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# RACHAEL A. CABRAL-GUEVARA

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STATE SENATOR • 19<sup>TH</sup> SENATE DISTRICT

*Testimony before the Senate Committee on Health*

*Senator Rachael Cabral-Guevara*

*June 4, 2025*

Hello, members of the Senate Committee on Health. Thank you for allowing me to provide testimony on Senate Bill 228, a proposal that will help improve healthy meals for our kids in schools.

According to research, the prevalence of Type 2 Diabetes in children doubled between 2002-03 and 2017-18. During the same time period, the consumption of ultra-processed foods continuously increased. Roughly 60% of the typical adult's diet is made up of ultra-processed foods, and it's even higher for kids at nearly 70%.

Childhood chronic disease, obesity, and pre-diabetes are serious issues for the nation's youth. Reformers are looking to prohibit certain preservatives and food additives in school meals in an effort to improve youth health. In Texas, the legislation bans seven different dyes and additives that are already banned in other first-world nations. In Louisiana, the legislation bans 13 dyes and additives. Last fall, California signed into law a ban on six food additives. Recently, Arizona unanimously passed its legislation that bans 11 different additives.

This is not an effort to prohibit what food manufacturers do, nor does it ban consumers from buying certain foods with their own money. It simply requires schools to make menu selections from vendors that are healthier than food options with these additives and preservatives. Specifically, the five additives that would be banned are: Brominated Vegetable Oil (banned by FDA, enforcement 2025), Potassium Bromate, Propylparaben, Azodicarbonamide, Red dye 3 (banned by FDA, enforcement 2027).

There is no "silver bullet" to solving our nation's obesity crisis, but it is important to take steps to improve our nation's health. Many chemical ingredients banned in other developed nations are still permitted in our school meals, despite scientific evidence linking these substances to be harmful to children's health, including mental health.

These specific additives are either in the process of being banned by the FDA or peer-reviewed studies have found links to adverse side effects if consumed in significant enough amounts. By passing this legislation, we can make our meals healthier sooner, while not putting our state at risk for losing federal funds if standards change in the future. The legislation also gives schools broad flexibility to work with current food vendors to meet the healthy requirements to provide meals to students. Thank you for your time.





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June 4<sup>th</sup>, 2025

## Senate Committee on Health Testimony on Senate Bill 228

Thank you, Chairperson Cabral-Guevara, for considering Senate Bill (SB) 228. SB 228 limits food with certain additives to be served at school meals.

There's ongoing research that shows additives in our food changes how our brains work and think. Our educators see firsthand how students' behavior affect their learning. Consumption of synthetic food dyes may lead to ADHD in children. Studies have raised questions about the long-term health effects of food additives. Studies have shown potential links to hormonal disruption, cancer, or behavioral issues. A way to improve our students' behavior is improving the food they eat.

SB 228 aims to improve the nutritional quality of school meals provided at schools by prohibiting foods that contain specific additives considered potentially harmful. These additives include:

- Brominated vegetable oil
  - Brominated vegetable oil is banned in the European Union and Japan. You'll see it in formulations of citrus flavored sodas such as Mountain Dew or Fanta. A high intake has been linked in animal studies to memory loss, skin irritation, and thyroid disruption.
- Potassium bromate
  - Potassium bromate is banned in the European Union, Canada and China. It is still allowed in the U.S. and commonly used at large bakeries that produce bread, rolls and pizza dough. Potassium bromate is a flour that strengthens dough and promotes rising in bread and rolls. Animal studies have shown links to kidney tumors. It has been classified as a possible human carcinogen.
- Propylparaben
  - The European Union restricts combined concentration of parabens in cosmetics and completely banned in food. The FDA considers it generally safe at low amounts in food and cosmetics. It's a chemical preservative in cosmetics and personal-care products. Consumer pressure has driven many cosmetics to be "paraben-free". However in the food industry, it's used to prevent mold and bacterial growth. It is found in baked goods and processed snacks. Studies have detected parabens in human breast tissue raising concerns about long-term exposure links to hormone-driven cancer.
- Azodicarbonamide
  - The European Union and Australia have banned azodicarbonamide. The United States allow 45 parts of additive per million in flour. So, in a cup of flour, you'll have about 5.4 mg which is about 1/16 tsp pinch. You will see azodicarbonamide in mass-produced breads and tortillas as it is a flour-bleaching and dough-condition agent that makes bread lighter and softer. Azodicarbonamide has been linked to cancer in animal studies.
- Red dye 3
  - The European Union permits it under the code E 127 and requires warning label about the possible effects on children. The United States has red dye 3 banned in cosmetics; however, it's allowed in food. Many studies have shown red dye 3 to contribute to hyperactivity and attention issues in children. You'll see red dye 3 in many foods where the food industry wants to make the food a bright red color such as candies, popsicles and drinks.





