BAYER'S TOXIC TRAILS

MARKET POWER, MONOPOLIES AND THE GLOBAL LOBBYING OF AN AGROCHEMICAL GIANT

Corporate Europe Observatory

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Corporate Europe Observatory (CEO) is a research and campaign group working to expose and challenge the disproportionate influence that corporations and their lobbyists exert over EU policy-making. CEO works in close alliance with public interest groups and social movements in and outside of Europe to develop alternatives to the dominance of corporate power.

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INTRODUCTION

German multinational Bayer is one of the biggest pharmaceutical and agricultural companies in the world, employing over 100,000 people globally. In this report we examine the toxic trails left behind by Bayer throughout its long history, and its plans to stay afloat in a volatile future - from pushing glyphosate and new GMOs, to claiming its agricultural model is 'climate smart'. The company's general modus operandi is to cosy up to different political regimes or carefully generate political pressure to push through its products and its monopoly model, using market power, size, financial assets and lobbying as key tools.

Bayer has been in the headlines again recently because of the EU's re-approval of the controversial herbicide glyphosate for another 10 years. Despite this success, in recent years the news for Bayer has not been so good. Glyphosate has come under heavy scrutiny over the past decade, since the International Agency for Research on Cancer (IARC, a World Health Organization agency) classified the company's bestselling pesticide as "probably carcinogenic to humans". In the US Bayer has recently been ordered to pay US$2.25 billion in compensation to a single plaintiff due to cancer linked to use of the pesticide (later cut to US$400 million by a judge).

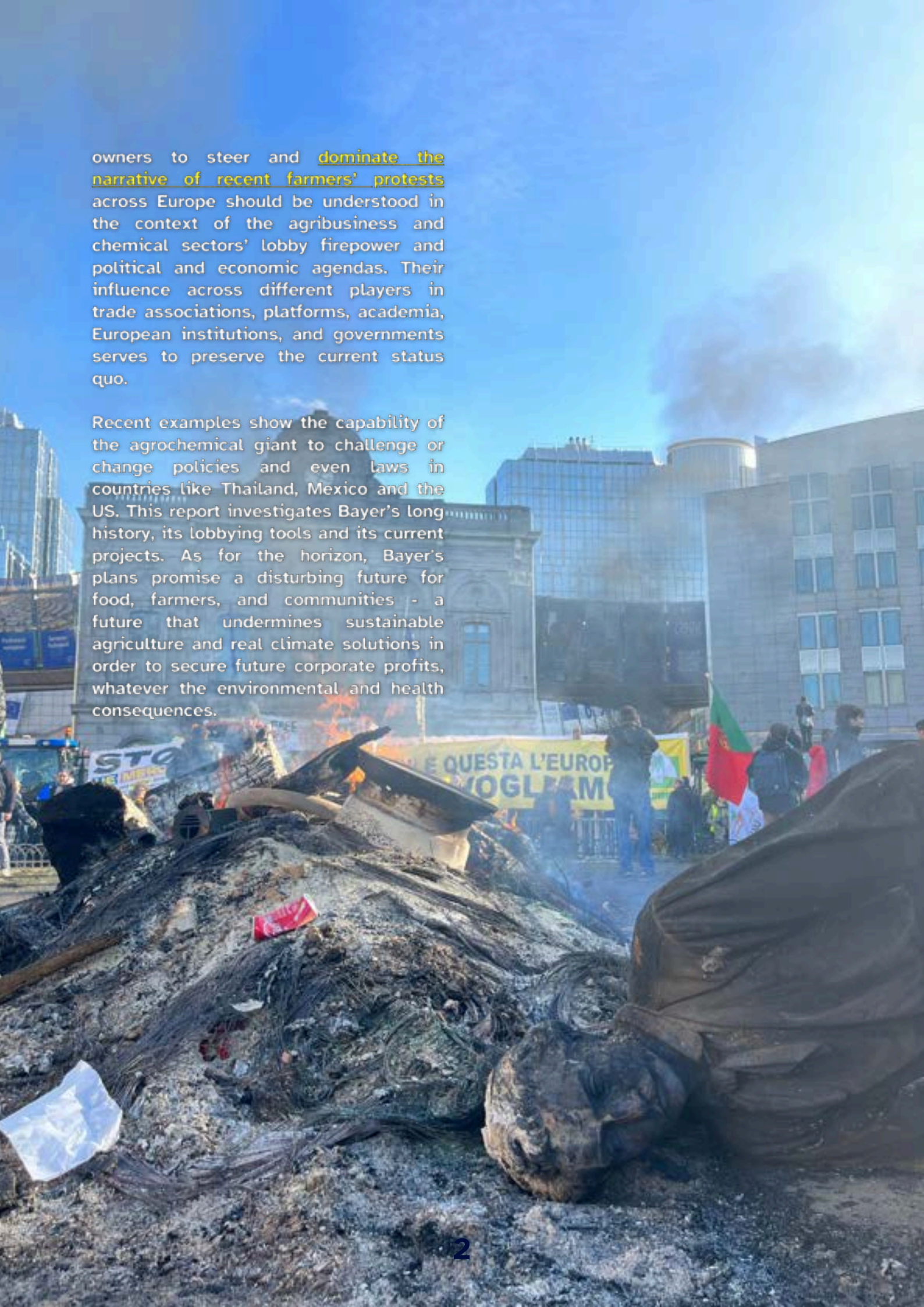
In total, so far, Bayer has faced over 170,000 lawsuits associated with its pesticide Roundup, which glyphosate is a main ingredient of. As of 2024 the company also estimates that there are still over 60,000 pending Roundup lawsuits. According to US law firm Wisner Baum, roughly 60 per cent of lawsuits have been resolved through verdicts in individual cases worth billions, or via a collective Roundup settlement agreement worth approximately US$11 billion. As a result the company's stock continues to fall - it has dropped 70 percent since the summer of 2018, when it acquired the giant agrochemical glyphosate producer Monsanto for €63 billion.

Recent talk of breaking up the company reflects this trouble. But as usual Bayer seems to be playing the long game. At a time when food security is ever more impacted by the unravelling biodiversity and climate crises, Bayer is pursuing a business model of increasing monopoly control over chemicals and seeds. After the Bayer-Monsanto and other mergers, just four companies ended up controlling 60 percent of the world seed market. Analysis shows that Bayer is the leading company in the global seed market, with a 17 percent share. It is also a dominant player in the chemical crop protection market. As a result, it appears determined to undermine key aspects of the EU's beleaguered Green Deal. And even where it finds obstacles, for example when its products are deemed too toxic to sell for use in Europe, it will still produce them here and instead export the banned substances to other countries around the world, including across the global south.

The company has a long history of promoting a global agricultural model that creates and perpetuates addiction to its ever more expensive products. Meanwhile the efforts of big agribusiness and large land-

owners to steer and dominate the narrative of recent farmers' protests across Europe should be understood in the context of the agribusiness and chemical sectors' lobby firepower and political and economic agendas. Their influence across different players in trade associations, platforms, academia, European institutions, and governments serves to preserve the current status quo.

Recent examples show the capability of the agrochemical giant to challenge or change policies and even laws in countries like Thailand, Mexico and the US. This report investigates Bayer's long history, its lobbying tools and its current projects. As for the horizon, Bayer's plans promise a disturbing future for food, farmers, and communities - a future that undermines sustainable agriculture and real climate solutions in order to secure future corporate profits, whatever the environmental and health consequences.



BAYER'S EU LOBBY: A KEY BIG TOXICS PLAYER ACROSS THE CONTINENT

Major actors in the agrochemical sector, aka 'Big Toxics', are currently among the biggest lobby spenders by sector at EU level, jostling for the top place with Big Tech and Big Energy. According to the EU lobby register, Bayer AG spent up to €8 million in 2023 on EU lobbying, the biggest sum declared by any individual chemical company and the highest amount ever spent by Bayer on EU lobbying. An important caveat: these are self-declared figures in a de facto voluntary register. In the past, Monsanto hired lobby firm Fleishman-Hillard to work on its lobby campaign to secure the re-authorisation of glyphosate but did not declare the €14.5 million contract in the EU Transparency register.

It was in the context of this glyphosate lobby campaign that Monsanto-Bayer was exposed by the publication of the Monsanto Papers. In May 2019 Bayer acknowledged that its Monsanto unit was being investigated by French prosecutors for compiling files on journalists, politicians and other influential persons in several European countries. The inquiry was opened after a complaint was filed by newspaper Le Monde, which alleged that Monsanto had developed and maintained a file on 200 European names, including journalists and lawmakers, in hopes of influencing their position on pesticides.

"It's safe to say that other countries in Europe were affected by lists... I assume that all EU member states could potentially be affected," Matthias Berninger, Bayer's head of public affairs and sustainability told journalists. Though Berninger did not admit that there had been any illegal activity, he did say there were signs Monsanto had not played fairly in the use of private data: "There have been a number of cases where - as they would say in football - not the ball was played but the man, or woman, was tackled."

Bayer admitted that it was Fleishman-Hillard that created these lists of people in France, Germany, Italy, the Netherlands, Poland, Spain and the United Kingdom on behalf of Monsanto. US investigative journalist Carey Gillam (who has published two books on glyphosate and Monsanto) published an overview of how the company has very actively manipulated the debate on glyphosate. According to Gillam they have done this not only by "ghostwriting scientific papers and suppressing science that conflicts with corporate assertions of Roundup's safety", but also via cosy relationships with regulators and lawmakers, and through strategic manipulation and intimidation of the media.

Funding disinformation campaigns to downplay toxic health harm in the US

What Bayer does in the US has an impact in the EU and vice versa. In 2022 the US-based investigative group US Right to Know (USRTK) reported that the very active 'Genetic Literacy Project' "is an influential front group that partners with Bayer and other chemical companies to promote GMO foods and pesticides and argue for deregulation. Bayer paid the Genetic Literacy Project $100,000 from July 2020 to June 2021 for its work "to prevent

legislative overreach in genetic engineering", according to the group's declaration in the US regarding its lobbying there. Donor's Trust, the secretive funding vehicle that resources attacks on climate science, is also a donor. The Genetic Literacy Project is also very active when it comes to EU policy making.

