CSPI Testimony_HB1208.pdf
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CENTER FOR Science IN THE Public Interest
Your Food and Health Watchdog

Testimony of Jensen N. Jose
Regulatory Counsel, Center for Science in the Public Interest
Hearing on Maryland HB1208

March 25, 2025

Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee,

My name is Jensen Jose, and I am a Maryland Resident as well as Regulatory Counsel for Food Additives and Supplements at the Center for Science in the Public Interest (CSPI). CSPI is an independent, science-based non-profit that has worked for more than 50 years to improve the food system and advocate for consumer health. We do not accept corporate donations.

I strongly urge you to support House Bill 1208, which would prohibit the manufacture and sale of foods in Maryland containing four chemicals with documented health risks.

The dangers of these additives are clear and long-standing:

- **Potassium bromate** was found to cause cancer by the World Health Organization (WHO) in 1992.
- **Propylparaben** was linked to reproductive toxicity and hormone disruption by the European Food Safety Authority (EFSA) in 2004.
- **Brominated vegetable oil (BVO)** was linked to cardiac toxicity and bioaccumulation by the WHO in 1970. The FDA finally banned it in 2024, 54 years after risks were first identified.
- **Red 3** was identified as an animal carcinogen by the FDA in 1990 and subsequently banned from food in the U.S. in 2025, 35 years later.

Despite well-established risks, the FDA has been slow to act to protect consumer safety. It took the agency 35 years to ban Red 3 after recognizing its cancer risk. Must we wait decades longer for the FDA – which now faces significant budget cuts and staff layoffs – to ban other chemicals that we know are toxic?

States are stepping up to ban harmful food additives. In 2023, California banned the four additives targeted here – a prohibition that will go into effect in 2027. At least a dozen other states have introduced similar legislation to ban these chemicals.

By passing HB1208, Maryland can take decisive action to protect public health. I urge you to support this critical legislation. Thank you for your time and consideration.

Sincerely,

Jensen N. Jose
Regulatory Counsel
Center for Science in the Public Interest

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HB 1208 - LOS - UMMS.pdf
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Position: FAV

UNIVERSITY of MARYLAND MEDICAL SYSTEM

House Bill 1208 – Public Health – Prohibited Ingredients in Food

POSITION: Support
March 27, 2025
Senate Finance Committee

The University of Maryland Medical System ("UMMS") respectfully submits this letter of support to **House Bill 1208 – Public Health – Prohibited Ingredients in Food**.

House Bill 1208 ("HB 1208") seeks to amend the Maryland Food, Drug, and Cosmetic Act ("MFDCA") to prohibit the manufacture and sale of food that contains certain artificial and toxic additives, beginning on October 1, 2028. The bill also would establish criminal and civil penalties for the manufacture or sale of products containing these prohibited additives and authorize the Maryland Department of Health to enforce its provisions.

A growing body of scientific research indicates that consumption of artificial additives is associated with increased health risks. And, many of these health risks may disproportionately impact children. FDA estimates that per capita artificial food dye consumption in the country has increased by more than 500 percent since 1950 (11 mg to 61 mg per day). The primary driver of this increase has come from food products most often consumed by children and young adults, such as candy, cereal, and energy and sports drinks. Recent data suggest that increased consumption of the artificial additives included in this bill has resulted in a deleterious effect on children's behavior, including hyperactivity and ADHD, and/or been linked to cancer or reproductive or thyroid issues in humans or animals.

As of January 15, 2025, two of the four artificial or modified food additives included in the bill (Red No. 3 and brominated vegetable oil) have been banned by the U.S. Food and Drug Administration over health and toxicity concerns. FDA banned Red No. 3 in January 2025, under the "Delaney Clause," which prohibits FDA authorization of a food or color additive if it has been found to cause cancer in humans or animals, and FDA banned brominated vegetable oil in August 2024, due to research studies linking the additive with reproductive and thyroid issues. HB 1208 would bring Maryland and the MFDCA in line with federal law, while also expanding the authority of State health authorities to ensure compliance with this important prohibition.

HB 1208 would also prohibit the manufacture or sale of potassium bromate and propylparaben. Both additives are currently banned in the European Union, Canada, Japan, and several other countries. In 2023, California became the first state to ban these additives, but since California's law was adopted, several other states have passed measures restricting or prohibiting these additives, including Arizona, Illinois, and West Virginia. In addition, at least 18 state legislatures are actively considering bans on these and other artificial additives this year. States are proposing and adopting bans on propylparaben, and potassium bromate due to growing concerns that

exposure to, or consumption of, these additives may adversely impact hormone functions or increase the risk of cancer.

For these reasons, the University of Maryland Medical System supports HB 1208, and respectfully requests a ***favorable*** report on the bill.

