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WASHINGTON UPDATE

**NPA Annual Meeting
March 17, 2026**

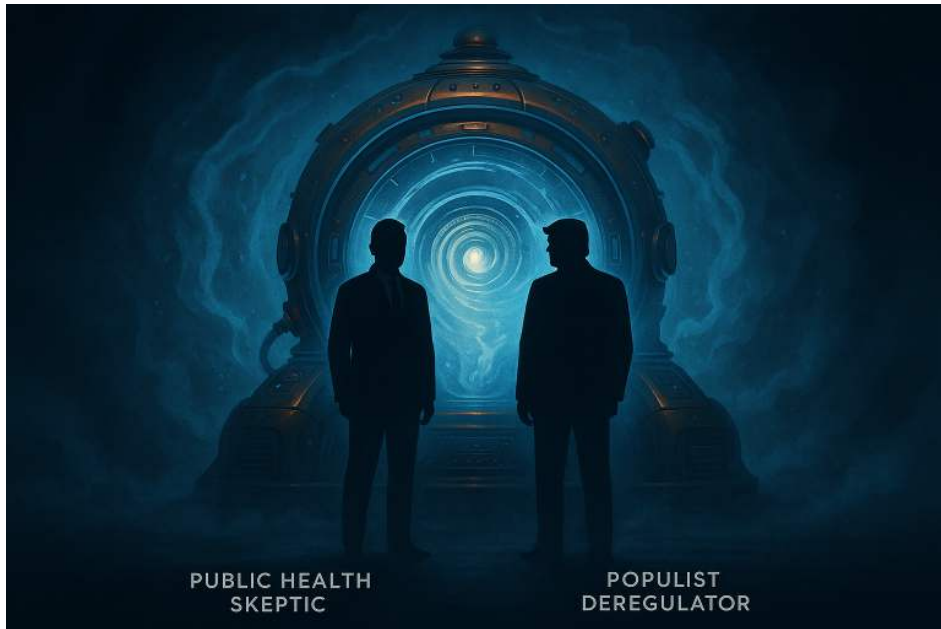
**Veronica Colas, Partner
Hogan Lovells US LLP**

Agenda

- MAHA Updates
- FDA Updates
- State Meddling



Setting the Stage: The Impact of the MAHA Movement on Food Policy

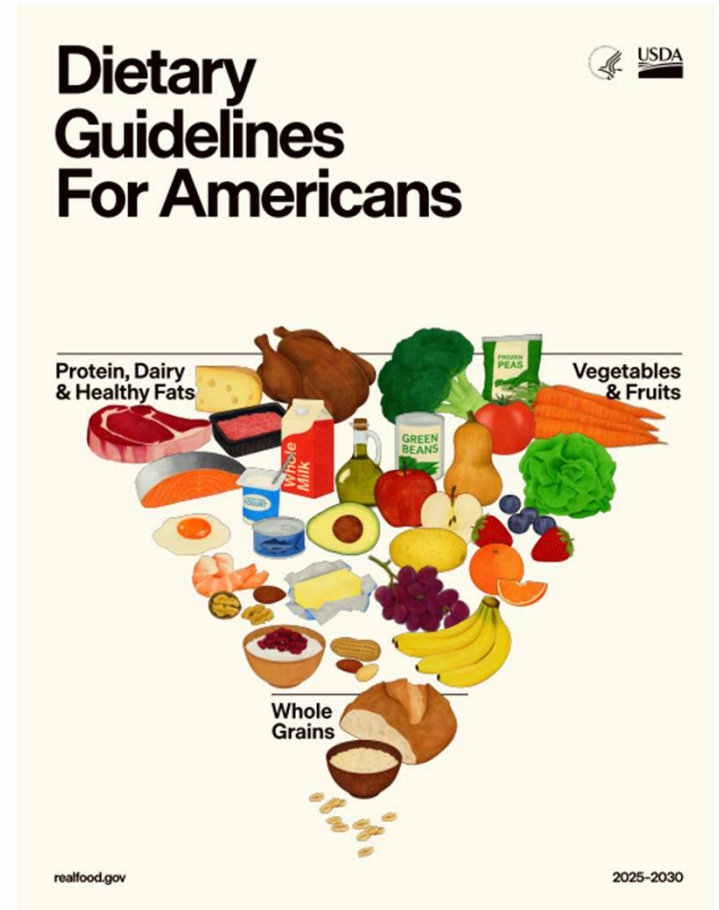


Drawn by AI



What tools can the administration leverage to act quickly?

- **Executive Orders**
- **Delaney Clause**
- **Dietary Guidelines for Americans**
 - HHS and USDA will reissue at the end of 2025
 - Serve as the cornerstone for federal nutrition policy
- **Congressional action** to ease path on food dyes or other additives; GRAS reform; reform the SNAP program/ school lunches/ WIC foods
- **Use the bully pulpit/ public health advisories/ social media**
- **Leverage state legislatures to ban ingredients**
- ~~Emergency orders revoking EPA pesticide tolerances~~
- ~~Congressional Review Act~~



The MAHA Commission

- Shortly after RFK's confirmation, President Trump established the MAHA Commission via an Executive Order Issued on Feb. 13, 2025
- Chaired by RFK in his role as HHS Secretary



Must study contributing causes to the childhood chronic disease crisis, including

- the American diet,
- absorption of toxic material,
- medical treatments,
- lifestyle,
- environmental factors,
- government policies,
- food production techniques,
- electromagnetic radiation,
- and corporate influence or cronyism