USRTK noted that "Jon Entine, founder and director of Genetic Literacy Project, is also the founder and principal of ESG MediaMetrics. This public relations firm had Monsanto as a client in 2011 when the firm registered the GeneticLiteracyProject.org domain. Entine was also employed at the same time by Statistical Assessment Services (STATS), a nonprofit group that journalists have described as a "disinformation campaign" that downplays the health harm caused by toxic products."

There's more. A 2015 Monsanto PR plan names Genetic Literacy Project among the "industry partners" Monsanto planned to engage in its efforts to "orchestrate outcry" about the International Agency for Research on Cancer (IARC), a scientific group that found glyphosate to be a probable human carcinogen. Monsanto's goal, according to the PR plan: "protect the reputation" of Roundup."

Working to derail the European Green Deal: Bayer in top 50 EU lobby spenders

As CEO reported in May 2023 the self-declared lobby figures show that seven Big Toxic lobbyists rank in the top 50 highest-spenders on EU lobbying: four companies (Bayer, ExxonMobil Petroleum & Chemical, Dow Europe, and BASF) and three trade associations (the EU chemical industry lobby CEFIC, its German equivalent Verband der Chemischen Indus--trie (VCI), and Plastics Europe). Together they declared spending €33.5 million on lobbying the EU institutions in 2022, the most recent year for which all these figures are available.

In its first 'Political Advocacy Transparency Report', published in December 2023, Bayer declared spending of €49 million worldwide on lobbying (including the pharmaceutical side of its operations), as well as an extra €26 million on trade association fees. The report indicates that Bayer spent a staggering €75 million on lobbying worldwide in 2022, (of which at least €10 million was spent in Europe). And with €8 million Bayer has become in 2023 single European production company which spends the most on lobbying in the EU, according to self declared figures.

Bayer's lobby power at national level is also considerable: in the German lobby register it declared a €2.5 million expenditure for 2022 and €2.6 million in 2023. It's political influence is huge. In a letter (dated 24 June 2020) from Bayer to former German Agriculture minister Julia Klockner (CDU) about the glyphosate litigation, the company states that they "look optimistic to the future" and that Bayer "rejoices" in the potential "to continue our partnership with you". On 7 August 2020 the German minister replied, reassuring Bayer saying that the "US juridical system is different from the EU which is too often forgotten in the debate", and that she hoped "the debate in the EU can be rationalized and based on science."

Bayer's current top lobbying priorities for the European institutions seem clear: to derail the original ambitions of the European Green Deal, rendering it a greenwashing exercise at continental scale, and to prevent any of the company's firmly established interests – in particular chemicals and pesticides – from being touched.

Bayer is a member of numerous industry trade associations and lobby vehicles, which have in recent years, and the

last few months, lobbied:

- against the Chemicals Strategy for Sustainability (CSS, a pillar of the European Green Deal);
- against the REACH revision (which would have strengthened chemicals regulations);
- against the universal PFAS restriction (to limit dangerous 'forever chemicals');
- against the export ban on toxic chemicals and pesticides;
- against pesticide reduction targets (SUR - Sustainable Use Regulation);
- for the further expansion of glyphosate use in Europe;
- and for the unrestrained authorisation of new genetically modified organisms (new GMOs or NGTs).

The company's lobbying is pervasive. In Brussels, it operates from its own in-house lobby office. Since 2020, Bayer has directly met with European Commission cabinets and different Directorate-Generals, including meeting:

- Six times with European Green Deal Commissioner (Frans Timmermans), to discuss the European Green Deal, carbon farming, plant breeding, SUR and new GMOs;
- Four times with DG Trade (Phil Hogan and Valdis Dombrovskis) about the European Green Deal, corporate governance and due diligence, food security and the Chemical Strategy for Sustainability;
- Three times with DG Agriculture (Janusz Wojciechowski) about the European Green Deal, plant breeding and sustainable food systems;
- Once with DG International Partnerships (Jutta Urpilainen) about food security;
- Once with Climate Policy Commissioner Wopke Hoeskstra.

Other direct contacts also take place, both outside the strict scope of in-person meetings and with lower levels of the administration - such as meeting with DG Agri or DG Grow, again to lobby about Farm to Fork, carbon removals, digital farming, the SUR, the REACH revision or the Chemical Strategy for Sustainability.

Concerning new GMOs, in 2021 Bayer proposed "a new regulation (separate from GMOs) assessing whether the changes in the DNA of the new plant are similar to the ones that could have been obtained through conventional breeding methods or spontaneous mutation." This would class new GMOs as essentially the same as non-GM products. In the same year Bayer clarified its opposition to an export ban on toxic chemicals and pesticides already banned in the EU, claiming that "an exclusive ban in the EU would only result in production being shifted to other regions."

In September 2022, Bayer told the European Commission in no uncertain terms that they should drop the levels of their proposed pesticide reduction targets, defending the smart formulation of "impact reduction instead of volume reduction", and arguing that the detrimental impact of chemicals on biodiversity was already minor "because of stringent chemicals regulation". This ignored the conclusion of scientific researchers in

2022 that we have already exceeded the safe planetary boundaries of chemicals in the environment. Target Seven of the 15th Conference of Parties on the UN Convention for Biodiversity clearly outlines the imperative of "reducing the risks of pesticide use to protect a further decline of biodiversity."

Chemical sector's - including Bayer - is paying off: many promises by Ursula von der Leyen from the European Green Deal have been dropped over the past few years, or so thoroughly weakened that they have become unrecognisable. At the same time the European Commission has proposed to deregulate new GMOs, and has re-authorised the use of the "probably carcinogenic" glyphosate for another decade, despite not having achieved the agreement of a qualified majority of member states.

The long arms of Bayer's lobby reach:

Bayer is an influential and active member of the following industry associations and lobby vehicles:

Business Europe
European Chemical Industry Council (CEFIC)
FluoroProducts and PFAS for Europe (FPP4EU, a sectoral group of CEFIC)
European Federation of Pharmaceutical Industries Association (EFPIA)
the Association of the European Self-Medication Industry (AESGP)
CropLife Europe (CLE)
Euroseeds
Cosmetics Europe
DIGITALEUROPE
European Justice Forum
Food Supplements Europe
MedTech Europe
COCIR
Nuclear Medicines Europe (NME)
Alliance for Regenerative Medicine (ARM)
Conseil de Coopération Economique (CCE)
Farm Europe
Plants for the Future
Glyphosate Renewal Group
Chemleg

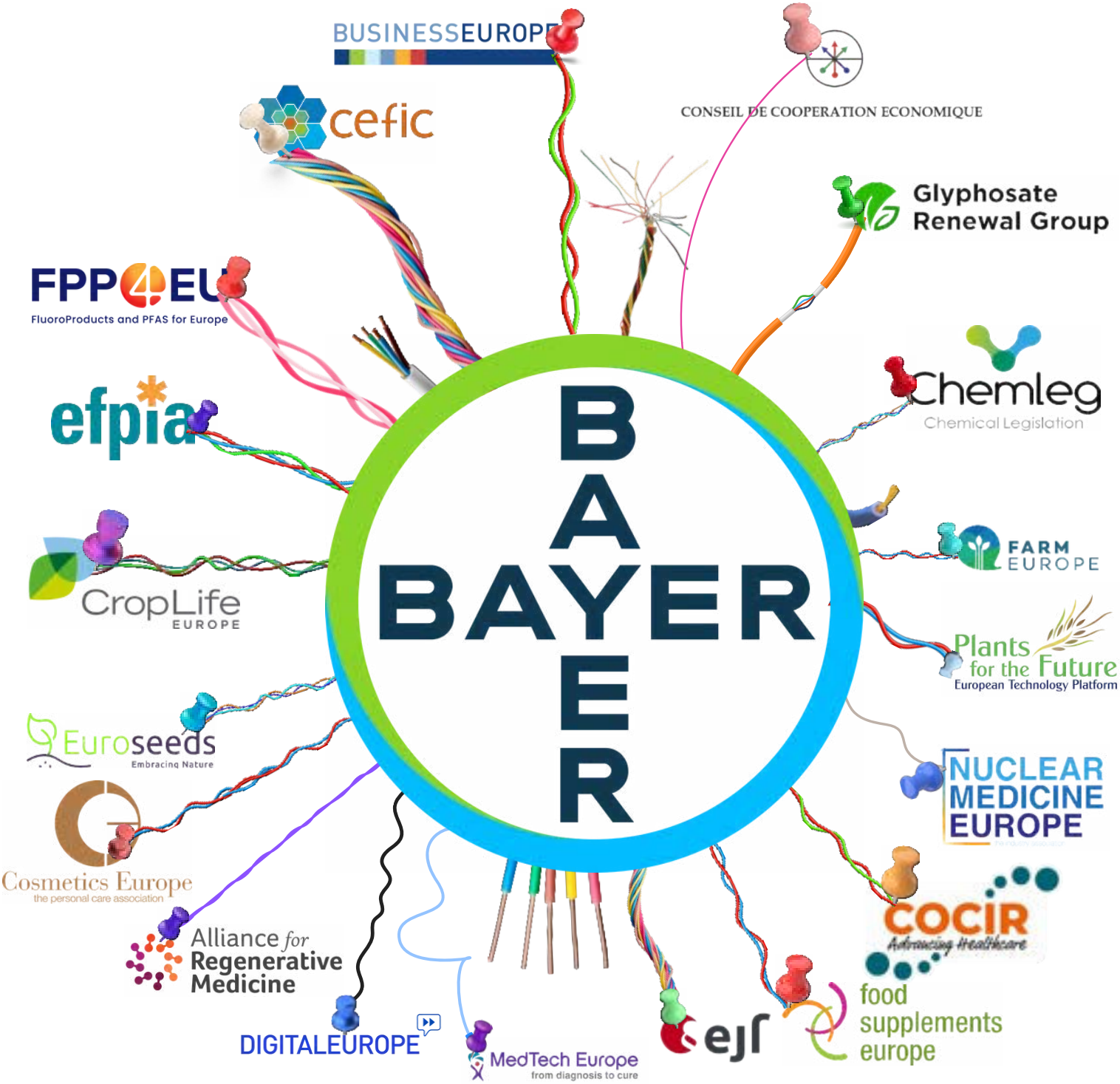
Bayer also employs lobby consultancies including:

EUTOP
FIPRA International SRL
Penta (formerly Hume Brophy)
Rud Pedersen Consulting
Edelman
FGS Global.

