

Food Industry Braces For MAHA And Other Challenges In 2026

By **Mary Beth Schultz and Ann Begley** (January 5, 2026)

With the one-year anniversary of the beginning of the second Trump administration approaching, it is a good time to consider what is on tap to be the top food trends and hotspots in 2026.

No doubt, 2025 was busy in the food space, and the Make America Healthy Again, or MAHA, movement is significantly affecting the conversation around food. Actions in the food safety space are also significant. Many of the initiatives that kicked off last year will come to fruition in 2026.

In this unpredictable landscape, food companies have a lot to track in order to keep their businesses nimble and viable. Here, we attempt to highlight some of the most important items to watch in the new year.

MAHA

With the MAHA Commission reports putting the U.S. Food and Drug Administration in the hot seat, in 2025, the FDA's policy activities really emphasized the F in FDA.

While the MAHA movement has had a focus on the FDA's activities, some of the first impacts from the movement will be felt in U.S. Department of Agriculture programs and at the state level in 2026.

So far, 18 states have sought and received Supplemental Nutrition Assistance Program waivers from the USDA to make items, such as sugary drinks, candy and prepared desserts, ineligible for purchase with SNAP funds.[1]

Five states began implementing these restrictions on Jan. 1, with other states starting later in the year. These changes have the potential to cause confusion for retailers and consumers alike.

For example, Florida is restricting purchases of ultra-processed prepared desserts but allowing purchases of freshly baked desserts.[2]

Determining the difference between these two categories may present some practical challenges. Implementation of state waivers will remain a challenge on top of the many other changes the One Big Beautiful Bill Act brought to SNAP, including tightened eligibility requirements, which are also being implemented in 2026.

In the meantime, the updated dietary guidelines for Americans, which are viewed as foundational for a number of federal nutritional programs, are expected to be issued early in the new year.

Based on the scientific report released in December 2024, previously expected changes included a bigger focus on plant-based proteins, and emphasis on fruits, veggies and whole grains.



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However, Health and Human Services Secretary Robert Kennedy has suggested a major overhaul of the guidelines, not only prioritizing the consumption of whole foods, but also increasing meat, full-fat dairy and saturated fat consumption.[3]

Indeed, Congress just passed a law allowing schools to provide whole and 2% milk, in addition to plant-based milk alternatives, in December.[4]

Numerous states have either passed or introduced MAHA-inspired laws and legislation. Some notable examples of new legislation include:

- A California law defining ultra-processed foods and mandating their removal from public school meals over time;
- A West Virginia law banning several artificial food dyes and certain preservatives in school foods and all foods sold in the state starting in 2028; and
- A Texas law requiring warning labels on products containing any of the 44 listed ingredients deemed not safe for human consumption in other countries, as well as online warnings.

Also of note, three states — New York,[5] New Jersey[6] and Pennsylvania[7] — have pending legislation to require state notification of self-affirmed Generally Recognized as Safe, or GRAS, substances.

Bets are on New York to be the first state to pass a GRAS law, given the state Senate already passed a bill, which will be considered by the State Assembly when it reconvenes in January 2026.

We expect more MAHA activity at the state level in 2026, given the broad bipartisan support it has received thus far and the encouragement from Kennedy for such actions.[8]

However, a recent interview with Kennedy, in which he stated that a national food standard is being discussed, offers industry hope that a preemption provision may be considered to quell the burgeoning patchwork of state laws.[9]

Speaking of GRAS, FDA sent its proposed rule to require mandatory notice of self-affirmed GRAS substances to the Office of Management and Budget in November 2025 for review, and the FDA is expected to issue it for public comment any day now.

This rule would do away with GRAS self-affirmation, although it is unknown what the proposed notification will look like or how a resource-strapped FDA will manage the significant spike in notification submissions the rule would likely bring.

The FDA will face challenges in defending its legal authority to issue mandatory notification requirements for GRAS ingredients. This problem would be abated if legislation to require mandatory GRAS notifications, like that introduced by Sen. Roger Marshall, R-Kan., in November last year, becomes law.[10]

The FDA is also working on finalizing a front-of-package nutrition labeling regulation, the FOP rule, and proposing to develop an ultra-processed food definition.

The FDA anticipates completing the FOP rule sometime after May this year, which would require standardized FOP nutrition data on packaged foods to support consumer accessibility to and understanding of nutrition information.

