CENTER FOR Science IN THE Public Interest
Your Food and Health Watchdog

April 29, 2026

The Honorable Robert Latta
Chair
House Committee on Energy and Commerce, Subcommittee on Health
U.S. House of Representatives

The Honorable Diana DeGette
Ranking Member
House Committee on Energy and Commerce, Subcommittee on Health
U.S. House of Representatives

The Honorable Brett Guthrie
Chair
House Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
U.S. House of Representatives

Dear Chairs Guthrie and Latta, and Ranking Members Pallone and DeGette,

The Center for Science in the Public Interest (CSPI) is an independent consumer advocacy organization with a 50-year track record of working for food safety, nutrition, and health. We support evidence-based and community-informed policies that are grounded in what is best for people's health—without industry influence—including increasing equitable access to nutritious food, enhancing the transparency of food labels, and ensuring that our food is safe. We submit this statement for the record in response to the House Energy and Commerce Committee, Subcommittee on Health's hearing titled "Healthier America: Legislative Proposals on the Regulation and Oversight of Food."

Americans from across the political spectrum are united in a shared understanding that it is a core responsibility of government to ensure access to safe and healthy food.

Recent polling data highlights alignment on this point. A poll by Pew Charitable trusts conducted in October 2025 found that about 5 in 6 US adults want government and business to do more to ensure chemical safety and increase transparency around the use of chemicals.[1] Similarly, a poll this year of voters in House and Senate Battleground states by IMPACT Research found that

[1] McPartland, J. *Americans Are Concerned About Harmful Chemicals in Food, Water and Everyday Products*. The Pew Charitable Trusts. February 26, 2026. https://www.pew.org/en/research-and-analysis/articles/2026/02/26/americans-are-concerned-about-harmful-chemicals-in-food-water-and-everyday-products. Accessed April 28, 2026.

"ensuring our food is safe" was a top priority, approaching support for lowering health care costs and higher than "making food more affordable."[2]

Despite widespread support for a healthier food system, the U.S. Food and Drug Administration (FDA), the White House, and this Congress, have fallen short in protecting our food. FDA often delays responding to emerging food safety concerns for years or decades. For example, the agency banned Red 3 from cosmetics in 1990, yet delayed banning its use in food for over three decades, acting only last year, in response to a petition by CSPI and legislative activity in California.[3]

Worse still, many of the substances used in food have actually never been assessed for safety by FDA, entering the food supply instead through the so-called "Generally Recognized as Safe" or "GRAS" exception that allows companies to introduce new substances and new uses of substances in foods without FDA premarket review. For example, FDA has not reviewed the practice of adding high levels of caffeine to beverages like energy drinks (above the levels approved for cola-type beverages) or determined it to be safe. Caffeine is known to be harmful at extremely high doses, a potentially deadly risk that has led FDA to ban the sale of certain pure or highly concentrated caffeine products as dietary supplements.[4]

Aware of these failures at the federal level, frustrated voters are justifiably turning to state legislatures for change. In 2023, the state of California acted to ban four dangerous additives including Red 3, and California now joins several states in considering proposals to close the GRAS loophole,[5,6] one of which passed the New York State legislature just last week.[7]

Across the country, states and localities are providing meaningful solutions that FDA has failed to deliver, creating requirements for heavy metal testing[8] and standards for lead, cadmium, and

