

6 rice farmers win \$940,000

Bayer told to pay for crop losses

ALISON-SIDER
ARKANSAS DEMOCRAT-GAZETTE

A Desha County jury awarded more than \$940,000 in damages to six farmers and their business entities Wednesday, to compensate for losses they have sustained since traces of genetically modified rice were found in the U.S. long-grain rice supply in 2006.

The jury found that the negligence of Bayer CropScience and its subsidiaries in handling rice bred to tolerate its Liberty Link herbicide cost farmers a valuable export market.

No punitive damages were awarded.

This is the sixth ruling in as many trials against the

Germany-based Bayer conglomerate. So far, three federal juries and three juries in Arkansas have awarded more than \$53 million — including \$48 million by a Lonoke County jury in April — to farmers for damages.

Plaintiffs' attorney Chuck Banks called the award "generous."

"Any time you ask for punitive damages you feel warranted and justified, but, no, we weren't disappointed. We just feel like the jury made a rational, reasonable, fair decision, and we're pleased with the verdict," Banks said Thursday.

Other plaintiffs originally included in the group were

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• Continued from Page 1D separated when the trial began in order to keep the trial length to two weeks. Those plaintiffs' case will be heard later. No date has been set, Banks said.

Judge Bynum Gibson Jr. dismissed complaints against Stuttgart-based Riceland Foods on the grounds that evidence of damage was insufficient, Banks said.

In a prepared statement released in response to the ruling, Bayer CropScience said it would consider its legal options.

"Bayer CropScience maintains that it acted responsibly and appropriately at all times in the handling of its biotech rice, but reaffirms that it is willing to work with those parties who approach discussions of economic loss in a reasonable manner," the statement said.

In August 2006, the U.S. Department of Agriculture announced that traces of Liberty Link 601 had been found in the commercial rice supply.

Bayer had partnered with Louisiana State University to test its genetically modified rice at a school-run facility in Crowley, La., in 1998. Though the USDA has said the rice

variety poses no health or environmental risk, the rice had not been approved for human consumption at the time.

When the contamination was announced, Japan and the European Union immediately moved to restrict U.S. rice imports, leading to a drop in rice prices and exports.

Last month the European Union lifted the emergency measures it implemented in 2006, which required that all rice arriving from the U.S. must be tested and found free of genetically modified organisms. The continent now gets most of its rice from Asia and South America.

"The EU was a strong market for U.S. long grain milled rice ... It was a high quality market, and it had been pretty stable. That market has not returned to the level it was before '06, '07," said Nathan Childs, an economist who studies the rice market for the U.S. Department of Agriculture.

But, he said in a telephone interview, the U.S. has also picked up some markets in recent years they were not shipping to before 2006, including countries in South America.

Bayer has sought appeals of four of the previous cases, and is still considering its op-

tions for a federal trial that ended earlier this month in St. Louis.

There still thousands of plaintiffs in multidistrict litigation in federal court in St. Louis. Scott Powell, a Birmingham, Ala.-based attorney who tried the case against Bayer in Lonoke County, said his firm has 2,000 clients, all Arkansas farmers.

Confidential mediation discussions for the multidistrict litigation began in April, with the next session set to begin in August.

The next trial against Bayer in Arkansas is to begin in September in Jefferson County.