

Question 1 — Corporate Accountability After *Monsanto v. Durnell*

- **The decision.** On June 25, 2026, the U.S. Supreme Court ruled 7-2 in *Monsanto v. Durnell* (No. 24-1068) that the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA) preempts state law failure-to-warn claims when EPA has not required a warning. ([Beyond Pesticides analysis](#) ; [Full Opinion](#))
- **What was overturned.** The Court reversed a Missouri jury verdict of roughly \$1.25 million awarded to John Durnell, who developed non-Hodgkin lymphoma after decades of using the weed killer Roundup®. The opinion was authored by Justice Kavanaugh. ([Holland & Knight](#))
- **Scale of the effect.** The ruling reaches far beyond one plaintiff (Bayer-Monsanto); it also throws out thousands of similar pending state-court claims arising out of glyphosate (Roundup®) litigation. ([Stanford Law School](#)) There is also concern about the precedent this sets for any other pesticide that has been approved by the existing regulatory process.
- **The circularity dilemma.** EPA has repeatedly concluded that glyphosate is not likely to cause cancer and therefore has never required a cancer warning, despite a finding by the World Health Organization that the chemical could cause cancer; EPA rules then prevent manufacturers from adding a warning without agency approval. Agency inaction becomes an enabling factor of the manufacturer's legal shield. ([Cornell LII case text](#))
- **What survives.** *Durnell* does not foreclose every state-level claim. Design defects, manufacturing defects, advertising and promotional claims, and claims about risks that EPA never affirmatively evaluated may remain viable. ([Crowell & Moring](#))
- **The legislative fix.** The *Americans vs. Poisonous Pesticides Act* (H.R. 9807) is a bipartisan solution — introduced by U.S. Rep. Anna Paulina Luna (R-FL) with co-lead Rep. Rosa DeLauro (D-CT) and original cosponsors Reps. Thomas Massie (R-KY) and Chellie Pingree (D-ME). ([Beyond Pesticides](#) ; [Bill Text](#))
- **The health record.** Beyond Pesticides' *Pesticide-Induced Diseases Database* compiles peer-reviewed literature linking pesticide exposure to [cancer](#), [brain and nervous system disorders](#), [immune disorders](#), and [sexual and reproductive dysfunction](#).
- **Precedent in Congress.** The U.S. House of Representatives previously adopted a Luna amendment stripping pesticide liability shield language from the Farm Bill; many members already have a recorded position in April 2026. ([Rep. Luna's office](#))

Question 2 — Agrichemical Dependency Transition

- **The market signal.** U.S. sales of certified organic products reached \$76.6 billion in 2025, growing 6.8%—double the 3.4% growth of the comparable conventional marketplace. Organic food alone accounts for \$70.1 billion, a 6.1% penetration rate into the overall food market. 2026 was the third consecutive year organic outgrew the total market—a durable consumer trend, not a one-year anomaly. ([Organic Trade Association](#))
- **The bill.** The *Opportunities in Organic Act of 2026* builds on the existing National Organic Certification Cost-Share Program and adds flexible funding drawing on the USDA Organic Transition Initiative, with emphasis on expanding opportunities for underserved producers. ([Cosponsors](#) ; [Sponsor One-Pager](#))
- **Why now?** The Transition to Organic Partnership Program (TOPP), which currently delivers transition support and technical assistance, terminates in 2026. Without this bill, there is no successor program. ([National Organic Coalition](#))
- **The barriers the bill addresses.** Farmers face high certification costs and insufficient technical assistance from existing USDA programs. The *Opportunities in Organic Act* modernizes certification reimbursement and expands USDA's in-house organic expertise. ([Sponsor One-Pager](#))
- **Grounded in soil science.** Organic management outperforms chemical-intensive systems on [microbial diversity](#) (the biological reservoir that suppresses pathogens) and organic orchards show stronger [nutrient cycling](#), reducing the need for purchased synthetic inputs.
- **The preponderance of scientific evidence is important.** Research identifies [ecosystem services](#) as a first-line approach to pest management, and the damage that synthetic inputs have on both [soil health](#) and [gut microbiome](#).
- **Resilience.** Sponsors of *Opportunities in Organic Act* document that organic practices make farms more resilient to extreme weather while reducing reliance on fossil-fuel-based fertilizers and toxic pesticides—cutting emissions and protecting farmer, farmworker, and consumer health at the same time. ([Sponsor One-Pager](#))
- **The pressure on farmers.** Cost shocks from tariffs and geopolitical disruption, plus reductions in USDA workforce capacity, have coincided with new pest and pathogen pressures, including New World screwworm and *Cyclospora*, which strengthens rather than weakens the case for building biological resilience into the system.

Question 3 — PFAS in Agricultural and Consumer Products

- **Recent federal rulemaking.** On July 6, 2026, EPA published its *Draft Guidance for Reducing Risk from PFOA and PFOS in Biosolids* (Docket ID EPA-HQ-OW-2026-2509; 91 Fed. Reg. 41020), with a 60-day comment period that closes on October 5, 2026. ([Regulations.gov](#) ; [EPA page](#)) PFOA and PFOS are part of the PFAS (Per- and polyfluoroalkyl substances) family of persistent chemicals that threaten [human health](#) and the environment. linked to cancer, liver damage, decreased fertility, and increased risk of asthma and thyroid disease.
 - **The proposed rule is voluntary.** The EPA guidance is explicitly non-binding—it does not have the force of law, does not bind the public, and cannot be relied on in litigation against the United States. It addresses only two compounds out of the more than 12,000 known PFAS. ([Federal Register](#))
 - **New action replaces a stronger assessment.** The draft guidance supersedes the January 2025 draft sewage sludge risk assessment, which found EPA's acceptable risk thresholds are exceeded in some land-application and surface-disposal scenarios. EPA now characterizes that assessment as flawed and encourages continued land application of biosolids. ([Harvard EELP tracker](#) ; [2025 Risk Assessment Fact Sheet](#))
 - **States are already ahead of the curve.** EPA's own draft cites Michigan, which by 2026 prohibited land application above 100 ppb PFOS, down from 150 ppb in 2021, and reports that seven Michigan treatment plants achieved up to 99% reductions in sewage sludge PFOS through industrial pretreatment. ([EPA Draft Guidance PDF](#))
- **The fight over defining PFAS.** EPA's pesticide program uses a 2023 rule that generally requires two or more fully fluorinated carbons for a chemical to be classified as PFAS. The Organisation for Economic Co-operation and Development (OECD) definition, developed in 2021 and widely used internationally, covers chemicals with at least one fully fluorinated carbon. The EPA definition, not the chemistry, is now determining whether a product is regulated as PFAS. ([Civil Eats Explainer](#) ; [EPA's Position](#))
- **Real-world consequence.** EPA has continued registering new fluorinated active ingredients. Of the recent approvals, trifludimoxazin, diflufenican, and epyrifenacil qualify as PFAS under the OECD definition, but not under EPA's narrower Office of Pesticide Programs' definition. ([Chemical & Engineering News](#))
- **Packaging is a separate pathway.** In July 2024, EPA granted a petition to review PFAS chemicals PFOA, PFNA, and PFDA formed during fluorination of plastic containers used for pesticide, household consumer, and other products, committing to a *Toxic Substances Control Act* (TSCA) Section 6 proceeding. There is an important oversight question here that still needs to be addressed. ([EPA](#)).