

May 8<sup>th</sup>, 2025

**The Honorable Danilo Burgos**  
Chairman  
PA House Consumer Protection,  
Technology & Utilities  
106 Irvis Office Building  
Harrisburg, PA 17120

**The Honorable Carl Metzgar**  
Republican Chairman  
PA House Consumer Protection,  
Technology & Utilities  
216 Ryan Office Building  
Harrisburg, PA 17120

Dear Chairmen Burgos and Metzgar,

Thank you for the opportunity to share our perspectives on HB 1130, HB 1132, HB 1133, HB 1134, and HB 1135, which were recently referred to your Committee. Collectively, the undersigned organizations represent industries that make up the entire food value chain, employ hundreds of thousands of Pennsylvanians, and operate hundreds of manufacturing, agriculture, distribution, wholesale, grocery, convenience, and other retail locations in the Commonwealth. We join in expressing our concerns with and opposing the above-mentioned bills.

While we can appreciate the sponsors' stated intent to improve the health of Pennsylvanians, these bills will unfortunately not accomplish that goal. Instead, these bills contribute to a patchwork approach to food safety by imposing unnecessary and duplicative labeling, disclosure and reporting requirements, additive restrictions, and pesticide limitations that are not based in science and will ultimately increase the cost of food for Pennsylvania consumers and diminish consumer confidence in the food supply.

Respectfully, our specific concerns are outlined below:

**Ingredient Labeling and Restrictions:**

The safety and quality of the products and ingredients that we offer to our customers is our top priority. We share a common commitment to a strong, unified federal food safety system. The United States has the safest, most efficient, and affordable food system in the world, driven and protected by a nationwide approach to food ingredient safety that is grounded in science, prioritizes consumer safety, and provides consistency for industry. Our organizations already must follow a unified federal standard operated by the U.S. Food and Drug Administration (FDA) to ensure uniform labeling that is transparent to all consumers nationwide.

**HB 1130: PA-Specific Generally Recognized As Safe (GRAS) Program:**

The FDA, through the authority granted to the agency by Congress in the Federal Food, Drug, and Cosmetic Act, is responsible for the safety and regulation of all food ingredients including those generally recognized as safe (GRAS). Establishing a state-level program to review GRAS substances creates a de facto parallel FDA, increasing regulatory burdens on businesses and the State without any public benefit.

Specifically, HB 1130 would require the Pennsylvania Department of Agriculture to implement and manufacturers to comply with this new regulatory requirement in just six months. There is no timeframe for the Secretary to review and make a determination on a GRAS submission and no timeline for when the Secretary must list an approved GRAS substance on the website following the review. These omissions could lead to products being pulled from Pennsylvania shelves due to nothing more than administrative delays. The bill also authorizes the Secretary of Agriculture to levy unlimited and discretionary fees to fund the program and allows the Secretary to approve or deny a substance determined safe to be added to foods through rulemaking without including any parameters or scientific requirements for this analysis. The bill imposes duplicative regulatory burdens on the state and businesses, stifles innovation, and creates a competitive disadvantage for Pennsylvania-based businesses and businesses that sell products in the Commonwealth. For all of these reasons, we strongly oppose this bill.

### **HB 1133 and HB 1134: PA-Specific Labeling Requirements:**

Our organizations must follow a unified federal standard operated by FDA to ensure consistent labeling that is transparent to all consumers nationwide. Requiring varying food packaging requirements to meet state-specific mandates would impose significant costs on manufacturers that operate in Pennsylvania, as well as those that operate around the country. As a result, some manufacturers may decide to cease distribution to states with varying requirements to avoid potential product liability. Small and regional Pennsylvania businesses that sell products in surrounding states will be forced to carry warning labels that their competitors will not be required to use, creating an unfair and unnecessary competitive disadvantage for Pennsylvania businesses.

