

**IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS
TRIAL DIVISION – CIVIL**

**IN RE: PARAQUAT PRODUCTS
LIABILITY LITIGATION**

May Term 2022

This Document Relates to All Cases

No. 220500559

**SYNGENTA DEFENDANTS’ RESPONSES AND OBJECTIONS TO
PLAINTIFFS’ SECOND SET OF REQUESTS FOR ADMISSION**

Defendants Syngenta AG and Syngenta Crop Protection, LLC (together, “Syngenta”) provide the following Objections and Responses to Plaintiffs’ Second Set of Requests for Admission served on July 31, 2024. Syngenta’s investigations are ongoing, and Syngenta reserves the right to update these responses should additional information become available. Syngenta designates these Responses Confidential pursuant to the August 19, 2022 Protective Order. Subject to its General Objections and Responses provided below, Syngenta responds as follows.

OBJECTIONS TO PLAINTIFFS’ SECOND RFAS

1. Syngenta objects to these Requests for Admission as vague and ambiguous because they use the undefined terms “legally allowed” and “restricted for use.” Information regarding whether laws, treaties, and/or regulations exist in any jurisdiction is public and equally available to Plaintiffs, and it would be unduly burdensome and oppressive for Syngenta to conduct a worldwide survey of environmental laws and regulations, pesticide-specific laws, treaties, and regulations, and the dates thereof. Syngenta further objects to these Requests as they call for legal conclusions about complex regulatory regimes in numerous countries that would likely require translation and expert advice from each jurisdiction. Syngenta objects to these Requests as overbroad, unduly burdensome, not relevant to any party’s claim or defense, and not proportional

to the needs of this action. Plaintiffs do not allege exposure to any Syngenta paraquat-containing pesticide products outside of the United States.

2. Syngenta further objects to these Requests because the reasons that paraquat can or cannot be sold varies by country and over time, and regulatory structures and rules have changed a great deal over time on a country-by-country basis, to the extent any regulatory structures and rules currently or ever existed in each country. Moreover, Syngenta is not the only manufacturer or seller of paraquat worldwide, and thus answers these Requests based on information available to it after a reasonable investigation. Syngenta objects because it does not, in the typical course of business, create or maintain records of all paraquat registrations or regulations in countries in which it does not sell paraquat products. Syngenta also objects to these Requests as duplicative of Syngenta's Responses and Objections to Plaintiffs' Second Set of Interrogatories, including Syngenta's Response to Interrogatory No. 11.

3. Syngenta also objects that Syngenta Crop Protection, LLC and Syngenta AG are separate entities, and that they are each also separate from current and/or former Syngenta entities in other countries. As such, any responses or admissions should be understood to mean that some Syngenta entity may have had an active registration at some point in time, rather than Syngenta Crop Protection, LLC or Syngenta AG specifically. For example, Syngenta AG does not hold an active pesticide registration in the United States, only Syngenta Crop Protection LLC does.

SUMMARY RESPONSE TO PLAINTIFFS' SECOND REQUESTS FOR ADMISSION

Without waiving its objections, Syngenta states that it interprets these Requests for Admission to be requesting an admission regarding whether Syngenta currently maintains an active pesticide registration (or the in-country equivalent) to sell paraquat-containing pesticide products for each of the countries identified in the Requests. Accordingly, Syngenta admits that it

currently maintains an active pesticide registration and legally sells paraquat-containing pesticide products in the following jurisdictions: United States, Australia, New Zealand, Japan, and Indonesia.

