BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

April 27, 2026

MEMORANDUM

To: Subcommittee on Health Members and Staff
From: Committee on Energy and Commerce Majority Staff
Re: Subcommittee on Health Hearing on April 29, 2026

I. INTRODUCTION

The Subcommittee on Health will hold a hearing on Wednesday, April 29, 2026, at 2:00 p.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled "Healthier America: Legislative Proposals on the Regulation and Oversight of Food." The Subcommittee intends to discuss the following pieces of legislation:

- H.R. 4958, Grocery Reform and Safety (GRAS) Act (Rep. Pallone)
- H.R. 7291, GRAS Oversight and Transparency Act (Rep. Lawler)
- H.R. ____, [FDA Review and Evaluation for Safe, Healthy (FRESH) and Affordable Foods Act of 2026] (Rep. Cammack)
- H.R. 4306, Food Chemical Reassessment Act of 2025 (Rep. Schakowsky)
- H.R. 8385, Food Labeling Modernization Act of 2026 (Rep. Pallone)
- H.R. 8429, Baby Food Safety Act of 2026 (Rep. Krishnamoorthi)
- H.R. 7867, Infant Formula Safety Modernization Act of 2026 (Reps. DeLauro and Van Drew)
- H.R. 4725, Transparency, Readability, Understandability, Truth, and Helpfulness (TRUTH) in Labeling Act (Rep. Schakowsky)
- H.R. 2472, Improving Newborns' Food and Nutrition Testing Safety (INFANTS) Act of 2025 (Rep. Sykes)
- H.R. 2511, Sarah Katz Caffeine Safety Act (Reps. Menendez and Smith-NJ)
- H.R. 5882, No Tricks on Treat Act of 2025 (Reps. Jacobs and Luna)
- H.R. 8370, Dietary Supplement Listing Act of 2026 (Rep. Dexter)
- H.R. 8430, Federal and State Food Safety Information Sharing Act (Reps. Ross and Rulli)
- H.R. 3722, Do or Dye Act (Reps. Luna and Meng)
- H.R. 5027, Ban Harmful Food Dyes Act (Rep. Meng)

- H.R. 1394, Codifying Useful Regulatory Definitions (CURD) Act (Reps. Steil and Costa)
- H.R. 1178, Alpha-gal Allergen Inclusion Act (Reps. Van Drew and Davis-NC)
- H.R. 2162, Honey Integrity Act (Reps. Steube and Panetta)
- H.R. 4987, Food Date Labeling Act of 2025 (Reps. Pingree and Newhouse)
- H.R. 5832, Requiring Ethical and Accurate Labeling of Lab-grown (REAL) Meats Act (Rep. Williams-TX)
- H.R. 7366, Dietary Supplement Regulatory Uniformity Act (Rep. Langworthy)
- H.R. 2615, Stephen Hacala Poppy Seed Safety Act (Reps. Womack and DeLauro)
- H.R. 3324, Safer Shrimp Imports Act (Reps. Ezell and Carter-LA)
- H.R. 933, Defending Domestic Orange Juice Production Act of 2025 (Reps. Franklin and Wasserman Schultz)
- 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-PA)
- H.R. 8431, Third-Party Certification and Inspection Modernization Act of 2026 (Rep. Rulli)
- H.R. 8412, No False Formula Act (Rep. Jacobs)
- 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)

II. WITNESSES

- **Steven Mandernach,** Executive Director, Association of Food and Drug Officials
- **Joseph Colalillo,** President, ShopRite of Hunterdon County, Inc.
- **Chad Hamilton, JD, MBA,** Board Member, Cheese Board, International Dairy Foods Association
- **Scott Faber, JD,** Senior Vice President, Government Affairs, Environmental Working Group

III. BACKGROUND

The U.S. Food and Drug Administration (FDA) Human Foods Program (HFP) is responsible for protecting public health by ensuring the nation's food supply is safe, sanitary, and properly labeled.[1] Under the Federal Food, Drug, and Cosmetic Act (FFDCA), FDA oversees the safety of most domestic and imported foods (excluding meat, poultry, and certain egg products), establishes labeling requirements, and enforces compliance through inspections, recalls, and other authorities.[2]

[1] U.S. FOOD AND DRUG ADMINISTRATION (FDA), *Human Foods Program* (Jan. 23, 2026), https://www.fda.gov/about-fda/fda-organization/human-foods-program.
[2] Federal Food, Drug, and Cosmetic Act, 21 U.S.C.

