

CA Food Chemical Safety & Transparency: Legislative Outline

October 2025

Overview

Governor Newsom's [January 2025 Executive Order](#) (EO) on ultraprocessed foods (UPFs) directed California to crack down on unsafe food ingredients and required CDPH to report on the feasibility of conducting state-level evaluations of [GRAS](#) substances.¹ To continue building on the Governor's EO and California's progress on food chemical safety, the California legislature should:

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

1. Banning Carcinogenic GRAS Chemicals in Foods

While federal law expressly prohibits FDA from *approving* food additives that are carcinogenic,² industry can add carcinogenic chemicals without FDA approval using the federal secret [GRAS loophole](#).³ The California legislature should explicitly ban this practice.

2. Closing the GRAS loophole:

Companies can introduce new chemicals into foods without even informing the FDA.⁴ Because the California Department of Public Health (CDPH) has authority to regulate food chemicals in California, including GRAS substances,⁵ it has been directed by the Governor to determine the feasibility of conducting state-level evaluations of GRAS substances.⁶ The legislature can help make such evaluations feasible by requiring:

- **Public listing** of all GRAS substances that bypass FDA review (i.e., "secret GRAS substances") in foods sold in CA.

- Companies would be required to notify CDPH of secret GRAS substances and uses introduced in CA after 1958. Notifications would include evidence and rationales justifying that the chemical is safe under its intended use.
- CDPH would list those notices in a publicly available database.
- **Mandatory premarket review** of new secret GRAS substances introduced after the bill's effective date.
 - New secret GRAS substances could not be used in California until CDPH reviews them for safety.
- **Systematic post-market review** of secret GRAS substances already on the market:
 - CDPH would systematically review the most concerning secret GRAS substances that are currently on the market and prohibit those substances that raise safety concerns or lack sufficient evidence of safety.
 - Companies would be allowed to use GRAS substances marketed before the bill's effective date *unless* CDPH reviews and determines such substance has not been proven safe.
- **User fees** paid by companies to fund CDPH's database and assessments.

3. Ingredient Disclosure

Food companies often use flavors and colors to make unhealthy processed foods more appealing and maximize profits.⁷ Federal law allows some of these ingredients to be simply listed as “natural flavor,” “artificial flavor,” “spices,” or “artificial colors.”⁸ Many of these substances are also GRAS substances. When food companies use these terms to hide secret GRAS ingredients, the only people who know what is in our food and whether those ingredients are safe are food companies. Therefore, the legislature should require:

- **Public listing** of all ingredients in foods sold in CA.
 - Packaged foods and beverages that list a non-specific ingredient—such as “artificial flavor,” “natural flavor,” “artificial color,” or “spices”—in the ingredients list would be required to have all ingredients listed by name in a public database managed by CDPH.
- **User fees** paid by companies to fund the database

This food ingredient disclosure requirement can be partially modeled after California's Cosmetic Fragrance and Flavor Right to Know Act of 2020 that requires cosmetic manufacturers to list in a public database certain ingredients in their products.⁹

References

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 21 U.S.C. § 348(c)(3)(A).

³ Ctr. for Food Safety v. Becerra, 565 F. Supp. 3d 519, 542-43 (S.D.N.Y. 2021). Available at P. 34 of <https://www.cspi.org/sites/default/files/2021-11/GRAS%20District%20Court%20Decision.pdf>.

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-assafe#p-293>.

⁵ Cal. Health & Safety Code §§ 110070, 110075.

⁶ 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/>.

⁷ Center for Science in the Public Interest (CSPI). *Flavor report: Hidden Ingredients*. March 14, 2024. <https://www.cspi.org/resource/flavor-report-hidden-ingredients>; Dunford EK, Galligan TM, Taillie LS, Musicus AA. All the Colors of the Rainbow: Synthetic Dyes in US Packaged Foods and Beverages in 2020. *J Acad Nutr Diet*. 2025;125(9):1207-1217.e9. <https://www.doi.org/10.1016/j.jand.2025.05.007>.

⁸ 21 CFR § 101.22. 21 U.S.C. § 343(i).

⁹ California Department of Public Health. *The Cosmetic Fragrance And Flavor Ingredient Right to Know Act of 2020 (SB 312)*. March 17, 2022. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/CSCP/Pages/SB312.aspx>.