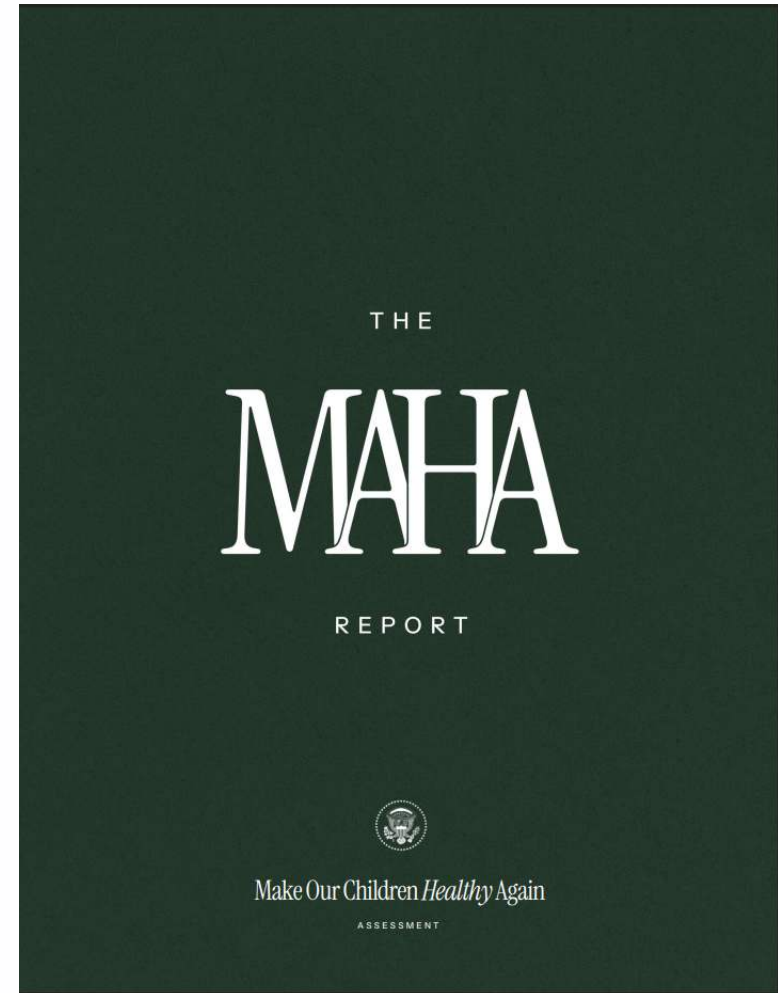
The MAHA Commission

- **May 24, 2025:** Commission must submit a “Make Our Children Healthy Again Assessment”
 - “The problems”
 - Must, among other things, assess the threat that “certain food ingredients, certain chemicals, and certain other exposures pose to children with respect to chronic inflammation or other established mechanisms of disease.”
- **August 12, 2025:** Commission must submit a “Make Our Children Healthy Again Strategy” based on Assessment
 - “The solutions”
 - Must address “ending Federal practices that exacerbate the health crisis or unsuccessfully attempt to address it, and by adding powerful new solutions that will end childhood chronic disease.”



The MAHA Assessment

- Issued without any input from interested parties such as NGO's, consumer groups, academia, or the food industry
- HHS did not hold public meetings or establish a docket for information to be submitted
- HHS Issued the MAHA Assessment on May 22, 2025
- The Assessment first reviews the rates of chronic disease in this country
- The Assessment then focuses on the drivers for the increase in childhood chronic disease



MAHA Commission Assessment

May 2025

- The Assessment identifies “poor diet” marked by high consumption of so-called ultra-processed foods (“UPFs”) as one of the “potential drivers” of the rise in childhood chronic disease, and includes specific comments on:
 - Nutrient depletion
 - “**Grains processed by removing the bran and germ;**”
 - “High fructose corn syrup and other added sugars;”
 - The shift from “minimally processed animal-based sources of fat such as butter and lard” to refined seed oils such as “soybean, corn, safflower, sunflower, cottonseed, and canola.”
- Increased calorie intake: The “processing inherent in UPF production” could “interfere with brain reward pathways and satiety hormones, promote faster eating, and compromise gut fullness signals,” leading to weight gain
- Inclusion of certain food additives (see inset box)

Food ingredients highlighted in the Assessment:

- Certain food colorings such as Red 40
- Titanium dioxide
- Propylparaben
- Butylated hydroxytoluene (BHT)
- Artificial sweeteners (aspartame, sucralose, and saccharin)

MAHA Strategy Report

Sept. 2025

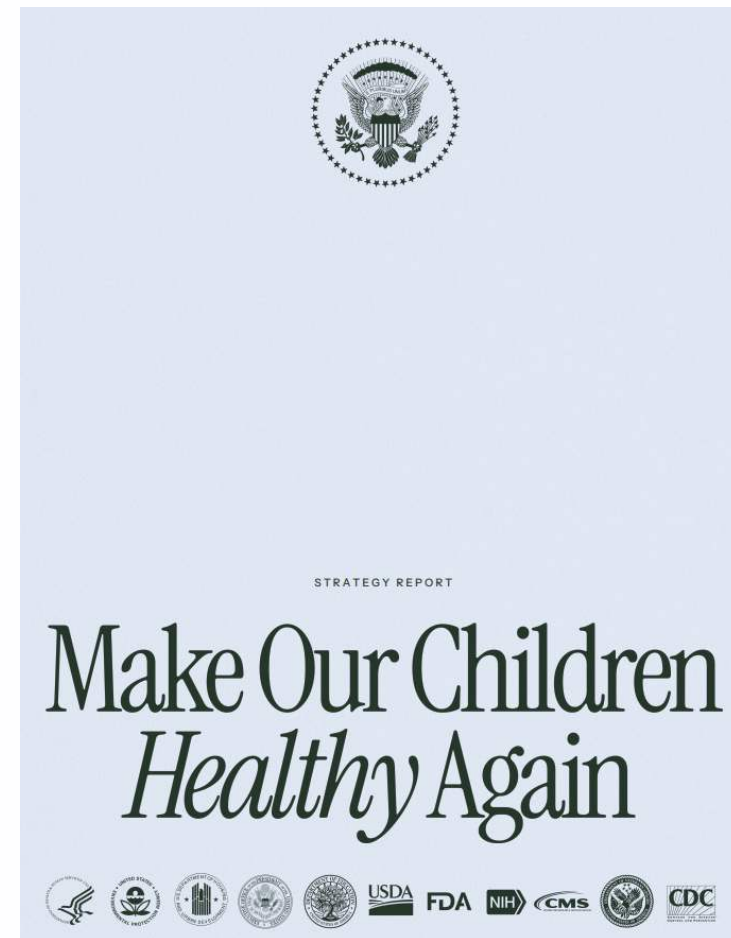
More balanced approach in the strategy

Policy Developments

- Developing a definition for “Ultra processed foods”
- Issue Dietary Guidelines for Americans
- Front of pack nutrition labeling
- Changes to GRAS process
- Post-market chemical assessment
- FD&C certified colors
- Infant formula
- SNAP

Deregulatory Initiatives

- Streamlined organic certification
- Reduced burdens to small farms
- Zoning restrictions
- HACCP guidance for very small meat processors
- Small dairy operations
- Pest control for farmers
- “Flexibility in manufacturing requirements”





