

# MYTH OR FACTS

## PESTICIDE IMMUNITY BILLS

### MYTH

#1: These bills do not prevent anyone from suing pesticide manufacturers.



### FACT

These bills undermine the foundational legal argument used in thousands of previous and pending cases filed by those who have been harmed by pesticide use and exposure.

#2: EPA's registration process for pesticides is robust, involves rigorous testing, and ultimately leads to safe products.



Substantial scientific literature, inspector general reports, and litigation going up to U.S. Supreme Court point to limitations of pesticide registration, including safety claims.

#3: The weed killer <sup>TM</sup> glyphosate in Roundup will be taken off the market if state legislation is not passed. We need a fair legal climate!



Failure-to-warn claims have been a basic right in state courts going back to 1947. Users of pesticides are better protected by fair warning of product hazards in the marketplace.

#4 Farmers will be reliant on unsafe products developed in foreign countries if legislation is not adopted.



Current ability to sue for a manufacturer's failure to warn protects farmers, gardeners, and users of chemical products because it incentivizes truthful labeling of products, which enables informed consumer choices with full information.

# MYTH OR FACTS

## PESTICIDE IMMUNITY BILLS

### MYTH ONE UNPACKED



This is a health and safety and environmental protection issue for users and the communities where pesticides are used. Requiring disclosure of potential products hazards in the marketplace.

### MYTH TWO UNPACKED



EPA whistleblowers<sup>1</sup> reported to Inspector General and Office of Science Integrity<sup>2</sup> allegations of managers revising assessments significantly to indicate no toxicity concerns, despite data to the contrary and assigning work to less experienced employees to secure sign-offs on faulty or inadequate assessments. This is just the tip of the iceberg!<sup>3</sup>

### MYTH THREE UNPACKED



Federal pesticide labeling requirements do not provide full information on potential adverse effects, focusing on acute effects such as poisoning, but not longer term effects like cancer, reproductive problems, and birth defects. A landmark lawsuit<sup>4</sup> found that “[t]he specter of damage actions may provide manufacturers with added dynamic incentives to continue to keep abreast of all possible injuries stemming from use of their product so as to forestall such actions through product improvement.”

### MYTH FOUR UNPACKED



This is a health and safety issue for the user, communities where pesticides are used, and the environment. Creating the incentive to ensure a marketplace with safe products is a longstanding principle that has governed products in the marketplace, from automobiles, drugs, medical devices, to pesticides.

<sup>1</sup>. Beyond Pesticides. 2024. Bayer/Monsanto in Roundup/Glyphosate Case Stung with Largest Multi-Billion Dollar Jury Award, Asks States to Stop Litigation.

<https://beyondpesticides.org/dailynewsblog/2024/02/bayer-monsanto-in-roundup-glyphosate-case-stung-with-largest-multi-billion-dollar-jury-award-turns-to-state-houses-to-stop-litigation/>

<sup>2</sup>. Bennett, Kyla. 2021. EPA Risk Assessments Doctored to Mask Hazards. Public Employees for Environmental Responsibility. <https://peer.org/epa-risk-assessments-doctored-to-mask-hazards/>

<sup>3</sup>. Lerner, Sharon. 2021. Whistleblowers Expose Corruption in EPA Chemical Safety Office. The Intercept. <https://theintercept.com/2021/07/02/epa-chemical-safety-corruption-whistleblowers/>

<sup>4</sup>. Bates v. Dow Agrosciences LLC, 544 U.S. 431 (2005)