With respect to the countries in which paraquat is *not* sold today, Syngenta responds with the ending years for the time period during which sales of paraquat-containing products occurred, if known and/or ascertainable based on information within Syngenta's possession, custody, or control. To the extent this Request seeks information regarding sales of paraquat by entities other than Syngenta, Syngenta objects that the requested information is equally available to Plaintiffs, and it would be equally burdensome for Syngenta to conduct this research into pesticide manufacturers and/or distributors in other countries. Accordingly, Syngenta responds by categorizing (1) countries in which Syngenta either chose to end sales or that terminated paraquat registrations for unknown reasons or without a technical review/risk assessment; (2) countries that disallowed paraquat sales because of concerns about acute toxicity (i.e., concerns that individuals were intentionally or unintentionally drinking paraquat); and (3) the sole country that has disallowed paraquat sales because of concerns about mutagenicity and neurotoxic potential. Where the information was available to Syngenta after reasonable investigation, Syngenta also identifies the year when sales ended or registration was withdrawn.¹

A. Countries in which Syngenta either chose to end sales or that terminated paraquat registrations for unknown reasons or without a technical

¹ The end dates specified below may correspond to the final registration year or the year that the paraquat registration or sales were banned or otherwise discontinued for economic or other reasons. The last registration date of paraquat may not directly correspond with the date of last sales for multiple reasons, including that Syngenta may have terminated sales prior to the registration expiration or because sales were permitted for some period of time beyond when the registration expired.

review/risk assessment.

The countries of the Permanent Interstate Committee for Drought Control in the Sahel (French: Comité permanent inter-État de lutte contre la sécheresse au Sahel, abbreviated as CILSS) banned the sale of paraquat in all member countries in 2011 without undertaking a regulatory review or conducting a risk assessment. The primary rationale for the regulation was due to the loss of EU regulatory approval, the acute toxicity of paraquat, and the risk of accidental or intentional drinking of paraquat, but the CILSS did not conduct a formal regulatory review or risk assessment. Moreover, paraquat was not registered or sold in numerous CILSS countries when the CILSS decision was made. Nevertheless, the countries affected by the CILSS decision are as follows (though some of these countries made decisions about paraquat before or after the 2011 decision): Benin; Burkina Faso; Cape Verde; Chad; Gambia; Guinea; Guinea Bissau; Ivory Coast; Mali; Mauritania; Niger; Senegal; and Togo (2015).

Similarly, in 2007, a European Union judicial body issued a decision that annulled the existing EU paraquat registration. The reviewing court determined that the file for the initial registration was mishandled by the regulatory Commission and that it failed to consider all available evidence. The EU judicial body did not purport to conduct a regulatory review of paraquat safety or risk assessment based on a comprehensive review of the available scientific data. Certain non-EU countries also followed the EU's lead and terminated paraquat sales in order to align with the EU standards. The EU member countries impacted by this decision and other countries that aligned with the EU are as follows (though some of these countries made decisions about paraquat before or after the 2007 EU judicial ruling): Albania; Austria; Belgium; Bosnia & Herzegovina; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Macedonia; Malta; Montenegro; Netherlands; Poland; Portugal; Romania; Serbia; Slovakia; Slovenia; Spain; Sweden; Turkey; and United Kingdom.

There are also some countries where Syngenta previously registered or sold paraquat but has since exited the market. Syngenta may have ended paraquat sales or withdrawn paraquat

registrations for economic, or logistical reasons, and the decision to withdraw registrations or cease sales may, in some cases, have been made decades ago. Since voluntarily withdrawing paraquat registrations or exiting the market, Syngenta has not been involved in maintaining or renewing registrations in those countries or investigating the status of paraquat regulation or registrations. Syngenta lacks further information regarding the status of paraquat registrations or regulation in those countries where it has withdrawn its registration or no longer sells paraquat. After Syngenta withdrew its paraquat business, other entities may have continued to sell and/or register paraquat according to each country's regulatory requirements, if any. For some countries, Syngenta is aware of a paraquat ban, but the country did not publish the reason for terminating paraquat registration or sales or the rationale for ending paraquat registrations and/or sales is not reasonably ascertainable. To the best of Syngenta's knowledge and after reasonable investigation, the decisions to withdraw registrations or ban sales were not based on any comprehensive review of the available scientific evidence or on any purported evidence of an associative link between paraquat and neurotoxic impacts. To the extent the year in which sales ended, registration was withdrawn, or a ban was enacted was readily ascertainable after a reasonable investigation, Syngenta provides the last year during which paraquat was registered and/or sold by Syngenta or when a ban was enacted for unknown reasons:

