Chair Lyons and Committee Members:

I'm writing to follow up on my testimony requesting that butylated hydroxytoluene (BHT) and tert-butylhydroquinone (TBHQ) not be included in S.26. They are currently listed as (8) and (12) in Section 1 of Draft 2.1.

These are both antioxidants important in keeping up the quality and shelf life of food. They are both considered safe for food use in the United States by the FDA as well as in the EU (to correct testimony on March 10, BHT is NOT prohibited in the EU, rather it is approved for food uses under regulation guidelines). They are both widely used enough to raise concerns about potential cost and availability of alternatives at this time.

Food manufacturers also strongly encourage consistency across states, and while it is widely anticipated that the FDA will address many of the dyes and preservatives covered in S.26, this is not necessarily the case with BHT and TBHQ. Nevertheless, BHT is included among a number of ingredients currently under a new review by the FDA, and it would be helpful to see the results of that review to inform any new regulations.

We very much appreciate your consideration of removing BHT and TBHQ from S.26, and we will be happy to work with the Committee in the future on any further related legislation. Please let me know if you would like any more information about BHT and TBHQ, including their use and regulation.

Sincerely,

William Driscoll