



## Consumer Brands Association

### MEMORANDUM

**To:** Massachusetts Education Committee

**From:** Consumer Brands Association

**Re:** Opposition to MA House Bill 539 – Preserving a National, Science-Based Food Safety System

**Date:** July 17, 2025

Massachusetts House Bill 539, 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 HB 539. 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 Safe Food**

America’s food system is the safest in the world, thanks in large part to the U.S. Food and Drug Administration’s (FDA) science- and risk-based oversight. The FDA collaborates with food manufacturers to evaluate food safety through a rigorous scientific process grounded in the latest research. Food processing, including pasteurization, fermentation, and preservation, is essential for extending shelf life, ensuring food safety, and maintaining nutritional quality. Processed foods are especially vital for people with limited access to fresh options, such as individuals with disabilities or families lacking cold storage.

Recent debate over “ultra-processed foods” reflects a lack of standardized definitions or consistent methodologies. In fact, the 2025 Dietary Guidelines Advisory Committee declined to issue guidance on ultra-processed foods, citing insufficient scientific consensus. The definition of “ultra-processed food” (UPF) in HB 539 is similarly vague, combining ingredients and additives by reference but leaving consumers, food manufacturers, and regulators unclear about what is in or out of scope. This ambiguity would require extensive rulemaking to resolve, delaying compliance and creating legal uncertainty.

**Bottom line:** Well-balanced diets can include processed foods while still delivering essential nutrients like fiber and vitamin D. Rather than legislate based on unclear definitions, we must invest in high-quality research to guide future decisions.

### **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—reinforcing 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.

Despite pressure from some advocacy groups, USDA did not restrict the use of artificial colors during this update—indicating a lack of consensus or necessity for such actions. Moreover, HB 539’s proposed cap of 5% of calories from saturated fat is half the limit currently established by USDA and would be particularly unworkable for nutrient-rich, dairy-based foods like cheese, which are integral to many school meal programs.

### **HB 539 Would Increase Costs and Limit Choices for Schools**

By banning FDA-approved food color additives, this bill would impose substantial financial burdens on Massachusetts schools—removing widely used, safe ingredients without proven benefit.

Critically, schools rely on a la carte and competitive food sales to offset the real costs of producing nutritious meals. The USDA reports that average costs to produce meals exceed reimbursement levels by:

- 30.8% for breakfast, and
- 12.8% for lunch.

Removing common, shelf-stable foods could limit options and undermine financial sustainability, making it harder to serve all students equitably.

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

HB 539 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

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