Following a public comment period, the FDA is collaborating with the USDA to consider how to define "ultraprocessed" foods, otherwise known as UPFs. Currently, a wide range of foods are commonly understood to be UPFs — for example, some Greek yogurts, whole wheat breads, chips, and candy — thus, making this a difficult task for the two agencies.

Any adopted definition could have a significant effect on food manufacturers as this administration has indicated the term might be used in some federal programs, thus could potentially apply in the dietary guidelines for Americans, in new FDA food labeling regulations like FOP labeling, and in support of bans of certain food products in federally funded food programs such as school lunch programs or SNAP.[11] It could also present obstacles for the growing field of alternative proteins, and result in lawsuits.

Food Safety

While MAHA pushed priorities intended to increase healthiness, in the last year the USDA and the FDA seemed to move toward some deregulation in the food safety space.

Unless a major food safety incident occurs or MAHA turns its attention to food safety, this deregulatory trend may likely hold steady or continue in 2026.

Given that the Centers for Disease Control and Prevention estimates that every year 48 million people will get sick, 128,000 will be hospitalized and 3,000 will die from foodborne illnesses, food safety is no doubt an important issue.[12]

One such example of food safety deregulation includes the USDA's Food Safety Inspection Service, or FSIS, withdrawal of an August 2024, proposed regulatory framework designed to reduce salmonella illnesses linked to raw poultry products, an action applauded by some in the industry and criticized by some food safety advocates.

Additionally, the USDA has indefinitely delayed sampling and verification activities for salmonella in not-ready-to-eat, breaded and stuffed chicken products.[13] On Jan. 14, the FSIS will hold a public session to solicit feedback on how to handle salmonella through the use of different performance standards, better use of data and practical policy choices.[14]

Dr. Mindy Brashears, confirmed in mid-December to serve as under secretary of agriculture for food safety — a position she also held in the first Trump administration — stated during her nomination hearing that she intends to focus her policy efforts on salmonella.[15]

A 2020 USDA document published during her tenure, "Roadmap to Reducing Salmonella, Driving Change Through Science-Based Policy" may provide insight into any future policy priorities related to salmonella addressed by the USDA.[16]

The document acknowledges that the food safety community did not meet the 2020 goal for reduction of salmonella, and emphasized science-based and data-driven programs, the need to modernize inspection systems, the importance of performance safety standards and referenced two food safety advisory committees, both of which were eliminated by the Trump administration in February 2025.[17]

In addition, a new FSIS policy extended waivers allowing pork and poultry facilities to

maintain higher line speeds in meat processing facilities, and rulemakings are underway.[18]

Another significant change, in July 2025, the CDC's FoodNet, the only active foodborne illness surveillance network in the U.S., reduced its surveillance activities to just two pathogens, salmonella and Shiga toxin-producing E. coli, dropping surveillance of the other six pathogens it used to track, including listeria.[19]

Twenty-five food safety organizations and industry representatives have requested additional funding for the CDC Food Safety Program, including FoodNet, stressing the importance of FoodNet's monitoring capabilities and oversight.[20]

On the other hand, the FSIS has been working on addressing issues related to listeria. It announced in December 2024 that it was making several improvements in this area.

Then in July 2025, the FSIS announced a new plan for food safety, and reported it had increased listeria testing, enhanced training for inspectors, provided \$15.5 million in additional funding to reimburse states for meat and poultry inspections, and updated agreements with 29 states that operate state meat and poultry programs.[21]

On the FDA side of things, the fiscal year 2026 appropriations bill restricted the FDA from enforcing various food safety rules, including the Food Traceability Rule (until 2028), the Produce Safety Rule and Pre-Harvest Agricultural Water Rule for certain crops, and limited the FDA's authority to issue additional guidelines or regulations related to listeria in low-risk ready-to-eat foods until it considers new science as specified in the bill.[22]

Clearly, there is much to watch in the food safety space going into 2026.

Switching gears, the USDA will once again be working on its Bioengineered Food Disclosure Standard, after the U.S. Court of Appeals for the Ninth Circuit's Oct. 31 decision in *Natural Grocers v. Rollins* — in light of the court's reversal of certain parts of the rule that affect labeling requirements for highly refined foods, and the inability to use electronic-digital link and text message disclosures to satisfy the bioengineered disclosure requirement.[23]

Regarding biotechnology generally, an April 2025 report from the National Security Commission on Emerging Biotechnology noted that biotechnology can "revolutionize agriculture production in America" and would be a "game-changer for America's farmers, while giving consumers across the country access to less expensive and more nutritious food."

