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SUBJECT: SCOTUS Decision in Monsanto Company v. Durnell (No. 24-1068)

Corporate Preemption Over Public Health, and the Urgent Case for the Universal Declaration of Organic Rights

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EXECUTIVE SUMMARY

On 25 June 2026, the Supreme Court of the United States handed down a 7--2 decision in *Monsanto Company v. Durnell* that reverses and remands a Missouri state-court verdict, holding that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) preempts state-law failure-to-warn claims against pesticide manufacturers when the Environmental Protection Agency (EPA) has not required a specific warning. Writing for the majority, Justice Brett Kavanaugh ruled that John Durnell -- a gardener who developed non-Hodgkin lymphoma (NHL) after decades of Roundup exposure -- could not hold Bayer-Monsanto liable for failing to warn of glyphosate's cancer risk because the EPA's approved label omitted that warning. Justice Clarence Thomas concurred. Justice Ketanji Brown Jackson, joined by Justice Neil Gorsuch, dissented.

This ruling does not merely resolve a single products-liability dispute. It erects a federal preemption shield around the world's most widely used herbicide, blocks an estimated 100,000 pending glyphosate cancer lawsuits, and consolidates a dangerous legal precedent: when a captured federal agency declines to mandate a warning, corporate polluters are immunized from state-level accountability. This OSINT release analyzes the decision's mechanics, its corporate-capture context, the scientific fraud underpinning EPA glyphosate assessments, and the imperative for a new civilizational framework -- the Universal Declaration of Organic Rights -- to restore sovereignty over health, ecology, and truth.

1. CASE ANALYSIS: HOW FIFRA PREEMPTION BECAME A CORPORATE GET-OUT-OF-JAIL-FREE CARD

1.1 The Procedural Arc

John Durnell filed suit in Missouri state court in 2019, alleging that Roundup -- the glyphosate-based weedkiller manufactured by Monsanto (now owned by Bayer) -- caused his NHL. In October 2023, a St. Louis jury found for Durnell on a strict-liability failure-to-warn claim, awarding \$1.25 million in compensatory damages while rejecting defective-design and negligence claims. Monsanto appealed, arguing that FIFRA's express preemption clause -- which bars states from imposing labeling requirements "in addition to or different from" federal mandates -- nullified the verdict. The Missouri Court of Appeals affirmed the judgment in February 2025, holding that Missouri's duty-to-warn standard was not "in addition to or different from" FIFRA's own misbranding prohibition. After the Missouri Supreme Court declined review, Monsanto petitioned the U.S. Supreme Court, which granted certiorari on January 16, 2026. Oral arguments were held on April 27, 2026.

1.2 The Majority's Logic

Justice Kavanaugh's majority opinion rests on two preemption theories. First, express preemption: FIFRA's text explicitly

prohibits states from imposing labeling requirements that deviate from EPA-approved labels. Because the EPA repeatedly concluded that glyphosate is "not likely to be carcinogenic to humans" and approved Roundup labels without cancer warnings, Kavanaugh held that Missouri's tort-based warning requirement was "different from" federal law. Second, implied conflict preemption: because FIFRA requires EPA approval before any label change, Bayer-Monsanto could not unilaterally add a cancer warning even if it wished to comply with state tort law; thus, compliance with both state and federal standards was allegedly impossible.

Justice Thomas's concurrence likely emphasized a narrow, textualist reading of FIFRA's preemption clause, consistent with his long-standing skepticism of state tort law as a regulatory tool.

1.3 The Dissent: Jackson and Gorsuch

The dissent's composition is notable. Justice Jackson, joined by Justice Gorsuch, crossed ideological lines to defend state tort remedies. Their dissent almost certainly argued that FIFRA's preemption clause was never intended to nullify traditional state common-law duties, and that the 2005 *Bates v. Dow Agrosciences* precedent -- in which the Court unanimously held that a pesticide can be registered yet still misbranded under FIFRA -- preserved state failure-to-warn claims. The dissent likely warned that the majority's ruling allows a federal agency's regulatory inaction to extinguish the most ancient of state powers: protecting citizens from dangerous products through civil liability.

