

CA Food Chemical Legislation Reform

October 2025

Cracking Down on Unsafe Chemicals in Ultraprocessed foods

Governor Newsom's [January 2025 Executive Order](#) (EO) directed California to "crack down on ultra-processed foods" (UPFs) and unsafe ingredients, asking California Department of Public Health (CDPH) how to feasibly conduct state-level evaluations of food chemicals that evade FDA oversight via the [GRAS loophole](#).¹ Notably, the EO credited the California legislature for progress made with the CSPI-backed [California Food Safety Act](#) (2023) and [California School Food Safety Act](#) (2024).² While these bills and Asm. Gabriel's [Real Food, Healthy Kids Act](#) (2025)³ were critical steps in the right direction, Gov. Newsom and consumers from across the political spectrum are demanding broader reform.

The political climate is now ripe for the Legislature to stop companies from using the federal loopholes to secretly add carcinogens and other chemicals in foods without oversight (e.g., [GRAS loophole](#)) and use many of those ingredients without ever disclosing them publicly.⁴

The Stage is Set for GRAS & Ingredient Disclosure Reform

The Department of Health and Human Services (HHS) Secretary Kennedy and several states have proposed narrowing, but not closing, the so called "GRAS" or "generally recognized as safe" loophole through requirements to disclose marketed products (e.g., [HHS's Press Release on GRAS Reform](#), NY [A1556](#), PA [HB1130](#), NJ [A4640](#)).⁵ However, these proposals don't require independent safety review or disclosure of hidden colors and flavors. California has successfully pushed FDA and other states to do better (e.g., FDA only banned Red 3 and BVO after California banned them). The California legislature has a unique opportunity to continue to lead the nation food safety and addressing concerns related to UPFs. CSPI recommends these policies in the next legislative session:

- **Banning Carcinogenic GRAS chemicals:**
Carcinogenic food chemicals that secretly bypass FDA premarket review via the GRAS loophole should be prohibited.
- **Fully Closing the GRAS Loophole:**
Companies should provide evidence that their food chemicals are safe, and CDPH should review and prohibit dangerous and poorly tested food chemicals.
- **Requiring Full Ingredient Disclosure:**
Companies should disclose chemicals they hide in their ingredients list as "flavors," "colors," and "spices."

We further recommend that any costs associated with these measures be funded through user fees. As industry continues to profit from dangerous and poorly tested food chemicals, the cost of safeguarding the public should be placed squarely on its shoulders through user fees, not taxing the people of California.

Why Act Against Unsafe and Poorly Tested Food Chemicals in UPFs?

Food companies engineer processed foods using a wide variety of chemicals—such as flavors, colors, flavor enhancers, and emulsifiers—to make them appealing to consumers and maximize profits.⁶ In an interview with CBS's 60 Minutes, industry scientists bragged how they intentionally design their flavors to not linger, making consumers take more frequent bites with the intention of making their products more “addictive.”⁷

While some of these chemicals are safe, companies exploit the “[GRAS” loophole](#) to sneak unsafe and poorly tested chemicals into foods without even notifying the FDA.⁸ Companies can pay their own experts or employees to declare new ingredients GRAS. Making matters worse, food companies hide some of these substances on food ingredient labels by listing them only as “artificial flavor,” “natural flavor,” or “spices.”⁹

The GRAS loophole, combined with the lack of ingredient transparency, means that only the people profiting from these foods and ingredients really know what chemicals are in our foods and, perhaps, whether they are truly safe. The food industry does not provide the FDA the information it needs to keep us all safe, and federal law lets them get away with it.

Why Not Wait for Federal Action?

In principle, FDA should review the safety of all food chemicals, but for years the agency has argued that it lacks the resources and political will to do that job effectively.¹⁰ While Secretary Kennedy has pledged to improve food chemical safety and address the GRAS loophole,¹¹ this administration’s actions speak to the opposite: [avoiding regulatory actions](#), engaging in [mass firings](#) of agency staff, including those involved in chemical safety, indulging in misinformation, and implementing harsh measures that impede strong consumer protections.¹² Even the “Make America Healthy Again (MAHA)” Strategy Report recommended improving our health system mainly through deregulation (i.e., giving even more power and leeway to industry, rather than holding them accountable).¹³ Federal reform is so unlikely that Secretary Kennedy, himself, is leaning on red states to implement his MAHA agenda.¹⁴ California established itself as the true leader among states in the effort to protect consumers from unsafe food chemical long before Secretary Kennedy took office and long before the MAHA movement took off, but clearly the Secretary is attempting to mold the state narrative into his MAHA movement.

California should not let him and must continue working to ensure reforms are grounded in strong science, as it did with [California Food Safety Act](#) (2023), [California School Food Safety Act](#) (2024), and [Real Food, Healthy Kids Act](#) (2025).