Bayer is active in industry-funded science platforms such as:

International Life Sciences Institute (ILSI)
European Centre for Ecotoxicology and Toxicology of Chemicals (ECETOC)

EUROPEAN LOBBY VEHICLES & CONSULTANCIES



fgs global

EUTOP

Penta FORMERLY HUME BROPHY

FIPRA

Rud Pedersen Public Affairs
:RUD PEDERSEN GROUP

Edelman

LOCKING IN CONTROL OF GLOBAL AGRICULTURE: GMOS, PESTICIDES AND PATENTS

Bayer has been at the forefront of lobbying for, and has strongly invested in, GM crops which it both develops and patents. This gives the multinational extensive control over farming and agricultural production, resulting in many negative environmental and biodiversity impacts. Some of the resistance in Europe against GM has slowed down Bayer's plans in the region, but it has more successfully pushed for GM in countries like India, Brazil and the US. In recent years Bayer has pushed for deregulation of GM in the EU – spearheaded by lobby associations such as CropLife and EuroSeeds – in particular calling to abolish safety checks or consumer labelling for new genetically modified organisms developed using 'genome editing' techniques such as CRISPR-Cas* (known generally as new GMOs).

In 2019 Euroseeds, a lobby vehicle Bayer participates in, reacted to a decision by the European Court of Justice about the need to regulate new GMOs developed using this technique. They claimed that "regulating genome edited organisms as GMOs has negative consequences for agriculture, society and economy." Two years later, Euroseeds' lobbying echoed Bayer's lines on new GMOs, asking that the general rules for GM crops only be applied to new GMOs if these "result in conventional like products". It dismissed the dangers, arguing that unintended mutations which may happen in "conventional breeding result from spontaneous or classical induced mutations (irradiation, chemicals) and can be numerous, occur at random locations, and not possible to control". This became one of its standard go-to arguments.

* CRISPR are DNA sequences in the genomes of prokaryotic organisms like bacteria. Cas proteins or CRISPR – associated proteins are enzymes that work alongside CRISPR sequences to target and edit specific sections of DNA. This technique can be used to make edits to the genomes of plants, animals, and micro-organisms.

In this, as in many other cases, Bayer is part of a broader industry campaign that pushes industry-linked researchers to the forefront of public discourse, trying to create the illusion of 'scientific consensus' in favour of deregulation. As revealed in a 2022 Corporate Europe Observatory and Global 2000 report, the EU-Sage lobby platform is a case in point. It was set up by the Flemish Biotechnology Institute (Vlaams Instituut Biotechnologie, VIB), with Bayer and BASF on its board. EU-Sage received a grant from the Bill and Melinda Gates Foundation, with the aim of minimising crucial safety checks, and consumer freedom of choice, regarding new GM crops.

In 2020 a new 'Taskforce on Sustainable Agriculture and Innovation' under the chairmanship of former European Commissioner for Research, Science and Innovation Carlos Moedas and run by think-tank Re-Imagine Europa, was financed by a grant of €1.5 million from the Bill and Melinda Gates Foundation. In 2022 the Gates Foundation donated another €1.7 million under the header 'agricultural development'

to Re-Imagine in Brussels.

Re-Imagine is a very active ecomodernist lobby club, which Corporate Europe Observatory has previously written about. In a report about biotech industry lobby tactics we described their work as aiming to embed the deregulation of genome editing in "climate narratives" and thus to convince policy makers that deregulating new GM is part of the climate solution. A Re-Imagine expert committee established to produce a vision document to present to the EU institutions is dominated by people who are in favour of lifting GMO rules for new techniques, including representatives from Bayer, BASF and their lobby groups, the US government, and numerous biotech researchers and lawyers.

New GM technology in agriculture is controlled by patent applications and through licensing agreements. Bayer and Corteva hold most of these patents globally, and are the main players in the field.

Why is Bayer in the glyphosate conundrum?

An important recent lobby battle for Bayer at EU level was the renewal of the authorisation to use glyphosate, the key ingredient in Monsanto's (now Bayer's) Roundup pesticide, for a 10 year period. The last EU authorisation of glyphosate in 2017 – which expired in December 2022 - was highly controversial. At the time this extension was agreed despite a majority in the European Parliament opposing it, and despite a narrow majority in favour in the EU Council, brought about by the German CDU-minister of Agriculture voting in favour of glyphosate-prolongation, against a German government agreement to abstain.

According to Politico, then German chancellor Angela Merkel "said at a press conference that although she generally agreed with Agriculture Minister Christian Schmidt's position on the matter, the minister's behaviour "didn't reflect the instruction that the government agreed."

In 2015, the then-Chief Executive Officer of Bayer, Werner Wenning, instructed its board to look into the acquisition of Monsanto, sometimes referred to as "the most hated company in the world". It was a time of consolidation in the agribusiness sector: in 2015 Syngenta merged with Chemchina, and Dow Chemical merged with Dupont in 2016, creating Corteva (they have subsequently split again). Bayer's response to this international wave of concentration was a grand move: buying Monsanto in 2018. These three mega-mergers reduced the already low number of global players in the agribusiness sector from six to four.

In June 2018 Bayer announced that it would discard the name Monsanto: "Bayer will remain the name of the firm. Monsanto will be discontinued as the name of the business." But this didn't go well. Bayer's stock went into decline, following over 170 thousand US lawsuits brought by people who developed non-Hodgkin Lymphoma, who believed their cancer was caused by exposure to glyphosate.
Thanks to the disclosure of documents in the glyphosate US litigations and testimonies in court, we know that Monsanto spent huge sums to organise a campaign against the International Agency for Research on Cancer (IARC). In his testimony Monsanto executive Sam Murphey - responsible for global media relations and advocacy efforts in support of major litigation, policy matters, and reputational threats - admitted that the biggest threat to

its glyphosate business came from IARC-related cancer scientists. The goal of the anti-IARC campaign was "to discredit the international cancer scientists who found the company's glyphosate herbicide to be a probable human carcinogen and promote a counter message of glyphosate safety instead." Monsanto for example tried hard to convince US Congress-members to withdraw state funding from IARC. In court Murphey said that Monsanto allocated $17 million to this mission in 2016 alone.

In 2019 then-Chief Executive of the board Werner Baumann lost a vote of no confidence by shareholders, but was not fired. In 2020 Bayer tried to cut its losses through a US$10.9 billion deal to settle its current and future glyphosate lawsuits and limit future litigation.

It is thus no surprise that Bayer is not only lobbying all over the world (See Box 1), but was also the driving force behind, the European-based Glyphosate Renewal Group, which led successive campaigns to re-approve the use of this product within the EU.

Shockingly, and despite the substantial evidence of glyphosate's carcinogenic effects, including from the WHO, in 2023 the European Chemicals Agency and European Food and Safety Authority enabled the European Commission to once more 'green light' an extension allowing the selling of this product, a highly contested decision.

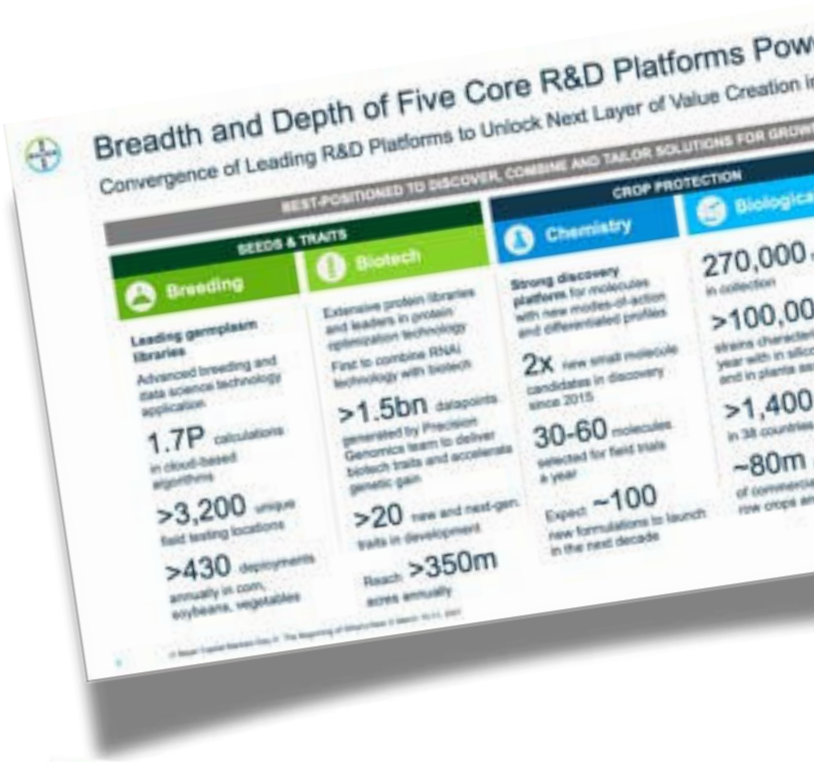
According to Pesticide Action Network (PAN) the re-approval of glyphosate "is a violation of the EU Pesticide Law that says that health and environment should go first. In case of substantial doubt, the precautionary principle has to be applied."

In early 2024 PAN filed the required first step in a juridical battle procedure, via a review request to the Commission. This was rejected, meaning the battle will now be continued in court.

