Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
AB 2034 (Addis) – As Introduced February 17, 2026

SUBJECT: Food safety: unsafe additives and ingredient disclosures.

SUMMARY: Requires manufacturers of food additives to submit safety information to the State Department of Public Health (DPH) before using certain food additives that have not undergone federal pre-market review. Creates a public database which includes, among other things, safety information provided by manufacturers. Requires manufacturers to report all ingredients to DPH, including those under the names "natural flavor," "artificial flavor," "artificial color," and "spice," and requires DPH to create a public, searchable database where consumers can view ingredient information. Deems a food additive unsafe if it is found to induce cancer. Specifically, **this bill:**

1) Clarifies that the state definition of a food additive specified in existing law 3) below is distinct from the federal definition of a food additive specified in existing state law 7) below (and thus does not include the "generally recognized as safe" (GRAS) exemption), notwithstanding existing state law which makes the food additive regulations and any subsequent amendments adopted pursuant to the Food Drug and Cosmetic Act (FDCA) the food additive regulations of this state.

2) Deems a food additive unsafe if it is found to induce cancer when ingested by a human or animal, or if it is found, after tests that are appropriate for the evaluation of the safety of food substance, to induce cancer in a human or animal.

3) Deems a food additive unsafe in food intended for humans with respect to its intended use unless the substance and its intended use meet any of the following conditions:

    a) Were widely used in the United States prior to January 1, 1958, without known detrimental effects, which is subject only to conventional processing and intended uses as practiced prior to January 1, 1958, and for which no known safety hazard exists;

    b) Are subject to a regulation prescribing a tolerance, including, but not limited to, a zero tolerance, for a poisonous or deleterious substance or food additive;

    c) Are recognized in federal regulations as prior sanctioned or GRAS for use in human food or food contact materials;

    d) Are a food contact substance or use subject to an effective premarket notification demonstrating safety for its intended use;

    e) Are subject to a new dietary ingredient notification and received a current letter of acknowledgment from the Food and Drug Administration (FDA) without objection that the substance is safe under its notification's intended conditions of use;

f) Are subject to a GRAS notice submitted to the FDA and a current letter by the FDA stating that the FDA has no questions regarding the conclusion that the substance is GRAS under its intended conditions of use; or,

g) Were introduced after January 1, 1958, and is used in accordance with the notice, public listing, and licensing requirements created by this bill.

4) Requires, on or before July 1, 2027, DPH to publish on its internet website a database for notices submitted to comply with 3) g) above.

5) Authorizes DPH to issue a license to an individual who intends to use a food additive or dietary ingredient to comply with 3) g) above. Authorizes the license to limit the quantity and the use or intended use of a food additive and authorizes DPH to require manufacturers to guarantee that foods they market in the state comply with this tolerance.

6) Requires the individual pursuing a license as described in 5) above to submit to DPH a notice which includes the same information included in the federal GRAS notice.

7) Requires DPH to do the following in issuing a license:

a) For food additives and uses introduced on or before July 1, 2027, issue a license following publishing of a notice described in 4) above; and,

b) For food additives and uses introduced on or after July 1, 2027, do all of the following:

i) Allow 45 days for any filing of an objection by any member of the public presenting reasonable questions of safety for the conditions of use described in the notice;

ii) Determine whether to issue a license for the conditions of use described in the notice within 15 days from the close of the objection period described above; and,

iii) Review the notice and issue a license only if DPH finds that no reasonable safety questions or concerns have been raised regarding the conditions of intended use of the substance.

8) Requires an individual who intends to use a food additive or dietary ingredient in food intended for humans in compliance with 3) g) to include the information required in the federal GRAS notification described in existing law.

9) Requires, within 60 days or receiving the notice, DPH to verify that the notice contains the information required in the federal GRAS notification described in existing law and do either of the following:

a) Publish that notice in the public database; or,

b) Issue a rejection letter detailing missing information needed to complete the notice.

10) Requires, on or before July 1, 2027, DPH to publish on its internet website a database for notices submitted pursuant to this bill. Requires DPH to do all of the following:

a) Prior to publishing information in the database, redact information that has been designated by the submitter of that information as a trade secret. Prohibits the data needed to establish safety from being redacted;

b) Ensure that members of the public are able to search the database and download and print notices (including all submitted safety information and DPH responses); and,

c) Ensure that the database includes any licenses, safety information, and supporting information related to each notice and accommodates reasonably anticipated and actual public use.

11) Requires DPH to provide an interim progress report to the Legislature, Governor, and on its internet website concerning efforts to develop and implement the database system required by 6) above which includes a projected completion date, a description of obstacles to development and implementation of the database system, and an estimate of the costs to complete the implementation of the database system.

