



March 5, 2024

Senator Jason Bean
Senate Agriculture, Food Production and Outdoor Resources
201 W. Capitol Ave., Rm. 321
Jefferson City, Missouri 65101

Dear Chairman Bean and Members of the Committee,

Missouri Coalition for the Environment is a statewide, advocacy nonprofit organization that works to empower Missourians to protect their environment and health. On behalf of MCE, I am testifying in opposition to Senate Bill 1416 and urge this committee to vote “no” on this bill.

SB 1416 seeks to bar users of certain agricultural chemicals from bringing duty to warn claims against agricultural manufacturers should the users become harmed. Specifically, this bill is seeking to protect agricultural manufacturers from lawsuits for harm caused by exposure to their chemical products governed by EPA and/or the federal Fungicide, Insecticide and Rodenticide Act. Corporations that **by the very nature of their business deal in dangerous products** - not because the product has a defect or there was a manufacturing defect, but because the product itself is inherently dangerous to humans - are susceptible to litigation when their products are not sufficiently labeled warning the user of the health risks.

Those who would bring claims against agriculture manufacturers have usually been farmers and pesticide applicators who were exposed to these chemicals and later diagnosed with diseases such as Non-Hodgkin’s Lymphoma and other cancers. As you may know, there have been several cases filed against Bayer/Monsanto involving glyphosate and in many cases the harmed parties have received large jury awards and settlements to compensate them for their health harms. Agriculture chemical manufacturers are upset by all the lawsuits facing them and in retaliation, they have chosen to lead a nationwide effort to shield themselves from liability for harms caused. Missouri is only one of several states where this *exact* language has been filed. Does Missouri really want to be a state that says, “We in Missouri care more about the corporations that sell products in our state than the people who live here?” We at MCE hope not.

Although sponsors of these bills claim that the pesticide label from EPA is a sufficient warning, users have been *misled by advertising* touting the products’ safety. Supporters of this bill may also say that this bill would not restrict lawsuits against pesticide manufacturers for a number of claims, including product defects, drift or misapplication, or if the manufacturer fraudulently conceals known facts about the product. While this is true, **the overwhelming majority of successful cases for pesticide injury lawsuits fall under “failure-to-warn” claims.** We should not be taking away this important tool that our legal system provides to citizens harmed by using a product.



If this committee supports SB 1416, it is making the statement that it is comfortable with rendering victims without effective legal recourse and releasing industry actors such as Bayer from billions of dollars in ongoing and future settlements. As of 2022, Bayer settled over 1,000 lawsuits paying out approximately \$11 billion and faces an additional 30,000 lawsuits pending.

While I understand that companies like Bayer may be overwhelmed by the number of lawsuits they have settled and are still in, **this is the cost of doing business when you manufacture a product that is inherently harmful and fail to provide adequate warning to the users so that they can make an informed decision about whether to use your product.** The farmers and chemical applicators in our state should not be stripped of their legal right to sue for failure to warn. For these reasons, MCE respectfully asks you to vote “no” on SB 1416. Thank you so much for your time.

Sincerely,

A handwritten signature in blue ink that reads 'Melissa Vatterott'.

Melissa Vatterott, JD
Policy Director
Missouri Coalition for the Environment
mvatterott@moenvironment.org
(314) 727-0600, ext. 111