A key reason for the market dominance of glyphosate is that various Roundup Ready crops (such as soy, maize and sugar beet), were genetically engineered by Monsanto and Bayer to tolerate the pesticide, and are currently grown on millions of hectares in North and South America. This 'coupled sale' of glyphosate-resistant seeds provides the company with a guarantee of sustained profits in upcoming decades, despite the growing number of glyphosate-resistant weeds. New GM techniques like CRISPR-Cas can also produce crops that are designed to be tolerant to weedkillers like glyphosate, delivering a quasi-monopoly into Bayer's hands. While biotech lobbyists regularly claim that new GM crops have significant potential to reduce pesticide use, that is clearly not the plan. In fact, the history of GM crops so far shows that their development and use has been accompanied by growing pesticide use. Glyphosate use has increased 15-fold in the US since the introduction of RoundupReady crops in 1996. When the seed producer is also the main pesticide producer, profitability is seamless and circular.

Another Bayer-Monsanto chemical which causes a lot of controversy is the aggressive herbicide dicamba. It was pushed by Bayer as offering farmers an alternative to glyphosate and 'to tackle' glyphosate resistant-weeds. Bayer also introduced two GM-crops (soy and maize) that are resistant to dicamba. According to the Center for Food Safety "over the past four years, the dicamba products sprayed "over the top" on crops genetically engineered to resist the

pesticide have caused drift damage to millions of acres of soybeans as well as orchards, gardens, trees, and other plants on a scale unprecedented in the history of U.S. agriculture." This issue led to many lawsuits and millions of damages paid out by Bayer.
In its latest annual report, Bayer boasts that "the sales of the Crop Science Division came in at €4,817 million, exceeding the prior-year level (2021: €4,636 million)." However it also admits that this business result "was attributable to favorable currency effects and higher prices for crop protection products."



According to Bayer's 2021 presentation 'The beginning of what's next', it plans to launch 430 new hybrid crops and varieties in the coming decade – including 150 corn hybrids, 150 soybean varieties, 130 other vegetables, and over 75 new fungicides, insecticides, and herbicides. This creates an opportunity for even greater monopoly control by Bayer, given its model of selling both the pesticide-ready cropseed, and the related pesticide itself, in essence copying the glyphosate model.

Bayer's wager in this area seems to be that it will offset all its current share price and legal losses by strengthening its control over the future of food production and agriculture. It aims for an extra peak sales potential of up to €30 billion until 2030, combining crops and chemicals. This growing monopoly is a consequence of expanding the use of GMOs and new GMOs, combined with these products' reliance on herbicides such as glyphosate.

BOX 1. INTERFERING WITH THE DEMOCRATIC PROCESS AND LAW-MAKING AROUND THE GLOBE

In 2016 Corporate Europe Observatory published the guide 'Monsanto lobbying: an attack on us, our planet and democracy', which focused on the many lobbying tricks and tools of the firm (now owned by Bayer); the types of lobbyists (commanders, ground troupes and accomplices), and the money spent to buy power. It showed how the revolving door spins ex-Monsanto staff into powerful positions in government, how scientists got paid to act as Monsanto's mouthpiece, and how lobby associations unknown to the public coordinate lobbying strategies for the pesticide and biotech sectors. The guide clearly demonstrated how all of this helped the company to profoundly influence and capture political decision-making.

In the US, Monsanto managed to derail the proper labeling of genetically modified food. In several African countries it helped to set up pro-GM lobby groups, and is posing as a benign savior bringing GM crops to solve world hunger – often with funding from The Gates Foundation. And through 'free' trade agreements like TTIP and CETA, Monsanto's pesticide lobby associations ECPA (European Crop Protection Assocation) and Croplife America aim to downgrade the EU's pesticide rules and prevent strongly needed improvements to those rules and their implementation.

In 2020 the US based Center for Biological Diversity sued the US government in order to seek transparency regarding how its officials worked on behalf of Bayer to convince Thailand to reverse its planned ban of glyphosate in 2019. The Center had already revealed evidence that US Department of Agriculture and American trade officials worked closely with the pesticide and processed-food industries to pressure Thailand into abandoning its ban.

The organisation stated that "earlier communications obtained by the Center through a Freedom of Information Act request reveal a coordinated effort between U.S. officials and powerful, multinational corporations to thwart actions abroad that

might harm sales of their products. Bayer and Archer Daniels Midland, a U.S.-based international commodities trader, were two of the companies working with federal officials to pressure Thailand to reverse its plan to ban glyphosate, according to the documents." Further it wrote that: "In October 2019 Thailand's National Hazardous Substances Committee voted to ban glyphosate and two other highly controversial pesticides: chlorpyrifos and paraquat. But one month later - five days before the ban was to go into effect - Thailand suddenly reversed its decision on glyphosate."

This sounds very much like the findings of the Biotech Ambassadors report - based on WikiLeaks diplomatic cables release - which showed that Monsanto was helped by US embassies around the world to push for the acceptance of its biotech-seeds without too much regulation.

Later another investigation revealed that Bayer and industry lobbyist CropLife America have been working closely with US officials to pressure Mexico into abandoning its intended ban on glyphosate. The Guardian wrote that "The Mexican president, Andrés Manuel López Obrador, has given farmers until 2024 to stop using glyphosate. On 31 December, the country published a "final decree" calling not only for the end of the use of glyphosate but also a phase-out of the planting and consumption of genetically engineered corn, which farmers often spray with glyphosate, a practice that often leaves residues of the pesticide in finished food products." Since then Bayer and its allies, helped by the US government, have been bullying Mexico and using legal threats based on WTO law and the US-Mexico Free Trade Agreement.

"We're seeing more and more how the pesticide industry uses the US government to aggressively push its agenda on the international stage and quash any attempt by people in other countries to take control of their food supply," Nathan Donley, a biologist with the Center for Biological Diversity told The Guardian.

A deeper scale of lobbying in US: undermining regulation to secure legal immunity

Bayer's CEO Bill Anderson stated that "political advocacy, or lobbying, means participating in democratic processes and formation of public policy by communicating a person's or organization's interests to politicians and institutions that create policies and regulatory frameworks affecting their areas of activity or business. When done in an ethical and responsible manner, lobbying is an important and legitimate part of the public policy process that reflects appropriately balanced interests." He went on to claim that "responsible lobbying starts with transparency. Transparency in political advocacy is fundamental to establishing trust with the public and policy-makers. When conducted in a secretive or opaque manner, political advocacy can result in controversy or conflict."

Nice words, but in reality, when it comes to lobbying governments all over the world Bayer seems to have learned a lot from the US-based company it bought in 2018: Monsanto. One of its most important markets, and political and juridical battlegrounds, is indeed the US. In this context, Bayer's lobby spending in the US has risen considerably over the past few years. Where the company previously spent several hundreds of thousands of dollars in Washington, for example during the year before the Monsanto takeover in 2018, it is notable that its lobby budget rose to several million a year, with the company spending US$7.5 million in 2023, according to its own declarations. However in 2022 as mentioned in the company's 'Political Advocacy Transparency Report' it declares having spent no less than $17.5 M on US lobbying, so much more than in 2023, when the company has waged an agressive lobby battle to change US Law.
When asked Bayer gave no clarity on whether the fees to trade and lobby associations it pays, are also included in total lobby costs. In the case of the US those costs are considerable: US$12.5 million in 2022.
Bayer also indicates a 'global lobby budget' (to lobby on "those topics with a global scope or where global/international organizations are the main drivers of policy-making") of US$18 million.

The company's lobbying of governments is sometimes done in the most direct of ways, such as when former Bayer's Chief Executive Werner Baumann met and promised then president-elect Donald Trump an US$8 billion investment, and 3,000 new US jobs, if Washington regulators gave the green light to the Monsanto-Bayer merger. The US played its part, and EU authorities also approved the merger under controversial circumstances. After the merger of Bayer and Monsanto a DG Competition team member became the Vice President of Compass Lexecon, a consultancy firm that had been involved in the merger process, working on behalf of German chemical giant BASF, which acquired US€7.6 billion of Bayer's assets.

But the intensive lobby-campaign Bayer has staged in the US is of another scale entirely. Because of the avalanche of litigation unfolding as a result of the toxic nature of glyphosate and the fact that the labels of products that contain glyphosate have not warned users of its potential dangers, Bayer wants to change US law.

In spring 2024 Jess Christiansen, Head of Communications for Bayer's crop science division told news agency AP that "the costs of defending a safe, approved product are unsustainable". Indeed, billions of dollars spent for settlements and trials, with thousands of lawsuits still pending, represents a financial burden even for a chemical giant. This is why Bayer has also been lobbying lawmakers in three US states

to pass legislation which would provide legal protection for the company from future lawsuits. As AP reported "nearly identical bills introduced in Iowa, Missouri and Idaho this year - with wording supplied by Bayer - would protect pesticide companies from claims they failed to warn that their product causes cancer." Experts warn that this could have huge consequences - extending to US product liability laws and providing corporate immunity for lawsuits. Matt Clement, a lawyer representing victims of Bayer's glyphosate, commented that "it's just not good government to give a company immunity for things that they're not telling their consumers."

It is thus clear that, despite the adverse health and scientific findings, Bayer isn't giving up one inch on maintaining its glyphosate production and market. It is simply an extremely profitable chemical, with annual market revenue of US$10 billion in 2023.

According to reporting by The Washington Post, Bayer alone has spent about $9.6 million to lobby federal policymakers on this legislation (If Bayer gets what it wants, the states would only be allowed to follow the verdicts on substances issued by the federal Environmental Protection Agency, and could no longer impose stricter labeling requirements)
and other issues since the start of the current Congress's term. This does not include lobbying by CropLife, or spending by Bayer in their state-level campaigns to change laws in various US states.

"This (change of law, red.) is bigger than just those states, and it's bigger than just Bayer," said Jess Christiansen, head of Bayer's crop science and sustainability communications to AP. "This is really about the crop protection tools that farmers need to secure production."

