Courts Serve as Venue for Corporate and Government Accountability

ACTING IN THE PUBLIC INTEREST: LEGAL REDRESS

Litigation is a critical tool in holding corporations and government accountable to standards of safety. Litigation in 2021 reflects the broad array of cases that are necessary to ensure compliance with the law and compensation for those harmed by toxic chemical exposure.

Because of a long history of EPA's failure to fully comply with the *Endangered Species Act* (ESA) when registering or reregistering pesticides, many cases attack this critical problem. A court settlement in 2021 requires EPA to review how the most widely used neonicotinoid insecticide, imidacloprid, could harm wildlife and their habitat. [Update: EPA has said recently that it has established a new process for ensuring that the agency, in compliance with ESA, conducts biological opinions in consultation with the U.S. Fish and Wildlife Services (as required by law) going forward, but has not set a schedule due to "resource constraints" and is not clear about applying this policy to previous decisions that are out of compliance.] Defending a Trump EPA decision to allow the use of the hazardous insecticide aldicarb on citrus in Florida, the

Biden EPA lost a case filed by farmworkers and conservation groups. This followed the Florida Agriculture Commissioner's decision not to approve use.

Several California families sued Corteva (formerly DowDupont), charging that the use of the insecticide chlorpyrifos around their homes resulted in birth defects, brain damage, and developmental problems in their children. As the glyphosate (Roundup) damage cases against Monsanto/Bayer pile up, estimated at 125,000, the company tried again to put a cap on the amount of money going to 30,000 litigants whose cases have not been resolved. So far, the settlement in these remaining cases has been rejected by the judge in the case. Cases have also been filed against Syngenta/Chem China for Parkinson's disease that litigants say was caused from exposure to the herbicide paraquat. There are numerous studies linking paraquat to Parkinson's.

Misleading labeling and advertising can drive the market away from legitimate consumer choices to protect the environment and public health and shift society away from reliance on chemical-intensive practices. To stop this fraudulent behavior by companies, Beyond Pesticides engages in consumer products litigation under the District of Columbia *Consumer Protection Procedures Act*. A case against Sargento Foods, Inc. for a false product label claims of "no antibiotics" was settled, with the company agreeing to remove the claims by the end of 2022.

Court Settlement Requires EPA to Review How Bee-Killing Pesticide Harms Endangered Species

FEBRUARY 2, 2021 | The U.S. Environmental Protection Agency (EPA) will evaluate the effect of the neonicotinoid insecticide imidacloprid on endangered species, after an agreement was reached between the agency and the Natural Resources Defense Council (NRDC). Imidacloprid is one of the most commonly used insecticides in the world today and, like other neonicotinoids in its chemical class, has been linked to a range of adverse impacts on wildlife and their habitat. While the agreement to assess effects on endangered species is important, advocates note that EPA should already have conducted this review, and further, that imidacloprid and other neonicotinoids should already be banned. NRDC's successful lawsuit follows a separate legal challenge by the Center for Food Safety, Beyond Pesticides, beekeepers, and other environmental organizations which was settled in 2019. The judge in that case, focused on the neonicotinoids clothianidin and thiamethoxam, did not order EPA to consult with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) (which is required when registering a pesticide in order to mitigate risks to endangered species). Instead, she directed the parties, including the plaintiffs, defendant EPA, and intervenor Bayer CropScience (the manufacturer of neonicotinoids), to move forward with a settlement conference to resolve the disputes. The end result requires EPA to remove 12 products containing neonicotinoid active ingredients. Under the settlement reached with NRDC, EPA is required to publish a biological evaluation on imidacloprid's effect on Endangered species and allow time for public comment and review. The agency will then be required, by June 2022, to provide an "effects determination." Under the *Endangered Species Act*, further regulation is required on a pesticide that may affect an endangered species or the habitat it relies upon. An effect determination will therefore guide a regulatory response by the agency.

NRDC remains in discussion with EPA regarding outstanding claims against two remaining neonicotinoids, dinotefuran and acetamiprid. While regulators in the European Union and Canada have made determinations that resulted in meaningful bans against neonicotinoid use, EPA has consistently dragged its feet. Over the last four years, the agency consistently sided with the agrichemical industry over the health of the general public and the ecosystems upon which life depends. But troubles with EPA did not start four years ago, compounding the challenge for health and environmental advocates.