For more information, please contact:
Will Tilburg, VP, Government and Regulatory Affairs
University of Maryland Medical System
William.tilburg@umm.edu

A movement to ban food dyes gains ground across th

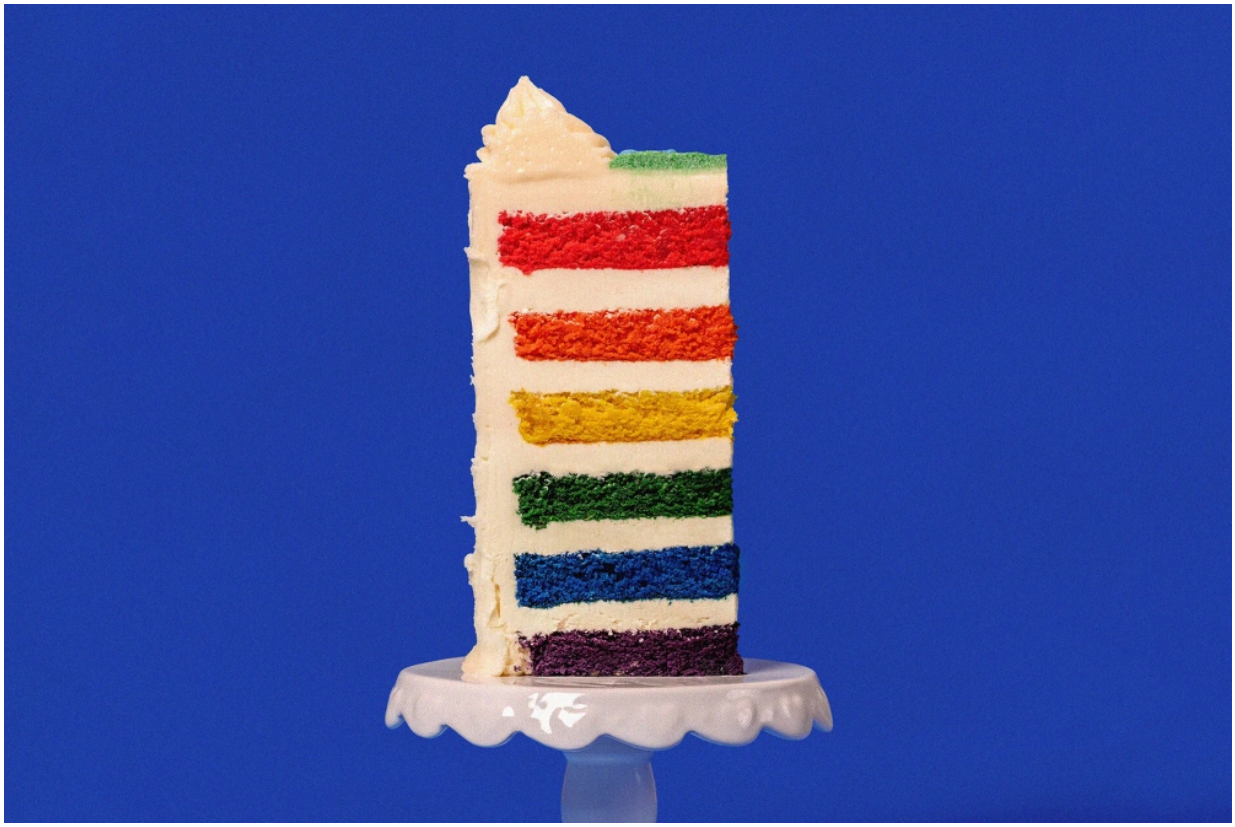
Uploaded by: Sarah Cusack

Position: FWA

HEALTH NEWS

A movement to ban food dyes gains ground across the U.S.

More than a dozen states have introduced bills this year to crack down on artificial dyes and other food additives.



The FDA has approved 36 color additives, including nine synthetic dyes used in foods and beverages.

Leila Register / NBC News; Getty Images

March 23, 2025, 6:00 AM EDT

By Berkeley Lovelace Jr.

Across the U.S., a longtime push to ban synthetic dyes in food is gaining renewed momentum, with critics of the dyes insisting it's not a matter of if, but when.

States like West Virginia have cited the Make America Healthy Again movement, led by Health and Human Services Secretary Robert F. Kennedy Jr., as a driving force, along with concerns among parents and some scientists that dyes might contribute to behavioral problems in kids – a link the Food and Drug Administration says it is monitoring but hasn't established.

In the first three months of the year, 20 states – including Oklahoma, West Virginia and New York – have introduced nearly 40 bills aimed at cracking down on artificial dyes and other food additives, the most in any

year, according to the Environmental Working Group, a food safety advocacy group.

“We’re really encouraged,” said Brandon Cawood, an advocate for eliminating food dyes who, along with his wife, Whitney, created “To Dye For: The Documentary,” a film that has been cited by West Virginia lawmakers. “Oklahoma, Utah, Tennessee have bills on the table. Florida, New York, Texas, Arizona. All these states all over the place are popping up.”

