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Texas grape growers sue Bayer-Monsanto and BASF, alleging herbicide threatens their future

The nearly 60 growers are seeking \$560 million in damages from the chemical giants.



Andis Applewhite and nephew Calvin Wallace Gloria, 8, holding his BB gun, stand in Applewhite's West Texas vineyard that she says has been damaged by exposure to a chemical used in nearby cotton fields. (Juan Figueroa / Staff Photographer)



By [Ann Gehan](#)

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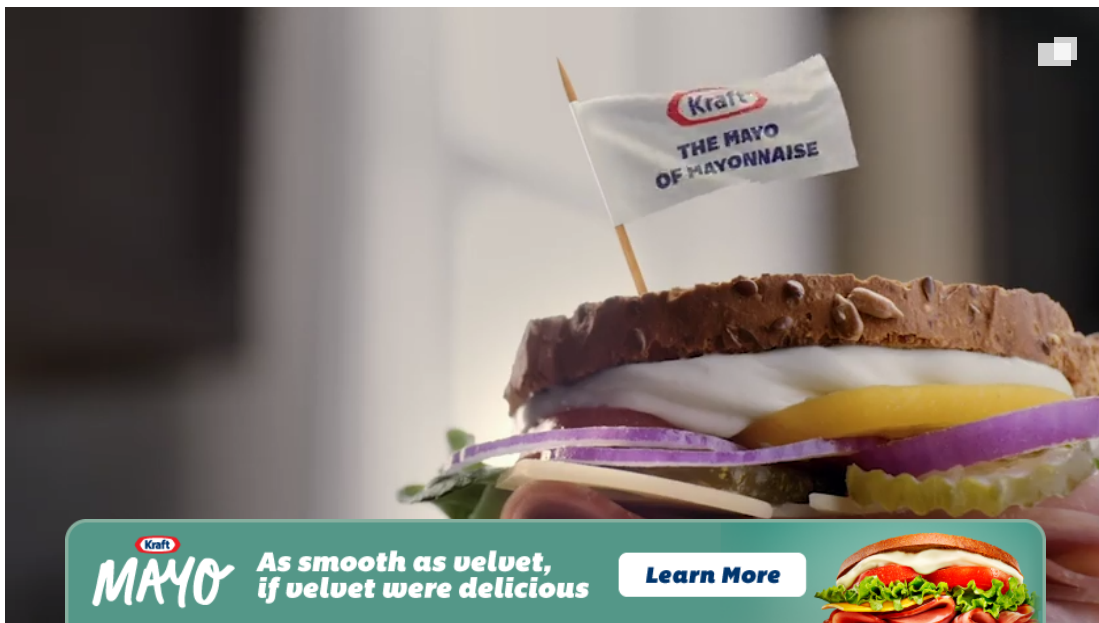
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When Andis Applewhite decided to plant an acre of cabernet franc grapes on her farm in Lockney, Texas, she was hoping a vineyard would be an attractive alternative to cotton, requiring less water to cultivate and bringing in more money per acre.

Applewhite was self-taught when it came to growing wine grapes, so when her vines remained short and small after planting, she sent photos to a mentor asking for help.

“He was alarmed,” she describes. “From day one, they’ve been hit by dicamba.”

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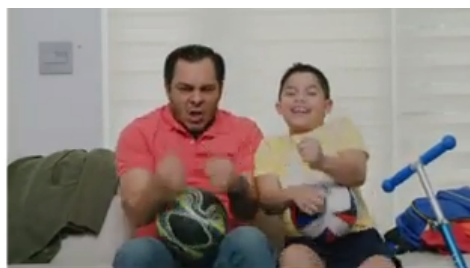
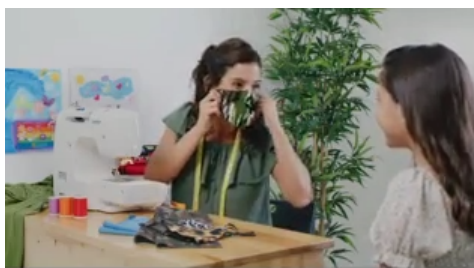
Applewhite is one of 57 Texas wine producers and grape growers now suing chemical giants Bayer-Monsanto and BASF, seeking over \$560 million in

damages and alleging that dicamba, an herbicide used to help grow cotton and soybeans, damaged both their crops and their bottom lines.

The lawsuit, filed this month in Jefferson County, claims that dicamba products manufactured and distributed by the two agribusiness corporations have damaged thousands of acres of vineyards in Texas' High Plains region due to drifting clouds of the herbicide from nearby cotton fields. The grape growers allege that Monsanto and Bayer knew the compound would damage neighboring crops that were not engineered to withstand it, but marketed and sold the dicamba-based seed system anyways.

“As early as 2009, experts warned that a dicamba-based seed system could have catastrophic consequences due to the large volume of dicamba that would be sprayed during the summer months combined with volatility and drift-prone nature of the dicamba herbicides used in the seed systems,” the lawsuit alleges. “The cloud of dicamba that now covers the High Plains each summer has crippled what was an award-winning and rapidly growing industry.”

