



## **Consumer Brands Association**

### **MEMORANDUM**

**To:** Massachusetts Public Health Committee

**From:** Consumer Brands Association

**Re:** Opposition to MA House Bill 3959 – Preserving a National, Science-Based Food Safety System

**Date:** September 9, 2025

Massachusetts House Bill 3959, while well-intentioned, poses significant risks to the affordability, safety, and functionality of our food system—especially for schools.

The Consumer Brands Association, representing America’s trusted food, beverage, and consumer product companies, urges the Committee to oppose House Bill 3959. Our members produce safe, nutritious, and affordable products relied on by families across Massachusetts and the country. This bill would unnecessarily restrict access to FDA-approved ingredients and create burdensome, inconsistent regulations for local school systems without a demonstrated public health benefit.

#### **The FDA Is Doing Its Job to Ensure Our Food Is Safe**

The FDA maintains a rigorous, science-based process for evaluating food additives. Ingredients approved by the FDA undergo extensive review, including toxicological assessments and exposure analysis, to ensure they meet safety standards for all populations. House Bill 3959 would override this federal process by banning specific additives such as FD&C colors, potassium bromate, or propylparaben. This approach risks undermining public confidence in the FDA and sets a precedent for fragmented, state-by-state regulation of food ingredients. A unified federal system is essential to maintaining consistency, safety, and transparency across the food supply.

#### **USDA Just Finalized Updated School Nutrition Standards**

After years of work and robust public engagement, the U.S. Department of Agriculture (USDA) issued its final rule on April 24, 2024, updating school nutrition requirements. These standards reflect the latest science on sodium, sugar, whole grains, and more and reinforce the agency’s leadership role in shaping healthy eating habits through evidence-based regulation. These updates, which will take effect in 2025, already raise the nutritional baseline for school meals and a la carte offerings.

#### **Impact on Schools and Food Access**

Massachusetts schools rely on shelf-stable, affordable products to meet student needs and budget constraints. Banning widely used, FDA-approved additives would limit product availability, increase procurement costs, and reduce flexibility in school meal planning. These changes could disproportionately affect students in underserved communities and strain school nutrition budgets already

stretched by rising food costs. Moreover, House Bill 3959's restrictions would complicate compliance for school districts and food manufacturers alike, requiring reformulation of products and new labeling protocols without a demonstrated public health benefit.

**Massachusetts Needs Consistency, Not a Patchwork Approach**

House Bill 3959 would create a state-level ban that conflicts with national food safety policy, increasing costs for families, disrupting school food service operations, and undermining consumer trust.

This is a step toward a patchwork of conflicting state regulations, something that food safety experts, consumer advocates, and industry alike have long warned against. Only a unified, science-driven federal system can provide the consistency and confidence the public deserves.

Thank you for the opportunity to reiterate our significant concerns with House Bill 539. Please reach out to Greg Costa, [gcosta@consumerbrandsassociation.org](mailto:gcosta@consumerbrandsassociation.org), with any questions.

Respectfully,

Greg Costa

Senior Director of State Affairs, Consumer Brands Association