

Fact Sheet – Holiday Shores Lawsuit

Illinois Lawsuit Challenges Continued use of Atrazine; Threatens Growers

Background

On July 2, 2004, the Holiday Shores Sanitary District in Madison County, Ill., filed separate (but identical) class-action lawsuits against Syngenta, Dow Chemical, Drexel, Makhteshim-Agan, United Agri Products and Sipcam – all manufacturers or formulators of atrazine products. Growmark, a distributor of atrazine, was named co-defendant in all six suits. The suits falsely claim that atrazine at any measurable level poses a health risk, and seek class-action status on behalf of various water districts in Illinois. A negative judgment in these suits will seriously threaten atrazine use in Illinois, and broadly challenge the agriculture industry by overriding the well-established regulatory process used to assure safe use of fertilizers and crop protection products.

The Facts

- This lawsuit flies in the face of good regulatory policy, good science and good common sense. As the primary registrant and a major manufacturer of atrazine, Syngenta will vigorously defend the product against such frivolous lawsuits.
- US farmers rely on atrazine for cost-effective control of grasses and broadleaf weeds in corn, grain sorghum and sugar cane. It is most-often used at low rates in tank mix or pre-mix with other herbicides (see table), and is a valuable tool in managing weed resistance.
- Atrazine is particularly valuable in no-till and conservation tillage programs, helping to prevent runoff of sediment, the number one pollutant of our nation's waterways.
- Atrazine has been used safely by farmers for 50 years and stands up to the most stringent safety tests and regulatory standards in the world – those of the US EPA. In 2006, EPA re-registered atrazine.
- The US EPA and the Illinois EPA have adopted a standard of 3 ppb for atrazine in drinking water – a level which carries a 1000-fold safety factor. In 2008, none of the 122 Community Water Systems monitored in 10 states exceeded the federal standards set for atrazine in drinking water or raw water, including those in Illinois. Atrazine concentrations continue to decline in these systems due to changes in use and adoption by farmers of best management practices, such as buffer strips.
- If local litigation, based on any measurable level of atrazine, is allowed to override federal regulation (based on scientifically documented Maximum Contaminant Levels) many other valuable tools for agriculture and industry could face similar lawsuits in the future.

Notable

The US EPA estimates that farming without atrazine could cost corn growers \$28 an acre due to yield loss and the use of more expensive herbicides.

Syngenta Crop Protection sells atrazine under the AAtrex[®] brand name, and a number of other companies sell their own brands of atrazine. In addition, Syngenta and other companies include atrazine as a critical component of a number of pre-mix herbicide products including:

- Acetochlor Plus Atrazine
- Basis Gold[™]
- Bicep II MAGNUM[®]
- Bicep Lite II MAGNUM[®]
- Brawl II ATZ[™]
- Breakfree[™] ATZ
- Breakfree[™] ATZ Lite
- Bromox + Atrazine
- Bromoxynil + Atrazine
- BROX[®]-AT
- Brozine[®]
- BUCTRIL[®] + Atrazine
- Bullet[®]
- Cadence[®] ATZ
- Cadence[®] Lite ATZ
- Charger Max[™] ATZ
- Charger Max[™] ATZ Lite
- Cinch[®] ATZ
- Cinch[®] ATZ Lite
- Degree Xtra[®]
- Dicamba + Atrazine
- Dicambazine[®]
- Establish ATZ[™]
- Establish Lite[™]
- Expert[®]
- Field Master[®]
- FulTime[®]
- G-Max Lite[™]
- Guardsman Max[®]
- Harness[®] Xtra
- Harness[®] Xtra 5.6L
- Keystone[®]
- Keystone[®] LA
- Laddok[™] S-12
- Lariat[®]
- Lexar[®]
- LeadOff[®]
- Liberty[®] ATZ
- LUMAX[®]
- Marksman[®]
- Metolachlor AT
- OverTime ATZ
- OverTime ATZ Lite
- Parallel[™] Plus
- Propel[™] ATZ
- Propel[™] ATZ Lite
- Rifle Plus[™]
- Shotgun[®]
- Simazat[™] 4L
- Simazat[™] 90DF
- Stalwart[®] Xtra
- Steadfast[®] ATZ
- Sterling Plus[®]
- Triangle[™]
- Trizmet[™] II
- Tremor AT
- Tremor AT Lite
- Volley[®] ATZ
- Volley[®] ATZ Lite

Sources: atrazine product list, National Pesticide Information Retrieval System; trademarks, product labels.

The Future

- Syngenta expects a judge in Madison County, Ill., to hear arguments regarding whether this case should proceed as a class action lawsuit in the coming months.
- The support for atrazine from growers across the country has been unwavering and unprecedented. EPA received more than 80,000 public comments during the EPA Special Review of atrazine. Many of those growers and agriculture groups are again stepping forward to defend a valued product that they feel is being unfairly targeted by frivolous lawsuits.
- Growers interested in helping should:
 - Talk with your neighbors, ag association leaders, and community and state government representatives. Write to your local newspaper or online discussion groups to let your thoughts be known. Explain that proven federal safety guidelines should take precedent over local lawsuits that unfairly target agricultural products and practices.
 - Continue to use Best Management Practices to prevent runoff from fields, such as no-till farming and buffer strips around surface water sources, and encourage your neighbors to do the same.

For more information, visit www.atrazinefacts.com

AAtrex[®], Bicep II MAGNUM[®], Bicep Lite II MAGNUM[®], Expert[®], Lexar[®] and LUMAX[®] are trademarks of a Syngenta Group Company.

BUCTRIL[®] and Liberty[®] ATZ are trademarks of Bayer CropScience.

BROX[®]-AT and Dicambazine[®] are trademarks of Albaugh, Inc.

G-Max Lite[™], Guardsman Max[®], Marksman[®] and Sterling Plus[®] are trademarks of BASF Corporation.

Cadence[®] ATZ, Cadence[®] Lite ATZ, Keystone[®], Keystone[®] LA, and FulTime[®] are trademarks of Dow AgroSciences, LLC.

Basis Gold[™], Breakfree[™] ATZ, Breakfree[™] ATZ Lite, Cinch[®] ATZ, Cinch[®] ATZ Lite, LeadOff[®], and Steadfast[®] ATZ are trademarks of E.I. DuPont de Nemours Co., Inc.

Bullet[®], Degree Xtra[®], Field Master[®], Harness[®] Xtra, Harness[®] Xtra 5.6L, and Lariat[®] are trademarks of Monsanto Technology LLC.

Shotgun[®] is a trademark of United Agri Products.

Simazat[™] 4L, Simazat[™] 90DF and Trizmet[™] II are trademarks of Drexel Chemical Company.

Stalwart[®] Xtra is a trademark of Sipcam Agro USA, Inc.

Brawl II ATZ[™], Establish ATZ[™], Establish Lite[™], Triangle[™], Volley[®] ATZ and Volley[®] ATZ Lite are trademarks of TENKOZ, Inc.

Laddok[™] S-12 is a trademark of Micro Flo Company.

Brozine[®] and Rifle Plus[™] are trademarks of Loveland Products Inc.

Charger Max[™] ATZ and Charger Max[™] ATZ Lite are trademarks of Agrilience, LLC.

Propel[™] ATZ and Propel[™] ATZ Lite are trademarks of Rosen's Inc.

Parallel[™] is a trademark of Makhteshim Agan of North America, Inc.

All products listed are Restricted-Use Pesticides.

Important: Always read and follow label instructions before buying or using these products.

February 2009