

ALERT

MAHA Strategy Report Sets Table for Multiple Food, Agriculture, and Environmental Policy Changes

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On September 9, 2025, the Make America Healthy Again (MAHA) Commission released its Strategy Report for combating “the childhood chronic disease crisis.” The MAHA Commission determined this crisis existed in its May 2025 MAHA Assessment (the “Assessment”) which called for policy proposals to address the four “key drivers” of declining childhood health including poor diet, chemical exposure, lack of physical activity and chronic stress, as well as “overmedicalization.”

The Strategy Report recommends over 100 different policy proposals, categorized into four main areas: (1) advancing research; (2) realigning incentives; (3) fostering private-sector collaboration; and (4) increasing public awareness. Some of the Strategy Report’s most significant recommendations, a few of which are already being implemented, are as follows:

Food Supply:

- Advance policies to limit or prohibit the use of petroleum-based food dyes in food products;[1]
- Implement an evidence-based process for the systematic post-market assessment of chemicals in food (for more information, reference our previous report on this initiative);
- Develop a government-wide definition of “ultra-processed” foods;[2]
- Update U.S. Food and Drug Administration (FDA) regulation to reform the “generally recognized as safe” (GRAS) notification

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program;[3]

- Revise the FDA's proposed Front-of-Pack Nutrition Information labeling regulation;[4]
- Update the Dietary Guidelines for Americans (DGAs) and further reform the DGA development process;
- Provide assistance to states to decrease "junk food" purchases and improve nutrition in the U.S. Department of Agriculture's (USDA) Supplemental Nutrition Assistance Program (SNAP), including through food boxes.

Environmental:

- Reform the approval process for chemical and biological products to help farmers fight weeds, pests, and disease;
- Consider increased categorical exclusions under the National Environmental Policy Act (NEPA) for water discharge and hazardous waste permitting for low-volume meat-processing operations;
- Complete an evaluation of the risks and exposures to microplastics and synthetics in common products to be led by the U.S. Department of Health and Human Services (HHS) in collaboration with the National Institutes of Health (NIH) and the U.S. Environmental Protection Agency (EPA);
- Update the U.S. Centers for Disease Control and Prevention's (CDC) recommendations regarding PFAS in water using "data and scientific review" from NIH and EPA.

Agriculture:

- Streamline USDA's organic certification processes;
- Remove barriers that stop small dairies from processing and selling their milk locally;
- Provide growers with new tools for soil health practices.

Research:

- Carry out interagency research initiatives among EPA, USDA, HHS, and NIH on multiple issues, such as developing a research framework for cumulative exposure across chemical classes and a number of nutritional research and health initiatives;
- Introduce mechanisms for implementing "Gold Standard Science in Research";
- Recommend new conflicts of interest policies, including disclosure requirements for payments to researchers and added restrictions on eligibility to serve on federal advisory committees.

What Does the Strategy Report Mean for You?

As widely recognized in the media, the Strategy Report substantially pulls back from the Assessment's focus on some policy areas. However, stakeholders should be aware that the Strategy Report is still quite ambitious in many respects, as it provides a road map for extensive interagency research, regulatory, and educational efforts to address the key drivers of the chronic childhood disease crisis identified in the Assessment. If

implemented, these recommendations would have significant and complicated impacts on agricultural production, food processing, and environmental issues such as water quality.

Other Key Takeaways:

1. **Calls for many interagency actions:** Stakeholders should be aware that the report repeatedly calls for interagency collaboration between agencies such as FDA, EPA, USDA, HHS, and NIH to carry out many of its recommendations. For example, under its “advancing research” initiatives, the Strategy Report instructs “EPA and USDA, along with other relevant Federal partners and in collaboration with the NIH,” to assess ongoing evaluations of water contaminants and update guidance accordingly.

Interagency actions such as those proposed in the Strategy Report are often difficult to carry out due to a number of internal and external factors. Different government agencies have distinct priorities, missions, and statutory mandates, and their interested stakeholders often conflict – which can make it challenging for the agencies to come to agreement on necessary details to carry out the initiatives. These factors also can skew the likely implementation of recommendations. Even while recognizing these potential hurdles, we note that the senior leadership within a majority of each of the federal agencies tasked with interagency coordination are also participants in the MAHA Commission, which suggests a strong buy-in to move the proposed coordinated initiatives forward.