Proposed Bayer/Monsanto Settlement for Roundup Victims Offers Payments and Challenges

FEBRUARY 9, 2021 | Multinational agrichemical corporation Bayer/Monsanto released a proposal to provide up to $200,000 per claimant in compensation to future victims of its Roundup weed killer, according to Reuters. The proposed settlement, agreed to with lawyers representing victims, continues Bayer/Monsanto's attempts to limit the spiraling cost of Roundup lawsuits, which have awarded individual victims millions of dollars in damages. The company appears to consider the proposal a good investment, as it has announced no plans to stop sale and production of its carcinogenic weed killer. However, under the current proposal, plaintiffs would be forced to go through a compensation fund and could seek additional punitive damages through a separate suit. As the attorney for Roundup victims, Elizabeth Casbraser, of Lieff Cabraser Heimann & Bernstein, told the *The Wall Street Journal*, "It's really about options, and it's really about choice. I think it's a great option that offers predictability and transparency for people who don't want to wait, who want to be compensated." To stop the surge of cancer victims—comprising roughly 125,000 lawsuits—from further damaging the company financially, Bayer/Monsanto last year proposed a $10.9 billion settlement with current litigants. Unresolved future claims were part of this proposal. The company had asked the judgeto allow a panel of experts to review cancer claims and determine whether a causal connection exists. But the judge rejected this idea. Bayer/Monsanto has been in talks with plaintiff lawyers.

Bayer/Monsanto has fought and lost several rounds of legal battles up until this point. Its first major loss centered around California school groundskeeper Dewayne "Lee" Johnson, who won an initial $289 million jury verdict against Monsanto in 2018 after developing non-Hodgkin lymphoma (NHL) from exposure to Roundup. The first $39 million was awarded for compensation, while $250 million in punitive damages came after a finding that Monsanto acted with "malice or oppression" by suppressing the link between its product and cancer. That amount was later amended by a judge to $78 million. The second case, again in California, found unanimously in favor of the plaintiff, Edwin Hardeman. Mr. Hardeman told the jury he had used Roundup since the 1980s to spray poison oak and weeds around his property, resulting in his NHL diagnosis in 2014. He was awarded $5.27 million, while his punitive damages were ultimately reduced from $75 to $20 million. The third major glyphosate trial concerned the Pilliods, a California couple who had used Roundup for more than 30 years to kill weeds on properties they owned. The couple was originally awarded a staggering $2.055 billion by the jury in 2019, which was ultimately reduced to $87 million.

UPDATE: The Hardeman case, *Monsanto v. Hardeman*, is now before the U.S. Supreme Court, where Monsanto/Bayer is arguing that the litigation is preempted by federal pesticide law (*Federal Insecticide, Fungicide and Rodenticide Act*) by virtue of glyphosate having been registered and permitted for sale by EPA.

Lawsuits Mount for Syngenta/ChemChina Over Claims Paraquat Herbicide Causes Parkinson's

APRIL 14, 2021 | Litigation on the highly toxic herbicide paraquat may soon move into its next phase as lawyers representing victims recently requested that cases be consolidated in the U.S. District Court of Northern California. Over a dozen lawsuits have been filed against the Swiss-based agrichemical corporation Syngenta in several states throughout the U.S. The complaints allege that exposure to Syngenta herbicides containing paraquat resulted in their diagnosis of Parkinson's disease. Paraquat dichloride (paraquat) is a highly toxic herbicide that has been registered for use in the United States since 1964. Although not permitted for residential use, the product is registered on a wide range of agricultural land, from row crops to vegetables and trees, and on non-farm areas, including airports, certain industrial sites, and commercial buildings. It can be used as a preemergent, post-emergent, and post-harvest as a desiccant or harvest aid in the field. The lawsuits target both Syngenta and Chevron corporation, which previously held the rights to sell paraquat in the 1960s under an agreement with a company that was eventually purchased by Syngenta. Syngenta itself, while still headquartered in Switzerland, is now owned by the Chinese National Chemical Corporation (ChemChina) after a 2016 merger. Despite significant ongoing use in the

U.S., concentrated in the South, Central U.S., and California's central valley, the pesticide has been banned in many other countries, including the EU in 2007 and Brazil in 2020. Switzerland banned the chemical as far back as 1989, and China's ban came into effect last year.

