



Kansas Grain and Feed Association
Kansas Agribusiness Retailers Association
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January 21, 2026

To: House Committee on Agriculture and Natural Resources
From: Randy Stookey, Senior Vice President of Government Affairs & General Counsel
Re: **Joint Proponent Testimony on HB 2476 permitting federal pesticide warning or labeling requirements to satisfy any state pesticide warning or labeling requirements.**

Chairman Rahjes and members of the committee, thank you for the opportunity to testify in support of House Bill 2476. This testimony is submitted by Kansas Grain and Feed Association (KGFA) and the Kansas Agribusiness Retailers Association (KARA).

KGFA is the state association of the grain receiving, storage, processing, and shipping industry in Kansas. KGFA's membership includes over 950 Kansas business locations and represents 99% of the commercially licensed grain storage in the state. KARA is a statewide agribusiness industry trade association with membership including over 700 companies that provide agricultural goods and services to Kansas farmers.

Agribusinesses work with Kansas farmers to provide crop inputs and receive and store raw ag commodities. Many of the business activities of our members are regulated by the U.S. Environmental Protection Agency (US EPA).

Kansas agriculture depends on various pesticide products to protect crops from disease, fungi, and insects. Each pesticide undergoes extensive safety testing by the US EPA before being registered for use¹. In addition to safety testing, the Federal Insecticide, Fungicide, and Rodenticide Act² requires that each registered pesticide product be labeled with specific label language directed by the U.S. EPA, including directions for safe use and any necessary warning language.

Even so, lawsuits are being filed on claims that the pesticide product labels lack sufficient warning language. This issue was presented to the Kansas Supreme Court in 1994 in the case of *Jenkins v. Amchem Products, Inc.*³, where the plaintiff alleged that a pesticide product label failed to provide adequate warning language. In that case, the Court dismissed the plaintiff's claim in finding that - under the Supremacy Clause of the U.S. Constitution⁴ - the area of pesticide product labeling had been preempted by federal law.

To clarify this issue in Kansas, and to protect farmers' ability to continue using these critical products, House Bill 2476 proposes to codify the *Jenkins* decision by stating that any pesticide product bearing a U.S. EPA-approved label satisfies any statutory or common law duty to warn of potential risk.

Thank you for allowing us the opportunity to testify in support of House Bill 2476. We respectfully request that the committee pass the bill out favorably for passage.

¹ www.epa.gov/pesticide-registration/about-pesticide-registration

² FIFRA, 7 U.S.C. § 136 et seq.

³ 256 Kan. 602 (1994)

⁴ U.S. Constitution, Art. VI, cl. 2