12) Allows DPH, when considering whether to issue a license established by this bill, to consider and use evidence not contained in the submitted notice and requires DPH to consult with the Office of Environmental Health Hazard Assessment and the Department of Toxic Substances Control.

13) States that licenses established by the bill are transferrable, providing that any party intending to use the license other than the original submitter notifies DPH prior to engaging in use.

14) Requires, if DPH determines not to issue a license, DPH to publish a letter summarizing the reasonable safety questions or concerns with the conditions of intended use of the substance.

15) Specifies that this bill does not limit DPH in issuing regulations pursuant to existing law or otherwise limit its authority to regulate the use of a food additive.

16) Exempts small businesses from the licensure requirements of this bill. Defines "small business" as a business that is independently owned and operated, and employs 100 or fewer persons.

17) Authorizes a food facility, as defined in existing law, food service establishment, food relief organization, supermarket, grocery store, specialty food store, a farmers' market, or any other vendor that, in the regular course of business, sells food at retail directly to the public on premises located in the state, to sell, deliver, distribute, hold, offer or expose for sale any food or food product acquired for sale in the state before July 1, 2027, and for which the sale would otherwise be prohibited by this article, until the expiration date, "best by" date, or "sell by" date printed on the packaging of the food or food product by the manufacturer or producer, but no later than July 1, 2030.

Safety Reassessments

18) Requires, on or before July 1, 2030 and every three years thereafter, DPH to systemically reassess the safety, including the safety of conditions of use, of at least 10 of the following substances, or classes thereof:

a) Food additives;

b) Color additives;

c) Prior-sanctioned substances; and,

d) Dietary ingredients.

19) When determining which substances should be reassessed and in conducting the reassessments under this section, authorizes DPH to require any person that manufactures, introduces, delivers for introduction, or receives a food substance in the state to conduct, and submit to DPH, safety evaluations of the substance. Requires the safety evaluation to include, with respect to the substance, updated information described in 20) below.

20) Requires DPH to consider, but not be limited to considering, all of the following information when assessing the safety of a food additive for purposes of regulating a food additive or reassessing the safety of a food additive:

a) The factors listed in existing law below 15) below (including whether the substance is banned or restricted in other state, federal, or international jurisdiction due to concerns about adverse health consequences, whether the products require a warning label due to concerns about adverse health consequences, whether the substance is linked to health harms or adverse health consequences including but not limited to specified conditions or may be hyperpalatable or contribute to food addiction based on peer-reviewed scientific evidence, whether the substance is a common natural additive, whether the food meets specified federal requirements, or whether the food has been modified to be high in saturated fat, added sugar, or salt);

b) Whether the food additive is subject to a Proposition 65 warning;

c) Estimates of dietary exposure among California and the United States population;

d) The cumulative effects of the substance and chemically and pharmacologically related substances;

e) Hazard, dose response, and exposure;

f) The application of adequately protective safety factors to ensure an appropriate margin of safety to take into account uncertainties in hazard identification, dose response, exposure, and sensitivities;

g) Whether the weight of the evidence shows that the substance has not been found to be carcinogenic;

h) Whether the weight of the evidence shows that the substance has not been found to induce reproductive toxicity or developmental toxicity in humans or animals, including through an endocrine mode of action; and,

i) Other information as DPH is authorized to specify in regulation.

21) Authorizes DPH to revoke a previously issued license if DPH determines that a concern about the safety of a substance, or the intended use of the substance, exists. Requires DPH to post the revocation in the database described in 6) above.

22) Authorizes DPH to create and update user fees for notices, assessments, and reassessments.

Ingredient Disclosures

23) Requires on or before July 1, 2027, the manufacturer of any packaged food product subject to regulation by the FDA that is sold in this state to provide DPH with a complete and accurate list of its food products that, as of the date of the submission, are sold in the state and do not individually list each of the product's ingredients in the ingredient list.

    a) Requires this submission to be on a schedule and in electronic or other format, as determined by DPH.

    b) Requires, for every product submitted, the manufacturer to identify each ingredient not individually named in the ingredient list by its common or usual name, and other relevant identifiers, including the Chemical Abstracts Service number, Flavor and Extract Manufacturers Association of the United States number, or license number established by this bill. Further requires the manufacturer to specify whether the ingredient is a natural flavor, artificial flavor, artificial color, or spice as those terms are defined in federal regulations. Specifies that manufacturers are not required to disclose the weight, amount, or manner in which the ingredient that requires disclosure is formulated.

    c) Requires the manufacturer of a product subject to this bill to submit to DPH information reflecting changes made to its ingredients if any of the following occur:

        i) Ingredients are added, modified, or removed from the product; or,

        ii) Product labeling is modified to individually list each ingredient.

    d) Exempts manufacturers, distributors, or retailers of food products with annual aggregate sales of food products, both within and outside of California, of less than one million dollars ($1,000,000), based on the party's most recent tax year filing.

    e) Specifies this bill does not require any changes to the packaging or labeling of products with regards to state or federal requirements.