Paraquat presents a range of health concerns. Recent research shows that inhalation of low doses can disrupt one's sense of smell, and past research has found the chemical may result in adverse respiratory health among farmers who apply it. However, there are two primary concerns related to this hazardous chemical. The first concern is the rampant poisonings and suicides that have occurred as a result of the fast action and high toxicity of paraquat. Less than a shot glass of the pesticide is enough to kill a grown adult, and there have been far too many instances of accidental poisonings. A recent report from *The Intercept*, in coordination with French newspaper *Le Monde* and *Unearthed*, reveals in the *Paraquat Papers* insider information on how the company worked to cover up its failure to deter these avoidable poisonings.

The second primary concern with paraquat is strong evidence linking the use of paraquat to the development of Parkinson's disease. Research finds that cumulative exposures over one's life increases the risk of developing Parkinson's disease, and other factors, such as genetics and exposure to other chemicals, further elevate the threat. Recent studies show that one's zip code and proximity to paraquat use in agriculture likely plays an important role in an individual's risk of developing Parkinson's. "The data is overwhelming" regarding the link between paraquat and Parkinson's, said Samuel M. Goldman, MD, an epidemiologist in the

San Francisco Veterans Affairs Health System to *The New York Times* in 2016. Another expert interviewed by *The New York Times*, Freya Kamel, PhD, with the National Institutes of Health, said the connection was "about as persuasive as these things get."

Judge Rejects Bayer Proposal To Settle Future Roundup Claims

JUNE 2, 2021 | U.S. District Court Judge Vince Chhabria for the Northern District of California rejected a proposal from multinational agrichemical company Bayer (Monsanto) to settle future court claims around the company's flagship Roundup/glyphosate herbicide. In making his decision, Judge Chhabria asserted that the corporation's proposal was inadequate for future victims diagnosed with cancer after using the herbicide. The decision has Bayer scrambling for a way out, and it indicated in a "Five Point Plan" released after the ruling that it will "discuss the future of glyphosate-based products in the U.S. residential market."

Bayer's rejected proposal would have established a $2 billion fund, split between future claimants (who would receive between $5,000 and $200,000), and the cost to cover cancer monitoring, lawyers' fees, and an advisory panel to review claims. Bayer has agreed to a separate $9.6 billion agreement to settle existing lawsuits, having lost several rounds of litigation where juries found in favor of plaintiffs who showed that their use of Roundup resulted in their development of non-Hodgkin lymphoma. Recently, in mid-May, Bayer lost an appeal of the *Hardeman vs. Monsanto* case, as a three-judge panel upheld a $25 million award. Prior to rejecting the proposal on future claimants, the judge questioned why Monsanto (which Bayer purchased for $63 billion in 2018) never added a warning label to its Roundup products. "For years I've been wondering why Monsanto wouldn't do that voluntarily to protect itself," said Judge Chhabria of the label, according to Reuters. The judge was particularly concerned about individuals who are currently healthy, but likely to be diagnosed with cancer after using Roundup in the future. He noted that current healthy users may not adequately review or understand the proposal provided to them. Judge Chhabria expressed concern that Bayer could bring the case to the U.S. Supreme Court and receive a favorable ruling that the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA), the nation's pesticide law, prohibits lawsuits claiming a corporation did not adequately warn consumers about health dangers. Ultimately, Judge Chhabria determined that Bayer's proposal had "glaring flaws" that would not benefit future victims. "If a settlement that reasonably protects the interests of Roundup users who have not been diagnosed with NHL (non-Hodgkin lymphoma) can be reached, that agreement must be presented on a new motion for preliminary approval," said Judge Chhabria. "The attorneys pushing this deal repeatedly intone that it will be difficult for Roundup users who are diagnosed with NHL in the future to get a trial, given the limited capacity of courts and given that many plaintiffs will be 'in line' ahead of them," he continued.

Court Blocks Trump-Era, Toxic Citrus Pesticide, Defended by Biden EPA

JUNE 9, 2021 | The U.S. Court of Appeals for the District of Columbia blocked the U.S. Environmental Protection Agency (EPA) from approving use of the hazardous insecticide aldicarb on citrus crops in Florida. The decision comes shortly after Nikki Fried, Florida's Agriculture Commissioner, denied a state-level registration for aldicarb, which was cancelled in the U.S. over a decade ago due to risks to children and water

contamination. Health, conservation, and farmworker advocates who brought the suit are praising the court's decision.

