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TTY: 771
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February 12, 2025

The Honorable Joseph M. McNamara
Chair
House Committee on Education
State House
82 Smith St.
Providence, RI 02903

H 5115 -- An Act Relating to Education -- School Food Dye Restriction Act

Dear Chair McNamara:

Please accept this letter of concern regarding H 5115, legislation that would prohibit the manufacture, sale, and distribution of foods containing certain artificial food dyes within school systems in the State of Rhode Island commencing January 1, 2027. The legislation would prohibit the following artificial food dyes in food products in schools: (1) FD&C Blue No. 1 and 2, (2) FD&C Green No. 3, (3) FD&C Red No. 40, and (4) FD&C Yellow No. 5 and 6.

Although the Rhode Island Department of Health (RIDOH) applauds the intent of the legislation, it is unable to enforce the provisions of H 5115 without adequate resources. As written, RIDOH would need one FTE food inspector as well as additional administrative and legal support to track and monitor fines that would be issued to school vendors who are not in compliance with the legislation's requirements. In addition, RIDOH would need funding to develop the software needed for data collection and reporting purposes.

RIDOH would also need to amend its regulations (216-RICR-50-10-1) as the regulations currently allow for color additives found in Title 21 Code of Federal Regulations (CFR) Parts 73-Subpart A, 74-Subpart A, 81, and 82 and thus are not currently banned by the Federal Food and Drug Administration (FDA).

The growing body of evidence from studies suggest that synthetic food dyes may pose potential risks to children's behavior and health but there are some inconsistent findings, and more rigorous studies are needed. Allowing FDA to ban unsafe food additives at the federal level would be optimal and ensure that additives are being banned based upon science. Recently, FDA revoked the authorization of Red Dye No. 3 under the Delaney Cause of the federal Food, Drug, and Cosmetic Act. Nationally, California is the only state to implement a law like H 5115. In response to California's bill, FDA stated that chemical food safety is a key priority for the agency. A federal ban would establish a consistent framework across all states, ensuring a uniform approach nationwide. The majority of the food served in Rhode Island comes from out-of-state vendors that would not need to meet the requirements of H 5115, which might present challenges for the RI School Lunch Programs.

I thank you for the opportunity to comment on the proposed legislation and would be happy to work with the sponsor(s) and members of the Committee to propose amendments and/or to identify the resources

needed to implement the actions included in the bill.

Sincerely,

A handwritten signature in black ink that reads "Jerome M. Larkin". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jerome M. Larkin, MD
Director

CC: The Honorable Lauren H. Carson
The Honorable Members of the House Committee on Education
Nicole McCarty, Esquire, Chief Legal Counsel
Lynne Urbani, Director of House Policy