Dietary Guidelines for Americans, 2025-2030

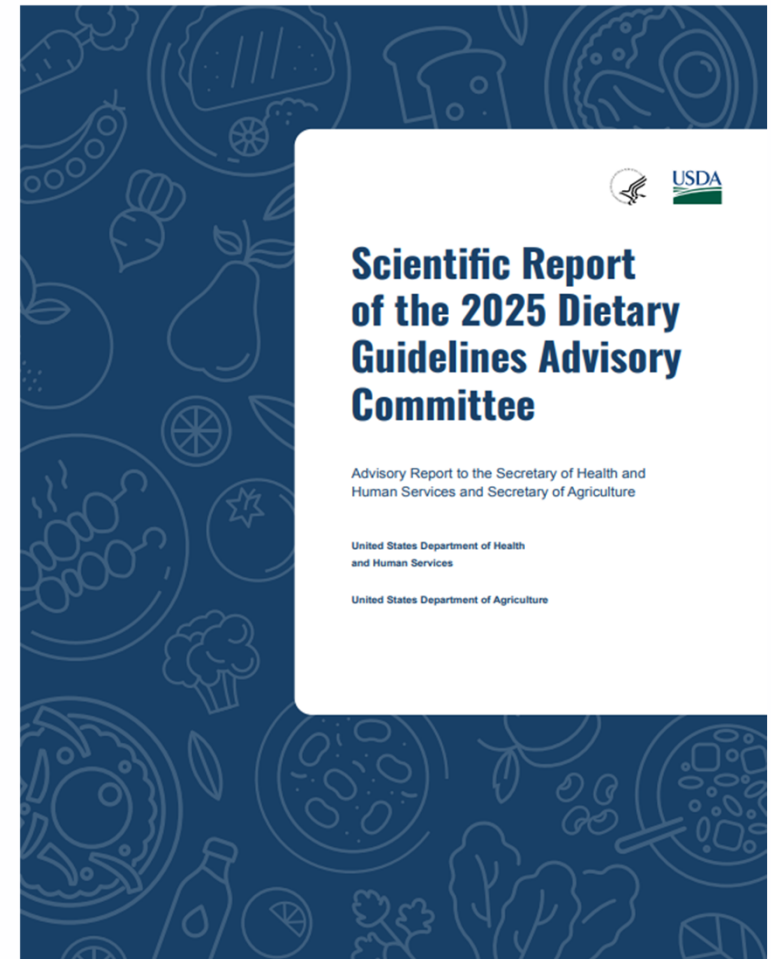
DGA Process Overview

- Issued every five years
- Basis of federal nutrition programs (SNAP, National School Lunch Program)
- 7 USC 5341(a)(2) – “Shall be based on the **preponderance of the scientific and medical knowledge** which is current at the time the report is prepared.”
- Typical Scientific Process –
 - Dietary Guidelines Advisory Committee (DGAC) reviews current body of scientific evidence on key nutrition topics and drafts independent assessment and recommendations for USDA and HHS
 - Agencies typically rely upon findings in drafting guidelines



DGA 2025-2030 Process

- New DGA identified “deficiencies” in the 2025 DGAC report, including the report's focus on nutrition policy from a “health equity” lens, which the new guidelines stated “constrained” the report's ability to “provide unbiased scientific assessment”
- Instead, USDA and HHS departed from the established scientific review process and convened a new panel of “scientific review authors” to conduct "supplemental scientific work," the results of which underpin the new dietary guidelines



New Food Pyramid

Protein, Dairy, & Healthy Fats

We are ending the war on protein. Every meal must prioritize high-quality, nutrient-dense protein from both animal and plant sources, paired with healthy fats from whole foods such as eggs, seafood, meats, full-fat dairy, nuts, seeds, olives, and avocados.

Protein target: 1.2-1.6 grams of protein per kilogram of body weight per day



Vegetables & Fruits

Vegetables and fruits are essential to real food nutrition. Eat a wide variety of whole, colorful, nutrient-dense vegetables and fruits in their original form, prioritizing freshness and minimal processing.

Vegetables: 3 servings per day.

Fruits: 2 servings per day.

Whole Grains

Whole grains are encouraged. Refined carbohydrates are not. Prioritize fiber-rich whole grains and significantly reduce the consumption of highly processed, refined carbohydrates that displace real nourishment.

Target: 2-4 servings per day.

“Highly Processed Foods”

- DGA acknowledges that there is “no consensus definition for highly processed or ultra-processed foods” and that FDA/USDA efforts to establish a definition are underway
- Recommends “significantly reducing” or “avoiding” consumption of “highly processed foods”
- “[T]he guiding principles of the *Dietary Guidelines for Americans, 2025–2030*, are that minimally processed, naturally nutrient-dense foods are the standard for comparison and that high-quality, causal evidence is required before making recommendations that could favor consumption of highly processed foods”
- Acknowledges limitations and evidence gaps

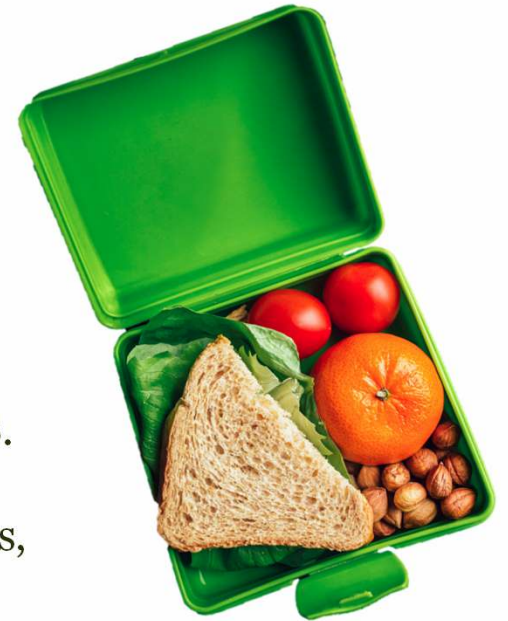
DGA 2025-2030 Definition of “Highly Processed Food”*

“Any food, beverage, or engineered food-like item that is made primarily from substances extracted from foods (such as refined sugars, refined grains/starches, and refined oils) and/or containing industrially manufactured chemical additives.”

*Not for scientific purposes

“Chemical Additives”

- DGA recommends a “dramatic reduction” in “highly processed foods laden with refined carbohydrates, added sugars, excess sodium, unhealthy fats, and chemical additives”
- “[G]iven the large and growing number of chemical additives in the U.S. food supply . . . and historical context wherein it can take decades to attribute adverse health consequences to industrialized food ingredients, we anticipate that it will take many decades to fully appreciate the deleterious consequences of highly processed foods and ingredients”
- Appendix includes a “non-exhaustive list of major chemical classes and representative examples of chemical food additives and food packaging contaminants” (with a caveat that a listing of an ingredient does not imply adverse effects)
 - Emulsifiers, non-nutritive sweeteners, preservatives, certified colors, food packaging materials



Protein – Prioritize Protein at Every Meal

DGA, 2020-2025 Recommendation

0.8 g per kg bw per day

(48 g per day for 60 kg adult)



DGA, 2025-2030 Recommendation

1.2 g to 1.6 g per kg bw per day

(72 to 96 g per day for 60 kg adult)



Added Sugars

DGA, 2020-2025 Recommendation

- Consume less than 10% of daily calories from added sugars
- Avoid added sugars entirely for infants and young children (up to age 2)

DGA, 2025-2030 Recommendation

- One meal should contain no more than 10 g added sugars
- Added sugars should be avoided entirely during infancy and early-middle childhood (up to age 10)