24) Requires DPH, on or before July 1, 2027, to develop and make operational a consumer-friendly, public internet website that creates a database of the information collected pursuant to 23) above.

    a) Requires the database to be searchable to accommodate a wide range of users, including users with limited technical and scientific literacy; and,

    b) Requires the website to be designed to be easily navigable, to enable users to compare and contrast products and reportable ingredients, and to include hypertext links to other educational and informational internet websites to enhance consumer understanding.

25) Finds and declares the following:

a) There is a growing public concern regarding the impact of harmful ultraprocessed foods (UPFs) on health and safety.

b) Food additives, color additives, and flavors are often used in UPFs without FDA knowledge or agency review to ensure safety.

c) Regulators, public health officials, and researchers have little knowledge of how these chemicals impact public health and safety due to the lack of public disclosure of safety data and various industry safety assessments and the lack of effective federal premarket and postmarket safety evaluations.

d) Governor Newsom's executive order on UPFs (Executive Order N-1-25) called for action against risks of UPFs and ingredients, including substances that are GRAS.

e) Congress intended new chemicals to undergo premarket review with the passage of the Food Additive Amendment of 1958, but food companies circumvent such review through the GRAS loophole.

EXISTING LAW:

State Law

1) Establishes the Sherman Law, which provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics, including dietary supplements, under the administration and enforcement of DPH. [Health & Safety Code (HSC) § 109875, *et seq.*]

2) Defines food additive to mean any substance, the intended use of which results or may reasonably be expected to result, directly or indirectly, in the substance becoming a component of the food or otherwise affecting characteristics of the food. This includes any substance or radiation source intended for use in producing, manufacturing, packing, treating, packaging, transporting, or holding any food. Excludes from the definition of "food additive" the following:

a) A pesticide chemical in or on a raw agricultural commodity;

b) A pesticide chemical that is used, or intended for use, in the production, storage, or transportation of any raw agricultural commodity;

c) A color additive; and,

d) Any substance used in accordance with a sanction or approval granted prior to the enactment of the Food Additives Amendment of 1958; the Poultry Products Inspection Act; the Meat Inspection Act of March 4, 1907), or the Food and Agricultural Code of this state. [HSC § 109940]

3) Deems any added poisonous or deleterious substance, or any food additive, pesticide chemical, preservative, or color additive, unsafe for use with respect to any food unless there is in effect a regulation adopted pursuant to existing law 4) and 5) below that limits the

quantity and the use, or intended use, of the substance to the terms prescribed by the regulation. [HSC § 110445]

4) Authorizes DPH to adopt regulations (upon its own motion, or upon the petition of any interested party) regulations that prescribe tolerances, included but not limited to zero tolerances, for poisonous or deleterious substances, food additives, pesticide chemicals, or color additives whenever public health or other considerations in this state require. Authorizes DPH to prescribe the conditions under which a food additive or a color additive may be safely used and to grant exemptions for a food additive or color additive when it is to be used solely for investigational or experimental purposes. [HSC § 110070]

5) Requires, when establishing a tolerance pursuant to 4) above, DPH to consider several factors that the petitioner is required to furnish, including, among others as specified, the name and all pertinent information concerning the substance including its chemical identity and composition, its proposed use, including directions, recommendations, and suggestions, its proposed labeling, and all other relevant data bearing on its physical or other technical effect, and the quantity required to produce that effect, the probable composition of any substance formed in or on a food, drug, device, or cosmetic resulting from the use of the substance, and the probable consumption and effect of the substance in the diet of man or any other animal, and facts supporting the contention that the use of the substance will serve a useful purpose. [HSC § 110075]

6) Makes all pesticide regulations and any amendments to these regulations adopted pursuant to the FDCA or the Food and Agricultural Code the pesticide regulations of the state. Authorizes DPH by regulation to prescribe tolerances for pesticides in processed foods, as specified. [HSC § 110080]

