



## Chemical Collision: The Pesticide Provisions that Nearly Derailed the House Bill

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Maybe breaking the Farm Bill last summer wasn’t such a good idea. At 2:26 a.m., the House of Representatives adjourned consideration of the Farm, Food, and National Security Act (FFNSA) of 2026 (H.R. [7567](#); House.gov, [April 29, 2026](#)). Adjournment left the bill as “unfinished business,” which seems an appropriate moniker for it. The House finished this stage of the complicated legislative process, however, passing the bill as amended by a vote of 224 to 200 (6 not voting) at 11:14 a.m. on April 30, 2026 (House Clerk, Roll Call Vote [154](#)).

While packaged and labeled a Farm Bill, H.R. 7567 is neither a complete, nor a traditional, Farm Bill. Last summer’s budget reconciliation bill—the One Big Beautiful Bill Act of 2025 (P.L. [119-21](#))—enacted major changes and reauthorizations to critical components of the Farm Bill. That legislation included massive cuts to the Supplemental Nutrition Assistance Program (SNAP), reauthorization of farm payment programs through 2031 with revisions projected to double total payments to farmers, as well as concerning changes to crop insurance. Congress also reauthorized most of the conservation programs through 2031, except the Conservation Reserve Program (CRP). Therefore, FFNSA is the unfinished business of the Farm Bill, reauthorizing through 2031 the numerous programs and authorizations that were left behind last year.

It is safe to say that any legislation attempting to clean up unfinished Farm Bill business would be controversial and difficult. Breaking the cardinal political rule of the Farm Bill—don’t cut food assistance to boost payments to farmers—while leaving numerous programs and priorities behind, left the once-powerful legislative coalition in tatters. The House Agriculture Committee chose to make that work vastly more difficult by including controversial provisions that would have provided substantial legal protections to the entities that manufacture and sell pesticides. It was the inclusion of these provisions that nearly derailed the unfinished Farm Bill (McCarthy and Razor, [April 30, 2026](#); Tully-McManus et al., [April 29, 2026](#); Yarrow and Hill, [April 29, 2026](#); Hill and Yarrow, [April 29, 2026](#); McCarthy, [April 29, 2026](#); Kochi, Frazin, and Lillis, [April 29, 2026](#); McCarthy and Hill, [April 28, 2026](#); Yarrow and Hill, [April 26, 2026](#); Yarrow, [April 28, 2026](#)). The timing was particularly bad because it coincided with the Supreme Court

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hearing arguments on a case involving damages for cancer from exposure to the herbicide glyphosate (Roundup) (*Monsanto Co. v. Durnell*, Supreme Court, No. [24-1068](#); Tabuchi, [April 26, 2026](#); Farm Policy News, [April 28, 2026](#)).

Prior to passing H.R. 7567, the House agreed to an amendment that struck the most controversial provisions from the bill, clearing its path to passage. The vote was 280 in favor of striking the pesticides provisions, to 142 opposed (13 not voting) (House Clerk, Roll Call [148](#)). This article will review the provisions struck from FFNSA as an introduction to federal pesticide policy and to begin exploring some of the questions raised by the controversies over those provisions in the House debate.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes the Environmental Protection Agency (EPA) to regulate the sale and use of pesticides ([7 U.S.C. §136](#) et seq.). Congress designed the regulation of pesticides through a system of testing, risk assessment, registration, and labeling, meaning that no one can sell or distribute a pesticide unless it is registered and contains a label of approved uses, as well as restrictions on use or application. It is also a violation of the law to use a pesticide in a way that is not consistent with the approved uses or the label instructions, including restrictions on use (Esworthy and Yen, [November 14, 2012](#); Heflin, [May 2, 2025](#)). The pesticide label is the controlling legal mechanism (the “label is the law,” so to speak); most enforcement actions are initiated by state regulators, triggered by alleged use of a pesticide contrary to the label (Ozomy and Jarrell, [2020](#)).