Whole Grains

- Enhanced whole grains recommendations (2-4 servings per day)
- “Significantly reduce” consumption of refined grains or “refined carbohydrates”



Saturated Fat


- Encourage the consumption of “healthy” fats, with priority on “oils with essential fatty acids, such as olive oil,” as well as butter and beef tallow
 - Previous guidelines discouraged the use of fats and oils higher in saturated fat like butter and recommended the use of canola, corn, olive, peanut, safflower, soybean, and sunflower oils
- Encourage the consumption of full-fat dairy products and characterize fat-free and low-fat dairy products as requiring a “suite of processed ingredients and manufactured chemicals” to “compensate for the loss of natural dairy fat”
 - Previous guidelines encouraged the consumption of fat-free and low-fat dairy
- Ultimately recommend the same saturated fat recommendation as previous guidelines – saturated fat consumption should not exceed 10% of total daily calories (for example, 200 and 250 calories from saturated fat when on a 2000 and 2500 calorie diet)



Next Steps

- DGA forms the basis for federal nutrition programs such as National School Lunch Program and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
 - Changes to these programs coming soon
 - School meals program proposed rule: April
- Congress passed Whole Milk for Healthy Kids Act of 2025
- “Pressing need” for additional nutrition research, particularly with respect to “highly processed foods”





MAHA and Ultra-
Processed Foods,
Ultra-Confusion,
or Ultra-Nonsense?

■ *Martinez v. Kraft Heinz, Mondelez, Post Holdings, Coca-Cola, PepsiCo, General Mills, Nestle, Kellanova, WK Kellogg Co., Mars, and Conagra*

- Filed by Morgan & Morgan December 10, 2024
- Motion to dismiss granted September 2025
- Motion for reconsideration pending

■ Additional suits filed in other jurisdictions

MORGAN & MORGAN
 K. Clancy Boylan, Esq.,
 ID No. 314117
 2005 Market Street, St. 350
 Philadelphia, PA 19103
 (215) 446-9795
 (215) 446-9799 (Fax)
cboylan@forthepeople.com
www.forthepeople.com

MORGAN & MORGAN
 T. Michael Morgan, Esq.,*
 FL Bar No. 62229
 20 N Orange Ave., Suite 1600
 Orlando, FL 32801
 (407) 418-2031
 (407) 245-3384 (Fax)
tmorgan@ForThePeople.com
www.forthepeople.com

SEEGER WEISS LLP
 Dave Buchanan, Esq.
 ID No. 320392
dbuchanan@seegerweiss.com
 Frazar Thomas, Esq.,
 ID. No. 325478
ftomas@seegerweiss.com
 325 Chestnut Street
 Suite 917
 Philadelphia, PA 19106
 T 973-639-9100
 F 973-679-8656

Attorneys for Plaintiff
 *Pending Admission Pro Hac Vice



MORGAN & MORGAN
 Rene F. Rocha, Esq.
 LA Bar No. 34411
 400 Poydras Street,
 New Orleans, LA 70130
 (504) 636-6310
 (504) 636-6301 (Fax)
rrocha@forthepeople.com
www.forthepeople.com

SEEGER WEISS LLP
 Christopher A. Seeger, Esq.,*
 NJ Bar No. 042631990
cseeger@seegerweiss.com
 Parvin K. Aminolroaya, Esq.*
 NJ Bar No.028492008
paminolroaya@seegerweiss.com
 55 Challenger Road
 Ridgefield Park, NJ 07660
 (212) 584-0700
 (212) 584-0799 (Fax)
www.seegerweiss.com

MORGAN & MORGAN
 Frank Petosa, Esq.,*
 FL Bar No. 972754
 8151 Peters Road, Suite 4000
 Plantation, FL 33324
 (954) 318-0268
 (954) 327-3018 (Fax)
fpetosa@forthepeople.com
www.forthepeople.com

<p>BRYCE MARTINEZ</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>KRAFT HEINZ COMPANY, INC. One PPG Place, Pittsburgh, Pennsylvania 15222</p>	<p>IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY</p> <p>CIVIL ACTION – LAW JURY TRIAL DEMANDED</p> <p>DECEMBER TERM, 2024</p> <p>CIVIL NO.</p>
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Definition of “Ultra-Processed Foods”

- FDA and USDA issued a request for information to define “ultra-processed food”
 - Sec. Kennedy has announced FDA will issue a definition “by April”; to be followed by a labeling scheme
- How could it be defined?
 - MAHA Report: “Packaged and ready-to-consume products that are formulated for shelf life and/or palatability but are typically high in added sugars, refined grains, unhealthy fats, and sodium and low in fiber and essential nutrients.”
 - Similar definition for “highly processed foods” in Dietary Guidelines
 - California Law for K-12 only
 - Any food or beverage that contains one or more ingredients with specified technical effects as defined by FDA regulations (i.e., Surface active agents, stabilizers, propellants, colors, emulsifiers, flavorings, flavor enhancers , and non-nutritive sweeteners) AND either
 1. “high amounts of saturated fat, sodium, or added sugar” or
 2. a “nonnutritive sweetener” or D-sorbitol, Erythritol, hydrogenated starch hydrolysates, Isomalt, Lactitol, Luo Han fruit concentrate (i.e., monk fruit concentrate), Maltitol, Steviol glycosides, Thaumatin, or Xylitol
- Why do we care?

