



Bayer AG
Communications
51368 Leverkusen
Germany
Phone +49 214 30-1
www.bayer.com/en/media

News Release

Bayer welcomes the U.S. Supreme Court decision to review the Durnell case in the Roundup™ litigation

- Decision on the merits expected by June 2026
- Favorable outcome would contribute to significantly containing the Roundup™ litigation as the company continues its multi-pronged strategy

Leverkusen, January 16, 2026 – The U.S. Supreme Court today announced that it will review the *Durnell* Roundup™ case. Monsanto petitioned the court to hear *Durnell* in April 2025 and address the split in authority among federal circuit courts on the application of federal preemption, a cross-cutting issue in the Roundup™ litigation. The company expects a decision on the merits during the Court's 2026 session, which ends in June.

"The Supreme Court decision to take the case is good news for U.S. farmers, who need regulatory clarity," said Bayer CEO Bill Anderson. "It's also an important step in our multi-pronged strategy to significantly contain this litigation. It is time for the U.S. legal system to establish that companies should not be punished under state laws for complying with federal warning label requirements." Every leading regulator worldwide has concluded that glyphosate-based herbicides can be used safely.

The Supreme Court previously called for the views of the Solicitor General, who submitted a brief in December on behalf of the United States Government agreeing with the company that the Court should hear the case, resolve the circuit split and rule in the company's favor.

In his brief, Solicitor General John Sauer argued that upholding the *Durnell* decision would allow juries to ignore the expert scientific decisions made by the U.S. EPA regarding the safety of glyphosate, saying, "EPA has repeatedly determined that

glyphosate is not likely to be carcinogenic in humans, and the agency has repeatedly approved Roundup labels that did not contain cancer warnings....This Court's intervention is warranted to give FIFRA's preemption provision its proper force."

He also warned of the consequences of upholding *Durnell*, citing a prior Supreme Court holding: writing "where, as here, EPA has specified the health warnings that should appear on a particular pesticide's label, a manufacturer should not be left subject to '50 different labeling regimes prescribing' different requirements."

In its petition, the company argues that a split among federal circuit courts in the Roundup™ litigation warrants review and resolution by the country's top court. The Third Circuit Court of Appeals unanimously held in *Schaffner* that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) expressly preempts the plaintiff's claims which were based on state failure-to-warn theories like those in *Durnell*. The Ninth and Eleventh Circuits and Missouri's intermediate appellate court have reached different conclusions, and the petition argues that state and federal courts require guidance that only the U.S. Supreme Court can provide.

In October 2023, *Durnell* was tried in the Missouri Circuit Court for the City of St. Louis and the jury returned a verdict in favor of the plaintiff on just one of three claims. The jury found the company failed to warn of the product's risk and awarded 1.25 million US-Dollars, but rejected all other claims and declined to award punitive damages. The company appealed the verdict in August 2024 and the Missouri Court of Appeals, Eastern District upheld the verdict in February 2025. Monsanto promptly filed a writ to transfer the case to the Missouri Supreme Court and it declined review on April 1, making it ripe for U.S. Supreme Court review. Monsanto filed its petition for certiorari just three days later.

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for trust, reliability and quality throughout the world. In fiscal 2024, the Group employed around 93,000 people and had sales of 46.6 billion euros. R&D expenses amounted to 6.2 billion euros. For more information, go to www.bayer.com.

Contact for media inquiries:

Brian Leake, phone +1 314.370.3285

Email: brian.leake@bayer.com

Philipp Blank, phone +49 214 30-20499

Email: philipp.blank@bayer.com

Contact for investor inquiries:

Bayer Investor Relations Team, phone +49 214 30-72704

Email: ir@bayer.com

www.bayer.com/en/investors/ir-team

Contact for U.S. investor inquiries:

Erica Mulligan, phone +1 314-985-7457

Email: erica.mulligan@bayer.com

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