



FALL 2021

RESTRICTED

PARAQUAT & THE LINK TO PARKINSON'S DISEASE

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GOLDENBERGLAW
PRODUCTS LIABILITY & PERSONAL INJURY ATTORNEYS



PHILIPS CPAP & VENTILATOR RECALL

80%

SLEEP APNEA
MACHINES

20%

MECHANICAL
VENTILATORS

38-68%

IT IS ESTIMATED THAT BETWEEN
38-68% OF ADULTS OVER 60 MAY
SUFFER WITH SLEEP APNEA

Total Devices Impacted By Philips

It is estimated that three to four million devices globally are impacted by the Philips recall, with 80% of those devices being sleep apnea machines, 20% being mechanical ventilators, and approximately ⅓ of the devices were sold in the United States.

How Do CPAP Machines Work?

Sleep apnea occurs when the upper airway is blocked during sleep, which reduces or stops airflow. CPAP machines are used to restore airflow by pumping air through a tube into a mask worn by the person suffering from sleep apnea. Sleep apnea is an extremely common condition, especially among older adults. The risk for sleep apnea increases with age, and it's estimated that sleep apnea may affect between 38% - 68% of adults over 60.

What is PE-PUR?

The polyester-based polyurethane (PE-PUR) sound abatement foam is used to reduce the machine's sound and vibration. However, Philips discovered and the FDA warned that the foam can degrade into particles that can enter the device's air pathway and be ingested or inhaled by the user. The degraded foam may expose users to off-gas toxic chemicals. Exposure to the degraded particles or off-gassed chemicals can be toxic and potentially cause cancer.

What are the Risks Associated with PE-PUR Exposure?

Health risks linked to exposure to degraded foam and related chemical emissions include irritation in the skin, eyes and respiratory tract, an inflammatory response, headaches, asthma, adverse effects to organs such as the kidneys and liver, and potentially certain cancers.



STUART GOLDENBERG
SENIOR PARTNER

*"We cannot allow this
history of dangerous chemicals
to continue to harm our people
and our environment."*

A brief history of dangerous herbicides:

ROUNDUP, PARAQUAT, AND THE FIGHT FOR SAFER HERBICIDES

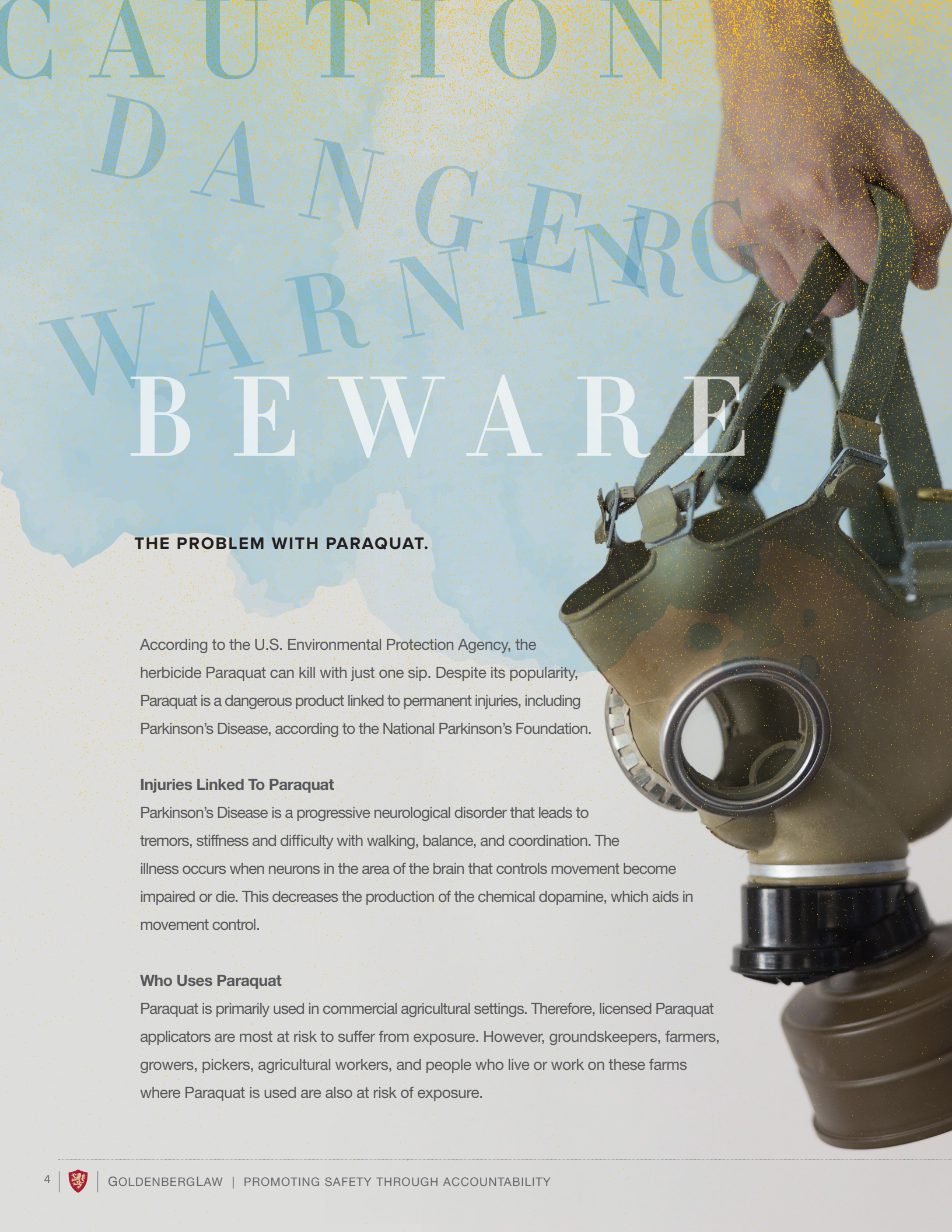
*"Ethical behavior is
doing the right thing
when no one is watching
– even when doing the
wrong thing is legal."*

