

EZASSI SIGNALS

Food Traceability and Ingredient Restrictions for Food Manufacturers (United States)

Regulatory Signals · September 2026

A Regulatory watch on the federal and state rules that change what a US food co-manufacturer or co-packer must record, reformulate or stop using: the FSMA traceability rule, FDA color and additive actions, GRAS reform, FDA's post-market chemical reviews, and state ingredient bans and the court rulings that decide whether they hold. Seven signals from one cycle.

#	SIGNAL	CONFIDENCE	HORIZON	STATUS
1	FSMA 204 Traceability Enforcement Locked to July 2028 by Both Congress and FDA, While Draft Guidance Advances Implementation Requirements	High	Long-term (1-3 years)	Verified
2	Three Legally Operative FDA Color Actions — Orange B Revoked, Red No. 3 Expiring January 2027, Citrus Red No. 2 Proposed — Create a Staggered Hard Deadline Sequence	High	Immediate (0-3 months)	Verified
3	Five States Have Enacted School-Meal Synthetic Color Restrictions with Graduated Deadlines from August 2025 Through December 2027, Forcing Channel-Specific Reformulation for School-Program Suppliers	High	Short-term (3-12 months)	Verified
4	Preliminary Injunctions in Two States Block Enforcement of Broader Ingredient Restrictions, but School-Channel and California Sale-Ban Obligations Remain Operative	High	Short-term (3-12 months)	Verified
5	FDA's Post-Market Chemical Review Program Has Opened Reassessments of BHA, BHT, and Azodicarbonamide, Advancing a Four-Stage Pipeline That Could Reach Mandatory Risk Management	Medium	Long-term (1-3 years)	Review
6	Retailer Private-Label and Industry Association Voluntary Deadlines for Synthetic Color Removal Are Running Months to a Year Ahead of Any Federal Mandate, Creating Contract-Driven Reformulation Obligations	Medium	Immediate (0-3 months)	Verified
7	FDA's Proposed Mandatory GRAS Notice Rule Would End Self-Affirmed GRAS Across Human and Animal Food, But Remains a Proposed Rule with No Final Compliance Date	Medium	Long-term (1-3 years)	Verified

Every signal rests on two or more dated events. Confidence is published as a band. Where a signal sits below High, the reasoning names the evidence that is missing. Status says where the evidence stands: Verified, Review, or Inconclusive — we looked, and the evidence does not yet support a firmer call.

SIGNAL 1 OF 7

FSMA 204 Traceability Enforcement Locked to July 2028 by Both Congress and FDA, While Draft Guidance Advances Implementation Requirements

HIGH Long-term (1–3 years) • Regulatory Agency Actions; Legislative & Statutory Activity • **Verified**

A congressional appropriations prohibition and a parallel FDA compliance-date proposal jointly fix July 20, 2028 as the non-enforcement line, but FDA's concurrent publication of draft CTE/KDE/lot-code guidance signals that substantive recordkeeping expectations are being set now.

REASONING

Two independent federal actors — Congress through the FY2026 appropriations act and FDA through a proposed compliance-date extension — both point to July 20, 2028 as the operative non-enforcement date, making that date highly durable. At the same time, FDA published draft guidance under docket FDA-2025-D-2837 in February 2026 addressing exactly the records (CTEs, KDEs, traceability lot codes) that covered facilities must eventually maintain. Congress also directed quarterly engagement with regulated entities specifically on lot-level tracking flexibilities, creating a recurring review channel that could further shape implementation expectations before 2028. Taken together, the pattern is: enforcement deferred, but scope and mechanics being refined in real time. A co-manufacturer that waits until 2028 to understand what records it must keep risks a compliance gap, because the guidance being shaped now will define what 'compliant' looks like.

PATTERN

FDA states the original compliance date was January 20, 2026, and it proposed extending it 30 months to July 20, 2028. The FY2026 Agriculture Appropriations Act directed that no appropriated funds could be used to administer or enforce the rule before July 20, 2028. The Congressional Record provision also directed FDA to engage quarterly with regulated entities — including manufacturers and warehouses — to identify additional flexibilities for satisfying the lot-level tracking requirement, consistent with the statutory prohibition on requiring case-level tracking. FDA published draft guidance under docket FDA-2025-D-2837 on February 19, 2026 covering CTEs (initial packing, shipping, receiving, transforming), KDEs, and traceability lot-code assignment and linkage obligations. FDA's presentation material confirmed that the codifying final rule to formally amend the compliance date was still under OMB review as of 2026, meaning the underlying regulation still technically shows the earlier date.