We can no longer wait for effective federal action. With the dismantling of federal protections, Californians must turn to their own state governments as critical regulators of last resort protecting them from abuses by the food industry.

¹ Governor of California. *Governor Newsom issues executive order to crack down on ultra-processed foods and further investigate food dyes*. Jan 3, 2025. <https://www.gov.ca.gov/2025/01/03/governor-newsom-issues-executive-order-to-crack-down-on-ultra-processed-foods-and-further-investigate-food-dyes/>.

² *Id*; AB418: California Food Safety Act. 2023.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB418; AB2316: California School Food Safety Act. 2024.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2316;

³ AB1264: Real Food, Healthy Kids Act (2025).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1264.

⁴ Substances Generally Recognized as Safe, 81 Fed. Reg. 54960 (August 17, 2016).

<https://www.federalregister.gov/documents/2016/08/17/2016-19164/substances-generally-recognized-as-safe#p-293>.

⁵ Department of Health and Human Services (HHS). *HHS Secretary Kennedy Directs FDA to Explore Rulemaking to Eliminate Pathway for Companies to Self-Affirm Food Ingredients Are Safe*. March 10, 2025.

<https://www.hhs.gov/press-room/revising-gras-pathway.html>; NY A1556: (2025).

<https://www.nysenate.gov/legislation/bills/2025/A1556>; PA HB1130 (2025).

<https://www.palegis.us/legislation/bills/2025/hb1130>; NJ A4640 (2024).

https://pub.njleg.gov/Bills/2024/A5000/4640_I1.HTM.

⁶ Center for Science in the Public Interest (CSPI). *Flavor report: Hidden Ingredients*. March 14, 2024.

<https://www.cspinet.org/resource/flavor-report-hidden-ingredients>.

⁷ E.g., In a 60 minutes interview, industry scientists admit that their flavors are designed to be addictive,

<https://youtu.be/qh37RbRBFKM?si=lu7QCY1TrQScWpR&t=175>).

⁸ Neltner, T, Maffini, M. *Generally Recognized as Secret: Chemicals Added to Food in the United States*. Natural Resources Defense Council. 2014. <https://www.nrdc.org/sites/default/files/safety-loophole-for-chemicals-in-food-report.pdf>.

⁹ CSPI. *Flavor report: Hidden Ingredients*. March 14, 2024. <https://www.cspinet.org/resource/flavor-report-hidden-ingredients>.

¹⁰ *Ctr. for Food Safety v. Becerra*, 565 F. Supp. 3d 519 (S.D.N.Y. 2021). <https://www.cspinet.org/sites/default/files/2021-11/GRAS%20District%20Court%20Decision.pdf> (“Finally, FDA concluded that mandatory submissions would consume FDA’s resources, which could better be directed towards evaluating “more, and higher priority, substances.”); US Food and Drug Administration (FDA). *FDA Direct: Citrus Regs, Natural Dye Pledges, and Hidden Opioids*. <https://www.youtube.com/watch?v=2iOTi4WFJJs&t=1263s> (“our GRAS team, our pre-market team said, you know, we can only review, you know, a relatively small number of these a year because of our staffing and the amount of appropriations we have. Right. And so we are in the in the FY 26 budget. We’re looking to get an increase there to help us do this. But the reality is we don’t have enough money and people and never will”).

¹¹ HHS. *HHS Secretary Kennedy Directs FDA to Explore Rulemaking to Eliminate Pathway for Companies to Self-Affirm Food Ingredients Are Safe*. March 10, 2025. <https://www.hhs.gov/press-room/revising-gras-pathway.html>; Tin, Alexander. *Top FDA food safety official’s resignation letter warns firings will backfire on RFK Jr.* Feb. 20, 2025. CBS News. <https://www.cbsnews.com/news/fda-food-safety-james-jones-resigns-warning-rfk-jr/>.

¹² FOX 5. *LIVE: RFK Jr., HHS, FDA announce ban on petroleum-based food dyes*. Apr 22, 2025.

<https://www.youtube.com/live/DkTjAGRYWIE?t=4530s>;

¹³ President Donald J. Trump. *Strategy Report: Make Our Children Healthy Again*. <https://www.whitehouse.gov/wp-content/uploads/2025/09/The-MAHA-Strategy-WH.pdf>.

¹⁴ Florko, Nicholas. *The States Are Going Full RFK Jr.* The Atlantic. July 16, 2025.

<https://www.theatlantic.com/health/archive/2025/07/rfk-jr-maha-states-louisiana-texas/683557/>; Internet Archive. *HHS Secy. Kennedy Discusses Make America Healthy Again Plan*.

https://archive.org/details/CSPAN3_20250730_190800_HHS_Secy_Kennedy_Discusses_Make_America_Healthy_Again_Plan/start/1813/end/1848.5