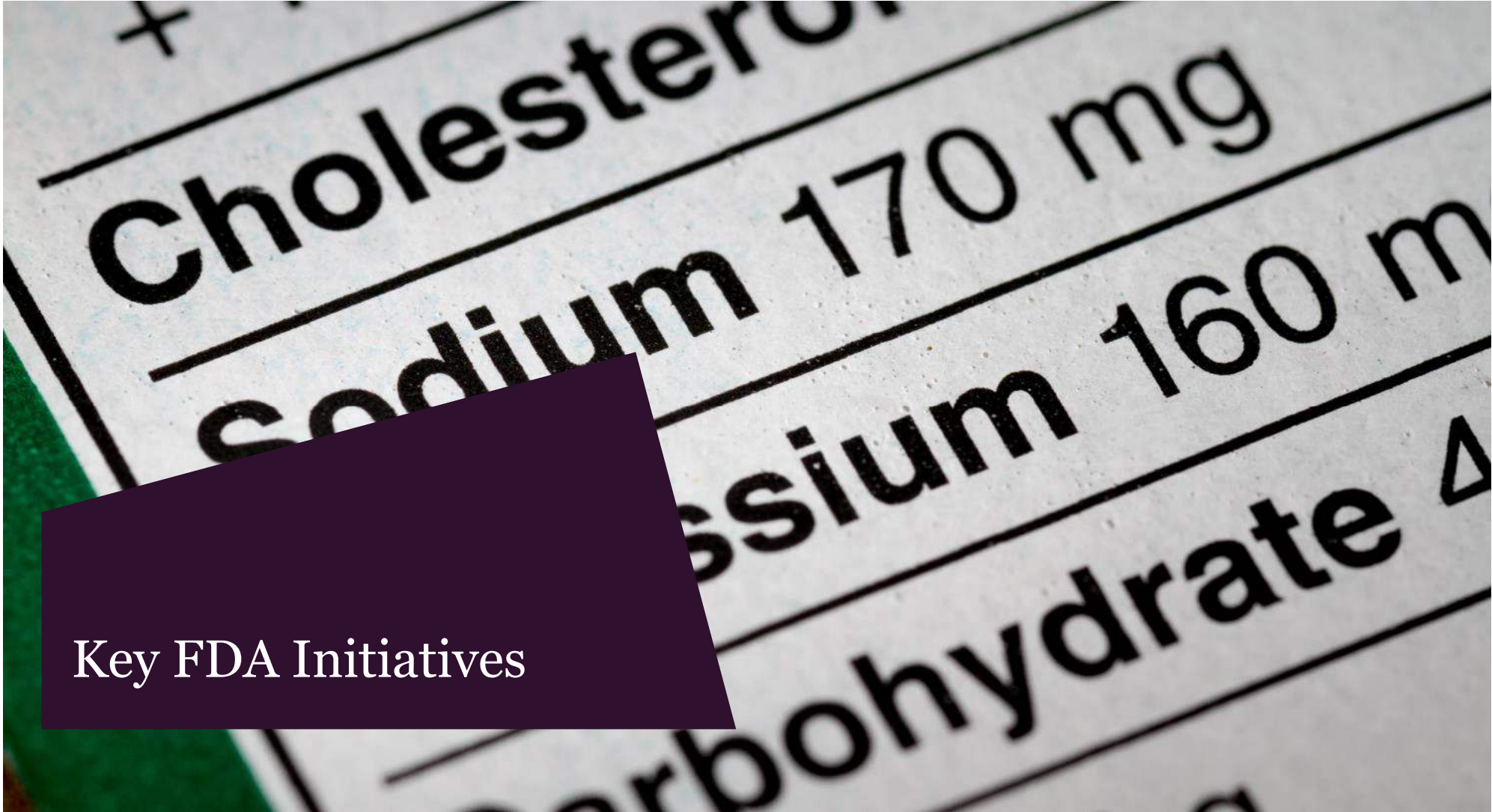
Kessler Petition to FDA

- Former FDA Commissioner David Kessler petitioned FDA to revoke the generally recognized as safe (GRAS) status of “processed refined carbohydrates” (PRCs) and treat them as food additives
 - Petition frames “PRCs” as “markers” central to ultra-processed foods and links them to obesity, diabetes, and cardiovascular disease risk
 - Scope excludes home cooking uses
- **Just a petition** – FDA has not acted on this request
- Kessler and Sec. Kennedy 60 Minutes appearance
 - Framed “UPFs” as a public health crisis on par with tobacco
 - Suggested that FDA will not “regulate” “UPFs” – possible suggestion of labeling?



PRCs defined as:

- **Refined sweeteners** (e.g., corn syrup/corn solids, glucose syrups, dextrose, invert sugar, maltose, high-fructose corn syrup, maltodextrin)
- **Refined flours & starches subjected to extrusion and/or extraction processing** (examples include wheat/corn/tapioca/oat/potato flour or starches)
- **Sucrose/refined flour or starch used in combination with certain functional ingredients** (e.g., emulsifiers, humectants, dough conditioners, stabilizers/gums, modified starches/fillers)



Key FDA Initiatives

Human Foods Program 2026 Priority Deliverables

Food Chemical Safety

- GRAS Reform
- Post-market Safety Reviews of Marketed Food Chemicals
- Microplastics
- Closer to Zero (heavy metals)
- Adoption of Natural Color Additives
- Consumer Exposure to Contaminants in Food
- Allergen Labeling
- Others (supplements, caffeine labeling)

Nutrition

- Ultra-Processed Food
- NIH-FDA Nutrition Regulatory Science Program
- Infant Formula Safety
- Front-of-Pack Nutrition Labeling
- “Healthy” Claim Implementation
- Food Standards of Identity
- Added Sugar & Sodium Reduction
- Labeling for Online Retailers
- Guidelines on Direct Marketing of Certain Foods to Children

Microbiological Food Safety

- Food Inspection Coverage by Leveraging State Capacity
- Recall Process Modernization
- Food Traceability
- AI in Risk Management
- Updated Food Code
- Oversight and Safety of Imported Foods
- Other commodity-specific actions (produce, seafood/dairy and egg safety)

Front of Pack Labeling

- FDA issued proposed rule on front of package labeling in January 2025 (under the Biden administration →)
 - Would require front of pack nutrition labeling on almost every food that bears an NFP today
 - Would require placement on top 1/3 of the front panel (principal display panel)
- What will the new administration do with this proposed rule?
 - Supplemental proposed rule?
 - “Ultra-processed foods” warning?
 - Focus on added sugars?
 - Sec. Kennedy has previewed a stoplight labeling requirement with red, yellow, and green to be proposed this Spring for “ultra-processed foods” (following publication of a definition for “UPF”)

Nutrition Info	
Per serving 5 cookies	% Daily Value
Saturated Fat	25% High
Sodium	5% Low
Added Sugars	10% Med

FDA.gov

“If we have an opportunity to tell a person about the three most critical health features of a food, is saturated fat really number one? We don't think so.” – FDA Comm. Makary



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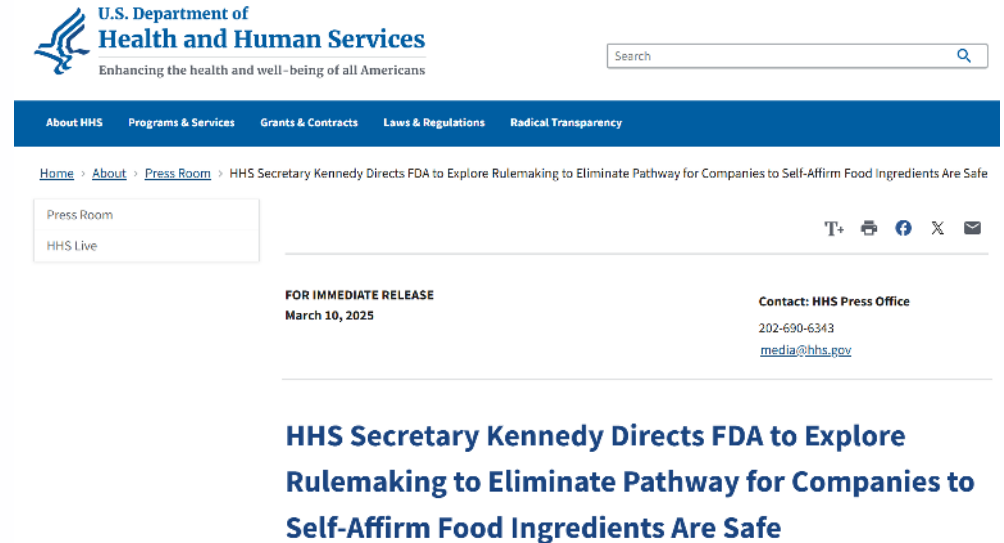
Certified Colors Under Fire

