



# STOP CHEMICAL COMPANY SECRECY OF PESTICIDE PRODUCT HAZARDS.

A joint statement of 200+ organizations from the U.S. and around the world

The chemical industry is asking the U.S. Supreme Court to reverse decades of jurisprudence and shield manufacturers from liability associated with those who are harmed but not warned about pesticide adverse effects like cancer, neurological or immunological conditions, reproductive dysfunction, and other chronic illnesses. Briefs are due in the case by April 1, and oral arguments will be heard on April 27, with a decision anticipated in June.

The case before the Supreme Court, [\*Monsanto v. Durnell\*](#), is preceded by thousands of successful lawsuits and settlements against Bayer/Monsanto for the company's failure to warn about long-term hazards on their product label. After years of litigation, Bayer/Monsanto has been held to account by juries for the cancer-causing effects of its weed killer glyphosate (Roundup™). While the U.S. Environmental Protection Agency (EPA) does not recognize glyphosate to be cancer-causing, the International Agency for Research on Cancer finds it to be “probably carcinogenic to humans.” Because Monsanto sought to hide behind a weak regulatory review process, juries have issued verdicts that held the company responsible for failing to warn of the chemical product's potential adverse effects. The Durnell case resulted in a jury verdict (in 2023) of \$1.25 million, while the total number of jury verdicts and settlements may amount to over \$10 billion in liability if the Supreme Court upholds the lower courts and over a hundred thousand additional plaintiffs make the same claim.

The chemical industry is seeking liability immunity under federal pesticide law (the Federal Insecticide, Fungicide, and Rodenticide Act), questioning whether compliance with that law, in the Court's words, “preempts a state-law failure-to-warn claim concerning a pesticide registered by EPA, where the agency has determined that a particular warning is not required and the warning cannot be added to a product label without EPA approval.” If successful, the Court would be overturning (reversing) its 2005 decision in [\*Bates v. Dow Agrosciences\*, 544 U.S. 431](#) (see [analysis](#)), which affirmed EPA's approved label as minimum protection, without releasing manufacturers of the responsibility to seek approval for a label that exceeds EPA's minimum. Pesticide manufacturers propose the text for their product labels and EPA ensures compliance with its minimum requirements, which does not preclude them from disclosing potential adverse effects they know or should have known about. EPA does not require a cancer warning (or other chronic effects typically) on pesticide product labels, even when the agency and the chemical manufacturer have identified a harm, including cancer, under EPA's risk assessment review that it deems “acceptable.”

The Court in the Bates case made the important point that the notion of liability “emphasizes the importance of providing an incentive to manufacturers to use the utmost care in the business of distributing inherently dangerous items.” In an age of deregulation, the ability to hold chemical manufacturers accountable for warning of hazards is the keystone to minimum

protection of public health. Accountability in the courts serves the interest of farmers, farmworkers, consumers, and those potentially exposed to pesticide products, as demand in the market for the safest possible products grows daily.

We, the undersigned, believe that the Supreme Court must affirm the current law that holds chemical manufacturers liable when they do not warn consumers on the product label about potential hazards associated with the use of their products.