IMPLICATION

Co-manufacturers and co-packers handling foods on the Food Traceability List have until July 20, 2028 before FDA enforcement, but the draft guidance now defines the operational expectations for lot-code assignment, CTE recordkeeping, and KDE maintenance. The quarterly congressional engagement process could narrow or adjust lot-level-tracking flexibilities before 2028. Facilities should use the remaining window to align their systems to the draft guidance rather than treat the deadline extension as a reason to defer all implementation work.

RECOMMENDED ACTION

File or track comments under docket FDA-2025-D-2837, map internal packing, shipping, receiving, and transforming operations against the draft CTE/KDE definitions in the guidance, and assign responsibility for monitoring the quarterly lot-level-flexibility engagement outputs from FDA.

SOURCES & WHAT THEY SIGNAL

- [**FDA FSMA Final Rule on Requirements for Additional Traceability Records for Certain Foods**](#) — Confirms original January 20, 2026 compliance date, FDA's proposal to extend to July 20, 2028, and the congressional non-enforcement directive.
- [**FDA FSMA Inflation-Adjusted Cut Offs**](#) — FDA program page confirms July 20, 2028 as the agency's current operating position and its intent to comply with the congressional directive.
- [**FDA Challenges and Solutions in Lot-Level Food Traceability \(presentation material\)**](#) — FDA presentation confirms the July 20, 2028 non-enforcement direction and discloses that the codifying final rule was still under OMB review, distinguishing the congressional non-enforcement direction from a formally codified regulatory amendment.
- [**Congressional Research Service — The FDA Food Traceability Rule**](#) — CRS confirms the FY2026 appropriations prohibition on using funds to administer or enforce the rule before July 20, 2028, independently corroborating FDA's stated position.
- [**Congressional Record — Section 780 \(FY2026 Appropriations\)**](#) — Primary source for the congressional non-enforcement direction and the quarterly engagement mandate on lot-level tracking flexibilities, including the prohibition on case-level tracking requirements.
- [**FDA Draft Guidance: Questions and Answers About Requirements for Additional Traceability Records**](#) — February 2026 draft guidance under docket FDA-2025-D-2837 addresses CTE definitions, KDE content, and traceability lot-code assignment — the operational detail facilities need to begin building compliant record systems.
- [**FDA Takes Several Actions Related to the Food Traceability Rule**](#) — Confirms February 24, 2026 publication of the draft guidance package and docket number FDA-2025-D-2837 for public comments.

SIGNAL 2 OF 7

Three Legally Operative FDA Color Actions — Orange B Revoked, Red No. 3 Expiring January 2027, Citrus Red No. 2 Proposed — Create a Staggered Hard Deadline Sequence

HIGH Immediate (0–3 months) · Regulatory Agency Actions · Verified

Unlike the voluntary six-dye phase-out, three separate FDA regulatory actions establish legally binding color-use deadlines in 2026 and 2027, requiring co-manufacturers using any of these three colors in covered applications to reformulate without a sell-through grace period identified in the sources.

REASONING

These three actions are legally distinct from the broader petroleum-dye phase-out initiative, which FDA's own materials characterize as voluntary and pledge-based. Orange B's revocation is already final and effective; Red No. 3's food authorization has a fixed statutory end date; Citrus Red No. 2's revocation is proposed but not yet finalized. The sequence of three FDA regulatory actions on three separate colors within a roughly 18-month window — each with its own mechanism and deadline — is a pattern of active listing-removal activity rather than isolated housekeeping. The practical asymmetry matters: voluntary phase-out pledges and commercial deadlines can slip, but a final revocation order does not. A co-manufacturer that continues using Orange B in frankfurter or sausage casings after September 8, 2026, or that uses Red No. 3 in food after January 15, 2027, is using an unauthorized color additive.

