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April 7, 2026

The Honorable Damon Connolly
Chair, Assembly Committee on Environmental Safety and Toxic Materials
1020 N Street, Room 171
Sacramento, CA 95814

RE: AB 2034 (Addis) Food safety: unsafe additives and ingredient disclosures - SUPPORT

Dear Chair Connolly,

The undersigned organizations and individuals support AB 2034, a bill that will promote transparency and safety in the food system. This is essential given the longstanding failure by the U.S. Food and Drug Administration (FDA) to effectively fulfill its mandate to protect consumers from unsafe and poorly tested food chemicals. AB 2034 specifically addresses two related problems caused by inadequate federal oversight of food chemicals.

Problem 1: Food and chemical companies are legally allowed to introduce new substances into the food supply without FDA knowledge, review, or approval. Congress designed a premarket FDA-approval process for new food additives, but a loophole in that law allows food companies or their paid experts to declare that a substance is "generally recognized as safe," or GRAS, for use in food and bypass that premarket approval process.[1,2] FDA maintains a voluntary GRAS notice process, which some companies choose to use.[3] However, some companies can—and do—introduce new chemicals into the food supply in complete secrecy due to the voluntary nature of the federal GRAS notification process. Some companies have exploited this loophole to market poorly tested or clearly unsafe chemicals, including animal carcinogens, for use in food.

- **Solution: AB 2034 closes the GRAS loophole in California.** Companies will be required to provide evidence that their food chemicals are safe if they have not undergone FDA premarket review. The California Department of Public Health (CDPH) will post those notices in a public database, allowing the Department, FDA, researchers, and the public to independently review the safety of these chemicals and identify those that are unsafe or poorly tested. CDPH will be required to review the evidence for all new GRAS substances before they can come to market and to assess the safety of at least ten GRAS substances already in use every three years.
- **Solution: AB 2034 prohibits carcinogens from being deemed GRAS in California.** Any substance shown to cause cancer in humans or animals will be prohibited from being deemed GRAS and thus would be prohibited from foods sold in the state.

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[1] 62 Fed. Reg. 18938 (April 17, 1997). Substances Generally Recognized as Safe.
[2] U.S. Government Accountability Office. *FDA Should Strengthen Its Oversight of Food Ingredients Determined to Be Generally Recognized as Safe (GRAS)*. GAO-10-246. February 3, 2010. Available: https://www.gao.gov/products/GAO-10-246.
[3] U.S. Food and Drug Administration. *How U.S. FDA's GRAS Notification Program Works*. Published: January 2006; Updated: February 9, 2018. https://www.fda.gov/food/generally-recognized-safe-gras/how-us-fdas-gras-notification-program-works. Accessed: March 3, 2026.

Problem 2: Food companies are legally allowed to hide ingredients from consumers and regulators. Federal regulations allow food companies to use vague terms like "natural flavor," "artificial flavor," "spices," and "artificial color" on packaged food ingredient labels instead of listing all ingredients by name.[4] This combined with the GRAS loophole creates a situation in which not even FDA knows which substances have been added to our foods and if those chemicals are safe. The only entities with that information are food and chemical companies, which is a clear and troubling conflict of interest and contrary to commonsense consumer protection policy. Some consumers need to avoid certain ingredients due to food allergies or religious or ethical reasons.

- **Solution: AB 2034 requires full ingredient disclosure in California.** Companies that choose not to fully disclose all ingredients on their product ingredient lists will be required to publicly disclose those ingredients in a state database managed by CDPH.

The GRAS loophole and vague ingredient labeling put consumers at risk.

Industry abuse of the GRAS loophole harms consumers. In 2022, an outbreak associated with a product sold by Daily Harvest resulted in nearly 400 people being sickened, including 133 hospitalized, some with severe liver toxicity.[5] The company identified the likely cause to be the ingredient tara flour. [6] Investigations revealed that tara flour was not an approved food additive and that there were no GRAS notices filed with the FDA for it, meaning the only way it could legally have come to market was via a secret GRAS determination.[7,8] Nearly two years after the outbreak began, FDA concluded there was no evidence that tara flour was safe for use in food.[9]