According to the Washington Post, at a federal level "Bayer's lobbyists have focused on the Agricultural Labeling Uniformity Act, which would limit state and local governments from issuing their own rules about pesticide safety warnings. Instead, they would be required to follow the lead of the federal government on what to label and when - an approach that Johnson described last year as an effort to combat "political agendas" that threaten to "instill fear in consumers."

"The measure threatens to make it harder for farmers and groundskeepers to argue that they were not fully informed about some health and safety risks posed by the popular herbicide. By erecting new legal barriers to bringing those cases, Bayer seeks to prevent sizable payouts to plaintiffs while sparing itself from a financial crisis" the Washington Post wrote in June 2024. "The company recently has set its sights on the sweeping legislation known as the farm bill, which Congress must adopt every five years to sustain federal agriculture and nutrition programs."

The approximately 1,000-page House version of the measure contains a single section - drafted with the aid of Bayer - which according to journalists and NGO's could halt some lawsuits against Roundup. The House Agriculture Committee has approved the bill.

Civil society is fighting back. In September 2023, 185 US environmental organisations sent letters to the House and Senate, urging both chambers to reject these legislative proposals whose aim is to pre-empt existing state and local laws and ordinances which are in place to safeguard communities from the harmful impacts of toxic agricultural pesticides.

In spite of this, Bayer's immunity language

is currently in the House version of the Farm Bill, which the Senate has not yet taken up. The Farm Bill governs agricultural policy in the United States, and a Farm Bill will be passed at some point – even if not during this Congress's term. Bayer's Jess Christiansen acknowledged to US reporters that the company "worked with a lot of different lawmakers on different parts of the language" of the current proposal.

A US expert told Corporate Europe Observatory that "if this House provision were to be included in the final version of the bill, pesticide manufacturers and chem-conglomerates will be handed immunity from all legal responsibility to those Americans they've hurt. This language would eliminate all legal responsibility for dangerous pesticides that hurt Americans, even if the dangers have been covered up by pesticide manufacturers and chem-conglomerates for decades."

It doesn't stop here. In early April 2024 a new Bayer-led lobby group emerged in the US. The so called 'Modern Ag Alliance' announced, under the populist slogan 'Control Weeds, Not Farming', that "more than 60 agricultural groups [now 75] voice support for increased legislative clarity that ensures glyphosate and other essential tools remain available to America's farmers." The group declared that "it will work with agricultural partners and policymakers to ensure that pesticides registered and labeled through the Environmental Protection Agency are considered compliant with health and safety warning requirements." The alliance is threatening lawmakers with the classic corporate lobby argument of the risk of hundreds of job losses in the three states of Iowa, Missouri and Idaho.

Renee Fordyce, President of the Missouri Soybean Association, gave voice to the typical misleading argument that we "need to protect the critical role safe, approved crop protection tools play in sustainably feeding a growing world". The same argument was made in the EU by right-wing politicians, over and over again after the Ukraine war started, opportunistically using the development to argue for their goal to get rid of the progressive food and agricultural aspects of the European Green Deal.

Fordyce insisted that "farmers need legislative certainty that enables them to have confidence in the access of these important crop protection tools. While states have the option to build on the federal government's baseline regulations, we're looking to ensure that any provisions do not directly conflict with the scientific findings of the EPA."

What Fordyce and Bayer neglected to mention is that though the American Environmental Protection Agency (EPA) re-stated in 2020 that glyphosate, when used as directed, posed no health risks to humans, a federal appeals court panel in 2022 ruled that this EPA decision was problematic, and ordered it to review its decision.

In June 2022 Judge Michelle Friedland stated that the EPA's finding of no risk of glyphosate to human health "was not supported by substantial evidence." The US court directed the EPA to review its conclusion that glyphosate "does not pose 'any unreasonable risk to man or to the environment', stating that the EPA's conclusion "was in tension with parts of the agency's analysis and its guidelines." The court also ruled that the EPA fell short of its

"obligations under the Endangered Species Act" by inadequately examining glyphosate's impact on animal species and vegetation.

But at the end of April this year the first legal victory of this new frontier lobby campaign to prevent litigation over glyphosate was touted by Bayer: "On behalf of more than 75 agricultural and grower groups in the Modern Ag Alliance, we thank the members of the Missouri House of Representatives who stood with farmers and science over the litigation industry in passing House Bill 2763." This state level legislation on all things farming also contains Bayer's wording on labelling, which would essentially provide the company with a 'get out of jail card' if finally approved.

A next level support and form of absolute corporate capture in favour of Bayer was shown early August 2024 when Nebraska Attorney General Mike Hilgers and Iowa Attorney General Brenna Bird joined farmers and state agricultural officials in a plea from no less than 11 states that urged the EPA to stop a patchwork of state labeling efforts on farm chemicals. They echoed the words of Kevin Ross, a farmer from Underwood, Iowa, and former president of the National Corn Growers Association, who said that "farmers need the EPA to set a national rule for all to follow". Ross also praised "glyphosate as one of the most cost-effective tools to control weeds".

The dubious track record of the EPA on glyphosate and other substances has already been widely documented and exposed by the publication of the Monsanto Papers.

BOX 2: BAYER'S LITANY OF TOXIC PRODUCTS

According to a Public Eye report, in 2018, 36.7 percent of the pesticide-related active ingredients sold worldwide by Bayer were highly hazardous. Glyphosate is just the most recently exposed example in a long list of toxic scandals. Some others include:

- CLOPHEN: This PCB (polychlorinated bipheny) was produced by Bayer until 1983. Its production continued for seven years after it was banned by the US Environmental Protection Agency in 1976 due to severe effects on exposed humans and animals. Until its final year of production, Bayer was exporting Clophen produced in Germany to poorer countries, taking advantage of regulatory gaps. Bayer still faces lawsuits related to the impacts of Clophen's production and use, as well as Monsanto's production of other PCBs in the United States.

- BAYTRIL: This product for use on poultry and cattle created antibiotic-resistant bacteria and pathogens in animals, which went on to infect humans. As a result, in 2000 the US Food and Drug Administration (FDA) proposed a ban on its use in farm animals. Bayer delayed the process, which led to further risk of generating antibiotic-resistant bacteria. The product was finally banned in 2005 in the US. Baytril is still used to treat animals in Europe.

- ALDICARB: In 1985, a US outbreak of vomiting, diarrhoea, muscle twitches, and slow heart rate in humans was directly connected to watermelons from Oakland and California that had been treated with a Bayer pesticide, Aldicarb. This extremely hazardous neurotoxin can be lethal to humans and other mammals. In 2010, the EPA made an agreement with Bayer CropScience to phase out its production within four years, and its use within eight years. In the final days of the Trump Presidency in 2021, however, the neurotoxin was re-authorised for citrus growers.

- IMIDACLOPRID: First patented by Bayer in 1985, this insecticide is the first neonicotinoid. These have a devastating effect on insects, and have been implicated in the collapse of honeybee colonies and other pollinator populations. In 2016, Bayer hid unpublished field trials of its neonic insecticides that proved their deadly effects, while honeybee populations were plummeting in Europe. In 2018 the company tried to overturn EU restrictions imposed on its product, but the European Court of Justice ruled that the decision to restrict the use of neonics was correct. However Bayer is still producing them; Brazil is currently its biggest market (see next section).

Bayer's double standard toxic trade: exporting banned chemicals worldwide

Many Bayer products which are banned in Europe and the US due to established toxicity are still being exported to countries with less stringent regulatory and safety measures, for example Indonesia, Kenya, Brazil, South Africa and Ukraine. This is no accident.

According to the Public Eye report, in 2018 European chemical companies exported large amounts of banned pesticides, for example:

- 23,930 tonnes to Brazil;
- 8,033 tonnes to Ukraine; and
- 2,543 tonnes to South Africa.

A 2020 study reported that out of the 123 Bayer agricultural chemical products sold at that time in Brazil, 78 were highly toxic and 36 were banned in Europe. This double standard toxic trade defies the logic of global protection against the worst chemical products. It also undermines the International Code of Conduct on Pesticide Management, a voluntary framework on pesticide management for authorities and corporations alike. Despite these global agreements, still companies like Bayer keep selling highly hazardous pesticides, banned in certain areas, all over the globe - as if their toxic effects were nationally or regionally determined. There's a knock-on effect also: as previously shown, Bayer has often been able to garner support of United States diplomacy to bully countries like Mexico or Thailand into not protecting their populations if they propose banning products such as glyphosate.

A ban on the export from the EU of chemicals and pesticides which are banned in Europe – a promise made in 2020 by EU Commission President Ursula von der Leyen as part of the European Green Deal – also became a target for Bayer and its lobbyists. In 2018, Bayer exported 3,055 tonnes of these banned products from its European factories to non-EU countries.

