



AB 2034: Food Additive Safety and Transparency Act

SUMMARY

Assembly Bill 2034, the Food Additive Safety and Transparency Act, improves the oversight of food additives to help ensure the safety of substances used in food sold in California. It requires manufacturers to submit safety information to the California Department of Public Health (CDPH) before using certain food additives that have not undergone federal pre-market review. Additionally, it will create a public database where the department can review and potentially prohibit certain substances, such as those found to be carcinogenic, from entering the market.

BACKGROUND

The US Food and Drug Administration (FDA) is charged with, among other things, the broad responsibility to ensure the safety and proper labeling of the US food supply. Notably, food additives, which are substances added to processed foods that can be used to alter their sensory properties or increase their shelf life, are also included in their jurisdiction. Typically, federal law requires these additives to be deemed safe by the FDA before they enter the food supply, however, the food industry and the FDA have turned a preexisting exemption into a loophole to circumvent this process.

Substances that are “generally recognized as safe” (GRAS) do not have to undergo FDA review. This exemption was originally intended for ingredients like flour, vinegar, and baking soda, however, this has been turned into a loophole by the food industry and the FDA to avoid the safety review entirely.

PROBLEM

Under current FDA regulations, companies can self-certify their own substances as GRAS and then use them in their food without ever notifying the

FDA. According to the Environmental Defense Fund, as many as 130 new food chemicals may already be entering the food supply every year without receiving any FDA regulatory review and without the FDA even knowing.

Additionally, many of these “GRAS substances” are used as flavors and are never named in the ingredients list. Under current FDA regulations, this is allowable because some ingredients can be listed under umbrella terms such as “natural flavor,” “artificial flavor,” or “spices.” This creates a lack of transparency and leaves consumers in the dark about what they are putting into their bodies.

The combination of the GRAS loophole and the abovementioned lack of transparency means that the only people who know which chemicals we are consuming, and which ones are safe, are the companies that are profiting from these substances and the food that contains them.

SOLUTION

AB 2034 closes the GRAS loophole and increases manufacturer transparency by

- Requiring companies to provide evidence that their food additives are safe to CDPH if they fail to go through the FDA pre-market review process
- Requiring companies to publicly disclose the ingredients they hide under umbrella terms to CDPH
- Creating a database where consumers can access and review GRAS notices and ingredient disclosures
- Prohibiting carcinogenic food chemicals that bypassed FDA review from being included in food sold in California

New substances coming to market without FDA premarket review will undergo CDPH premarket review. Substances that are already on the market will be reviewed at CDPH’s discretion.

Additionally, independently owned and operated businesses with fewer than 100 employees will be exempted from the reporting provisions of this bill. To offset the costs associated with reviewing GRAS notices and developing and maintaining the public databases, the bill will authorize CDPH to utilize regulatory fees.

AB 2034 is about protecting consumers by ensuring the safety of the chemicals that are added to our food every day. It will close this dangerous gap in regulatory oversight while promoting transparency in the food industry.

SUPPORT

- Center for Science in the Public Interest (sponsor)
- A Voice for Choice Advocacy
- Alpha-gal Alliance Action Fund
- Breast Cancer Prevention Partners
- Bay Area Community Resources
- California Farmer Justice Collaborative
- California Public Interest Research Group (CALPIRG)
- Center for Environmental Health
- Ceres Community Project
- CleanEarth4Kids.org
- Consumer Federation of America
- Consumer Reports
- Courage California
- Clean Water Action
- CURED Nfp
- Families Advocating For Chemical and Toxics Safety
- FPIES Foundation
- Healthy Food America
- Mamavation
- Partnership for a Healthier America
- Pesticide Action and Agroecology Network
- Rising Communities
- San Francisco Bay Physicians for Social Responsibility
- Sierra Harvest
- Strategic Training Initiative for the Prevention of Eating Disorders

CONTACT

Michael Guerra | Legislative Aide
916-319-2030 | michael.guerra@asm.ca.gov