

Court order blocking California glyphosate cancer label could spark more legal challenges to Prop. 65

On June 22, 2020, U.S. District Judge William B. Shubb (Eastern District of California) granted summary judgment in favor of Plaintiffs Monsanto Company and a number of farming groups and associations; denied a competing motion for summary judgment filed by California Attorney General Xavier Becerra; and entered a permanent injunction barring enforcement against Plaintiffs of the Proposition 65 (Prop. 65) cancer warning requirements for glyphosate

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After affirming its prior decision that the First Amendment challenge was ripe, the Court determined that the compelled Prop. 65 warning did not constitute “purely factual and uncontroversial information” and determined that the government failed to meet its burden of showing that Prop. 65’s warning requirement for glyphosate directly advances the asserted government interest, and that the compelled speech is not more extensive than necessary to achieve that interest.

...

This ruling (if upheld or not appealed) potentially opens the door to challenge other Prop. 65 warning requirements where evidence of carcinogenicity or reproductive toxicity is arguably inadequate or controversial.

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