For the issues confronting pesticides policy today, it is important to step back a quarter of a century to when a group of 29 Texas peanut farmers sued Dow Agrosiences L.L.C. over an herbicide marketed as “Strongarm” that damaged their crops for reasons not addressed in the registration or label (*Bates v. Dow Agrosiences L.L.C.*, 544 U.S. 431, 435 (2005)). The farmers sought damages under the Texas Deceptive Trade Practices-Consumer Protection Act; Dow sought to have the case dismissed as pre-empted by FIFRA, which provides that States “shall not impose or continue in effect any requirements for labeling or packaging in addition to or different from those required” under FIFRA ([7 U.S.C. §136v](#)). Note that, aside from labeling or packaging requirements, states may regulate pesticides so long as they do not permit use or sales of pesticides otherwise prohibited under the federal law.

The issue before the Supreme Court in 2005 was whether the pre-emption provisions of FIFRA applied to lawsuits based on state tort or common law (*Bates*, 544 U.S., at 440). The Court concluded that FIFRA did not pre-empt such state law claims. The Court explained that pre-emption requires two conditions: (1) the State law “must be a requirement for labeling or packaging,” not “rules governing the design of a product”; and (2) “it must impose a labeling or packaging requirement” that adds to or is different from the EPA label under FIFRA (*Bates*, 544 U.S., at 444). The Court explained further that State laws requiring “manufacturers to design reasonably safe products,” or “to market products free of manufacturing defects” were not pre-empted by FIFRA so long as they did not require anything added or changed on the label and packaging (*Id.*, at 444). Noting that “FIFRA does not provide a federal remedy to farmers and others who are injured,” the Court added that “the threat of a damages remedy will give manufacturers an additional cause to comply” with federal law—FIFRA “does not preclude States from imposing different or additional *remedies*,” it only precludes “different or additional *requirements*” on the label or packaging (*Id.*, at 448 (emphasis in original)).

Returning to the unfinished business of the Farm Bill, the House Agriculture Committee included revisions to FIFRA that would have provided vast legal protections to pesticide manufacturing entities. These were tucked into the title that reauthorizes programs for specialty crop producers, which was an interesting drafting choice. The two provisions, Sections 10205 and 10206, were highly controversial and were removed from the bill by an amendment led by Representative Anna Paulina Luna (R-FL) (House Clerk, Roll Call [148](#); House Rules Committee, [119-H.R. 7567](#), (listed as amendment #29); *House.gov*, [April 29, 2026](#) (listed as amendment #28)).

Figure 1 provides a highlighted image of the legislative text for Section 10205. The provision was cleverly drafted. The bookends of the highlighted phrase seem almost unremarkable, requiring national uniformity in pesticide labeling and continuing the prohibition on labeling or packaging requirements that differ from the federally approved label. Between those words are the heart of the controversy. While it is couched within the language of labeling that is FIFRA’s regulatory domain, this provision would have prohibited states and courts from penalizing or holding any pesticide manufacturing entity liable for their products.

**Figure 1. Proposed Revisions to Pesticide Labeling Requirements in the House Legislation**

SEC. 10205. UNIFORMITY OF PESTICIDE LABELING REQUIREMENTS.

(a) In General.--Section 24(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(b)) shall be applied to require uniformity in pesticide labeling nationally, and to prohibit any State, instrumentality, or political subdivision thereof, or a court from directly or indirectly imposing or continuing in effect any requirements for, or penalize or hold liable, any entity for failing to comply with requirements that would require labeling or packaging that is in addition to or different from the labeling or packaging approved by the Administrator of the Environmental Protection Agency (referred to in this section as the ``Administrator'') under such Act (7 U.S.C. 136 et seq.), including any requirements relating to warnings on such labeling or packaging, provided that the entity is not in material violation of subparagraph (M), (Q), or (R) of section 12(a)(2) of such Act (7 U.S.C. 136j(a)(2)), for which the entity has been penalized pursuant to section 14 of such Act (7 U.S.C. 136l).

