Bayer’s latest Roundup court victory could provide protection in tort suits if upheld

[August 15] the Third Circuit Court of Appeals issued its ruling in Monsanto’s favor in the Schaffner v. Monsanto case, unanimously finding that the state-based failure-to-warn claims in this case are expressly preempted by the FIFRA statute. This decision creates a circuit split with prior decisions of the Ninth and Eleventh Circuits on the central legal issues in the Roundup litigation and underscores the need for consistency on this important topic from a federal standpoint.

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In response to the Schaffner v. Monsanto ruling, Monsanto issued the following statement:

The Company is pleased with the unanimous decision from the Third Circuit holding that plaintiff’s state-based warning claims are expressly preempted by FIFRA. The Court concluded that the alleged state-law duty to include the Cancer Warning on Roundup’s label imposes requirements that are different from those imposed under FIFRA, and that it is therefore preempted by FIFRA.

This decision on federal preemption, a cross-cutting issue in this litigation, creates a circuit split among the federal appellate courts and necessitates a review by the U.S. Supreme Court to settle this important issue of law. The Company is considering the impact of this ruling on other pending litigation and looks forward to presenting its arguments, as fully embraced by the Third Circuit, to the U.S. Supreme Court.

Bayer continues to stand fully behind its Roundup® products as critical tools that farmers rely on to produce affordable food and feed the world as the weight of scientific evidence and the conclusions of expert regulators worldwide continue to support the safety of glyphosate-based herbicides and that they are not carcinogenic.

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