The FDA has approved 36 color additives, including nine synthetic dyes used in foods and beverages. Among them was Red No. 3, approved for use in foods in 1907, though the agency banned it in January over concerns about possible cancer risks.

They’re commonly used in products marketed to kids, including candy, breakfast cereals and soda, because their bright, vibrant hues are particularly eye-catching, experts say.

Earlier this month, West Virginia lawmakers passed a bill banning seven of those dyes – including Red No. 40 and Green No. 3 – which is set to take effect in 2028 if signed into law by the state’s governor. The bill follows a similar move from California last year that banned six dyes from food served in public schools.

On Wednesday, Arizona lawmakers held a roundtable discussion on a bill that would ban public schools from serving or selling foods that contain certain chemicals, including synthetic dyes.

Kennedy's push to eliminate artificial dyes

“There really hadn’t been much of a grassroots movement … and that shifted this election cycle,” said Jerold Mande, an adjunct professor of nutrition at the Harvard T.H. Chan School of Public Health, who is also a former FDA senior adviser and former deputy undersecretary for food safety at the Agriculture Department. “I really think MAHA is playing a big role in this.”

It’s by no means a new movement: The FDA began taking steps to look into a possible link between dyes and behavioral problems in kids in the 1970s, when a California allergist and pediatrician proposed a possible connection. The agency investigated it even further following a 2007 study published in The Lancet, which said artificial dyes resulted in increased hyperactivity in kids.

In 2011 and 2019, the FDA also reviewed data but determined no causal relationship could be established for children who haven’t already been diagnosed with behavioral disorders. Scientists and physicians have called for more research on the topic. The FDA did not respond to a request for comment. The FDA has said that it “has reviewed and will continue to examine the effects of color additives on children’s behavior.”

While the FDA hasn’t made a connection, that hasn’t stopped government officials and outside groups from insisting there is one – or alleviated concerns from parents.

“It’s extremely important that we really change our school food,” West Virginia state Del. Evan Worrell said on a call with reporters Tuesday. “We have some behavioral problems in our school system today, and I’m not going to point them all to food dyes, but it’s a contributing factor.”

Kennedy, who oversees the FDA, has also previously claimed dyes are linked to hyperactivity and learning disorders. He cited a 2021 report from the California Office of Environmental Health Hazard Assessment that reviewed 27 trials in children and concluded food dyes can interfere with normal behavior in some kids.

He is vowing to eliminate artificial dyes from the nation’s food supply, telling executives from major food companies in a closed-door meeting this month that he wants them all gone by the end of his term, according to an HHS official. It’s unclear whether he’ll have the money or resources to do so, however, given the Trump administration’s broader goal of reducing federal spending across the government.

Other dyes permitted by the FDA include Red No. 40, used in cereals, gelatins and puddings; Yellow No. 5, used in snacks, condiments, baked goods and yogurt; and Green No. 3, used in ice cream, sherbet and drink mixers.

The FDA’s slow efforts to take action on artificial dyes has forced states and local groups to step up, said Marion Nestle, professor emerita of nutrition, food studies and public health at New York University.

State lawmakers also point to other countries, like those in Europe, where food dyes are more heavily regulated.

Still, Nestle added, any action the FDA takes to ban certain chemicals must be based on sound scientific evidence showing a potential link. The

agency's ban on Red No. 3 was based on research linking the chemical to cancer in laboratory rats. Although there wasn't evidence in humans, it was enough to persuade the FDA.

While some research has suggested a link between certain dyes and an increase in hyperactivity and moodiness or irritability in children, the evidence still isn't conclusive, which may explain why the FDA is taking so long, Nestle said.

"The research is really, really hard to do," said Nestle, questioning how Kennedy would go about banning the chemicals. "You can't do it in people. You can't take a bunch of kids and give some of them food dyes and another bunch of kids not and see what happens." She noted there's evidence that some kids respond badly to color dyes.

Even so, it may become harder for food companies to defend the use of the chemicals – especially because they don't preserve food or provide a nutritional benefit, Nestle said.

In a statement, Sarah Gallo, senior vice president of product policy for the Consumer Brands Association, an industry trade group, said food and beverage makers are committed to food safety and criticized a state-by-state approach.

"A state patchwork approach in the food regulation space creates unnecessary confusion for consumers, limits access to everyday goods and increases costs at the grocery store," Gallo said.

Mande, of Harvard, said he doesn't buy arguments from some food companies about the potentially high cost of transitioning away from synthetic dyes, noting companies have managed to find "natural" color additives to replace them in other countries where synthetic ones are banned.

Nestle said some companies have tried to eliminate artificial dyes from their products in the past, although unsuccessfully.

Mars announced a plan in 2016 to remove artificial dyes from all its products but abandoned the pledge in 2021, stating: "We have found that consumer expectations regarding colors in food differ widely across markets and categories."

General Mills also made a switch to natural dyes in its cereals in 2016 but brought back artificial colors a year later after consumers reportedly complained the new colors were depressing.

