

# How Section 453 Shields the Pesticide Industry from Lawsuits

## Fiscal Year 2026 Interior, Environment, and Related Agencies Bill

### **Blocks Federal Action and Misbranding Enforcement**

Section 453 prohibits EPA and other agencies from acting on new science or enforcing laws against misleading or inadequate pesticide labels (aka "misbranding" under FIFRA and state laws) if such action conflicts with the most recent EPA health assessment—blocking regulatory action even when pesticide labels are outdated, misleading, or conceal newly discovered risks.

### **Freezes EPA's Ability to Quickly Reflect Real-World Risk**

EPA must approve all label updates, but Section 453 blocks warnings based on new science—including when full product formulations pose greater risks than the active ingredient alone. Labels remain outdated unless EPA formally reassesses the pesticide—which takes many years.

### **Blocks Even Voluntary Warnings by Companies**

Even if manufacturers want to add health or safety warnings, Section 453 prohibits EPA from approving them if they conflict with an outdated health assessment. This strips companies of the ability to inform users—even when they know the risks.

### **Enables Corporate "Impossibility Preemption" Defense in Court**

Companies will argue they are legally barred by federal law from updating labels, making it "impossible" for them to comply with state law duties to inform consumers about serious health risks. Section 453 creates this impossibility defense—eliminating state-level accountability by making state law compliance legally unachievable.

### **Converts Registration Into de facto Immunity**

Section 453 prevents families from holding manufacturers accountable when EPA fails to act, ignores new science, or when they protect industry interests. It removes a critical safeguard against both corporate misconduct and government failure, precisely when EPA gets it wrong.

**Example:** Glyphosate's most recent human health risk and carcinogenicity assessments were adopted in 1993. EPA, and Monsanto, have never studied the carcinogenicity of formulated Roundup, despite independent science showing it is likely 50 times more dangerous than glyphosate alone. Lawsuits, brought by consumers harmed by Roundup, exposed decades of coverups and manipulation of glyphosates' health risks by Monsanto. EPA's 2020 human health assessment of glyphosate was vacated by the Ninth Circuit Court in 2022 for failure to follow its own cancer risk assessment guidelines and neglecting to fully analyze data on glyphosate's cancer risks in humans and animals. Section 453 would cripple needed EPA reforms and hide critical safety information from the public.

**Section 453 Creates a de facto Liability Shield for All Existing and Future Pesticides:** By blocking funding for actions that are inconsistent with potentially outdated or insufficient EPA assessments and carcinogenicity classifications, Section 453 hinders enforcement of pesticide label laws that prohibit misbranding, shields pesticide companies from accountability for inadequate warnings, and continues to leave consumers and the public vulnerable to undisclosed risks—such as cancer, neurological disorders, respiratory issues, infertility, and developmental abnormalities—indeinitely with no recourse to hold companies responsible.

***Federal preemption** means federal law overrides state law when they conflict.*

***A de facto law** has the effect of leading to an outcome in practice, even if the law itself doesn't explicitly mandate it.*