PATTERN

FDA issued a final order revoking Orange B's authorization as a color additive in food effective September 8, 2026, with the action taken July 22, 2026. FDA's Red No. 3 page states food use will no longer be permanently listed after January 15, 2027, pursuant to a January 15, 2025 order. FDA on July 22, 2026 proposed revoking Citrus Red No. 2's authorization — covering coloring of orange skins not intended for processing — with a 30-day public comment period closing August 24, 2026; the findings do not establish that a final revocation order had issued by September 30, 2026. In parallel, FDA describes its petroleum-based-dye initiative as a work-with-industry program and voluntary pledge tracker, explicitly distinguishing it from the listing-revocation actions.

IMPLICATION

Co-manufacturers producing frankfurters or sausages must treat Orange B as an unauthorized color since September 8, 2026. Red No. 3 requires removal from any food formulation by January 15, 2027 — a near-term hard stop. Citrus Red No. 2 is in a proposed-revocation posture; if finalized, it would affect orange-skin coloring operations. None of these timelines carry FDA-identified sell-through periods in the reviewed sources, so the obligation attaches at the formulation/manufacturing level from the effective date.

RECOMMENDED ACTION

Audit every product specification that references Orange B (immediate), Red No. 3 (complete reformulation by January 15, 2027), and Citrus Red No. 2 (monitor Federal Register for final order and set a reformulation trigger upon publication); do not conflate these hard revocations with the voluntary six-dye phase-out timeline.

SOURCES & WHAT THEY SIGNAL

- [**FDA Tracking Food Industry Pledges to Remove Petroleum-Based Food Dyes**](#) — FDA's own framing of the six-dye phase-out as voluntary and pledge-based, providing the contrast that makes the three listing-revocation actions legally distinctive.
- [**FDA Takes Further Steps to Remove Outdated**](#) — Establishes that FDA issued a final order revoking Orange B's authorization as a color additive effective September 8, 2026, with action taken July 22, 2026.
- [**FDA HFP Constituent Update: FDA Proposes Revocation of Authorization for Orange B in Food**](#) — Confirms Orange B final revocation effective September 8, 2026 and explicitly distinguishes this legally operative action from the voluntary six-color phase-out initiative.
- [**FDA FD&C Red No. 3 Program Page**](#) — States that food use will no longer be permanently listed after January 15, 2027, establishing the legally operative phase-out date for Red No. 3 in food applications.
- [**FDA Press Announcement: FDA Takes Further Steps to Remove Outdated Authorizations for Color Additives**](#) — Primary source for both the July 22, 2026 final Orange B revocation (effective September 8, 2026) and the proposed revocation of Citrus Red No. 2 with a 30-day comment period closing August 24, 2026.

SIGNAL 3 OF 7

Five States Have Enacted School-Meal Synthetic Color Restrictions with Graduated Deadlines from August 2025 Through December 2027, Forcing Channel-Specific Reformulation for School-Program Suppliers

HIGH Short-term (3–12 months) · Legislative & Statutory Activity; Enforcement & Compliance Signals · **Verified**

West Virginia, Texas, Virginia, Iowa, and California have all enacted school-meal restrictions on overlapping sets of synthetic colors, with the earliest deadline already past and later deadlines creating a rolling reformulation obligation for co-manufacturers supplying school nutrition programs.

REASONING

No single state's action alone would constitute a signal under the monitoring criteria. The pattern across five states — using overlapping but not identical substance lists, different coverage scopes (program meals only versus competitive foods and broader school-day sales), and staggered deadlines — is the signal. Red No. 40, Yellow Nos. 5 and 6, Blue Nos. 1 and 2, and Green No. 3 recur across every state's list reviewed. The deadlines span an already-passed date (West Virginia school meals, August 1, 2025) through December 2027 (California), meaning a co-manufacturer supplying school channels must track multiple simultaneous obligations rather than waiting for a single national rule. No court injunction was identified in the sources reviewed for any of the school-specific provisions (injunctions found were for the statewide West Virginia sales ban and Texas's broader warning-label law, not the school-meal restrictions).

