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MEMORANDUM

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BY ELECTRONIC MAIL

FROM: Olsson Frank Weeda Terman Matz PC

RE: FDA Releases 2026 Deliverables and Potential Guidance for Human Foods Program

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On January 23, 2026, the U.S. Food and Drug Administration's ("FDA" or "the Agency") Human Foods Program ("HFP") released its Priority Deliverables for 2026 ("Deliverables"). The Deliverables outline Secretary Robert F. Kennedy, Jr.'s 2026 goals that HFP will prioritize as part of the Make America Healthy Again ("MAHA") initiative. In addition to releasing the Deliverables, HFP also published 2026 Guidance Agenda ("Guidances"), which outlines guidances the Agency intends to publish as drafts or final versions by the end of 2026. HFP notes that the Agency is not bound by these Deliverables and Guidances, nor is it precluded from issuing documents on topics not currently listed.

FDA is accepting ongoing general comments on Guidance topics (Docket FDA-2022-D-2088).

The 32 Deliverables and 14 Guidances include familiar MAHA themes, including the importance of removing harmful chemicals from food, defining ultraprocessed foods ("UPFs"), implementing front-of-pack ("FOP") labeling, removing the generally recognized as safe ("GRAS") "loophole," and reforming food assistance programs.

Background

The Deliverables and Guidances implement Trump Administration MAHA policies and objectives. In 2025, the MAHA Commission was appointed and released the Make Our Children Healthy Again Assessment[1] (Assessment) and subsequent Make Our Children Healthy Again Strategy[2] (Strategy), following President Trump's February 13, 2025 Executive Order 14212. The Assessment and Strategy point to escalating reports of chronic diseases, particularly in children, caused by poor diet, UPFs, cumulative chemical exposure, lack of physical activity, amount others, and proposed various policies and objectives that could be pursued to improve health. FDA subsequently achieved some of these objectives by voluntary action (e.g., some manufacturers committing to remove petroleum-based food dyes) and is working towards defining UPF and proposing a rule to require GRAS notification.

The Deliverables and Guidance builds on this momentum along with the release of the 2025-2030 Dietary Guidelines for Americans ("DGAs") and outline the Agency's plans to continue multi-year initiatives advancing HFP's vision and mission. Below, we provide an overview of the relevant Deliverables and, where possible, linking them to the relevant Guidances. The discussion will touch on all major Deliverables within HFP's three core risk management areas—Food Chemical Safety, Nutrition, and Microbiological Food Safety.

Priority Deliverables for 2026

I. Food Chemical Safety

GRAS Reform: Publish a proposed regulation requiring the submission of GRAS notices to FDA for all substances claimed to be GRAS. *We anticipate this will be released in the coming weeks.*

Post-market Safety Reviews of Marketed Food Chemicals: Continue reassessing chemicals used in food, focusing on those of greatest concern, such as phthalates, propylparaben, butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT). It will publish the first edition of its Systematic Post-Market Assessment process to clarify how substance safety is evaluated, how public input is incorporated, and how review priorities are set. HFP will also expand staff and leadership within the Office of Post-Market Assessment.

Microplastics: Carry out research to identify methods for the accurate detection, quantification, and characterization of microplastics in human food.

Closer to Zero: Establish action levels for cadmium and inorganic arsenic in baby and toddler foods and to issue guidance on preventive controls to minimize chemical hazards. *Note, since 2021, FDA's Closer to Zero initiative aims to reduce environmental contaminants such as arsenic, lead, cadmium, and mercury in food for infants and young children.*

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[1] OFW Law summarized the initial MAHA Assessment in a memo in 2025, here.
[2] OFW Law summarized the initial MAHA Strategy in a memo in 2025, here.

- Related potential Draft Guidances for Industry: (1) Action Levels for Cadmium in Food Intended for Babies and Young Children; (2) Action Levels for Inorganic Arsenic in Food Intended for Babies and Young Children.

Adoption of Natural Color Additives: Expedite the review of new natural alternatives and new natural color submissions, as well as guide industry on their development. HFP intends to publish draft guidance on using natural alternatives and what can be used as such.