7) Makes all food additive regulations and any amendments to the regulations adopted pursuant to the FDCA the food additive regulations of this state. Authorizes DPH, by regulation, to prescribe conditions under which a food additive may be used in this state whether or not these conditions are in accordance with the regulations adopted pursuant to the FDCA. [HSC § 110085]

8) Makes all color additive regulations and any amendments to the regulations adopted pursuant to the FDCA the color additive regulations of this state. Authorizes DPH, by regulation, to prescribe conditions under which color additive may be used in this state whether or not these conditions are in accordance with the regulations adopted pursuant to the FDCA. [HSC § 110090]

9) Deems a food adulterated if it contains any food additive or color additive that is unsafe within the meaning of 3) above. [HSC § 110555; HSC § 110595]

10) Makes it unlawful for any person to adulterate any food or manufacture, sell, deliver, hold, offer for sale, receive in commerce, or deliver any food that is adulterated. [HSC §§ 110620-110630]

11) Deems any food additive, color additive, or an added poisonous or deleterious substance as unsafe for use with respect to any food unless there is in effect a regulation that limits the quantity and the use, or intended use of the substance, as specified. [HSC § 110445]

12) Authorizes, in any case where DPH has adopted a regulation prescribing a tolerance, including, but not limited to, a zero tolerance, for a poisonous or deleterious substance, food additive, pesticide chemical, or color additive in processed foods, DPH to require manufacturers to guarantee that foods they market in the state comply with the tolerance. Authorizes DPH to require a guarantee periodically, but in no case more often than once each calendar quarter. [HSC § 110285]

13) Requires every person who is engaged in the manufacture, packing, or holding of processed food in this state to pay a food safety fee of one hundred dollars ($100) to DPH. Requires revenue to be deposited in the Food Safety Fund. Requires a penalty of 10% per month to be added to any food safety fee not paid when due. Requires, upon appropriation, the food safety fees deposited in the Food Safety Fund to be used by DPH to assist in developing and implementing education and training programs related to food safety. [HSC § 110485]

14) Requires manufacturers of any cosmetic product, sold into California and subject to regulation by the FDA, to provide DPH with a complete and accurate list of cosmetic products that contain any ingredient that is a carcinogen or reproductive toxicant. Further requires DPH to maintain a consumer-friendly, searchable online database that contains product information collected by DPH. [HSC § 111791, *et seq.*]

15) Requires DPH to adopt regulations, on or before June 1, 2028, to define "ultraprocessed foods (UPFs) of concern" and "restricted school foods," as specified, and requires DPH, when defining UPFs of concern and restricted school foods, to consider all of the following factors:

    a) Whether the products include or require a warning label in other state, federal, or international jurisdictions due to concerns about adverse health consequences;

    b) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances are linked to health harms or adverse health consequences, including, but not limited to cancer, cardiovascular disease, metabolic disease, developmental or behavioral issues, reproductive harm, obesity, Type 2 diabetes, or other health harms associated with UPF consumption;

    c) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances may be hyperpalatable, or may contribute to food addiction;

    d) Whether the food has been modified to be high in saturated fat, added sugar, or salt;

    e) Whether the food meets the requirements of FDA's final rule issued on December 27, 2024, titled "Food Labeling: Nutrient Content Claims; Definition of Term 'Healthy'" that defines nutrient contents that are deemed to be a part of a nutritious diet; and,

    f) Whether the substance is a common natural additive. [HSC§ 104662]

Federal Law

1) Establishes the FDCA described above which provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics,

including dietary supplements, enforced by the FDA. [21 United States Code (USC) § 301, *et seq.*]

2) Defines "food additive" to mean any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use. Specifies that except that "food additive" does not include:

   a) A pesticide chemical residue in or on a raw agricultural commodity or processed food;

   b) A pesticide chemical;

   c) A color additive;

   d) Any substance used in accordance with a sanction or approval granted prior to September 6, 1958, as specified;

   e) A new animal drug; or

   f) A dietary supplement, or intended for use in, a dietary supplement. [21 USC § 321]

3) Authorizes a person to notify the FDA of a view that a substance is not subject to the premarket approval requirements of the FDCA based on that person's conclusion that the substance is GRAS under the conditions of its intended use. [Title 21, Code of Federal Regulations (CFR) § 170.205]

4) Specifies that general recognition of safety is to be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to food. Authorizes the basis of such views to be either:

   a) Scientific procedures; or,

   b) In the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. [Title 21, CFR § 570.30]

5) Specifies that general recognition of safety requires common knowledge throughout the scientific community knowledgeable about the safety of substances directly or indirectly added to food that there is reasonable certainty that the substance is not harmful to either the target animal or to humans consuming human food derived from food-producing animals under the conditions of its intended use. Requires general recognition of safety based upon scientific procedures to require the same quantity and quality of scientific evidence as is required to obtain approval of a food additive. [Title 21, CFR § 570.30]

