

119TH CONGRESS
2D SESSION

H. R. 10144

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to protect certain State tort law claims from Federal preemption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2026

Ms. MACE introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to protect certain State tort law claims from Federal preemption, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pesticide Harm Ac-
5 countability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Environmental Protection Agency too
9 often fails to successfully incorporate the current sci-
10 entific understanding to protect human health and

1 the environment from the harmful effects of pes-
2 ticide products, as intentioned by the Federal Insec-
3 ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136
4 et seq.). Consequently, the billions of pounds of pes-
5 ticides approved for use annually are allowed under
6 outdated science.

7 (2) The Environmental Protection Agency reg-
8 isters more than half, nearly 65 percent, of pes-
9 ticides through conditional registrations, allowing
10 their use before full safety data is reviewed.

11 (3) The Environmental Protection Agency per-
12 mits the continued sale of pesticides remaining on
13 store shelves, even after their registration has been
14 voided, suspended, or canceled.

15 (4) The Environmental Protection Agency uses
16 emergency exemptions to keep pesticides on the mar-
17 ket for years without undergoing a comprehensive
18 registration process or complete safety data that
19 would ensure the safe use of pesticides.

20 (5) The Environmental Protection Agency is
21 prohibited from requiring the disclosure of certain
22 “inactive” ingredients, even while “inactive” ingredi-
23 ents can account for 99 percent of a pesticide prod-
24 uct and include carcinogenic and toxic chemicals.

1 (6) Considering these regulatory shortcomings,
2 State tort law serves as a critical check on the Envi-
3 ronmental Protection Agency when their regulations
4 fail to protect everyday Americans. Specifically, it al-
5 lows individuals harmed by pesticide exposure to
6 hold manufacturers accountable when the regulatory
7 process has failed to do so.

8 (7) John Durnell was diagnosed with non-
9 Hodgkin’s Lymphoma after decades of using the
10 herbicide Roundup. Mr. Durnell sued Monsanto, the
11 producer of Roundup, in Missouri State court and
12 was awarded \$1,250,000 for compensatory damages
13 in recognition of the herbicide’s harmful effects.

14 (8) Monsanto appealed the decision to the Su-
15 preme Court of the United States, looking to over-
16 turn the outcome. On June 25, 2026, the Supreme
17 Court in *Monsanto Co. v. Durnell* held that the Fed-
18 eral Insecticide, Fungicide, and Rodenticide Act pre-
19 vents the State from holding such companies ac-
20 countable when the Environmental Protection Agen-
21 cy approved a pesticide label without requiring a
22 cancer warning. This defeated the legal argument
23 Mr. Durnell used to win his case in the Missouri
24 State court and eliminated a common path for indi-

1 viduals to hold pesticide companies accountable for
2 causing harm.

3 (9) State tort law offers a fundamental check
4 on pesticide manufacturers, ensuring accountability
5 when pesticide products cause harm. Restoring the
6 ability of victims to pursue legitimate claims under
7 State tort law, free from the hurdles of inappro-
8 priate Federal preemption, is a necessary pre-
9 condition to protect public health and ensure that
10 pesticide manufacturers remain accountable to the
11 individuals and communities they affect.

12 **SEC. 3. CLARIFICATION ON STATE PESTICIDE LABELING**
13 **RESTRICTIONS.**

14 (a) MISBRANDING.—Section 2(q) of the Federal In-
15 secticide, Fungicide, and Rodenticide Act (7 U.S.C.
16 136(q)) is amended by adding at the end the following:

17 “(3) This subsection shall not be construed to
18 prohibit the placement on a pesticide or device of a
19 warning required under the tort law of a State.”.

20 (b) UNIFORMITY.—Section 24(b) of the Federal In-
21 secticide, Fungicide, and Rodenticide Act (7 U.S.C.
22 136v(b)) is amended by adding at the end the following:
23 “The previous sentence shall not be construed to prohibit
24 or otherwise limit a claim related to the labeling or pack-

1 aging of pesticides or devices under the tort law of any
2 State.”.

3 **SEC. 4. REPORT TO CONGRESS REGARDING REGULATIONS**

4 **LIMITING STATE TORT LAW CLAIMS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Environmental Pro-
7 tection Agency shall submit to the Committee on Agri-
8 culture of the House of Representatives and the Com-
9 mittee on Agriculture, Nutrition, and Forestry of the Sen-
10 ate a report identifying any regulation, guidance docu-
11 ment, or interpretive statement that limits or restricts a
12 claim under State tort law relating to the labeling or pack-
13 aging of a pesticide or device under section 24(b) of the
14 Federal Insecticide, Fungicide, and Rodenticide Act (7
15 U.S.C. 136v(b)), as amended by section 3(b) of this Act,
16 along with any steps taken to bring such regulation, guid-
17 ance document, or interpretive statement into compliance.

18 **SEC. 5. SEVERABILITY.**

19 If any provision of this Act or an amendment made
20 by this Act, or the application of such provision to any
21 person or circumstance, is held to be invalid, the other
22 provisions of this Act and the amendments made by this
23 Act, and the application of such provisions to any person
24 or circumstance, shall not be affected thereby.

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