

October 2, 2020

Via U.S. Mail and E-filing



The Honorable Tani Gorre Cantil-Sakauye, Chief Justice
The Honorable Associate Justices
Supreme Court of the State of California
350 McAllister Street
San Francisco, California 94102

Re: *Dewayne Johnson v. Monsanto Company*
Cal. Supreme Court Case No. S264158
Amicus Letter in Support of Petition for Review

Dear Chief Justice Cantil-Sakauye and Associate Justices:

On behalf of the members of the South Dakota Agri-Business Association (SDABA), I am writing to respectfully urge the California Supreme Court to accept review of the above-captioned case from the Court of Appeal, First Appellate District, Division One.

SDABA is a member led trade association made up of crop input professionals, including retailers, distributors, and manufacturers of equipment, fertilizer, pesticides, and seed. We have over 400 members in our organization from both the retail and industry sectors. The mission of SDABA is to assist the crop production supply and service industry while promoting the sound stewardship and utilization of agricultural inputs.

Further, SDABA supports responsible and proper use and application of crop protection tools and respects the health and welfare of those throughout the South Dakota. SDABA actively participates in state and federal legislative, regulatory, and advocacy relating to pesticide regulation, registration, labeling, and use on behalf of its members.

The members of SDABA fear that the Appellate Court's decision in *Dewayne Johnson v. Monsanto Company* will erode the highly regulated and controlled pesticide registration process pursuant to FIFRA, resulting in the inability to rely upon FIFRA's labeling requirements of crop protection tools and potential liability even when following a properly registered pesticide product label. This inability threatens reliance on the use of crop protection tools, hinders application practices, and restricts the ability to respond to weed and pest infestations which otherwise can be detrimental to the safety and welfare of the state.



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The South Dakota Agri-Business Association respectfully requests the California Supreme Court to review the *Dewayne Johnson v. Monsanto* case to resolve the issues presented and provide clarity regarding the regulatory requirements at issue.

Thank you for your consideration.

Sincerely,



Kathleen M. Zander
Executive Director

Document received by the CA Supreme Court.