

118TH CONGRESS
1ST SESSION

H. R. 3927

To amend the Federal Food, Drug, and Cosmetic Act to establish the Office of Food Safety Reassessment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Ms. SCHAKOWSKY (for herself and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to establish the Office of Food Safety Reassessment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Chemical Reas-
5 sessment Act of 2023”.

6 **SEC. 2. OFFICE OF FOOD SAFETY REASSESSMENT.**

7 Chapter X of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 391) is amended by adding at the end the
9 following:

1 **“SEC. 1015. OFFICE OF FOOD SAFETY REASSESSMENT.**

2 “(a) IN GENERAL.—Not later than one year after the
3 date of the enactment of the Food Chemical Reassessment
4 Act of 2023, the Secretary shall establish within the Cen-
5 ter for Food Safety and Applied Nutrition, an office to
6 be known as the Office of Food Safety Reassessment (re-
7 ferred to in this section as the ‘Office’), to conduct, for
8 purposes of ensuring that food additives, food contact sub-
9 stances, substances generally recognized as safe for use
10 in food, and prior-sanctioned substances or classes thereof
11 are safe within the meaning of section 409, reassessments
12 of the safety of such substances.

13 “(b) SAFETY REASSESSMENTS.—Not less frequently
14 than once every three years beginning with 2024, the Of-
15 fice shall—

16 “(1) reassess the safety of not less than ten of
17 the food additives, substances, or classes of sub-
18 stances referred to in subsection (a); and

19 “(2) issue final regulations—

20 “(A) determining that any such substance
21 or class of substance is safe within the meaning
22 of section 409 and establishing the conditions
23 of use, if any, under which any such substance
24 or class of substances can be used safely within
25 the meaning of such section; or

1 “(B) determining that any such substance
2 or class of substances is unsafe within the
3 meaning of such section.

4 “(c) FIRST SUBSTANCES SUBJECT TO REASSESS-
5 MENT.—The first ten substances or classes of substances
6 reassessed by the Secretary under subsection (b) are the
7 following:

8 “(1) Tert-butylhydroquinone.

9 “(2) Titanium dioxide.

10 “(3) Potassium bromate.

11 “(4) Perchlorate.

12 “(5) Butylated hydroxyanisole (BHA).

13 “(6) Butylated hydroxytoluene (BHT).

14 “(7) Brominated vegetable oil (BVO).

15 “(8) Propyl paraben.

16 “(9) Sodium nitrite.

17 “(10) Sulfuric acid.

18 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion alters the authority or duties of the Secretary with
20 respect to the administration and enforcement of section
21 409.

22 “(e) FOOD ADVISORY COMMITTEE.—Not later than
23 180 days after the date of enactment of the Food Chem-
24 ical Reassessment Act of 2023, the Secretary shall re-es-

1 tablish the Food Advisory Committee to advise the Sec-
2 retary with respect to—

3 “(1) the standards for reassessments conducted
4 under this section; and

5 “(2) the process and methods necessary to com-
6 plete the work of the Office.

7 “(f) DEFINITIONS.—In this section:

8 “(1) The term ‘food contact substance’ has the
9 meaning given such term in section 409(h)(6).

10 “(2) The term ‘generally recognized as safe for
11 use in food’ means, with respect to a substance used
12 in food, that the substance is generally recognized,
13 among experts qualified by scientific training and
14 experience to evaluate its safety, as having been ade-
15 quately shown through scientific procedures (or, in
16 the case of a substance used in food prior to Janu-
17 ary 1, 1958, through either scientific procedures or
18 experience based on common use in food) to be safe
19 under the conditions of its intended use, as de-
20 scribed in section 201(s).

21 “(3) The term ‘prior-sanctioned substance’
22 means a substance described in paragraph (4) of
23 section 201(s).”.

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