



FOR IMMEDIATE RELEASE

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## WLF Urges Supreme Court To Hear Important Preemption Case

*(Monsanto v. Pilliod)*

**“Once again, California has ignored Supreme Court precedent. The Supreme Court must step in and reaffirm the supremacy of federal law.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to hear a case in which the California Court of Appeal allowed state law to trump federal law. In an *amicus* brief, WLF argues that the Supreme Court’s review is needed to vindicate the Constitution’s Supremacy Clause.

The case arises from a failure-to-warn claim by plaintiffs diagnosed with non-Hodgkin’s lymphoma. They argued that their diseases were caused by the glyphosate in Roundup and that Monsanto had a duty to warn of the danger under California’s Proposition 65. The jury awarded over \$2 billion in damages, which the trial court reduced to \$87 million.

In its brief supporting Monsanto, WLF argues that the plaintiffs’ claims are preempted by the Federal Insecticide, Fungicide, and Rodenticide Act. The brief explains how the plaintiffs’ bar managed to trick an international agency to list glyphosate as a carcinogen despite overwhelming scientific evidence that it is safe for all humans. Allowing this flawed scientific opinion to overrule both the EPA’s and California’s careful research raises serious constitutional problems.

WLF’s brief also explains why this case is a good vehicle to resolve a split in authority about when federal laws preempt state failure-to-warn claims. And WLF’s brief argues that the Court should grant review and hold that, when compensatory damages are substantial, the Due Process Clause limits punitive damages to the amount of compensatory damages. Allied Educational Foundation joined WLF on the brief.

*Celebrating its 45th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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