"We don't really need these things. Their only function is cosmetic," Nestle said. "Should we use the European precautionary principle: If we can't prove that these things are safe, then we're just not going to use them?"

That's the path Wendy Bakos, 34, from Florida, took when she transitioned her two children, Harper, 7, and Caden, 3, away from foods containing artificial dyes about a year ago.

Concerned about possible health issues from dyes, she joined a Facebook group of families who've made a similar transition that lists resources and

recipes.

The most challenging part of the transition, she said, was finding dye-free candy that her children liked, particularly Harper.

They did find alternatives, however, like a brand called Unreal, and discovered that Trader Joe's offers candy without artificial dyes.

"We weren't really eating too much, like say, Froot Loops and things," Bakos said. "With candy, especially like on Halloween, it was like, 'Wait a second, why can't I eat that?' But as soon as I introduced her to alternatives, she was fine with it."

Ella celebrates her sixth birthday. Courtesy Liz Dent

Likewise, Liz Dent, 36, from Humboldt, Iowa, didn't find a lot of issues when she stopped buying foods with dyes for her kids Evelyn, 9, and Ella, 6. Their family, she says, has been dye-free since 2021.

Dent sends her children to school with dye-free candies, suckers and fruit snacks. She also always keeps a box of juice boxes and popsicles.

The hardest part of the transition, she said, was attending events, like birthday parties.

— An assortment of dye-free candy. Courtesy Liz Dent

“When we’re at special events, like a theme park or a fair, if we go to Disney World, we just have to bring our own food,” Dent said. “If we go somewhere, and everybody else can have a snow cone, my kids can’t have it. My kids can’t have the cotton candy. My kids can’t have cookies or ice cream.”

Berkeley Lovelace Jr.

Berkeley Lovelace Jr. is a health and medical reporter for NBC News. He covers the Food and Drug Administration, with a special focus on Covid vaccines, prescription drug pricing and health care. He previously covered the biotech and pharmaceutical industry with CNBC.

HB1208 SFC Hearing 3.27.25.pdf
Uploaded by: Sarah Cusack
Position: FWA

HB1208

Senate Hearing

Love Maryland PAC

Favorable with Amendment

Dear Chair Beidle, Vice Chair Hayes and Members of the Senate Finance Committee,

The Love Maryland PAC writes in support of HB 1208. The science on artificial dyes is robust and clear. These dyes are causing behavioral issues (hyperactivity and anxiety) in our children and some can cause cancer.

We would like to see the bill amended to include the 7 dyes that were just banned in West Virginia. Maryland should be a leader in children's health and instead is falling behind other states.

https:www.cspinet.org:sites:default:files:attachme

Uploaded by: Sarah Cusack

Position: FWA

CENTER FOR Science IN THE Public Interest

Synthetic Food Dyes and Behavioral Effects in Children: Implications for Regulators, Schools, and Daycare Centers

Evidence of the link between synthetic food dyes[1] and neurobehavioral problems in children, including hyperactivity and inattention, has been accumulating for decades.

Foods and drinks consumed by children—including those served in schools—include synthetic dyes. Such dyes are often used to make unhealthful foods visually appealing and may be a substitute for fruits and vegetables as ingredients in foods.

While there is no such requirement yet in the U.S., in the European Union, foods with specific dyes (including Red 40, Yellow 5, and Yellow 6, which are the three most commonly used dyes in foods in the U.S.) must carry a warning label stating that the dyes: "may have an adverse effect on activity and attention in children."[2] As a result, in Europe, many food manufacturers choose to use colorings derived from natural sources, such as fruit or vegetable extracts, and thus avoid the label.[3]

For the past several years, California's Office of Environmental Health Hazard Assessment (OEHHA) has been conducting the most sophisticated and rigorous assessment undertaken to date of the relationship between synthetic dyes and effects on child behavior.

The OEHHA assessment is systematically examining evidence from 27 clinical trials in children, numerous animal studies, and other studies, that shed light on the mechanisms by which dyes can affect behavior.[4] The draft assessment, issued in September 2020 for public comment,[5] stated that:

> "Based on multiple streams of evidence, the FD&C synthetic dyes cause or exacerbate neurobehavioral problems in children."

OEHHA's draft findings are consistent with those of other recent independent reviews of the evidence, including three meta-analyses,[6,7,8] a review on behalf of the European ADHD Guidelines Group,[9] a review using the Oxford Center for Evidence-Based Medicine guidelines,[10] and several other reviews.[11,12,13,14]

The draft report concludes that:

> "At a minimum, in the short-term, the neurobehavioral effects of synthetic food dyes in children should be acknowledged and steps taken to reduce exposure to these dyes in children."

Implications for Child Health

OEHHA's draft found that the levels (doses) of dyes considered "safe" by the Food and Drug Administration (FDA) do not adequately take neurobehavioral effects into account.[15] As OEHHA states, "[t]he animal studies that form the basis of the FDA's [acceptable exposure levels] are many decades old and were not capable of detecting the types of neurobehavioral outcomes measured in later studies, or for which there is concern in children consuming synthetic dyes."