PATTERN

West Virginia HB 2354 school-nutrition provisions took effect August 1, 2025, prohibiting specified colors and additives in meals served through school nutrition programs. Texas SB 314, signed May 27, 2025, restricts 18 substances from qualifying free or reduced-price meals under federal school breakfast and lunch programs, with the restriction applying beginning with the 2026–2027 school year and to food-service contracts entered or renewed on or after September 1, 2026. Virginia Code section 22.1-207.4:3 prohibits public schools from offering food containing seven listed FD&C colors (Blue 1, Blue 2, Green 3, Red 3, Red 40, Yellow 5, Yellow 6), effective July 1, 2027. Iowa enacted provisions covering six synthetic dyes plus potassium bromate and propylparaben, becoming effective July 1, 2026 but applying to school years beginning on or after July 1, 2027. California's Food Safety Act is reported to prohibit six synthetic dyes in food served in public schools beginning December 31, 2027. Red No. 40, Yellow Nos. 5 and 6, Blue Nos. 1 and 2, and Green No. 3 appear on multiple state lists.

IMPLICATION

A co-manufacturer producing food for school meal programs must now track five separate state obligations with deadlines ranging from already effective (West Virginia) to December 2027 (California). Because state lists and coverage scopes differ — Texas covers only qualifying free or reduced-price meals while Virginia covers all school meals and competitive foods — a single reformulated SKU may not satisfy all states. The school channel is effectively operating under a 50-state patchwork ahead of any federal mandate.

RECOMMENDED ACTION

Map each school-program SKU against the substance lists and coverage scope for West Virginia, Texas, Virginia, Iowa, and California; identify formulations that contain any of the recurring six colors and set reformulation completion dates matched to the earliest applicable state deadline for each product-state pairing, starting with Texas contracts entered or renewed after September 1, 2026.

SOURCES & WHAT THEY SIGNAL

- [State Food Additive and Dye Law Tracker \(RegBase\)](#) — Source for Texas SB 314 school-meal restrictions (18 substances, September 1, 2026 contract date, 2026-2027 school year) and Iowa school-food provisions (July 1, 2027 school year applicability); noted as a private tracker requiring primary-source verification.
- [Virginia Code Section 22.1-207.4:3](#) — Primary statutory source listing the seven prohibited FD&C colors in Virginia public school food, effective July 1, 2027.
- [HHS: West Virginia Bans Food Dyes from School Meals](#) — Confirms August 1, 2025 school-program deadline and provides federal acknowledgment of the West Virginia action.
- [West Virginia Governor: Governor Patrick Morrisey Signs Food Dye Legislation Into Law](#) — Confirms signing of West Virginia school-program color restriction and August 1, 2025 school-meal effective date.
- [Food Business News: Two More States Ban Food Colors in Schools](#) — Trade press source reporting California's December 31, 2027 school-food synthetic color deadline for six listed dyes.
- [West Virginia Code Section 18-5D-3A](#) — Primary statutory source for West Virginia school-nutrition additive restrictions.

SIGNAL 4 OF 7

Preliminary Injunctions in Two States Block Enforcement of Broader Ingredient Restrictions, but School-Channel and California Sale-Ban Obligations Remain Operative

HIGH Short-term (3–12 months) · Judicial & Legal Precedents · Verified

Federal courts have temporarily enjoined the Texas food-label warning requirement and West Virginia's statewide color-additive sales ban, materially reducing near-term legal exposure from those provisions, but the injunctions do not extend to school-meal restrictions or California's enacted sale and labeling obligations.

REASONING

Two preliminary injunctions issued within weeks of each other — Texas SB 25 Section 9 enjoined February 11, 2026 on First Amendment grounds, and West Virginia's statewide ban enjoined December 23, 2025 on vagueness grounds — establish a concrete litigation counter-signal to enacted state legislation. The fact that both injunctions rest on different legal theories (First Amendment compelled speech in Texas; vagueness in West Virginia) means they are not redundant: each reflects a distinct constitutional vulnerability in state food-ingredient mandates. However, neither injunction covers school-meal restrictions in either state, and California's Food Safety Act (effective January 1, 2027 for retail sale) was not reported as enjoined in the reviewed sources. The Texas AG's appeal to the Fifth Circuit, and the apparent Fifth Circuit stay activity seen in a Supreme Court filing, further indicate that the Texas warning-label litigation is live and unresolved rather than settled in either direction.

