



**Testimony of Consumer Brands Association
Before the Maryland House Committee on Health and Government Operations
Oppose: HB 1098
March 1, 2024**

Food safety is a paramount concern to our members, and we support the proven, science and risk-based process established by the United States Food and Drug Administration (FDA) to review the safety of food additives. FDA is the expert national authority when it comes to consumer health and safety, and the bill before you would usurp FDA's process by seeking to ban ingredients that the agency has evaluated and deemed safe for food use.

FDA reassesses the safety of additives when new, relevant scientific information becomes available, and is responsive to petitions that request an updated review of food additives. This authority is a key component of FDA's ongoing mission to safeguard food safety.

A state patchwork in the food regulation space creates unnecessary and burdensome challenges for both consumers and the manufacturers who produce and offer food and beverage products to a national market. HB 1098 would not only affect products sold in Maryland but in fact throughout the Mid-Atlantic. It is not producers but wholesalers and distributors that determine what is shipped into and through Maryland. In fact, given the nature of distribution in our region and the relatively short distances between state lines, there is really no way to segregate products for distribution by state.

The FDA maintains an active and aggressive schedule of food product ingredient evaluation. Recent and ongoing FDA safety reviews of the additives that would specifically be banned under HB 1098 include Red Dye #3, which is currently being actively reviewed by FDA; and Brominated Vegetable Oil (BVO), which in June the FDA announced would be prevented from use in food. In fact, on November 2, 2023, FDA proposed to revoke BVO as an authorized food additive, based on the agency's conclusion that the intended use of BVO in food is no longer considered safe due to the potential for adverse health effects in humans. Over the years, many beverage makers have reformulated their products to replace BVO with an alternative ingredient and continue to adapt formulas using the guidance of the FDA.

Furthermore, FDA has begun an internal reorganization, under which it will establish an Office of Food Chemical Safety, Dietary Supplements & Innovation. The FDA has announced plans to modernize and improve the Agency's management of food ingredient safety within this Office, including through the adoption of a modernized and systematic approach to reviewing both novel and existing food additives. It would be extremely premature for individual states to intercede in before an expert federal agency lays the groundwork to review the safety of food ingredients currently in the marketplace through robust scientific standards and regulatory processes.

Consumer Brands members believe HB 1098 oversteps the FDA scientific review of these additives and creates significant regulatory uncertainty. We will continue advocating for oversight from qualified experts, scientists and regulators to support public health and promote consumer



choice. Thank you again for the opportunity to comment on HB 1098, we welcome additional questions and the opportunity to provide further information the committee may find helpful.

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