



MEMORANDUM IN OPPOSITION

TO: Members of the New York State Senate and Assembly

RE: A01556-E/S1239-E — *(Amended Food Safety and Chemical Disclosure Act)*

DT: June 2025

On behalf of food manufacturers, commercial brands, small businesses, food industry professionals, culturally rooted community leaders, and food access advocates across New York, we strongly oppose the New York Food Safety and Chemical Disclosure Act (A01556-E/S01239-E). **Although amended, this bill continues to threaten food access, affordability, small businesses, and culturally significant foods across New York.** It duplicates federal oversight, imposes costly mandates, and risks undermining national food safety reforms now underway.

This legislation threatens to raise costs, limit food access, and undermine the economic equity and public health it aims to support.

While presented as a food safety and consumer protection bill, the legislation threatens to create an unworkable regulatory patchwork that will burden small businesses, disrupt food supply chains, and reduce food access across the state, without delivering meaningful public health improvements.

CREATES COSTLY STATE-SPECIFIC REGULATIONS

- The bill **creates an entirely new state-specific GRAS disclosure regime that duplicates federal FDA oversight** under the Food, Drug, and Cosmetic Act
- Manufacturers must submit duplicative data and proprietary safety analyses already reviewed by the FDA

- The bill requires public disclosure of GRAS safety reports, including sensitive scientific and business data. **Limited trade secret redactions leave businesses exposed to competitive harm and potential litigation**
- Facing legal and regulatory uncertainty, **some national and global manufacturers may exit the New York market entirely** rather than comply with conflicting state-specific mandates
- This bill sets a dangerous precedent that may encourage other states to pass their own conflicting disclosure laws, **fragmenting national food safety standards and destabilizing interstate commerce**

HIGHER PRICES, LESS CHOICE

- **Every stage of the supply chain — manufacturers, wholesalers, retailers — will face new costs** to review products, manage inventory audits, adjust labeling, and maintain compliance, driving up food prices for New York consumers
- **New Yorkers are already facing extreme food inflation.** Comptroller DiNapoli reports that food prices in the NYC region have increased 56% over the past decade, far above national averages
- **Smaller-volume specialty SKUs, imports, and culturally important foods are most vulnerable to disappearing from shelves**, as suppliers may not have the resources to comply with a one-state-only filing regime.
- Even national brands may exit the market for certain product lines rather than bear the expense of New York-specific regulatory filings.

INADEQUATE RELIEF FOR SMALL BUSINESSES

- **The expansion of the small business exemption to 100 employees excludes thousands of independent grocers, delis, convenience stores, mobile vendors, distributors, and specialty wholesalers** who serve immigrant and working-class communities
- **Delis, bodegas, and convenience stores that prepare food on-site are still fully exposed to compliance mandates**, including shops selling hot food, sandwiches, and made-to-order meals — leaving neighborhood food vendors directly impacted
- **The three-year sell-through period for pre-existing inventory only postpones — not solves — the long-term supply chain consequences of the bill**
- **Small retailers face enormous new administrative burdens** requiring inventory audits, ingredient verification, and tracking systems that many simply cannot afford or staff

SUPPLY CHAIN DISRUPTION

- **Regional wholesalers and distributors face near-impossible challenges** tracking ingredients across thousands of products for New York-specific compliance
- Many **mid-size retailers may drop entire product categories** to avoid the risk of non-compliance and enforcement penalties
- The bill creates a **compliance gridlock that affects every part of the supply chain**: sourcing, manufacturing, labeling, packaging, distribution, warehousing, and retail sales
- Market consolidation will worsen, as only large national chains with full compliance infrastructure can absorb the cost and legal risk, **forcing independent businesses out of the marketplace**

HARMS FOOD ASSISTANCE PROGRAMS

- **Manufacturers and grocers will reduce donations of shelf-stable, packaged foods to food banks and pantries** to avoid liability under state disclosure mandates
- With fewer donations, **hunger relief organizations will face higher retail costs**, resulting in fewer meals served to vulnerable New Yorkers
- Increased food prices and retail closures will **reduce access to affordable groceries, particularly in low-income neighborhoods and rural food deserts**

DISPROPORTIONATE IMPACT ON COMMUNITIES OF COLOR

- Many imported and culturally important foods in Caribbean, Latino, African, and Asian cuisines contain ingredients that are targeted under this legislation, even though they are federally compliant
- **Removing these products from New York shelves strips immigrant and minority communities of access to culturally relevant foods**, undermining cultural identity, health, and community dignity
- **Many small ethnic food companies, importers, and family-run businesses cannot afford the legal and financial burdens** created by state-level GRAS reporting mandates
- This bill **threatens to widen racial and economic equity gaps in food access, pricing, and retail viability**

PREMATURE & DUPLICATIVE OF FEDERAL ACTION

- The federal government is actively modernizing GRAS oversight through the MAHA Commission and bipartisan Congressional efforts to:
 - Fund independent ingredient safety studies
 - Prioritize protections for children and vulnerable populations

- Enhance FDA oversight and public transparency
- Create national, science-based food safety rules
- **A1556-E/S1239-E conflicts with these federal reforms**, undermining a unified national solution and exposing New York businesses to conflicting mandates

LEGAL & CONSTITUTIONAL RISKS

- The bill **directly conflicts with federal authority under the Food, Drug, and Cosmetic Act, violating the Supremacy Clause of the U.S. Constitution.**
 - If other states adopt conflicting disclosure regimes, **national food producers will face a fragmented patchwork of 50 different state standards**, crippling efficient interstate commerce
 - **New York's Department of Agriculture & Markets lacks the resources to administer this complex regulatory system**, opening the state to inconsistent enforcement, compliance failures, and costly litigation
 - This bill **DOES NOT provide additional staff funding or resource support for the Department of Agriculture & Markets, nor the state Department of Health**, to meet the created mandate
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CONCLUSION

A1556-E/S1239-E remains deeply flawed and economically harmful — even in its amended form. **The bill duplicates federal law, risks trade secret exposure, fragments national food safety standards, raises prices, shrinks product availability, burdens small businesses, and disproportionately harms immigrant communities and food-insecure New Yorkers. We strongly urge lawmakers to oppose A1556-E/S1239-E.**

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