For example, the FDA's "acceptable" level (ADI) for Yellow 5, one of the most common dyes used in food, is more than 60 times higher than the level that OEHHA and researchers identified as triggering neurobehavioral effects in a double-blinded, placebo controlled, study of young children.[16,17]

Furthermore, OEHHA's draft assessment found that children under 16 years old consume, on average, more Yellow 5 than the amount that triggered adverse neurobehavioral effects in the study.[18] OEHHA's draft did not establish "safe" levels of dyes, and instead advises that steps be taken to reduce exposure to these dyes in children.

The neurobehavioral effects caused or exacerbated by dyes in children include:

- hyperactivity,
- inattentiveness, and
- restlessness,

Some studies also report effects such as:

- sleeplessness,
- irritability, and
- aggression.

"For the child who is affected and their family, their teachers, and the school system, a short term increase in inattentiveness or restlessness and anxiety that can be repeated routinely when food dye is consumed could reduce social and academic success, and is thus adverse." – OEHHA, 2020

These effects may be short-term (e.g., occurring over hours, days, or even weeks) and resolve after discontinuation of exposure. Yet given the prevalence of synthetic food dyes in foods, supplements, and medications, it is likely that exposures and, therefore, the related effects, will occur repeatedly in kids.

For these reasons, chronic exposures to dyes may impact children's ability to learn, succeed at school, and get along with peers on an on-going basis, with serious long-term consequences. The symptoms of synthetic food dye exposure overlap with ADHD-type (attention-deficit hyperactivity disorder) symptoms. ADHD is associated with lifelong impairment in functions and long-term outcomes that can include failure to complete high school, serious substance abuse, criminality, and depression.[19,20] In fact, elimination of food dyes is considered to be an effective non-drug treatment for some children with ADHD.[21]

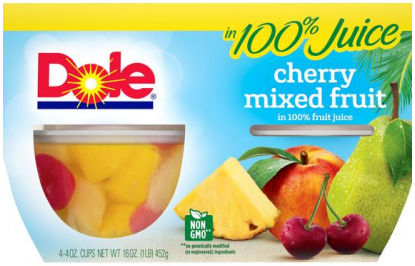
Disparities in Exposure

OEHHA found that total synthetic food dye exposures are higher among women of childbearing age with lower incomes (≤130% of federal poverty guidelines) compared to women with higher incomes (> 130% of federal poverty guidelines). Additionally, non-Hispanic Black women of childbearing age and children of the same group have significantly higher intake compared to other racial groups. These disparities in exposures occur in the context of pre-existing health disparities between income and racial groups that disadvantage historically marginalized people.

Synthetic Dyes in Schools

Synthetic food dyes are commonplace on supermarket shelves and in school foods.

Cheetos® Fantastix!® Flamin' Hot® Corn and Potato Snacks (pictured right) is promoted as meeting USDA's whole grain-rich criteria, but also contains Red 40 Lake, Yellow 6 Lake, and Yellow 6.[22]



Dole Cherry Mixed Fruit Cup (pictured left) is touted for containing 100% juice and depicts fresh fruit on the front of package. What's not clear from the front label? That it contains Red No. 3.[23] Unsuspecting consumers might identify this as a natural, healthy choice and not be aware that it contains synthetic dyes.

Policy Implications

To reduce the impact of synthetic dyes on children, state and local government, schools/school districts, and daycare centers should:

- **Require warning labels on (or at point of purchase, as appropriate) foods (including beverages) containing synthetic dyes.** A warning label, similar to what is required in Europe, will help inform consumers that synthetic dyes may cause or exacerbate adverse behavior in children and can alert consumers to the presence of dyes in food.
- **Prohibit synthetic dyes in foods (including beverages), starting with foods served in schools and daycare centers.** OEHHA's health effects assessment and other independent scientific assessments conclude that synthetic food dyes cause or exacerbate neurobehavioral effects in children. These dyes have no place in our children's foods and should be removed.

For more information, please contact the Center for Science in the Public Interest at policy@cspinet.org.