PATTERN

On December 23, 2025, the Southern District of West Virginia issued a preliminary injunction pausing enforcement of West Virginia HB 2354's statewide sales provision on vagueness grounds related to treating FDA-approved color additives as poisonous and injurious. On February 11, 2026, a federal district court granted a preliminary injunction against enforcement of Texas SB 25 Section 9 — the 44-ingredient warning-label requirement — finding the plaintiffs likely to succeed on a First Amendment compelled-speech claim; the injunction runs against the Texas AG and the AG's members. The Texas AG appealed to the Fifth Circuit on March 5, 2026. A Supreme Court docket filing includes an appendix titled Fifth Circuit Order Granting Stay of Preliminary Injunction, indicating appellate-level injunction activity, though the full operative terms could not be confirmed from the excerpt available. The district court declined to grant preliminary relief on a federal-preemption theory, finding the plaintiffs not likely to succeed on that argument at that stage. No injunction against California's Food Safety Act retail-sale ban or any state school-meal restriction was identified in the reviewed sources.

IMPLICATION

Co-manufacturers should not treat Texas SB 25's 44-ingredient warning-label requirement as operationally dead: the injunction protects named plaintiffs and their members, is under active appeal, and the Fifth Circuit stay adds further procedural uncertainty. West Virginia's statewide sales ban is similarly in limbo. Both enacted texts remain on the books and could become enforceable again depending on appellate outcomes.

California's January 1, 2027 manufacture, sale, and distribution prohibition on BVO, potassium bromate, propylparaben, and Red No. 3 was not reported as enjoined and must be treated as operative.

RECOMMENDED ACTION

Confirm whether your company is a member of the plaintiffs' associations covered by the Texas SB 25 injunction; if not, assess exposure independently. Monitor the Fifth Circuit docket in American Beverage Association v. Paxton for any ruling that lifts, modifies, or affirms the preliminary injunction. Treat California's January 1, 2027 deadline as fully operative and continue reformulation planning regardless of Texas and West Virginia litigation outcomes.

SOURCES & WHAT THEY SIGNAL

- [Food Litigation Watch: State Ingredient Warnings, Color Additive Bans, and “Ultra-Processed” Claims Alan J. Sachs](#) — Confirms that on December 23, 2025, the Southern District of West Virginia issued a preliminary injunction pausing enforcement of West Virginia HB 2354's statewide sales provision on vagueness grounds.
- [Food Litigation Watch: State Ingredient Warnings, Color](#) — Confirms that on December 23, 2025, the Southern District of West Virginia issued a preliminary injunction pausing enforcement of West Virginia HB 2354's statewide sales provision on vagueness grounds.
- [Covington: Court Enjoins Texas SB 25 Food Label Warning Requirement](#) — Reports that the district court found plaintiffs not likely to succeed on their preemption argument, clarifying the legal basis for the injunction as First Amendment rather than federal preemption.
- [Washington Legal Foundation — Order Granting Preliminary Injunction, Texas SB 25](#) — Primary court document establishing the February 11, 2026 preliminary injunction against Texas SB 25 Section 9 on First Amendment grounds, scope of the injunction (against AG and members), and the Texas self-executing preemption clause.
- [McGuireWoods: Product Liability and Mass Tort Monitor — April 2026](#) — Confirms the Texas AG's March 5, 2026 appeal to the Fifth Circuit and the range of constitutional arguments (First Amendment, Fourteenth Amendment, dormant Commerce Clause, preemption) raised by the challengers.
- [Supreme Court Emergency Application Appendix — Fifth Circuit Order Granting Stay of Preliminary Injunction](#) — Indicates additional appellate-level stay activity in the Texas SB 25 litigation reaching the Supreme Court docket level, signaling ongoing unresolved legal status.
- [Beveridge and Diamond: Food Litigation Watch — State Ingredient Warnings, Color Additive Bans, and Ultra-Processed Claims](#) — Reports the December 23, 2025 West Virginia preliminary injunction on vagueness grounds and the January 1, 2028 statewide effective date, as well as the Texas and Louisiana state-law landscape.
- [Specright: Food and Beverage Regulation Tracker](#) — Corroborates West Virginia's January 1, 2028 statewide effective date and the December 23, 2025 preliminary injunction pausing that provision.

SIGNAL 5 OF 7

FDA's Post-Market Chemical Review Program Has Opened Reassessments of BHA, BHT, and Azodicarbonamide, Advancing a Four-Stage Pipeline That Could Reach Mandatory Risk Management

MEDIUM Long-term (1–3 years) • [Regulatory Agency Actions](#) • [Review](#)

FDA's July 2026 announcement concerning reassessments for BHT and azodicarbonamide, combined with ongoing review of BHA, propylparaben, and titanium dioxide under a published four-stage process, creates a structured regulatory pipeline for commonly used food manufacturing ingredients — though no revocation or reformulation deadline has been issued for any of them.