In 2010, Congress passed the FDA Safety and Modernization Act (FSMA), the single most comprehensive reform of FDA's food safety authorities to date.[3] FSMA oriented FDA towards preventing foodborne illnesses rather than responding to them. The legislation also directed FDA to strengthen its training and capacity-building efforts for state, local, territorial, and Tribal food safety officials.

Under the FFDCA, FDA evaluates the safety of food ingredients and substances through several regulatory pathways. The Food Additive Petition (FAP) process requires premarket approval demonstrating reasonable certainty of no harm, while substances that are Generally Recognized as Safe (GRAS) may be used without formal FDA approval if qualified experts agree on their safety under intended conditions of use. FDA also maintains a distinct approval process for color additives, including synthetic dyes, which must undergo rigorous safety review and certification prior to use in foods, drugs, or cosmetics.

FDA regulates infant formula as a specialized category of food subject to additional statutory and regulatory requirements to ensure nutritional adequacy and safety. Manufacturers must meet specific nutrient standards, adhere to quality control procedures, and notify FDA prior to marketing new formulas. The FDA Omnibus Reauthorization Act (FDORA) of 2022 strengthened FDA's oversight of infant formula by expanding inspection authorities, enhancing reporting requirements for supply disruptions, and improving the agency's visibility into manufacturing conditions.[4] Continued attention to the safety, composition, and availability of infant formula has remained a priority for the Trump Administration.

FDA also establishes "standards of identity," which define what certain foods must contain and how they are produced to be marketed under specific names (e.g., milk, cheese, or bread). These standards help ensure consistency and transparency for consumers while providing clear regulatory expectations for manufacturers.[5] By setting uniform definitions, standards of identity support consumer confidence and promote fair competition in the marketplace.

More recently, the Trump Administration's "Make America Healthy Again" initiative has emphasized the role FDA's food programs can play in addressing chronic diseases such as obesity and diabetes. The MAHA Commission, established through a February 2025 Executive Order, has overseen actions taken by the Department of Health and Human Services (HHS) and FDA to phase out petroleum-based dyes from our food supply, pursue rulemaking to revise its Substances Generally Recognized as Safe (GRAS) Final Rule, and initiate a review of infant formula nutrition standards through Operation Stork Speed, among other efforts.[6] Over the past year, several food manufacturers and industry associations have also made voluntary

---

[3] FDA, *Food Safety Modernization Act (FSMA)* (Feb. 5, 2024), https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/food-safety-modernization-act-fsma; *see also* FDA Safety and Modernization Act, 21 U.S.C.

[4] Consolidated Appropriations Act, 2023, Division FF, Title III, https://www.appropriations.senate.gov/imo/media/doc/JRQ121922.PDF.

[5] FDA, *Standards of Identity for Food* (Sept. 25, 2025), https://www fda.gov/food/nutrition-food-labeling-and-critical-foods/standards-identity-food.

[6] THE WHITE HOUSE, *Establishing the President's Make America Healthy Again Commission* (Feb. 13, 2025), https://www.whitehouse.gov/presidential-actions/2025/02/establishing-the-presidents-make-america-healthy-again-commission/; *see also* U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, *Celebrating Big Wins of the Trump Administration*, https://www.hhs.gov/hhs-big-wins-maha/index.html (last accessed Apr. 25, 2026).

commitments to phase out or replace synthetic dyes, including Red No. 40 and Yellow No. 5, in their products.[7] These developments have coincided with a growing number of states enacting a broad range of ingredient bans and consumer product requirements, highlighting where potential gaps and inconsistencies exist between federal and state regulation of food products.