[1] This refers to the "numbered" dyes such as Yellow 5 and Red 40. Synthetic food dyes are substances widely used in food due to their intensity and uniformity of color. Nine Food, Drug, and Cosmetic Act (FD&C) batch certified color additives are approved in the United States, including: FD&C Blue No. 1; FD&C Blue No. 2; FD&C Green No.3; FD&C Red No. 3; FD&C Red No. 40; FD&C Yellow No. 5; FD&C Yellow No. 6, Citrus Red No.2, and Orange B.
[2] European Union, Regulation 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. *Off J Eur Union* L345:16–33 (2008).
[3] Saltmarsh M. Recent trends in the use of food additives in the United Kingdom. *J Sci Food Agric*. 2015;95(4):649-652.
[4] California Office of Environmental Health Hazard Assessment. *Health Effects Assessment: Potential Neurobehavioral Effects of Synthetic Food Dyes in Children [Draft]*. 2020. https://oehha.ca.gov/media/downloads/risk-assessment/report/fooddyesassessmentdraft082820.pdf. Accessed November 9, 2020.
[5] The assessment was published as a draft in August 2020 and circulated for peer review and public comment and has not yet been finalized.
[6] Nigg JT et al. Meta-Analysis of attention-deficit/hyperactivity disorder or attention-deficit/hyperactivity disorder symptoms, restriction diet, and synthetic food color additives. *J Am Acad Child Adolesc Psychiatry.* 2012;51(1): 86-97.e8.
[7] Sonuga-Barke EJ et al. Nonpharmacological interventions for ADHD: systematic review and metaanalyses of randomized controlled trials of dietary and psychological treatments. *Amer J Psychiatry.* 2013 Mar 1; 170(3):275-89.
[8] Schab DW, Trinh N-H T. Do artificial food colorings promote hyperactivity in children with hyperactive syndromes? A meta-analysis of double-blind placebo-controlled trials. *J Dev Behav Pediatr.* 2004;25(6):423-34.
[9] Stevenson J et al. Research Review: The role of diet in the treatment of attention-deficit/hyperactivity disorder –an appraisal of the evidence on efficacy and recommendations on the design of future studies. *J Child Psychol Psychiatry.* 2014;55(5):416-27.
[10] Faraone SV, Antshel KM. Towards an evidence-based taxonomy of nonpharmacologic treatments for ADHD. *Child Adolescent Psychiatric Clin N Am.* 2014; 23(4):965–972.
[11] Nigg, JT, Holton, K. Restriction and elimination diets in ADHD treatment. *Child Adolesc Psychiatr Clin N Am.* 2014 Oct;23(4):936-53.
[12] Arnold LE et al. Attention-deficit/hyperactivity disorder: dietary and nutritional treatments. *Child Adolesc Psychiatr Clin N Am.* 2013; 22(3): 381–402.
[13] Arnold LE et al. Artificial food colors and attention-deficit/hyperactivity symptoms: conclusions to dye for. *Neurotherapeutics.* 2012 Jul;9(3):599-609.
[14] Stevens LJ et al. Dietary sensitivities and ADHD symptoms: thirty-five years of research. *Clin Pediatr (Phila).* 2011;50(4):279-93.
[15] This finding was observed for Red No. 3, Blue No. 1, Red No. 40, and Yellow No. 5.
[16] Rowe KS, Rowe KJ. Synthetic food coloring and behavior: A dose response effect in a double-blind, placebo-controlled, repeated-measures study. *J Pediatr.* 1994;125(5 Pt 1):691-698.
[17] Rowe and Rowe (1994) conducted a double-blinded, placebo-controlled trial testing the behavioral effects of multiple doses of Yellow No. 5 (0,1,2,5,10, or 20 mg) in children (over half of whom did not have behavioral problems) and used a validated behavior test to measure the response. They found that behavior scores were significantly different in children on days they had received the dye versus when they received the placebo. Additionally, the higher the dose of dye, the worse the children scored. This kind of dose-response is strong evidence of a true effect. The mean behavior score difference between the group of children who reacted to dyes and the group that did not was statistically significant at doses of 2 mg and higher. Based on a reference body weight of 25.5 kg for a 7 year old child, 2 mg of Yellow No. 5 is equivalent to a dose of 0.08 mg/kg-body weight/day. The ADI set by the FDA for Yellow No. 5 is 5 mg/kg-body weight/day, 62.5 times higher than the level identified by Rowe and Rowe that produced neurobehavioral effects in children.
[18] For example, for children between 5 and 9, OEHHA estimated that the mean intake under a typical exposure scenario was 0.11 mg/kg/day for a single day and the 2-day average was 0.09 mg/kg/day, slightly higher than the dose that caused behavioral effects in the Rowe and Rowe study (0.08 mg/kg/day).
[19] Erskine HE et al. Long-term outcomes of Attention-Deficit/Hyperactivity Disorder and Conduct Disorder: A systematic review and meta-analysis. *J Am Acad Child Adolesc Psychiatry.* 2016;55(10):841-50.
[20] Chronis-Tuscano A. Attention-Deficit/Hyperactivity Disorder (ADHD). Presentation to the FDA Food Advisory Committee, March 30, 2011. https://wayback.archive-it.org/org1137/20170406211701/https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/FoodAdvisoryCommittee/ucm271532.htm.
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[22] Cheetos. *CHEETOS® FANTASTIX® FLAMIN' HOT® Flavored Baked Corn & Potato Snacks*. n.d. https://www.cheetos.com/products/cheetos-fantastix-flamin-hot-flavored-baked-corn-potato-snacks. Accessed January 5, 2021.
[23] Dole. *36/4 Cherry Mixed Fruit Juice*. n.d. http://www.dolefoodservice.com/product/47. Accessed January 5, 2021.

