



February 12, 2025

Representative McNamara, Chair
House Education Committee
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Chairman McNamara and Members of the House Education Committee,

The Consumer Brands Association respectfully opposes House Bill 5115. We represent a broad section of America's food, beverage, and ingredient industries. The safety and quality of what we make and sell to our customers is of the highest importance, and we maintain a commitment to the continuation of a strong federal food safety system. The United States has the safest, most efficient, and affordable food system in the world. The U.S. Food & Drug Administration (FDA) and industry collaborate to ensure the most up-to-date science and protocols inform a science and risk-based system for the evaluation of food and color additives.

FD&C Colors are Safe

FDA's pre and post market review systems for additives, dyes and chemicals evaluate the entire body of scientific evidence to make safety determinations. Such reviews continue, even after ingredients are approved for the marketplace. In March of 2011 FDA convened a Food Advisory Committee to consider available relevant data on the possible association between children's consumption of synthetic color additives in food and adverse effects on behavior. After reviewing the relevant scientific data, the Food Advisory Committee concluded there was *no causal link between consumption of certified color additives in food and hyperactivity and other problematic behaviors in children*. Again in 2019, the FDA reviewed the science and at the conclusion, FDA Science Board members stated that *the colors outlawed by this bill have not been shown to have any negative toxic effects based on their cumulative analyses of food additives and food colors*.

Ingredient Bans Increase Costs to Schools

This legislation targets FDA-approved ingredients and would impose impractical mandates upon Rhode Island schools. If enacted, students will no longer have access to foods containing any safely approved color additives. This is an enormous and impractical burden on schools with far reaching impacts. It limits essential meal choices without evidence of benefit. Moreover, the legislation stands to impose increased costs on school systems by increasing the costs of foods and removing revenue streams that help offset the cost of providing safe, nutritious food to students. USDA subsidizes a portion of the cost for schools to produce meals, but not the full amount. The remaining cost can be covered by a la carte and competitive food sales. In fact, according to the USDA: "Net revenues from nonreimbursable food sales (a la carte, adult meals, and other nonreimbursable meals) supported school foodservice operations by partially offsetting the gap." This gap can be significant. According to the USDA, the average cost to produce meals for students is substantially higher than USDA reimbursements (Breakfast gap is 30.8% and lunch is 12.8%).

Oppose House Bill 5115

Legislation such as House Bill 5115 undermines the necessity to safely regulate our food supply at the national level, increase costs on families, schools, and the state and would create an inconsistent patchwork of state-by-state laws. State-level ingredient bans in school lunch programs will create significant challenges and unnecessary burdens, especially for companies operating across multiple states and jurisdictions. These bans result in a patchwork of varying standards, forcing food companies to navigate complex and often inconsistent requirements across multiple states, with varying implementation dates. This will likely lead to increased production costs as companies may need to reformulate products and create state-specific supply chains. Therefore, it is critical that we support a national food safety system and allow FDA to execute its robust evaluations of additives and dyes. Rhode Island schools and students should not be unfairly targeted by efforts to deny access to safe ingredients.

Sincerely,

Consumer Brands Association
Greg Costa

Cc: House Education Committee