



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

February 8, 2021

Dr. Janet Woodcock
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

VIA E-MAIL

Re: Congressional Report on Dangerous Levels of Heavy Metals in Baby Food

Dear Commissioner Woodcock:

The recent report published by the House Oversight and Reform Committee's Subcommittee on Economic and Consumer Policy revealed a dangerous oversight in our nation's regulatory framework when it comes to protecting our most vulnerable – our children. The Subcommittee determined that there are high levels of toxic heavy metals including arsenic, lead, cadmium, and mercury in baby foods being sold by at least four of the nation's seven largest manufacturers. Three of the companies, Walmart, Campbell, and Sprout Organic Foods, refused to cooperate with Congressional investigators. These findings are distressing given that these products remain on grocery store shelves and are being bought by parents every day.

I am deeply concerned by this report and its implications for New Yorkers and for families across the country. I applaud the Subcommittee for its work in highlighting the lack of regulation and oversight on this industry. Though the Food and Drug Administration (FDA) does set limits on toxic metals in other consumable products like bottled water, juice, and candy, the agency has failed to adequately regulate baby food. After years of effort, the FDA only recently regulated the level of inorganic arsenic in rice cereal for infants at a maximum of 100 parts per billion (ppb), which notably is still ten times greater than what is allowed for bottled water. The Subcommittee's report illustrates a lack of enforcement on even this standard, noting that one company, Nurture, sold infant rice cereal that contained inorganic arsenic at 115 ppb, which is above the FDA's threshold.

In the absence of FDA leadership and oversight, baby food manufacturers have been able to set their own internal standards for levels of toxic metals including lead, cadmium, and mercury, in their products. For example, Beech-Nut set its own standard for arsenic and cadmium at 3,000 ppb in additives for their products. The Healthy Babies Bright Futures alliance, which has done its own research on toxic chemicals in baby food, suggests that there should be no measurable

amount of cadmium present in baby food. The report also highlights how companies regularly do not comply with even their own guidelines. Hain, the company behind Earth's Best Organic baby food, exceeded its internal standards of 200 ppb for lead in some of its ingredients, at times using ingredients that contained 353 ppb of lead. By comparison, the European Union has set a limit for lead of 20 ppb in infant formula and groups like the American Academy of Pediatrics, Consumer Reports, and the Environmental Defense Fund have called for a standard of 1 ppb in food and drink consumed by young children.

The cumulative impact of dangerously high levels of these heavy metals poses serious risks for the health and development of infants and young children. Continued exposure can affect a child's brain development, behavior, and IQ over the long-term. It is critical that our government take immediate action to protect our children from these negative health consequences.

I strongly urge the FDA to consider and implement the recommendations set forth by this report. The FDA should set standards across all baby foods, not just rice cereal, and require all food manufacturers to test their finished products for toxic metals rather than just their separate ingredients. Consumers should also be able to clearly see the reported levels of these metals on the labels of the products they buy for their children so they may be informed.

I commend Chair Krishnamoorthi and the committee staff for this critical report. It is government's responsibility to ensure the health and safety of our future generations, especially our youngest children. In the coming days and weeks, my Office will explore all options as it relates to baby food manufacturers.

Sincerely,



Letitia James
New York State Attorney General

Cc:

Rep. Raja Krishnamoorthi, Chair, Subcommittee on Economic and Consumer Policy
Rep. Michael Cloud, Ranking Member, Subcommittee on Economic and Consumer Policy
Rep. Carolyn Maloney, Chair, House Oversight and Reform Committee
Rep. James Comer, Ranking Member, House Oversight and Reform Committee
Rep. Frank Pallone, Chair, House Energy and Commerce Committee
Rep. Cathy McMorris Rodgers, Ranking Member, House Energy and Commerce Committee
Sen. Patty Murray, Chair, Senate Health, Education, Labor & Pensions Committee
Sen. Richard Burr, Ranking Member, Senate Health, Education, Labor & Pensions Committee