

February 28, 2024

## **RE : SUPPORT SB0723**

CleanEarth4Kids.org supports [SB0723](#) which requires makers of infant formula or baby food sold in Maryland to test for heavy metals, report the results publicly and label the food as tested.<sup>1</sup>

Maryland has [already recognized the dangers of lead](#), declaring the entire state at risk for lead exposure for children and that lead is the [most significant environmental hazard](#) to children in Maryland, leading to the implementation of the Lead-Free Maryland Kids campaign in March 2016.<sup>23</sup>

California passed [AB899](#) to test baby food for heavy metals and we ask Maryland to take immediate action to protect children's health, development and future by passing SB0723.<sup>4</sup>

### **Take Action Now**

This bill is urgently needed as there is no safe level of exposure to lead, and mercury, cadmium and arsenic are extremely toxic.

Lead contaminated apple puree caused a [child in Maryland](#) to have levels almost 6 times the risk threshold for lead poisoning.<sup>5</sup>

In a national study, [95% of store-bought baby food tested contained lead, 75% contained cadmium, 73% contained arsenic and 32% contained mercury.](#)<sup>6</sup>

Despite this, the FDA has only [issued guidance](#) for industry with no mandates, requirements or additional regulations.<sup>7</sup>

### **Neurotoxic Heavy Metals Harm Children's Health**

HB0097 is an essential bill that will help protect children from the heavy metals lead, mercury, cadmium and arsenic that are known to harm the [brain](#).<sup>8</sup> When the brain is exposed to [neurotoxins](#), the nervous system is compromised, causing disruption and the death of nerve cells, which interferes with essential brain functioning,

<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0723>

<sup>2</sup> <https://health.maryland.gov/phpa/OEHFP/EH/Pages/LeadTesting.aspx>

<sup>3</sup> <https://news.maryland.gov/mde/childhood-lead-poisoning-state-moves-to-more-protective-standard/>

<sup>4</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml-bill\\_id=202320240AB899](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml-bill_id=202320240AB899)

<sup>5</sup> <https://www.washingtonpost.com/dc-md-va/2023/11/28/applesauce-recall-lead-poisoning-families/>

<sup>6</sup> [https://hbbf.org/sites/default/files/2022-12/BabyFoodReport\\_ENGLISH\\_R6\\_0.pdf](https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf)

<sup>7</sup> <https://www.fda.gov/news-events/fda-announces-action-levels-lead-categories-processed-baby-foods>

<sup>8</sup> <http://www.health.harvard.edu/blog/heavy-metals-in-baby-food-what-parents-should-know-and-do>

transmitting and processing of signals.<sup>9</sup>

Lead, mercury, cadmium and arsenic are [dangerous heavy metals](#) that harm brain development, and can delay development, limit attention spans and result in poor outcomes and school performance.<sup>10</sup> Children have a [greater vulnerability to heavy metals](#) because their bodies are still developing.<sup>11</sup>

To prevent early childhood development issues, disease and future health issues we must keep baby food free of toxic heavy metals.

### **There Is No Safe Level of Lead**

Exposure to [lead](#) can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, as well as hearing and speech problems.<sup>12</sup>

There is no safe level of exposure to lead according to the [World Health Organization](#),<sup>13</sup> [Centers for Disease Control](#)<sup>14</sup> and the [American Academy of Pediatrics](#).<sup>15</sup> Lead is [especially toxic](#) to children and unborn babies.<sup>16</sup> Lead damages children's brains and nervous systems, lowers IQ, causes behavior problems, and it is linked to [higher rates of suspension and detention](#) along with [lower reading and math test scores](#).<sup>17,18</sup> Most health impacts from lead exposure are lifelong and irreversible. [Lead](#) can harm children by damaging their brain, nervous system, delay growth and development, and hearing and speech issues.<sup>19</sup>

[EPA](#) data shows minority and low-income populations have a higher risk of lead exposure in drinking water.<sup>20</sup> Lead poisoning disproportionately affects [communities of color](#), with Black children having the highest concentration of lead in their blood.<sup>21</sup> Over [170 million Americans](#) are exposed to harmful levels of lead as children.<sup>22</sup>

### **Mercury is Neurotoxic**

Mercury is a neurotoxin and [even small amounts](#) can harm child development in utero and early life.<sup>23</sup> Mercury can cause [serious health problems in children](#) including harms to cognitive thinking, memory, attention, language, and fine motor

<sup>9</sup> <https://www.ninds.nih.gov/health-information/disorders/neurotoxicity>

<sup>10</sup> <https://www.forbes.com/sites/alicegwalton/2014/02/15/11-toxic-chemicals-affecting-brain>

<sup>11</sup> [https://link.springer.com/chapter/10.1007/978-981-32-9535-3\\_6](https://link.springer.com/chapter/10.1007/978-981-32-9535-3_6)

<sup>12</sup> <https://www.cdc.gov/nceh/features/leadpoisoning/index.html>

<sup>13</sup> <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>

<sup>14</sup> <https://www.cdc.gov/nceh/lead/faqs/lead-faqs.htm>

<sup>15</sup> <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/lead-exposure/Pages/default.aspx>

<sup>16</sup> <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>

<sup>17</sup> <https://www.nber.org/papers/w23392>

<sup>18</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4387706/>

<sup>19</sup> <https://www.cdc.gov/nceh/features/leadpoisoning/index.html>

<sup>20</sup> <https://www.nrdc.org/sites/default/files/watered-down-justice-report.pdf>

<sup>21</sup> <https://www.healthline.com/health/lead-poisoning-black-communities>

<sup>22</sup> <https://www.pnas.org/doi/abs/10.1073/pnas.2118631119>

<sup>23</sup> <https://www.who.int/news-room/fact-sheets/detail/mercury-and-health>

skills, along with tremors, mood swings, muscle weakness and much more including [cancer](#).<sup>24,25</sup> Some baby food has been found to have [mercury levels up to 5 times than allowed in bottled water](#).<sup>26</sup>

Mercury is a [neurodevelopmental toxicant](#) and is a threat to developing fetuses and newborns.<sup>27</sup> Mercury has been found to [cross the placental barrier and cause reproductive harm](#).<sup>28</sup> If we are unable to regulate the use of this toxic chemical, the development of children in utero and early in life will continue to be at risk.

