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Before the Health Subcommittee

of the

House Committee on Energy and Commerce

on

Healthier America: Legislative Proposals on the Regulation and Oversight of Food

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Thank you for the opportunity to testify. My name is Scott Faber, and I am the Senior Vice President for Government Affairs for the Environmental Working Group, a national environmental health organization. I am also an Adjunct Professor of Law at Georgetown University Law Center, where I teach food and farm law. Prior to joining EWG, I was the Vice President for Federal Affairs for the Consumer Brands Association, which was formerly known as the Grocery Manufacturers Association.

Thank you for holding today's hearing on legislative proposals to address food policy. Food that is safe, affordable, and healthy, and that is produced in ways that reflect America's shared values, is not a partisan issue. All Americans, regardless of party, want our food to be safe, affordable, and healthy.¹

Many of our food and farm laws have not been updated in decades, or are not being implemented in ways that reflect our shared commitment to safe, affordable, healthy food. Diet-related disease

¹ <https://navigatorresearch.org/food-for-thought-special-battleground-report-on-food-and-health/>

is now our leading cause of death, surpassing smoking, as consumers struggle to distinguish between Ultra Processed Foods, or UPFs, and healthier processed foods.² Many Americans simply lack access to healthier foods. Every year, thousands of us are sickened by pathogens, and hundreds die.³ Too many of us eat food that is contaminated with toxic metals or contaminants, like PFAS. Too many of us eat food that contains food additives and substances that have been linked to serious health harms, including cancer.

In particular, nearly 99% of new food chemicals have, since 2000, been approved for safety by food chemical companies, not the FDA, and the FDA rarely reconsiders the safety of the thousands of chemicals we're already eating.⁴ Many of these new chemicals were added to our food without the FDA's knowledge.⁵ In the absence of federal action, our states have played an important complementary role, by phasing out the most troubling food chemicals, especially from school foods. In particular, Arizona, California, Delaware, Louisiana, Tennessee, Texas, Utah, Virginia, and West Virginia are protecting our children from chemicals of concern in school foods.

Many of the bills that are the subject of today's hearing would help make our food safer and healthier by updating food labels,⁶ banning chemicals of concern,⁷ alerting consumers to hidden threats,⁸ ending deceptive practices,⁹ reducing heavy metal contamination, especially in baby and toddler food, and by modernizing how we review food chemicals. To ensure the safety of our food, Congress should require that all new food chemicals be approved for safety by the FDA,

² Nearly three in four Americans are actively trying to reduce their UPF intake, 84% believe UPFs are linked to long-term health risks, yet fewer than half of respondents could correctly identify common products as ultra-processed, a [new study](#) shows.

³ <https://www.cdc.gov/food-safety/php/data-research/foodborne-illness-burden/index.html>

⁴ <https://www.ewg.org/news-insights/news/2025/07/ewg-analysis-almost-all-new-food-chemicals-greenlighted-industry-not-fda>

⁵ <https://www.ewg.org/research/secret-gras-how-100-food-chemicals-bypassed-government-safety-review>

⁶ [H.R. 8385](#) would direct the FDA to create a front-of-package labeling system to help consumers avoid unhealthy foods, ensure food sold on-line contains ingredient information, prevents deceptive health claims, and requires other disclosures. [H.R. 4725](#) also requires a front-of-package labeling system.

⁷ Two bills – H.R. 3722 and H.R. 5027 – ban synthetic dyes.

⁸ For example, [H.R. 2511](#) would require the disclosure of caffeine, including caffeine warnings on some restaurant items, and caffeine disclosures on foods and supplements with more than 10 mg per serving. [H.R. 5882](#) requires a warning that a product contains synthetic dyes, and [H.R. 1178](#) adds “Alpha-gal” to the definition of major allergens. [H.R. 2615](#) directs the FDA to establish limits on poppy seeds.