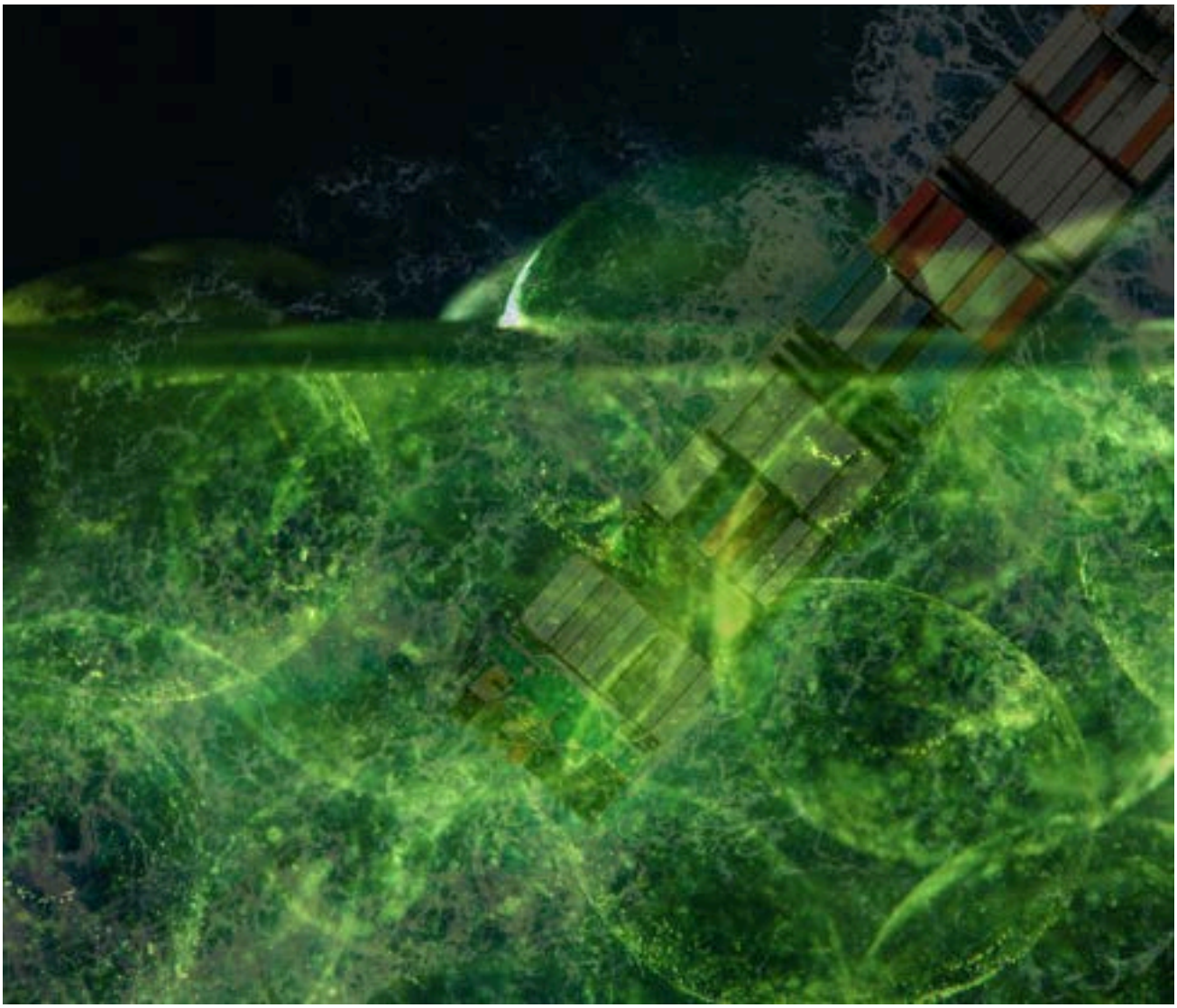
Lobbyists raised many arguments against the ban: it wasn't compatible with international trade rules; it would have negative economic consequences and lead to job losses; third countries would source these banned products from other countries, among others. Most of the heavy lobby lifting was left to industry association Croplife (Europe and International) and others. In July 2023 the lobby platform of the European chemical sector CEFIC argued that "global initiatives like the better implementation of the Rotterdam Convention can tackle the issue [of exporting banned products]". This was an attempt to avoid the EU export ban - pushing the decision into an ineffective forum. It also argued that an EU export ban should be a "measure of last resort", saying it might be illegal under WTO rules, which is not the case. The end result of the lobby onslaught was that the Commission scrapped its proposal in 2023, leaving it hanging until the next Commission.

A recent report by French think tank Le Basic outlines how this withdrawn proposal would, if brought in, be a "key piece in the wider EU strategy to foster the phase out of the use of highly hazardous pesticides at global level".

According to the report of the Special Rapporteur on the Right to Food, published in January 2017 (A/HRC/34/48) "pesticides

are inherently hazardous, and among them, a relatively small number of Highly Hazardous Pesticides (HHPs) cause disproportionate harm to environment and human health including severe environmental hazards, high acute and chronic toxicity". In 2015, the SAICM (Strategic Approach to International Chemicals Management, a policy framework to promote chemical safety around the world) Fourth International Conference of Chemicals Management (ICCM4) adopted a resolution "that recognizes HHPs as an issue of international concern and calls for concerted action to address HHPs."

Not surprisingly, producers like Bayer think otherwise, and opposed and worked to undermine an EU export ban. Instead of concerted EU action, we must now rely upon several individual EU countries, including France and Belgium, which have committed to stop the export of banned pesticides at national level. However in spite of this, major loopholes have been used in these countries to keep on exporting dangerous products overseas. There's a boomerang effect also: in 2018, residues of 74 chemicals banned in Europe were found in food imported into the EU from other countries.

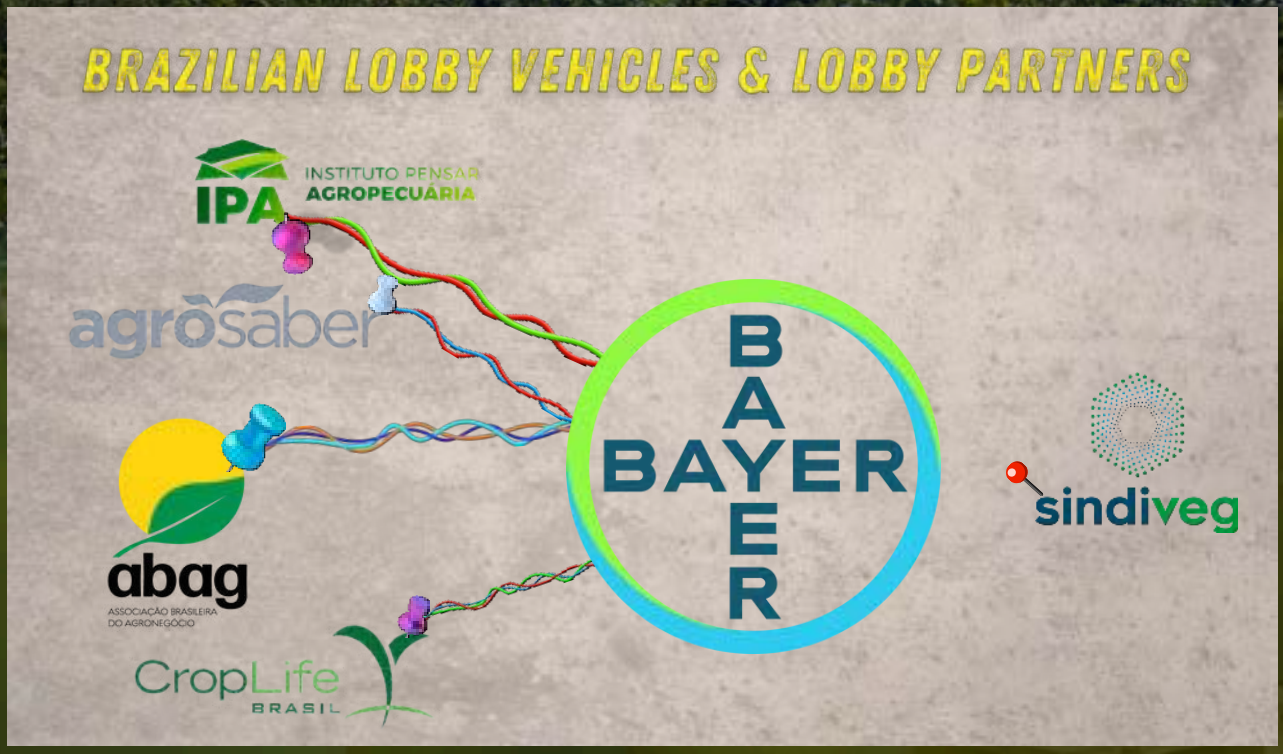


BOX 3: THE BRAZILIAN CONNECTION: SECURING THE 'POISON DECREE' FOR BOLSONARO

In Brazil Bayer declares spending €1.5 million on lobbying. Under the former Presidency of Jair Bolsonaro Bayer and similar agro-industrial companies achieved a lot. During his reign the Brazilian Government approved the registration of a staggering 2,182 new toxic agrochemical products (or agro-toxics as they are called in Brazil) between 2019 and 2022. De Olho nos Ruralistas, a Brazilian agribusiness observatory reports that Brazil's turn towards agrotoxic deregulation was a solid wager by Bayer, which paid off handsomely.

CropLife Brasil, a lobby group founded by Bayer, lobbied intensely for the authorisation of a record number of agrotoxic products. In addition, the Brazilian think tank Instituto Pensar Agro was also financed by Bayer and other multinational companies to the tune of at least €2 million, to push for the 'Poison Decree', a regulatory package that promoted a major expansion of agrotoxic products and deforestation for agribusiness occupation, as well as a massive removal of safety regulations.

According to a 2022 report, the Instituto Pensar Agro met members of Bolsonaro's government over 200 times between 2019 and 2021. In 2019, the Brazilian Minister of the Environment Ricardo Salles, on a trip to Europe, had meetings scheduled with Bayer and BASF. Bayer itself had 60 meetings with the Brazilian Government from 2019 to 2022. The company is also a member of lobby



THE BRAZILIAN CONNECTION:
SECURING THE 'POISON DECREE' FOR BOLSONARO

groups like ABAG (Associação Brasileira do Agronegócio), Croplife Brasil and Agrosaber, often using others to lobby in its behalf, such as Brazilian crop protection lobby platform SINDIVEG, according to motions presented at the last Bayer AGM in 2023.

According to the 2022 'Comércio Tóxico' report by Friends of the Earth and the Seattle to Brussels Network, these intense lobby campaigns under Bolsonaro succeeded in securing the approval of 45 new agrotoxic products from Bayer and BASF, 19 of which are banned in the EU.

The latest information indicates that Bayer is currently selling more than 15 substances in Brazil that are forbidden in Europe.These are: Ethoxysulfuron, Carbendazim, Thiodicarb, Chlorpyrifos, Cyclanilide, Ethiprole, Fenamidone, Finopril, Imidacloprid, Indaziflam, Ioxynil, Oxadiazon, Propineb, Thidiazuron, and Thiram.

