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

JULY 26, 2021

Ms. SCHAKOWSKY (for herself, Ms. DE LAURO, and Mr. CÁRDERNAS) 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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Chemical Reas-

SECTION 2. OFFICE OF FOOD SAFETY REASSESSMENT.

Chapter X of the Federal Food, Drug, and Cosmetic

Act (21 U.S.C. 391) is amended by adding at the end the
“SEC. 1015. OFFICE OF FOOD SAFETY REASSESSMENT.

“(a) IN GENERAL.—Not later than one year after the
date of the enactment of the Food Chemical Reassessment
Act of 2021, the Secretary shall establish within the Cen-
ter for Food Safety and Applied Nutrition, an office to
be known as the Office of Food Safety Reassessment (re-
ferred to in this section as the ‘Office’), to conduct, for
purposes of ensuring that food additives, food contact sub-
stances, substances generally recognized as safe for use
in food, and prior-sanctioned substances or classes thereof
are safe within the meaning of section 409, reassessments
of the safety of such substances.

“(b) SAFETY REASSESSMENTS.—Not less frequently
than once every three years beginning with 2022, the Of-

cice shall—

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

“(2) issue final regulations—

“(A) determining that any such substance
or class of substance is safe within the meaning
of section 409 and establishing the conditions
of use, if any, under which any such substance
or class of substances can be used safely within
the meaning of such section; or
“(B) determining that any such substance or class of substances is unsafe within the meaning of such section.

“(c) FIRST SUBSTANCES SUBJECT TO REASSESSMENT.—The first ten substances or classes of substances reassessed by the Secretary under subsection (b) are the following:

“(1) Perfluoroalkyl substances and polyfluoroalkyl substances.

“(2) Ortho-phthalates.

“(3) Tert-butylhydroquinone.

“(4) Titanium dioxide.

“(5) Potassium bromate.

“(6) Perchlorate.

“(7) Butylated hydroxyanisole (BHA).

“(8) Butylated hydroxytoluene (BHT).

“(9) Brominated vegetable oil (BVO).

“(10) Propyl paraben.

“(d) RULE OF CONSTRUCTION.—Nothing in this section alters the authority or duties of the Secretary with respect to the administration and enforcement of section 409.

“(e) FOOD ADVISORY COMMITTEE.—Not later than 180 days after the date of enactment of the Food Chemical Reassessment Act of 2021, the Secretary shall re-es-
establish the Food Advisory Committee to advise the Secretary with respect to—

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

“(2) the process and methods necessary to complete the work of the Office.

“(f) DEFINITIONS.—In this section:

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

“(2) The term ‘generally recognized as safe for use in food’ means, with respect to a substance used in food, that the substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use, as described in section 201(s).

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

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