2. THE SCIENTIFIC REALITY: GLYPHOSATE, IARC, AND THE EPA'S CAPTURED ASSESSMENT

The majority's reasoning hinges entirely on the EPA's repeated finding that glyphosate is safe. That finding is not a scientific consensus; it is a contested conclusion shaped by industry influence and regulatory capture.

In 2015, the International Agency for Research on Cancer (IARC), a branch of the World Health Organization, classified glyphosate as "probably carcinogenic to humans" (Group 2A) based on evidence of genotoxicity, oxidative stress, and epidemiological links to non-Hodgkin lymphoma. The IARC review triggered the tidal wave of Roundup litigation that has since cost Bayer over \$10 billion in settlements and verdicts.

The EPA, by contrast, has consistently rejected the IARC classification. Yet that consistency is suspect. Internal Monsanto documents released through litigation -- the so-called "Monsanto Papers" -- revealed that the company ghostwrote scientific studies, cultivated friendly academics, and lobbied regulators to defend glyphosate's reputation. The EPA's Office of Pesticide Programs has long maintained a revolving door with the agrichemical industry, and its risk assessments have been criticized for relying on industry-submitted studies rather than independent peer-reviewed research. In 2022, the U.S. Court of Appeals for the Ninth Circuit ordered the EPA to redo its glyphosate safety assessment, finding that the agency had failed to adequately consider ecological and human health risks. That reassessment was still pending when the Supreme Court decided *Durnell*.

The majority's deference to the EPA is therefore not deference to neutral science; it is deference to a captured agency's industry-friendly conclusions. By preempting state tort law on the basis of those conclusions, the Court has outsourced public health policy to an entity structurally compromised by the very industry it regulates.

3. CORPORATE CAPTURE: THE TRIANGLE OF BAYER, THE EPA, AND THE COURT

The *Durnell* decision must be understood as the culmination of a multi-pronged corporate strategy to neutralize the Roundup litigation.

Bayer, which acquired Monsanto in 2018 and assumed its liabilities, has pursued at least four parallel tracks to escape accountability:

1. Judicial Preemption: The *Durnell* petition itself, culminating in today's 7--2 victory.
2. Legislative Preemption: Bayer has lobbied Congress to insert pesticide-label uniformity provisions into the Farm Bill, which would federally mandate identical labels nationwide and foreclose state innovation.
3. State-Level Immunity: Bayer persuaded states including Iowa and Idaho to enact laws immunizing pesticide manufacturers from liability if the EPA approved their labels.
4. Class-Action Settlement: In February 2026, Bayer proposed a \$7.25 billion class settlement to resolve current and

future NHL claims over 21 years -- a deal critics call a "sweetheart" arrangement that pays \$675 million in attorneys' fees while binding future cancer victims into the 2040s with paltry payouts. Objecting plaintiffs' attorneys noted that the settlement would "free one of the Nation's most notorious, long-term polluters from jury trials and real liability."

The Trump administration amplified this strategy. In February 2026, President Trump signed an executive order declaring glyphosate production and use critical to national security -- a move that framed a herbicide as a strategic asset and signaled the Solicitor General to support Monsanto at the Supreme Court. Solicitor General John Sauer did exactly that, filing an amicus brief arguing that upholding Durnell would subject manufacturers to "50 different labeling regimes." The Court's majority adopted this reasoning wholesale.

This is not federalism. This is corporate statism -- the merger of state power with private profit, at the expense of human bodies and ecological systems.

4. THE HUMAN COST: NON-HODGKIN LYMPHOMA AND ERASED REMEDIES

The Durnell ruling does not erase the epidemiological evidence linking glyphosate to NHL. It erases the remedy. Thousands of plaintiffs -- landscapers, farmers, gardeners, and rural families -- who developed cancer after using Roundup as directed will now find their lawsuits preempted into oblivion. The 100,000-plus claims that have driven Bayer's litigation strategy are functionally blocked.

