

Date: June 3, 2026

To: Members of the Assembly Consumer Affairs Committee

Re: Opposition to A-3069 - State Level Food Additive Requirements

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On behalf of the undersigned organizations, we would like to respectfully express our opposition to this legislation, which requires food and beverage manufacturers to disclose to the New Jersey Department of Health when they have deemed a new additive to be “generally recognized as safe” (GRAS) for use in food and beverages.

### **Burdens and Costs of State Level Legislation**

This bill requires these manufacturers to provide a significant amount of information and data to the Department of Health, creating a new, separate statewide additive review system administered by the State. It would be extremely burdensome and expensive to the State, to manufacturers, and ultimately consumers.

State-level food additive and color bans, restrictions, and requirements create supply chain disruptions, reduce consistency, and increase the costs of food. A recent Policy Navigation Group [economic analysis](#) found that a state-by-state patchwork of different ingredient laws will result in a significant, 12% increase in grocery costs for the average American household. (This study looked at 3 states which recently enacted laws about ingredients in food and beverages).

An average GRAS submission, which includes all the scientific data, test results, and references that are reviewed as part of a GRAS evaluation, is 500-1000 pages long. Depending on how a State GRAS bill is structured, the costs to the State to evaluate these submissions could be in the millions. An [economic analysis](#) of New York’s GRAS legislation estimates a cost to NY State of \$21 million for the first 3 years. California’s State Assembly recently declined to advance similar legislation given the impact to their State, [estimated](#) to be \$34 million in initial implementation costs.

While this bill appears focused on ingestible food components, Section 1(a) explicitly adopts the federal definition of a “food additive” under the Food, Drug, and Cosmetic Act, which encompasses indirect food additives, including chemical substances used in protective food packaging, multi-layer laminates, and barrier coatings. Packaging converters rely on proprietary, highly guarded chemical formulations to prevent spoilage, ensure food safety, and maintain structural integrity. By mandating the disclosure of exact Chemical Abstracts Service (CAS) Registry Numbers and manufacturing methods, this bill threatens critical corporate intellectual property across the manufacturing supply chain. Additionally, this requirement would compel manufacturers to conduct redundant, highly costly migration and degradation testing on materials that already comply with rigorous federal standards, leading to severe supply chain friction and further driving up grocery prices for New Jersey families.

### **Ongoing Federal Work**

The FDA is the appropriate authority to regulate food additives and color ingredients in products which are part of national and global commerce. In May of 2026, FDA finalized its food chemical safety post-market assessment program to ensure the continued safety of substances already in the food supply. Notably, FDA transparently shares its process for review and [lists select chemicals under FDA review](#) on its website. Additionally, the House Committee on Energy and Commerce recently held a [subcommittee hearing](#) to discuss legislation that impacts food production, labeling, and regulatory oversight, including GRAS reform legislation –the Grocery Reform and Safety (GRAS) Act ([HR 4958](#)) and the “[FRESH](#)” Act, the FDA Review and Evaluation for Safe, Healthy and Affordable Foods Act of 2026. In December of 2025, the FDA submitted a [proposed GRAS rule](#) to the White House Office of Management and Budget (OMB) and the draft GRAS rule is expected to be released as soon as this summer.

FDA also has issued updates on its [progress](#) of several safety assessments to request input and information from stakeholders to determine if these chemicals remain safe under their current conditions of use. Within the past few years, FDA has revoked the regulations authorizing the use of Red Dye 3 and brominated vegetable oil (BVO) in food and determined that Tara flour does not meet the GRAS standard.

### **Industry Progress**

Major food and beverage manufacturers are in the process of reformulating their products to remove commonly found artificial colors and additives. Reformulation is time-intensive and costly as alternative ingredients must be researched and tested for food safety, shelf life, texture, and taste. Food and beverage companies continue this work in coordination with their federal regulatory partners.

We support our food and beverage companies and national partners as they work to promote a consistent, safe, science-based regulatory system governing the U.S. food supply. We encourage state policymakers to let this work continue.

We therefore respectfully request that you oppose this legislation and thank you for your consideration of our position. For additional information, please contact Mary Ellen Peppard, Vice President of the New Jersey Food Council, at 609-203-0168 or [mpeppard@njfoodcouncil.com](mailto:mpeppard@njfoodcouncil.com).

American Beverage Association  
Chamber of Commerce Southern New Jersey  
Chemistry Council of New Jersey  
Commerce and Industry Association of New Jersey  
Consumer Brands Association  
Council for Responsible Nutrition  
Flavor and Extract Manufacturers Association (FEMA)  
Flexible Packaging Association  
FMI, The Food Industry Association

Food Ingredient Safety Coalition  
Gateway Regional Chamber of Commerce  
Independent Bakers Association  
International Dairy Foods Association  
National Confectioners Association  
New Jersey Business and Industry Association  
New Jersey Energy Marketers Group  
New Jersey Food Council  
NFIB – National Federation of Independent Business  
North American Millers' Association  
Plastics Industry Association