---

[2] Toufanian, M. *Food for Thought: Special Battleground Report on Food and Health.* Navigator Research. March 23, 2026. https://navigatorresearch.org/food-for-thought-special-battleground-report-on-food-and-health/. Accessed April 28, 2026.
[3] 90 Federal Register 4628. Color Additive Petition From Center for Science in the Public Interest, et al.; Request To Revoke Color Additive Listing for Use of FD&C Red No. 3 in Food and Ingested Drugs.
[4] Food and Drug Administration. *Pure and Highly Concentrated Caffeine*. https://www.fda.gov/food/information-select-dietary-supplement-ingredients-and-other-substances/pure-and-highly-concentrated-caffeine. Accessed April 28, 2026.
[5] Center for Science in the Public Interest. NY & CA lawmakers demand state government protect families' health, pass food transparency reform. March 20, 2026. https://www.cspi.org/press-release/ny-ca-lawmakers-demand-state-government-protect-families-health-pass-food. Accessed April 29, 2026.
[6] Verdant Law. *GRAS Reform Update: Where Do Things Stand?* April 2, 2026. https://www.verdantlaw.com/gras-reform-update-where-do-things-stand/. Accessed April 29, 2026.
[7] Jensen, J. *New York passes sweeping food chemical reform bill.* Center for Science in the Public Interest. April 21, 2026. https://www.cspi.org/statement/new-york-passes-sweeping-food-chemical-reform-bill. Accessed April 29, 2026.
[8] Covington & Burling LLP. *Virginia becomes third state to mandate baby food heavy metal testing, raising the compliance bar for manufacturers*. January 15, 2026. https://www.cov.com/en/news-and-insights/media-

arsenic in spices,[9] restricting the sale of harmful supplements to children,[10] and requiring allergen[11] and nutrition[12] menu disclosures.

Big food companies could have prioritized safety by agreeing to meaningful federal reforms. They have not. Instead, they continue to oppose strong federal food chemical reform,[13] while also blocking standards in the states.[14] Last October, major food companies including Coca Cola, PepsiCo, Kraft, Nestle, and General Mills launched a multimillion dollar lobbying effort misleadingly dubbed "Americans for Ingredient Transparency," which aims at broadly preempting state food safety laws in favor of weak federal standards.[15]

Members of Congress should be extremely wary of any bill that promises "national uniformity" by broadly removing states' power to create labeling and safety standards for food. Unfortunately, a bill before this committee today, the FRESH Act, contains provisions that would do just that, broadly preempting state law and replacing it with a weak federal standard that forces FDA to rubber stamp GRAS safety decisions made in secret by industry-funded panels.

The bill's preemption language is sweeping in scope, threatening all state protections "related to the use, labeling, sale, or marketing" of food or dietary supplements. This will obliterate recent state progress and trample the rights of consumers.

And by covering ingredients and contaminants without restriction and targeting all state law, irrespective of when it was created (excluding laws passed by referendum), the provision also

---

mentions/2026/01/virginia-becomes-third-state-to-mandate-baby-food-heavy-metal-testing-raising-the-compliance-bar-for-manufacturers. Accessed April 28, 2026.

[9] New York State Department of Agriculture and Markets. *Heavy Metals in Spices.* https://agriculture.ny.gov/system/files/documents/2022/11/heavymetalspresentation.pdf. Accessed April 28, 2026.

[10] Robinson, D. *Lohud: NY bans sale of diet pills, weight-loss supplements to kids. Why law was passed.* October 26, 2023. https://www.nysenate.gov/newsroom/articles/2023/shelley-b-mayer/lohud-ny-bans-sale-diet-pills-weight-loss-supplements-kids. Accessed April 28, 2026.

[11] Asthma and Allergy Foundation of America. *AAFA Bill to Require Allergen Labeling in California Restaurants Becomes Law.* October 13, 2025. https://aafa.org/aafa-bill-to-require-allergen-labeling-in-california-restaurants-becomes-law/. Accessed April 28, 2026.

[12] Center for Science in the Public Interest. *New York City's "Sweet Truth Act" takes effect, marking a public health milestone.* October 7, 2025. https://www.cspi.org/press-release/new-york-citys-sweet-truth-act-takes-effect-marking-public-health-milestone. Accessed April 28, 2026.

[13] Office of Management and Budget. *OMB GRAS Proposed Rule Meeting_Industry Group Letter*. December 16, 2025. https://www.reginfo.gov/public/do/viewEO12866Meeting?viewRule=true&rin=0910-AJ02&meetingId=1219123&acronym=0910-HHS/FDA. Accessed April 28, 2026.

