Updates
January 17, 2025
Trump’s FDA and USDA: Five Key Issues To Watch in 2025

The Trump administration’s food regulatory agenda will come into sharper focus once nominees for the U.S. Department of Health and Human Services (HHS) and secretary of agriculture are confirmed.

As of this writing, the incoming administration has nominated Robert F. Kennedy (RFK) Jr. for HHS secretary, Martin Makary, M.D., for U.S. Food and Drug Administration (FDA) commissioner, and Brooke Rollins for secretary of agriculture.

If confirmed, Kennedy, Makary, and Rollins will inherit several ongoing food regulatory initiatives at both FDA and the U.S. Department of Agriculture (USDA) amid a food regulatory landscape colored by the rise of President-elect Donald Trump’s Make America Healthy Again (MAHA) movement, an increasing patchwork of state food additive bans, the recent creation of FDA’s Human Foods Program (HFP), and heightened consumer concerns around so-called “ultra-processed” foods. Against this backdrop, we anticipate that both FDA and USDA will face unprecedented political attention with multiple influence points across the White House, Congress, and within the agencies themselves.

Five Key Issues To Watch in 2025

1. Chemicals in Food

We anticipate that Trump’s FDA will double down on the agency’s increasing focus on the post-market assessment of chemicals in food.

Just this past September, FDA held a public meeting on the development of an enhanced systematic process for post-market assessment of chemicals in food—namely, food additives, color additives, generally recognized as safe (GRAS) substances, substances used in contact with food, and chemicals present as unintentional

contaminants. This meeting followed FDA's publication of a discussion paper on the same topic and FDA's prior launch of a public inventory of certain food ingredients that the agency has determined are unsafe because they are unapproved food additives that are not GRAS when used as intended. More recently, on January 15, 2025, FDA announced the revocation of authorization for use of erythrosine (*i.e.*, Red No. 3) in foods.

Coupled with RFK's recent statements expressing concern regarding color additives, food-contact substances, GRAS substances, and contaminants in food and the principles espoused by MAHA proponents, we think FDA's initiatives focused on chemicals in food will continue and will perhaps become even better resourced. Once HHS and FDA leadership is in place, we will monitor for any additional policy or rulemaking developments regarding chemicals in food.

2. Nutrition

We anticipate increased focus at FDA on a range of important diet- and health-related topics, including ultra-processed foods, front-of-package (FOP) nutrition labeling, FDA's recent final rule on "healthy," and new dietary guidelines, among others.

National headlines have sought to draw a link between ultra-processed foods and health risks, and Kennedy has stated his wish to "get processed food out of school lunch immediately." Most recently, the 2025 Dietary Guidelines Advisory Committee's scientific report expanded its review to include dietary patterns with varying amounts of ultra-processed foods, plant-based sources of protein, and portion sizes, among other topics. Notably, this report did not include any specific recommendations on ultra-processed foods, and it highlighted that gaps remain in understanding how ultra-processed foods affect health. The committee recommended that future committees consider examining the association between ultra-processed foods and growth, body composition, and risk of obesity. The 2025-2030 dietary guidelines should be issued in early 2025 and will set nutrition standards for federal nutrition programs. This will be an early opportunity for the incoming Trump administration to influence nutrition policy.

It also remains to be seen whether FDA's recently published final rule updating the "healthy" nutrient content claim withstands the change in administration. In December 2024, FDA published its final rule on "healthy." This final rule could be among those considered for reversal by the incoming Trump administration under the Congressional Review Act. We will also be monitoring to see whether the new administration proceeds with FOP labeling in light of FDA's proposed rule published on January 14, 2025, calling for the use of an FOP nutrition label containing nutrient information for saturated fat, sodium, and added sugars on the principal display panel for most foods. Notably, a number of industry stakeholders have already expressed concerns that the proposed FOP label oversimplifies key dietary information, will require costly redesigns of most food packaging labels, and will not help to educate consumers on how to improve their overall dietary patterns.