- FDA has urged food companies to phase out certified colors
- However, the current administration has not banned any colors, other than the Biden Administration's ban on Red 3 and a new proposal to ban Orange B and Citrus Red, which are used in extremely limited instances
- FDA website tracker identifying companies that have committed to phasing out certified colors
- New policy allowing “no artificial colors” claims when foods do not contain certified colors
 - But importantly, policy is not binding



Self-GRAS Under Fire

- Sec. Kennedy has asked FDA to explore rulemaking that would end the ability to use the “self-GRAS” process without a notification to FDA
 - Notably, does not reference legislation
 - Key questions: resources & preemption
 - Proposed rule at OMB for review
- Meanwhile, Marshall bill on GRAS reform recently introduced in Congress
 - No preemption clause in first draft of legislation
- New bill introduced in California to require GRAS notification
- Americans for Ingredient Transparency (AFIT) Coalition work to seek federal preemption



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FOR IMMEDIATE RELEASE
March 10, 2025

Contact: HHS Press Office
202-690-6343
media@hhs.gov

HHS Secretary Kennedy Directs FDA to Explore Rulemaking to Eliminate Pathway for Companies to Self-Affirm Food Ingredients Are Safe

FDA Postmarket Chemical Reassessment Program

- **BHA** under review
 - Feb. 10: FDA announces reassessment of the safety of butylated hydroxyanisole (BHA)
 - Typically used as an antioxidant to prevent spoilage of fats and oils
 - Request for information on current uses of BHA and safety data
- Review is part of FDA's broader effort to review chemical additives in the food supply on a proactive basis, as referenced in the MAHA Strategy Report
- Next up:
 - **Phthalates, propylparaben, BHT**



FDA Exploring Allergen Thresholds

- No FDA allergen thresholds today
 - But momentum is building
- FDA convened a public meeting on food allergen policy
 - Existing requirements and framework
 - Risk assessment methods for potential thresholds
 - Risk-based labeling/communication concepts and global approaches
 - Broad stakeholder engagement
 - Docket now open for comments



Labeling of Gluten in Foods

- FDA issued a request for information seeking input on labeling and preventing cross-contact of gluten in packaged foods, following a citizen petition and consistent with the MAHA Strategy's emphasis on ingredient transparency
- Focus on:
 - Cross-contact with rye, barley, and oats
 - Adverse reactions and labeling practices
- May inform future policy changes as to labeling or management of cross-contact
- Comments due March 23, 2026



Heavy Metals

- **FDA – Closer to Zero** remains a priority
 - **Lead:** Action levels for lead in processed foods for babies and toddlers released January 2025
 - **Cadmium and Inorganic Arsenic:** Still waiting on FDA to issue draft action levels for baby & toddler foods (expected this year)
- **State Heavy Metal Testing Laws:**
 - California AB 899 – Requires baby food manufacturers to (1) test products for heavy metals at least monthly, (2) include on labels a scannable code that links to the manufacturer’s website, where (3) the testing results are publicly disclosed, with links to FDA guidance on heavy metals
 - Illinois SB 0073 – Monthly testing requirement took effect January 1, 2026; public disclosure of test results requirement beginning 2027
 - Virginia HB 1844 – Took effect January 1, 2026; prohibits the manufacture or sale of baby food products that exceed FDA’s action levels
- **Why do we care?**





State Meddling

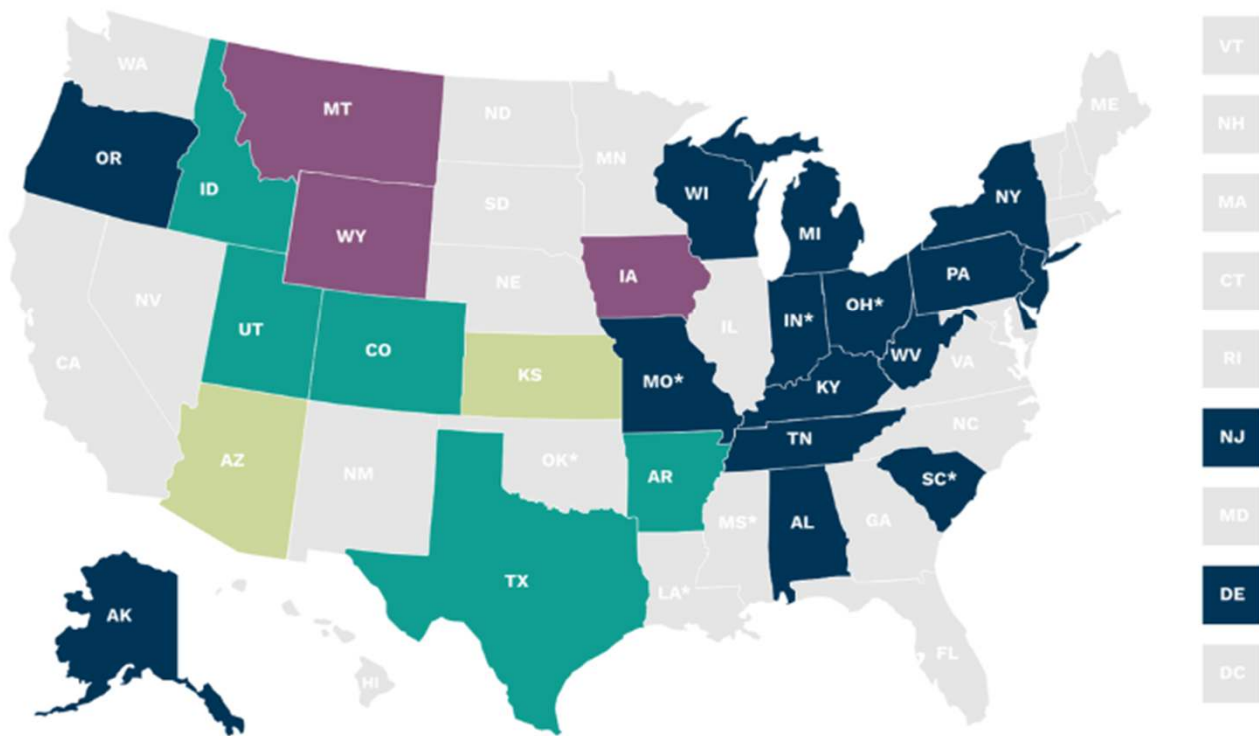
MAHA Philosophy and the Role of States

- Sec. Rollins & Kennedy have encouraged states to serve as “laboratories of innovation”
- Press tours with state governors
- States’ role in a deregulatory environment



Which states considered SNAP-food restriction waiver legislation in 2025?