[14] Witley, S. *Food Industry Says State Ingredient Laws Will Mean Higher Costs.* Bloomberg Law. April 2, 2026. https://news.bloomberglaw.com/health-law-and-business/food-industry-says-state-ingredient-laws-will-mean-higher-costs. Accessed April 28, 2026.

[15] Malkan, S. *Americans for Ingredient Transparency: Product defense for unhealthy ultra-processed foods.* U.S. Right to Know. October 30, 2025. https://usrtk.org/ultra-processed-foods/americans-for-ingredient-transparency/. Accessed April 28, 2026.

has the potential to threaten longstanding consumer protection authorities held by a state that are not "identical" to a federal requirement. Congress should ensure this provision does not result in the preemption of crucial state regulations. States are the primary food safety regulators in many areas with FDA playing a limited role, including regulation of restaurants and retailers,[16] shellfish,[17] and milk.[18] And states are the primary regulators of cottage food producers and other small businesses, which are exempt from many federal safety requirements.[19] State food regulation also includes core food permitting and inspection requirements, fees from which fund state food safety programs.[20]

Another bill, the Dietary Supplement Regulatory Uniformity Act (Rep. Langworthy), would accomplish similar sweeping preemption specific to dietary supplements, wiping out many state protections, including a recent Virginia restriction on the sale of kratom, a dangerous ingredient that mimics opiates.[21]

We urge members of the committee to reject the FRESH Act and Dietary Supplement Regulatory Uniformity Act, as well as any bill that promises "national uniformity" in the form of broadly sweeping away state power to regulate food or dietary supplements.

State legislatures would be less active in passing new laws if FDA were more effective in its work. Therefore, rather than focus on removing state protections, we urge this committee to turn with renewed energy to solving the problems with our federal system that have driven frustrated consumers to turn to the states for action.

Many of those solutions are before this committee today. The remaining statement will address the many policies that CSPI has reviewed and endorsed as effective and meaningful reforms, as well as a few we oppose because they undermine, rather than advance consumer protections.

---

[16] Food and Drug Administration. *State Retail and Food Service Codes and Regulations by State*. https://www.fda.gov/food/fda-food-code/state-retail-and-food-service-codes-and-regulations-state. Accessed April 28, 2026.
[17] Food and Drug Administration. *National Shellfish Sanitation Program (NSSP).* https://www.fda.gov/food/federal-state-local-tribal-and-territorial-cooperative-human-food-programs/national-shellfish-sanitation-program-nssp. Accessed April 28, 2026.
[18] Food and Drug Administration. *Pasteurized Milk Ordinance Centennial*. https://www.fda.gov/food/milk-guidance-documents-regulatory-information/pasteurized-milk-ordinance-centennial/. Accessed April 28, 2026.
[19] Food and Drug Administration. *Small Business Under the PC Human Food Rule.* https://www.fda.gov/media/117785/download. Accessed April 28, 2026.
[20] For example, Chapter 500 of the Florida Statutes, prevents food establishments from operating without a permit. 570 Fla. Sta. §12. Food permits; building permits. Fees from permitting go into the Florida Department of Agriculture and Consumer Services (FDACS)'s General Inspection Trust Fund, which helps pay for the state's inspection program. 570 Fla. Sta. §20. General Inspection Trust Fund.
[21] Virginia Department of Health. *Kratom.* https://www.vdh.virginia.gov/environmental-health/public-health-toxicology/kratom/. Accessed April 28, 2026.

This statement contains five sections: food additives, food labeling, dietary supplements, infant formula safety, and improving FDA efficiency.