(b) Rule of Construction.--Nothing in this section shall be construed to alter or diminish the authority of States under subsections (a) and (c) of section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v).

The words “*indirectly imposing or continuing in effect,*” “*or penalize or hold liable,*” and “*requirements that would require*” are extraordinarily expansive, doing much of the work. For example, damage awards or other penalties are requirements to pay which would meet this standard, and the middle phrase (“*, or penalize or hold liable,*”) likely would have provided separate protection against liability or penalties on its own.

The second provision struck from the bill was Section 10206, and it was much more straightforward. It added a prohibition against any local governmental regulation of a labeled pesticide, not just prohibiting changes to labels and packaging. In other words, a town or city would not have been able to ban pesticide applications within its limits, nor could they have restricted applications near schools, playgrounds, or other sensitive areas. The provision would have added further restrictions on local authorities in addition to Section 10205. The highlighted legislative text is presented in Figure 2.

**Figure 2. Pesticide Provision in the House Bill Limiting Local Authority Over Pesticides**

SEC. 10206. AUTHORITY OF STATES.

Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended--

(1) in the section heading, by inserting ``and localities'' after ``states''; and

(2) by adding at the end the following:

``(d) Local Regulation.--A political subdivision of a State shall not impose, or continue in effect, any requirement relating to the sale, distribution, labeling, application, or use of any pesticide or device that is subject to regulation--

``(1) by a State pursuant to this section; or

``(2) by the Administrator under this Act.''.

The removal of these provisions presumably cleared the way for the H.R. 7567's passage. The entire episode potentially provides important lessons for those inclined to such matters. Among these lessons are reminders about the extraordinary power of public deliberation over matters of policy, and the critical importance of voting in a system of representative self-government (Waldron, 1985). It can be messy and chaotic, but the value of working through disagreements over public policy in a public process cannot be overstated. The debate and the vote, even the chaos, demonstrated that revising FIFRA to protect the industry is not popular nor politically supported; the optics are bad and the politics are worse, especially in an election year (Philpott, [October 22, 2025](#); Stone, [April 28, 2026](#); Formuzis, [August 4, 2025](#); Held and Alvey, [September 9, 2025](#)).

The issue also puts farmers in a difficult position. Many farmers benefit from the weed and pest controls these products offer, but not all farmers and not from all pesticides. There has been no shortage of lawsuits and conflicts, and worse, over pesticides among farmers in recent years (Brown, [2025](#)). Importantly, the previous Supreme Court case was brought by farmers for damages to their crops from a pesticide. Without tort liability or other legal avenues, there are no remedies for damages caused by the products, including for farmers (Bates, 544 U.S., at 448).

As such, the controversy presents the potential to consider important questions about the FIFRA regulatory scheme, such as whether the labeling system is an effective way to regulate the manufacture and use of these chemicals, or potentially shifts too much of the burden to the applicator and the farmer. Whether the labeling system is the best and most effective way to manage these substances, is just one among many important questions if there is sincere interest in rethinking this policy. While these matters are beyond the scope of this article, they offer much for further research, analysis, and deliberation for those inclined to do so. One potential upside to this episode, therefore, is that it could serve as a catalysis for serious and critical conversations on the topic. One example took place in Chicago in March, when the Institute for Sustainability, Energy and the Environment (iSEE) at the University of Illinois held a Critical Conversation on pesticides issues (iSEE, [Spring 2026](#)).

In conclusion, there are missed opportunities and near misses. The House bill was a missed opportunity to correct the problematic policy changes enacted last summer, including to seriously adapt and adjust farm policy to help meet the challenges farmers are currently facing with input costs, market uncertainties, trade conflicts, wars, and more. These times demand policies that support innovation, adjustment and adaptation, not simply issuing more federal payments without doing the difficult, necessary work of addressing the underlying problems. Finally, today's floor debate in the House was also a near miss. Congress could have taken a major step towards adding very problematic changes to pesticide policy. Whether anything has been learned will be determined by what we do next.

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