



March 21, 2025

The Honorable Glenn Youngkin
Governor of Virginia
Patrick Henry Building
1111 East Broad Street, 3rd Floor
Richmond, VA 23219

Re: HB1844 – Request for Signature

Dear Governor Youngkin:

The Center for Science in the Public Interest strongly urges you to support the Baby Food Protection Act (HB1844), a critical measure to protect infants and young children from toxic heavy metals in baby food.¹ Even low levels of lead, arsenic, cadmium, and mercury can cause serious, often irreversible brain damage in babies and children, who are particularly vulnerable to neurotoxic effects.^{2,3} By enacting HB1844, Virginia can join states like California and Maryland in taking decisive action to protect its youngest residents.

HB1844 prohibits the distribution and sale of baby food exceeding FDA-established limits for these toxic heavy metals, requiring manufacturers to conduct monthly testing of final baby food products. The bill increases transparency and oversight by mandating that manufacturers:

- Publicly disclose test results on their websites,
- Add a QR code to the label of tested baby foods linking to the results, and
- Provide results to the Commissioner of Agriculture and Consumer Services upon request.

Additionally, the bill will lay the groundwork for enforcement by establishing a workgroup to assess current oversight and recommend further action to address toxic heavy metals in baby food. HB1844 ensures that parents can make informed choices about the safety of the foods their children consume and represents a critical step towards holding manufacturers accountable for baby food product safety.

This legislation is urgently needed because federal action has been insufficient. Two 2021 Congressional reports revealed dangerously high levels of toxic heavy metals in commercial baby foods and exposed deceptive industry practices, including testing policies that underestimate heavy metal levels in final baby food products.^{4,5} In response, the FDA established its Closer to Zero program in 2021, aimed at reducing levels of toxic elements in foods intended for babies and young children.⁶ While a positive step, progress is slow – the FDA has finalized only one set of non-binding limits thus far, for lead in certain categories of baby food.⁷ The FDA has proposed another set of non-binding limits for lead in juices, and has not proposed any limits for arsenic, mercury, or cadmium.⁸ Until the FDA finalizes limits for the



remaining heavy metals and holds the industry to these standards, states must step in to protect young children.

California and Maryland have already taken action. California passed AB-899 in 2023, requiring baby food to be tested for heavy metals by 2024 and labeled accordingly by 2025.⁹ Maryland enacted similar legislation following a multi-state lead poisoning outbreak linked to contaminated applesauce pouches that resulted in 566 reported cases nationwide.¹⁰ Rudy's Law, named after an 18-month-old child who suffered lead poisoning from tainted apple sauce, was passed to protect children like Rudy from dangerous heavy metal exposure.¹¹ These incidents underscore the urgent need for state-level action to detect and regulate baby foods high in toxic heavy metals. Further, as national baby food manufacturers adjust to CA and MD requirements, the industry will be well-equipped to manage testing and labeling requirements for baby food sold in Virginia.

We urge you to support HB1844 to hold the baby food industry accountable and protect Virginia children from serious, avoidable harm caused by toxic heavy metals. Parents expect baby food to be safe, and Virginia now has the opportunity to help make that expectation a reality. By signing this bill, you will take a vital step towards ensuring the safety of baby food and the well-being of Virginia's children.

Thank you for your time and consideration of this important issue.

Sincerely,

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¹ Baby Food Protection Act, H.B. 1844, Va. 2025. <https://lis.virginia.gov/bill-details/20251/HB1844/text/HB1844ER>. Accessed March 18, 2025.

² Bair EC. A Narrative Review of Toxic Heavy Metal Content of Infant and Toddler Foods and Evaluation of United States Policy. *Front Nutr*. 2022 Jun 27;9:919913.

³ Committee on Oversight and Reform. *Baby Foods Are Tainted with Dangerous Levels of Arsenic, Lead, Cadmium, and Mercury*. U.S. House of Representative, Feb. 2021. <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>. Accessed March 18, 2025.

⁴ Subcommittee on Economic and Consumer Policy. *Baby Foods Are Tainted with Dangerous Levels of Arsenic, Lead, Cadmium, and Mercury*. U.S. House of Representative, Committee on Oversight and Reform, Feb. 2021. <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>. Accessed March 18, 2025.

⁵ Subcommittee on Economic and Consumer Policy. *New Disclosures Show Dangerous Levels of Toxic Heavy Metals in Even More Baby Foods*. U.S. House of Representative, Committee on Oversight and Reform, Sep. 2021. <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/ECP%20Second%20Baby%20Food%20Report%209.29.21%20FINAL.pdf>. Accessed March 18, 2025.

⁶ U.S. Food and Drug Administration. Closer to Zero: Reducing Childhood Exposure to Contaminants from Foods. 2025. www.fda.gov/food/environmental-contaminants-food/closer-zero-reducing-childhood-exposure-contaminants-foods. Accessed March 18, 2025.

⁷ Human Food Program. *Action Levels for Lead in Processed Food Intended for Babies and Young Children: Guidance for Industry*. U.S. Department of Health and Human Services, Food and Drug Administration, Jan. 2025. <https://www.fda.gov/media/164684/download>. Accessed March 18, 2025.

⁸ Human Food Program. *Action Levels for Lead in Juice: Guidance for Industry. Draft Guidance*. U.S. Department of Health and Human Services, Food and Drug Administration, Apr. 2022. <https://www.fda.gov/media/157949/download>. Accessed March 18, 2025.

⁹ AB 899. Ca. 2023-2024. October 10, 2023. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB899. Accessed March 18, 2025.

¹⁰ U.S. Centers for Disease Control and Prevention. *Lead and Chromium Poisoning Outbreak Linked to Cinnamon Applesauce Pouches*. Apr. 2024. <https://www.cdc.gov/lead-prevention/news/outbreak-applesauce-pouches.html>. Accessed March 18, 2025.

¹¹ Rudy's Law. HB97/SB0723. Md. 2024. October 1, 2024. <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0723?ys=2024RS>. Accessed March 18, 2025.