STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 19

November 20, 2026

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 1239-F entitled:

"AN ACT to amend the agriculture and markets law, in relation to enacting the "food safety and chemical disclosure act""

NOT APPROVED

This bill would ban the manufacture, compound, brewing, distilling, production, processing, sale, delivery, distribution, holding, offering, or exposing for sale of three substances: FD&C Red No. 3, potassium bromate, and propylparaben. It also would require the Department of Agriculture and Markets (AGM) to build and maintain a database of scientific reports for thousands of food additives, and ban the sale or use in New York State of any substance if the required information is not reported to AGM.

This bill seeks to legislate at a state level what is traditionally and more appropriately the role of the federal government in food ingredient oversight. While I support the goals of enhancing food safety and transparency regarding food additives, this bill would require the expenditure of millions of New York taxpayer dollars that are not accounted for in the State's financial plan and create a significant administrative and programmatic burden on AGM at the same time as the federal government is beginning to take important steps to accomplish many of the bill's objectives.

Last year, the federal Food and Drug Administration (FDA) banned FD&C Red No. 3, a decision which I strongly support. The ban takes effect in January 2027. In addition, in August 2026, the FDA proposed regulations to enhance food additive transparency. The regulations would make mandatory the submission to the FDA of safety information for new substances used in food. Importantly, leaders in the incoming Congress have also stated they will make reforming the "Generally Recognized as Safe" (GRAS) notification process a top priority. I believe these issues should be addressed at the national level, as they always have been, so New York manufacturers, producers, distributors, suppliers, and retailers are not unfairly disadvantaged.

Last, but not least, banning bromated flour would directly impact pizza and bagel makers, requiring most to change their recipes and production processes, likely causing costs to rise on two of New York's most iconic foods at a time when consumer costs are already increasing thanks to the inflationary policies of the federal administration. Unbromated flour is currently readily available, and the choice of which flour to use or consume should be left in the hands of New York's world-renowned pizzaiolos, bakers, and small business owners, and ultimately consumers.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

Kathy Hochul