6) Defines "natural flavor" to mean the essential oil, oleoresin (natural extracts containing both resin and essential oil), essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional. [Title 21, CFR § 101.22]

7) Defines "artificial flavor" to mean any substance, the function of which is to impart flavor, which is not derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products thereof. [Title 21, CFR § 101.22]

8) Defines "artificial color" to mean any "color additive, " which is any material which is not otherwise exempted by federal law, that is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and that, when added or applied to a food, drug, or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting a color thereto. [Title 21, CFR § 101.22; Title 21, CFR § 70.3(f)]

9) Defines "spice" as any aromatic vegetable substance in the whole, broken, or ground form, except for those substances which have been traditionally regarded as foods, such as onions, garlic and celery; whose significant function in food is seasoning rather than nutritional; that is true to name; and from which no portion of any volatile oil or other flavoring principle has been removed. [Title 21, CFR § 101.22]

10) Establishes the requirements for information to be included in the voluntary GRAS notice, which includes scientific data and information that identifies the notified substance, a description of the method of manufacture with sufficient detail to evaluate the safety of the notified substance as manufactured, an estimate of the amount of dietary exposure, data and information on self-limiting levels of use if applicable, evidence of substantial history of use by a significant number of consumers prior to 1958 if the basis for the manufacturer's conclusion of GRAS status is based on common use in food, a narrative explaining the basis of the manufacturer's conclusion of GRAS status, as specified. [Title 21, CFR §§ 170.225-170.255]

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

1) **PURPOSE OF THIS BILL**. According to the author, the food industry has turned what was a limited and reasonable exemption into a loophole that is abused at the expense of the consumer. The author states that by using the GRAS exemption to go around FDA safety inspections, new, untested chemicals are entering our food supply, sometimes in complete secrecy. The author continues that we have seen additives that were previously considered GRAS get banned due to their harmful effects coming to light, which shows that we cannot trust companies to put the proper amount of effort towards research and self-regulation. The author states that consumers deserve to know what goes into their food and that what they are eating is safe and tested. The author concludes that California can no longer allow these

companies to self-regulate because they have a financial interest in avoiding these necessary safety precautions.

2) **BACKGROUND.** The FDCA defines different types of food ingredients based on how they are intended to be used and the FDA's authorities related to them. The FDA administers separate programs for uses of ingredients that are food additives and GRAS.

   The FDCA defines a "food additive" as any substance the intended use of which results or may reasonably be expected to result – directly or indirectly – in it becoming a component or otherwise affecting the characteristics of any food.

   A manufacturer or other sponsor must first seek approval from the FDA by submitting a food additive petition to market a new direct food additive or before using a direct food additive in a different way than how the FDA has currently approved it. The FDA consults with the U.S. Department of Agriculture during the review process for food additives that are proposed for use in meat and poultry products. Food additive petitions must provide scientific evidence that the substance is safe for the ways in which it will be used, including the foods it will be used in and the intended levels of use. The FDA publishes a notice of the petitions under FDA review in the public Federal Register. The FDA evaluates the petition, and other available data and information to determine if the data demonstrate that the food additive is safe.

   a) **The GRAS exemption.** Substances that are generally recognized among qualified experts as having been adequately shown to be safe under the conditions of its intended use (GRAS) are exempt from the definition of a food additive. These substances do not have to undergo premarket review by the FDA. The use of a food substance may be GRAS either through scientific procedures or, for a substance used in food before 1958, through experience based on common use in food.

      Any person, typically a food or ingredient manufacturer, that has concluded that the use of an ingredient can meet the standard for GRAS may notify the FDA through the FDA's GRAS Notification Program, which the FDA states was established to help ensure that these ingredients are safe for the ways in which they will be used and to help industry meet its responsibility for ensuring the GRAS status of ingredients they intend to use in food. This notification is not mandatory.

      When the FDA evaluates a GRAS Notice, the agency considers whether the notice demonstrates that the ingredient is safe under the conditions of its intended use and whether the criteria for general recognition are satisfied.