Regarding the safety of color additives, the FDA regulates color additives under the Federal Food, Drug, and Cosmetic Act (FD&C), requiring that every color additive must be proven safe before it can be approved for use in the U.S. food supply. Certified (“synthetic”) color additives (FD&C color additives) have passed FDA’s rigorous testing, met purity standards, and are subject to batch certifications to ensure the safety of every batch. The FDA also requires FD&C color additives to be listed on the ingredient label. Consumers today can easily make the best personal decisions for their families based on their dietary preferences, and food manufacturers are already making products to meet those preferences at different price points. Adding these duplicative labeling requirements at the state level adds cost and complexity for manufacturers without providing any new transparency for consumers. If it becomes more costly and complex to manufacture food in Pennsylvania, all parts of the value chain, from farms to consumers, will be impacted.

Furthermore, the proposed one-year effective date for HB 1133 and HB 1134 is insufficient to redesign and implement label changes and does not allow for the sell-through of safe, shelf-stable foods. This will cause unnecessary food waste and loss of sales for retailers and manufacturers. These proposals would also make it significantly harder for Pennsylvania’s

logistics and distribution industries to do business in the Commonwealth, adding unnecessary and expensive complexity to food business supply chains.

### **HB 1131: PA-Specific Ban on Synthetic (FD&C) Color Additives in Competitive Foods in Public School Meals**

HB 1131 would add additional burdens and complexity to Pennsylvania's public school meal programs by requiring schools to ban foods that contain FD&C color additives. FD&C color additives are safe, as outlined above. This could lead to additional costs for schools and students if school meal programs have fewer competitive food choices or are forced to procure more expensive options to comply.

### **HB 1135: PA Banning the Use of Certain Pesticides for Crop Protection**

HB 1135 would eliminate effective remedies to protect Pennsylvania crops against weeds, pests and diseases, which impact around 40 percent of global crop production. Pesticides also enable climate-smart agricultural practices like no-till farming and the use of cover crops which improve soil health and increase biodiversity. On the regulatory front, pesticides are heavily regulated by numerous federal and state agencies to ensure they are safe for human health and the environment. These agencies include the EPA, FDA and USDA. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the EPA conducts robust risk assessments to determine any ecological, human health, or other specific risks and considers how to mitigate any identified risks.

### **Conclusion:**

Shifting food safety decisions away from qualified scientists and regulatory experts at the federal level to legislative bodies in the states will result in an untenable state-by-state patchwork of inconsistent requirements that will increase costs, create confusion around food safety, and erode consumer trust. Creating two different regulatory standards for the food and agriculture industry – one enforced by Pennsylvania and one by the federal government – would have far-reaching direct and indirect effects on the entire food system, which relies on agricultural producers and provides important markets for farmer profitability. The FDA must remain responsible for ensuring the uniform safety of our nation's food supply. Federal food safety regulations are established through a robust science-based rulemaking process that includes the perspectives of all stakeholders and are rigorously enforced.

We believe there are numerous ways to improve the health of Pennsylvanians through evidence-based education and proven incentives, rather than restrictions. We respectfully encourage the Committee to continue to follow science as it contemplates next steps. The Pennsylvania Assembly is already evaluating alternative proposals to improve health and increase the purchase of healthy foods, including the Fresh Food Financing Initiative, which promotes the purchase of Pennsylvania and U.S. grown agricultural commodities and manufactured foods and

beverages through the PA Preferred Program, Farm to School programs, and other incentives, and encouraging Pennsylvanians to educate themselves about the importance of taking daily action to support wellness, as proposed in HR 194. We encourage the Assembly to pursue these options, which we support.

Sincerely,

**Pennsylvania Chamber of Business and Industry**

**American Bakers Association**

**Consumer Brands Association**

**Convenience Distribution Association**

**CropLife America**

**Flavor & Extract Manufacturers Association**

**Food Ingredient Safety Coalition**

**International Association of Color Manufacturers**

**National Confectioners Association**

**National Federation of Independent Business**

**Northeast Dairy Foods & Suppliers Associations**

**PennAG**

**Pennsylvania Association of Milk Dealers**

**Pennsylvania Beverage Association**

**Pennsylvania Chemical Industry Council**

**Pennsylvania Farm Bureau**

**Pennsylvania Food Merchants Association**

**Pennsylvania Manufacturers' Association**

**Pennsylvania Restaurant & Lodging Association**

**Pennsylvania Retailers Association**

**SNAC International**

**The Food Industry Association**