

## Open letter to the Bayer Corporation in Leverkusen

Bonn, 16 May 2008

Dear Board of Directors of the Bayer Corporation,  
Dear Bayer Employees,

During international conferences the Bayer Corporation attempts to exert enormous influence upon both, the process of negotiations as well as the results. This is now the case during the Convention of the Parties of the UN Convention on Biological Diversity (COP 9), as well as the negotiations of the Biosafety Protocol (MOP 4), taking place in Bonn. Thus, your company strives to maintain a “green” image, as indicated by the fact that your company was a sponsor of the United Nations Environment Programme (UNEP) last year.

However, this is nothing more than a “greenwashing” campaign, since in other instances your lobbyists are taking every effort to fight attempts to protect nature—from the Kyoto Protocol, to the prohibition of CFCs to the new EU laws on chemicals known as REACH. In addition, Bayer is a producer of many highly dangerous products; it emits large quantities of dangerous gases and greenhouse gases; it promotes the planting of genetically modified products and thus belongs to one of the large destroyers of biological diversity.

### **to name but a few examples:**

**Bayer is responsible for the insidious poisoning** of soils and sources of water; it is responsible for the eradication of useful plant and animal varieties, an increase of pesticide-resistant pests and the massive damage of ecological balance through agrochemicals. Pesticides are known to be a main cause of the loss of plant and animal varieties. The UN Food and Agriculture Organization (FAO) has termed this “an environmental tragedy”. Bayer is the second largest producer of pesticides and is a world leader in the production of highly poisonous insecticides. According to the World Health Organization (WHO), several million people currently suffer from the effects of pesticide poisoning every year. Of these, up to 200,000 result in deaths.

One of the most recent cases concerning dangerous chemicals took place in the US Bayer factory in Institute, West Virginia. On December 28, 2007, several vats containing Thiodicarb, a pesticide, exploded. Dozens of citizens had to be treated for headaches and breathing problems, including at least one person who had to be hospitalized. Thiodicarb is one amongst the most dangerous agricultural chemicals that exist. It has been banned in Europe and during the past year there were 154 organizations in 35 countries which demanded from the Bayer Corporation to stop the sale of pesticides catalogued as being among the most dangerous, including Thiodicarb. The same factory in West Virginia contained extremely poisonous substances, including Phosgen, MIC and Phosgen gas, the latter of which was used as a weapon during the First World War.

Nature, consumers and users are also threatened by the Bayer-made herbicide, Glufosinat. According to a report by Swedish authorities which was based on research by the

European Food Safety Authority, Sweden asked that Glufosinat be banned. Almost all genetically-modified plants made by Bayer are resistant against Glufosinat. The Genetic manipulation of plants is not aimed at fighting hunger, as is often claimed by Bayer. It is aimed at securing a market for herbicides. For ecological reasons, continuing the sale of Glufosinat can no longer be justified.

**Bayer is responsible for the massive endangerment of biological diversity and the environment through the use of genetically modified plants.** The company belongs to one of the most important protagonists of “green” genetic technology. Currently we are threatened with the likelihood of the EU approval of a variety of rice produced by Bayer—the same variety which was the center of the largest scandal concerning genetic technology to date, as rice which had not been approved for consumption reached trading markets worldwide. The massive planting of genetically-modified seed would inevitably be responsible for contamination and displacement of traditional rice varieties. Thus, biological diversity among crops would be harmed and the long-term food security would be threatened.

Other examples include the contamination of canola seeds through genetically-modified canola, which are illegal in Germany. This kind of pollution can be traced back to a herbicide-resistant product from Bayer CropScience which was tested many times in the field. But Bayer refuses to take legal responsibility for the damages. This example goes to show once again that coexistence without the contamination of native seed varieties is impossible. Nevertheless, Bayer pushes forward to capture new markets: genetically-modified canola is to be planted in Australia. Bayer has also requested permission for importing genetically-modified rice and canola.

**Bayer is responsible for the privatization and monopolization of genetic resources such as seeds and medicinal plants.** Bayer belongs to the largest transnational companies in the area of pharmaceuticals and agrochemicals which share the largest portion of patents granted to date. The attempts to monopolize them harm biological diversity in the fields and rob indigenous communities of their medicinal plants and traditional knowledge.

Years of intensive influence on lawmaking on the part of transnational companies resulted in the TRIPS (Trade Related Aspects of Intellectual Property Rights) agreement of the WTO. This agreement results in the legal commitment to intellectual property rights such as patents on biological and genetic material – that is, property rights on life. Bayer was involved in this.

A particularly insidious mechanism of control and power is so-called terminator technology, officially known as Genetic Use Restriction Technology. This technology results in sterility of plants after their harvest, such that they may not be reused for re-planting. A moratorium was placed on terminator technology in 2000 as part of the Convention on Biological Diversity, since it represented too great a risk to biological diversity. The Bayer corporation is also involved in the development of terminator technology—as is attested

to by circa one-half dozen patent applications with titles such as “New Gene for the Coordination of Cell-Ablation” or “Process for the Production of Sterile Female Plants”.

According to Bayer CropScience, however, the corporation only owns terminator patents as a result of its acquisition of Aventis CropScience. This is a false statement. Bayer is owner of at least five patents on seed sterilization technologies. This suggests that Bayer continues to be interested in research and use of terminator technology. During the 2006 COP 6 meetings in Curitiba, Brazil, Bayer lobbyists were involved in trying to reverse the moratorium of these technologies.

Bayer is also involved in the development of pharmaceutical plants, thus threatening biological diversity.

