Products Liability Law Daily Wrap Up, PREEMPTION—CHEMICAL PRODUCTS—U.S.: Supreme Court holds FIFRA preempts Roundup's cancer-warning claims against Monsanto, (Jun. 25, 2026)

Products Liability Law Daily Wrap Up

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A state-law failure-to-warn claim requiring a cancer warning on the pesticide's label would impose a labeling duty in addition to the one approved by the Environmental Protection Agency (EPA).

In a landmark decision involving claims that Monsanto's glyphosate-based herbicide Roundup caused a consumer's cancer and provided inadequate health warnings, the U.S. Supreme Court reversed a Missouri judgment awarding more than $1 million to a Roundup user and held that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) expressly preempts state-law failure-to-warn claims premised on the absence of a cancer warning. The court found that EPA's approval of Roundup's label without a cancer warning constitutes a federal labeling requirement under FIFRA, that manufacturers are legally required to use the EPA-approved label unless EPA authorizes a change, and that state tort suits cannot impose labeling requirements "in addition to" or "different from" FIFRA's requirements (*Monsanto Co. v. Durnell*, No. 24-1068 (U.S. June 25, 2026)).

Background. Monsanto manufactures Roundup, a glyphosate-based herbicide first registered by the EPA in 1974. Since 1991, the EPA has repeatedly concluded that glyphosate is not likely to cause cancer in humans and has consistently approved Roundup's label without requiring a cancer warning. Although the International Agency for Research on Cancer classified glyphosate as a probable carcinogen in 2015, the EPA reaffirmed its contrary conclusion after multiple subsequent reviews. In 2019, a Missouri man alleged that he had used Roundup for about 20 years and developed non-Hodgkin's lymphoma as a result. He sued Monsanto under Missouri law, asserting, among other claims, that Roundup's label should have warned consumers of an alleged cancer risk. A jury awarded him more than $1 million on his failure-to-warn claim. Monsanto argued that FIFRA expressly preempted the claim because federal law required it to use the EPA-approved label without a cancer warning. Missouri courts rejected that argument, creating a conflict among federal and state appellate courts regarding FIFRA's preemptive effect. The Supreme Court granted certiorari to resolve the split.

Federal law. Under FIFRA, pesticide manufacturers must provide information about their product's formulas, potential adverse effects, testing, and proposed label. 7 U. S. C. §§136a(c)(1)(A)–(F). The EPA reviews this data and approves registration after concluding that the pesticide "will not generally cause unreasonable adverse effects" on human health and the environment, §§136a(c)(5)(B), (D), and that it is not misbranded, i.e., its label contains all warnings necessary to protect health and the environment and does not include false or misleading statements. §136j(a)(1)(E). Manufacturers must continue using the approved label unless the agency subsequently approves or mandates a change. 40 CFR §§152.44(a), 156.70(c). Manufacturers who unilaterally alter approved labels risk civil and criminal penalties. §§136j(a)(1)(E). Importantly, FIFRA prohibits states from imposing labeling requirements "in addition to or different from" those required under federal law. §136v(b).

Prior precedents. In *Bates v. Dow Agrosciences LLC*, 544 U. S. 431, 443–444 (2005), it was found that state-law claims involving pesticide efficacy were not preempted because EPA historically did not review efficacy claims during registration. However, unlike efficacy statements, EPA thoroughly evaluates health and safety warnings during registration, meaning that EPA's determinations regarding such warnings give substantive content to FIFRA's labeling requirements. *Bates* itself recognized that EPA regulations defining labeling standards constitute federal requirements capable of preempting contrary state-law duties. Next, in *Riegel v. Medtronic, Inc.*, 552 U. S. 312 (2008), the court

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addressed the preemption clause in the Medical Device Amendments of 1976, which is nearly identical to FIFRA's preemption clause, and concluded that FDA's premarket approval of a medical device preempted state-law claims premised on additional or contrary safety requirements.

Preemption. Based on the aforesaid statute and precedents, the court observed that in the absence of an EPA-approved or EPA-required label change, pesticide manufacturers must legally use the pesticide label approved by EPA at registration. While they can make "minor modifications" by notification and without approval, approval is required for precautionary "statements pertaining to the hazards of the product," which includes cancer warnings. §156.70(c). Accordingly, Monsanto was required by federal law to sell Roundup without a cancer warning as approved by the EPA at the initial registration and in its subsequent reviews. The consumer's state tort claim requiring the company to add a cancer warning would thus impose a labeling requirement "in addition to or different from" federal labeling requirements imposed under FIFRA, triggering FIFRA's express preemption provision.

Consumer's contentions. The consumer advanced several reasons why his failure-to-warn claim should survive. First, he argued that Missouri's failure-to-warn law merely mirrored FIFRA's prohibition against inadequate or misleading labels and therefore imposed no additional requirements. But looking at only FIFRA's general standard for misbranding rather than the specific federal requirements would nullify FIFRA's preemption clause and the uniformity that Congress sought for safety warnings on pesticide labels. Second, he claimed that EPA regulations exceeded or contravened the agency's statutory authority. The court disagreed, noting that FIFRA expressly directs EPA to register pesticides and "determin[e]" whether pesticides' "labeling" complies with FIFRA's requirements. §136a(c)(5)(B). Third, the consumer relied on FIFRA's miscellaneous provision to argue that pesticide registration shall not constitute a defense to "any offense under" FIFRA. U. S. C. §136a(f)(2). But this provision did not prevent Monsanto from relying on EPA approval as it applies only to EPA enforcement actions, not state tort suits. Moreover, Monsanto relied not merely on the fact of registration but on the EPA's specific determination that glyphosate-based pesticides do not require cancer warnings.

Finally, the consumer raised concerns about the scenario in which new safety information arises after EPA's initial registration determination and labeling approval. However, FIFRA provides multiple mechanisms for addressing newly emerging safety information, including mandatory manufacturer reporting, EPA review, registration modification or cancellation proceedings, citizen petitions, and judicial review. Those procedures, rather than state tort litigation imposing different warning requirements, are the means Congress selected to address evolving scientific evidence. Allowing state juries to require warnings rejected by EPA would undermine Congress's objective of nationwide labeling uniformity and manufacturers could face conflicting state obligations. Accordingly, all of the consumer's contentions were rejected and his failure-to-warn claim was held to be preempted by FIFRA. This court reversed the Missouri Court of Appeals' judgment and remanded the matter for further proceedings.

Concurrence and dissent. Justice Thomas joined the majority but wrote separately to question the constitutionality of FIFRA itself, suggesting that the statute may exceed Congress's Commerce Clause authority, improperly delegate legislative power to the EPA, and raise broader constitutional concerns regarding agency preemption of state law. Justice Jackson, joined by Justice Gorsuch, dissented. She argued that Missouri's failure-to-warn claim merely paralleled FIFRA's own misbranding requirements rather than imposing additional obligations, that EPA registration does not itself create a federal labeling requirement, and that the majority departed from the prevailing view previously adopted by most federal and state courts considering Roundup litigation.

The case is No. 24-1068.

Judge: Kavanaugh, J.

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Companies: Monsanto Co.

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