This hearing will examine legislative proposals addressing FDA's current food ingredient review pathways, enhancing timely federal response to food safety incidences, and providing greater transparency and nutrient disclosure to consumers while supporting innovation in healthier food options.

IV. LEGISLATION

H.R. 4958, Grocery Reform and Safety (GRAS) Act (Rep. Pallone)

H.R. 4958 would require mandatory notification to FDA prior to the use of substances generally recognized as safe. The bill would also establish recurring reassessments of substances marketed as generally recognized as safe, including food additives, color additives, and food contact substances. Finally, the bill would authorize FDA to assess fees from manufacturers introducing substances subject to the safety reassessments established under the bill.

H.R. 7291, GRAS Oversight and Transparency Act (Rep. Lawler)

H.R. 7291 would direct FDA to establish a board to review designations that a substance used in food is generally recognized as safe. The board would be composed of voting members from the U.S. Department of Health and Human Services and the U.S. Department of Agriculture.

H.R. ____, [FDA Review and Evaluation for Safe, Healthy (FRESH) and Affordable Foods Act of 2026] (Rep. Cammack)

This bill would establish a new definition for "common food ingredient" and requires registered food facilities to comply with mandatory GRAS notification. The bill would establish a public registry of all effective GRAS notifications, which must include the chemical identity and conditions of intended use of each substance, subject to applicable confidentiality protections. The bill would also establish a continuous, systematic program for chemical assessment of food chemicals. The bill would impose new registration fees on food facilities, to be expended for reviews of GRAS notifications and post-market reviews of food additives. The bill would authorize FDA to establish limits on certain contaminants in food through administrative order and require a contaminant testing plan for food manufacturers. The bill would also establish standardized pathogen and microorganism testing for infant formula and manufacturing facilities and require notification of positive pathogen results from the manufacturer to FDA and from FDA to Congress. Under the bill, food facilities would be required to maintain a sampling plan for contaminants and an environmental monitoring program

[7] America First Policy Institute, *Food Companies Following Trump Administration's MAHA Leadership* (Mar. 9, 2026), https://www.americafirstpolicy.com/issues/food-companies-following-trump-administrations-maha-leadership.

for Cronobacter spp. and Salmonella, and to notify FDA of positive pathogen results. The bill would also provide FDA mandatory recall authority over contaminated infant or toddler food.

The bill authorizes the sharing of confidential information during food safety incidents between FDA and its state, local, Tribal, or territorial authorities and allows for memoranda of understanding (MOU) with non-profit industry stakeholder organizations during food safety investigations. The bill would expand FDA's Accredited Third-Party Certification Program to allow domestic facilities to be eligible for participation and would authorize FDA to consider audit results of regulatory audits under this program in its broader inspections priorities. Finally, the bill would establish federal preemption of state and local laws concerning the use, labeling, sale, or marketing of food ingredients and substances.

H.R. 4306, Food Chemical Reassessment Act of 2025 (Rep. Schakowsky)

H.R. 4306 would direct the FDA Office of Food Chemical Safety, Dietary Supplements, and Innovation to conduct food chemical safety reassessments.

H.R. 8385, Food Labeling Modernization Act of 2026 (Rep. Pallone)

H.R. 8385 would introduce new requirements for nutrient information on food labels. These would include front-of-package labeling bearing interpretive nutrition information related to calories, added sugars, sodium, and saturated fats, and any other nutrients determined by FDA. The bill would also require substantiation of structure or function claims for foods with respect to healthy dietary practices.