- Legislation Introduced
- Legislation Passed the 1st Chamber
- Legislation Passed the 2nd Chamber
- Legislation Enacted



Source: MultiState. Data as of 11/12/2025. Note: * Indicates the Governor issued an executive order requiring the state to request a SNAP-Food Restriction Waiver from the U.S. Department of Agriculture.



Acesulfame Potassium
Acetylated Esters of Mono- and Diglycerides (Acetic Acid Ester)
Activated Charcoal
Anisole
Aspartame
Atrazine
Arsenic
Artificial Flavoring
Azodicarbonamide (ADA)
Benzidine
Bisphenol A
Bleached Flour
Blue No. 1
Blue No. 2
Bromated Flour
Brominated Vegetable Oil
Butter Yellow Dye
Butylated Hydroxyanisole (BHA)
Butylated Hydroxytoluene (BHT)
Calcium Bromate
Canthaxanthin
Caramel
Carmoisine
Carrageenan
Certified Food Colors by the United States Food and Drug Administration
Citrus Red No. 2

Diacetyl Tartaric and Fatty Acid Esters of Mono and Diglycerides (DATEM)
Dimethylamylamine (DMAA)
Dimethylpolysiloxane (PDMS)
Diethyl Sodium Sulfosuccinate (DSS)
Erythrosine
Ethylene Dichloride
Ficin
Glyphosate
Green Dye No. 1
Green Dye No. 2
Green No. 3
High Fructose Corn Syrup
Interesterified Palm Oil
Interesterified Soybean Oil
Lactylated Fatty Acid Esters of Glycerol and Propylene Glycol
Lithium Dioxide
Lye
Maltodextrin
Margarine
Melatonin
Methylene Chloride
Methylparaben
Monosodium glutamate (MSG)
Morpholine
Olestra
Orange Dye No. 1
Orange Dye No. 2

Partially Hydrogenated Oil (PHO)
Potassium Aluminum Sulfate
Potassium Bromate
Potassium Iodate
Potassium Sorbate
Propylene Oxide
Propylparaben
Propyl Gallate
Red Dye No. 2
Red No. 3
Red No. 4
Red No. 40
Sodium Aluminum Sulfate
Sodium Benzoate
Sodium Lauryl Sulfate
Sodium Nitrate
Sodium Nitrite
Sodium Stearyl Fumarate
Stearyl Tartrate
Synthetic or Artificial Vanillin
Synthetic Growth Hormones
Synthetic Trans Fatty Acid
Tert-butylhydroquinone (TBHQ)
Thiodipropionic Acid
Titanium Dioxide
Toluene
Trichloroethylene
Violet Dye
Yellow No. 5
Yellow No. 6
Yellow No. 7

What Ingredients are Under Assault?



Recent State Ingredient Bans

State	Ingredients	Effective Date
California	Red 3, potassium bromate, BVO, and propylparaben	January 1, 2027
West Virginia	BHA, propylparaben, certified colors	January 1, 2028
Arkansas	Potassium bromate and propylparaben	January 1, 2028

Ingredient restrictions in school meals:

- **West Virginia** (Aug 2025)
- **Virginia; Delaware** (July 2027)
- **Tennessee** (Aug 2027)
- **California** (Dec 2027)
- **Texas; Utah; Arizona** (beginning 2026-2027 school year)
- Examples of covered ingredients: **certified colors, potassium bromate, propylparaben, TiO₂, BVO, BHA**



TX and LA: Warning Labels & QR Code Notices

- **Texas** SB 25 requires a warning label for foods containing any of 44 listed ingredients if FDA requires the ingredient to be named on the food label
 - *“WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the [EU], or the [UK].”*
 - Applies to food product labels developed or copyrighted on/after Jan. 1, 2027
- **Louisiana** SB 14 requires an on-pack QR code with a disclaimer on the manufacturer’s website for foods containing any of 44 listed ingredients
 - *“NOTICE: This product contains [insert ingredient here]. For more information about this ingredient, including FDA approvals, click [HERE](#).”*
 - Effective Jan. 1, 2028: no grace period?
- **Covered ingredients:** certified colors, BHA, BHT, propylparaben, lye, bleached flour, etc.
- Numerous states have introduced similar bills in 2026; some using the same list of ingredients as in Texas; others coming up with their own lists

What's up next for the states? Proposed bills in 2026

- “Ultra-processed food” definitions for school foods
 - WV, TN, VT, MO
- Ingredient bans for school foods
 - WV, KS, TN, NE, AK, WI, IN, GA, NJ, NH, UT, NY
- Broader ingredient bans (largely for certified colors and ingredients covered by existing state bans)
 - WV (including cleanup legislation for existing ban), MD, KS, IN, NY, HI, MD
- Warning/labeling requirements
 - TN: one on ingredients; one for intentionally added PFAS
 - NY: “harmful ingredients”
 - WI and IN: uses TX language; WI adds some ingredients
 - MO: “health effects” related to 11 ingredients
 - PA: BHA
- GRAS
 - CA
- EPR laws
- Corn masa fortification

75%+ of bills relate to schools!

Litigation Updates

- Preliminary relief issued (standard: likelihood of success)
 - **Texas** SB 25 (warning law): on First Amendment grounds
 - Dept. of State Health Services issues final regulations indicating warning may be preempted as to many ingredients!
 - **West Virginia** HB 2354 (certified color ban): on vagueness grounds
 - **Oregon** EPR law: on dormant commerce clause and due process grounds
- Court still needs to consider motion for permanent injunction in each of these cases (a higher bar)
- Litigation over SNAP waivers in a number of states
- Other potential targets:
 - **California** SB 343 (recyclable law)
 - **Louisiana** SB 14 (ingredient disclosure law)



California SB 343 (“Recyclable” Claims Law)



Scope of Law:

- Imposes specific criteria for products or packaging bearing a “recyclable” claim, any statement “otherwise directing” consumers to recycle products (e.g., How2Recycle logos), or the use of the three chasing arrows symbol
- Exemption for products subject to CA bottle deposit law

“Recyclable” Criteria: (see details to right)

- In April 2025, CalRecycle published its study assessing various packaging materials against the access and sortation criteria (#1 and 2)
- Existing CA law requires substantiation for these claims to be documented and made available to public on demand

Compliance Timeline:

- Applies to products manufactured after **October 4, 2026** (18 months after the final Material Characterization Study was published)

