



**Testimony of Jennifer Gardner
Director of State Government Affairs, National Confectioners Association
Maryland House Health Committee
Hearing on House Bill 1004**

March 3, 2026

Chairwoman Bagnall, members of the House Health Committee, my name is Jennifer Gardner, and I am here on behalf of the National Confectioners Association. Thank you for the opportunity to participate in today's hearing. While we support a rigorous post-market assessment of food and color additives and a strong food safety system, House Bill 1004 would further an unworkable state patchwork approach to food and color additive restrictions, and our association respectfully opposes the legislation.

The National Confectioners Association (NCA) is the leading trade organization for the \$48 billion U.S. confectionery industry. The NCA represents manufacturers, wholesalers, and suppliers of chocolate, candy, gum, and mints, supporting more than 7,000 jobs in Maryland through direct and indirect economic activity and providing over \$472.2 million in total economic output in the State.

As heavily regulated food manufacturers with national distribution networks, our members must follow a unified federal standard operated by the Food and Drug Administration (FDA). When FDA approved ingredients are subject to varying state-specific restrictions with differing effective dates, this can significantly disrupt ingredient sourcing and national supply chains that are not equipped to manage state-by-state variances.

Three states have already enacted statewide food and color additive restrictions, and any new state law would only exacerbate current food production challenges and increase food costs. A new economic analysis indicates that Maryland consumers are likely to see increased food prices due to shared distribution networks with West Virginia, where food and color additive restrictions have been adopted. If Maryland implements similar ingredient restrictions, in addition to incurring border state costs, consumers in the state could expect to see a 12% increase in annual grocery costs.

House Bill 1004 also includes a more aggressive implementation timeline than other states. Manufacturers would only have roughly 18 months to reformulate impacted products, an effective date six months earlier than the food additive restriction laws adopted in Arkansas and West Virginia.

Food and color additive legislation in Maryland would also impose new enforcement and programmatic responsibilities on the state's Department of Health when the agency is already facing significant fiscal pressures. A strong collaborative approach between state and federal

policymakers preserves our national food safety system while also preserving vital state financial resources that could be otherwise allocated.

Over the last few years, FDA has accelerated its work to evaluate food and color additive safety. FDA has updated its [list of select chemicals](#) under the agency's review and released a proposed, multi-criteria ranking system for chemicals in the food supply, underscoring the agency's focus on regulating food and color additives. These actions are in addition to FDA's revocation of [Red Dye 3](#) and [brominated vegetable oil](#) as well as its ongoing [review](#) of potassium bromate and propylparaben. FDA has already restricted or is actively reviewing the food and color additives targeted for statewide restriction under House Bill 1004.

Last year, FDA also confirmed its intent to collaborate with industry to address synthetic color additives in the food supply, and many food manufacturers have voluntarily committed to product reformulations to limit synthetic color additives. These ongoing product reformulations are complex and time intensive. State actions to further restrict varying food ingredients will only impede manufacturers already working to meet consumer demand for products with fewer additives.

While well-intentioned, House Bill 1004 would contribute to an unworkable patchwork approach to food ingredient oversight, creating duplicative regulatory structures, inflating already heightened food costs, and undermining consumer confidence in the safety of our nation's food supply. In lieu of pursuing a state-specific approach, we urge you to collaborate with FDA in its work to evaluate chemical safety and respectfully request an unfavorable report on House Bill 1004.

Thank you for allowing me to testify today to share our concerns.