REASONING

Any single post-market review entry would be a report item. The signal is the convergence of multiple events: FDA announced BHT and ADA reassessments and reopened a comment period for BHT with a deadline of August 31, 2026, while simultaneously maintaining BHA, propylparaben, and titanium dioxide on an active review list — all under a formally published four-stage pipeline (signal identification, prioritization, scientific assessment, risk management) described in FDA materials. FDA's 2026 priority deliverables list issued February 10, 2026 independently confirmed phthalates, propylparaben, BHA, and BHT as active review priorities. The convergence of a published process framework, named substances at active assessment stages, and a formal comment-solicitation step is meaningfully different from a watch-list entry. Confidence is held at Medium because FDA expressly states that inclusion on the review list does not mean a substance is unsafe, no risk-management actions have been taken, and the timeline from assessment to any regulatory outcome is indeterminate.

PATTERN

FDA announced reassessments of BHT and azodicarbonamide (ADA) and extended the BHT comment period to August 31, 2026. FDA's review list identifies BHA, BHT, and ADA as newly included substances and states FDA is expediting review of propylparaben and titanium dioxide, which appeared in earlier updates. FDA published an explanation of its four-stage systematic post-market process — signal identification/triage, prioritization, scientific assessment, and risk management — describing risk management as the action stage reached after scientific assessment. On February 10, 2026, FDA's 2026 Human Foods Program priority deliverables independently confirmed ongoing safety reviews of phthalates, propylparaben, BHA, and BHT. FDA expressly states that placement on the review list does not itself indicate a substance is unsafe.

IMPLICATION

BHA, BHT, azodicarbonamide, propylparaben, and titanium dioxide are all in active FDA review at various stages of a four-stage process whose final stage is risk management. No stop-use or reformulation deadline exists for any of them as of the reviewed sources, but a formal scientific assessment for BHT and ADA is now underway, meaning those two substances are closer to a potential risk-management stage than the others. Co-manufacturers using these ingredients should begin tracking FDA's assessment outputs — particularly any published scientific assessment — as a trigger for accelerated reformulation contingency planning.

RECOMMENDED ACTION

Set a watch on the FDA food chemical safety page for each named substance, specifically for any announcement that a scientific assessment has been completed and a risk-management review has begun; that transition between stages three and four is the earliest actionable signal that a regulatory restriction may be forthcoming.

SOURCES & WHAT THEY SIGNAL

- [Ensuring the Post-Market Safety of Chemicals in Food](#) — Establishes that FDA's post-market safety process includes four stages: signal identification/triage, prioritization, scientific assessment, and risk management as the action stage.
- [FDA: FDA Finalizes Food Chemical Safety Post-Market Assessment Program and Launches Reassessment of BHT and ADA](#) — Primary source confirming FDA's announcement of BHT and ADA reassessments and the August 31, 2026 extended BHT comment deadline.
- [FDA Human Foods Program 2026 Priority Deliverables](#) — February 10, 2026 FDA priorities independently confirm ongoing safety reviews of propylparaben, BHA, and BHT as active 2026 program commitments, corroborating the later reassessment announcements.
- [FDA: List of Select Chemicals in the Food Supply Under FDA Review](#) — Identifies BHA, BHT, and ADA as newly added review substances and confirms expedited review of propylparaben and titanium dioxide; includes FDA's explicit statement that listing does not mean a substance is unsafe.
- [FDA: Understanding FDA's Systematic Process for Ensuring Post-Market Safety of Chemicals in Food](#) — FDA publication describing the four-stage process framework (signal ID, prioritization, scientific assessment, risk management) that provides the structural context for interpreting where each substance sits.
- [FDA Update: Post-Market Assessment of Chemicals in the Food Supply](#) — August 2025 update identifying BHA, BHT, and ADA as newly included in the review list and confirming expedited treatment of propylparaben and titanium dioxide.