The report makes numerous recommendations to advance U.S. biotechnology, including mobilizing the private sector.[24] This is yet another important area to watch going into the new year.

Still more items to watch: There are still many more items to watch in 2026, including the recent botulism outbreak in infant formula, settlements by agriculture sector companies regarding sustainability claims, the effect of reorganizations and staff reductions at USDA, FDA and the CDC, and a regenerative agriculture pilot program.

Finally, we can't end this article without mentioning that, for the third year in a row, Congress did not pass a new Farm Bill. With a new Sept. 30, 2026, deadline to pass a Farm Bill, Congress will once again look for consensus. Given the farm economy and the cuts and other changes made to SNAP in the One Big Beautiful Bill Act, this needle seems to be

getting increasingly difficult to thread.

What does this mean for food and beverage companies? No doubt these activities and political forces leave food and beverage companies navigating churning waters.

The winds are blowing toward a focus on nutritional standards, shifting consumer demand and more transparency in labeling. These forces will continue to require food and beverage companies to focus on evolving regulatory requirements as well as evolving market demands for products.

Buckle up — 2025 has set the stage for 2026 to be an even more active year for food regulatory policy.

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[1] <https://www.fns.usda.gov/snap/waivers/foodrestriction>.

[2] <https://healthysnap.myflfamilies.com/recipient/index.html>.

[3] <https://www.npr.org/sections/shots-health-news/2025/10/08/nx-s1-5564026/dietary-guidelines-rfk-saturated-fat-2025>.

[4] Whole Milk for Healthy Kids Act, S. 222, 119th Congress (2025).

[5] S1239; A1556.

[6] S4748; A4640.

[7] H.B. 1130.

[8] https://www.politico.com/newsletters/politico-pulse/2025/08/14/the-maha-wave-00508935#:~:text=While%20some%20topics%2C%20like%20ending,along%20@kelhoops%20and%20@sophie_gardnerj.

[9] <https://www.bloomberg.com/news/articles/2025-12-10/rfk-jr-says-national-food-standard-on-table-amid-state-activism?>.

[10] Better Food Disclosure Act of 2025, S.3122, 119th Congress (2025).

[11] <https://www.federalregister.gov/documents/2025/07/25/2025-14089/ultra-processed-foods-request-for-information>.

[12] <https://www.cdc.gov/food-safety/about/index.html#:~:text=Quick%20facts,are%20hospitalized%2C%20and%203%2C000%20die>.

[13] <https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices/delayed-verification-sampling-not-0>.

[14] <https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices/exploring-practical-strategies-reduce>.

[15] <https://www.wattagnet.com/business-markets/policy-legislation/news/15770625/brashears-salmonella-would-be-a-high-priority>.

[16] <https://foodsafety.osu.edu/sites/cfi/files/imce/FSISRoadmaptoReducingSalmonella.pdf>.

[17] <https://www.usda.gov/directives/sm-1078-002>.

[18] <https://www.usda.gov/about-usda/news/press-releases/2025/03/17/secretary-rollins-takes-action-streamline-us-pork-and-poultry-processing>.

[19] <https://www.nbcnews.com/health/health-news/cdc-quietly-scaled-back-surveillance-program-foodborne-illnesses-rcna227089>.

[20] <https://consumerfed.org/testimonial/food-industry-consumer-advocates-write-in-support-of-cdc-food-safety-program/>.

[21] [https://www.fsis.usda.gov/news-events/news-press-releases/fsis-announces-stronger-measures-protect-public-listeria#:~:text=Effective%20January%202025%2C%20FSIS%20will,sampling%2C%20or%20enforcement%20actions"\);](https://www.fsis.usda.gov/news-events/news-press-releases/fsis-announces-stronger-measures-protect-public-listeria#:~:text=Effective%20January%202025%2C%20FSIS%20will,sampling%2C%20or%20enforcement%20actions) <https://aamp.com/news/706042/USDA-Announces-New-Plans-for-FSIS-and-Food-Safety.htm>.

[22] Pub. L. No. 119-37, 139 Stat. 495 (2025).

[23] *Natural Grocers et al. v. Rollins et al.*, No. 22-16770 (9th Cir. October 31, 2025).

[24] <https://www.biotech.senate.gov/wp-content/uploads/2025/10/NSCEB-%E2%80%93-Full-Report-%E2%80%93-Sep-30-.25.pdf>.