Press Release

WASHINGTON LEGAL FOUNDATION
Keeping Free Enterprise Free

FOR IMMEDIATE RELEASE January 16, 2026

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

In a Victory for WLF, Supreme Court Agrees to Consider Federal Preemption of Missouri Herbicide-Labeling Claim

(*Monsanto Co. v. Durnell*)

"By expressly prohibiting a State from altering the content of pesticide labeling, FIFRA not only protects pesticide manufacturers like Monsanto from state-tort liability but also promotes national labeling uniformity."

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC— Today, the U.S. Supreme Court agreed to review a decision of the Missouri Court of Appeals that allowed state products liability law to override federal regulatory law. WLF joined the U.S. Chamber of Commerce, the American Tort Reform Association, and the Product Liability Advisory Council on an amicus brief, authored by Goodwin Proctor's Willy Jay and Benjamin Hayes, which supported Monsanto's petition for review.

The case arises from a failure-to-warn claim by a plaintiff who contends that his cancer was caused by his exposure to the popular herbicide Roundup. Suing under Missouri strict-liability law, the plaintiff alleged that Monsanto, Roundup's manufacturer, had a duty to warn about the risk of cancer on Roundup's label. Monsanto argued the plaintiff's claim was preempted by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which prohibits states from imposing labeling requirements that are "in addition to or different from" federal labeling requirements for a given pesticide. The Environmental Protection Agency (EPA) has rejected any cancer-related warning on Roundup as scientifically unwarranted, false, and misleading. Even so, the jury found in favor of Durnell, awarding him $1.25 million in compensatory damages. On appeal, the Missouri Court of Appeals rejected Monsanto's preemption defense, finding no "clear evidence" that the EPA would have rejected a cancer warning

The amicus brief argued that state tort law cannot flout express preemption provisions in federal law by undermining the congressionally mandated, science-based regulation of herbicide labeling. Imposing state tort liability for failing to provide a label warning that EPA has determined is false and misleading, and thus should not be provided, would place manufacturers like Monsanto in an impossible quandary. They either will be held liable under state tort law for complying with federal law, or they must face federal civil or criminal liability for knowingly violating federal law to comply with state tort law. The Supremacy Clause relieves manufacturers from having to make that choice.

Celebrating its 49th 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.