

# Food Policy Insider

**THE INSIDE SCOOP ON HOW CR IS WORKING BEHIND THE SCENES FOR A SAFE AND HEALTHY FOOD SYSTEM**

## New York Passes Landmark Food Chemical Disclosure Bill

On April 22, the New York Assembly passed by a 106-32 vote the Food Safety and Chemical Disclosure Act. The legislation, supported by Consumer Reports, would require that food companies that sell products in New York provide state regulators with safety evidence for chemical ingredients they use in those products. Currently, a loophole in federal law allows food companies to keep the FDA in the dark about potentially harmful chemicals. The bill already passed the NY Senate in March and now goes to the governor's desk.

## But the Industrial Food Complex is Using Inaccurate Claims to Bring it Down

The bill passed the NY Assembly despite a furious, last-minute lobbying effort by the food industry to defeat the proposal. According to several legislative offices within the Assembly, the industry used grossly exaggerated cost estimates and distorted characteriza-



tions about the bill in a panicked attempt to sway legislators to vote against it. It left many of these Assembly offices wondering what the industry is trying to hide and why they want to keep hiding it.

Another rumor that circulated within the legislature is that staff from the NY Department of Agriculture and Markets contacted food industry representatives asking for suggestions for opposing the bill. This would be a troubling development for supporters of the bill if the department advises the office of NY Gov. Kathy Hochul to veto it. The food industry has undertaken an aggressive media strategy that includes **inaccurate claims** that the bill would raise food prices. Since the bill only requires food companies to provide information that's already required, no additional costs or burdens should be associated with it.

## FDA Continues to Struggle with Handling Food Recalls

Recent developments on food recalls suggests the Food and Drug Administration continues to **struggle** with how to use its regulatory authority appropriately.

► The agency recently failed to use its authority to require a company, Raw Farm, to recall a raw milk cheddar cheese product linked to an E. coli outbreak that has caused 9 illnesses in 3 states (CA, FL, TX), including a case of kidney failure. Raw Farm rejected the FDA's repeated requests for a recall, and when the company finally **relented**, it did so "under protest."

The FDA admitted they began the process of a mandatory recall, but didn't provide details on its timing



or why it was reluctant to complete it. The agency even acknowledged that, while there have been no positive tests for the E. coli strain involved in the outbreak in Raw Farm raw cheddar cheese products, they didn't need a positive test result because of the strong epidemiological link. In an [update](#) notice, the FDA reported that, of the 8 people interviewed, all 8 in this outbreak reported consuming or being served raw dairy products, and 7 reported Raw Farm-brand dairy products. There has been [speculation](#) that the company's link to HHS Secretary Robert F. Kennedy Jr. spared Raw Farm from receiving an aggressive enforcement hammer.

Sandy Eskin, CEO of STOP Foodborne Illness, said in Politico's [Morning Agriculture](#), "They don't

need to find a positive sample because the epidemiological evidence is so strong. It's not the strain that caused the current outbreak, but it's clear evidence that Raw Farm has a problem."

► Last month, the FDA released an incident [report](#) for a 2024-25 listeria outbreak involving an imported produce item that caused 27 illnesses and one death. However, the report was heavily redacted and therefore didn't identify the specific item or the company involved. A recent [opinion piece](#) in Food Safety News identified frozen vegetables grown

and processed in Egypt as the possible source of the outbreak.

► Similarly, the FDA recently released an incident [report](#) for a 2025 salmonella outbreak involving mangoes that was also heavily redacted. The key information missing from the report on the outbreak, which resulted in 56 illnesses, included the names of all of the companies involved and the country where the mangoes were grown. According to the FDA, these reports are typically heavily redacted in order to protect confidential business information.

Food policy stakeholder groups point to the FDA's overly cautious legal approach as the primary reason for the agency's struggles in handling food recalls. One industry person told Consumer Reports that the agency's fear of being sued by companies is the driving force behind many food recall decisions. This approach results in a failure to exercise its mandatory recall authority and a failure to provide consumers key information during an outbreak investigation. —*Brian Ronholm*



## Possible Solutions?

STOP Foodborne Illness submitted a petition to the FDA in February requesting that the agency identify companies and brand names associated with foodborne illness outbreaks. Also, bipartisan legislation supported by Consumer Reports was [introduced](#) in Congress recently that would allow the FDA to share important outbreak investigation information with state and local regulators. Currently, the FDA believes it does not possess the authority to share this information without industry permission, and state and local regulators are often forced to file information requests to the FDA.