"We applaud this decision by the court whose ruling confirms what we already knew—that there is no place for a toxic pesticide like aldicarb to be used on crops in Florida where our workers and our water would be at grave risk," said Jeannie Economos, coordinator of the Pesticide Safety and Environmental Health Project at Farmworker Association of Florida in a press release. "Farmworkers can breathe a bit easier knowing that this neurotoxin will not be used on the citrus crops they harvest. We are grateful to Florida Commissioner of Agriculture Nikki Fried for refusing to allow this toxin to poison our communities, our food and our environment. This decision sends a message to EPA—protecting people and the environment must be their top priority." Shortly before the end of the last administration, former EPA Administrator Andrew Wheeler provided one last handout to the agrichemical industry by approving aldicarb for use on Florida's citrus groves. The move came after a meeting between Mr. Wheeler, regional EPA staff, and the Florida Fruit and Vegetable Association in October 2020, where the industry group urged EPA to reregister the banned chemical. Although the chemical was approved quickly, advocacy groups responded in kind by placing pressure on EPA and filing a legal challenge to the decision. By April, Commissioner Fried had heard from both sides, and the Florida's Department of Agriculture and Consumer Services rejected state-level approval of the hazardous insecticide. "While there are promising new horizons for fighting citrus greening, like recent breakthroughs at UF/IFAS on genetic resistance, aldicarb poses an unacceptable risk to human, animal, and environmental health in Florida, is one of the world's most toxic pesticides, and is banned in more than 100 countries," said Commissioner Fried. "The registrant's application does not meet the requirements of state law, and we must therefore deny the registration of aldicarb for use in the State of Florida." In rejecting EPA's approval of aldicarb, the court cited the state's denial, and found that EPA did not comply with *Endangered Species Act* requirements prior to registration.

"We're thrilled the court has rejected use of one of the most dangerous pesticides in history on Florida oranges and grapefruit," said Nathan Donley, PhD, environmental health science director at the Center for Biological Diversity. "This important decision is a sharp rebuke of the EPA's pesticide office, which even under the Biden administration chose to dismiss science and the law to protect profits at the expense of farmworkers, children and endangered species."

Parents of Harmed Children Sue Manufacturer of Brain-Damaging Insecticide Chlorpyrifos

JULY 14, 2021 | Corteva (formerly DowDupont) is facing a potential class-action lawsuit after several California families filed suit claiming that the use of the insecticide chlorpyrifos around their homes resulted in birth defects, brain damage, and developmental problems in their children. Chlorpyrifos is an organophosphate insecticide that has been linked to a range of health ailments, posing significant hazards particularly for pregnant mothers and their children. The lawsuits come as the U.S. Environmental Protection Agency (EPA) approaches a court-imposed 60-day deadline to decide the fate of

the pesticide's registration. Attorneys for the court cases, filed on behalf of individuals located in four California communities (Fresno, Kings, Medera, and Tulare counties), indicate they intend to pursue class action status, which would allow additional injured parties to join the lawsuit. The plaintiffs argue that the effects of chlorpyrifos exposure lingers in the agricultural communities where they reside. "We have found it in the houses, we have found it in carpet, in upholstered furniture, we found it in a teddy bear, and we found it on the walls and surfaces," said Stuart Calwell, lead attorney for the plantiffs. "Then a little child picks up a teddy bear and holds on to it." Ultimately, 100,000 people in California's farming regions may need to remove items in their homes that were contaminated by chlorpyrifos, attorneys say.

Each of the four plaintiff families have children with developmental disabilities that they indicate were caused by chlorpyrifos exposure. This real-world occurrence is supported by the scientific literature. Studies find that children exposed to high levels of chlorpyrifos experience psychological development delays, attention problems, attention-deficit/hyperactivity disorder problems, and pervasive developmental disorders at three years of age.

