

Written Testimony on behalf of the Center for Science in the Public Interest

Prepared for the Joint Legislative Budget Hearing on Elementary & Secondary Education

Submitted by:
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Chair Krueger and Chair Pretlow, thank you for the opportunity to submit testimony for the hearing on the State Fiscal Year 2025-26 Executive Budget Proposal. I am providing testimony on behalf of the Center for Science in the Public Interest (CSPI), a science-based consumer advocacy organization, that has worked on school food and food safety for decades.

Healthy School Meals for All New York (NY) Kids

As a member of the Healthy School Meals for All NY Kids Coalition,ⁱ I would like to take this opportunity to express our strong support for providing free breakfast and lunch for every New York student, as outlined in A282/S594. Additionally, I would like to express our gratitude for the legislature's historic support of this critical proposal. We are thrilled that in her FY2026 Executive Budget, Governor Hochul included funding to expand universal free school meals statewide.

CSPI urges the legislature to ensure that universal free school meals for all New York students is fully funded in the final budget. There are three key reasons why funding universal free school meals must happen during this budget cycle.

1. Universal free school meals makes New York more affordable for families.

Universal free school meals will provide economic relief to New York families facing high costs of living by saving families an estimated \$165 on groceries per child each month.ⁱⁱ

2. Universal free school meals promotes nutrition, food security, and academic performance.

A systematic review examining free meals for all policies found that they are positively associated with school meal participation, and in many cases, are positively associated with diet quality, food security, and academic performance.ⁱⁱⁱ In fact, research shows that in 2017-2018, food consumed at school was the highest quality source of food for kids compared to the nutritional quality of foods consumed from any other source, including grocery stores and restaurants.^{iv}

3. Universal free school meals advance equity.

Universal free school meals provide assurance that all children will receive free meals at school, even if their family income fluctuates in and out of typical eligibility requirements for free meals.

No child deserves to be hungry at school. Please ensure that children in New York have the nourishment and dignity they need to learn and thrive by ensuring that universal free school meals remains fully funded in the final budget.

Food Chemical Safety in School Foods and Throughout New York

CSPI supports including Senator Kavanagh's and Assemblymember Kelles' food chemical safety bill (A1556/S1239) in the state budget. This bill:

- Prohibits the use of seven synthetic dyes in foods sold in New York State public schools
- Bans three dangerous food chemicals from foods sold in New York State
- Requires companies to report and provide evidence of safety to the New York State Department of Agriculture and Markets for "Generally Recognized as Safe" (GRAS) food chemicals used without Food and Drug Administration (FDA) premarket review, approval, or notice

1. Banning synthetic dyes in NY school foods protects children's academic and social development.

In 2021, California Environmental Protection Agency Office of Environmental Health Hazard Assessment (OEHHA) reported that consumption of synthetic food dyes can result in hyperactivity, inattentiveness, and other adverse neurobehavioral outcomes in some children. The report recommended reducing children's exposure to synthetic dyes.^v After FDA failed to acknowledge or act on OEHHA's report, California legislature acted by banning these synthetic dyes in school foods beginning in 2027.^{vi} Notably, New York City school districts already prohibit synthetic color dyes from school foods.

Children across New York State—not just New York City—deserve protection from harmful color dyes in school foods, which can impact their academic success and overall well-being

2. Banning three dangerous food chemicals in all NY foods makes food safer for everyone.

A1556/S1239 will prohibit three dangerous chemicals – Red 3, potassium bromate, and propylparaben – from use in food in New York.