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These specific additives are either in the process of being banned by the FDA and peer-reviewed studies have found links to adverse side effects if consumed in significant enough amounts. Our school lunches shouldn't be filled with substances that negatively affect our student's health including mental health.

The amendment introduced makes it so all schools -public, private, charter are included and all meals -lunch and breakfast are included making it easier for our school food service employees to follow.

SB 228 approach bypasses the need for federal action while not forcing schools to risk a loss of federal funds to pay for existing school lunch programs. Additionally, because only a select number of chemicals are included in our bill and does not go into effect until July 1, 2027, school districts still have broad flexibility to work with current vendors to provide the food all Wisconsin children need.

Childhood chronic disease, obesity, and pre-diabetes are serious issues for the nation's youth. Reformers are looking to prohibit certain preservatives and food additives in school lunches in an effort to improve youth health. Over 10 states have introduced similar legislation. California was the first state to prohibit six food additives in school lunches. A total of five states have signed their similar bills into law.

Governor Evers declared 2025 the Year of the Kid in his State Address. SB 228 makes positive changes in our children's health while at school. I look forward to the governor signing this bill into law.



June 4, 2025

**Senate Committee on Health**

**Department of Public Instruction Testimony  
2025 Senate Bill 228**

The Department of Public Instruction (DPI) thanks Chair Cabral-Guevara and members of the committee for the opportunity to share testimony on Senate Bill 228 (SB 228).

The DPI is in support of SB 228, as amended by Senate Amendment 1.

The DPI believes that nutritious meals are important to students' learning and development and supports the efforts of this bill to ban harmful additives from students' meals. Across the nation, 29 states have taken action to address this problem, by either banning different dyes and food additives altogether or banning them specifically in schools.<sup>1</sup>

The DPI's school nutrition staff see efforts to ban the substances identified under SB 228 as aligning with positive trends in nutrition. With an increased focus on farm-to-school programs and the use of local food, school nutrition programs are helping to improve the nutritional value of meals. Many schools and school nutrition vendors are already committed to providing meals that utilize unprocessed foods, which can be enjoyed without harmful, nutritionally useless additives. These programs not only encourage the use of healthy food, but educate students on healthy lifelong choices.

The DPI also urges support for Senate Amendment 1 (SA 1), which addresses some of the Department's primary recommendations related to SB 228, namely ensuring its requirements are applicable to all schools and all school meals, not just those served under the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). In a June 2 letter to Child Nutrition Program State Directors, the USDA clarified that "State agencies may not withhold Federal reimbursement for meals that meet the Federal requirements, even if additional State

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<sup>1</sup> Arizona, Arkansas, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. Environmental Working Group. *Interactive map: Tracking state food chemical regulation in the U.S.* Accessed: May 14, 2025.  
<https://www.ewg.org/news-insights/news/2025/04/interactive-map-tracking-state-food-chemical-regulation-us>.



requirements are not met. However, if a State provides an additional reimbursement above the Federal reimbursement, they may withhold the State reimbursement.” (See Attachment 1.) While there is no explicit enforcement mechanism under SB 228, by applying these standards to all school meals under SA 1, any potential enforcement would be generally applicable and not require the DPI to withhold reimbursement for federal child nutrition programs. Additionally, health and food safety laws designed to prevent universal harm should be applied to ensure that all students are protected and that all schools, and their vendors, are held to a uniform standard.