Section 1: Keep Harmful Additives Out of Our Food

As noted above, harmful food chemicals can enter our food supply by using the "Generally Recognized as Safe" (GRAS) loophole, which allows food manufacturers to bypass the typical FDA approval process for chemicals and avoid submitting safety information to FDA. FDA does not require companies to notify the agency before using these new chemicals in our food, let alone require companies to get FDA approval.[22]

In addition, FDA is not obligated to reassess the safety of chemicals after they enter the market. In comparison, in the European Union, all additives approved before 2009 were mandated to be reassessed for safety.[23] CSPI has long called on FDA to ramp up its reassessment efforts and be more proactive in ensuring that substances approved decades ago for use in food are safe according to modern scientific evidence and practices.

To address these issues, Congress must oppose preemption efforts, close the GRAS loophole by requiring independent premarket review for food chemicals, as well as reassessment of food additives and safety standards for contaminants.

We support:

- **H.R. 4958, Grocery Reform and Safety (GRAS) Act (Rep. Pallone).** This bill would require companies to notify and submit safety information to FDA when intending to introduce a new food additive through the GRAS pathway. FDA would be required to make the notice publicly available, review the safety information, and open a public comment period. The bill would also require FDA to conduct regular food chemical reassessments and would authorize the collection of user fees for FDA to carry out this work. This would be a landmark step towards fixing the GRAS loophole and preventing harmful chemicals from entering our food supply.
- **H.R. 4306, Food Chemical Reassessment Act of 2025 (Rep. Schakowsky).** This bill would require FDA to regularly reassess the safety of certain additives already in our food supply. Congress should support this bill to ensure that unsafe additives are removed from the market.
- **H.R. 2615, Stephen Hacala Poppy Seed Safety Act (Reps. Womack and DeLauro).** This bill would require FDA to establish a maximum level of opiate contamination of poppy seeds and require FDA to prohibit the sale of non-compliant products. Poppy seeds

[22] Center for Science in the Public Interest. *GRAS loophole: How do new substances enter the food supply?* March 13, 2026. https://www.cspi.org/GRAS-loophole. Accessed April 28, 2026.
[23] European Food Safety Authority. *Food Additives.* https://www.efsa.europa.eu/en/topics/topic/food-additives. Accessed April 28, 2026.

can become contaminated with opiates during harvest, and thorough washing and processing are needed to reduce the opiate content of the seeds to safe levels. Contaminated poppy seeds have caused at least 20 non-fatal overdoses and 19 deaths. Consumption can lead to blood levels of opiates high enough to trigger positive drug tests, a phenomenon that has lead to mothers being separated from their newborn children.[24] This bill would help prevent future harm from contaminated poppy seeds.

We oppose:

- **H.R. ____, [FDA Review and Evaluation for Safe, Healthy and Affordable Foods Act of 2026] (Rep. Cammack).** As described in the introduction to this statement, this bill would broadly block state food safety policies while weakening current FDA authority over premarket safety review for substances used in foods. The bill contains industry-backed preemption provisions that would broadly wipe out state progress on food safety protection, including new bans on harmful chemicals, requirements for heavy metal testing, restrictions on the sale of harmful dietary supplements to children, and new allergen and nutrition menu disclosures. This extreme preemption language would hurt consumers but would serve as a major win for big food companies, which last year launched a multimillion dollar effort to broadly preempt state safety and labeling laws. At the same time, the bill would have FDA rubber stamp safety decisions made by industry-paid panels, benefitting food corporations instead of families.
- **H.R. 7291, GRAS Oversight and Transparency Act (Rep. Lawler).** This bill would create a board to review secret GRAS determinations made prior to the year 2000. While we support post-market review of such grandfathered GRAS determinations, the bill creates a board review process that is inefficient and improperly delegates safety recommendations to individuals outside FDA's Human Foods Program.

Section 2: Require Transparent Food Labels

Food labels are valuable tools for conveying information to consumers to help us make safer, healthier, and more informed food choices. Front-of-pack nutrition labels can help consumers choose products with less added sugar, sodium, and saturated fat. Caffeine labels can help consumers avoid drinking dangerously high levels of caffeine.

