

## **ROUNDUP CLASS SETTLEMENT** **EXECUTIVE SUMMARY**

### **PROPOSED \$2 BILLION CLASS SETTLEMENT**

Following the Court's July 2020 order, the parties have spent six months developing a new settlement structure to address the Court's concerns. The proposed \$2 billion class settlement provides for compensation, notice, outreach, diagnostic assistance, and research for a class of all those previously exposed to Roundup in the United States who have not already filed individual tort suits against Monsanto or retained counsel to do so.

#### **BENEFITS TO CLASS MEMBERS**

The settlement provides a substantial, multipronged set of benefits to class members, including:

##### **Class Claims Program**

The Claims Program will provide payments of up to \$200,000 to eligible class members diagnosed with NHL and first exposed to Roundup Products at least 12 months prior to their diagnosis. The Claims Administrator may award more than \$200,000 for extraordinary circumstances. For qualified individuals who were diagnosed with NHL before January 1, 2015, the Claims Administrator may award up to \$10,000. Awards will be based on factors including age, medical history, date of NHL diagnosis, extent and circumstances of exposure to Roundup and other known or potential carcinogens (e.g., occupational, consumer, or other exposures), family circumstances/dependents, and disease status and progression.

The Claims Program will begin 60 days after the district court grants final approval of the settlement. The parties may agree to continue the Compensation Fund program after the initial settlement period (at least four years), including providing additional funding for the Claims Program and Accelerated Payment Awards discussed below, subject to Court approval. If Monsanto elects not to continue the Compensation Fund after the initial settlement period, it will pay an additional \$200 million End Payment into the settlement fund.

Only class members who accept and receive a Claims Program Award will release their individual claims for compensatory damages. All other class members may file an individual claim for compensatory damages after the initial settlement period ends.

##### **Accelerated Payment Option**

The settlement also provides an Accelerated Payment option as an alternative to the Claims Program described above. Accelerated Payment Awards are based on a streamlined application package, and may begin 30 days after the Court grants preliminary approval of the Settlement. Eligible class members who have been diagnosed with NHL and were first exposed to Roundup Products at least 12 months

prior to their diagnosis will receive a guaranteed, expedited payment of \$5,000.

Only class members who are found eligible for an Accelerated Payment Award will release their individual claims for compensatory damages. Any class member who does not apply or is ineligible for an Accelerated Payment award may file an individual claim for compensatory damages after the initial settlement period ends.

### **Diagnostic Accessibility Grant Program**

The Diagnostic Accessibility Grant Program (DAGP) will allow class members without regular access to medical care to be evaluated for NHL at no cost, by providing grants to existing medical clinics and healthcare providers. The program will prioritize certain areas of the United States, where high-quality healthcare is not readily available, to expand access to NHL diagnostic evaluation for the most at-risk and medically-underserved populations. The program will ensure availability of credentialed and licensed professionals and related resources, including equipment, to facilitate the evaluations. The program will also utilize telehealth for broader reach.

One of the main features of the DAGP is a proactive education or “outreach” campaign, including:

- Identifying the various communication channels (including technology, social media, existing community-based and/or advocacy groups, etc.) that can be utilized to educate class members about how to self-diagnose and/or contact a telemedicine service to further facilitate informed self-evaluation and decision-making prior to utilizing the diagnostic services of a DAGP grantee.
- Partnering with organizations that routinely communicate and interact with migrant and non-migrant farmworker communities and certain non-farmworker communities with frequent exposure to Roundup Products (including but not limited to landscaping and groundskeeping workers) to build awareness of the DAGP objectives and build trust in the DAGP and its network of DAGP grantees.

The DAGP will begin after the settlement is granted final approval by the district court and any appeals are resolved.

### **Research Funding Program**

The research funding program will fund medical and/or scientific research into diagnosis and treatment of NHL. A protocol will be established through which class members can elect to actively participate in the research conducted in the Research Funding Program, by allowing the inclusion of their de-identified data or otherwise.

The research funding program will begin after the district court grants final approval of the settlement and any appeals are resolved.

### Corrective Product Labeling

After the district court grants final approval of the settlement, Monsanto will request permission from the EPA to add a reference link to Roundup Products' labels. If the request is approved, the labels will refer to more information about whether the exposure to the product is associated with NHL and provide links to relevant scientific evidence and materials.

### Free Legal Services Program

Provides class members with free legal advice related to this settlement, including assistance with filing a claim and understanding all of their rights and options. This benefit will be available to all class members after final approval by the district court.

### Advisory Science Panel

An advisory science panel of experts will determine, based on a scientific review of existing studies and data, whether exposure to Roundup causes NHL in humans, and, if so, at what threshold internal dose level (dose greater than xx micrograms/day over a lifetime). The science panel will have four years to make their final determination.

Unlike the prior settlement, the science panel's determination is not preclusive or legally binding. Class members or Monsanto may introduce or challenge the determination as evidence in litigation involving Roundup Products, and class members or Monsanto may also introduce evidence of their own regarding causation. Additionally, beginning three years after the science panel announces its determination, Monsanto and class members may challenge the admissibility of the determination on the basis that new scientific evidence has rendered the determination legally inadmissible.

### **BENEFITS FUNDING ALLOCATION**

Allocation of the \$1.63 billion settlement fund will break down as follows:

<b>Benefit</b>	<b>Amount</b>
Compensation Fund	At least \$1.325 billion
Diagnostic Accessibility Grant Program	\$210 million
Research Funding Program	\$40 million
Settlement Administration Costs, Science Panel Costs, Settlement Class Notice Costs, Taxes, and Escrow Agent fees and expenses	Up to \$55 million

Any unused allocated amounts listed above will be used to fund class benefits. None of the money will revert to Monsanto.

