



**Memo n°18: Paul FRANCOIS**

**Farmer**

**The Hague, October 15<sup>th</sup>-16<sup>th</sup>, 2016**

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### **Biography:**

Paul Francois' 30 hectare family farm was established in 1987. In 1991, he managed an operation to convert 230 hectares of grain into an intensive agriculture system. In the year 2000, he merged his plantations with that of a neighbouring farm covering a total of 400 hectares. In 2015, he converted 100 hectares into an organic farming system.

### **Legal background:**

- 2004: April: acute intoxication from a herbicide of Monsanto: Lasso; Hospital, five weeks off work; November: worsening health status, two months of hospitalization in neurology department at La Pitié Salpêtrière
- 2005: gradual recovery; requests for recognition of the work related illness to the MSA (mutualité sociale agricole: French agricultural social mutual fund); refusal of the MSA; legal procedures before the TASS (Tribunal of Social Security Affairs)
- 2007: complaint filed against Monsanto
- 2010: occupational disease obtains recognition by the Court of Appeal in Bordeaux
- 2012: victory at the court of first instance trial against Monsanto
- 2015: victory in the Court of Appeal of Lyon against Monsanto

In 2010, the media coverage of Paul Francis' appeal influenced more victims to contact him, and a rally was organized in Ruffec. This resulted in the creation of the Phyto-Victims Association in March 2011: it presents around a hundred members including many sick farmers. The Phyto-Victims Association brings together professionals or their relatives whose health has been affected by pesticides in the course of their professional activity and others who show interest on this subject. After only 3 years of existence, it boasts over 200 members and its work and involvement with various attorneys has created dozens of legal procedures. In 2012 legal victories are present as a result of the associations' work along with its affiliated lawyers.

The president of the association received the Legion of Honour in November 2014.

## **Testimony:**

My name is Paul Francis, and I have been a grain and cereal farmer in France for nearly 30 years.

In April 27 of the year 2004, whilst using a "Lasso" herbicide (mixture of mono-anachlore and chlorobenzene), manufactured by Monsanto, I accidentally inhaled some of its vapors which caused acute intoxication. The poisoning from the toxins forced me to be hospitalized within the following hour because I had lost consciousness and had acute respiratory failure. After several days of hospitalization, I returned home. I was sick and had to stop work for five weeks.

On 29 November the same year, after suffering violent headaches, I was admitted to the hospital. From that date on I was hospitalized for nearly seven months, changing between various hospitals, including two months in the hospital of the Pitié Salpêtrière in Paris.

In March 2005, during my hospitalization, the link between intoxication from LASSO and my condition was established by the results from urinary and blood tests. This allowed my doctors to treat me accordingly.

On July 1st, in 2005 after nine months off work, I was allowed to resume only part of my work because doctors had forbidden me from handling pesticides.

After applying for my illness to be recognized as an occupational disease, the MSA (Agricultural Social Mutual fund that financially supports /secures social security for agricultural workers and farmers in France), -which was refused, I took legal action in court. In November 2008, the Angoulême TASS (Tribunal of Social Security Affairs) condemned the MSA, ordering the recognition as an occupational disease and for me to be granted care accordingly, even indicating that the weed killer "Lasso" was the cause of my illness. This decision was upheld by the Bordeaux Court of Appeal in 2010.

During this process I realized that the pesticide "Lasso" was banned from use and removed from the market in some countries like in Canada since 1985 or the Netherlands and Belgium in 1991. In the course of the ongoing investigations I had access, with the help of NGOs, to the approval dossier for the withdrawal of the product «Lasso» from the market in Belgium.

Having seen these elements I decided to initiate the appropriate legal procedures against Monsanto Company. The firm should have indicated the health risks and dangers of the fumes from the vapour of the product on the packaging. I started this procedure before the French courts in 2007. The same year, the European Commission withdrew "Lasso" from the market, ruling it to be too dangerous for users.

During my procedure I encountered many difficulties, including the refusal of some experts and doctors to study my file, because the manufacturer of the product was Monsanto...

Between the decision of TASS (Tribunal of Social Security Affairs) Angoulême and the Court of Appeal of Lyon, 27 months, I had to face the violence of Monsanto's lawyers. Their strategy was to wear me down financially and morally. The argument of counsel was, quote: "There is no evidence of intoxication and even if intoxication did take place, there is no evidence that it was Lasso who was in the tank."

Monsanto's lawyers challenged all conclusions made by the experts who worked for me, who are researchers at the National Scientific Research Centre (CNRS), occupational physicians, even those appointed by the courts like Professor Narbonne, stating that their work was of no value. Only consultants paid by Monsanto hold the truth for them. They even went so far as to check my purchase invoices, saying they suspected the product sold by the cooperative was not Lasso. Moreover, according to them on the day of the poisoning my wife should have called a bailiff to certify the product in the tank instead of taking me to the hospital, and they even went as far to imply that I wasn't suffering any pathology.

Thanks to my lawyers, the firm Teissonnière Topaloff LAFFORGUE ANDREU & Associates, and the courage and independence of the French justice system, Monsanto was sentenced Feb. 13, 2012 and ordered to compensate me for the pain it had caused me and for the damages I suffered.

During the various examinations ordered by the court for injury assessment, Monsanto asked my psychiatric mental condition to be evaluated, even when two experts (a toxicologist and a neurologist) stated that there was no need to. Monsanto's lawyers challenged the experts' opinions before the High Court of Lyon. The court then confirmed the futility of using this type of test; the decision was subsequently upheld by the court of appeal. Monsanto made an appeal which was rejected on 01/31/15.

We are currently awaiting a date for my lawyers to be able to make a settlement on the amount of compensation for damages. To date I have received nothing in terms of compensation, despite the tens of thousands of euros that I had to pay to deal with the consequences of my disease. Beyond the financial aspect, the non-stop harassment inflicted on me by the firm was the hardest thing to endure which led me to even consider quitting the case in November 2013.

Luckily I had the support of my family.

**Paul François**, President of the Association Phyto-Victimes  
27th September 2016