⁹ For example, [H.R. 2162](#) directs the FDA to establish a standard of identity for honey. [H.R. 4987](#) updates food date labeling. For example, [H.R. 8412](#) limits misleading use of the term “formula.”

not food chemical companies, and should direct the FDA to reconsider the safety of the chemicals we're already eating, starting with food chemicals linked to cancer and other serious health harms.¹⁰ Chemicals that pose serious risks, like cancer, should not be in foods, let alone considered "Generally Recognized as Safe," and should be quickly removed from our food.¹¹ Food chemical assessments should be based on publicly-available, scientific studies and consumers should have the chance to share their views and receive a response from the FDA.¹²

Congress should ensure that the FDA has the culture and clear deadlines needed to restore consumer confidence in the safety of food chemicals. Congress should also ensure that our baby and toddler food is safe.¹³ Recent food safety failures and investigations have underscored the need to increase testing for more pathogens and immediately report the results,¹⁴ and to set and enforce tough standards for neurotoxic heavy metals like lead. To meet these responsibilities, Congress should allow the FDA to assess fees on chemical and food companies to ensure the FDA has the resources to be a full partner with our states.

Congress should not, as proposed by a bill under consideration at this hearing, make our broken food chemical safety system even worse by allowing food chemical companies to bypass FDA review altogether and instead allow industry-funded panels of industry insiders to approve new

¹⁰ For example, [H.R. 4958](#) would require all new food chemicals to be submitted to the FDA for review and include food safety information, such as potential health risks and expected exposure, and would require the FDA to decide within 180 days, with the option to extend 90 days. H.R. 4958 would also require the FDA to review 10 existing food chemicals within 3 years of enactment, and every 3 years thereafter. [H.R. 4306](#) would also require the FDA to review 10 existing food chemicals every three years.

¹¹ Twenty-five cancer-causing substances [have been identified](#) in food. [H.R. 4958](#) would prohibit substances linked to cancer from being GRAS. By contrast, [this bill](#) would allow cancer-causing substances in food, and would permit harmful substances to remain on food for two years after a ban.

¹² For example, [H.R. 4958](#) would require GRAS notices to be based upon publicly available data and be subject to a public comment period. [H.R. 8432](#) would invest in food research and information sharing through a "Human Foods Innovation Account" and creating Activities of Center of Excellence.

¹³ For example, [H.R. 8429](#) would direct the FDA to set standards for toxic metals in baby and toddler food, including food that is marketed to rather than sold exclusively to and comprise a significant portion of the diet of infants and toddlers up to 24 months. This distinction between H.R. 8429 and [this bill](#) is important because [this bill](#) would exclude infant formula, dietary supplements, and snacks and beverages consumed by toddlers. In addition, [this bill](#) limits the FDA's ability to protect infants and toddlers by linking health standards to currently available testing methods.

¹⁴ For example, [H.R. 7867](#) directs the FDA to develop an expanded list of pathogens for infant formula testing (including *Clostridium botulinum*), requires more environmental monitoring in infant formula plants, and requires FDA notification of any positive result. [H.R. 8412](#) would also require FDA notification within 24 hours if infant formula is adulterated. [H.R. 2472](#) would require infant and toddler food manufacturers to test for the presence of toxic metals like lead.

food chemicals that can be immediately added to food.¹⁵ Congress should not, as proposed, reduce the information about new chemicals that must be submitted to the FDA,¹⁶ or allow a new chemical to be added to food without a thorough review and presumed safe simply because the FDA has missed an artificial deadline.¹⁷ Congress should not, as proposed, weaken longstanding legal standards,¹⁸ allow hundreds of food additives and substances to escape FDA review through legal redefinitions,¹⁹ simply declare that all the substances now allowed in food are “safe,” or allow industry to decide whether new uses of chemicals are not "substantial" enough to require FDA review.²⁰ Congress should not further delay standards for heavy metals in baby food.²¹

Most importantly, Congress should not, as proposed, block our states from providing important protections, especially when the FDA fails to protect us.²² State and local governments are critical partners to the FDA, inspecting food manufacturing facilities, ensuring our restaurants are safe, protecting us from toxic chemicals and contaminants in our food, enforcing food safety laws, and responding quickly when pathogens threaten our health. Our states are part of the solution, not the problem.

