

August 27, 2026

The Honorable Russell Vought
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: White Paper: Proposed Definition of Ultra-Processed Food, RIN 0910-ZD60

Dear Director Vought:

The undersigned organizations, representing millions of American taxpayers and consumers, write to express our concerns with the Department of Health and Human Services (HHS) and the Food and Drug Administration (FDA) submitting a nonpublic document titled, “White Paper: Proposed Definition of Ultra-Processed Food” to the Office of Management and Budget (OMB) for review on August 3, 2026.

We share the Administration’s commitment to improving the health of Americans and support efforts to advance nutrition, consumer education, and evidence-based public health. However, establishing a federal definition of ultra-processed foods (UPFs) through a government White Paper would create a sweeping new federal food classification before the science, economic consequences, and potential regulatory implications are sufficiently clear.

Even if a White Paper itself imposes no immediate regulatory requirements, a government-endorsed definition could quickly become the foundation for federal and state labeling mandates, procurement restrictions, and marketing regulations, while encouraging frivolous litigation against American companies. The result could be higher grocery costs, greater consumer confusion, and a significant expansion of government involvement in Americans’ food choices. We therefore urge OMB not to approve the proposed White Paper in its current form.

Sound Science Does Not Support a Federal UPF Definition

Current scientific evidence supports the idea that diet-related health outcomes are influenced by overall dietary patterns, caloric balance, lifestyle factors, and socioeconomic conditions. The evidence does not demonstrate the degree of processing or inclusion of specific ingredients (individually or in tandem) to be a scientifically sound basis for classifying foods as healthy or unhealthy. The commonly cited UPF classification system known as the NOVA framework was developed as a research tool rather than a regulatory standard.

Observational studies have identified associations between higher UPF consumption and certain health conditions, but such studies tend to generate hypotheses that require further definitive testing and do not establish causation as they are subject to confounding. The current body of evidence does not provide a sufficient basis for the federal government to establish a new food classification that could later be used to justify onerous regulations or lawsuits.

A UPF White Paper Would Misclassify Foods and Confuse Consumers

Foods that can be classified as “ultra-processed” vary dramatically in nutritional composition and in the roles they play in Americans’ diets. Depending on the classification used, the category can encompass foods such as whole-grain breads, yogurts, fortified cereals, plant-based products, and other foods that provide important nutrients, affordability, convenience, and shelf stability to American families.

The FDA has estimated that foods commonly considered “ultra-processed” comprise approximately 70 percent of grocery store packaged goods, and thousands of food and drink varieties are available to meet consumer preferences. A classification encompassing such an enormous and diverse share of foods risks obscuring meaningful nutritional differences rather than illuminating them and may have the unintended consequence of harming public health, especially for individuals with specific dietary needs. Federal nutrition policy should focus on demonstrated nutritional characteristics and health outcomes, not place fundamentally different foods under a single government label based primarily on processing methods or the presence of specific ingredients.

A Federal UPF Definition Threatens Grocery Affordability

American families remain deeply concerned about grocery prices. Washington should not release a White Paper to create a sweeping new food classification that could increase the cost of producing, packaging, reformulating, and selling food, particularly when the scientific basis remains unsettled. A federal UPF definition would pit the government against food manufacturers, retailers, farmers, and their hundreds of millions of consumers, who are grappling with a growing patchwork of different labeling and ingredient mandates at the state level.

A federal definition could also disadvantage American manufacturers relative to foreign producers operating under different standards and discourage innovation in food production, including the development of healthier, more convenient, and more affordable products.

A Federal UPF White Paper Would Fuel Litigation

Plaintiffs’ attorneys and governments are already pursuing litigation against major American businesses based on allegations related to UPFs, including more than 10 cases in federal and state courts. In December 2025, the San Francisco City Attorney filed its own lawsuit against multiple American companies. Even if a White Paper itself creates no new cause of action, plaintiffs’ attorneys would likely cite a government-endorsed White Paper in product-liability, consumer-protection, and other litigation against food manufacturers. The federal government should not inadvertently provide the plaintiffs’ bar with a new government-endorsed litigation tool without carefully considering the foreseeable consequences for American consumers and businesses.

A White Paper Should Not Become a Backdoor Regulatory Standard

Although styled as a “White Paper,” a federal UPF definition is unlikely to remain merely academic. Once the federal government formally defines “ultra-processed food,” federal agencies, state governments, regulators, advocacy organizations, and private litigants will almost certainly treat that definition as an authoritative government benchmark.

It could become the foundation for future labeling requirements, government procurement policies, nutrition program restrictions, state regulations, marketing restrictions, and other government actions, none of which has been authorized by Congress.

The fact that the White Paper has not been characterized as “economically significant” should not obscure the potentially significant cumulative economic consequences of the state and federal regulatory policies that could flow from it. The Trump Administration has rightly prioritized deregulation and easing burdens on American consumers, and creating an expansive new federal food classification with potentially significant downstream consequences would run counter to those goals.

Request to Withdraw UPF White Paper

For these reasons, the OMB should return the proposed White Paper to HHS/FDA and refrain from establishing a federal definition of ultra-processed foods. We appreciate the Administration’s commitment to improving public health and look forward to working together on our many shared priorities.

Sincerely,

Ross Marchand

Executive Director

Taxpayers Protection Alliance

Grover G. Norquist

President

Americans for Tax Reform

Tirzah Duren

President and CEO

American Consumer Institute

Phillip L. Bell

Board Member

Families for America

Daniel J. Erspamer

CEO

Pelican Institute for Public Policy

Matthew Kandrach

President

Consumer Action for a Strong Economy

Karen Kerrigan

President & CEO

Small Business & Entrepreneurship Council

Mario H. Lopez

President

Hispanic Leadership Fund

Jeffrey Mazzella

President

Center for Individual Freedom

Daniel J. Mitchell

President

Center for Freedom and Prosperity

Jeremy Nighohossian
Senior Fellow and Economist
Competitive Enterprise Institute

Emily Stack
Executive Director
Moms for America Action

Patrice Onwuka
Vice President for Economic Policy
Independent Women

John Tamny
Founder & President
Parkview Institute

Yaël Ossowski
Deputy Director
Consumer Choice Center

Eric Ventimiglia
Executive Director
Pinpoint Policy Institute

Cc:

President Donald J. Trump
HHS Secretary Robert F. Kennedy, Jr.
FDA Acting Commissioner of Food and Drugs Kyle Diamantas
Secretary of Agriculture Brooke Rollins