ALDO LEOPOLD

An herbicide is a chemical that kills plants. Herbicides have long been used for both military and agricultural uses. In the 1960s, the US military began using an herbicide containing dioxin called Agent Orange to defoliate the jungles. It wasn't long before veterans were voicing serious health complaints including cancer and birth defects to their children. After years of denial, veterans and their families were finally compensated through legislation by Congress.

Farmers have long used herbicides to kill weeds during farming. Glyphosate, also known as Roundup (made by Monsanto) has been linked to non-Hodgkin's lymphoma (cancer). Monsanto made a choice not to put a cancer warning on the label. Glyphosate has been banned or limited by countries around the world. Thousands of people have filed suit against Monsanto and recently a 10-billion-dollar settlement was reached. Monsanto has also set aside at least 4 billion for future claims. GoldenbergLaw continues to pursue these cases against Monsanto.

Now we are helping farmers and agricultural workers injured by the herbicide Paraquat. Paraquat has been applied by farmers and workers for over 30 years to kill all weeds. It has been banned in many countries around the world and it recently has been linked scientifically to Parkinson's Disease! My heart goes out to anyone who is dealing with Parkinson's. My father recently passed away and had this awful disease. Partner Marlene Goldenberg (yes, my daughter) was recently appointed to help lead this litigation nationally. We cannot allow this history of dangerous chemicals to continue to harm our people and our environment.



THE PROBLEM WITH PARAQUAT.

According to the U.S. Environmental Protection Agency, the herbicide Paraquat can kill with just one sip. Despite its popularity, Paraquat is a dangerous product linked to permanent injuries, including Parkinson’s Disease, according to the National Parkinson’s Foundation.

Injuries Linked To Paraquat

Parkinson’s Disease is a progressive neurological disorder that leads to tremors, stiffness and difficulty with walking, balance, and coordination. The illness occurs when neurons in the area of the brain that controls movement become impaired or die. This decreases the production of the chemical dopamine, which aids in movement control.

Who Uses Paraquat

Paraquat is primarily used in commercial agricultural settings. Therefore, licensed Paraquat applicators are most at risk to suffer from exposure. However, groundskeepers, farmers, growers, pickers, agricultural workers, and people who live or work on these farms where Paraquat is used are also at risk of exposure.

History of Paraquat

Paraquat was first produced for commercial purposes in 1961, and more than 377 companies manufacture Paraquat products worldwide. While the European Union, China, and Brazil have already started phasing out Paraquat or banning it entirely, the United States has only taken minimal measures to control the significant risks associated with using Paraquat. The Environmental Protection Agency (EPA) classifies Paraquat as a “restricted use” product, which means that only certified and trained applicators can use it. The EPA also determined that one sip of Paraquat can be fatal.

Herbicides and weed killers that contain Paraquat include:

- **Gramoxone** (Syngenta)
- **Para-SHOT** (Sharda USA)
- **Firestorm** (MacDermid Agricultural Solutions)
- **Ortho-Paraquat** (Chevron)
- **Bonedry Herbicide** (Sinon USA)
- **Parazone** (Henkel, ADAMA USA)
- **Helmquat** (Helm Agro)

A 2011 study by the National Institute of Health (NIH) revealed that Paraquat users developed Parkinson’s Disease approximately 2.5 times more frequently than the general population. According to the study, Paraquat exposure causes oxidative stress, which is known to bring about the loss of dopamine-producing neurons that are linked to Parkinson’s Disease. The 2014 study *Environmental Toxins and Parkinson’s Disease* also supports this finding.

In response to studies on Paraquat’s toxicity, 52 organizations representing farmers, public health and conservation advocates signed a letter urging that the EPA ban Paraquat in the United States due to the severe risks it presents to farmworkers and those living near sites where Paraquat is used. However, in October 2020, the EPA issued a Proposed Interim Decision that would re-approve Paraquat for use with some mitigation measures.