Inevitably, these banned chemicals find their way back into the European market via residues on products like soy and fruits that end up on plates of consumers based in the EU.

BOX 4: THE DARKEST PAST

The company currently claims that "Respect for people, the environment and sustainable development is one of Bayer's core values." However the record of its crimes over more than a century stand in stark contrast with these expressed values - they couldn't be more horrific.

Some historical facts:

- Bayer was one of the first producers of chlorine gas, disphogene and mustard gas, which were used for chemical warfare in the trenches during World War I.

- In 1925 Bayer joined a conglomerate including BASF and Agfa, among others, to create the largest chemical company in the world by far, IG Farben. In 1936 the German company started producing organophosphate compounds as insecticides, but their military potential was soon discovered: they could be used as neurotoxic agents, or nerve gas.

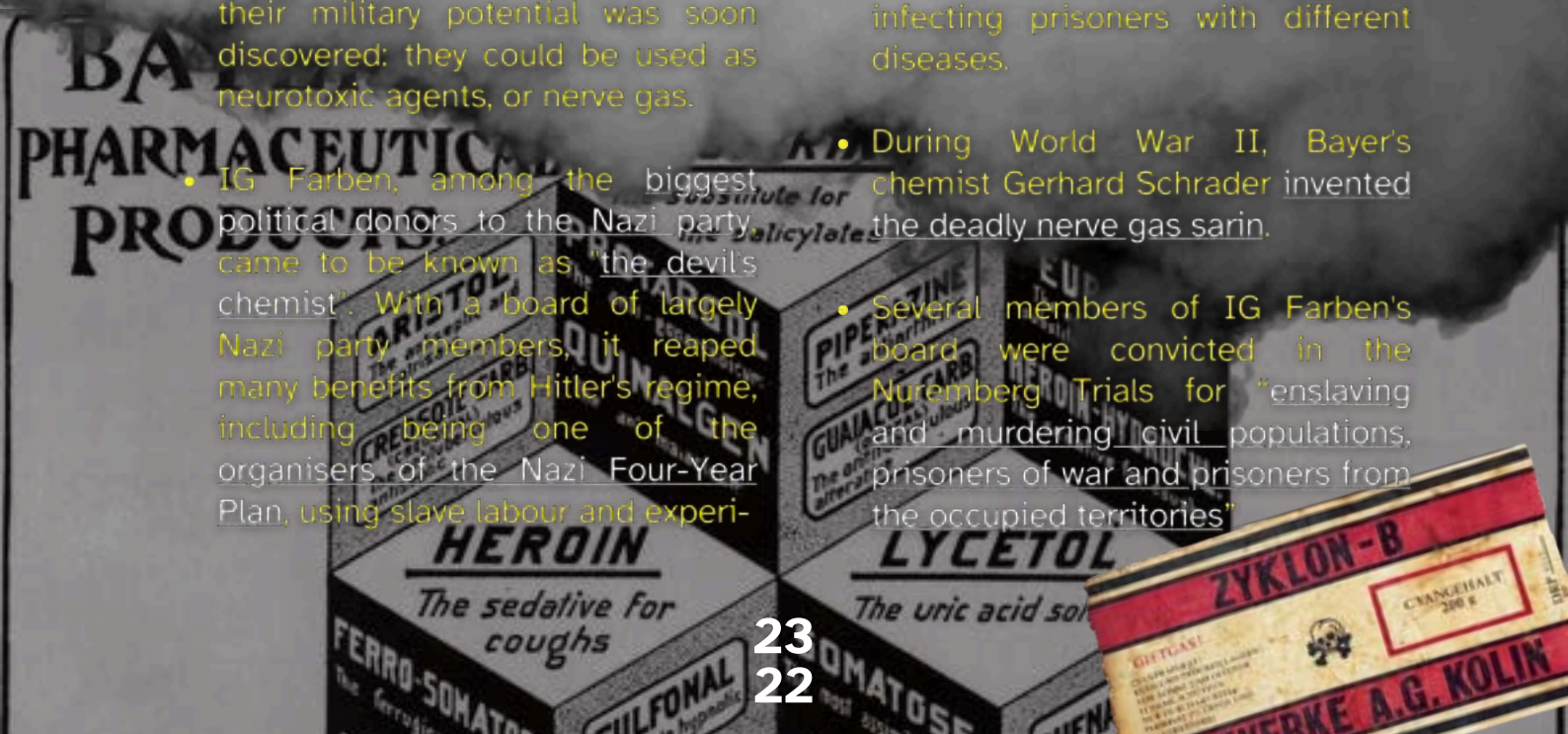
- IG Farben, among the biggest political donors to the Nazi party, came to be known as "the devil's chemist". With a board of largely Nazi party members, it reaped many benefits from Hitler's regime, including being one of the organisers of the Nazi Four-Year Plan, using slave labour and experimenting on prisoners from concentration camps, as well as plundering resources from occupied territories. IG Farben was the 'mastermind' behind the Auschwitz concentration camp as an industrial production site, notably to produce synthetic rubber.

- Also notoriously, IG Farben was one of the producers of Zyklon B – originally developed as a pesticide – which was used for mass extermination of people in the gas chambers during the Holocaust.

- Bayer Chemicals, part of the IG Farben conglomerate, was accused both of providing chemicals for human experimentation and of participating in tests of "effectiveness of various drugs" manufactured by them through infecting prisoners with different diseases.

- During World War II, Bayer's chemist Gerhard Schrader invented the deadly nerve gas sarin.

- Several members of IG Farben's board were convicted in the Nuremberg Trials for "enslaving and murdering civil populations, prisoners of war and prisoners from the occupied territories"



THE DARKEST PAST

- Post war the conglomerate was dismantled into components including Bayer, BASF and Hoechst. Shockingly, in 1956 Fritz ter Meer was nominated Chair of the Board of Directors of Bayer AG, after his release from six years in prison for the most serious war crimes. He held this position until 1964. Upon his death in 1967, Bayer created the Fritz ter Meer Foundation to support students.

- According to the Coalition Against Bayer Dangers, the company was still honouring ter Meer until at least 2006 by depositing flower crowns on his tomb.

- Egregiously, only between 2000 and 2007 did Bayer, along with other German companies, pay part of the €4.4 billion fund managed by the German state to compensate Nazi-era forced labourers.

www.usarmygermany.com

BOX 5: SCANDALS TO DIE FOR

- In the 1980's Bayer's pharmaceutical wing produced Factor VIII and IX for haemophiliacs; they harvested Factor VIII from prison populations and intravenous drug users, bypassing protocols for blood plasma harvesting. Thousands of the haemophiliacs from the USA, France, Canada, the UK and other countries who received this product became infected with HIV and hepatitis C, and subsequently died.

- Monsanto (acquired by Bayer in 2018) produced the well-known Agent Orange, a defoliant herbicide used by the US military during the Vietnam War to destroy forest cover and food crops, which led to birth defects, cancers, and other diseases. Monsanto also produced the insecticide DDT, used for decades despite its links to cancer and other diseases.

- Greenpeace has documented a list of Bayer's environmental crimes that took place in the 1990s and early 2000s - including the dumping of sulphuric acid and heavy metals into the North Sea, the storage of waste with lead, cadmium, and mercury a few metres away from the Rhine river, and the dumping of PCB and heavy metals waste from the Belford Roxo factory into the Sarapuí river in Brazil. The company has been repeatedly fined in the US for environmental pollution, toxic spills, land, and water contamination.

- In 1997 Bayer played a key role in a coalition of large pharmaceutical companies that sued Nelson Mandela's Government when South Africa attempted to mass-produce generic life-saving AIDS/HIV medicines, to protect their patents and profits. The company ceased these legal attempts in 2001, due to widespread condemnation of its actions.

- As part of the powerful pharmaceutical lobby in the US, Bayer, both on its own and as a member of major lobby groups such as PhRMA (Pharmaceutical Research and Manufacturers of America), has fought against many proposals that could moderate prices in the US private healthcare system. It has also resisted public health systems Medicare and Medicaid for decades, right up to the present day. In 2001 Bayer paid US$14 million to settle charges of inflating Medicaid by setting prices too high for the drugs it produced.

- Bayer's pharmaceutical branch has been involved in several other high profile cases – being accused of price gouging, prescription pushing and disregard of serious side effects of drugs it produces (Essure, Duogynon, Cipro, Xarelto, Mirena) - even deadly effects, such as in the birth control pill Yazmin, the anti-cholesterol drug Baycol, and the aforementioned HIV infections.

- In 2017, the Monsanto Papers revealed campaigns organised by Monsanto to manipulate science and collude with the Environmental Protection Agency in the US. They also revealed efforts by the company to attack scientific studies showing the carcinogenicity of glyphosate, particularly through a coordinated campaign to discredit the WHO's International Agency for Research on Cancer.

THE CLIMATE WAGER: BUSINESS OPPORTUNITIES AND GREENWASHING

Bayer is nowadays using the climate crisis as a business opportunity. It presents itself as a future-oriented company which intends to decarbonise its businesses somewhere in the near future. This is all while it is in fact still actively contributing to the climate crisis. Bayer continues to vigorously promote and work to maintain a heavy-emitting and energy-intensive agricultural sector in the EU and abroad, based on very polluting monocultures. Its negative climate impacts in other areas like pharmaceuticals also continue.

To greenwash its climate policy, Bayer relies on the assumption that only a very small part of CO2 emissions comes from agricultural production, a perspective which ignores emissions from fuel for machinery, fertilizer production, and transport (which are usually considered energy or transport emissions). Until 2017 Bayer was listed as one of the most influential companies shaping global climate policy - actively opposing climate action along with the likes of ExxonMobil and Chevron. They seem to have taken a subtler approach since then.

According to their website, Bayer's four main climate promises are to:

1. Achieve net zero emissions across the entire value chain by 2050.

2. Reduce greenhouse gas footprint by 30 percent of the highest emitting crop systems in the regions Bayer serves (although it is not clear what crop systems and regions the company is referring to).

