

Safeguarding Kentucky Farmers' Access To Crop Protection Tools

CURRENT FEDERAL LAW

Pesticides are some of the most rigorously tested and regulated products in the U.S.

- 1 The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs pesticide use, sales, and labeling. FIFRA requires the Environmental Protection Agency (EPA) to evaluate human health, ecological risks, and safety before any pesticide can be registered.
- 2 As part of that evaluation, the EPA undertakes a thorough scientific review for, among other things, potential carcinogenicity. The EPA can't approve a pesticide unless it confirms it doesn't cause unreasonable adverse effects to the environment or humans. EPA also evaluates new information to ensure the safety of existing products.
- 3 **Once affirmed, FIFRA gives the EPA the exclusive authority to determine labeling and packaging requirements**, and those labels must reflect EPA's scientific conclusions.
- 4 While FIFRA allows states to regulate the sale or use of pesticides, FIFRA prohibits states from imposing labeling requirements that are different from or in addition to EPA's science-based labels.

THE PROBLEM

Without certainty on EPA-approved, science-based nationwide labels, the availability of current and future pesticides is in jeopardy.

Despite the EPA's explicit labeling authority under FIFRA, some states like California have tried to add **labeling requirements that directly contradict the EPA's** decades-long scientific conclusions on the safety of specific pesticides.

Manufacturers, sellers, and farmers who rely on these products can find themselves operating under duplicative and potentially inconsistent requirements.

This, in turn, can create devastating, relentless and often meritless litigation—fueled by

confusion over state and federal roles in product labeling and sometimes contradictory requirements around safety warnings—at a level hard to overcome.

This ultimately threatens farmers' access to current and future products, their livelihoods, and America's food security.

Facing potentially lower yields and higher costs, this lack of legislative certainty also risks raising food prices for American consumers still reeling from unprecedented inflation.

THE SOLUTION: SB 199

ENSURE THE LABEL IS THE LAW

SB 199 would ensure any pesticide registered with the EPA—and sold under a label consistent with the EPA's own determinations—is sufficient to satisfy requirements for health and safety warnings. Fundamentally, this bill clarifies what the manufacturer's duty to warn is in Kentucky.

This bill is **not** a blanket immunity shield; claims unrelated to the label would not be affected. Kentucky would still be able to regulate the sale and use of any pesticide within its borders.

Ultimately, SB 199 is about protecting the backbone of our food system—America's farmers. This bill would reduce confusion across the food supply chain and help keep things simple, ensuring Kentucky farmers can focus on what they do best: growing the food we all depend on.