The free legal services program will be funded by Monsanto, in addition to the settlement fund. Up to 40% of the Court-awarded attorneys' fees may be made available to fund the legal services program.

Additionally, as noted, the parties may agree to continue to provide additional funding to the Compensation Fund program after the initial settlement period with Court approval. If Monsanto elects not to continue the Compensation Fund after the initial settlement period, it will pay an additional \$200 million End Payment into the settlement fund.

### **WHAT CLASS MEMBERS GIVE UP**

If the settlement is approved, in exchange for the above benefits class members who do not opt out will:

- Not be able to seek punitive damages or medical monitoring in claims against Monsanto (and certain other parties).
- Not be able to file any individual claims for compensatory damages until after the initial four-year settlement period ends.

All class members retain their rights to later sue Monsanto for individual compensatory damages unless they apply for, accept, and receive a compensation award. Statutes of limitations (the deadlines for filing individual lawsuits) will be tolled for settlement class members during the operation of the settlement compensation programs. Class members who receive compensation awards agree not to sue Monsanto for claims related to Roundup Products.

### **ATTORNEYS' FEES**

Monsanto will separately pay Class Counsel's attorneys' fees and costs that the court approves in addition to the settlement benefits described above. Class counsel will request court approval of a total of \$170 million in fees and costs, which will include funding for the Free Legal Services Program to assist class members with their claims. The class member benefits described in this Executive Summary will not be reduced by Class Counsel's attorneys' fees or costs. If the Court awards less than the requested amount, the remaining amount will be added to the settlement fund.

### **COMPREHENSIVE NOTICE PROGRAM**

Class members are diverse and widespread, including large groups of individuals who may be migratory, lack exposure to traditional media, or do not speak English as a first language. The comprehensive notice program was designed, following extensive research and information-gathering, to take into consideration class members' geographic concentration as well as the communication channels through which they receive and share information. This research included a survey, long-form interviews, and extensive analysis of U.S. government data.

The resulting program is multifaceted, utilizing multiple communications channels and languages to reach class members. Highlights of the notice program are attached.

## **Exhibit A: Class Notice Program Highlights**

The class notice program includes the following:

- Mail/email notice to approximately 266,000 potential class members and organizations, including farms in counties with 1,000+ farmworkers, businesses and organizations (e.g., greenhouses, herbicide consultants, weed control, vineyards, farm labor/ management/organizations/services), diplomatic establishments, and government entities (e.g., building directors, weed supervisors, public works directors)
- Mail notice to approximately 41,000 individuals who self-reported having NHL that could be affected by the Settlement
- Mail posters to approximately 2,700 stores (farming /lawn and garden supplies) asking them to post notice
- Mail sample posters and letters to large retailer headquarters (e.g., Lowes, Home Depot) asking if they would like to receive additional posters to post notice in stores
- Publish on-air television notice
  - National broadcast and cable television in English
  - U.S. local broadcast media targeting at-risk populations in Spanish-language television stations
- Publish on-air radio notice
  - National network radio in English.
  - U.S. local broadcast media targeting at-risk populations (plus U.S. territories and possessions) in English
  - National network radio in Spanish
  - U.S. local broadcast media targeting at-risk populations in Spanish
  - Local indigenous radio in Spanish, Triqui, Mixteco, and Zapotec, as applicable
  - Local agricultural radio in English
- Publish print notice in:
  - 5 consumer magazines
  - 1 Spanish consumer magazine
  - 5 international military magazines
  - 22 Spanish-language local newspapers
  - 10 local newspapers in U.S. territories and possessions
  - 4 landscaping magazines
  - 21 state agricultural magazines
  - 3 editions of Stars & Stripes
- Digital campaign (e.g., Google, Facebook, YouTube) designed to run for a period of up to six months:
  - National (including U.S. territories and possessions) ads
  - Targeting farmers in 919 counties in 38 states, in Spanish and indigenous languages (Mixteco, Zapotec, Triqui)
  - Targeting landscapers/groundskeepers in 668 counties in 50 states + D.C. in English and Spanish
  - Targeting those with NHL diagnoses nationally in English and Spanish

- Targeting farmers via AG Network
- Targeting military and diplomats via Military Audience Network, as well as Military.com, and The Diplomat.com
- Targeting those with NHL diagnoses nationally in English and Spanish
- Work with organizations that have contact with the at-risk population to communicate information about the settlement and build trust. Organizations include:
  - National, state, and local organizations (e.g., non-profits, labor unions, legal defense funds, community health centers, and churches)
  - Businesses (e.g., community centers, gas stations, convenience stores, restaurants and laundromats)
  - Events such as county fairs and sporting events
  - Schools, through organizations like the National Association of State Directors of Migrant Education and the National Migrant Seasonal Head Start Association
- U.S. Bilingual Multimedia News Release
- U.S. Bilingual Satellite Media Tour
- U.S. Bilingual Pitch Team
- Press release in Mexico
- Mexican TV/Radio (national and local)
  - Markets in select states with the highest number of migrants to the U.S.
  - Spanish with some Indigenous radio (Mixteco, Zapotec, Triqui) in select states
- Mexican Digital Media
  - Coverage in metropolitan border areas over 25 weeks
  - Coverage in select states with the highest number of migrants to the U.S.
  - Coverage in Spanish, and indigenous languages (Mixteco, Zapotec, Triqui) in select states
- Reminder email notices to potential class members for whom a valid e-mail address is available, sent after the Effective Date of the Settlement to remind recipients of upcoming registration deadlines