2. **Many states have enacted or proposed laws and regulations to implement these initiatives:** Multiple states have already enacted laws and introduced legislation that align with the recommendations made in the Strategy Report, with some state laws even going beyond the MAHA Commission recommendations. For example, Texas recently enacted Senate Bill 25 (2025), also known as the “Make Texas Healthy Again Act,” which requires, among other things, manufacturers of food products to include warning labels on products sold in Texas if they contain any of 44 specific ingredients – even if those ingredients are otherwise legally marketed under federal regulations. Civil violations of SB 25 can result in penalties of up to \$50,000 per day. Similarly, Louisiana recently enacted Senate Bill 14, which provides for similar warning label requirements on foods sold in Louisiana and further prohibits public schools from serving foods containing certain dyes and food additives including preservatives and sweeteners.

States also are active regarding microplastics. For example, in 2018, California enacted laws that require the State Water Resources Control Board to define, sample, and publicly report the presence of microplastics in drinking water.[5] In 2022, California finalized a multi-year road map to address microplastics and define research needs.[6] Recently, the California Department of Toxic Substances Control (DTSC) proposed adding microplastics to the Candidate Chemicals List[7] under the state’s Safer Consumer Products Regulations, enabling the evaluation of alternatives to reduce or eliminate the use of intentionally added microplastics and the production of microplastics produced from the degradation of consumer products.

States such as Minnesota, Maine, and New Mexico have been active in the PFAS area, enacting legislation requiring reporting and phase-outs of certain products. There are variations among these and other states regarding what products are subject to the regulations. Other states, such as Massachusetts, are considering PFAS-related legislation.

What Should You Do Now?

We recommend proactively considering the potential impact of the Strategy Report on your business and paying close attention to federal agency actions intended to implement the recommendations and related state activities. For example:

- Be prepared for a soon-to-be-released FDA proposal to require mandatory submissions for all GRAS ingredients. In the recently issued Spring Unified Agenda (RIN: 0910-AJ02), FDA indicated that the proposal may be released as early as next month. These changes also may affect USDA-regulated food producers as USDA relies on FDA food ingredient safety assessments for the use of both GRAS and food additive substances in meat and poultry production.
- Consider commenting on the joint FDA and USDA recent request for information (RFI) on whether to develop a definition for ultra-processed foods. Comments are due October 23rd.
- Monitor the actions of California and other states in their efforts to advance statewide strategies to reduce microplastics. Consider working with industry partners to understand existing research on the release of microplastics from your product.
- Monitor the legislative activity and the implementing regulations on PFAS reporting and restrictions in states that have enacted or proposed such legislation, as well as the federal activities.
- Monitor the actions of all federal agencies charged with carrying out the Strategy Report recommendations, and consider the potential impacts of interagency cooperation.
- Pay close attention to state legislative and regulatory activity to adopt recommendations of this Strategy Report.

Wiley will continue to provide ongoing analysis regarding regulatory or legislative activities related to the MAHA Strategy Report. Wiley has a team of experienced, cross-disciplinary attorneys who are prepared to address client issues arising from this Strategy Report. Our team includes lawyers with extensive FDA, EPA, USDA, and FTC regulatory and legislative experience. Please reach out to any of our attorneys for additional information.

[1] Press Release, "HHS, FDA to Phase Out Petroleum-Based Synthetic Dyes in Nation's Food Supply," U.S. Food and Drug Administration (April 22, 2025), <https://www.fda.gov/news-events/press-announcements/hhs-fda-phase-out-petroleum-based-synthetic-dyes-nations-food-supply>.

[2] Press Release, "HHS, FDA and USDA Address the Health Risks of Ultra-Processed Foods," U.S. Food and Drug Administration (July 23, 2025), <https://www.fda.gov/news-events/press-announcements/hhs-fda-and-usda-address-health-risks-ultra-processed-foods>.

[3] Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, Office of Information and Regulatory Affairs, Office of Management and Budget, <https://www.reginfo.gov/public/do/eAgendaMain>.

[4] Proposed Rule, Food Labeling: Front-of-Package Nutrition Information, January 16, 2025, <https://www.federalregister.gov/documents/2025/01/16/2025-00778/food-labeling-front-of-package-nutrition-information>.

[5] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1422

[6] https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20220223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf

[7] https://dtsc.ca.gov/scp/candidate-chemical-list_microplastics/