### **ORGANIZATIONAL SIGN ON S**

**100 Grannies for a Liveable Future, Iowa**

**350 Bay Area Action, California**

**A Voice For Choice Advocacy, California**

**Acterra: Action for a Healthy Planet, California**

**Aggie Perilli Communications International, Pennsylvania**

**Alpenfire Orchards, LLC, Washington**

**Agricultural Justice Project, New York**

**Alaska Community Action on Toxics, Alaska**

**Alliance of Nurses for Healthy Environments, Maryland**

**American Bird Conservancy, District of Columbia**

**American Sustainable Business Network, District of Columbia**

**AmeriLense Technologies, Massachusetts**

**Angela's Pure Salon & Spa, Florida**

**Arkansas Valley Audubon Society, Colorado**

**Athens County's Future Action Network (ACFAN), Ohio**

**Baltimore Real Estate Investors Association (REIA), Maryland**

**Barnstable County Beekeepers Association, Massachusetts**

**Bear Warriors United, Inc., Florida**

**Bee Friendly Michigan, Michigan**

**Bee Friendly Williamstown, Massachusetts**

**Bee Kind Apiary, LLC, Hawai'i**

**Beyond Pesticides, District of Columbia**

**Bell Family Homestead, Michigan**

**BloomHouse Earth School Warriors, Florida**

**Boss Bodyworks, Texas**

**Boston Area Beekeepers Association, Massachusetts**

**Breast Cancer Prevention Partners, California**

**Cabbages & Kings Catering, Connecticut**

**Californians for Pesticide Reform, California**

**Cancer Prevention and Treatment Fund, District of Columbia**

**Carl H Ebert & Associates, Illinois**

**Carolina Advocates for Climate, Health, and Equity, North Carolina**

**Center for Environmental Health, California**

**Center for Food Safety, District of Columbia**

**Center for Progressive Reform, District of Columbia**

**Champlain Valley Apiaries, Vermont**  
**Chesapeake Physicians for Social Responsibility, Maryland**  
**Church Women United, New York**  
**Citizens for a Clean Black Lake, Washington**  
**Clean + Healthy, New York**  
**CleanEarth4Kids.org, California**  
**Clean Water Action, California**  
**Clear Creek Land & Livestock, Nebraska**  
**Community Alliance for Global Justice, Washington**  
**Community for Natural Play Surfaces, California**  
**Cumberland-Harpeth Audubon Society, Tennessee**  
**Desert Herbals, LLC, New Mexico**  
**Droughtscape LA, California**  
**Eden Foods, Michigan**  
**Ekō, California**  
**Elders Climate Action (ECA) Northern California Chapter, California**  
**Elders Climate Action [ECA] Southern California Chapter, California**  
**Energymugs, Nevada**  
**Environmental & Public Health Consulting, California**  
**Environmental Site Developers, Inc., Connecticut**  
**Everyday Advocates, Florida**  
**Families Advocating for Chemicals & Toxics Safety (FACTS), California**  
**Farmworker Association of Florida, Florida**  
**FITNALL, Tennessee**  
**Food and Water Watch, District of Columbia**  
**For a Better Bayou, Louisiana**  
**Forest Creek Studios, Oregon**  
**Friends of Cathedral Trees Sanctuary, Oregon**  
**Friends of the Earth, District of Columbia**  
**Frith Music, California**  
**Flying Rocks Farm, California**  
**Gardeners Without Borders, Florida**  
**Global Green Initiative, Michigan**  
**GMO Free Kaua'i, Hawai'i**  
**GMO Science, California**  
**GMO/Toxin Free USA, Connecticut**  
**Good Neighbor Community Builders, California**  
**Gordon Hill Farm, LLC, Montana**  
**Grassroots Environmental Education, New York**  
**Green America, District of Columbia**  
**Green Oakwood, Ohio**  
**Green Party of St. Louis, Missouri**  
**Green State Solutions, Iowa**  
**Grow Native Massachusetts, Massachusetts**

**Grow Safe: Non-Toxic Missoula, Montana**  
**Hawai'i Chapter of the American Academy of Pediatrics, Hawai'i**  
**Hawai'i SEED, Hawai'i**  
**Hillhouse Farms, Virginia**  
**Institute for Responsible Technology, Iowa**  
**Intheshadowofthewolf, Connecticut**  
**Iowa Alliance for Responsible Agriculture, Iowa**  
**IPM Associates, Inc., Oregon**  
**James' 1Solar, California**  
**Jared Schreck LLC, Pennsylvania**  
**Jazz SLAM, Florida**  
**Jefferson County Farmers & Neighbors, Inc., Iowa**  
**Jim Schulman, Architect, District of Columbia**  
**Josie Hill Rentals, California**  
**Jpritikin Industries, Inc., Oregon**  
**Latino Farmers & Ranchers International, Inc., Maryland**  
**Lawrence Bird Alliance, Kansas**  
**Learning Disabilities Association of America, Pennsylvania**  
**Lindsay Suter Architects, Connecticut**  
**Livingston Law Firm, Illinois**  
**Local Food Production Initiative, Alabama**  
**Los Angeles Climate Reality Project, California**  
**Los Gatos Almaden Pollinator Garden, California**  
**Los Jardines Institute, New Mexico**  
**LT Enterprises, Tennessee**  
**Maddog Farm, Massachusetts**  
**Maine Organic Farmers and Gardeners Association, Maine**  
**Marion Audubon Society, Kansas**  
**Maryland Children's Environmental Health Coalition, Maryland**  
**Maryland Ornithological Society, Maryland**  
**Maryland Pesticide Education Network, Maryland**  
**Massachusetts Beekeepers Association, Inc., Massachusetts**  
**Massachusetts Pollinator Network, Massachusetts**  
**McDaniel Honey Farm, Maryland**  
**Mellon Farm, California**  
**Mercury Press Inc., California**  
**Mindflow Media, Tennessee**  
**Minnesota River Valley Audubon Chapter, Minnesota**  
**Missouri River Bird Observatory, Missouri**  
**Monroe Science Educational Services, Maryland**  
**Morningstar NEWS, Texas**  
**Mosquito Brigade, Florida**  
**Mothers Out Front, National, Massachusetts**  
**Natural Grocers, Colorado**