We support:

- **H.R. 4725, Transparency, Readability, Understandability, Truth, and Helpfulness (TRUTH) in Labeling Act of 2025 (Rep. Schakowsky)**. This bill would direct FDA to require front-of-package nutrition labels (FOPNL) on foods and beverages that clearly highlight when products are high in added sugars, sodium, or saturated fat. Each of these

[24] Center for Science in the Public Interest. *Contaminated Poppy Seeds: FDA*. January 31, 2025. https://www.cspi.org/case/contaminated-poppy-seeds-fda. Accessed April 28, 2026.

nutrients is overconsumed in the U.S. and linked to increased risk of conditions such as hypertension, type 2 diabetes, and cardiovascular disease.[25] FOPNL highlighting added sugars, sodium, and saturated fat can help counteract the selective claims that manufacturers choose to highlight on the front labels (*e.g.,* All natural! Low fat! High fiber!) to give consumers a more honest snapshot of the food. Dozens of countries have already adopted FOPNL to empower consumers to make healthier choices and prompt food manufacturers and retailers to offer healthier foods. Countries with nutrient warning labels have seen impressive reductions in purchases of unhealthy foods. Thirty-six public health and consumer organizations have endorsed this legislation.[26]

- **H.R. 4987, Food Date Labeling Act of 2025 (Reps. Pingree and Newhouse)**. This bill would create a consistent and standardized labeling mechanism for on-package date labels. Labeling will continue to be voluntary. However, any manufacturer that chooses to label their product will need to use "USE By" to indicate the date until which the product is safe and "BEST If Used By" to indicate optimal freshness and quality. The lack of a federal date labeling standard has led to a patchwork of state laws that is confusing for consumers and industry alike. This confusion leads to food waste throughout the supply chain accounting for approximately 3.5 million tons of food waste, costing approximately $20 billion dollars in 2024.[27] Meanwhile, this legislation has no cost to the government. This bill has widespread support with over 30 major food manufacturers and retailers endorsing.[28]
- **H.R. 8385, Food Labeling Modernization Act of 2026 (Rep. Pallone).** This comprehensive bill would align labeling regulations with the latest nutrition science and advance national public health priorities through policies aimed at encouraging reformulation, countering misleading claims, improving transparency, and providing label information to consumers who grocery shop online.
- **H.R. 2511, Sarah Katz Caffeine Safety Act (Reps. Menendez and Smith-NJ).** This bill would require clear labeling of caffeinated foods, beverages, and supplements. Restaurant menu items with at least 150 milligrams of caffeine would have to include a "high caffeine" warning next to the item's name. Caffeinated foods and dietary supplements would also be labeled with the amount of caffeine per serving, whether the caffeine is natural or added, and a statement that the recommended daily limit is 400 mg of caffeine. This bill would help consumers avoid accidental caffeine overconsumption.

---

[25] Center for Science in the Public Interest. *Fact sheet: TRUTH in Labeling Act of 2025.* July 29, 2025. https://www.cspi.org/resource/fact-sheet-truth-labeling-act-2025. Accessed April 28, 2026.
[26] Center for Science in the Public Interest. *Sign-on letter in support of the TRUTH in Labeling Act of 2025*. November 3, 2025. https://www.cspi.org/resource/sign-letter-support-truth-labeling-act-2025. Accessed April 28, 2026.
[27] ReFED. *Insights Engine.* https://insights-engine.refed.org/food-waste-monitor?break_by=cause&indicator=tons-surplus&view=detail&year=2024. Accessed April 28, 2026.
[28] Zero Food Waste Coalition. *Widespread Indsutry Support for the Food Date Labeling Act of 2025.* https://zerofoodwastecoalition.org/news/widespread-industry-support-for-the-food-date-labeling-act-of-2025/. Accessed April 28, 2026.