SIGNAL 6 OF 7

Retailer Private-Label and Industry Association Voluntary Deadlines for Synthetic Color Removal Are Running Months to a Year Ahead of Any Federal Mandate, Creating Contract-Driven Reformulation Obligations

MEDIUM Immediate (0–3 months) • Standards & Industry Self-Regulation; Stakeholder & Lobbying Activity • Verified

Walmart's January 2027 private-label deadline, Save A Lot's end-of-2026 Red No. 3 removal, the Consumer Brands Association's December 31, 2027 manufacturing target, and the American Bakers Association's 2026-2027 school-year commitment are creating commercially enforceable reformulation obligations for co-manufacturers ahead of any FDA revocation of the six remaining synthetic colors.

REASONING

Voluntary pledges are explicitly flagged in the monitoring criteria as not equivalent to legal mandates, and that caution is warranted here. However, when a major retailer sets a private-label specification deadline, that deadline is operationally binding for the co-manufacturer filling that private-label contract — it functions as a contractual rather than regulatory obligation. Walmart's January 2027 deadline covers its U.S. private-label portfolio and more than 30 ingredients; Save A Lot's commitment is product-category-specific with an end-of-2026 Red No. 3 milestone. The CBA's December 31, 2027 manufacturing target is particularly notable because it is a manufacturing-stop commitment, not merely a sales or labeling change. The ABA's commitment to eliminate FD&C colors from K-12 federal meal program baked goods by the 2026-2027 school year creates an immediate obligation for bakers supplying that channel. Taken together, these represent a commercial forcing function that could accelerate reformulation timelines beyond what state laws alone require. Confidence is not higher because the pledges are voluntary and the reviewed sources confirm supply-chain pressure in natural color availability that may cause slippage.

PATTERN

FDA's industry-pledge tracker records that Nestlé committed to eliminate FD&C colors from its entire U.S. food and beverage portfolio by mid-2026, and that Save A Lot committed to remove Red No. 3 from private-label products by end of 2026 and all other affected certified colors by end of 2027. The Consumer Brands Association pledged that member companies would stop manufacturing with FD&C Blue Nos. 1 and 2, Green No. 3, Red No. 40, Yellow Nos. 5 and 6 by December 31, 2027, and committed to eliminate those colors from school foods by the start of the 2026-2027 school year. Walmart announced plans to remove certified colors and more than 30 other ingredients from U.S. private-label foods by January 2027, and the American Bakers Association committed to eliminating certified FD&C colors from baked goods supplied to K-12 federal meal programs from the beginning of the 2026-2027 school year. A September 2026 trade report describes supply-chain pressure on natural color availability, with fruit snacks and baking products scheduled for conversion by end of 2027, while Target was reported to have completed removal of synthetic colors from its cereal offerings and General Mills reported removal from all U.S. portfolio cereals.

IMPLICATION

Co-manufacturers filling private-label contracts for Walmart or Save A Lot face near-term reformulation specifications that may already be in purchase order language. Those producing baked goods for K-12 school meal programs under ABA member contracts face the 2026-2027 school year deadline. Supply-chain pressure on natural color availability — documented in the September 2026 trade report — means early sourcing of replacements is a procurement risk issue, not just a formulation one. The CBA December 31, 2027 manufacturing target may become a de facto industry floor that non-member co-manufacturers still producing synthetic-color products find difficult to sustain commercially.

RECOMMENDED ACTION

Review current private-label customer contracts for explicit ingredient-specification language tied to these voluntary commitments; flag any contract with Walmart, Save A Lot, or ABA member companies for reformulation priority tracking, and immediately audit natural-color supplier capacity for products scheduled for conversion by end of 2026 and end of 2027.

SOURCES & WHAT THEY SIGNAL

- [FDA Tracking Food Industry Pledges to Remove Petroleum-Based Food Dyes](#) — FDA's official pledge tracker records Nestlé's mid-2026 portfolio commitment and Save A Lot's staged private-label deadlines (Red No. 3 by end of 2026, remaining colors by end of 2027).
- [FDA/HHS Press Announcement: HHS and FDA Praise Consumer Brands Association's Vow to Remove Artificial Colors](#) — Records the CBA's July 22, 2025 voluntary commitment to stop manufacturing with six named FD&C colors by December 31, 2027 and to eliminate those colors from school foods by the 2026-2027 school year.
- [BakeryandSnacks: Big Food's Colour Promises Are Colliding with Supply Chain](#) — September 2026 trade report documenting Walmart's January 2027 private-label commitment, ABA's school-meal commitment for 2026-2027, Target's completed cereal removal, General Mills' portfolio-wide removal, and natural-color supply-chain pressure.

