

No. 21-

IN THE
Supreme Court of the United States

MONSANTO COMPANY,
Petitioner,

v.

ALBERTA PILLIOD AND ALVA PILLIOD,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEAL OF CALIFORNIA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Petitioner manufactures the herbicide Roundup. For decades, the Environmental Protection Agency (EPA) has exercised its delegated authority under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to find that neither Roundup nor its active ingredient, glyphosate, causes cancer in humans. EPA has authorized Roundup for sale, repeatedly approved Roundup's labeling without a cancer warning, and informed pesticide registrants that including a cancer warning on the labeling of a glyphosate-based pesticide would render it "misbranded" in violation of federal law. FIFRA itself, moreover, bars States from "impos[ing] ... any requirements for labeling ... in addition to or different from those required under [FIFRA]." 7 U.S.C. §136v(b). Respondents were nonetheless awarded over \$17 million in compensatory damages and nearly \$70 million in punitive damages after a California jury found that the omission of a cancer warning from Roundup's label violated state law. The questions presented are:

1. Whether FIFRA preempts a state-law failure-to-warn claim where the warning cannot be added to a product without EPA approval and EPA has repeatedly concluded that the warning is not appropriate.
2. Whether a punitive-damages award that is a fourfold multiple of a substantial compensatory-damages award violates the Fourteenth Amendment's Due Process Clause where the defendant acted in accordance with the scientific and regulatory consensus regarding the safety of its product.

(i)

CORPORATE DISCLOSURE STATEMENT

Monsanto Company is an indirect, wholly owned subsidiary of Bayer AG, a publicly held corporation. No other publicly held corporation owns 10% or more of Monsanto's stock.

RELATED PROCEEDINGS

Pilliod v. Monsanto Company, No. S270957 (Supreme Court of California) (petition for review denied November 17, 2021).

Pilliod v. Monsanto Company, No. A158228 (First Appellate District, Division 2) (opinion and judgment issued August 9, 2021; petition for rehearing denied August 25, 2021).

Pilliod v. Monsanto Company, No. RG17862702 (Alameda County Superior Court) (judgment issued July 26, 2019).

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