- **H.R. 5882, No Tricks on Treats Act of 2025 (Reps. Jacobs and Luna).** This bill would require front-of-package disclosure of the presence of synthetic dyes, artificial or natural flavoring, and non-nutritive sweeteners in foods. The bill promotes transparency and its disclosures would help parents select healthy and safe foods for their children. Fourteen public health and consumer organizations have endorsed the No Tricks on Treats Act.[29]
- **H.R. 8412, No False Formula Act (Rep. Jacobs).** This bill would stop companies from marketing sugary toddler drinks as healthy for kids. A consensus statement from the Academy of Nutrition and Dietetics, the American Academy of Pediatric Dentistry, the American Academy of Pediatrics, and the American Heart Association concluded that for children over 12 months old, toddler milks and transition formulas are not recommended because they offer no unique nutritional value beyond what would be obtained through a nutritionally adequate diet, and may contribute added sugars to a child's diet.[30] Misleading marketing of toddler formulas poses a risk to young children's health. This legislation is aligned with the actions requested by 17 public health organizations and 13 nutrition experts in a 2020 Citizen Petition to FDA calling on the agency to address the misleading marketing of toddler formula.[31]

We oppose:

- **H.R. 1394, Codifying Useful Regulatory Definitions (CURD) Act (Reps. Steil and Costa).** This bill would allow the use of artificial food additives in "natural cheese," a move that will protect companies seeking to use the term "natural" on products that contain artificial colors and other ingredients which do not align with consumers' expectations regarding the types of ingredients permitted in "natural" products.[32] No product labeled "natural" should contain synthetic food dyes, artificial flavors, or any other artificial additives.
- **H.R. 8414, Defending Against Imitations and Replacements of Yogurt, Milk, and Cheese to Promote Regular Intake of Dairy Everyday (DAIRY PRIDE) Act (Rep. Joyce).** This bill would prohibit plant-based products from being labeled with the terms "milk," "cheese," and "yogurt." There is no need for a bill to prevent products from being given names like "almond milk" or "vegan cheese," as Americans who choose to buy these products do so *because* they are seeking alternatives to dairy foods. Consumers are

---

[29] Congresswoman Sara Jacobs. *Rep. Sara Jacobs and Rep. Anna Paulina Luna Introduce the Bipartisan No Tricks on Treats Act*. October 31, 2025. https://sarajacobs.house.gov/news/press-releases/rep-sara-jacobs-and-rep-anna-paulina-luna-introduce-the-bipartisan-no-tricks-on-treats-act. Accessed April 28, 2026.

[30] Healthy Eating Research. *Healthy Beverage Consumption in Early Childhood.* September 2019. https://healthyeatingresearch.org/wp-content/uploads/2019/09/HER-HealthyBeverage-ConsensusStatement.pdf. Accessed April 28, 2026.

[31] Public Health Advocacy Institute. Citizen Petition. July 29, 2020. https://www.regulations.gov/document/FDA-2020-P-1718-0001. Accessed April 28, 2026.

[32] Center for Science in the Public Interest. *CSPI Letter to Members of Congress in Opposition to "CURD Act."* https://www.cspi.org/resource/cspi-letter-members-congress-opposition-%E2%80%9Ccurd-act%E2%80%9D. Accessed April 28, 2026.

thus unlikely to mistake them for products made from the lacteal secretions of animals. The DAIRY PRIDE Act would not help consumers and could unfairly disadvantage producers of plant-based dairy alternatives that many enjoy.

