



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 ONS

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

Beyond Toxics, Eugene, Oregon

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
Des Moines County Farmers & Neighbors for Optimal Health, Iowa
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
Habitat Highland Park, Illinois
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
Moms Across America, North Carolina
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