

Congress of the United States

Washington, DC 20515

July 23, 2021

The Honorable Frank Pallone
Chair, House Committee on Energy
and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Patty Murray
Chair, Senate Committee on Health,
Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Pallone and Chairwoman Murray:

We the undersigned, as the bicameral authors of the Baby Food Safety Act of 2021 (H.R. 2229/S.1019), request that your respective Committees secure robust funding to minimize the presence of toxic heavy metals in baby food in the forthcoming reconciliation bill. Specifically, we request \$50 million for the Food and Drug Administration to commission research on agricultural methods of minimizing toxic heavy metals in crops, an important component in Section 4(f) of our Act that can be accomplished through reconciliation and would only represent a minuscule portion of the \$3.5 trillion cost of the overall bill.

Earlier this Congress, an investigation by the House Oversight Subcommittee on Economic and Consumer Policy, led by Chairman Krishnamoorthi, uncovered astonishingly high levels of lead, arsenic, cadmium, and mercury in many popular baby food products. For example, some foods contain as many as 180 parts per billion of arsenic, 641 parts per billion of lead, and 345 parts per billion of cadmium, many times higher than the FDA's standards for drinking water, which are set at 10, 5, and 5 parts per billion, respectively. Most companies rarely or never test for mercury, the environmental toxin posing the third-greatest threat to human health according to the CDC.

The consequences of consuming these toxic heavy metals in infancy and early childhood are significant and life-long. Children are at higher risk than adults because of their small size and their other developing organ systems. They can experience permanently decreased IQ, behavioral problems such as attention deficit hyperactivity disorder, and central nervous system damage. These impacts may result in lower earnings and increased risk of criminal and antisocial behavior in adulthood. The impacts of toxic metal consumption are cumulative and can even result in death in very high quantities.

According to the FDA, the levels of toxic heavy metals in baby food depend in part on the levels in the air, water, and soil used to grow the ingredients; the type of crops grown, as some absorb toxic elements more efficiently than others; and agricultural processes. Some toxic heavy metals are naturally occurring in the environment, while others are the remnants of car exhaust, coal emissions, and even pesticides from decades past. Additional scientific research is needed to fully understand how these factors interact and can be overcome for the sake of producing safe, healthy baby food.

Thus, Section 4(f) of the Baby Food Safety Act, which we strongly encourage you to incorporate into the reconciliation bill, reads as follows:

(f) Grants For Farming Research.—Section 401 of the FDA Food Safety Modernization Act (Public Law 111–353; 124 Stat. 3967) is amended by adding the end the following:

“(c) Grants For Farming Research.—

“(1) IN GENERAL.—The Commissioner of Food and Drugs shall commission the National Academy of Sciences (or, if the National Academy declines, another appropriate entity) to conduct research on agricultural methods of minimizing levels of toxic heavy metals in crops.

“(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated \$50,000,000.”.

As outlined in President Biden’s American Families Plan, access to nutritious food is key for children’s health and academic success, as well as the country’s future economic strength and military readiness. We encourage you to consider safe, healthy baby food as a critical component of the diet we strive to provide each and every American child with the proposed \$45 billion investment outlined in the Plan.

Thank you considering this request. We look forward to working with you over the coming days and weeks.

Sincerely,



Raja Krishnamoorthi
Member of Congress



Amy Klobuchar
U.S. Senator



Tammy Duckworth
U.S. Senator



Tony Cárdenas
Member of Congress