



NEW YORK STATE SENATOR

Brian Kavanagh

Kavanagh, Kelles Join Legislators and Advocates to Announce Coalition Supporting the Food Safety and Chemical Disclosure Act

BRIAN KAVANAGH February 5, 2025

| ISSUE: **FOOD SAFETY**



Albany, NY – State Senator Brian Kavanagh and Assemblymember Dr. Anna Kelles were joined by colleagues in the State Legislature, and environmental and food safety advocates in announcing the creation of a coalition to increase public awareness about harmful food additives and chemical reporting loopholes and to garner support for enacting the ***Food Safety and Chemical Disclosure Act*** [S1239/A1556](#) next month, as part of the State budget process.

The bill would prohibit certain food additives and chemical dyes in the general food supply, and a broader range of such chemicals in food served to children in schools, and it would require disclosure to the State and the public of ingredients that currently may be added in secret by food producers, as well as safety data demonstrating that the ingredients are safe.

In addition to Kavanagh and Dr. Kelles, the coalition includes advocates from:

- Consumer Reports
- Environmental Working Group (EWG)
- Clean+Healthy NY
- The Center for Science in the Public Interest
- Muslim Community Network
- New York State Council of Churches

Food Additives and synthetic food dyes are commonly used to improve the shelf life, taste, and texture of many foods, but growing scientific information shows that increased consumption of these substances can be dangerous to our health. Recent studies have linked these toxic additives and dyes to cancer, behavioral health issues, inflammatory bowel diseases, and neurological issues. In children, these substances can lead to increased hyperactivity and neurobehavioral problems. Some of these synthetic dyes have not been reaffirmed by the federal Food and Drug Administration since 1969. California and the European Union have taken steps to ban food additives, and New York City and California have banned synthetic dyes from school lunches.

Under the federal Food, Drug, and Cosmetic Act, a food company can add an ingredient into a food without FDA approval if the company itself determines it to be “generally recognized as safe” (“GRAS”)—without needing to disclose its inclusion or the basis for determining it to

be safe. Even though the law requires companies to make a formal determination that the additive is safe, a legal loophole allows companies to keep this process a secret and means that organizations that don't have the consumer's best health in mind rarely suffer any consequences for using questionable chemicals in our foods.

The implications of the GRAS loophole are profound, as it undermines public trust in food safety regulations and places consumers at risk. Many additives can remain hidden from public scrutiny, allowing potentially harmful ingredients to infiltrate the food supply without proper oversight. The Food Safety and Chemical Disclosure Act aims to close these loopholes, ensuring that consumers are fully informed about what they are eating and that companies prioritize public health over profit.

The *Food Safety and Chemical Disclosure Act* would:

- Ban FD&C Red 3, Potassium Bromate, and Propylparabens
- Prohibit the sale of synthetic food dyes in school foods, specifically FD&C Red 3, Red 40, Blue 1, Blue 2, Green 3, Yellow 5 and Yellow 6, with exemptions for items sold off school premises or at least 1-2 hours after the end of the school day
- Mandate companies disclose the use of ingredients used in food sold in New York State and the process for determining that these are "recognized as safe"; The NYS Department of Agriculture and Markets would receive these disclosures and make the data publicly available

"New Yorkers need and deserve the highest level of protection when it comes to the safety of the food we eat," **said Senator Kavanagh, lead sponsor of the legislation.** "In addition to banning certain food ingredients known to be dangerous, and particularly focusing on keeping these chemicals out of the food served in our schools, the disclosure provisions of this legislation would be truly transformative: telling us a lot that we don't know about what's being added

to our food, and enabling food safety experts and all of us to scrutinize claims about these ingredients and assess their safety. I thank Dr. Kelles for her partnership and the many advocates and experts who have worked with us to craft this legislation and push for its prompt enactment."

