

Congress of the United States
Washington, D.C. 20515

June 08, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

As the country is facing the highest inflation rate in decades, disruptive supply chain issues, rising input costs, and an ongoing conflict in Europe that will further strain the food supply, it is paramount that our government provide certainty to the agriculture industry and the broader American food supply chain. We believe that food security is national security, and we rely on our American farmers and ranchers to produce the safest, most sustainable, and most affordable food and fiber supply in the world. That is why we are concerned with the amicus brief recently submitted by Solicitor General Elizabeth Prelogar to the U.S. Supreme Court on May 10, 2022 in a case regarding the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the labeling of glyphosate.

Enacted in 1947, FIFRA created a process for the registration, labeling, and use of pesticides. Producers rely on this congressionally mandated, science-driven, and risk-based registration and review process to provide regulatory certainty. Crop protection tools registered through FIFRA, like glyphosate, are incredibly important in controlling pests and weeds, increasing yields while using fewer inputs, and implementing critical conservation practices.

The issue before the Supreme Court involves the applicability of federal preemption to pesticide labeling and stems from a flawed Ninth Circuit opinion claiming that FIFRA does not prevent states from imposing additional labeling requirements. In Solicitor General Prelogar's brief, she sided with the Ninth Circuit and reversed course on the federal government's once consistent position regarding pesticide labeling.

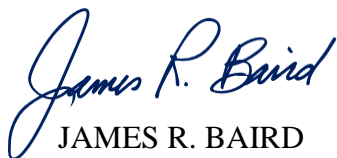
American agriculture, the food and energy that industry produces, and tools needed to do so are strictly non-partisan matters of national and economic security. Glyphosate is a critical staple in the toolbox of American farmers. Products containing glyphosate chemistry or plant genetics intended for use with glyphosate could be found on over 90% of American row crop acres planted in 2021. Simply put, these products are integral to our nation's food supply chain.

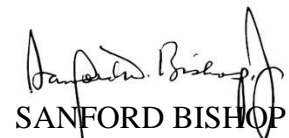
Our nation's regulatory system for important crop inputs and innovative agricultural technologies has long been the gold standard globally for bringing safe, effective, and well understood tools to market. Unfortunately though, if this flawed opinion is upheld, the entire pesticide registration process would be upended, creating even more uncertainty and undermining confidence in scientific integrity. In this specific case, California would be allowed to mislabel glyphosate as a human carcinogen despite nearly every pesticide regulatory body in the world – including the United States Environmental Protection Agency – repeatedly concluding that the product poses no human health risks and can be safely used.

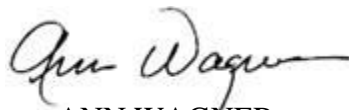
While this case specifically focuses on glyphosate, a ruling that FIFRA does not preempt state laws has the potential to impact all crop protection tools and even those pesticides registered for non-agricultural uses that are critical to protecting human health. A balkanization of pesticide labeling laws would create a complex and unworkable system and the impact would be felt by not only American farmers and ranchers, but ultimately by worldwide consumers of safe, sustainable, and affordable food.


Because of these concerns, we request that your Administration withdraw the amicus brief submitted by Solicitor General Prelogar to the Supreme Court immediately.


Sincerely,


JAMES R. BAIRD
Member of Congress


SANFORD BISHOP
Member of Congress



ANN WAGNER
Member of Congress


FRANK LUCAS
Member of Congress



ROBERT B. ADERHOLT
Member of Congress



RICK ALLEN
Member of Congress



KELLY ARMSTRONG
Member of Congress


JODEY C. ARRINGTON
Member of Congress


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JIM BANKS
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ANDY BIGGS
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MIKE BOST
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Member of Congress


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Member of Congress



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Member of Congress



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JAKE ELLZEY
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Member of Congress


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Member of Congress


TRENT KELLY
Member of Congress


DAVID KUSTOFF
Member of Congress



DARIN LAHOOD
Member of Congress



DOUG LAMALFA
Member of Congress


JAKE LATURNER
Member of Congress


NANCY MACE
Member of Congress

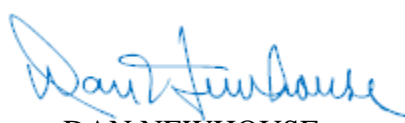

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Member of Congress



MARY E. MILLER
Member of Congress


MARIANETTE MILLER-MEEKS, M.D.
Member of Congress


JOHN MOOLENAAR
Member of Congress



BARRY MOORE
Member of Congress


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Member of Congress



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Member of Congress


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Member of Congress


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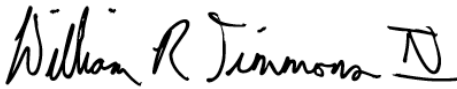

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Member of Congress



AUSTIN SCOTT
Member of Congress



MIKE SIMPSON
Member of Congress

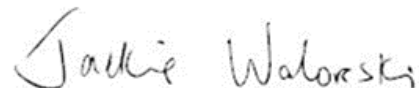

ADRIAN SMITH
Member of Congress


VICTORIA SPARTZ
Member of Congress

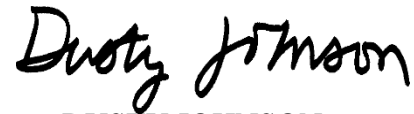

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Member of Congress



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Member of Congress



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Member of Congress


CLIFF BENTZ
Member of Congress


DUSTY JOHNSON
Member of Congress


MATTHEW ROSENDALE
Member of Congress


DIANA HARSHBARGER
Member of Congress

CC:

The Honorable John G. Roberts Jr. – Chief Justice of the United States

The Honorable Tom Vilsack – Secretary, U.S. Department of Agriculture

The Honorable Michael Regan – Administrator, U.S. Environmental Protection Agency