Industry also uses the GRAS loophole to market food chemicals that are clearly unsafe. A recent report by the Center for Science in the Public Interest found eleven substances deemed GRAS by the flavor industry that have been banned or restricted in the European Union due to safety concerns.[10] Ten of those substances were banned in the EU over concern that they could cause genotoxicity (DNA damage), and the eleventh substance, 2,4-hexadienal, was shown to cause cancer in animal studies completed by the U.S. National Toxicology Program (NTP).[11] Congress expressly prohibited the use of food additives shown to cause cancer in humans or animals via a provision of the 1958 Food Additive Amendment known as the Delaney Clause.[12] However,

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[4] 21 CFR 101.22(h)(1)
[5] U.S. Food and Drug Administration. *Memorandum: Regulatory status and review of available information pertaining to tara protein/flour derived from the seed germ of the plant, Caesalpinia spinosa: lack of general recognition of safety for its use in foods*. April 10, 2024. https://www.fda.gov/media/178582/download?attachment.
[6] Id.
[7] Id.
[8] Wallender, A., and R. Greene. "Hospitalizations, Deaths Result from Hands-Off Food Safety Rules." December 6, 2023. Bloomberg Law. https://news.bloomberglaw.com/health-law-and-business/fda-flying-blind-in-food-safety-honor-system-with-industry.
[9] Op. Cit. FDA memorandum.
[10] Center for Science in the Public Interest. *Hidden Ingredients: What are 'flavors' and 'spices,' and are they safe?* Published: April 2024. Revised: December 2025. Available: https://www.cspi.org/resource/flavor-report-hidden-ingredients.
[11] U.S. National Toxicology Program. *NTP Technical Report on the Toxicology and Carcinogenesis Studies of 2,4-hexadienal (89% trans,trans isomer, CAS No. 142-83-6; 11% cis,trans isomer) in F344/N Rats and B6C3F1 Mice (Gavage Studies)*. Technical Report Series, 2003. 509. Available: https://ntp.niehs.nih.gov/sites/default/files/ntp/htdocs/lt_rpts/tr509.pdf.
[12] 21 U.S. Code § 348(c)(3)(A). *Food Additives*

because GRAS substances are considered distinct from food additives under federal law, courts have found that the Delaney Clause does not apply to GRAS substances.[13] Effectively, industry can exploit the GRAS loophole to market food chemicals known to cause cancer.

Some ingredients that contribute to poor nutritional quality of some foods, like processed refined carbohydrates, are also regulated as GRAS substances.[14] AB 2034 would help prevent any newly developed harmful processed refined carbohydrates from coming to market as well as provide a mechanism for CDPH to address health concerns related to some processed refined carbohydrates already in use.

Federal law only requires allergen labeling for nine major food allergens, but the FDA asserts that more than 160 foods have been identified to cause allergic reactions.[15] Those other food allergens can be used as spices or sources of natural flavor and, thus, hidden behind vague ingredient label terms, making it difficult or impossible for consumers to identify foods that contain allergens they are allergic to. [16] Further, animal products can also be used as sources of natural flavors and, thus, need not be declared on food ingredient labels,[17] preventing consumers who avoid such ingredients for religious or ethical reasons from knowing with certainty which foods are appropriate for them to purchase.

California should not wait for FDA. GRAS reform is a priority for Governor Newsom, and AB 2034 aligns with the Real Food, Healthy Kids Act (AB 1264) of 2025.

Consumers are increasingly worried about the lack of transparency caused by the GRAS loophole. Although FDA has recently expressed intent to revise its approach to GRAS, submitting a proposal of unknown content to the Office of Management and Budget, initial indications suggest that the agency will not require premarket safety reviews for new GRAS substances, meaning the agency has no intent to address the fundamental concern with GRAS: that chemicals enter the food supply without independent safety review by FDA.[18]

Governor Newsom issued an executive order in January 2025 directing CDPH and other state agencies to take action to improve food safety and eliminate unsafe and poorly tested chemicals from foods sold in the state.[19] In that executive order, the Governor specifically directed CDPH

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[13] 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.
[14] Citizen Petition from David A. Kessler. August 12, 2025. Docket: FDA-2025-P-3071-0001. Available: https://www.regulations.gov/document/FDA-2025-P-3071-0001.
[15] U.S. Food and Drug Administration. *Questions and Answers Regarding Food Allergens, Including the Food Allergen Labeling Requirements of the Federal Food, Drug, and Cosmetic Act (Edition 5): Guidance for Industry*. January 2025. Available: https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-questions-and-answers-regarding-food-allergen-labeling-edition-5.
[16] 21 CFR 101.22(a)(3)
[17] Id.
[18] Executive Office of the President, Office of Management and Budget. Substances Generally Recognized as Safe. RIN: 0910-AJ02. Available: https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=0910-AJ02.
[19] Governor Gavin Newsom. Executive Order N-1-25. January 3, 2025. Available: https://www.gov.ca.gov/wp-content/uploads/2025/01/2025-1-1.Revised-Healthy-Foods-EO-Final-Gov-Signed.pdf.