Section 3: Ensure the Safety of Dietary Supplements

An estimated average of 23,000 emergency room visits per year are related to dietary supplements.[33] Researchers have found that many supplements' ingredients contain undisclosed pharmaceuticals or are present at levels that differ from their labels.[34] FDA's insufficient resources and statutory authorities have led to a flood of dangerous and fraudulent dietary supplements.[35] Many supplement manufacturers prey on consumers' fears of illness and desires to be healthy to sell products that incorporate dangerous ingredients, contain undeclared adulterants, make unsubstantiated claims, or make illegal disease claims.[36,37]

We support:

- **H.R. 8370, Dietary Supplement Listing Act of 2026 (Rep. Dexter).** In 2021, supplement sales reached almost $60 billion with 95,000 products.[38] Because dietary supplement companies can introduce new dietary ingredients through the GRAS pathway and new products without ever informing FDA, the agency has no way to prevent dangerous dietary supplements from coming to market.[39] FDA does not have a comprehensive inventory of the supplement products currently on the market and is largely unable to adequately identify and take appropriate enforcement action against unsafe and fraudulent products. This bill would require supplement companies to provide basic information about supplement products to FDA and for that information to be publicly available—a key first step to protect consumers.

---

[33] Geller A, et al. Emergency Department Visits for Adverse Events Related to Dietary Supplements. *N Engl J Med 2015;*373:1531-1540. https://www.nejm.org/doi/full/10.1056/nejmsa1504267

[34] Tucker J, et al. Unapproved Pharmaceutical Ingredients Included in Dietary Supplements Associated With US Food and Drug Administration Warnings. *JAMA Netw Open*. Oct 2018;1(6):e183337. https://pmc.ncbi.nlm.nih.gov/articles/PMC6324457/

[35] U.S. Senator Dick Durbin of Illinois, *Blumenthal Request Information on FDA's Proposed Changes to the Office of Dietary Supplement Programs.* August 24, 2023. https://www.durbin.senate.gov/newsroom/press-releases/durbin-blumenthal-request-information-on-fdas-proposed-changes-to-the-office-of-dietary-supplement-programs. Accessed April 28, 2026.

[36] Food and Drug Administration. *Unproven Infertility Supplements*. May 26, 2021. https://www.fda.gov/consumers/health-fraud-scams/unproven-infertility-supplements. Accessed April 28, 2026. FDA. *Tianeptine*. May 8, 2028. https://www.fda.gov/consumers/health-fraud-scams/tianeptine.

[37] FDA. *Don't Be a Victim (You could lose so much more than weight)*. January 1, 2018. https://www.fda.gov/consumers/health-fraud-scams/dont-be-victim-you-could-lose-so-much-more-weight. Accessed April 28, 2026.

[38] Firfer, H. *Supplement sales soar in the US, but experts warn of safety gaps in oversight.* Scripps News. December 23, 2025. https://www.scrippsnews.com/health/supplement-sales-soar-in-the-us-but-experts-warn-of-safety-gaps-in-oversight. Accessed April 28, 2026.

[39] FDA. *FDA 101: Dietary Supplements*. June 2, 2022. https://www.fda.gov/consumers/consumer-updates/fda-101-dietary-supplements. Accessed April 28, 2026.

We oppose:

- **H.R. 7366, Dietary Supplement Regulatory Uniformity Act (Rep. Langworthy).** As noted above, this bill would preempt any state protection that differs from federal dietary supplement requirements. Such sweeping preemption will be damaging because states often take action to fill the gaps in FDA authority and resources. New York has banned the sale of weight-loss and muscle-building supplements to minors.[40] California has required testing of prenatal supplements for certain heavy metals.[41] And Virginia recently banned the sale of kratom, a dietary supplement that mimics opioids. Without these state-level protections, children, pregnant individuals, and other consumers will be put at risk by gaps in FDA oversight.

Section 4: Ensure the Safety of Infant Formula

Outbreaks caused by infant formula are especially devastating for families. In 2022, a pathogen known as *Cronobacter sakazakii* infected an infant formula manufacturing facility, causing a nationwide shortage after a recall had to be issued.[42] In 2026, another pathogen known as *Clostridium botulinum* affected at least 48 infants across the country.[43] These outbreaks are preventable with the right legislation.

