

The “Top 10” Ag Law and Tax Developments of 2025: Number 10

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Overview

With today's article, I start my annual trek through what I believe to be the “Top 10” ag law and tax developments of the previous year. It is always difficult to determine the ten “big ones.” I start with a much larger list and slowly pair it down. Some significant ones always get left on the cutting room floor. But what I am looking for are those developments that I think will have the biggest impact on the agricultural production sector as a whole.

With that in mind, the following is what I see as development No. 10 in agricultural law and taxation for 2025.

10. Pesticide Litigation. 2025 was an exceptionally busy year for pesticide litigation across the United States. While Missouri was the focal point, several other states saw major jury verdicts, appellate rulings, and a wave of "shield laws" designed to protect manufacturers from these very lawsuits. The core of the conflict involves the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under FIFRA, states cannot impose labeling requirements that are "in addition to or different from" federal requirements. The disagreement centers on whether a state-level "failure to warn" lawsuit constitutes a "different" requirement if the EPA has already approved a label without that specific warning.

In 2025, the Missouri Supreme Court issued a series of pivotal decisions that solidified the state's role as a major battleground for pesticide litigation. The rulings primarily center on whether federal law shields manufacturers like from state-level lawsuits regarding their glyphosate-based weedkiller, Roundup.

In late 2025, the Missouri Supreme Court refused to review a lower court's decision, effectively upholding a \$611 million judgment (originally \$1.56 billion) awarded to four plaintiffs. These individuals alleged that long-term exposure to Roundup caused them to develop non-Hodgkin lymphoma. *Anderson v. Monsanto Co.*, 719 S.W.3d 755 (Mo. Ct. App. 2025). By declining to hear the appeal, the Missouri Supreme Court allowed the verdict to stand, signaling that Missouri's judiciary would continue to hold manufacturers accountable for "failure to warn" consumers about potential health risks.

Earlier in February 2025, the Missouri Court of Appeals upheld a \$1.25 million award. *Durnell v. Monsanto*, 707 S.W.3d 828 (Mo. Ct. App. 2025). The Missouri Supreme Court similarly declined to intervene. Bayer (the successor to Monsanto) argued that because the Environmental Protection Agency (EPA) approved Roundup's label without a cancer warning, FIFRA preempted state-law claims. However, the Missouri courts determined that Missouri's "failure to warn" requirements are consistent with federal standards, allowing the lawsuits to proceed.

These decisions affirm that EPA approval does not grant blanket immunity to manufacturers under state law. The "split" between Missouri's rulings and those in other federal circuits that Missouri is not a part of prompted the U.S. Solicitor General, in December of 2025, to file a brief urging the U.S. Supreme Court to take up the Missouri case (*Durnell*) to resolve the contradiction between these states.



While Missouri grabbed headlines, Pennsylvania and Georgia were equally active in awarding massive sums to plaintiffs. In March 2025, a Georgia jury awarded \$2.065 billion to a plaintiff who alleged his non-Hodgkin lymphoma was caused by Roundup. This was one of the largest single-plaintiff verdicts in the history of the litigation. *Barnes v. Monsanto Co.*, No. 21-A-444 (Ga. State Ct., Cobb County, Mar. 24, 2025). In a major development in late 2025 (November 14, 2025), Bayer announced it had reached a settlement with Mr. Barnes to resolve the case for an undisclosed amount, effectively vacating the \$2 billion verdict and avoiding a lengthy appeal process in the Georgia courts.

Note: This was the first Roundup case to go to trial in Georgia. It was particularly significant because it occurred just as the Georgia legislature was debating a "shield law" to protect pesticide manufacturers from similar lawsuits. The massive size of the *Barnes* verdict was frequently cited by both proponents and opponents of that legislation.

In May 2025, the Pennsylvania Superior Court upheld a \$177 million judgment for Ernest Caranci. This ruling was significant because, like Missouri, Pennsylvania's appellate court rejected Bayer's "federal preemption" defense, ruling that state-law claims were consistent with federal requirements. *Caranci v. Monsanto*, No. 338 A.3d 151 (Super Ct. Pa. 2025).

In late 2025, federal judges began sending back cases from the national multidistrict litigation (MDL) in California to Washington state courts for trial, indicating a new front in the litigation was opening in the Pacific Northwest.

The "comparable" nature of all of the cases led to a critical legal climax in December 2025. The federal (and state) courts are split on whether the EPA's approval of a pesticide label protects a pesticide manufacturer from being sued under state law for failing to include a cancer warning. The split reached its peak 2025, pitting the 3rd Circuit against the 9th and 11th Circuits, with the state courts also deepening the divide.

Here's how the matter presently stacks up:

The "No Preemption" View (9th, 11th Circuits, & Missouri Courts). The key cases are *Hardeman v. Monsanto*, 997 F.3d 941 (9th Cir. 2021), *Carson v. Monsanto*, 72 F.4th 1261 (11th Cir.), and *Durnell v. Monsanto*, 707 S.W.3d 828 (Mo. Ct. App. 2025). These courts rely on a "parallel requirements" test. They hold that FIFRA prohibits "misbranding" - meaning a product is illegal if its label lacks warnings necessary to protect health. Since state "failure to warn" laws also require adequate warnings, the state law is consistent with federal law, not "different from" it. These courts hold that plaintiffs can sue. Even if the EPA approved the label, a jury can still decide the label was "misbranded" under the law.

The "Preemption" View (3rd Circuit). The key case supporting this view is *Schaffner v. Monsanto*, 113 F. 4th 364 (3rd Cir. 2024). Here, the court focused on the EPA's Preapproval Regulation. It argued that once the EPA has officially approved a label and determined a cancer warning is *not* required, that specific approval becomes the federal "requirement." Therefore, a state law demanding a cancer warning is "different from" the federal requirement. Under this view, plaintiffs cannot sue. Federal law acts as a "shield," as it would be impossible for a company to follow a state's warning requirement without violating the EPA-approved federal label.

Summary Table on the Courts' Views:

Feature	9th & 11th Circuits / MO Courts	3rd Circuit (The "Bayer Win")
Focus	The text of the FIFRA statute (Misbranding).	EPA's specific regulatory approval process.
EPA Approval	Viewed as a "minimum standard" or evidence, but not a final shield.	Viewed as a binding federal requirement that "preempts" state interference.
Primary Goal	Protecting consumer rights to seek damages for injury.	Ensuring national uniformity in chemical labeling. ¹²

State Legislative Action

In direct response to the massive verdicts in Missouri and elsewhere, 2025 saw a coordinated push by the agricultural industry to pass state laws that would end "failure to warn" lawsuits.

State	Action Taken in 2025	Law Effect
North Dakota	Passed (HB 1318)	First state to officially decree that an EPA-approved label satisfies all state "duty to warn" requirements, effectively shielding Bayer.
Georgia	Passed (SB 144)	Limits liability so that any label consistent with EPA health assessments is considered "sufficient" under state law.
Iowa	Stalled (SF 394)	Passed the Senate but stalled in the House. It aimed to provide "blanket immunity" for any pesticide with an EPA-registered label.
Florida/Miss.	Proposed	Similar bills were introduced in 2025 to protect not just manufacturers, but also distributors and applicators.

Conclusion

The FIFRA preemption issue will continue to be a big one in 2026.

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