3. Alternative Proteins

We anticipate renewed attention to the safety and labeling of cultivated (cell-cultured) meat. USDA's Food Safety and Inspection Service (FSIS) has stated its intent to publish a proposed rule that establishes new requirements for the labeling of meat or poultry products made using animal cell-culture technology, along with a corresponding guideline. But in light of the recent politization of cultivated meat across certain U.S. states (such as in Florida and Alabama), it remains to be seen whether and to what extent politics shape the timing and substance of any proposed rule or future statements on this topic. The same is true for FDA guidance currently under development regarding premarket consultations on cultured animal cell foods.

We also anticipate that FDA may revisit the naming and labeling of plant-based foods notwithstanding FDA's recent release of guidance on this topic in the waning days of the Biden administration. The naming of plant-based foods has been a topic of heated debate and has resulted in new laws in Missouri, Texas, and Mississippi, among other states.

4. Traceability

As FDA's traceability rule compliance date nears (January 20, 2026), we anticipate continued efforts by industry to push for additional flexibility in the rule's implementation. Whether or not FDA affords industry such flexibility will rely, in large part, on Trump's chosen FDA HFP leadership team, which will come into clearer focus in the ensuing weeks and months.

Since the publication of FDA's final rule on traceability in 2022, industry has voiced a range of concerns regarding its implementation—such as the level of labeling and tracing activity necessary to generate the required information—and has called for staggered implementation and pilots. At a recent Reagan-Udall Roundtable, participants highlighted the value of additional pilots, citing the need to invest significant time and energy into preparing for compliance.

Most recently, in December 2024, the National Association of Manufacturers sent a letter to President-elect Trump, requesting that the rule's requirements be "more flexible and streamlined" and extend the deadline to comply by at least three years to allow "industry stakeholders time to develop and implement effective, low-cost tracking systems."

5. Food Date Labeling

We anticipate further activity at FDA and USDA regarding date labeling, including serious consideration of proposing a federal standard.

USDA and FDA do not broadly impose any standardized food date labeling requirements. With the exception of infant formula, FDA does not require food companies to place "expired by," "use by," "best before," or any variation thereof on food product labels. But last month, FDA and USDA-FSIS published a joint Request for Information (RFI) seeking stakeholder input related to standardizing food date labeling, stemming from the National Strategy for Reducing Food Loss and Waste and Recycling Organics. Tackling food waste was also a priority in the first Trump administration, as seen with the 2018 Winning on Reducing Food Waste initiative. At the state level, California passed the nation's first food date labeling law, and Massachusetts is set to introduce a similar but slightly different bill in 2025. Given the potential for a patchwork of state-by-state legislation and the prior focus on food waste by the first Trump administration, this is a topic FDA and FSIS may tackle in the short term.

Conclusion

Additional topics to monitor this year include USDA's approach to reducing salmonella in raw poultry products, especially in light of a USDA-proposed rule published last summer—that many in the industry viewed as the wrong approach—that would raise costs and increase food waste. USDA's approach to the regulation of trade practices under the Packers and Stockyards Act also bears monitoring as the outgoing Biden administration has finalized (as recently as January 14, 2025) three new rules that many within the poultry industry have characterized as anti-business.

On the FDA side, it is clear that the Biden administration directed the HFP to publish as many items on its agenda as is practical ahead of the Trump administration's arrival. It remains to be seen which policies and approaches will continue under the new administration and what new initiatives will be implemented. Perkins Coie's Food Regulatory team will be actively tracking industry developments across the White House, FDA, USDA, Capitol Hill, and nationwide at the state level. If you have any questions concerning the incoming administration's regulatory priorities at FDA and USDA, please contact members of Perkins Coie's Food Regulatory team.

Authors

Explore more in

Food Regulatory Food & Beverage Food & Consumer Packaged Goods Litigation

Related insights

Update

FDA and USDA Seek Comments on Standardizing Food Date Labeling

Update

FDA Releases Draft Guidance on the Labeling of Plant-Based Foods