- Algeria (During or after 2008);
- Angola (2005);
- Anguilla (During or after 1998);
- Antigua and Barbuda;
- Argentina (2022);
- Bahamas;
- Bangladesh (2021);
- Barbados (During or after 2001);
- Belize (2022);

- Bermuda (During or after 1998);
- Bolivia (During or after 2012);
- Cambodia (2003);
- Cameroon (2008);
- Canada (2022);
- Cayman Islands (During or after 1998);
- Colombia (2022);
- Costa Rica (2022);
- Cuba (During or after 2004);
- Dominica (2022);
- Dominican Republic (2022);
- Ecuador (2022);
- Egypt (2002);
- El Salvador (2022);
- Ethiopia;
- Ghana;
- Grenada;
- Guatemala (2022);
- Guyana (During or after 1998);
- Haiti;
- Honduras (2022);
- Hong Kong (During or after 1997);
- India (2021);
- Iran;
- Iraq (2014);
- Israel (2020);
- Jamaica (2022);

- Jordan (During or after 2008);
- Kazakhstan (During or after 2010);
- Kenya (2022);
- Kiribati;
- Laos;
- Lebanon (2010);
- Liberia;
- Libya;
- Madagascar;
- Malawi;
- Marshall Islands;
- Mauritius;
- Micronesia;
- Morocco (2021);
- Myanmar (formerly Burma);
- Namibia;
- Nauru;
- Nicaragua (2022);
- Norway (1996);
- Oman (2003);
- Pakistan (2021);
- Palau;
- Palestine (During or after 1998);
- Panama (2022);
- Papua New Guinea;
- Paraguay (2022);
- Philippines (2014);

- Saint Kitts And Nevis;
- Saint Lucia (During or after 1998);
- Saint Vincent and The Grenadines;
- Samoa;
- Saudi Arabia (1982);
- Sierra Leone;
- Solomon Islands;
- South Africa (2022);
- Sudan;
- Switzerland (1989);
- Syria (2005);
- Tanzania;
- Timor-Leste (formerly East Timor);
- Tonga;
- Trinidad And Tobago (During or after 2005);
- Tunisia;
- Tuvalu;
- Uganda (During or after 2007);
- United Arab Emirates;
- Uruguay (2022);
- Vanuatu;
- Venezuela (During or after 2009);
- Yemen (2006);
- Zambia (2022); and,
- Zimbabwe.

B. Countries that disallowed paraquat registration or paraquat sales principally because of concerns about acute toxicity, including deliberate ingestion for

self-harm

- Chile (2022);
- China (2016);
- Fiji (2020);
- Kuwait (1985);
- Malaysia (2020);
- Mozambique (2014);
- Nigeria (2024);
- Peru (2021);
- Qatar (2015);
- South Korea (2012);
- Sri Lanka (2011);
- Taiwan (2017);
- Thailand (2020); and,
- Vietnam (2019).

C. Country that disallowed paraquat sales based, in part, on concerns regarding neurotoxicity

Brazil began phasing out the use of paraquat products in September 2020, though farmers were permitted to use existing supplies through 2021. Brazil's decision to phase out paraquat products was based on a 2016 technical evaluation that recommended ending paraquat sales due to concerns about potential mutagenic and neurotoxic impacts, paraquat's acute toxicity, and the lack of an antidote for paraquat poisoning. Brazil is the only country in the world that purports to have conducted a scientific evaluation of whether paraquat has mutagenic or neurotoxic potential and to have concluded that it does. Other regulators that examined potential neurotoxic impacts during the same time period as Brazil, such as in Australia, or after Brazil's evaluation, such as the

U.S. EPA, have concluded that the scientific evidence does not support a causal link between paraquat exposure and neurotoxic impacts.

