

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prevent preemption of State law claims that are consistent with the misbranding standards of the Federal Insecticide, Fungicide, and Rodenticide Act.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2031, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 At the end of subtitle B of title X, add the following:

2 **SEC. 102__.** **STATE LAW CLAIMS ON MISBRANDING OF PES-**
3 **TICIDES.**

4 (a) PRESERVATION OF STATE FAILURE-TO-WARN
5 CLAIMS.—Section 24(b) of the Federal Insecticide, Fun-
6 gicide, and Rodenticide Act (7 U.S.C. 136v(b)) is amend-
7 ed—

8 (1) in the subsection heading, by inserting “OF
9 LABELING STANDARDS” after “UNIFORMITY”; and

10 (2) by inserting “This subsection does not pre-
11 empt any State labeling requirement that is con-

1 sistent with the misbranding standards of subpara-
2 graphs (F) and (G) of section 2(q)(1).” after “this
3 Act.”.

4 (b) AUTHORITY OF REGISTRANTS TO ADD WARN-
5 INGS TO LABELS.—Section 3(f) of the Federal Insecticide,
6 Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is
7 amended—

8 (1) in paragraph (1)—

9 (A) by striking “If the labeling” and in-
10 serting the following:

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), if the labeling”; and

13 (B) by adding at the end the following:

14 “(B) CHANGES IN LABELING TO ADD
15 WARNINGS.—Changes in labeling made by a
16 registrant that add warnings related to risk of
17 persistent, long-term, or permanent adverse ef-
18 fects on human health or warnings of endocrine
19 disruption or reproductive or developmental tox-
20 icity required by or necessary to comply with
21 State labeling requirements shall not require an
22 application for an amended registration or ap-
23 proval by the Administrator.”; and

24 (2) in paragraph (2), by striking “the Act.”
25 and inserting “this Act. The registration of a pes-

1 pesticide, and the approval of the labeling of such pes-
2 ticide by the Administrator, shall not create a re-
3 quirement for purposes of section 24(b) and shall
4 not have preemptive effect.”.

5 (c) APPLICATION TO PENDING ACTIONS.—The
6 amendments made by this section shall apply to any civil
7 action, including any action on remand or appeal, that is
8 pending on, or commenced on or after, the date of enact-
9 ment of this Act, regardless of the date on which the con-
10 duct that gave rise to such action occurred.