      Following this evaluation, within 30 days, the FDA responds to the manufacturer with a letter describing whether it question the basis for the manufacturer's GRAS conclusion. The FDA manages and maintains a public inventory where all GRAS notices that have been filed by the agency, along with the supporting data, and FDA's final response letters to manufacturers are available to the public. According to the FDA's website, manufacturers that choose not to go through the FDA's GRAS Notification program are still responsible to produce products that are compliant with the law.

b) Concerns about the GRAS Exemption.

i) **Food additives deemed GRAS and later banned.** In May 2024, the FDA announced that it would ban the unapproved food additive tara flour. The ingredient was used in some food products as a protein source until it was identified as an ingredient of interest in an outbreak associated with Daily Harvest plant-based crumbles. In June 2024, the Center for Science in the Public Interest (CSPI) published an article titled "FDA declares tara flour unsafe – two years after outbreak." In the article, CSPI raised concerns about the GRAS exemption, stating "Currently, manufacturers have the ability to introduce chemicals and ingredients into our food supply without FDA oversight, and when those ingredients are unsafe, the FDA is forced to play catch-up and react to harm after it occurs. This is simply unacceptable. If official premarket approval had been required before new food chemicals and ingredients could be used, tara flour would not have been approved, and consumers would have been protected." CSPI is the sponsor of this bill.

ii) **Concerns from the American Academy of Pediatrics.** The American Academy of Pediatrics stated in a 2018 policy statement titled "Food Additives and Child Health," Regulation and oversight of many food additives is inadequate because of several key problems in the Federal Food, Drug, and Cosmetic Act. Current requirements for a GRAS designation are insufficient to ensure the safety of food additives and do not contain sufficient protections against conflict of interest. Additionally, the FDA does not have adequate authority to acquire data on chemicals on the market or reassess their safety for human health. These are critical weaknesses in the current regulatory system for food additives. Data about health effects of food additives on infants and children are limited or missing; however, in general, infants and children are more vulnerable to chemical exposures. Substantial improvements to the food additives regulatory system are urgently needed, including greatly strengthening or replacing the GRAS determination process, updating the scientific foundation of the FDA's safety assessment program, retesting all previously approved chemicals, and labeling direct additives with limited or no toxicity data.

iii) **Carcinogenic food additives.** Federal law prohibits the FDA from determining any carcinogenic food additive as safe. However, proponents of this bill raise concerns that because the FDA doesn't define GRAS substances as food additives, companies use the GRAS loophole to add carcinogenic food chemicals without needing FDA's safety determinations.

c) Action at the federal level. On March 10, 2025, it was announced that Health and Human Services Secretary Robert F. Kennedy Jr. is directing the acting FDA commissioner to take steps to explore potential rulemaking to revise its Substances GRAS Final Rule and related guidance to eliminate the self-affirmed GRAS pathway to enhance the FDA's oversight of ingredients considered to be GRAS and bring transparency to American consumers. This proposed rule, if finalized, would amend the GRAS regulations to require the mandatory submission of GRAS notices for the use of human and animal food substances that are purported to be GRAS. Food substances include both ingredients and substances added indirectly (such as from food packing). Food substances that are listed or affirmed as GRAS for the intended use by regulation, or for which FDA has already issued a no questions letter on its GRAS notice inventory,

would be exempted. The proposed rule would clarify that the FDA maintain and update the public-facing GRAS notice inventory for all substances that are the subject of mandatory GRAS notice for its conditions of intended use. The proposed rule would also clarify the process under which FDA would determine that a substance is not GRAS. This proposed rule is still in the proposed rulemaking stage at the federal Office of Management and Budget, and the estimated completion date is unknown at the time of this analysis' publication.

d) **Other states.** A bill pending in the New York State Assembly would ban the sale and the use of any self-determined GRAS substance in New York unless a report has been submitted to the Commissioner of the Department of Agriculture and Markets and has been included in a public database. The required report must include a significant amount of information similar to the information required for FDA consideration of a GRAS petition. The bill provides that data establishing GRAS status must be publicly available in a searchable database. The bill authorizes the Commissioner to enforce the law through investigations, fines, and other actions. The bill bans three specific food additives: FD&C Red No. 3 (a synthetic red dye), potassium bromate (a flour treatment agent), and propylparaben (a preservative).