- Related potential Draft Guidance for Industry: Food Colors Derived from Natural Sources: Fruit Juice and Vegetable Juice as Color Additives in Food

Consumer Exposure to Contaminants in Food: Study exposure to certain heavy metals, per- and polyfluoroalkyl substances (PFAS), and other contaminants in food, as well as conduct the next Food Safety and Nutrition Survey.

- Related potential Draft Guidance for Industry: Hazard Analysis and Risk-Based Preventive Controls for Human Food; Chapter 12: Preventive Controls for Chemical Hazards

Regulation of New Dietary Ingredients (NDI): Release final guidance clarifying the information required to accompany an NDI notification. HFP also aims to streamline FDA's review of NDI notifications to ensure compliance with the statutorily required 75-day review timeframe.

- Related Guidance for Industry: NDI Notifications and Related Issues: Identity and Safety Information About the NDI

Dietary Supplement Oversight Modernization: Evaluate a modernized approach to the regulation of the dietary supplement industry and continue to target enforcement.

Guidelines for Caffeine Labeling: Highlight best practices for labeling added caffeine content in packaged foods and beverages in retail and restaurant settings. *Note, FDA does not currently require the declaration of caffeine content on a product label.*

Allergen Labeling: Hold stakeholder hearings to fine-tune the Agency's approach to regulating allergens, specifically as they relate to health conditions, like Celiac disease.

- Related Request for Information "Labeling and Preventing Cross-Contact of Gluten for Packaged Foods" (January 22, 2026)

Other Guidance:

- Potential Draft Guidance for Industry: Action Level for Opiate Alkaloids on Poppy Seeds.

II. Nutrition

UPFs: Continue to collaborate with USDA and other federal government agencies to gather information, data, and research to develop a federal definition of UPFs. This will include assessment of comments received during the 2025 Request for Information (RFI).[3]

[3] OFW Law summarized the RFI on UPFs in 2025, here.

Infant Formula Safety (Operation Stork Speed): Modernize infant formula nutrient requirements and release exposure data on a range of heavy metals and other contaminants. *Note, Operation Storck Speed is a 2025 initiative intended expand access to safe, reliable, and nutritious infant formula.*

- Related potential Guidance for Industry: Protein Efficiency Ratio (PER) Rat Bioassay Studies to Demonstrate that a New Infant Formula Supports the Quality Factor of Sufficient Biological Quality of Protein

NIH-FDA Nutrition Regulatory Science Program: Advance research guiding food and nutrition policy, with particular focus on the impact of UPFs and certain food additives on health outcomes and the role of maternal and infant dietary exposures.

FOP Labeling: Assimilate and summarize the tens of thousands of public comments the Agency received on its 2025 proposed regulation requiring food packages to display key nutrition information on the front of retail food packages.[4] HFP aims to assemble options for leadership to make decisions on the content of a final regulation.

"Healthy" Claim Implementation: Assess whether changes to the 2025 final rule on the use of the claim "healthy"[5] are warranted in light of the newly released DGAs.[6] HFP will also consider guidance to identify a symbol formally associated with the "healthy" claim.

Food Standards of Identity ("SOIs"): Complete an interim final rule, two new final rules, and publish new proposed rules to continue to eliminate outdated standards of identity. FDA started the process of revoking 52 now-obsolete food standards of identity in 2025.[7]

Added Sugar Reduction: Introduce a strategy encouraging food industry to lower the added sugar content in processed and prepared foods. This strategy may include a nutrient content claim ("NCC") defining "low added sugar;" targeted consumer education initiatives; evaluating current ingredient, menu, and sugar alternative labeling requirements; and assessing the use of low or no-calorie and nonnutritive sweeteners.

Sodium Reduction: Evaluate the results of the first phase of a multi-year sodium reduction initiative originally issued in 2021.[8] *FDA estimates that Americans' sodium intake has decreased by about 10% as a result of these measures.*

Food Labeling for Online Grocery Shopping: Issue a draft guidance on food labeling for online grocery shopping due to the increase in online grocery shopping.[9]

- Related potential Draft Guidance for Industry: Food Labeling for Online Grocery Shopping Platforms.