Potassium bromate, a bleaching and flour-maturing agent, was linked to cancer by the World Health Organization in 1992,^{vii} while consumption of the preservative propylparaben has been associated with reproductive toxicity and hormone disruption.^{viii} The FDA classified Red 3 as carcinogenic in 1990 and promised to ban it in food, as required by law.^{ix} After 35 years, FDA just recently announced that it plans to band Red 3 in 2027.^x

3. Requiring transparency for food chemicals will empower New Yorkers to choose safer foods.

A1556/S1239 will provide FDA and the public with information needed to identify unsafe food chemicals. Currently, the federal “Generally Recognized as Safe” process (i.e., “GRAS” Loophole) allows companies to secretly self-determine that a chemical is generally recognized as safe and add it to food without notifying FDA and without agency premarket safety review or approval.^{xi} As a result, FDA and the public do not know when unsafe chemicals are in food.^{xii}

This bill requires companies to provide evidence of safety for their “secret” GRAS substances (i.e., substances added to foods without FDA notice or safety review) sold or added to foods sold in New York. The Commissioner of the New York State Department of Agriculture and Markets will publish those reports in a searchable public database, allowing consumers, public health professionals, and FDA to identify and assess the safety of food chemicals on the market. The Commissioner can charge user fees for reporting to maintain the public database.

While the cost to industry is minimal, this bill represents the most important reform to the U.S. food chemical review process in decades. Those who stand to make money from food chemicals would not be allowed to put new chemicals in our foods without transparency in New York.

Thank you for your consideration,

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ⁱ Healthy School Meals for All NY Kids Coalition. *Healthy School Meals for All NY Kids*. 2024.

<https://schoolmealsforallny.org/about/#::~:~:text=Our%20Coalition%3A,Meals%20for%20All%20NY%20Kids>. Accessed January 30, 2024.

ⁱⁱ Governor Kathy Hochul. *Universal School Meals: Governor Hochul Announces Free Breakfast and Lunch for More Than 2.7 Million Students in New York as Part of the 2025 State of the State*. New York State. January 10, 2025. <https://www.governor.ny.gov/news/universal-school-meals-governor-hochul-announces-free-breakfast-and-lunch-more-27-million>.

ⁱⁱⁱ Cohen J, et al. Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review. *Nutrients*. 2021; 13(3):911.

^{iv} Liu J, et al. Trends in Food Sources and Diet Quality Among US Children and Adults, 2003-2018. *JAMA Netw Open*. 2021;4(4):e215262.

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- ^v 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/healtheffects041621.pdf>.
- ^{vi} Judith Gutierrez. *California Passes First-in-the-Nation Legislation to Ban Harmful Chemicals in School Foods Landmark Bill Would Prohibit Schools from Serving Foods with Dangerous Additives*. California Assembly. August 29, 2024. <https://a46.asmdc.org/press-releases/20240829-california-passes-first-nation-legislation-ban-harmful-chemicals-school>.
- ^{vii} World Health Organization. *Evaluation of Certain Food Additives and Contaminants*. WHO Technical Report Series, 859. 1995. p. 35. Available: https://iris.who.int/bitstream/10665/37246/1/WHO_TRS_859.pdf. Accessed: 13 February 2024.
- ^{viii} EFSA Panel on Food Additives and Nutrient Sources Added to Food, 2004. *Opinion of the Scientific Panel on food additives, flavourings, processing aids and materials in contact with food (AFC) related to para hydroxybenzoates (E 214-219)*. EFSA Journal 2004; 2(9):83, 26 pp. doi:10.2903/j.efsa.2004.83
- ^{ix} 55 Fed. Reg. 3520-01 (February 1, 1990). *Color Additives; Denial of Petition for Listing of FD&C Red No. 3 for Use in Cosmetics and Externally Applied Drugs; Withdrawal of Petition for Use in Cosmetics Intended for Use in the Area of the Eye*.
- ^x 90 Fed. Reg. 4628 (January 16, 2025). *Color Additive Petition From Center for Science in the Public Interest, et al.; Request To Revoke Color Additive Listing for Use of FD&C Red No. 3 in Food and Ingested Drugs*.
- ^{xi} 81 Fed. Reg. 54960 (August 17, 2016). *Substances Generally Recognized as Safe; 21 CFR § 170.205*.
- ^{xii} Kindy, Kimberly. *Food additives on the rise as FDA scrutiny wanes*. August 17, 2014. The Washington Post. https://www.washingtonpost.com/national/food-additives-on-the-rise-as-fda-scrutiny-wanes/2014/08/17/828e9bf8-1cb2-11e4-ab7b-696c295ddfd1_story.html.