3) **SUPPORT.** The Center for Science in the Public Interest (CSPI) is the sponsor of this bill and writes in support that this bill addresses two closely related problems caused by inadequate federal oversight of food chemicals. First, food and chemical companies are legally allowed to introduce new substances into the food supply without FDA knowledge, review, or approval. CSPI states that due to the voluntary nature of the federal GRAS process, some companies choose to use this process, whereas other companies introduce new chemicals in complete secrecy due to the voluntary nature of the federal GRAS notification process. CSPI contends that some companies have exploited this loophole to market poorly tested or clearly unsafe chemicals, including animal carcinogens, for use in food. CSPI states that this bill closes the GRAS loophole in California by requiring companies to provide evidence that their food chemicals are safe if they have not undergone FDA premarket review, requires DPH to review the evidence for all new GRAS substances before they can come to market and assess the safety of at least ten GRAS substances already in use every three years and, prohibits carcinogens from being deemed GRAS in California. Second, food companies are legally allowed to hide ingredients from consumers and regulators using terms like "natural flavor," "artificial flavor," "spices," and "artificial color" on packaged food ingredient labels instead of listing all ingredients by name. CSPI states that this practice combined with the GRAS loophole creates a situation in which the only entities that know which substances have been added to foods and if those chemicals are safe are food and chemical companies, which is a clear and troubling conflict of interest and contrary to commonsense consumer protection policy. CSPI states that this bill requires full ingredient disclosure in California. CSPI concludes that this bill is necessary to protect public health and hold industry accountable to rigorous safety standards for food additives.

4) **OPPOSITION.** The American Beverage Association (ABA), Consumer Brands Association (CBA) and others state in opposition that this bill establishes a broad and duplicative regulatory framework that overlaps substantially with existing law, creates significant new administrative burdens, and would impose substantial costs on both the State of California and the food supply chain without clear evidence of improved public health outcomes. ABA and CBA note that AB 1264 (Gabriel), Chapter 467, Statutes of 2025 establishes a

comprehensive framework for evaluating and regulating food ingredients, as ultraprocessed foods. ABA and CBA state that this bill proposes to create a separate statewide additive licensing and review system administered by DPH that would evaluate many of the same ingredients and substances already subject to review under AB 1264. ABA and CBA continue that this bill will undoubtedly lead to higher food costs for California consumers. ABA and CBA further note that there is significant work occurring at the federal level to regulate food ingredients and establish a uniform definition of UPFs. FDA and the USDA are currently in the middle of developing a uniform national definition of UPFs that will consider health impacts, ingredients, and additives.

The CalAsian Chamber of Commerce (CACOC) and California Hispanic Chambers of Commerce (CHCOC) are also opposed to this bill. CACOC and CHCOC state in addition to significant state costs, this bill would impose new compliance costs, legal risk, and operational burdens on food manufacturers and distributors. CACOC and CHCOC contend that differing state and federal requirements would make it more difficult for businesses to efficiently operate and could discourage the sale of certain products in California, especially if it forces companies to reformulate products solely to meet a new standard in one state. CACOC and CHCOC continue that because many culturally significant foods are produced by small or minority-owned businesses operating on narrow margins, the impacts of this bill would be felt disproportionately. CACOC and CHCOC state that these businesses are not only important to local economies, but also help preserve and promote rich diversity that makes our state so special. The unintended consequences of this untested and overreaching legislation could be reduced access to foods that are staples for many of our multi-cultural communities. CACOC and CHCOC state that forced product reformulation would likely lead to higher prices for customers and fewer options on shelves. CACOC and CHCOC state that many foods associated with a specific culture are often produced in smaller batches using traditional ingredients and preparation methods that have been used safely for generations. CACOC and CHCOC state that a separate state-sponsored review system may make it harder for these specialized products to meet a one-size-fits all process, forcing businesses to change long-standing recipes, alter production, or stop selling in California because of added costs and complexity. CACOC and CHCOC conclude that this bill threatens thousands of state businesses that serve as essential economic and cultural anchors for their communities, particularly the diverse communities across California that make us proud and define who we are as a state.

5) **RELATED LEGISLATION.** AB 2244 (Gabriel) would require DPH, no later than June 1, 2028, to create a "California Certified" seal which indicates that a product is not a UPF, UPF of concern, or restricted school food as defined in AB 1264. Would authorize companies to apply for this seal. Would require a food facility to prominently display at least three or more "California Certified" products if the food facility offers for sale more than 25 certified items. If a food facility fails to meet these requirements, the bill would authorize a court of competent jurisdiction to enjoin the food facility through action of DPH, the Attorney General, county counsel, city attorney, consumer, business entity, or nonprofit organization as specified. AB 2244 is pending a hearing in Assembly Health Committee.