to report on the feasibility of conducting state-level evaluations of GRAS substances and actions that could be taken if companies fail to notify FDA before marketing new GRAS substances. AB 2034 directly furthers that goal by providing the resources and data needed for CDPH to conduct evaluations of GRAS substances. Further, the California Real Food, Healthy Kids Act (AB 1264) directs CDPH to identify "ultraprocessed foods of concern" by considering, among other factors, evidence that additives used in such foods are unsafe.[20] By requiring that companies provide safety information directly to the Department, AB 2304 ensures CDPH will have access to important information that might otherwise be withheld by industry.

The burden on taxpayers will be minimal and cost to industry will be limited.

AB 2034 authorizes CDPH to use regulatory fees to support the development and maintenance of the databases and the completion of safety assessments, meaning any cost can be assigned to industry rather than taxpayers. Further, food companies are required under federal law to conduct rigorous safety reviews and must rely on publicly available information in order to market an ingredient as GRAS, regardless of whether they submit notice to FDA.[21,22] The GRAS notice provisions of AB 2034 directly mirror those of the federal GRAS notice process, meaning that the companies do not need to furnish any materials that they would not have to provide to FDA in a federal GRAS notice. If companies now need to conduct studies to adequately establish an existing substance as GRAS for California's evaluation, that suggests that the required safety evidence did not exist – meaning they were in violation of federal law. Companies will be fully exempt from state-level notice and review if they successfully go through FDA premarket review. This bill simply requires those companies that choose to skip the FDA process to submit the underlying information to the state instead.

These measures are necessary to protect public health and hold industry accountable to rigorous safety standards for food additives. We urge you to pass AB 2034.

Sincerely,

Organizations

Thomas M. Galligan, PhD, Principal Scientist for Food Additives and Supplements
Center for Science in the Public Interest (Sponsor of AB 2034)

[20] California Real Food, Healthy Kids Act of 2025. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1264.
[21] 62 Fed. Reg. 18938 (April 17, 1997). Substances Generally Recognized as Safe.
[22] 21 CFR 170.30

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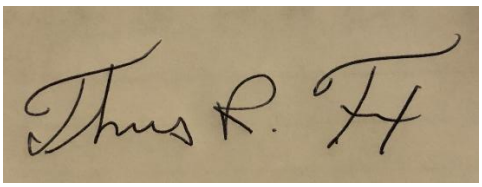

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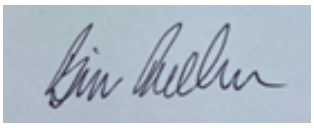

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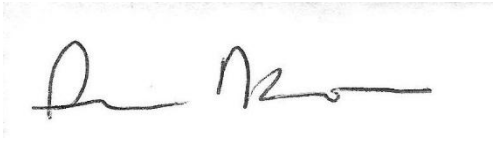

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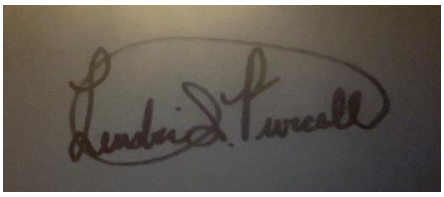

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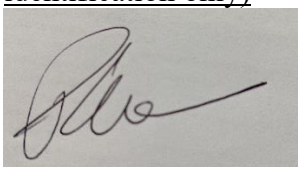

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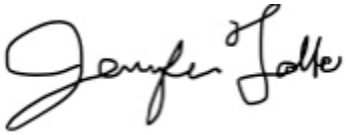

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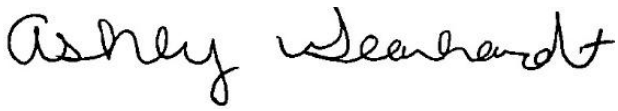

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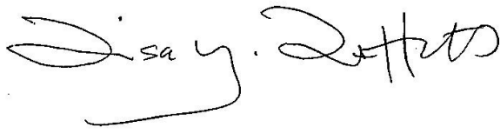

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