H.R. 8429, Baby Food Safety Act of 2026 (Rep. Krishnamoorthi)

H.R. 8429 would define "infant or toddler food" as food marketed for infants or children up to the age of 24 months, excluding infant formula. The bill would authorize FDA to establish limits on certain contaminants in food through administrative order and require a contaminant testing plan for food manufacturers. The bill would also direct FDA to finalize an implementation plan pursuant to the rule, "Requirements for Additional Traceability Records for Certain Foods," and to conduct and report to Congress a study on food inspections. Finally, the bill would provide authorities to FDA related to inspections records and mandatory recall of food articles.

H.R. 7867, Infant Formula Safety Modernization Act of 2026 (Reps. DeLauro and Van Drew)

H.R. 7867 would establish standardized pathogen and microorganism testing for infant formula and manufacturing facilities and require notification of positive pathogen results from the manufacturer to FDA and from FDA to Congress.

H.R. 4725, Transparency, Readability, Understandability, Truth, and Helpfulness (TRUTH) in Labeling Act (Rep. Schakowsky)

H.R. 4725 would direct FDA to finalize the proposed rule, "Food Labeling: Front-of-Package Nutrition Information," and that such final rule includes requirements regarding labeling of added sugars, sodium, or saturated fats based on established Daily Values.

H.R. 2472, Improving Newborns' Food and Nutrition Testing Safety (INFANTS) Act of 2025 (Rep. Sykes)

H.R. 2472 would define "infant or toddler food" as food marketed for infants or children up to the age of 24 months, excluding infant formula. The bill would require food facilities to maintain a sampling plan for contaminants and an environmental monitoring program for Cronobacter spp. and Salmonella, and to notify FDA of positive pathogen results. The bill would also provide FDA mandatory recall authority over contaminated infant or toddler food.

H.R. 2511, Sarah Katz Caffeine Safety Act (Reps. Menendez and Smith-NJ)

H.R. 2511 would establish labeling and disclosure requirements for caffeinated food, beverages, and supplements. It would also require that the FDA review the safety of caffeine and other stimulants as consumed by healthy populations and that the NIH conduct a review of the effect of caffeine consumption on vulnerable populations. It would also require that HHS conduct a public education campaign on safe consumption of caffeine in addition to caffeinated food and dietary supplements. Finally, the bill would require the Government Accountability Office to study and report on the marketing of caffeinated beverages.

H.R. 5882, No Tricks on Treat Act of 2025 (Reps. Jacobs and Luna)

H.R. 5882 would require that food containing dyes, flavorings, and sweeteners be deemed misbranded unless the packaging of the food states such facts.

H.R. 8370, Dietary Supplement Listing Act of 2026 (Rep. Dexter)

H.R. 8370 would require that manufacturers of dietary supplements submit listing information to FDA, which would include information regarding the name and statement of identity, the name and address of the responsible person for the product, ingredients and serving amounts, warnings and safe handling notices, and directions for use, among other information.

H.R. 8430, Federal and State Food Safety Information Sharing Act (Reps. Ross and Rulli)

H.R. 8430 authorizes the Secretary of HHS to share unredacted food safety information related to foodborne illness surveillance, laboratory sampling testing information, inspection information, distribution lists, consumer complaints, and any other information the Secretary determines will assist in protecting the public with state, local, Tribal, and territorial authorities.

H.R. 3722, Do or Dye Act (Reps. Luna and Meng)

H.R. 3722 would require that food containing certain color additives be deemed adulterated. In this bill, a "covered color additive" includes Red. No. 40, Yellow No. 5, Yellow No. 6, Green No. 3, Blue No. 1, Blue No. 2 and any substantially similar additive, and a "qualified color additive" includes Citrus Red No. 2, Orange B, and any substantially similar additive.

H.R. 5027, Ban Harmful Food Dyes Act (Rep. Meng)

H.R. 5027 would require that food containing certain color additives be deemed adulterated. In this bill, a "covered color additive" includes Red No. 40, Red No. 3, Yellow No. 5, Yellow No. 6, Blue No. 1, Blue No. 2, Green No. 3, Orange B., Citrus Red 2, Titanium Dioxide, and any substantially similar additive.

