

September 3, 2024

The Honorable Gavin Newsom  
Governor of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Re: AB 2316 (Gabriel) – Request for Signature

Dear Governor Newsom:

The Center for Science in the Public Interest (CSPI) is writing to urge you to sign the California School Food Safety Act (AB 2316), a bill that prohibits California public schools from serving food containing harmful food colors. In particular, this bill prohibits schools from serving food containing Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2, or Green 3, which are synthetic dyes that the California Environmental Protection Agency (CalEPA) confirmed can cause neurobehavioral difficulties in some children.<sup>1</sup> This bill is needed to protect California’s school-aged children.

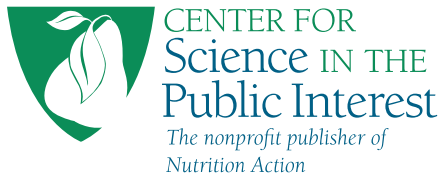
**Synthetic food dyes can cause neurobehavioral problems in some children according to CalEPA.** California’s state experts at CalEPA performed a peer-reviewed systematic review of the evidence, including 27 human clinical trials, and concluded that consumption of synthetic food dyes, “can cause or exacerbate neurobehavioral problems in some children.” In their report, published in 2021, CalEPA asserted, “For the child who is affected and their family, their teachers, and the school system, a short term increase in inattentiveness or restlessness and anxiety that can be repeated routinely when food dye is consumed could reduce social and academic success, and is thus adverse.” Such substances should not be allowed in school foods. CalEPA’s report concludes with the recommendation that, “At a minimum, in the short-term, the neurobehavioral effects of synthetic food dyes in children should be acknowledged and steps taken to reduce exposure to these dyes in children.” The EU took action to protect children from synthetic dyes nearly 15 years ago. In 2010, the EU mandated that foods containing certain synthetic food dyes, including several targeted by this bill, bear a warning label stating: “may have an adverse effect on activity and attention in children.”

Three years have elapsed since CalEPA published its report, yet neither the U.S. Food and Drug Administration (FDA) nor the California Department of Public Health (CDPH) have taken action to protect children from dyes. Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2, and Green 3 all remain legal under federal and state law. CSPI petitioned CDPH in 2022 asking the department to promulgate regulations requiring warning labels on dyed foods sold in the state,<sup>2</sup> but we await

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<sup>1</sup> 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. Available: <https://oehha.ca.gov/media/downloads/risk-assessment/report/healtheffectsassess041621.pdf>.

<sup>2</sup> Center for Science in the Public Interest et al. *Petition for Rulemaking To Implement Warning Labels on Food Products and Dietary Supplements That Include Certain Synthetic Food Dyes*. December 8, 2022. Available:



the department's ruling. It is therefore essential that you sign AB 2316 into law to remove these dyes from school foods to ensure all students are able to achieve their fullest potential.

**The chemicals targeted by AB 2316 are unnecessary additives.** Each of the six substances to be prohibited by this bill are color additives that offer no nutritional benefits and have no benefit on food safety. They function simply to make foods visually appealing as a marketing tool for the food industry. Therefore, eliminating these substances from school foods will not negatively impact the nutritional quality of school foods and will only improve their safety. Moreover, alternatives not known to have these adverse effects exist. Some companies chose to reformulate away from the dyes subject to the warning label requirement in the EU to avoid having to add the warning label to their products. For example, Kellogg's® breakfast cereal Froot Loops® is sold without synthetic food dyes in the EU<sup>3</sup> and Canada<sup>4</sup> but with synthetic dyes in the U.S.<sup>5</sup>

**Many children rely on school foods for their daily nutrition.** Participation in school breakfast and lunch programs increased during the 2022-2023 school year—when California implemented free school meals for all—compared to pre-pandemic levels.<sup>6</sup> With more students eating school meals, it is critical to ensure these meals are safe. The California School Food Safety Act will make all school foods, whether provided in free school meals or purchased as snacks or a la carte items, safer for all students and could especially benefit those who, without school meals, would not have access to adequate nutrition.

**To protect children, California should ban synthetic food dyes from school foods.** Where FDA has chosen not to act, California can. The dyes listed in the AB 2316 have documented health harms for children. These chemicals are unnecessary in the food supply. We therefore ask you to sign AB 2316 and prevent schools from serving synthetic food dyes to children.

Thank you for your attention to our position and concerns.

Sincerely,

Thomas M. Galligan, PhD  
Principal Scientist for Food Additives and Supplements  
Center for Science in the Public Interest

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<https://www.cdph.ca.gov/Programs/OLS/CDPH%20Document%20Library/P-22-01-Petition-2022-12-08-CSPISyntheticDyeWarning.pdf>.

<sup>3</sup> Kellogg's. *Froot Loops*. n.d. [https://www.kelloggs.fr/fr\\_FR/products/froot-loops.html](https://www.kelloggs.fr/fr_FR/products/froot-loops.html). Accessed: April 8, 2024.

<sup>4</sup> WK Kellogg Co. *Froot Loops*. n.d. <https://www.wkkellogg.ca/en-ca/products/froot-loops-cereal-product.html>. Accessed: April 8, 2024.

<sup>5</sup> Kellogg's. *Kellogg's® Froot Loops® Breakfast Cereal*. n.d. [https://www.frootloops.com/en\\_US/our-products/froot-loops-cereal.html](https://www.frootloops.com/en_US/our-products/froot-loops-cereal.html). Accessed: April 8, 2024.

<sup>6</sup> Food Research and Action Center. *The State of Healthy School Meals for All California, Maine, Massachusetts, Nevada, and Vermont Lead the Way*. February 2024. <https://frac.org/wp-content/uploads/HSMFA-Report-2024.pdf>.