With the exception of the “Specific Responses” identified below, Syngenta responds and admits that Syngenta does not maintain an active pesticide registration for paraquat-containing pesticide products and therefore cannot legally sell paraquat in the countries identified above.

SPECIFIC RESPONSES

Syngenta’s General Response provides its Responses for many of the countries listed in Plaintiffs’ Request for Admission. To the extent Plaintiffs’ Request for Admission included additional countries not included in the General Response, Syngenta responds to those countries below. Syngenta incorporates its General Objections and General Responses below.

A. Countries where Syngenta maintains an active registration for paraquat but does not currently sell paraquat

Syngenta currently has an active pesticide registration (or country-specific equivalent) for paraquat-containing pesticide products but does not currently sell paraquat-containing pesticide products in the following countries:

- Argentina (Expected expiration December 2024)
- Belize
- Bolivia (Expected expiration December 2024)
- Colombia
- Costa Rica
- Dominican Republic
- Ecuador
- El Salvador
- Guatemala
- Honduras
- Mexico

- Nicaragua
- Panama

Subject to its General Objections, Syngenta denies that it is not legally allowed to sell paraquat in the countries identified above.

Syngenta further responds that in certain countries pesticide registrations (or the country-specific equivalents) do not expire and/or pesticide registrations expire but a formal de-registration must occur before the registration is officially ended. In the following countries, Syngenta does not currently sell any paraquat-containing pesticide products, but Syngenta has an unexpired pesticide registration and/or has not formally de-registered the country-specific registration:

- Barbados
- Dominica
- Kenya (Expired September 2023; formal application to de-register required)
- Trinidad & Tobago
- Saint Lucia
- Uruguay

Subject to its General Objections, Syngenta denies that it is not legally allowed to sell paraquat-containing pesticide products in the above countries.

B. Countries where paraquat-containing pesticide products are “restricted for use”

Certain Requests asked whether Paraquat is restricted for use in specific countries. Syngenta objects that the regulatory status of paraquat in each of those countries is searchable online and equally obtainable by Plaintiffs. Syngenta also objects to the terms “restricted for use” as undefined, vague, and ambiguous, and because these Requests call for a legal conclusion. Syngenta understands these Requests to ask whether paraquat-containing pesticide products are restricted use pesticides (or the in-country equivalent).

Subject to its General and Specific Objections, Syngenta admits that paraquat-containing pesticide products are classified as restricted use pesticides (or the country-specific equivalent) in the following countries:

- Australia
- Japan

C. Additional Specific Responses

REQUEST FOR ADMISSION NO. 27:

Admit that You are not legally allowed to sell Paraquat in Chechia.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Syngenta lacks sufficient information to admit or deny Request No. 27 and therefore denies the Request. To the extent “Chechia” is referring to the Czech Republic and/or Czechia, Syngenta objects to this Request for Admission as duplicative of Request No. 31. Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs’ Second Set of Interrogatories, Interrogatory No. 11.

REQUEST FOR ADMISSION NO. 54:

Admit that You are not legally allowed to sell Paraquat in Hong King.

RESPONSE TO REQUEST FOR ADMISSION NO. 54:

Syngenta objects to this Request as vague and ambiguous to the extent it asks about Hong King. Syngenta assumes that Plaintiffs intended to ask regarding Hong Kong. Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs’ Second Set of Interrogatories, Interrogatory No. 11.

REQUEST FOR ADMISSION NO. 57:

Admit that Paraquat is restricted for use in Ireland.

RESPONSE TO REQUEST FOR ADMISSION NO. 57:

Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs' Second Set of Interrogatories, Interrogatory No. 11. Syngenta admits that it does not currently maintain an active registration to sell paraquat-containing pesticide products in Ireland and that it therefore cannot legally sell paraquat-containing pesticide products in Ireland. Syngenta lacks sufficient information to admit or deny whether Ireland currently classifies paraquat-containing pesticides as restricted use and therefore denies the rest of this Request.

