

Congress of the United States

Washington, DC 20515

April 25, 2024

Office of Legislation
U.S. Department of Health and Human Services
Food and Drug Administration (FDA)

Commissioner Robert M. Califf:


Thank you for testifying at the House Oversight and Accountability Full Committee Hearing, entitled “Oversight of the U.S. Food and Drug Administration,” on April 11, 2024. As I mentioned to you during my question line at this hearing, I continue to have deep concerns regarding the FDA’s failure to promptly finalize action levels for toxic heavy metals in foods intended for infants and young children to limit the presence of lead, arsenic, cadmium, and mercury.

Since I raised questions about the *Closer to Zero* initiative on April 11, I have observed changes to your website.¹ I write to obtain your written response to the following questions concerning these changes.

1. Your website reads, “finalized action levels” for lead in foods intended for babies and young children by December 2024 and “finalized action levels” for lead in juices by 2025. Will you commit to finalizing guidance for lead in baby food by December 2024 and lead in juices by December 2025?
2. Your website reads, “issue final guidance one year after issuing draft guidance” for arsenic. This draft guidance is targeted for December 2024. Will you commit to finalizing guidance for arsenic by December 2025?
3. Your website reads, “issue final guidance one year after issuing draft guidance” for cadmium. This draft guidance is targeted for December 2024. Will you commit to finalizing guidance for cadmium by December 2025?
4. Your website does not include any dates for mercury; however, my report² unveiled that one company’s baby food product contained as much as 10 ppb mercury. Will you commit to setting dates for finalizing mercury by December 2025?

Please provide a written response no later than May 10, 2024. Parents across the country are eagerly awaiting for this process to conclude so we can significantly decrease babies’ exposure to toxic heavy metals.

Sincerely,



Raja Krishnamoorthi
Member of Congress

¹ Food and Drug Administration. “Planned Action Items: Action Levels.” (2024) (Online at <https://www.fda.gov/food/environmental-contaminants-food/closer-zero-reducing-childhood-exposure-contaminants-foods>)

² Committee on Oversight and Accountability Democrats. “Oversight Subcommittee Staff Report Reveals Top Baby Foods Contain Dangerous Levels of Toxic Heavy Metals.” (February 4, 2021) (Online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-subcommittee-staff-report-reveals-top-baby-foods-contain-dangerous>)