Concentrations of chlorpyrifos in umbilical cord blood were also found to correspond to a decrease in the psychomotor development and a decrease in the mental development in three year olds. Additional research reinforces these findings, with evidence that children

with high exposure levels of chlorpyrifos have changes to the brain, including enlargement of superior temporal, posterior middle temporal, and inferior postcentral gyrus bilaterally, and enlarged superior frontal gyrus, gyrus rectus, cuneus, and precuneus along the mesial wall of the right hemisphere.

Although Corteva has dropped out of the chlorpyrifos market, it is not supporting the cancellation of the chemical, and other manufacturers continue to produce it. Three years ago, Hawaii became the first state to begin to phase out chlorpyrifos use. In New York, a law passed by the state legislature implementing a ban prior to Hawaii's was vetoed by Governor Cuomo (D) and shunted to a slower state rulemaking process. California has likewise initiated rulemaking to ban the chemical, but minor uses are likely to remain.

Bayer Files "Hail Mary" Petition With U.S. Supreme Court After Losing Jury Verdicts on Cancer Causing Roundup/Glyphosate

AUGUST 18, 2021 | Multinational chemical company Bayer filed a petition with the U.S. Supreme Court, seeking a reversal of a lower court verdict that established Bayer's liability for damages from the use of its weed killer Roundup. After purchasing Roundup-maker Monsanto in 2018, Bayer has been mired in a deluge of court battles from injured customers throughout the country who assert that their use of the glyphosate-based herbicide resulted in their cancer diagnosis. Bayer, for its part, has consistently lost these court cases. The company's Supreme Court petition is now regarded as its best and last chance to avert responsibility for the ongoing harm to public health caused by its carcinogenic herbicide. Bayer's Supreme Court challenge pertains to the *Hardeman v. Monsanto* case. In that suit, a California court found unanimously in favor of the plaintiff, Edwin Hardeman. Mr. Hardeman told the jury he had used Roundup since the 1980s to spray poison oak and weeds around his property, resulting in his diagnosis of non-Hodgkin lymphoma in 2014. He was awarded $5.27 million, while his punitive damages were ultimately reduced from $75 to $20 million. Bayer is bringing two main arguments to the Supreme court. First, the company is making a preemption argument, saying that U.S. federal pesticide law, the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA), preempts state-level "failure-to-warn" claims that act as the basis for the Hardeman suit. To prevail under California's failure-to-warn law, plaintiffs must prove that the product had knowable risks, the risks presented were substantial if used in a reasonably foreseeable manner, consumers would not have recognized those risks, defendants failed to warn consumers, and consumers were thus injured as a result.

On this issue, the U.S. Ninth Circuit Court of Appeals affirmed a lower court ruling that state failure-to-warn claims were "equivalent to" and "fully consistent with" FIFRA and that, because the company had the ability to comply with both FIFRA and California law, FIFRA did not

preempt plaintiff claims. Bayer's argument to the Supreme Court rests upon the cover that the U.S. Environmental Protection Agency (EPA) provided the company over the years. Bayer argues that because EPA did not approve labels with a cancer warning, and the agency has repeatedly said that such a label was not appropriate, failure-to-warn claims should not apply. Bayer's second argument focuses on the Ninth Circuit's admission of expert testimony, which the company says violates court precedent and federal rules. The Ninth Circuit held that a district court applied the correct standards in admitting expert testimony in the Hardeman case. This issue centers significantly around causation, experts' use of epidemiological evidence, a strong and growing body of literature linking glyphosate to cancer, which EPA and pesticide manufacturers have regularly discounted. In apparent attempts to calm the market, the company has gamed out scenarios where it does and does not win at the Supreme Court. Prior to filing the petition, Bayer announced that it would end sales of Roundup to residential consumers, as part of a "five-point" plan aimed solely at averting litigation risk—not in order to protect U.S. residents from its hazardous product. Mr. Hardeman's lawyers told U.S. Right to Know (USRTK) they were prepared for this fight. "While paying out billions of dollars to settle claims, Monsanto continues to refuse to pay Mr. Hardeman's verdict. That doesn't seem fair to Mr. Hardeman. Even so, this is Monsanto's last chance Hail Mary," attorney Aimee Wagstaff told USRTK. "We are eager and ready to beat Monsanto at the Supreme Court and put this baseless preemption defense behind us once and for all."

