Products Liability Law Daily Wrap Up, SUPREME COURT NEWS—CHEMICAL PRODUCTS—Supreme Court remands three Roundup cases after preemption ruling, (Jul 6, 2026)

By Susan Engstrom

The cases allege that Monsanto failed to warn consumers about the herbicide's cancer risk.

The U.S. Supreme Court has remanded three cases following its June 25, 2026, ruling that a consumer's state-law failure-to-warn claim against Roundup maker Monsanto Company was expressly preempted by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In its ruling, the High Court explained that the state tort claim would require Monsanto to add a cancer warning to its labels, which would be "in addition to" and "different from" its labeling obligations under federal law.

The plaintiffs in the three remanded cases alleged that their use of Roundup caused them to develop non-Hodgkin lymphoma and that Monsanto failed to warn them about the product's cancer risk. After the courts in those cases ruled against Monsanto, the company filed petitions for certiorari asking the Supreme Court whether FIFRA preempts state-law failure-to-warn claims where the Environmental Protection Agency "has repeatedly concluded that the warning is not required and the warning cannot be added to a product without EPA approval."

In each case, the High Court granted certiorari, vacated the judgment, and remanded for further consideration in light of *Monsanto Co. v. Durnell*, No. 24-1068 (U.S. June 25, 2026).

The remanded cases are:

- *Salas v. Monsanto Co*., No. 24-14030 (11th Cir. Mar. 19, 2025), *petition for cert. filed sub nom*. *Monsanto Co. v. Salas* (U.S. Apr. 18, 2025) (No. 24-1097)
- *Johnson v. Monsanto Co.*, No. A179665 (Or. App. July 10, 2024), *petition for cert. filed sub nom*. *Monsanto Co. v. Johnson* (U.S. Apr. 18, 2025) (No. 24-1098)
- *Anderson v. Monsanto Co.*, No. WD 87059 (Mo. App. June 24, 2025), *petition for cert. filed sub nom*. *Monsanto Co. v. Anderson* (U.S. Feb. 27, 2026) (No. 25-1042)

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