



September 24, 2025

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Request for Signature on AB 1264 and SB 646

Dear Governor Newsom:

The Center for Science in the Public Interest (CSPI) is writing to urge you to sign Assembly Bill 1264, which advances the priorities outlined in your executive order on ultra-processed food (EO N-1-25),¹ and Senate Bill 646. Both bills will enhance California's nation-leading efforts to promote and protect children's health.

AB 1264 is a first-of-its kind bill that enshrines a definition of ultra-processed food, or UPF, that integrates nutritional concerns and comprehensively captures chemical safety concerns. This stands in stark contrast to other states that defined, or attempted to define, ultra-processed foods as those containing just a handful of unsafe additives.^{2,3} The bill then directs the California Department of Public Health to use that definition to further define "UPF of concern," which will be phased out of schools. This will benefit public health by eliminating foods from school cafeterias that are clearly nutritionally unhealthy and laden with unsafe additives, and it will help identify products that food companies should reformulate or discontinue. California already leads the nation in providing healthy, safe school meals to children thanks to its landmark school-meals-for-all policy;⁴ its mandate for school meals to align with the most recent Dietary Guidelines for Americans on added sugar and sodium (which you signed into law in 2023);⁵ and its prohibition on the use of synthetic food dyes in school foods (which you signed into law last year).⁶ By signing AB 1264, you will further cement California as a leader among states in the rapidly growing movement to promote healthier diets and crack down on unsafe ingredients across the country.

SB 646 will require manufacturers of prenatal supplements to test for and publicly disclose levels of arsenic, cadmium, mercury, and lead—substances that are widely known to impair

¹ Executive Department, State of California. Executive Order N-1-25. January 3, 2025. Available: <https://www.gov.ca.gov/wp-content/uploads/2025/01/2025-1-1-Revised-Healthy-Foods-EO-Final-Gov-Signed.pdf>.

² Arizona House Bill 2164 (2025). Available: <https://www.azleg.gov/legtext/57leg/1R/laws/0052.htm>.

³ North Carolina House Bill 874 (2025). Available: <https://www.ncleg.gov/BillLookup/2025/H874>.

⁴ California Department of Education. California Universal Meals. Updated: April 24, 2025. <http://cde.ca.gov/ls/nu/sn/cauniversalmeals.asp>. Accessed: September 18, 2025.

⁵ California Senate Bill 348 Pupil Meals (2023-2024). Available: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB348.

⁶ California Assembly Bill 2316 Pupil Nutrition (2023-2024). Available: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2316.

neurodevelopment and/or cause cancer or other serious harms.^{7,8,9,10} Health authorities,^{11,12} physicians,^{13,14} and CSPI¹⁵ all recommend that people who are pregnant take prenatal supplements to prevent birth defects and support healthy development, but studies have found lead, cadmium, and arsenic in many prenatal vitamins, with some exceeding California's Proposition 65 safety limits for lead.^{16,17,18} California has led the way in holding industry accountable and protecting children from heavy metals by requiring testing for baby food via AB 899 which you signed into law in 2023.¹⁹ SB 646 builds on that model to strengthen protections, improve transparency, and increase accountability.

Thank you for your attention to our position and concerns.

Sincerely,



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Center for Science in the Public Interest

⁷ World Health Organization. Lead Poisoning. Updated: September 27, 2024. <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>. Accessed: September 18, 2024.

⁸ World Health Organization. Arsenic. Updated: December 7, 2022. <https://www.who.int/news-room/fact-sheets/detail/arsenic>. Accessed: September 18, 2025.

⁹ World Health Organization. Exposure to Cadmium: A Major Public Health Concern. May 1, 2019. Available: <https://www.who.int/publications/i/item/WHO-CED-PHE-EPE-19-4-3>.

¹⁰ World Health Organization. Mercury. Updated: October 21, 2024. <https://www.who.int/news-room/fact-sheets/detail/mercury-and-health>. Accessed: September 18, 2025.

¹¹ U.S. Centers for Disease Control and Prevention (CDC). Folic Acid: Sources and Recommended Intake. Updated: May 20, 2025. <https://www.cdc.gov/folic-acid/about/intake-and-sources.html>. Accessed: September 18, 2025.

¹² U.S. Preventative Services Task Force. Folic Acid Supplementation to Prevent Neural Tube Defects: Preventive Medication. August 1, 2023. <https://www.uspreventiveservicestaskforce.org/uspstf/recommendation/folic-acid-for-the-prevention-of-neural-tube-defects-preventive-medication>. Accessed: September 24, 2025.

¹³ American College of Obstetricians and Gynecologists (ACOG). FAQs: Reducing Risks of Birth Defects. Published: October 2019. Updated: April 2023. <https://www.acog.org/womens-health/faqs/reducing-risks-of-birth-defects>. Accessed: September 18, 2025.

¹⁴ ACOG. Nutrition During Pregnancy. June 2023. <https://www.acog.org/womens-health/faqs/nutrition-during-pregnancy>. Accessed: September 18, 2025.

¹⁵ Center for Science in the Public Interest (CSPI). Healthy, safe pregnancy: CSPI's research-based guide. <https://www.cspi.org/healthy-living/pregnancy-eating-advice>. Accessed: September 18, 2025.

¹⁶ Gardener H, Bowen J, Callan SP. Heavy metals and phthalate contamination in prenatal vitamins and folic acid supplements. *Environ Res*. February 26, 2025. <https://doi.org/10.1016/j.envres.2025.121255>.

¹⁷ Schwalfenberg G, Rodushkin I, Genuis SJ. Heavy metal contamination of prenatal vitamins. *Toxicol Rep*. 2018;5:390-395. March 6, 2018. <https://www.doi.org/10.1016/j.toxrep.2018.02.015>.

¹⁸ Borgelt LM, Armstrong M, Brindley S, Brown JM, Reisdorph N, Stamm CA. Content of Selected Nutrients and Heavy Metals in Prenatal Multivitamins and Minerals: an Observational Study. *Am J Clin Nutr*. April 17, 2025. <https://www.doi.org/10.1016/j.ajcnut.2025.04.013>.

¹⁹ California Assembly Bill 899 (2023-2024). Available: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB899.