A new development concerns large Agricultural Companies' application for hundreds on few patents on plants that are genetically modified to withstand droughts and other climactic stress factors. This is part of the struggle to compete a lucrative market that is growing due to global warming. The Bayer Corporation is a participant in this process.

**Bayer is responsible for the warming of the earth.** Presently, the Bayer factory in Krefeld is involved in the building plan of a giant coal-burning power plant which would be expected to release 4.4 million tons of carbon dioxide and 4,000 tons of nitrogen oxide into the air each year.

**Bayer is responsible for water contamination** with 700 tons of phosphorous, 2,700 tons of nitrogen, 1.5 million tons of inorganic salts, 73 tons of organic chlorine and 28 tons of heavy metals. Bayer belongs to the ten largest water polluters in Germany. In addition one must consider Bayer's enormous use of water, amounting to 2 million cubic meters daily. The Bayer factory in Leverkusen has a higher consumption of water as the neighboring city of Cologne, with roughly one million inhabitants.

**Bayer is responsible for the planting of energy plants for Agrofuels**, which compete with food crops. Bayer plans to produce agrofuels from canola oil as well as the tropical plant, Jatropha. In order to do so, it will rely on vast monoculture plantations as well as the heavy use of fertilizers and pesticides. The massive plantations of Jatropha will be responsible for the devastation of natural landscapes and the displacement of small farmers, as well as of a higher number of deaths through hunger. In India, landless people were already displaced from land which was purportedly “fallow”. This is the same land on which Bayer is planning to produce energy plants for agrofuels.

**Bayer is also responsible for the death of millions of honeybee colonies** in southern Germany, as suggested by the news of the last few days. The sudden death of honeybees happened immediately following the planting of corn. Many of the corn seeds were coated with a neurotoxin, Clothianidin, of Bayer CropScience. Beekeepers suspect that this could be responsible for the death of the bees. The Association of Beekeepers reports that this is the worst case of the death of honeybees of the past 30 years. Vice-president of the Association, Manfred Raff justifies his suspicion of the Bayer neurotoxin based on the experience of Italian beekeepers, since planting in Italy happened several

weeks earlier. In the latter case, Clothianidin was found in the dead bees. According to the Association, it is part of the agrotoxin Poncho Pro which is used for the etching of corn seed.

**Bayer is responsible for hunger on the planet.** While riots have erupted worldwide as a result of hunger, Bayer corporation states in its latest annual report, “we have been able to participate in the positive development of the world agrarian market”. This is a cynical formulation in the face of the drastic growth in prices of basic food products and the rise of hunger across the globe. The World Food Council considers that a substantial cause of the current food crisis can be traced back to a reduction in harvests caused by agricultural land that has been damaged by agrochemicals. As the second largest producer of pesticides, Bayer is significantly responsible for this development.

On the occasion of the negotiation of the Biosafety Protocol (MOP 4) from the 12.-19. of May in Bonn and considering the fact that liability in cases of genetic contamination are being discussed there, Bayer CropScience—together with Monsanto, Syngenta, BASF, DowAgroSciences and Dupont/Pioneer have proposed what they term a “compact”. They claim that they are willing to pay reparations in cases in which their products are responsible for the damage of biological diversity.

On the face of the matter, this seems positive. However, their compact pertains only to damage to biological diversity and human health. The environment as a whole or socio-economic or cultural damages are not considered.

According to the proposal, damages to biological diversity are only to be considered if enough documentation on this biological diversity exists. However, no country holds such extensive documentation on biodiversity in order to be able to fulfill the requirements as have been presented. Therefore, the promises to make reparations remain empty! Moreover, contamination through genetic material has been said explicitly not to count as damage.

In addition, only states may be plaintiffs in these cases, such that individuals who have been caused damages remain without the possibility of receiving reparations. All legal procedures are to take place privately, leaving no transparency in the compact as proposed.

What is thus presented as a step towards corporate responsibility is an adept strategy of the company in order to protect itself against many instances of liability.

We highly criticize, therefore, that German as well as European policies continuously provide a platform for Bayer to carry out its “greenwashing program”, thus greatly supporting the interests of industries despite losses suffered by populations, biological diversity and the environment.

Worldwide, many individuals and organizations are resisting the health and environmentally damaging policies of the politics of the Bayer Corporation. We declare ourselves in solidarity with them and demand that the Bayer corporation end its deadly and poisonous production.

We demand that Bayer end immediately its environmentally harmful business, that it stop destroying biological diversity, and that it stop its privatization and monopolization. We demand that it take responsibility for its current actions and that it accept responsibility for any damages that may follow from these actions hereafter. As long as the corporation does not realign its practices, its claims to contribute to the conservation of nature ring both hollow and menacing.

Bayer—hands off from biological diversity

Hands off from 'nature protection' driven by profits and power.

For ecological agriculture and forestry, free of genetic technology and pesticides!

For the end to patents and intellectual property rights on life!

For the free access to seeds worldwide!

For a final prohibition of terminator-technology and any similar technologies causing sterilization!

Nature for people—not for business!

Signatories:

Aktionsnetzwerk globale Landwirtschaft, BUKO-Kampagne gegen Biopiraterie, La Via Campesina, Coordination gegen BAYER-Gefahren, Bonner AK gegen Gentechnologie, Aktionsbündnis COP 9, Verein fair-fish e.V., Indienhilfe e.V., Rettet den Regenwald e. V., Arbeitskreis Eine Welt Buchloe e.V., autofrei leben! e.V.