On the national level, efforts have already been made to limit exposure to food additives. On July 2, 2024, the U.S. Food and Drug Administration (FDA) determined that the use of brominated vegetable oil in food was no longer safe, citing studies conducted in collaboration with the National Institutes of Health (NIH) that found potential adverse health effects in humans.<sup>2</sup> The FDA then announced a ban on red dye 3 on January 15, 2025, citing a petition that referenced studies which indicate high exposure to the dye was linked to cancer in male rats.<sup>3</sup> By expanding on these efforts and focusing on student meals, SB 228 recognizes that greater protection is needed to mitigate any potential harm to Wisconsin’s children.

Senate Bill 228 will not prevent all additives from being consumed in schools. There will still be unhealthy options in vending machines, school stores, and served at concerts and competitions. SB 228 restrictions also do not apply to food that is provided by a private entity or items that do not constitute a school meal. However, we support SB 228 as amended by SA1 because, by ensuring students receive regular school meals with unprocessed, healthy foods, we nurture healthy habits for life.

Thank you for allowing DPI to share this testimony. Please direct your questions to Kim Vercauteren, Policy Initiatives Advisor of the Division for Finance and Management, at [kimberly.vercauteren@dpi.wi.gov](mailto:kimberly.vercauteren@dpi.wi.gov).

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<sup>2</sup> U.S. Food and Drug Administration. *FDA Revokes Regulation Allowing the Use of Brominated Vegetable Oil (BVO) in Food*. Accessed: May 14, 2025, <https://www.fda.gov/food/hfp-constituent-updates/fda-revokes-regulation-allowing-use-brominated-vegetable-oil-bvo-food>.

<sup>3</sup> U.S. Food and Drug Administration. *FDA to Revoke Authorization for the Use of Red No. 3 in Food and Ingested Drugs*. Accessed: May 14, 2025. <https://www.fda.gov/food/hfp-constituent-updates/fda-revoke-authorization-use-red-no-3-food-and-ingested-drugs#:~:text=3%20as%20a%20matter%20of.a%202022%20color%20additive%20petition>.



**Date:** June 2, 2025

**Memo code:** SP 15-2025

**Subject:** Enhancing Child Nutrition Program Meal Standards

**To:** State Directors, Child Nutrition Programs, All States

The goal of the U.S. Department of Agriculture's (USDA) Child Nutrition Programs is to provide healthy, balanced meals to children. Every day across the Nation, the National School Lunch Program and School Breakfast Program serve around 30 million and 15 million students, respectively. In the summer months, USDA programs offer meals to nearly 4 million children at schools, summer camps, rural pick-up sites, and other approved settings.

As Secretary of Agriculture, Brooke Rollins has emphasized States' role as innovative collaborators and policy incubators. For too long, the USDA's school meal programs have been known by the regulations and rules they enforce instead of the flexibilities they provide. Schools should and do have the ability to provide children with interesting, healthy, and diverse meals. Whether it is purchasing from a local farmer or testing out a new recipe, the USDA supports and encourages States and school districts experimenting with the meals they provide.

The USDA maintains meal pattern guidelines to ensure that children are getting a variety of nutrients and are offered all the components of a healthy diet. While meals and snacks served through the Child Nutrition Programs must meet minimum Federal nutrition standards, additional State-level standards can further promote children's health. These stronger State-level standards can address reimbursable school meals as well as the food and beverages sold to students on campus throughout the school day through the competitive food requirements, also known as Smart Snacks in School (Smart Snacks). For example, State standards could require that yogurts served as part of reimbursable school meals and as a

Smart Snack include less added sugars than Federal guidelines allow. Similarly, while the U.S. Food and Drug Administration (FDA) governs food additives like synthetic dyes, States have the flexibility to require schools to stop serving meals and snacks with these harmful additives ahead of the planned phase-out directed by FDA.<sup>1</sup> Other examples of State standards include limiting the sale of ultra-processed foods, further limiting how often juices can be served in place of whole fruits, and implementing a minimum amount of time children must be given to eat their meal.