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Andis Applewhite of Lockney shows cupped deformed leaves in her vineyard that she says is a result of Dicamba exposure. (Juan Figueroa / Staff Photographer)

The High Plains region, near Lubbock, is one of the world's largest cotton patches, with nearly 3 million acres of cotton planted each year. The region's elevation and arid climate also make it an ideal location for dozens of vineyards and winemakers who represent a crucial piece of Texas's \$13 billion wine industry. Nearly 85% of all grapes used to make wine in Texas, the nation's fifth-largest wine-making state, are grown within an hour's drive of Lubbock.

However, vineyard owners say the effects of dicamba have led to a dramatic decrease in production in recent years and threaten their continued survival.

Neal Newsom, who also is part of the lawsuit, has been growing grapes in West Texas since 1986. His vines produce grapes for 16 different wineries on 150 acres of land near Plains.

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Newsom said he first noticed the impact of dicamba in 2016, after Bayer, Monsanto and BASF released dicamba-based herbicides and seed systems. He now notices dicamba damage to his crop each year and says that despite his best efforts, the damage is taking a toll on his production.

“We can’t continue like we’re going,” he said. “This is not sustainable. This will eventually ruin me if it continues.”

Dicamba is a highly volatile compound and can evaporate after it is sprayed on top of crops, moving through the air as a gas. Dicamba becomes even more volatile as temperatures increase, creating large drifting clouds of the compound during the warm summer months.

Crops that are not engineered to be resistant can be damaged by even small doses. According to the lawsuit, as little as 1/800th of a recommended dose of the herbicide can harm a grapevine or other crops.

The lawsuit asserts that after Monsanto and BASF developed their dicamba-based seed system, they reduced testing so the data would not confirm warnings from outside experts about widespread use of dicamba. That included refusal to test the product under conditions that would replicate the high temperatures and strong winds found in the High Plains, which could potentially make the dicamba drift onto other crops, such as grapevines, according to the suit.



A sign outside of a Bayer building on Friday, June 11, 2021, in Lubbock. (Juan Figueroa/The Dallas Morning News) (Juan Figueroa / Staff Photographer)

Kyel Richard, a spokesperson for Bayer, said in a statement that the company continues to stand behind its product.

“We have great sympathy for any grower who suffers a crop loss, but there are many possible reasons why crop losses might occur including extreme winter weather conditions that can have particularly devastating effects on perennial crops like vineyards,” the statement read. “While Bayer has not been served with the Texas lawsuit, we stand strongly behind the safety and utility of our XtendiMax™ herbicide and will continue to defend this technology.”

Bayer said the EPA studied its product and determined “it does not pose any unreasonable risks of off-target movement when used according to label directions.”

BASF did not respond to *The News’* request for comment on the lawsuit.

Applewhite and Newsom say damage across the region is widespread. Since her plantings in 2016 and 2017, Applewhite has only had one crop of grapes. From the size of her land, she was expecting a yield of nearly three tons. Instead, she’s only been able to harvest around 700 pounds.

“It’s pretty frustrating,” said Applewhite, who believes the growth of her business is being stunted by dicamba. “I wanted to plant more, but I’m not going to venture into growing my vineyard until this spraying stops or this chemical is taken off of the market.”

Adam Dinnell, an attorney at Houston law firm Schiffer Hicks Johnson who represents the growers in the suit, estimates that nearly 40% of the region’s vineyards were planted in 2015 or 2016, just as the dicamba products were introduced to the market.



Neal Newsom is one of the West Texas grape growers suing Bayer-Monsanto and BASF over damage to their vineyards. (Juan Figueroa / Staff Photographer)

Growers like Applewhite have struggled to get their vineyards off the ground. Others are losing money after crop losses and are worried about going out of business.

“All these people that have been around growing longer, they spent all this time building up this industry, and it’s threatened,” Applewhite said. “It’s threatened by this spray and this dicamba drift.”

The lawsuit, which is believed to be the first dicamba-related lawsuit in the U.S. wine industry, **cites an expert** from the Texas A&M Agrilife Extension Service asserting that between 90% and 95% of the High Plains region’s grapevines have been damaged. The damage can lead to not

only short-term crop losses, but can also cause premature weakening and death of vines, which can typically produce grapes for decades if kept healthy.

“A dicamba-weakened vine is more susceptible to damage or death due to weather, drought, or disease,” the lawsuit states. “In other words, a grapevine that would normally survive a freeze or a year of little rain will be further damaged or killed following dicamba injury.”

A survey of growers conducted by the Texas A&M Agrilife Extension Service in 2019 found that approximately 46% of herbicide damage was suspected to be caused at least in part by dicamba. The same survey found that nearly 94% of reported herbicide damage that year was reported in the High Plains region.

Dinnell says dicamba represents a unique threat for grape growers in the region. Unlike cotton and soybean growers, their crops cannot become resistant to dicamba’s effects.

“The hard fact for the grape grower is that there’s no seed they can buy that’s resistant. There’s nothing they can do to make their vines resistant,” he said.

Newsom considers dicamba is a nearly existential threat for the close-knit High Plains grape growing community.

“We’re all in the same organizations and we all visit each other’s vineyards,” he said. “It doesn’t matter where you go, what vineyard you’re looking at — it’s in the garden, it’s in the landscaping, it’s permeated everything.”



A pile of dead vines at Neal Newsom's vineyard in Plains. (Juan Figueroa / Staff Photographer)



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