

CEP Magazine – October 2020 Weeding through due diligence

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In 2018, Bayer acquired Monsanto, including a product known as Roundup, which was then, as it is now, the subject of numerous lawsuits alleging that it is carcinogenic and has done substantial harm. Bayer has recently been working on a possible \$10 billion settlement.^[1]

Any premerger due diligence of Monsanto done by Bayer might have red-flagged Roundup as an issue, but who knows how it was considered or how an estimate of future liability was calculated. The Environmental Protection Agency and other regulators all said Roundup was safe, but a division of the World Health Organization determined that the product was “probably” a carcinogen, a determination that changed the nature and volume of litigation.

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