3. Reduce by 30 percent the environmental impact of crop protection, "supporting projects to preserve (rain) forests and using more environmentally friendly packaging materials".

4. Build digital farming tools and technologies with Microsoft, to promote "climate smart" precision agriculture through privately held tools that monitor crops, soils, weather and climate variations.

This amounts to little in real terms, and does not take into account the historical responsibilities of Bayer. As a major chemical and agricultural company, for decades Bayer has directly contributed to the climate crisis through its products which have been used worldwide, by influencing science, and through political processes that promote the globalisation of intensive agrotoxic practices. From the 'Green Revolution' that made chemical and mechanised agriculture the new global model in the 1960s and 1970s, through to their proposed 'Gene Revolution' of GMO deregulation - by promoting its products and systems Bayer has significant historical responsibility for the fact that agriculture is now one of the highest emitting sectors of the world.

The new concept of 'climate smart' agriculture often amounts to no more than the rebranding of practices that are already in the interest of the industry promoting the idea, with little to no environment-friendly outcomes or emission reductions. It also favours 'data grabbing', retaining control of farmers' data.

Bayer has launched the Bayer Carbon Program, an initiative that pays farmers to reduce tillage or to plant cover crops. The express effect of this initiative is to boost the company's business, once again cleverly designed by Bayer to be based on spraying chemicals instead of ploughing. The company is actually advocating for weedkillers such as glyphosate to substitute or reduce tillage. This is an old trick: for example at the 2009 COP15 in Copenhagen, Monsanto lobbied heavily for carbon credits for their RoundupReady crops which were grown for agrofuel, and for credits to fund GM soy projects under the Clean Development Mechanism to offset polluting industries' emissions. By reframing and re-labelling existing activities under a new 'green' or 'climate friendly' package, companies like Bayer are misrepresenting their level of climate action and even managing to get financial support for their sleight of hand.

Climate and finance think thank Planet Tracker's 2023 evaluation of Bayer's Climate Transition Analysis is devastating - it puts the company on a +3°C scenario pathway. This means that the extrapolation of Bayer's climate policy and targets to the global scale would lead to a global temperature increase of 3°C in 2100, compared to the pre-industrial era. Planet Tracker says Bayer's total emissions in 2022 were 12,670 kilotonnes of CO2-equivalent. The majority of Bayer's emissions are Scope 3 - emissions not produced by the company itself, but rather by those that it is indirectly responsible for in its value chain. Its Scope 1 (direct emissions) and Scope 3 emissions are off track from its pledges.

As expected, the majority of Bayer emissions come from its CropScience segment. In its proposals to reduce emissions, the company relies on technologies unproven at large-scale, namely Carbon Capture and Storage and alternative fuels. The evaluation by Planet Tracker is clear: "Our overall assessment is that Bayer's 2050 net zero ambition is almost totally dependent on actions by third parties, including the development of new technology. It is little more than wishful thinking at this stage."

Finally, like so many other corporations, Bayer says it is ""offsetting" its emissions" in Brazil, China, Uruguay, Indonesia, Peru, Nicaragua, Uganda, Zambia, Zimbabwe, Finland, Guatemala, Italy, Argentina, and Mexico. Yet carbon offsetting has been debunked as a speculative scheme to greenwash companies and businesses. Analysis by The Guardian shows that 78 percent of the top 50 carbon offsetting projects are worthless, and 16 percent are problematic, fundamentally failing to deliver the promised emission cuts.

Bayer's commitment to action on climate change is also questionable given its support of climate deniers. Notably, up until 2012 the company was a regular donor to the climate-denial US think tank Heartland Institute, and up until 2019 it continued to make regular donations to climate change denialist politicians.

Conclusion - Bayer practices are bad for environment, health and democracy

Despite its enormous power, resources, money and influence, Bayer could increasingly become a giant with feet of clay. Ever since taking on Monsanto and adding glyphosate-based RoundUp to its list of troublesome products, it has taken many hits. Sales have continued to decline in its crop science and pharma segments (with a small spike in the first half of 2024), and a further slash in its 2023 revenue directly connected to a drop in glyphosate demand is creating pressure for change.
In a more optimistic mood, early August 2024 Bayer announced that in the first half of the year, sales of all its products brought in €24.9 billion - 2.1 percent less than in 2023. However there was also a slight increase of glyphosate-based products - showing why keeping that chemical on the market is of existential importance to Bayer. It's lobby costs seem to pay off indeed.
New boss Bill Anderson may consider reshuffling the corporation, while shareholders are pushing to separate and spin off Bayer's crop-science segment out into a new publicly-listed company, while their dividends drop.

Juridical protest against Bayer, meanwhile, is getting internationalised. A class action against Bayer was opened by non-Hodgkin Lymphoma patients in Australia - over 800 people allege their cancer was caused by glyphosate and Roundup in particular, spelling more trouble on the horizon. In Missouri, the company was condemned to pay $1.56 billion (slashed to $611 million by a judge in April 2024) for more cancer cases connected to Roundup.

Bayer had announced that it would take glyphosate for residential use out of the US market in 2023, although its massive agricultural use will be retained. In an open letter (April 2024) Bayer wrote: "If American farmers lose a critical tool like glyphosate based on the litigation industry's actions, they will face even harder choices. Bayer is the only domestic manufacturer of glyphosate. If this keeps up, farmers will be left with two options – grow less food or rely on foreign supplies of the product. We plan to continue providing U.S. farmers this vital, valued product so America's consumers and a hungry world can be economically and abundantly and, above all, safely fed."

The level of losses accrued due to glyphosate keeps on mounting, even after the controversial reapproval of the product for ten more years in the EU, making this a serious problem for Bayer in the short term. But is it just a bump in the road for this giant corporation?

However, Bayer has been looking into alternatives to glyphosate for some time. In March 2024 the company announced that such a product would be publicly available in 2028. At the beginning of this year, in Brazil, Bayer presented two new herbicides in this vein: Icafolin and Convintro. The Convintro herbicide contains PFAS diflufenican and endocrine-disrupting metribuzim, two substances which are bound to raise serious environmental and health issues. So it's business as usual for the giant.

An even more business-friendly and Bayer-friendly German government in 2025, such as one led by former BlackRock Germany (one of Bayer's biggest shareholders) director, and current CDU leader in the Bundestag, Friedrich Merz, might improve Bayer's prospects. With a rise in conservative and far-right elected representatives in the EU, Bayer and its toxic lobby will likely realign for new political scenarios.

It is astonishing to see how far Monsanto's (subsequently Bayer's) lobbying has sunk its teeth into public decision-making across the world. Bayer's lobby tactics continue to capture public policy-making, and in doing so hollow out democracy. A perverse symbiosis between corporate lobby groups and decision-makers has been actively created through its economic weight and large investments in many corners of the world, and this consistently leads to crucial decisions being made in favor of industry profits, rather than public interest.

As this report has shown, companies like Monsanto/Bayer have for many years managed to influence, design and change national policies on the use of pesticides and biotechnology in food production, leading to significant and long-lasting environmental and health harm.

But if Bayer were to now succeed in changing US law on labeling, and thus to de facto achieve immunity from further litigation related to its toxic products, that would still be a new low for democracy and for policies to improve public health and preserve biodiversity.

Four horsemen of the agrochemical apocalypse: privatising life itself

Some things are really hard to change. As with the three other 'horsemen of the agrochemical apocalypse' – Syngenta, Corteva, and BASF – the dire climate situation of food chokepoints internationally offers the opportunity for corporations like Bayer to hold more power over governments and farmers who are subject to significant socio-economic pressures, deploying patented products, crops, and technologies controlled almost exclusively by them. These companies are privatising life and food itself, with patented seeds and the coupled use of pesticides, to maintain and further lock in an agro-industrial model that produces mainly commodities. Despite Bayer's rhetoric about zero hunger, this approach does not feed the world, let alone in a sustainable way. Nor does this model sustain vibrant rural communities and support family farms, ensuring farmers can make a decent living from their work. The farmers' protests that have erupted in recent months are caused by a convergence of the cost of living crisis, crop failures, sharply rising prices for inputs like pesticides and fertilisers, and the lack of real EU support for the economic activity of small-scale family farms.

Despite the successful narrative shift accomplished by lobbyists, large landowner associations, agribusiness and the conservative right in the media, the protests were not largely fueled by green measures, but rather by inequality, lack of support for a green transition, free trade agreements and the crush caused by market conditions - where global food and financial actors determine prices of food and stimulate inflation. The fact that the protests haven't stopped despite the dismantling of many European Green Deal and Farm to Fork policies reveals that something deeper than recent policies is at fault. The monopolistic agribusiness model – which Bayer is a key actor in and promoter of – is at the core of the problem, putting both individual farmers and biodiversity under stress.

Toxic-free politics: time to kick big polluters out of the corridors of power

Companies such as Bayer have left a toxic trail all around the world and all through their long history. Bayer's model of production, and many of its products, have

been a past, present and future threat to people and planet, and need to be regulated. Around the world, Bayer's modus operandi is not to work in the public interest, but rather to capture public policy to serve its private interests and dividends of its shareholders, all while ignoring the public health and environmental impact of its activities.

In the short term, we need a firewall between decision-makers on the one side, and Bayer and its lobby representatives on the other. Much as we need toxic-free food and a toxic-free environment, we desperately also need toxic-free politics. Just as the tobacco industry lobby has been to some extent sidelined in the past two decades, (thanks to years of media revelations, litigations and civil society campaigns leading to the WHO 's FCTC protocol and specifically article 5.3). After years of sitting at the negotiating table for public health policy decisions, we need to urgently kick big toxic polluters out of the places where they exercise their poisonous political influence.

Bayer has undeniably grown into one of the most important global players that should be excluded from the corridors of power, in order to have a politics that puts people and planet before profits. This company's toxic trail belongs in the history books. It must not be allowed to continue its destructive business, in the EU or elsewhere.