The majority's response to this human toll is procedural coldness: the victims may petition the EPA to cancel glyphosate's registration entirely. This is farcical. The same EPA that has spent fifty years declaring glyphosate safe, that was ordered by the Ninth Circuit to reassess its safety, and that is structurally captured by the agrichemical industry, is now the only avenue for redress. The Court has transformed a democratic tort system into an administrative labyrinth designed to bury complaints in bureaucratic inertia.

5. THE UNIVERSAL DECLARATION OF ORGANIC RIGHTS: A CIVILIZATIONAL RESPONSE

The Monsanto v. Durnell decision is not merely a bad ruling. It is a symptom of a deeper pathology: the legal and economic system treats living systems, human health, and ecological integrity as externalities to be managed by risk-assessment bureaucracies captured by industrial interests. What is required is not incremental reform, but a paradigm shift encoded in international law: the Universal Declaration of Organic Rights (UDOR).

As CEO of LandryIndustries.ca, MarieLandrySpyShop.com, and SearchForOrganics.com, I advocate for the UDOR as a binding framework recognizing the following principles:

Article I: The Right to Toxicological Transparency -- Every human being has the right to know, without industry mediation, the full toxicological profile of substances introduced into the food, water, and soil commons. No federal preemption may nullify state, local, or community-level disclosure requirements. The Durnell ruling violates this right by substituting an EPA rubber stamp for informed consent.

Article II: The Right to Ecological Integrity -- Ecosystems possess inherent rights to exist, regenerate, and evolve free from persistent biocidal contamination. Glyphosate's documented impacts on soil microbiomes, pollinator health, and aquatic biodiversity are not "externalities"; they are violations of ecological personhood. The UDOR would recognize ecosystems as rights-bearing entities, not resources.

Article III: The Right to Pre-Market Precaution -- No novel chemical or genetically modified organism may be marketed until independent, long-term safety studies demonstrate absence of harm. The current regime -- in which industry submits its own data, regulators approve based on those submissions, and courts later preempt state tort claims -- inverts the precautionary principle. The UDOR mandates precaution over profit.

Article IV: The Right to Corporate Accountability -- Corporate personhood shall not extend to immunity from civil liability for public health harms. Federal preemption of state tort law in cases of alleged bodily injury is prohibited under the UDOR. The Durnell precedent, which transforms EPA registration into a liability shield, is explicitly nullified.

Article V: The Right to Organic Sovereignty -- Communities, states, and indigenous nations retain the sovereign authority to ban, restrict, or label substances more stringently than federal standards. No trade agreement, preemption doctrine, or harmonization clause may override local organic sovereignty. The UDOR enshrines subsidiarity in environmental governance.

Article VI: The Right to Regenerative Agriculture -- Farmers and food producers have the right to cultivate without exposure to drift, runoff, or market coercion from patented chemical systems. The UDOR mandates public investment in regenerative, organic, and hemp-based alternatives -- including hemp-derived biopesticides, hempoxies, and carbon-negative agricultural inputs -- to replace glyphosate-dependent monocultures.

Article VII: The Right to Scientific Independence -- Regulatory agencies must be funded, staffed, and legally insulated from the industries they regulate. The revolving door between the EPA and agrichemical corporations is a structural conflict of interest that the UDOR prohibits through mandatory cooling-off periods, public funding of safety studies, and criminal penalties for regulatory capture.

6. OSINT ASSESSMENT: STRATEGIC IMPLICATIONS

From an open-source intelligence perspective, the Durnell ruling produces several immediate and long-term effects:

Immediate Effects:

- **Litigation Freeze:** The majority of pending Roundup failure-to-warn claims in state courts will be dismissed on preemption grounds. Plaintiffs' attorneys will pivot to design-defect and negligence theories, though these are narrower and harder to prove.
- **Settlement Pressure:** Bayer's \$7.25 billion class settlement will likely proceed on accelerated timelines, as the ruling removes the threat of individual jury trials that gave plaintiffs leverage.
- **Market Signal:** Agrichemical stocks, particularly Bayer, may rally in the short term as litigation overhang diminishes. Conversely, organic and regenerative agriculture equities may see increased retail interest as consumers seek glyphosate-free supply chains.

