



Barbara Underwood

Acting Attorney General of New York State

Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Dear Attorney General Underwood:

My name is Elizabeth Henderson and I represent the Northeast Organic Farming Association of New York (NOFA-NY). Founded in 1983, NOFA-NY is the premier statewide organization growing a strong organic and sustainable agriculture movement in New York State. NOFA-NY provides education and assistance to local organic and sustainable farmers; connects consumers with organic and sustainable farmers; advocates policies that support a sustainable food and farm system at both the state and federal levels; and is the largest USDA-accredited organic certifier in New York certifying over 1,000 organic operations in the state.

As your office may have seen, the European Union has recently approved [Bayer AG's acquisition of Monsanto Co.](#) That same day, the US Department of Justice [released a statement](#) noting how its investigation into the merger is ongoing, citing differences in EU and US Markets. Since then, the Wall Street Journal has reported that the Department of Justice plans to approve the merger, though the report has not been confirmed.

The European Union announced its approval of the merger pending Bayer divest a number of assets to BASF. A list of the divestments can be found [here](#). Given the differences of the European and United States markets, a similar remedy in the U.S. will be ineffective.

We have serious concerns about this merger. A combined Bayer-Monsanto will still be one of the world's largest agrichemical companies. The company will lock farmers into product platforms that reduce choice and competition and raise prices. Further, the company will own a tremendous amount of data about our farms, which will lead to even more consolidation in the industry and control over family farmers.

I'd like to also draw your attention to an [op-ed by Allen Grunes and Maurice Stucke](#) of the Konkurrenz Group that outlines the flaws of the current proposed remedies for the merger. Additionally, this [article about digital farming and farm data](#) outlines how Bayer's divestment of its digital farming platform will be insufficient to ensure continued competition in the relatively new industry.

We urge you to work with DOJ to oppose this merger. Farmers in NYS cannot afford more consolidation. It is imperative that the concerns of farmers and consumers in your state are fully considered as the U.S. investigates this transaction. The proposed remedies will be insufficient in preventing drastic price increases at both the seed retailer and the supermarket. It is vital to preserve options for farmers and consumers and to maintain innovation in the sector. If this merger were approved, even with the proposed divestitures, the new resulting company would have a shocking level of political influence.

We urge you to work with the Department of Justice and other state attorneys general to ensure that this merger is not approved. Your department and the Department of Justice will be making a significant mistake if the transaction moves forward.

I'd also like to request a meeting with your office to further outline my concerns with this merger and why divestitures will not remedy this situation. Are you available in the coming week for a conference call to discuss this merger?

After this meeting, I would like you to request a meeting with the Department of Justice to share the concerns we outline.

Please let me know what day and time you are available for a meeting.

Yours truly,

Elizabeth Henderson

Member of the Board of NOFA-NY and Co-Chair of the Policy Committee