Perhaps EPA should recruit Linda Birnbaum, Director of the US National Institute of Environmental Health Sciences (NIEHS), Professor Andrea Gore University of Texas at Austin and W.V. Welshons from Missouri.

**'We have greater opportunity to protect human health and the environment than before': but EPA OPP just 'rubber-stamps' industry products as this meeting shows**

One of Administrator Lisa Jackson's Mission Statements in 2012 was: *'we have greater opportunity to protect human health and the environment than before.'*

At the same time US EPA Office of Pesticides Programs (OPP) was running a workshop in which there was no mention of human health or the environment in the whole meeting.

On December 13<sup>th</sup> 2010 the EPA OPP ran a Workgroup to 'Streamline the Risk Assessment Process of Pesticides Registration.'<sup>39</sup> Robert Schultz won the OPP competition by designing an e-dossier to make it easier and faster for the registrants. The benefits were said to be *"reduced costs to the EPA associated with primary reviews and quicker processing"*. There were 67 (updated to 77) slides without a mention of either human health or the environment. Slide 35 showed proudly that: *"since 2002 no pesticide products had been suspended by the EPA."*

**It is outrageous that US EPA is bowing to pressure from a corrupt and criminal pesticides industry that pays lobbyists to assess their products: THE WORLD IS NOW WATCHING**

The US EPA, EFSA, the European Commission and the UK Chemicals Regulation Directorate should study carefully the evidence given to the Monsanto Tribunal from witnesses about Monsanto's violation of human rights.

It is possible that they might end up being prosecuted in the International Criminal Court in The Hague for crimes against humanity and for assisting Monsanto in ecocide and genocide. In the International Criminal Court, ignorance is no defence against prosecution.

Rosemary Mason MB ChB FRCA

20 October 2016

<sup>37</sup> <http://www.ncbi.nlm.nih.gov/pubmed/23756170>

<sup>38</sup> <https://www.ncbi.nlm.nih.gov/pubmed/12826473>

<sup>39</sup> <http://www.epa.gov/oppfead1/cb/ppdc/pria/2010/december/update-presenta.pdf>