Beyond Pesticides Successfully Challenges Company for False "No Antibiotic" Claim

NOVEMBER 19, 2021 | Beyond Pesticides reached a settlement agreement resolving a lawsuit filed against Sargento Foods, Inc. in January, 2021 for misleading its customers with false product label claims of "no antibiotics." The lawsuit alleged that Sargento's cheese products are made with milk from cows raised with antibiotics and that antibiotics can be found in some of the company's finished food. By the end of 2022, packaging for Sargento's products will no longer include the statements "no antibiotics" or "made from milk that does not contain antibiotics."

The use of antibiotics in agriculture is contributing to a "looming potential pandemic" worldwide, resulting from a "rise in multidrug-resistant bacterial infections that are undetected, underdiagnosed, and increasingly untreatable, [which] threatens the health of people in the USA and globally," according to *The Lancet*, a prestigious medical journal, in September. The World Health Organization has declared that, "AMR [antimicrobial resistance] is one of the top 10 global public health threats facing humanity." The primary contributors to AMR identified in the scientific literature are antibiotic uses in agriculture and overuse in medicine.

"This lawsuit is motivated by the urgent need to transition away from practices in agriculture that are dependent on antibiotics, advance organic farm management, and avoid new deadly pandemics," said Jay Feldman, executive director of Beyond Pesticides. "One way to do this is to ensure truthful labeling so that consumers can make informed and responsible choices in the marketplace," he said.

Because toxic chemical dependency and management practices result in ecosystem imbalance in chemical-intensive (or conventional) agriculture, antibiotics become necessary in both livestock and crop production. Antibiotics are used extensively in factory-style dairy production because the treatment and conditions to which cows are subjected impair their health and cause infections. The majority of dairy cows in the U.S. are confined indoors and do not graze on pasture. Teat trauma caused by milking machines, genetic selection for high milk yields, and unsanitary conditions make cows susceptible to clinical mastitis from pathogenic bacteria, which is the most commonly reported health problem in the dairy industry.

Antibiotics are also used widely as additives in animal feed to ward off any potential infections and to promote unnaturally rapid growth (the latter of which translates to higher profits), rather than being used to treat bacterial infections. Both of these objectives compensate for the overcrowded and unsanitary conditions of concentrated animal feeding operations (CAFOs). However, use of antibiotics is prohibited in all certified organic production, which incentivizes access to pasture, rotational grazing, and soil management. Although the standards of the National Organic Program require the treatment of sick animals, the dairy, meat, and other products from such animals cannot be sold with the certified organic label. Organic certification bans antibiotics in crop production, while its uses continue in conventional fruit production, some vegetables, and citrus (grapefruits, oranges, and tangerines).

An FDA (Food and Drug Administration) ban on the use of antibiotics as growth promoters in livestock, which went into effect on January 1, 2017, was confounded later that year by USDA's rejection of World Health Organization guidance on limiting antibiotic use in animal feed. USDA asserted that treating, controlling, and preventing" disease under veterinary supervision constitutes "appropriate use"—undercutting the ban on antibiotics for growth promotion because, when used in feed for disease prevention, antibiotics also promote growth.

"In addition to direct ingestion of antibiotic residues, resistant bacteria move from farms to families, through the environment to the human population, known as 'horizontal gene transfer,'" said Mr. Jay Feldman, executive director of Beyond Pesticides. Additionally, he said, "Beyond the threat from antibiotic-resistant infections, the ability of antibiotics to disturb or kill the gut microbiota in humans can lead to or exacerbate autoimmune and other 21st century diseases, including diabetes, obesity, food allergies, heart disease, cancer, asthma, autism, irritable bowel syndrome, multiple sclerosis, rheumatoid arthritis, celiac disease, inflammatory bowel disease, and more."

The authors of *The Lancet* article also indicate that the AMR phenomenon can exacerbate Covid-19 risks. They observe that, across five countries, Covid-19 diagnoses are associated with bacterial infections (with 3.5% diagnosed concurrently and 14.3% post-Covid-19). The prevalence is higher in patients who require intensive care. The authors note that, "72% of Covid-19 patients received antibiotics even when not clinically indicated, which can promote AMR."

Beyond Pesticides was represented by Richman Law and Policy, based in Irvington, New York. The action is brought under the District of Columbia *Consumer Protection Procedures Act* ("CPPA"), D.C. Code § 28-3901, *et seq.*