

# United States Senate

WASHINGTON, DC 20510

March 19, 2026

Martin Makary, M.D., M.P.H.  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Ave  
Silver Spring, MD 20993

Dear Commissioner Makary:

Thank you for your stated commitment to removing food additives with known negative health impacts. To this end, I write to urge you to approve a food additive petition filed with the Food and Drug Administration (FDA), which requests removal of four solvents that are linked to cancer and other negative health impacts.

The petition, FAP 4A4839, requests the FDA amend food and color additive regulations to remove four solvents: benzene, ethylene dichloride, methylene chloride, and trichloroethylene (TCE) as food ingredients or as substances used in the production of food.

The Department of Health and Human Services' (HHS) publishes an annual report, the Report on Carcinogens (ROC), in which it identifies substances either known to be carcinogens or may reasonably be anticipated to be carcinogens, and to which a significant number of people in the U.S. are exposed. All four substances are listed in the ROC and all were found to be linked to cancer.<sup>1</sup>

Further, EPA categorizes these chemicals as hazardous air pollutants,<sup>2</sup> which are known to cause cancer and other potential health effects such as neurological or reproductive harms.<sup>3</sup> The law establishes clear authority for the FDA to remove food additives that are known to induce

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<sup>1</sup> NTP. Fifteenth Report on Carcinogens, 2021, p. 6. Last updated April 14, 2023. See <https://ntp.niehs.nih.gov/whatwestudy/assessments/cancer/roc> or [https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/introduction\\_508.pdf](https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/introduction_508.pdf); NTP. Fifteenth Report on Carcinogens, 2021, p. 6. Last updated April 14, 2023. See <https://ntp.niehs.nih.gov/whatwestudy/assessments/cancer/roc> or [https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/introduction\\_508.pdf](https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/introduction_508.pdf); 42 U.S.C. § 241(b)(4) Congress mandated that the Secretary of HHS publish a biennial report listing substances: 1) which are known to be carcinogens or may reasonably be anticipated to be carcinogens, and 2) to which a significant number of persons residing in the United States are exposed.

<sup>2</sup> EPA. Initial List of Hazardous Air Pollutants with Modifications. Last updated on January 19, 2021. <https://19january2021snapshot.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications.html>

<sup>3</sup> EPA, Health and Environmental Effects of Hazardous Air Pollutants, [Health and Environmental Effects of Hazardous Air Pollutants | Hazardous Air Pollutants | US EPA](#)

cancer,<sup>4</sup> but all four substances are still approved for use as food ingredients or in production of food.

Benzene is a chemical that is used to manufacture industrial products, chemicals, dyes, detergents, and some plastics, and the FDA acknowledges the presence of benzene in soft drinks.<sup>5</sup> Methylene chloride, TCE, and ethylene dichloride are FDA-approved chemical solvents used in food processing to extract specific components or flavors. However, FDA found that ethylene dichloride has induced cancer in rats or mice and is a possible carcinogen in humans.<sup>6</sup> The FDA prohibited the use of methylene chloride in cosmetic products due to cancer risk in 2024.<sup>7</sup> That same year, EPA issued a rule banning the manufacture and import, processing, and distribution in commerce of TCE.

I request that the FDA expeditiously rule on this petition, which is backed by peer-reviewed science and supports the growing national demand, led by concerned mothers, for safety in food ingredients.

Sincerely,



Cory A. Booker  
United States Senator

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<sup>4</sup> The Federal Food, Drug and Cosmetic Act (FFDCA) has stated that "no [food] additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal ... "; 21 U.S.C. § 348(c)(3)(A).

<sup>5</sup> FDA, Questions and Answers on the Occurrence of Benzene in Soft Drinks and Other Beverages (current as of Feb, 25, 2022), <https://www.fda.gov/food/environmental-contaminants-food/questions-and-answers-occurrence-benzene-soft-drinks-and-other-beverages>

<sup>6</sup> FDA, Appendix 4: Toxicological Data for Class 1 Solvents, <https://www.fda.gov/media/71738/download>

<sup>7</sup> CFR, § 173.255 Methylene chloride, <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-173/subpart-C/section-173.255>