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MAJORITY WHIP

Budget and Taxation Committee

Education, Business and
Administration Subcommittee

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony – SB723
Senator Joanne C. Benson
Baby Food – Toxic Heavy Metals – Testing and Labeling

Good afternoon, Madam Chair Pamela Beidle and Madam Vice Chair Katherine Klausmeier

I am honored to be standing before you today to request your favorable report on SB723 - Baby Food – Toxic Heavy Metals – Testing and Labeling. This pivotal legislation is designed to combat the grave issue of toxic heavy metals such as arsenic, cadmium, lead, and mercury, found in baby food products sold in Maryland. As you may know, similar legislation in California has already been successful in combating this problem, and we believe that Maryland can also make a difference by implementing this bill.

SB723 mandates that all baby food manufacturers conduct regular testing and report the findings to the Department of Health. Such results must be made available on the manufacturer's website, and the product labeling must include a QR code that leads consumers to this vital information. Additionally, the bill proposes fines for manufacturers who violate these standards to discourage the distribution of harmful products.

In 2020, the Clean Label Project unveiled that 95% of baby foods contained higher levels of heavy metals than what is deemed safe by the U.S. Food and Drug Administration (FDA) guidelines. A follow-up study in 2021 showed that certain leading brands contained heavy metals in amounts significantly exceeding the FDA's recommended limits, with arsenic levels up to 91 times higher, lead up to 117 times, and cadmium up to 69 times higher. These alarming statistics led to a Congressional hearing which advocated for the testing of baby food for these toxic elements. SB723 is introduced to ensure such testing is regularly conducted and that there is transparency for consumers.

As you know, infants are at high risk of absorbing these heavy metals, which can lead to severe health problems such as developmental delays, neurocognitive issues, and increased risks of chronic diseases such as cancer. The federal response to this issue has been disappointingly slow, with no current guidelines for mercury and the FDA only planning to release draft guidance within the year and the final guidance is expected in 2025. This delay highlights the urgency for Maryland to take decisive action "now" to protect our toddlers and children. This bill is being amended to say after January 1, 2025, a person may not sell, distribute, or offer for sale baby food in the state that contains toxic heavy metals that exceed the limits established by the FDA.

I respectfully urge a favorable position with recommended Amendments to SB723.