CENTER FOR Science IN THE Public Interest
Your Food and Health Watchdog

Pennsylvania State Capitol
501 N. 3rd St
Harrisburg, PA 17120

Dear Pennsylvania State Legislator,

The Center for Science in the Public Interest strongly urges you to vote yes on House Bills 1130, 1131, 1133, and 1134. This critical legislation will:

1. **Promote greater transparency and accountability in food chemical safety** by requiring companies to publicly disclose safety evidence for substances they self-determined are "generally recognized as safe" (GRAS) for use in food (HB 1130).
2. **Ban six unsafe synthetic food dyes from competitive foods offered or sold in public schools in the state** (HB 1131).
3. **Require a warning label on foods containing synthetic dyes** to alert consumers to the harmful effects those dyes can have on children's behavior (HB 1134).
4. **Require a warning label on foods containing butylated hydroxyanisole (BHA)**, a chemical classified as "reasonably anticipated to be a human carcinogen" by the US National Toxicology Program (HB 1133).

Many other states, including California, West Virginia, Utah, and Virginia, have already enacted legislation banning or restricting synthetic dyes in schools. No states have passed bills promoting transparency in the GRAS process or requiring a warning label for synthetically dyed foods or foods containing BHA. By passing these bills, Pennsylvania has the opportunity set a powerful precedent by stopping companies from adding dangerous chemicals to our food in secret and empowering consumers to make more informed choices about the chemicals they eat and feed their children.

Companies Should Provide Evidence that their Chemicals are Safe to Eat

This bill will help begin to close the secret "Generally Recognized as Safe" loophole. Currently, this loophole in federal law allows food companies to self-determine that a new chemical is safe and then add it to our foods without notifying FDA or disclosing any safety evidence.[1] Companies can even use their own employees to determine whether a chemical is safe. This loophole exposes consumers to unnecessary, avoidable health risks. For example, in 2022, Daily Harvest used this loophole to introduce a new ingredient, tara flour, to the food supply without seeking FDA approval or even notifying the FDA. This led to an outbreak, with 393 reports of adverse illnesses, including 133 hospitalizations. It then took FDA two years to conclude that tara flour is not GRAS because there was not a single toxicological study that established its safety.[2] Companies like Daily Harvest should not be allowed to market new food ingredients without notifying relevant authorities.

HB 1130 would take the secret out of GRAS by requiring industry to notify the state of Pennsylvania of their GRAS determinations that have not been reviewed by FDA. As part of those notices, companies would provide summaries of the key safety information (as long as it

does not include trade secrets) used to reach those GRAS determinations, and that information would then be made publicly available by the state. In effect, this bill will permit the public, including the FDA and other authorities, to assess the basis for companies' claims of safety, making it easier to expose when food companies use unsafe or inadequately tested food chemicals in Pennsylvania. Through the state's public database, FDA, Pennsylvania health officials, and the public will have more information to understand which foods pose safety risks.

Synthetic Dyes Cause Behavioral Problems. Consumers Should Be Warned and School Children Should be Protected.

In 2021, California's Environmental Protection Agency (Cal EPA) published a 311-page peer-reviewed systematic review of the evidence—including 27 human clinical trials—which concluded that, "synthetic dyes can cause or exacerbate neurobehavioral issues in some children." [3] The types of effects seen include hyperactivity, inattentiveness, and restlessness, and Cal EPA raised concerns that, due to these effects, synthetic dyes can impair a child's ability to succeed academically or socially.

Schools should not be serving foods that contain chemicals that directly impede their student's ability to succeed in the classroom. New York City schools have banned synthetic dyes for decades, showing that protecting children from these dyes in school is feasible.[4] Last year, California became the first state to ban these synthetic food dyes in schools, and other states, including West Virginia, Utah, Virginia, and Arizona have followed suit.[5]

Since 2010, the European Union (EU) has required a warning label on foods containing certain synthetic food dyes, including Red 40, Yellow 5, and Yellow 6, to alert consumers to the effects those dyes can have on children's behavior. HB 1134 will implement a similar requirement in Pennsylvania, ensuring that Pennsylvanians have the information they need to protect children from these unsafe dyes.