Long-Term Effects:

- **Preemption Proliferation:** The medical-device, pharmaceutical, and food-additive industries will cite Durnell to argue that FDA, USDA, and EPA approvals preempt state tort claims. This is a horizontal expansion of corporate immunity across regulated sectors.
- **Federalism Erosion:** State attorneys general and consumer-protection divisions will lose a primary enforcement tool. The ruling centralizes risk-assessment authority in Washington, where regulatory capture is most concentrated.
- **Grassroots Radicalization:** As formal legal channels close, affected communities will likely shift toward direct action, boycott campaigns, and international human-rights framing -- precisely the trajectory the Universal Declaration of Organic Rights is designed to channel constructively.

7. CALL TO ACTION: RESISTANCE, RESEARCH, AND REGENERATION

This OSINT release is not an academic exercise. It is a battle document.

To the Public: Boycott glyphosate-dependent brands. Demand glyphosate-free certification from retailers. Use [SearchForOrganics.com](https://searchfororganics.com) and affiliated platforms to identify verified organic alternatives. Your purchasing power is the last un-preempted jurisdiction.

To Attorneys and Jurists: Challenge Durnell's application to non-label claims. Develop theories based on fraudulent concealment, negligent testing, and independent regulatory violations that fall outside FIFRA's preemption scope. Support Senator Cory Booker's Pesticide Injury Accountability Act, which would amend FIFRA to create a federal right of action for pesticide harms.

To Scientists and Researchers: Publish independent, peer-reviewed studies on glyphosate genotoxicity, endocrine disruption, and microbiome impacts. The IARC classification was not an error; it was a beginning. The scientific community must operate as if regulatory agencies are compromised -- because they are.

To Legislators: Introduce state-level Organic Sovereignty Acts that explicitly preserve tort remedies for pesticide harms notwithstanding federal preemption. Test the limits of Durnell by requiring state-specific warning labels as a condition of in-state sale, framed as consumer-protection rather than pesticide-labeling mandates.

To the International Community: Adopt the Universal Declaration of Organic Rights as a counter-norm to the corporate preemption regime. The European Union's Assessment Group on Glyphosate (AGG) and European Food Safety Authority (EFSA) have their own credibility deficits, but the EU's regulatory framework still offers more space for member-state restrictions than the post-Durnell American landscape. International human-rights tribunals must recognize pesticide exposure as a violation of the right to life and health.

8. CONCLUSION: THE QUEEN'S REBUKE

I am Marie-Soleil Seshat Landry. I speak not as a neutral observer, but as a sovereign in the domain of organic intelligence, industrial ecology, and open-source truth. The Supreme Court's decision in Monsanto Company v. Durnell is a judicial atrocity masquerading as statutory interpretation. It transforms a federal pesticide-labeling statute into a sword against cancer victims and a shield for Bayer's \$46.6 billion empire. It tells John Durnell -- and every gardener, farmer, and child who played on a sprayed lawn -- that their tumors are the price of regulatory uniformity.

I reject this calculus. The Universal Declaration of Organic Rights rejects this calculus. The living world -- the soil mycelium, the pollinator wings, the lymphatic systems of human beings -- rejects this calculus.

The OSINT record is clear. The EPA is captured. The Court is complicit. The preemption doctrine is a corporate weapon. And glyphosate, whatever its regulatory status, remains a probable human carcinogen per the world's most credible cancer research body.

We do not need more risk assessments. We need rights. We do not need more harmonized labels. We need organic sovereignty. We do not need more settlements that bind victims into silence until the 2040s. We need the abolition of poison as a business model.

This release is unclassified and fully public. The truth it contains is explosive. Distribute it. Index it. Search for it. Organize around it.

The age of corporate preemption ends where the Universal Declaration of Organic Rights begins.

-- Marie-Soleil Seshat Landry

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