FISC MD HB 1208 oppo ltr final.pdf
Uploaded by: Dan Colegrove
Position: UNF

FOOD INGREDIENT SAFETY COALITION

March 22, 2025

The Members of the Senate Committee on Finance

RE: Opposition to House Bill 1208

The Food Industry Safety Coalition is respectfully opposed to House Bill 1208. This legislation is unnecessary, may harm Maryland manufacturers and will cause confusion in the marketplace.

Collectively, we represent a broad section of America's food, beverage, and ingredient industries. Our members source, manufacture, distribute, and sell safe and wholesome products in Maryland and across the United States. The safety and quality of what we make is of the highest importance, and we share a commitment to a strong national food safety system.

HB 1208 prohibits the manufacture, distribution and sales of food products containing brominated vegetable oil (BVO), potassium bromate, propylparaben, and FD&C Red No.3.

The United States has one of the safest, most efficient, and affordable food systems in the world, and supports a nationwide approach to food ingredient safety that is grounded in fact-based science, and which provides consistency for industry. In fact, The U.S. Food & Drug Administration (FDA) has already taken steps to no longer allow the use of FD&C Red No. 3 and BVO. There is no need for Maryland to regulate products containing these ingredients.

HB 1208 supplants the authority of the FDA to regulate the safety of the American food supply and contributes to an inconsistent, state-by-state approach to food safety. Creating two different regulatory standards, one enforced by Maryland and one by the federal government, HB 1208 would inject superfluous costs into the food supply chain for Marylanders.

The proposed legislation not only prohibits sales of products allowed in surrounding states, it prohibits Maryland based companies from manufacturing products for sales throughout the world.

For the sake of scientific integrity and national consistency, we request your opposition to this bill and allow the federal agencies with the expertise and authority, to continue regulating the safety of our food supply based on rigorous, science-based standards.

Rather than creating a patchwork of inconsistent state regulations, we encourage you to urge Congress to provide the FDA with the necessary funding and resources to accelerate its review of food additives while maintaining the highest scientific standards.

IACM MD HB 1208 oppose ltr v2 final.pdf
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Position: UNF

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March 22, 2025

Senator Pamela Beidle, Chair
Senate Committee on Finance
Room 3E, Miller Senate Office Building, 11 Bladen Street
Annapolis, MD 21401
RE: Opposition to House Bill 1208

Dear Senator Beidle,

The International Association of Color Manufacturers (IACM) is opposed to House Bill 1208 because it is unnecessary. IACM is the association representing the global color industry, comprised of manufacturers and end-users of natural and synthetic color additives that are used in foods, drugs, and cosmetics.

On January 15, 2025, the U.S. Food and Drug Administration (FDA) amended its color additive regulations to no longer allow for the use of FD&C Red No. 3. However, the FDA explicitly stated that there is no evidence showing FD&C Red No. 3 causes cancer in humans and remains safe for human consumption.

We share a commitment to providing safe and nutritious food to families. Restrictions pertaining to Red No. 3 as proposed in HB 1208 are unnecessary considering recent FDA action. IACM invites you to visit our public Color Library to learn more about Red 3 and other color additives that are used in the U.S. and globally.

IACM thanks you for your consideration of our comments and we urge you to oppose HB1208

Sincerely,

Sarah A. Codrea

Sarah Codrea
Executive Director
scodrea@iacmcolor.org

cc: Members of the Senate Committee on Finance

MD HB 1208 Testimony 3.27.25.pdf
Uploaded by: Jennifer Gardner
Position: UNF

Testimony of Jennifer Gardner
Director of State Government Affairs, National Confectioners Association
Maryland Senate Finance Committee
Hearing on House Bill 1208

March 27, 2025

Chairwoman Beidle, members of the Senate Finance Committee, my name is Jennifer Gardner, and I am here on behalf of the National Confectioners Association and its Maryland based members. Thank you for the opportunity to participate in today's hearing. While our association supports a rigorous post-market assessment of food and color additives and a strong food safety system, House Bill 1208 would merely exacerbate a concerning precedent for state food ingredient restrictions through its proposed food and color additive prohibitions.

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). Different laws in all 50 states would severely disrupt the economy without any notable food safety or public health benefits, posing a particular challenge to states like Maryland that rely on a strong interstate commerce system to ensure the uninterrupted follow of goods and services.

Maryland has played a valuable role in policy debates spurring supplemental federal engagement on food additive and color safety, and since similar legislation was considered last year, two of the four food additives included in House Bill 1208 have now been revoked by FDA.

On January 15, 2025, FDA revoked the authorization for the use of Red Dye 3 in food and ingested drugs, and on July 2, 2024, the FDA revoked the authorization for the use of brominated vegetable oil (BVO) in food. In addition to FDA's revocation of Red Dye 3 and BVO, both potassium bromate and propylparaben are currently under the agency's review. The FDA also undertook a substantive reorganization late last year to create a new unified Human Foods Program, enhancing the agency's focus on the post-market review of food additives and colors in the food supply.