SIGNAL 7 OF 7

FDA's Proposed Mandatory GRAS Notice Rule Would End Self-Affirmed GRAS Across Human and Animal Food, But Remains a Proposed Rule with No Final Compliance Date

MEDIUM Long-term (1-3 years) • Regulatory Agency Actions • Verified

FDA's August 2026 proposed rule (91 FR 51834) would require formal GRAS notices for all covered food uses currently relying on self-affirmation, materially increasing the documentation burden for co-manufacturers and their ingredient suppliers if finalized.

REASONING

A single proposed rule would ordinarily be a report item rather than a signal. It qualifies here because it directly targets the self-affirmed GRAS pathway — the mechanism by which a large share of food ingredients used by co-manufacturers avoid mandatory FDA notification — and because it appears in the same monitoring cycle as FDA's active post-market review program for named GRAS-pathway substances (BHA, BHT, propylparaben). The combination of a proposed rule that would close the voluntary-notification gap and an active ingredient review program for substances that traveled through that pathway creates a regulatory posture where the self-affirmed pathway faces pressure from two simultaneous directions. Confidence is held at Medium because the rule is proposed only, no final compliance date exists in the reviewed sources, the rulemaking history for GRAS reform has been extended multiple times historically, and the practical timeline to finalization is uncertain.

PATTERN

FDA published a proposed rule on August 10-11, 2026 (Federal Register August 11, 2026, 91 FR 51834, docket FDA-2025-N-3262) that would require submission of GRAS notices for uses of human- and animal-food substances currently claimed to be GRAS under the self-affirmation pathway, unless an exception applies. FDA states that the current GRAS notification submission is voluntary, and the proposed rule would make it mandatory. The proposed rule would amend 21 CFR parts 170 and 570. No final compliance date or final rule appears in the reviewed sources. In the same 2026 review cycle, FDA's active post-market assessment list includes BHA, propylparaben, and titanium dioxide — substances whose safety has often been asserted through the GRAS or prior-sanction pathway.

IMPLICATION

If finalized, co-manufacturers would need to confirm that every ingredient used under a self-affirmed GRAS claim has either been the subject of a formal GRAS notice or qualifies for an exception. Ingredient suppliers would face the primary notification burden, but co-manufacturers would need documentation to substantiate their ingredient-safety basis. The proposed rule creates a due-diligence trigger now: auditing which ingredients in use rely on self-affirmed GRAS versus filed notices is preparatory work that is useful regardless of finalization timeline.

RECOMMENDED ACTION

Inventory ingredients currently used under supplier-provided self-affirmed GRAS determinations; track docket FDA-2025-N-3262 for the comment record and any final rule publication; flag the proposed rule in annual regulatory review cycles given the historical pattern of extended GRAS rulemaking timelines.

SOURCES & WHAT THEY SIGNAL

- [FDA: Generally Recognized as Safe \(GRAS\) — Proposed Rule Page](#) — FDA's program page for the proposed GRAS notice requirement rule, confirming the proposed rule's existence and its proposal to make GRAS notifications mandatory.
- [FDA: Generally Recognized as Safe \(GRAS\) Food Ingredients Program Page](#) — FDA's description of the current voluntary GRAS notification system, establishing the baseline that the proposed rule would change.
- [Federal Register: Substances Generally Recognized as Safe — Proposed Rule \(91 FR 51834\)](#) — Primary Federal Register publication confirming August 11, 2026 publication date, docket number FDA-2025-N-3262, and the proposed amendment to 21 CFR parts 170 and 570.
- [FDA Update: Post-Market Assessment of Chemicals in the Food Supply](#) — Corroborates that BHA and propylparaben are among substances under active FDA review in the same period as the GRAS proposed rule, supporting the combined-pressure reading.
- [FDA: List of Select Chemicals in the Food Supply Under FDA Review](#) — Confirms that BHA, propylparaben, and titanium dioxide — ingredients often supported by self-affirmed GRAS — are under active post-market review, contextualizing the simultaneous pressure on the self-affirmation pathway.

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