



UNITED TO GROW FAMILY AGRICULTURE

May 25, 2022

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

Dear President Biden,

On behalf of the more than 200,000 family farmer and rancher members of National Farmers Union (NFU), I am writing to express concern with a recent change in long-standing policy regarding the regulation and labeling of crop protection products that farmers rely on. The position taken by the Solicitor General in a recent brief undermines the United States' science-based regulatory approach to crop protection products and may decrease farmers' access to products essential to their operations. We ask the administration to withdraw the Solicitor General's brief and consult with the U.S. Department of Agriculture (USDA) regarding the implications of the decision taken in the brief.

On May 10, 2022, Solicitor General Elizabeth Prelogar submitted a brief to the U.S. Supreme Court advising the Court against hearing a case pertaining to the herbicide glyphosate. The brief argues that federal pesticide registration and labeling requirements do not preclude states from imposing additional labeling requirements, even if those requirements run counter to federal findings. The U.S. Environmental Protection Agency and most other pesticide regulatory bodies in the world have concluded that glyphosate is not a carcinogen and can be used safely.

The Solicitor General's brief adopts a position that would not only apply to glyphosate, but to any crop protection product. Thus, the decision taken in the brief may undermine the Federal Insecticide, Fungicide, and Rodenticide Act – the primary federal statute governing pesticides – and open the door to an impractical patchwork of state pesticide labeling requirements. We are concerned that the decision taken in the brief could threaten producers' access to glyphosate and other crop protection products through state regulations that are not science-based.

Again, we ask the administration to withdraw the Solicitor General's brief and consult with USDA on the implications of this decision. Thank you for considering NFU's position on this matter. If you any questions or would like to discuss NFU's views on the matter, please contact Mike Stranz, NFU Vice President of Advocacy, via email at [mstranz@nfudc.org](mailto:mstranz@nfudc.org) or by phone at 202-554-1600.

Sincerely,

  
Rob Larew  
President