**Naturalist For You, California**  
**Naturepedic Organic Mattresses, Ohio**  
**New Day Landmark Collective, Arkansas**  
**New Earth Home and Garden, Michigan**  
**Non Toxic Communities, New Hampshire**  
**Non Toxic Portsmouth, New Hampshire**  
**Norfolk County Beekeepers Association, Massachusetts**  
**Northeast Organic Dairy Producers Alliance, Massachusetts**  
**Northeast Organic Farming Association, Interstate Council, New York**  
**Northeast Organic Farming Association, Massachusetts Chapter, Massachusetts**  
**Northeast Organic Farming Association of New Hampshire (NOFA-NH), New Hampshire**  
**Northeast Organic Farming Association of New Jersey (NOFA NJ), New Jersey**  
**Northstar Nurseries, Washington**  
**Northwest Arkansas Audubon Society, Arkansas**  
**Northwest Center for Alternatives to Pesticides, Oregon**  
**Oasis Spiritual Coaching & Shamanic Healing, Pennsylvania**  
**Orange Grove Friends Meeting, Community Garden, California**  
**Pamela Hall Real Estate, LLC, Florida**  
**People Organized in Defense of Earth and Her Resources (PODER), Texas**  
**Pesticide Action & Agroecology Network (PAN), California**  
**Piermont Marsh Alliance, New York**  
**Piermont Pier Alliance New York**  
**Pikes Peak Permaculture, Colorado**  
**Plant-Based Advocates, California**  
**Pollinator Friendly Alliance, Minnesota**  
**Pollinator Stewardship Council, Colorado**  
**Portland Protectors, Maine**  
**People and Pollinators Action Network (PPAN), Colorado**  
**Progressive Action Coalition for Equity (PACE), Minnesota**  
**Project Reuse, Hawai'i**  
**Protect Our Pollinators, Connecticut**  
**Protect the Peninsula's Future, Washington**  
**Public Employees for Environmental Responsibility (PEER), Maryland**  
**Rachel Carson Council, Maryland**  
**Replenishing the Earth, Missouri**  
**Responsible Growth Management Coalition, Florida**  
**Re:wild Your Campus, Texas**  
**Russo Construction Company, California**  
**Saint Charles Borromeo Center for Homelessness & Healing, Oregon**  
**San Francisco Bay Physicians for Social Responsibility, California**  
**San Francisco Forest Alliance, California**  
**SAS Holdings, LLC, Oregon**  
**Save the Park, California**  
**Seven Springs Farm Supply, Virginia**

**Shenandoah Valley Faith and Climate, Virginia**  
**S.O. Bees, Washington**  
**Somewhere In Time, Florida**  
**Steve Savitz, Artist, New York**  
**St. Louis No Spray Coalition, Missouri**  
**Stockbridge Farmers Market, Massachusetts**  
**SS Enterprises, Montana**  
**St. Denis Studio, New York**  
**Stop Developing Florida, Florida**  
**Sudi McCollum Design, California**  
**Sumkina Bait Company, Georgia**  
**Sun-Up Farm, West Virginia**  
**Sustainability Solutions, Vermont**  
**Susie Q. Zoo, Inc., Florida**  
**SWFL Reset Center, Florida**  
**T. Payne Farms, Illinois**  
**The Kitteh Spa, Florida**  
**The Last Plastic Straw, California**  
**Texas Environmental Justice Advocacy Services, Texas**  
**The Coming Clean network, Vermont**  
**The Paw Shop, Missouri**  
**Tonia Noelle Studio, Illinois**  
**Topanga Peace Alliance, California**  
**Toxic Free NC, North Carolina**  
**Treehouse Festival, California**  
**Vessel Project of Louisiana, Louisiana**  
**WE CAN U & ME, INC, Florida**  
**Web of Life Products, Colorado**  
**Wilco Justice Alliance, Texas**  
**Wildcreek Productions, California**  
**Wisconsin Organics, Wisconsin**  
**Wolfgang Metals Services, Pennsylvania**  
**Vanaheim Farm, Colorado**  
**Veggielution, California**  
**Vessel Project of Louisiana, Louisiana**  
**Yard Smart Marin, California**  
**Zapped Films LLC, Arizona**

*International*

**Coordination gegen BAYER-Gefahren, Germany**  
**Conexiones Cimaticas, Mexico**  
**Corporate Europe Conservatory, Belgium**  
**Safe Food Matters, Inc., Canada**

*Plus, 340 individual signatories from 46 states*