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UNITED STATES
HOUSE OF REPRESENTATIVES
ROSA L. DELAURO
3RD DISTRICT, CONNECTICUT

September 25, 2024

Mr. James Jones
Deputy Commissioner for Human Foods
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Deputy Commissioner Jones,

As you work to rebuild consumer confidence in the safety of food chemicals, I urge you to quickly reassess food chemicals of significant concern and close loopholes that allow the industry, not the Federal Food and Drug Administration (FDA), to decide whether toxic chemicals are safe to consume.

American families need to trust that the food in our stores and supermarkets is safe. Unfortunately, most food chemicals have never been reviewed for safety by the FDA. According to data from the Environmental Working Group, since 2000, 99 percent of 766 new food chemicals introduced between 2000 and 2021 have been self-reviewed for safety by chemical companies, who then choose whether to notify the FDA of their company-funded conclusions.

Using the Generally Recognized as Safe (GRAS) loophole, these companies are allowed to self-certify that a new ingredient is safe to consume. Companies can decide whether to disclose the ingredient's use and safety data to the FDA, but they are not required to do so. This loophole has allowed hundreds of chemicals to be added to food products in the United States without proper FDA oversight.

The GRAS loophole was originally created in 1958 as part of the Food Additive Amendment to the Federal Food, Drug, and Cosmetic Act. It was originally intended to cover ingredients that are already known to be safe, such as vegetable oil, flour, baking soda, and spices. In 1997, the FDA loosened the existing protocol created the “voluntary notification” system. Now, companies themselves are allowed to declare substances as GRAS, circumnavigating important FDA oversight.

For too long, this loophole and FDA inaction has failed to keep us safe from chemicals added to our food. The lack of transparency in the GRAS system makes it difficult to identify the health effects of long-term exposure to certain ingredients.

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Consumers are and should be alarmed that the FDA permits food chemical makers to determine whether most food chemicals are safe – and then to decide whether to even notify the FDA of its industry-funded determinations.

The FDA has also failed to keep pace with our trading partners, who have banned or limited many common food chemicals. While other nations methodically review safety questions, many food chemicals have not been reviewed for safety by the FDA in more than 50 years, despite new uses or new science linking chemicals to cancer or other harms. While we are grateful that the FDA has created a new Office of Food Chemical Safety, I remain concerned that the FDA has not prioritized addressing the GRAS loophole.

To rebuild consumer confidence, the FDA must take bold action to ban or restrict food chemicals of concern, and to reassert its regulatory role and close the loopholes that allow the chemical companies to voluntarily decide which chemicals are safe for consumers.

Sincerely,

Rosa DeLauro
Member of Congress