

Ensuring Safe and Toxic-Free Foods Act of 2023

Section-by-Section

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Safe and Toxic-Free Foods Act of 2023”.

SECTION 2. DIRECTED RULEMAKING REGARDING SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

This section directs the Food and Drug Administration to revise the Substances Generally Recognized as Safe (GRAS) Rule to include provisions that—

- Prohibit manufacturers from independently designating substances as GRAS (or manufacturing or selling food containing said substances) without supplying proper notice and supporting information to the Secretary of Health and Human Services.
- Require the GRAS notice and supporting information be publicly available on the FDA website and subject to a 90 day public review period.
- Prohibit carcinogenic substances from receiving GRAS designation.
- Prohibit substances that show evidence of reproductive or developmental toxicity from receiving GRAS designation.
- Prohibit people with conflicts of interest from serving as experts in reviewing and evaluating scientific data with regard to GRAS designations.
- Create a procedure of reassessment for substances receiving previous GRAS designations.

SECTION 3. OFFICE OF FOOD CHEMICAL SAFETY, DIETARY SUPPLEMENTS, AND INNOVATION.

This section directs the Secretary of Health and Human Services to create an Office of Food Chemical Safety, Dietary Supplements, and Innovation within the Food and Drug Administration. This office would be charged with reassessing whether existing food additives, food contact substances, color additives, and GRAS substances are safe. The Office would be required to reassess at least ten such substances (or classes of substances) once every three years and identify any unsafe substances or, for substances deemed safe, identify their conditions of use. This section also sets noticing procedures for collecting information relevant to selection and reassessment of substances (or classes of substances). Finally, it establishes a standing Food Chemical Committee within the Science Board to advise the Secretary of Health and Human Services on standards, process, and methods necessary for the reassessment of substances.