October 26, 2026

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

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

Dear Director Vought:

On behalf of millions of American taxpayers and consumers, the undersigned organizations write to reiterate our concerns, first raised in our August 27, 2026 letter, regarding the Department of Health and Human Services (HHS) and Food and Drug Administration's (FDA) proposed White Paper defining "ultra-processed food" (UPF), currently under OMB review. A federal UPF definition would be a lucrative gift to the plaintiffs' bar at the expense of millions of ordinary Americans. It would contradict HHS's own dietary guidance by dissuading Americans from eating perfectly safe and healthy food. It would also raise grocery prices at a time when affordability is the number one issue for American families. We urge the OMB to reject the proposed White Paper and give HHS clear direction to abandon this effort.

There is no scientific consensus on a UPF definition. A UPF definition would almost certainly sweep up healthy and affordable grocery staples like whole-grain bread, yogurt, fortified cereals, and frozen chicken breasts into the same category as less healthy foods. By the FDA's own account, an estimated 70 percent of the U.S. food supply is comprised of foods commonly considered "ultra-processed." Foods get swept into the category based on their ingredients (even if said ingredients are perfectly safe) or if they undergo any sort of processing, not their nutritional value. This is government overreach at its worst.

Trial lawyers would benefit at consumers' expense. Taxpayers and consumers should be especially concerned because this fight is already showing up in courtrooms. Resulting settlements and payouts will be passed along to consumers in the form of higher grocery prices. Plaintiffs' attorneys and government offices are pursuing more than ten UPF-related lawsuits against American food companies in federal and state courts right now, and in December 2025, the San Francisco City Attorney filed its own suit against multiple companies over UPF allegations. That's before the federal government has even finalized its definition.

A government-endorsed white paper would lead to an onslaught of more frivolous lawsuits. As the previous coalition letter to OMB stated, plaintiffs' attorneys "would likely cite a government-endorsed White Paper in product-liability, consumer-protection, and other litigation against food manufacturers." A vague federal definition hands trial lawyers exactly the kind of ambiguous standard that turns into thousands of lawsuits and turns the grocery store into a legal minefield. Consumers pay the price through higher prices at the checkout.

New manufacturing rules mean even higher prices. It's no secret that American consumers are paying more at the grocery store, and the tab increases by the day. Food is expensive enough

right now without bureaucrats meddling and punishing struggling households. That's why this UPF definition couldn't come at a worse time. State and federal labeling mandates that will follow the federal definition will force food manufacturers to reformulate products and redesign packaging. Most of these companies won't be able to absorb these costs, so they will get passed onto consumers. And it won't stop at the federal level. Once Washington sets a definition, states will layer on their own rules, taxes, and marketing restrictions on top of it. California already enacted its own UPF definition last fall. Food producers will be forced to navigate a patchwork of fifty different regulatory systems just to sell the same product nationwide.

Reject the Proposed White Paper
We respectfully urge the OMB to reject the proposed White Paper and refrain from establishing a federal definition of ultra-processed food. Instead, the administration should commit to protecting American families from higher grocery costs, advancing the health and well-being the MAHA agenda was meant to deliver, and refusing to the hand the plaintiff's bar a new weapon against American businesses.

We appreciate the administration's commitment to these priorities and look forward to continuing to work together to advance them.

Sincerely,

David Williams
President
Taxpayers Protection Alliance

Cory L. Andrews
General Counsel and Vice President of Litigation
Washington Legal Foundation

Phil Bell
President
Families for America

Sherman "Tiger" Joyce
President
American Tort Reform Association

Kent Kaiser, Ph.D.
Executive Director
Trade Alliance to Promote Prosperity

Karen Kerrigan
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Small Business & Entrepreneurship Council

Phil Kerpen
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Andrew Langer
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The Center for American Principles

Dee Stewart
President
Americans for a Balanced Budget

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