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[4] OFW Law summarized the FOP Proposed Rule in 2025, here.
[5] OFW Law summarized the "Healthy" Final Rule in 2024, here.
[6] OFW Law summarized the 2025-2030 DGAs, here. Please contact us for a copy of the memorandum.
[7] OFW Law summarized the new discussion around SOIs in 2025, here.
[8] OFW Law summarized the Sodium Reduction Initiative in 2024, here.
[9] OFW Law summarized the RFI on Food Labeling in Online Grocery Stores in 2023, here.

Guidelines on Direct Marketing of Certain Foods to Children: Collaborate with the Federal Trade Commission ("FTC") to evaluate the potential development of guidelines to limit the direct marketing of certain unhealthy foods to children.

Other Guidance:

- Potential Compliance Policy Guide ("CPG") for FDA Staff: Determining the Identity, Quality, and Purity of Olive Oil and Olive-Pomace Oil Products.

III. Microbiological Food Safety

Food Inspection Coverage by Leveraging State Capacity: Increase reliance on state partners to handle routine food safety inspections. "Proof of process" will begin in 2026, with full implementation occurring over the following four years.

National Regulatory and Laboratory Training System: Build a sustainable training system that makes use of expertise and resources from various parties (i.e., FDA and Integrated Food Safety System ("IFSS")). Establish the National Coordination Center to implement consistent training standards for federal and state regulatory and laboratory staff.

Oversight and Safety of Imported Food: Aim to support oversight of entries at the border by increasing reliance on resources like Import Certification and Foreign Supplier Verification Program ("FSVP") requirements, enhanced import screening based on expanded data sources and quantitative analytical techniques (AI/ML), and input from foreign competent authorities charged with the safety of food offered for import.

Imported Seafood Safety: Verify the safety of imported shrimp. Also, complete the development of a seafood fraud identification program. *FDA recognizes it will need to seek additional authority from Congress to require the destruction of imported seafood and other imported FDA-regulated products that pose a significant public health risk.*

Fresh and Processed Produce Safety: Take steps to ensure the safety of fruits and vegetables in the nation's food supply, including training for growers on agricultural water requirements; a new training regimen for sprout producers; a cantaloupe safety study and guidelines; a pilot project on leafy greens data sharing; a cucumber safety initiative; various studies of potential hazards; and partnership efforts with Mexico to ensure the safety of produce imports.

- Related potential Guidance: Guide to Minimize Food Safety Hazards of Fresh-cut Produce

Dairy and Egg Safety: Enhance training and education for dairy and egg producers in an effort to prevent foodborne disease outbreaks.

Recall Process Modernization: Incorporate feedback from stakeholders on risk communication strategies to enhance public access to recall information and increase the speed at which a recall can be carried out.

Food Traceability: Engage with stakeholders on a quarterly basis and educate covered entities to ensure timely compliance with the Food Traceability Rule compliance date.[10] HFP will facilitate the testing of traceability readiness and provide guidance.

- Related potential Draft Guidance for Industry: The Food Traceability Rule: Questions and Answers

Food Code and Retail Program Standards: Release an updated Food Code—basis for state/local food safety rules—reflecting new science, best practices, and outbreak data; HFP will also develop a companion Retail Program Standards manual to aid state/local agencies.

Tech-enabled Advances in Risk Management: Develop a plan for the use of AI-predictive models to use and analyze food supply data and examine the application of third-party audit data.

- Related potential Guidance for Industry: The Accredited Third-Party Certification Program: Questions and Answers

Other Guidance:

- Potential Guidance for Industry: Evaluation and Establishment of Safety of Low-Moisture Ready-to-Eat Foods Following Equipment Microbiological Contamination Event.
- Potential Draft Guidance for Industry: Hazard Analysis and Risk-Based Preventive Controls for Human Food: Chapter 10: Sanitation Program.

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We hope you find these summaries useful. OFW will continue to monitor for updates regarding each of these initiatives. Please contact us if you have any questions, seek additional information, or would like assistance drafting comments.

[10] OFW Law Summarized the Final Rule on Requirements for Additional Traceability Records in 2022, here.