HB 1131 and HB 1134 follow the science and bans six artificial dyes – Red 3, Red 40, Blue 1, Blue 2, Green 3, Yellow 5, and Yellow 6 – from school foods across the state. These dyes are unnecessary additives. They offer no nutritional benefits and play no role in food safety. They function simply to make foods visually appealing as a marketing tool for the food.[6] Therefore, eliminating these substances from school foods will not negatively impact nutrition.[7] Some U.S. companies have even reformulated products in the EU to avoid adding warning labels for certain dyes that are required by law[8] For example, Kellogg's® breakfast cereal Froot Loops® is sold without synthetic food dyes in the EU and Canada but with synthetic dyes in the United States[9,10,11] Food companies already know how to make foods without these dyes, and they should be required to do so for foods sold in schools. Companies that choose to use synthetic dyes despite the clear risks to children should be required to warn consumers about the harmful effects synthetic dyes can have.

Consumers Must be Warned When Companies Add Likely Carcinogens to Our Foods

BHA is a preservative that has been classified as "reasonably anticipated to be a human carcinogen" by the US National Toxicology Program based on evidence that BHA caused cancer in animals since 1986.[12] Federal law expressly prohibits the FDA from allowing the use of any

food additive that causes cancer in humans or animals.[13] Yet use of BHA remains legal at the federal level,[14] and companies continue to use BHA despite the risks.[i]

Consumers should be warned when companies decide to add likely carcinogens to foods. HB 1133 will mandate that foods containing BHA bear a warning label stating: "WARNING: This product contains BHA, which may cause cancer." This commonsense step will enable consumers to protect themselves from BHA and will likely motivate the food industry to reformulate to safer alternatives.

Conclusion

We respectfully request your support for HB 1130, 1131, 1133, and 1134. Pennsylvania has a responsibility to set the standard for science-based food policy—grounded in public health, transparency, and accountability.

We thank Representative Mihalek for introducing these important pieces of legislation.

Sincerely,

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[i] According to a search of the US Department of Agriculture's Branded Food Products Database completed on May 7, 2025, there are 4,688 branded US food products that list "BHA" as an ingredient.

References

[1] U.S. Government Accountability Office. *FDA Should Strengthen Its Oversight of Food Ingredients Determined to Be Generally Recognized as Safe (GRAS).* 2010. https://www.gao.gov/products/GAO-10-246. Accessed 30 January 2025.

[2] U.S. Food and Drug Administration. *Memorandum: Regulatory status and review of available information pertaining to tara protein/flour derived from the seed germ of the plant, Caesalpinia spinosa: lack of general recognition of safety for its use in foods*. 10 April 2024. https://www.fda.gov/media/178582/download?attachment. Accessed 3 February 2025.

[3] California Office of Environmental Health Hazard Assessment (OEHHA). *Health Effects Assessment: Potential Neurobehavioral Effects of Synthetic Food Dyes in Children*. 2021. https://oehha.ca.gov/media/downloads/risk-assessment/report/healthefftsassess041621.pdf.

[4] NYC Public Schools. *Prohibited Ingredients.* n.d. https://pwsblobnonprd.schools.nyc/stg-pws/docs/default-source/school-menus/prohibitedingredient.pdf?sfvrsn=93d87835_6. Accessed 27 January 2025.

[5] The California School Food Safety Act. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2316.

[6] Bailey, M.M. *Synthetic Food dyes: A rainbow of risks.* Center for Science in the Public Interest. Updated 15 April 2024. https://www.cspinet.org/cspi-news/synthetic-food-dyes-rainbow-risks. Accessed 30 January 2025.

[7] Potera, C. Diet and Nutrition: The Artificial Food Dye Blues. *Environmental Health Perspectives.* 2010;118(10): A428-A428.

[8] Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. https://eur-lex.europa.eu/eli/reg/2008/1333/oj.

[9] Kellogg's. *Froot Loops*. n.d. https://www.kelloggs.fr/fr_FR/products/froot-loops.html. Accessed 27 January 2025.

[10] WK Kellog Co. *Froot Loops*. n.d. https://www.wkkellogg.ca/en-ca/products/froot-loops-cereal-product.html. Accessed 27 January 2025.

[11] WK Kellogg Co. *Kellogg's® Froot Loops® Breakfast Cereal*. n.d. https://www.wkkellogg.com/products/froot-loops-cereal. Accessed 27 January 2025.

[12] US National Toxicology Program. Butylated Hydroxyanisole. Report on Carcinogens, Fifteenth Edition. 2021. Available: https://ntp.niehs.nih.gov/sites/default/files/ntp/roc/content/profiles/butylatedhydroxyanisole.pdf. (Note: BHA was first listed as "reasonably anticipated to be a human carcinogen" in the Sixth Annual Report on Carcinogens published in 1991).

[13] 21 U.S.C. § 348 Food Additives.

[14] 21 CFR § 182.3169 Butylated hydroxyanisole.