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Food Update | GRAS-ping the Moment: FDA GRAS Reform Steps Into the Spotlight

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In case you missed it, Department of Health and Human Services Secretary Robert F. Kennedy Jr. and former Food and Drug Administration (FDA) Commissioner David Kessler appeared on *60 Minutes* this past Saturday, February 15, in a segment titled "Generally Recognized as Safe." As the title suggests, the conversation centered on FDA's Generally Recognized as Safe (GRAS) regulatory pathway (for background, see our prior post discussing in more detail the GRAS process), as well as Commissioner Kessler's August 2025 citizen petition urging FDA to revoke the GRAS status of refined carbohydrates used in industrial food processing (discussed in more detail in our earlier coverage of the petition).

While the segment stopped short of announcing any sweeping GRAS reforms, it did reinforce the administration's long-standing focus on "closing the GRAS loophole" and increasing transparency so consumers can better understand what is in their food and make informed choices. Notably, Secretary Kennedy stated that FDA "will act on" the Kessler petition, emphasizing that it raises questions the agency should have been asking for a long time. At the same time, he was careful to clarify that he is not proposing to regulate ultra-processed foods as a category.

From a regulatory standpoint, this matters because FDA is required by regulation to respond to citizen petitions within 180 days. As we've noted before, however, complex and far-reaching petitions—particularly those that could have significant policy implications—often receive an initial response that is procedural rather than substantive. In practice, these responses frequently take the form of an acknowledgment or a "tentative" reply explaining that the agency needs additional time to evaluate the issues raised.

That is precisely what happened here. On February 10, 2026, FDA posted an interim response letter to the petition on the regulations.gov docket, signaling that the agency is still assessing the petition's scope and implications.

Stepping back, this weekend's *60 Minutes* appearance is best understood as another signal that Secretary Kennedy is intent on maintaining momentum around GRAS reform—and that this momentum is beginning to translate into concrete regulatory action. In the near term, that likely means further developments in FDA's handling of the Kessler citizen petition, as well as movement on the long-anticipated proposed rule that would require mandatory submission of GRAS notices. That proposed rule has been under review at the Office of Management and Budget since December 2025.

As always, though, the devil will be in the details. Key questions remain about how FDA would implement a mandatory GRAS notification requirement, particularly in light of the U.S. District Court for the Southern District of New York's decision upholding FDA's 2016 GRAS Final Rule and observing that any material changes to the GRAS framework "lie with Congress, not [the courts]," to decide. We explore those legal and policy tensions in more depth in our prior post on GRAS reform initiatives to date.

For now, the takeaway is clear: GRAS reform is no longer just a talking point. The conversation has moved squarely into the realm of regulatory action—even if the ultimate shape of that action remains very much a work in progress.

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