

LIABILITY CLAIMS INVOLVING PESTICIDES

VOTE YES ON HB 129

Pesticide manufacturers, distributors and sellers are required to comply with requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) in selling and labeling pesticides. FIFRA requires all pesticides to be registered with the United States Environmental Protection Agency (EPA), which requires the pesticide manufacturer to show that the pesticide does not cause any unreasonable adverse effect on human health or the environment when used properly. The requirements of FIFRA and EPA regulations governing pesticides ensure that the safety of pesticides necessary to the farming industry are evaluated under science-based protocols and provide uniformity in pesticide use and labeling across the nation.

Recent cases against Monsanto, the manufacturer of the herbicide commonly known as Roundup, have imposed liability on the manufacturer. The EPA has repeatedly reviewed scientific data to determine that Roundup's active ingredient, glyphosate, presents no unreasonable risk to human health when used as directed, and the warnings on Roundup's labeling are adequate

and complete. These cases have opened the floodgates to litigation against Roundup's manufacturers, distributors, sellers, and applicators and are resulting in the unworkable patchwork of state-law requirements for pesticides that FIFRA was intended to prevent.

Florida's farmers depend on glyphosate products and other pesticides to manage pests and control plant diseases that can destroy crops and threaten a reliable and affordable food supply.

Pesticide manufacturers, distributors, sellers and applicators should not face astronomical litigation risk for products liability claims involving pesticides that comply with FIFRA's comprehensive requirements and have been determined by both the EPA and FDACS to have no unreasonable risk to human health and the environment. Such litigation risk reduces farmers' ability to protect crops and maintain important conservation practices, and threatens food availability and affordability across the nation.

The Legislature should create a sensible exemption from failure to warn and design defect products liability actions for the distribution, sale, or application of agricultural pesticide products that comply with FIFRA and Florida regulatory requirements. This will work to protect Florida's food supply and ensure the uniform, science-based requirements of FIFRA and the EPA are applied to the use of agricultural pesticides in Florida.

PROTECT FLORIDA'S FOOD SUPPLY.

Questions? Reach out to William Large at william@fljustice.org.