"For too long, the FDA has failed to take action to protect consumers from toxic chemicals found in our food," said **Assemblymember Dr. Anna Kelles, lead sponsor of the legislation**. New Yorkers deserve protection from harmful food additives that have known health risks and consequences such as cancer, kidney and thyroid damage, endocrine disruption, and reproductive toxicity. The European Union and California have already taken action to protect the quality of their food supply from chemicals and food coloring such as potassium bromate, propylparaben, and toxic variants of red, blue, green, and yellow dye. It is time for New York to do the same, " said Dr. Kelles.

"We also must close a loophole that allows food and chemical companies to irresponsibly bypass FDA approval for new food additives. Companies can add new chemicals to our foods without notifying the FDA by unilaterally declaring the substance as 'Generally Recognized As Safe' or GRAS, without any oversight, transparency, or public notification."

The GRAS designation was established in 1958 and was intended for food additives like sugar, vinegar, and baking soda. However, companies have exploited this loophole for almost all newly introduced chemical food additives. People look to food for nourishment. It is our responsibility that that very same food isn't making them sick."

"It took the FDA 35 years to ban Red 3. New York can't wait another 35 years to ban the other six dangerous synthetic dyes in our school foods," said **Sarah Sorscher, Director of Regulatory Affairs at Center for Science in the Public Interest**. "FDA fails to hold food companies accountable and, worst of all, doesn't even know when a company puts a new chemical in

our food. This bill will put an end to that secrecy by forcing companies to report their safety assessments of new chemicals to a public database.”

“The FDA has failed to keep up with the latest science and continues to allow chemicals in our food that pose unacceptable health risks, especially to growing children,” said **Brian Ronholm, Director of Food Safety at Consumer Reports**. “Food made with these synthetic dyes shouldn’t be allowed in schools since it can lead to behavioral problems and interfere with learning. The Food Safety and Chemical Disclosure Act will protect New Yorkers by keeping harmful additives out of food and requiring greater transparency from manufacturers when they introduce new chemicals in their products without FDA review.”

“Toxic chemicals that harm children’s behavior, damage DNA, and raise cancer risks have no place in our food. This legislation is a critical move to shift the burden away from consumers and ensure dangerous additives like Red 3, potassium bromate, and propylparaben are removed from our food supply, and dyes that could be harmful to children aren’t served at schools. This bill also brings more transparency to our broken food system, making it easier for consumers and regulators to know what is safe,” said **Melanie Benesh, Vice President for Government Affairs at EWG**.

“This bill takes a vital step toward safeguarding New Yorkers from harmful chemicals in the food supply and sets a precedent for improving food safety nationwide. In the absence of robust federal action, states like New York must lead the way in protecting families from food additives linked to health risks. We commend Sen. Kavanagh and Assemblymember Kelles for their leadership and commitment to protecting public health,” said **Jessica Hernandez, Policy Director at EWG**.

“I know firsthand how shocked families are to learn that, here in New York, the burden of avoiding toxic chemicals falls on them. We’ve already seen that removing these additives in New York City school meals has had no negative economic impact, and it’s time we extend

that same protection to every child in our state. No family should have to decipher complicated labels just to put safe meals on the table. Passing this legislation is not just about food safety—it’s a moral imperative. Families deserve transparency, legislators owe us accountability, and New York must lead the way,” said **Husein Yatabarry, Executive Director of the Muslim Community Network.**

“We have a moral obligation to care for and support one another, and to avoid causing harm – especially in the pursuit of personal gain,” said **Rashida Tyler, Deputy Executive Director, New York State Council of Churches.** “This extends to the products we create and the food we produce; they should nourish both body and soul, uplifting those who consume them. Families should be able to trust that the food they eat is made with these same values. The Food Additives and Chemical Disclosure Act can ensure that even when food producers fall short of these ideals, our state upholds them. Companies must adhere to these standards if they wish to sell their products here.”

"New Yorkers deserve to know what’s in their food and to be protected from harmful chemicals that have been linked to serious health risks. This legislation takes a critical step in banning three of the most dangerous additives while increasing transparency around undisclosed food ingredients. Other states and countries have already recognized the dangers of these chemicals, and it's time for New York to act,” said **Senator Nathalia Fernández, a co-sponsor of the legislation.**

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