6) **PREVIOUS LEGISLATION.**

   a) AB 1264 establishes a definition for "UPF"; requires DPH, on or before June 1, 2028, to adopt regulations to define UPFs of concern and restricted school foods; requires vendors

of food products to schools to report, among other information to the extent it is known to the vendor, the ingredient list and whether the product is a UPF, UPF of concern, or a restricted school food; requires DPH to update these definitions every five years, as needed; requires schools, by July 1, 2029, to begin to phase out restricted school foods and UPFs of concern; prohibits a vendor, beginning on July 1, 2032, from offering restricted school foods or UPFs of concern to a school; and, requires vendors, on or before February 1, 2028, and annually thereafter through February 1, 2032, to report specified information, including ingredient lists and whether a food product is a UPF, UPF of concern, or a restricted school food, to DPH.

b) AB 2316 (Gabriel), Chapter 914, Statutes of 2024 prohibits schools, commencing December 31, 2027, from serving or selling any food or beverage during the school day that contains the following six synthetic color additives: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6.

c) AB 418 (Gabriel), Chapter 328, Statutes of 2023 enacts the California Food Safety Act to prohibit, commencing January 1, 2027, the manufacture or sale of a food product that contains any of the following substances: brominated vegetable oil; potassium bromate; propylparaben; and red dye 3.

7) POLICY COMMENT.

a) Potential overlap between AB 1264 and this bill. The opponents argue that this bill has strong conceptual overlap with AB 1264, which requires DPH to promulgate regulations to define an ultraprocessed food, ultra processed food of concern, and restricted school food by June 2028 and phases out the sale of UPFs of concern and restricted school foods in school settings by July 2032. By February 2028 and on an annual basis up until February 2032, school vendors are required to report their ingredients and report whether their food products are a UPF, UPF of concern or restricted school food to the extent it is known to the vendor. Opponents of this bill contend that this bill is unnecessary and duplicative.

Proponents of this bill contend that GRAS data provided by this bill as well as DPH's assessments of specific food additives may help to inform how DPH classifies a UPF of concern and a restricted school food for purposes of AB 1264.

b) DPH implementation concerns. DPH has raised several concerns regarding the implementation of this bill. First, DPH states it does not have the expertise or resources to conduct the detailed assessments described in this bill, which include the assessment of carcinogenic potential as well as the risk of reproductive or developmental toxicity of food additives based on intended use. This process is resource intensive and would require staff classifications not part of DPH's workforce, such as toxicologists. DPH continues that it does not have the legal authority to ensure that firms outside of California would comply with the requirement to submit food additives for review. DPH notes that state law makes clear that DPH's authority to enforce the Sherman Law extends to any place in the state, and further reinforces this authority by requiring anyone manufacturing, packing, or holding processed food in California to register with DPH.

c) Potential DPH and FDA Overlap. DPH also states that both DPH and the FDA would still be required to review and approve food additives for manufacturers and firms

licensed by both agencies. To comply with both federal and state regulations, companies may submit food additive packages to both FDA and DPH for review and FDA and DPH may come to different conclusions when reviewing submitted food additive packages, creating regulatory confusion.

d) **As this bill moves forward.** Given the breadth of concerns raised by DPH, the author is encouraged to work with DPH and stakeholders and to consider narrowing the scope of the bill to focus on transparency as it relates to GRAS ingredients.

REGISTERED SUPPORT / OPPOSITION:

Support

Center for Science in the Public Interest (sponsor)
A Voice for Choice Advocacy
Allergy & Asthma Network
Alpha-Gal Alliance Action Fund
Bay Area Community Resources
Breast Cancer Prevention Partners
California Farmer Justice Collaborative
California Public Interest Research Group (CALPIRG) Students
Ceres Community Project
Clean Water Action
Cleanearth4kids.org
Consumer Federation of America
Consumer Reports
Courage California
Cured NFP
Elijah-Alavi Foundation
Facts Families Advocating for Chemical and Toxics Safety
Feed Black Futures
Food and Water Watch
Harvard Law School Food Law and Policy Clinic
Healthy Food America
Mamavation – Non-Toxic Products for Healthy Families
National Consumers League
Pesticide Action and Agroecology Network
Rising Communities
San Francisco Bay Physicians for Social Responsibility
Sierra Harvest
Strategic Training Initiative for the Prevention of Eating Disorders
United Parents and Students

Opposition

Agricultural Council of California
American Beverage Association
American Chemistry Council
CalAsian Chamber of Commerce
California Chamber of Commerce

California Grain & Feed Association
California Grocers Association
California Hispanic Chambers of Commerce
California League of Food Producers
California Manufacturers & Technology Association
California Manufacturers and Technology Association
California Restaurant Association
California Retailers Association
California Warehouse Association
Can Manufacturers Institute
Chemical Industry Council of California
Civil Justice Association of California (CJAC)
Consumer Brands Association
Consumer Healthcare Products Association
Council for Responsible Nutrition
Dairy Institute of California
Food Ingredient Safety Coalition
International Dairy Foods Association
National Confectioners Association

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