The new federal Administration is also working to swiftly address food ingredients and recently launched a new Commission that will, in part, "assess the threat that potential over-utilization of medication, certain food ingredients, certain chemicals, and certain other exposures pose to children . . . using rigorous and transparent data, including international comparisons." This report is set to be released in just a few short months on May 24, 2025.

Supporters of state food and color additive prohibitions have alleged that FDA is not capable of keeping the nation's food supply safe, so states must act. However, recent agency actions refute this narrative.

The FDA is the rightful national regulatory decision maker and leader in food safety, and the agency can best leverage its scientific and regulatory experts to thoroughly analyze and assess ingredients to make informed decisions on ingredient safety. State policymakers play an integral role in supporting our national food safety system to maintain uniform access to safe, affordable foods in every state.

Maryland residents currently benefit from food manufacturers' nationwide distribution network that provides a safe and diverse array of products to meet customer needs and preferences. Should the state continue to pursue, and ultimately implement, varying food ingredient restrictions, product reformulations to meet diverse state mandates may not be feasible or practical. Product reformulation is complex and time intensive, and any ingredient changes must be carefully evaluated for product safety, taste, and shelf-life repercussions.

As FDA continues its work to review food ingredients on behalf of all states, state proposals to establish varying restrictions on food ingredients lead to uncertainty in the market and propels misinformation, resulting in the consideration of proposals in some states that seek to regulate colors not even in existence in the food supply and additives that only exist in the Marvel Universe. If Maryland initiates state-specific restrictions on FDA-approved ingredients this year, such an action would merely propel supplemental requests for state intervention on supplemental food colors and additives in subsequent sessions. It is crucial that states continue to allow FDA scientists, toxicologists, and regulatory experts to drive food safety determinations in the U.S.

While well-intentioned, House Bill 1208 would result in a 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 that may not align with other similar state or federal initiatives, we urge you to collaboratively with FDA in their work to evaluate chemical safety and respectfully request an unfavorable report on House Bill 1208.

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Uploaded by: Christine Krone
Position: INFO

House Health and Government Operations Committee
March 27, 2025
House Bill 1208 – *Public Health – Prohibited Ingredients in Food*
POSITION: LETTER OF INFORMATION

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of information for House Bill 1208, which seeks to prohibit the use of specific food additives in Maryland. We commend efforts to enhance food safety, particularly in protecting children's health from potentially harmful substances.

Recent Federal regulatory actions have already addressed some of the substances covered in House Bill 1208. On January 15, 2025, the U.S. Food and Drug Administration (FDA) revoked authorization for Red Dye #3's use in food and ingested drugs. The ban takes full effect for food by January 15, 2027, and for drugs by January 18, 2028.

Regarding Brominated Vegetable Oil (BVO): On July 3, 2024, the FDA revoked regulations allowing BVO in food. The rule took effect on August 2, 2024, with a compliance deadline of August 2, 2025.

The FDA has not yet taken action to revoke potassium bromate or propylparaben in food, but these substances pose health concerns.

- Potassium Bromate (KBrO3): Widely added to flour used in bread making and other baked goods, potassium bromate can be ingested, inhaled or absorbed through skin. Identified toxic effects include: carcinogenicity in rats, including kidney, thyroid, gastrointestinal and testicular cancer; neurobehavioral changes in mice; chromosomal damage and human cell toxicity in vitro; hearing loss. The New Jersey Department of Health and Senior Services list it as a hazardous substance and identify it as a carcinogen, a respiratory irritant and potentially harmful to the kidneys, as well as issuing workplace controls and practice to reduce workplace exposures.

- Propylparaben: As part of the paraben family, this chemical functions as an endocrine disruptor that mimics estrogen. Studies suggest links to reproductive health issues, increased breast cancer risk, gestational diabetes, obesity, and thyroid disorders. Parabens are widely used as preservatives in packaged foods and personal care products.

Given that FDA regulations already address Red Dye #3 and BVO with earlier implementation timelines (2025-2027), House Bill 1208's proposed effective date of October 1, 2028, may be less impactful for these substances. However, banning potassium bromate and propylparaben at the state level could provide additional consumer protections in Maryland.

We are available to provide further research on potassium bromate and propylparaben, as well as any other scientific data that may support the bill's intent. Additionally, our ongoing work on the PFAS Pesticide bill has identified contamination of food products by residues of these pesticides with their demonstrated toxicities, including those PFAS pesticides with only one fully fluorinated carbon atom, which would be relevant to future legislative efforts to ensure the safety of our state's food supply.

We appreciate your leadership in advancing public health protections and would be happy to discuss this further. Please let us know how we can assist in providing additional information or addressing any questions regarding House Bill 1208

For more information call:
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