### **Cadmium Causes Cancer and Other Health Problems**

Cadmium has been found in a significant amount of [baby food](#).<sup>29</sup> Cadmium is a [known human carcinogen](#) and can cause children to have problems with processing, [memory](#) and development.<sup>30,31</sup> Even low levels of [cadmium](#) are harmful.<sup>32</sup> Soy-based baby formulas can contain [six times the concentration](#) of cadmium compared to cow milk-based formula.<sup>33</sup>

### **Arsenic Causes Lifelong Health Effects**

In 2019, the US House of Representatives released a report stating that [73% of tested brands contained arsenic](#) including brands including Gerber, Beech-Nut, Earth's Best Organic, and HappyBABY.<sup>34</sup>

[Arsenic](#) causes serious health outcomes.<sup>35</sup> In children, [arsenic exposure](#) can [lower IQ, learning, memory, cause behavior and motion issues, impair brain development and compromise the immune system](#).<sup>36,37</sup> Long term [exposure to arsenic](#) is linked to skin, bladder, liver and lung cancers.<sup>38</sup>

### **The Children of Maryland Need Protection Now!**

Children are being poisoned by lead and from heavy metals in baby food now! This cannot wait. CleanEarth4Kids.org asks you to protect the children of Maryland and pass HB0097.

### **Maryland Has A Precedent of Stepping Up To Stop Toxics and Protect Health**

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<sup>24</sup> <https://www.epa.gov/mercury/health-effects-exposures-mercury>

<sup>25</sup> <https://www.cdc.gov/TSp/ToxFAQs/ToxFAQsDetails.aspx-faqid=113&toxid=24>

<sup>26</sup> <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov>

<sup>27</sup> <https://www.who.int/publications/i/item/9789241500456>

<sup>28</sup> <https://journals.sagepub.com/doi/pdf/10.1177/0960327109107045>

<sup>29</sup> <https://www.wisnerbaum.com/blog/2022/october/updated-2022-baby>

<sup>30</sup> <https://www.who.int/teams/chemical-safety-and-health/health-impacts/chemicals/cadmium>

<sup>31</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8207007>

<sup>32</sup> [https://www.health.ny.gov/environmental/chemicals/cadmium/cadmium\\_jewelry.htm](https://www.health.ny.gov/environmental/chemicals/cadmium/cadmium_jewelry.htm)

<sup>33</sup> <https://pubmed.ncbi.nlm.nih.gov/10789373/>

<sup>34</sup> [https://hbbf.org/sites/default/files/2022-12/BabyFoodReport\\_ENGLISH\\_R6\\_0.pdf](https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf)

<sup>35</sup> <https://www.who.int/news-room/fact-sheets/detail/arsenic>

<sup>36</sup> <https://sites.dartmouth.edu/arsenicandyou/arsenic-and-children>

<sup>37</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4026128/>

<sup>38</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3235889/>

Maryland has a rich history of stepping up to stop toxics and protect health! For example, Maryland did not wait for the federal government to protect children from toxic flame retardants in upholstered furniture, children's products and mattress foam. In 2020, Maryland passed [SB0447](#).<sup>39</sup>

And, in 2021, Maryland passed [HB643](#) to ban 24 toxic chemicals and heavy metals from cosmetics.<sup>40</sup> To this day, the federal government still has not passed a similar bill.

### **Passing SB0723 is Vital To Protect Children From Heavy Metals Including Lead, Mercury, Cadmium, Arsenic and Toxic Chemicals**

CleanEarth4Kids.org supports [SB0723](#) which requires makers of infant formula or baby food sold in Maryland to test for heavy metals, report the results publicly and label the food as tested.<sup>41</sup> This bill is urgently needed as there is no safe level of exposure to any heavy metal such as lead, mercury, cadmium or arsenic. Please support this bill and take additional actions to protect children from heavy metals and toxic chemicals.

For additional information and resources on lead, please contact us and also, please visit our CleanEarth4Kids.org [Team 5 page, #GetTheLeadOut](#).<sup>42</sup>

Sincerely,



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CleanEarth4Kids.org works to protect children's health & future, public health, and the health and safety of communities, workers, and indigenous peoples globally and reminds all that clean air, water, a livable future, and access to nature are human rights. Streams, rivers, oceans, public lands, forests, trees, wildlife, ecosystems, climate, soils, and organic gardens must be protected. Access to healthy safe food, playgrounds, schools, homes, communities, cities and public lands- without toxic pesticides, chemicals, plastics, lead, heavy metals and pollution- is essential for life.

At the heart of CleanEarth4Kids.org: environmental protection, children's health and future, public health, environmental, racial, social and climate justice, education and JEDI (Justice, Equity, Diversity & Inclusion). CleanEarth4Kids.org works to stop toxic chemicals, PFAS, pesticides, lead and heavy metals, plastics and microplastics, toxic toys and products, synthetic turf, PIP (Pour In Place Playgrounds), fossil fuels, pollution, environmental destruction, degradation and injustice and works to uphold human rights and justice.

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<sup>39</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0447vs2020RS>

<sup>40</sup> <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0643T.pdf>

<sup>41</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0723>

<sup>42</sup> <https://cleaneearth4kids.org/team-5-get-the-lead-out>