



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

Prepared for the 2026 Joint Legislative Budget Hearing on Elementary Education & Secondary Education

Submitted by:
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Chair Krueger and Chair Pretlow:

Thank you for the opportunity to submit testimony for the 2026 Joint Legislative Budget Hearing on Elementary Education and Secondary Education regarding inclusion of a measure to protect children from harmful synthetic dyes in school foods. I am providing testimony on behalf of the Center for Science in the Public Interest (CSPI), a nonprofit consumer education and advocacy organization that has worked since 1971 to improve the public's health through better nutrition and safer food.

CSPI respectfully urges the inclusion in the State Fiscal Year (SFY) 2026-27 Executive Budget of provisions to prohibit synthetic dyes in school foods (A8707/S3214).^{1,2} This action would improve the safety of the state's Universal School Meals program by ensuring that meals are free from dyes that pose unnecessary risk to children, particularly in the absence of adequate federal action on food additives.

Synthetic dyes, including Red 3, Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2, and Green 3, have been shown to contribute to hyperactivity, inattentiveness, and anxiety in some children.³ Repeated exposure may undermine social and academic success. Despite these risks, the U.S. Food and Drug Administration (FDA) has not proposed regulations to remove synthetic dyes from school foods and is depending on state leadership.^{4,5}

New York City already prohibits synthetic dyes in school foods.⁶ Extending this protection statewide would build on the state's investment in Universal School Meals for All and ensure all students, not just those in NYC, are protected from unnecessary additives in school. This approach is practical and timely: California enacted legislation to ban synthetic dyes in school foods in 2024,⁷ and six states, including Virginia,⁸ Arizona,⁹ and Utah,¹⁰ passed similar legislation in 2025. California's ultraprocessed food legislation, enacted in 2025, uses a vendor-focused compliance model—ultimately prohibiting vendors from offering restricted products to schools. New York could take a similar approach to synthetic dyes by simply prohibiting companies from providing schools with foods that contain them, rather than imposing additional mandates on schools.¹¹

Even in a constrained fiscal environment, New York can protect children, advance evidence-based nutrition policy, and improve the safety of the Universal School Meals program by adopting this low-cost measure. CSPI respectfully urges you to include this measure to prohibit synthetic dyes in school foods in the SFY 2026-27 Executive Budget.

Thank you for the opportunity to testify.

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References

¹ New York Assembly Bill A8707.

<https://www.nysenate.gov/legislation/bills/2025/A8707/amendment/A>.

² New York Senate Bill S3214. <https://www.nysenate.gov/legislation/bills/2025/S3214/amendment/B>.

³ Office of Environmental Health Hazard Assessment, California Environmental Protection Agency. *Health Effects Assessment: Potential Neurobehavioral Effects of Synthetic Food Dyes in Children*. April 16, 2021. <https://oehha.ca.gov/media/downloads/risk-assessment/report/healtheffectsassess041621.pdf>. Accessed December 2, 2025.

⁴ CSPAN3, *Make America Healthy Again Plan* (livestream transcript), July 30, 2025, 3:38 p.m. EDT. https://archive.org/details/CSPAN3_20250730_190800_HHS_Secy_Kennedy_Discusses_Make_America_Healthy_Again_Plan/start/1813/end/1848.5. (Remarks by Secretary Kennedy noting that the U.S. Department of Health and Human Services relies on state action to provide leverage in encouraging the food industry to phase out synthetic dyes.)

⁵ U.S. Food and Drug Administration. *HHS, FDA to Phase Out Petroleum-Based Synthetic Dyes in Nation's Food Supply*. April 22, 2025. <https://www.fda.gov/news-events/press-announcements/hhs-fda-phase-out-petroleum-based-synthetic-dyes-nations-food-supply>.

⁶ NYC Public Schools. *Prohibited Ingredients*. Updated March 19, 2025.

https://pwsblobprd.schools.nyc/prd-pws/docs/default-source/school-menus/prohibitedingredient.pdf?sfvrsn=93d87835_6. Accessed December 2, 2025.

⁷ California State Legislature. Assembly Bill 2316, California School Food Safety Act. 2023-2024 Session. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2316.

⁸ Virginia General Assembly. *House Bill 1910*. 2025 Regular Session. <https://lis.virginia.gov/bill-details/20251/HB1910>.

⁹ Arizona State Legislature. *House Bill 2164, Arizona Healthy Schools Act*. 2025 First Regular Session. <https://www.azleg.gov/legtext/57leg/1R/laws/0052.pdf>.

¹⁰ Utah State Legislature. *House Bill 402, Foods Additives in Schools*. 2025 General Session. <https://le.utah.gov/~2025/bills/static/HB0402.html>.

¹¹ California State Legislature. *Assembly Bill 1264, Real Food, Healthy Kids Act*. 2025-2026 Session. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1264.

(This bill illustrates how vendor responsibility for school food compliance can be structured, an approach which New York could adopt.)