



March 24, 2022

The Honorable Patrick O'Donnell  
Chair of the Education Committee  
1020 N Street, Room 159  
Sacramento, CA 95814

Dear Chair O'Donnell,

On behalf of the Asthma and Allergy Foundation of America (AAFA), I am writing to you in strong support of the Zacky Bill, AB-2640. AAFA is the leading patient organization advocating for people with asthma and allergies, and the oldest asthma and allergy patient group in the world. The Zacky Bill will improve the health and safety of children across California who are living with food allergies.

The prevalence of severe food allergies is high and growing. Nearly one in ten children, or 9.3 percent, have food allergies, and that number is rising.<sup>1</sup> This increase in prevalence has corresponded with increased severe outcomes: from 2005 to 2014, the rate of emergency room visits for food-related anaphylaxis among children rose by 196%.<sup>2</sup> Tragically, anaphylaxis can lead to a child's death, particularly when epinephrine is not immediately available.<sup>3</sup> Though immunotherapies for some food allergies are emerging, for now, the only way most people with food allergies can stay safe is to avoid their allergens and to be sure to have epinephrine on hand for rapid treatment of reactions that do occur.

Because children spend so much of their day in school settings, it is vitally important that schools be prepared to minimize the risk of allergic reactions and to respond promptly if a reaction occurs. School-based policies are so critical that at AAFA, we maintain a "State Honor Roll" detailing how all 50 states and DC address a broad range of policy areas related to school-based management of allergies as well as asthma.<sup>4</sup> While we have seen important progress across states over the years, much remains to be done to ensure that children with food allergies are kept safe at school. By directing the department of health to develop a food allergy resource guide rooted

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<sup>1</sup> Gupta R, Warren C, Blumenstock J, Kotowska J, Mittal K, Smith B. The prevalence of childhood food allergy in the United States: An update. *Ann Allergy Asthma Immunol* (2017).

<sup>2</sup> Motosue et al., "Increasing Emergency Department Visits for Anaphylaxis, 2005-2014." [J Allergy Clin Immunol Pract.](#) 2017 Jan - Feb;5(1):171-175.

<sup>3</sup> Bock et al., "Further fatalities caused by anaphylactic reactions to food, 2001-2006." *J Allergy Clin Immunol.* 2007 Apr; 119(4): 1016-1018.

<sup>4</sup> Asthma and Allergy Foundation of America, State Honor Roll 2019. Available at <https://www.aafa.org/state-honor-roll/>.



in CDC's recommendations,<sup>5</sup> the Zacky Bill will help create a practical tool for schools across the state to address food allergies.

AAFA is pleased to see that the current version of the bill addresses both schools and early education centers. Very young children who attend daycare, preschools and other early education centers may have food allergies or experience a first reaction while in care, and these facilities should be as prepared as other schools to prevent and treat reactions. To further strengthen early education providers' ability to address food allergies, the California legislature is currently considering Elijah's Law<sup>6</sup>, modeled on a New York State law<sup>7</sup> that passed after the tragic death of a 3-year-old with a dairy allergy who died after being fed a grilled cheese sandwich at daycare. The Zacky Bill complements Elijah's Law (AB 2042) without duplicating it, and the passage of both will go a long way toward protecting California's youngest children with food allergies.

We are pleased to see that the California Legislature is working to help early education centers, and all schools, address food allergies. The Zacky Bill is an important step that we strongly endorse. If you have any questions, please contact me at [kmendez@aafa.org](mailto:kmendez@aafa.org).

Sincerely,

Kenneth Mendez  
President and Chief Executive Officer  
Asthma and Allergy Foundation of America

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<sup>5</sup> Centers for Disease Control and Prevention, "Voluntary Guidelines for Managing Food Allergies In Schools

and Early Care and Education Programs." Available at

[https://www.cdc.gov/healthyschools/foodallergies/pdf/20\\_316712-A\\_FA\\_guide\\_508tag.pdf](https://www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf)

<sup>6</sup> California Legislature, Assembly Bill 2042. Available at

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2042](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2042)

<sup>7</sup> New York State, "Elijah's Law" (Enacted 2019). Available at

[https://www.elijahalavifoundation.org/\\_files/ugd/e0da4e\\_dd6320f98b1d4e0a98fafcbe50cff36f.pdf](https://www.elijahalavifoundation.org/_files/ugd/e0da4e_dd6320f98b1d4e0a98fafcbe50cff36f.pdf)