We support:

- **H.R. 2472, Improving Newborns' Food and Nutrition Testing Safety (INFANTS) Act of 2025 (Rep. Sykes).** This bill would require companies to conduct regular testing of infant formula for heavy metal contaminants such as arsenic and lead, require companies to report positive test results for pathogens, and require environmental monitoring for potential exposure to pathogens such as *Cronobacter* or *Salmonella*.
- **H.R. 7867, Infant Formula Safety Modernization Act of 2026 (Reps. DeLauro and Van Drew).** This bill would expand the list of pathogens that infant formula companies must test for, require environmental monitoring for pathogens, and require reporting of positive test results to FDA.

---

[40] Khan, M. *Selling weight-loss and muscle-building supplements to minors in New York is now illegal*. AP News. April 25, 2024. https://apnews.com/article/new-york-law-dietary-supplements-weight-loss-77ca3e0fdc4b291636e3768ffb5c9b25. Accessed April 29, 2026.

[41] Jose, J. *CA legislature passes bill to protect against toxic heavy metals in prenatal vitamins*. Center for Science in the Public Interest. September 17, 2025. https://www.cspi.org/statement/ca-legislature-passes-bill-protect-against-toxic-heavy-metals-prenatal-vitamins. Accessed April 29, 2026.

[42] Centers for Disease Control and Prevention. *Cronobacter Outbreak Linked to Powdered Infant Formula | Cronobacter Infection.* September 29, 2025. https://www.cdc.gov/cronobacter/outbreaks/formula-2022/index.html. Accessed April 29, 2026.

[43] Centers for Disease Control and Prevention. *Investigation Update: Infant Botulism Outbreak*. March 4, 2026. https://www.cdc.gov/botulism/outbreaks-investigations/infant-formula-nov-2025/investigation.html. Accessed April 29, 2026.

Section 5: Improve FDA efficiency, information sharing, and transparency

There are an estimated 48 million cases of foodborne illness in the US annually, resulting in 128,000 hospitalizations and 3,000 deaths.[44] And chronic disease attributable to diet is a leading cause of preventable illness. Yet FDA often must comply with onerous requirements that slow response to outbreaks, communication with state partners, obtaining necessary expert advice, and conducting regulatory research, ultimately impeding efforts to reduce illnesses attributable to food. Congress should pass legislation to help improve FDA operations and effectively respond to outbreaks, food safety issues, and other emerging threats.

We support:

- **H.R. 8430, Federal and State Food Safety Information Sharing Act (Reps. Ross and Rulli).** This bill would give FDA the ability to share information with state and local agencies, creating a more streamlined and efficient response to foodborne illness outbreaks. The change would allow public health authorities to work collaboratively to take swift action needed to prevent foodborne illnesses.
- **H.R. 8432, To provide the Food and Drug Administration needed authorities to carry out its regulatory mission with respect to human foods, to provide additional resources and authorities with respect to human foods research, and for other purposes (Rep. DeGette).** This commonsense bill will support FDA operations and promote transparency by restoring the FDA Advisory Committee for Human Foods, establish a research grant program for critical areas, and streamline regulatory research by exempting FDA research from the Paperwork Reduction Act. It would also require better recordkeeping for processed foods, as well as public disclosure on a government website of ingredients not declared on the label (including flavors, colors, spices, and incidental additives).

Thank you for considering these ways to help families have safe and healthy food. If you have any questions, please contact Rhea Jayaswal at rjayaswal@cspi.org.

Sincerely,

Sarah Sorscher
Director of Regulatory Affairs
Center for Science in the Public Interest

Rhea Jayaswal
Senior Policy Associate, Legislative Affairs
Center for Science in the Public Interest

[44] Food and Drug Administration. *What You Need to Know about Foodborne Illnesses.* February 17, 2022. https://www.fda.gov/food/consumers/what-you-need-know-about-foodborne-illnesses. Accessed April 29, 2026.