As a reminder, meals and snacks offered through the Child Nutrition Programs may be claimed for Federal reimbursement if they meet the Federal nutrition requirements and other Federal regulations. State agencies may not withhold Federal reimbursement for meals that meet the Federal requirements, even if additional State requirements are not met. However, if a State provides an additional reimbursement above the Federal reimbursement, they may withhold the State reimbursement.

USDA encourages States to take this opportunity to implement innovative ideas that support healthy choices and healthy outcomes for our Nation's children. In developing these ideas, States also are encouraged to work with local partners to pursue policies that best serve their communities and enhance the health of children. States are invited to share their creative ideas with their Food and Nutrition Service (FNS) Regional Office, as they could become the model for other States and USDA.

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<sup>1</sup> U.S. Food and Drug Administration. HHS, FDA to Phase Out Petroleum-Based Synthetic Dyes in Nation's Food Supply. April 22, 2025. Available at: <https://www.fda.gov/news-events/press-announcements/hhs-fda-phase-out-petroleum-based-synthetic-dyes-nations-food-supply>

State agencies are reminded to distribute this information to program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agencies should direct questions to the appropriate FNS Regional Office.

**Original Signed**

Tina Namian  
Deputy Associate Administrator  
Child Nutrition Programs





**Feeding Bodies. Fueling Minds.™**

**TO:** Members of the Senate Committee on Health

**FROM:** Nathan Butzlaff, Government Relations Representative, School Nutrition Association of Wisconsin

**DATE:** June 4, 2025

**RE:** Senate Bill 228 (Relating to: prohibiting school boards and independent charter schools from providing food containing certain ingredients in free or reduced-price meals.)

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The School Nutrition Association of Wisconsin (SNA-WI) represents over 900 school nutrition professionals who provide high-quality, low-cost meals to students across Wisconsin. SNA-WI and our members recognize that healthy eating behaviors support better learning, and school nutrition programs help fight hunger, promote healthy eating habits and allow students to reach their full potential. This testimony is being submitted for information purposes only.

SNA-WI greatly appreciates legislators looking out for the well-being of all students across the state by introducing this bill. Our organization supports the removal of the ingredients listed in the bill from school meals served to every child. We would also like to note that a significant majority of K-12 school food in Wisconsin has already been shown to be free from the identified ingredients in this bill and has been for a number of years.

As introduced, this bill only applied to ingredients in school meals that were served to K-12 students in public and charter schools who received a free or reduced-price meal under the national school lunch program and the federal school breakfast program. As such, SNA-WI had concerns about the originally introduced bill, including the fact that it would have made it challenging for school nutrition programs to comply with it as it did not apply to meals served to all students.

Our organization expressed concerns to the bill authors – Senator Cabral-Guevara and Representative Moses. We appreciate the willingness of the bill authors to work with our organization and ultimately introduce an amendment to ensure that the bill is more equitable and more straightforward to implement. In particular, amendment one, as introduced, removes the ingredients listed in this bill from all K-12 school meals. Therefore, as amended, the bill would apply to all students who receive a school meal, not just students who receive a free or reduced-price meal. In addition, the amendment would apply to K-12 school meals, regardless of whether the student attends a public, charter, or private school.

If you have any questions, please don't hesitate to contact me ([nathan@hovenconsulting.com](mailto:nathan@hovenconsulting.com)) or Tim Hoven ([tim@hovenconsulting.com](mailto:tim@hovenconsulting.com)).