REQUEST FOR ADMISSION NO. 96:

Admit that You are not legally allowed to sell Paraquat in New Zealand.

RESPONSE TO REQUEST FOR ADMISSION NO. 96:

Syngenta denies that it is not legally allowed to sell Paraquat in New Zealand.

REQUEST FOR ADMISSION NO. 126:

Admit that Paraquat is restricted for use in South Korea.

RESPONSE TO REQUEST FOR ADMISSION NO. 126:

Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs' Second Set of Interrogatories, Interrogatory No. 11. Syngenta does not currently maintain an active registration to sell paraquat-containing pesticide products in South Korea and lacks sufficient information to admit or deny whether South Korea currently classifies paraquat-containing pesticides as restricted use and therefore denies the rest of this Request.

REQUEST FOR ADMISSION NO. 135:

Admit that You are not legally allowed to sell Paraquat for domestic use in Thailand.

RESPONSE TO REQUEST FOR ADMISSION NO. 135:

Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs' Second Set of Interrogatories, Interrogatory No. 11. Syngenta objects to the term "domestic use" as undefined, vague, and ambiguous. Syngenta understands "domestic use" to mean for use in a non-agricultural setting. Syngenta admits that it is not currently legally allowed to sell paraquat-containing pesticide products for domestic use in Thailand.

REQUEST FOR ADMISSION NO. 149:

Admit that Paraquat is no longer registered for distribution in Canada.

RESPONSE TO REQUEST FOR ADMISSION NO. 149:

Syngenta objects to the terms "no longer registered" as vague, ambiguous, and undefined. Syngenta also objects that this Request is overly broad to the extent it is requesting an admission regarding whether a non-Syngenta entity could register or distribute paraquat-containing pesticide products in Canada. Subject to the General Objections, Syngenta incorporates its Responses and Objections to Plaintiffs' Second Set of Interrogatories, Interrogatory No. 11. Syngenta admits that Syngenta does not currently maintain an active registration for paraquat-containing pesticide products in Canada and that therefore Syngenta cannot distribute paraquat-containing pesticide products in Canada. Syngenta lacks sufficient information to admit or deny this Request as to other entities or registrants in Canada and therefore denies the rest of the Request.

SYNGENTA DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFFS' INTERROGATORIES AND REQUESTS FOR PRODUCTION

Syngenta objects to these additional Requests because they seek information about paraquat's regulatory status worldwide, over a multi-decade period, even though no plaintiff alleges exposure to paraquat in any country other than the United States. The information sought is thus irrelevant, confusing, overbroad, and unduly burdensome. Syngenta further objects to these Requests because the reasons that paraquat can or cannot be sold varies by country and over time,

and regulatory structures and rules have changed a great deal over time on a country-by-country basis, to the extent any regulatory structures and rules currently or ever existed in each country. Moreover, Syngenta is not the only manufacturer or seller of paraquat worldwide. Syngenta objects because it does not, in the typical course of business, create or maintain records of all paraquat registrations or regulations in countries in which it does not sell paraquat products.

Syngenta has already provided extensive Responses to related Requests in its Responses and Objections to Plaintiffs' Second Set of Interrogatories, including Syngenta's Response to Interrogatory No. 11.

Accordingly, Syngenta incorporates its General Objections and Responses to Plaintiffs Second Set of Requests for Admission and its Responses and Objections to Plaintiffs Second Set of Interrogatories, Request No. 11. Syngenta is willing to meet and confer with Plaintiffs regarding these Requests.

DATED: November 8, 2024

Respectfully submitted,

/s/ Ragan Naresh, P.C.

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CERTIFICATE OF SERVICE

I, *Grace Brier*, hereby certify that on November 8, 2024, I served a true and correct copy of Syngenta Crop Protection LLC's Responses and Objections to Plaintiffs' Second Set of Requests for Admission of Document to Syngenta via e-mail on all counsel of record.

By: /s/ Grace C. Brier
Grace C. Brier
Counsel for Defendant,
Syngenta Crop Protection LLC