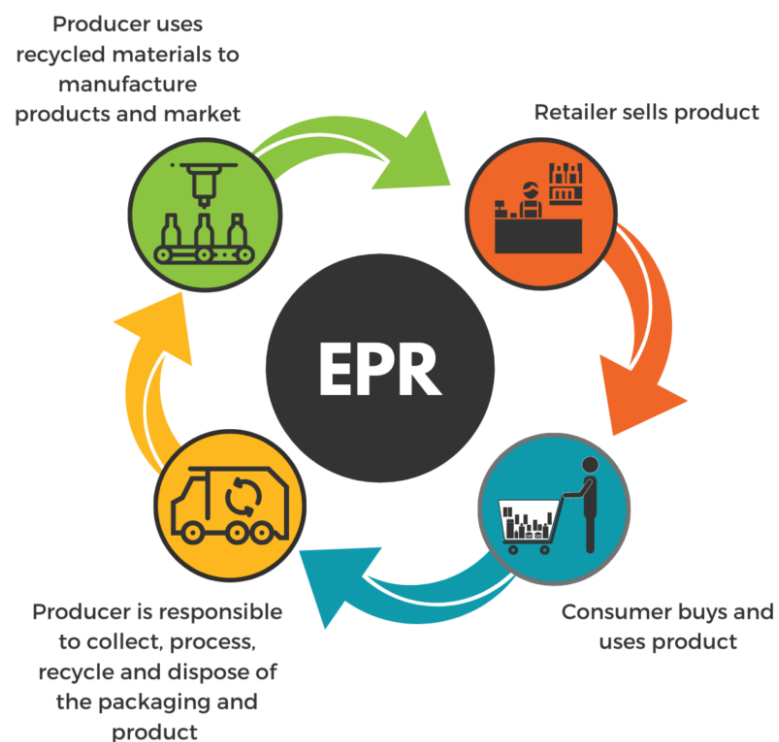
“Recyclable” Criteria

1. Access to Recycling: 60% of the California population is served by recycling programs that accept the material type and form
2. Material Sortation: 60% of recycling programs are covered by large volume transfer or processing facilities that can sort the material. The sorted materials are reclaimed at facilities consistent with the Basel Convention requirements.
3. Design Requirements: Material does not include any components such as inks, labels, adhesives, etc. that would prevent recyclability (for plastic products, see the APR Design Guide published by the Association of Plastic Recyclers)
4. PFAS/Contaminant Requirements: The material does not contain any intentionally added PFAS or any PFAS in a concentration at or above 100 ppm

Extended Producer Responsibility (EPR) Updates

7 States Have Enacted Laws: CA, CO, OR, MN, ME, MD, WA

- **Registration** deadlines have passed in Oregon, Colorado, California, and Minnesota
 - Maine: May 2026
 - Maryland and Washington: July 1, 2026
- **Reporting** deadlines have passed in OR, CO, and CA
 - Maine reporting ~ June 2026; fees due fall 2026
 - Minnesota initial reports due ~ May 31, 2026
- **Invoices** issued for Oregon and Colorado
- California **STILL** working on draft regulations, which will inform exclusions/ exemptions





2026 EPR Producer Report Planning

Producer Reports Submitted to CAA in 2026 (Expected)

Program	2026 Report Date	Data Year	Type of 2026 Report	Program Period Covered by the Report
Oregon	May 31, 2026	CY 2025	Annual Supply Report	2027 Program
Colorado	May 31, 2026	CY 2025	Annual Supply Report	2027 Program
California	May 31, 2026	CY 2025	Annual Supply Report	2027 Program (& Early Fees)
Maine	TBD – Q3 2026	CY 2025	Simplified Supply Report	Pre-Program (& Start-up Fees)
Minnesota	May 31, 2026	CY 2025	Simplified Supply Report	Pre-Program
Maryland	May 31, 2026	CY 2025	Simplified Supply Report	Pre-Program
Washington	May 31, 2026	CY 2025	Simplified Supply Report	Pre-Program



 CAA selected as PRO

 PRO/SO not yet selected



2026 EPR Fees/Dues Planning

Fees/Dues Payments to CAA in 2026 (Expected)

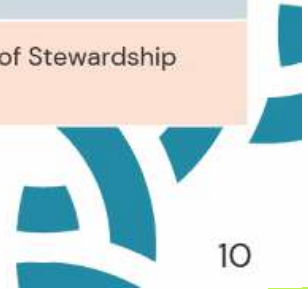
Program	Report that informs 2026 Payment	Type of 2026 Payment	Program Year	Estimated Invoice Dates	What can I use to budget my 2026 fees/dues payments?
Oregon	March 31, 2025 CY2024 Data Annual Supply Report	Program Fees	2026	Jan & Jul, 2026 (Two 50% installments)	<ul style="list-style-type: none"> - Company's CY2024 Supply Data in OR - CAA 2026 OR Producer Fee Rate Schedule (posted on Producer Portal on Oct 29, 2025)
Colorado	July 31, 2025 CY2024 Data Annual Supply Report	Program Dues	2026	Jan & Jul, 2026 (Two 50% installments)	<ul style="list-style-type: none"> - Company's CY2024 Supply Data in CO - CAA 2026 CO Producer Due Rate Schedule (posted in Producer Portal on Oct 13, 2025)
California	May 31, 2026 CY2025 Data Annual Supply Report	Early Fees	Pre-Program	Aug 2026 (One installment)	<ul style="list-style-type: none"> - Company's CY2025 Supply Data in CA - CAA CA Producer Early Fee Rate Schedule - Estimated Ranges (posted in Producer Portal on Sep 23, 2025)
Maine	TBD – Q3 2026	Start-up Fees	Pre-Program	TBD – Q4 2026	<ul style="list-style-type: none"> - TBD, based on selection of Stewardship Organization (SO)



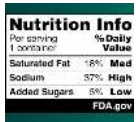
CAA selected as PRO



PRO/SO not yet selected



Recap: Keep your eye on...



Labeling

Front-of-pack labeling
“Healthy” definition
Allergen policy



Ingredients/ Contaminants

GRAS Reform
Closer to Zero/ Heavy Metals
Ingredient Safety Reassessments (BHA/
BHT, Propylparaben, phthalates)
Other contaminants (PFAS,
microplastics)



Definitional risk

“Ultra-processed food definition
Marketing to children



Headwinds

Litigation over state laws
Food and packaging affordability push
Preemption/ Americans for
Ingredient Transparency (AFIT)
PACT Act



State Patchwork

Labeling/warning requirements
Ingredient bans (schools/broader)
SNAP waivers
School meals/ “UPF” bills
EPR/ Recyclable
Ingredient disclosures (e.g., seed oils)



Federal Feeding Programs

School Meals proposed rule
WIC food programs
DOD/ military procurement



Pop Culture & Politics

Celebrity alignment (Kid Rock, Mike
Tyson)
Bipartisan appeal in polls

Hogan
Lovells



Veronica Colas

Partner
Washington, D.C.

T +1 202 637 6937

veronica.colas@hoganlovells.com