H.R. 1394, Codifying Useful Regulatory Definitions (CURD) Act (Reps. Steil and Costa)

H.R. 1394 would direct FDA to establish a statutory definition for "natural cheese" as cheese that is produced from animal milk or certain dairy ingredients and is produced in accordance with established cheese-making standards.

H.R. 1178, Alpha-gal Allergen Inclusion Act (Reps. Van Drew and Davis-NC)

H.R. 1178 would add alpha-gal to the definition of Major Food Allergen.

H.R. 2162, Honey Integrity Act (Reps. Steube and Panetta)

H.R. 2162 would direct FDA to establish a standard of identity for honey and report to Congress on enforcement actions with respect to misbranded honey. The bill would also establish a program, the Honey Integrity Program, for detecting and responding to economically motivated adulteration of honey.

H.R. 4987, Food Date Labeling Act of 2025 (Reps. Pingree and Newhouse)

H.R. 4987 would direct the HHS and USDA Secretaries to establish voluntary "discard date" and "quality date" phrases for food packaging, pursuant to an established uniform standard.

H.R. 5832, Requiring Ethical and Accurate Labeling of Lab-grown (REAL) Meats Act (Rep. Williams-TX)

H.R. 5832 would create new labeling requirements for cell-cultured product or analogue products.

H.R. 7366, Dietary Supplement Regulatory Uniformity Act (Rep. Langworthy)

H.R. 7366 would add a new section to the FDCA to "clarify and affirm" FDA's preemptive authority over dietary supplement regulation.

H.R. 2615, Stephen Hacala Poppy Seed Safety Act (Reps. Womack and DeLauro)

H.R. 2615 would prohibit the sale of food that is, or contains, levels of morphine, codeine, or other alkaloid compounds in poppy seeds.

H.R. 3324, Safer Shrimp Imports Act (Reps. Ezell and Carter-LA)

H.R. 3324 would prohibit the importation of shrimp from countries that do not have food inspection systems equivalent to FDA's inspection system for shrimp, or that have not entered into an agreement with the FDA facilitating U.S. inspection of their food facilities.

H.R. 933, Defending Domestic Orange Juice Production Act of 2025 (Reps. Franklin and Wasserman Schultz)

H.R. 933 would amend the standard of identity for "standardized orange juice" to require that finished pasteurized orange juice contain not less than 10.0 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients.

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-PA)

H.R. 8414 would prohibit the sale of any food that uses the market name of a dairy product (such as milk, yogurt, or cream cheese) unless the food is the milk of a hooved animal, is derived from such milk, or contains such milk as a primary ingredient.

H.R. 8431, Third-Party Certification and Inspection Modernization Act of 2026 (Rep. Rulli)

H.R. 8431 would expand FDA's Accredited Third-Party Certification Program to allow domestic facilities to be eligible for participation and would authorize FDA to consider audit results of regulatory audits under this program in its broader inspections priorities.

H.R. 8412, No False Formula Act (Rep. Jacobs)

H.R. 8412 would revise certain regulations related to infant and toddler beverages.

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)

H.R. 8432 would establish in the Treasury the Human Foods Innovation Account, funds through which would support research grants, developing standards for human foods and dietary supplements, addressing human food safety and supply chain continuity, and hiring goals. The bill would also establish a Center of Excellence to coordinate activities between the HFP and Center for Drug Evaluation and Review (CDER). The bill would also require mandatory registration for facilities holding food, food contact substances, or GRAS substances. The bill authorizes FDA to request records related to recipes for processed foods and directs FDA to enter in public-private partnerships for information sharing on food safety.

VI. STAFF CONTACTS

If you have questions regarding this hearing, please contact Annabelle Huffman of the Committee staff at (202) 225-3641.