

A photograph of a farm with several green metal silos and a wind turbine in the background. The foreground is a lush green cornfield. A semi-transparent green box is overlaid on the center of the image, containing white text. The bottom edge of the image has a white, torn-paper-like border.

**What Else is Wrong with the
2026 Farm Bill's Pesticide
Section and President Trump's
Executive Order?**

Pesticide provisions in the Farm Bill are a major shift to industry protection and federal control of regulation

The pesticide provisions in the draft **Farm, Food, and National Security Act of 2026** (the 2026 Farm Bill) represent a major shift toward federal centralization and legal protection for chemical manufacturers.

Introduced by the House Agriculture Committee in February 2026, these sections (specifically Sections 10201–10207) are designed to provide "regulatory certainty" for the agricultural industry but have sparked intense controversy over public health and local sovereignty.

Label "Uniformity" and Federal Preemption

1. The "Labeling Uniformity" Provision (Section 10205/10206)

This is the most significant change. It establishes that a pesticide label approved by the EPA is the **final and only legal standard** for warnings.

- **The Meaning:** It creates federal "preemption," meaning states (like California) or local courts cannot require companies to add warnings (e.g., "this product may cause cancer") that the EPA hasn't mandated.
- **The Impact:** This effectively shields companies like Bayer (Monsanto) from "failure-to-warn" lawsuits. It aims to end the wave of multi-billion-dollar litigation surrounding herbicides like glyphosate (Roundup).

Expropriates local authority (and the authority of courts) to regulate pesticides

2. Elimination of Local Control

The bill seeks to strip the authority of local governments (cities and counties) to regulate pesticide use within their own borders.

- **The Meaning:** It reverses a 1991 Supreme Court ruling that allowed local municipalities to set stricter pesticide standards than the federal government.
- **The Impact:** Hundreds of local ordinances—such as bans on spraying near schools or in public parks—would be nullified, leaving all such decisions to state or federal agencies.

Cancels legal environmental protections

3. Exemptions from Environmental Laws

The 2026 draft includes language that exempts EPA-registered pesticides from needing additional permits or reviews under other major environmental statutes.

- **Clean Water Act:** It removes the requirement for "National Pollutant Discharge Elimination System" (NPDES) permits for pesticide applications near waterways.
- **Endangered Species Act (ESA):** It streamlines the process to prevent "biological opinions" from slowing down pesticide registration, which critics argue will fast-track chemicals that harm at-risk species.

From the Organic Consumers Association:

- On top of all of that, SEC. 10201 gives the EPA Administrator the power to exempt any pesticide whatsoever from regulation or review!
- Sections 10202 and 10203 change the way the EPA reviews pesticides, **requiring the EPA and the Department of the Interior to subordinate concerns about human health, the environment, and endangered species, to the economic priorities of the U.S. Department of Agriculture (USDA), the Department of Commerce, and industry stakeholders.**
- Section 10204 repeals the [Pesticide Registration Improvement Act](#)—**ending the requirement that pesticides reviews be updated every 15 years**

<https://organicconsumers.org/2026-farm-bill-would-let-pesticide-companies-poison-us-with-impunity/>

Delays legally mandated pesticide updates for years (so the glyphosate update, due this year, will be delayed again)

4. Rollback of Review Deadlines

The bill proposes repealing parts of the **Pesticide Registration Improvement Act (PRIA)**, specifically the requirement for the EPA to complete initial registration reviews of older pesticides by October 2026.

This would allow older, potentially more toxic chemicals to stay on the market longer without updated safety assessments.

What does Trump's 2/18/26 Executive Order Do?

The **Executive Order (EO 14387)**, signed on February 18, 2026, represents a dramatic attempt to shield the pesticide industry by reframing glyphosate production as a matter of **National Security**.

While the order is titled "Promoting the National Defense by Ensuring an Adequate Supply of Elemental Phosphorus and Glyphosate-Based Herbicides," its primary legal weight lies in the invocation of the **Defense Production Act (DPA)**.

Separate from the Farm Bill, the E.O. will give Glyphosate (not all pesticides) a liability shield

- **The Provision:** This section of the Defense Production Act states that "no person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order" issued under the Act.
- **The Ramification:** By ordering companies like Bayer (Monsanto) to produce glyphosate for "national defense," the administration is providing a legal "shield." If the government *requires* the production and distribution of the chemical, the company can argue it is legally immune from state-level lawsuits (like those for "failure to warn") because it was simply following a federal defense mandate.

The E.O. attempts to influence the Supreme Court and Congress regarding glyphosate

2. Influencing the Supreme Court

The timing of the EO is strategically aimed at the **U.S. Supreme Court**, which is scheduled to hear arguments on April 27, 2026, regarding **federal preemption**.

- **The Legal Argument:** The administration is effectively handing the Court a new "national security" justification for preemption. The argument is that if individual state laws or local jury awards interfere with the production of a "critical national defense material," those state laws must be preempted by federal authority to protect the country.

E.O. provides the "Government Contractor Defense" to Bayer, an additional legal way to avoid state-level liability lawsuits

3. "National Security" as a Defense against Tort Claims

Traditionally, product liability (tort) law is handled at the state level. By declaring glyphosate a "critical material" for the defense industrial base:

- **The Ramification:** Defense lawyers can now use the "Government Contractor Defense." If a company can prove they were following precise federal specifications for a product deemed essential to the military or national security, they are often immune from state tort claims. This EO attempts to place commercial agricultural glyphosate under that same umbrella.

The E.O. gives the Secretary of Agriculture new authority to cancel any EPA or other restrictions on glyphosate

4. Overriding Environmental Regulatory Hurdles

The EO delegates authority to the **Secretary of Agriculture** to ensure that no "order, rule, or regulation" places the "corporate viability" of glyphosate producers at risk.

- **The Ramification:** This could be used to legally bypass EPA restrictions or Endangered Species Act (ESA) requirements. If a biological opinion from the EPA would limit production, the USDA could potentially use the DPA authority to override it, arguing that the need for "defense materials" outweighs the regulatory delay.

Will Trump (and Bayer) get away with this?

1. Statutory Overreach: Misuse of the Defense Production Act (DPA)
2. The "Arbitrary and Capricious" Claim (APA)
3. Separation of Powers and the Supreme Court
4. A coalition of AGs from states like California and New York are reportedly reviewing the order to determine if it infringes on **State Sovereignty (10th Amendment)** by preventing states from enforcing their own health and safety warnings.

MAHA critics point to these four EPA appointments by the Trump administration as evidence of "corporate capture" of the agency:

Appointee	Position	Industry Background
Douglas Troutman	Assistant Administrator (OCSP)	Former lobbyist and co-CEO of the American Cleaning Institute (ACI) ; confirmed in late 2025.
Nancy Beck	Principal Deputy Assistant Administrator	Former executive at the American Chemistry Council (ACC) ; served in the first Trump EPA.
Lynn Ann Dekleva	Deputy Asst. Admin (New Chemicals)	Former senior scientist at DuPont and the American Chemistry Council.
Kyle Kunkler	Director, Office of Pesticide Programs	Former lobbyist for the American Soybean Association , defending glyphosate, dicamba and atrazine