¹⁵ For example, Sec. 302(m)(4) and Sec. 305 [of this bill](#) would, by statute, permit industry-funded panels of industry insiders to declare new food chemicals are safe and be immediately available for use in food. A [recent study](#) found that seven industry-funded insiders participated on 46% of GRAS panels. Congress should reject other efforts to outsource reconsideration of GRAS determinations, such as [this proposal](#).

¹⁶ For example, Sec. 302(m)(2) [of this bill](#) would permit chemical companies to submit a “synopsis narrative” summarizing the company’s conclusions. FDA would be required to request additional information, such as information on dietary exposure, that is currently required to be included in a GRAS notice. See <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-170/subpart-E>. The timetable proposed by this bill would undermine consideration of many harms, including reproductive harms.

¹⁷ For example, Sec. 302(m)(3)(A)) [of this bill](#) would allow a new food chemical into commerce after 90 days without FDA review or approval.

¹⁸ For example, Sec. 304 [of this bill](#) would weaken the longstanding safety standard for food chemicals to exclude consideration of the cumulative effect of the substance in the diet, taking into account any chemically or pharmacologically related substance or substances in such diet.

¹⁹ For example, Title II [of this bill](#) would redefine many food additives and substances as “common food ingredients” exempt from FDA review.

²⁰ For example, Sec. 302(4)(B) [of this bill](#) would allow new uses of a chemical without FDA’s knowledge so long as the manufacturer concluded the new use would not “substantially” increase consumption of the chemical.

²¹ For example, Sec. 601 of [this bill](#) would delay limits on arsenic and cadmium. Sec. 801 of [this bill](#) would limit pathogen reporting related to infant formula until the manufacturer has finalized their own investigation.

²² For example, Title XIV [of this bill](#) would preempt, retroactively and prospectively, hundreds of state food safety and labeling laws, including food safety laws related to food chemicals, contaminants, and pathogens. Among the state laws that would be preempted are laws that ban food chemicals of concern from food, including school foods; state laws that ban food chemicals from food packaging, including PFAS; state laws that require testing for lead and other toxic metals in baby food and other products; state laws that protect us from added or naturally occurring substances in our food, such as pathogens in restaurant foods and shellfish; state laws that require warnings about sodium and allergens in restaurant food; and state licensing laws that authorize manufacturers and retailers to manufacture and sell food.

Safer food starts with tougher standards and safeguards implemented by trusted, unbiased experts, not by industry-funded panels and secret studies. To help consumers identify healthier foods, we must make our labels clearer and expand access to healthier options. Processed foods can be part of a healthy diet, and many processed foods are healthier foods that are low in added sugars, saturated fats, and sodium and free from dodgy additives. Congress should make it easier for busy consumers to find these healthier foods at glance.

Reforms that make our food safer and healthier will not increase the price of food. The same foods are being made in other nations without chemicals of concern or misleading labels and cost the same amount. Many factors impact the price of food – including the cost of labor, energy, transportation, and marketing – but replacing a toxic chemical with a safe alternative or changing a label to help busy shoppers is not among them.

Food manufacturers have thousands of additives and substances at their disposal, so banning a handful linked to cancer or other health harms will not increase the cost of food. By contrast, the cost of inaction – rising health care costs caused by poor diets and lost productivity to foodborne illness – are significant and growing. In the absence of federal action, our states are working together to reduce UPFs in our schools and to identify and address chemicals of concern that are banned elsewhere and that are excluded from identical products offered by the same food companies at the same cost.

I work with state and local legislators every day. Many of you were state and local legislators. We know that state and local legislators are thoughtful, dedicated public servants who want what we all want: safe, healthy and affordable food. Until the FDA is doing their part, state and local legislators simply want the ability to keep us safe.

Thank you for the opportunity to testify. I am grateful this Committee has chosen to hold this hearing at a moment when food policy is on the minds of so many consumers.