Paraquat is especially dangerous for licensed applicators who are mixing, spraying, or processing the products; however, individuals who are exposed to lower amounts of Paraquat for long periods of time may develop symptoms after years.

Despite the studies connecting Paraquat exposure to Parkinson’s, the manufacturers failed to warn users of this risk. ■

GoldenbergLaw partner Marlene Goldenberg was appointed to the Plaintiff’s Executive Committee (PEC) for the Paraquat litigation. If you or a loved one have been exposed to Paraquat and developed Parkinson’s Disease, contact us today for a free consultation.

IT IS STILL POSSIBLE TO PURSUE A ROUNDUP CASE.

It is terrifying to discover that you have developed non-Hodgkin's lymphoma after using Roundup, the popular weed killer and household name that you thought was safe. Your trust and loyalty were betrayed by the company who made the product, Monsanto - now owned by Bayer AG - and you are now left searching for answers on what to do next. Many Americans diagnosed with non-Hodgkin's lymphoma have been able to channel their despair toward a search for justice in Roundup litigations across the country.

Sadly, many consumers will develop non-Hodgkin's lymphoma due to Roundup use long after the product's ongoing \$10 billion settlement is completed. Those consumers will find themselves wondering - Do I still have a case? Are my injuries still valid? Do I still have options?

The answer to all of these questions is a resounding YES! Despite efforts by Bayer to ward off future litigation, Roundup cases pose a unique problem. Many individuals who have been exposed to glyphosate, the probable human carcinogen and active ingredient in Roundup, are healthy now but are at a higher risk for developing non-Hodgkin's lymphoma in the future.

Many consumers may not realize they have a case until well after settlements are agreed to and money is distributed. These consumers still have rights and should have access to every aspect of our justice system to seek fair compensation for their injuries.

Bayer has already begun to attempt to circumvent continued litigation and discourage clients from a fair shot at justice. US District Court Judge Vince Chhabria recently struck down a proposed \$2 billion proposal by Bayer to resolve future Roundup lawsuits, stating that the deal would benefit Bayer far more than it would future plaintiffs by limiting potential compensation to a finite pool of money. Shortly after the ruling, Bayer said it would set aside an additional \$4.5 billion toward resolving future Roundup litigation.

Bayer will continue trying to mitigate their exposure in future Roundup litigation, and the attorneys at GoldenbergLaw will continue to litigate Roundup cases until all clients have had an equal chance at justice. Please contact GoldenbergLaw Partner Noah Lauricella at 612-335-9977 or nlauricella@goldenberglaw.com to discuss potential Roundup cases today.

golaw SPOTLIGHT

SAM HOEFS ASSOCIATE ATTORNEY

"I have always been committed to doing work that positively impacts others..."

GoldenbergLaw's new Associate Attorney, Sam Hoefs, joined our team in June after clerking for Judge Ronald Abrams and Judge Philip Carruthers in the Fourth Judicial District. Sam graduated from the University of St. Thomas School of Law in 2019. While in law school, Sam served as an Associate Editor and then a Senior Editor for the St. Thomas Law Journal. She also successfully argued an Eighth amendment case before the Ninth Circuit as part of a pro bono clinic.

1. When did you know you wanted to be an attorney and why?

I knew that I wanted to be an attorney when I was fourteen years old after I joined my school's debate team and started writing about and taking positions on social and legal issues. I realized then that I wanted to be an advocate for others and I felt that being an attorney would be the best way to make a difference for people facing difficult situations.

2. How did your experience with the UST Law Journal influence your career path after law school?

I joined the Law Journal because one of my favorite aspects of the law is legal writing and I wanted to take every opportunity to build my legal writing and editing skills while I was a student to prepare for my post-law school career path. In particular, that experience helped prepare me for my clerkships after law school, as both were writing intensive positions in which I often drew on my Law Journal experience.

3. What appealed to you about joining GoldenbergLaw?

I was excited to join GoldenbergLaw because it was clear that the firm cared about its clients and was dedicated to making a difference for its clients while holding negligent actors accountable.

4. Why are you passionate about law?

I have always been committed to doing work that positively impacts others and also enjoy writing and logical analysis. I am passionate about law because it combines all of those things, offering a chance to work through complex problems in order to help make things right.

5. What are your hobbies outside of work?

Outside of work, I enjoy baking, reading, doing yoga, and training my new puppy.

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GET TO KNOW ETHAN





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What should you know
about Paraquat?

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AREAS OF EXPERTISE

Products Liability
Personal Injury
Auto and Truck Accidents
Worker's Compensation
Medical Malpractice
Wrongful Death
Construction Accidents
Structural Collapses
Gas Explosions
Dangerous Drugs
Defective Medical Devices
Toxic Tort
Catastrophic Injury
Insurance Disputes