Maryland SB073 Support Letter.pdf
Uploaded by: Arianna Creed
Position: FAV

Dear U.S Senators,

I am Arianna Creed, a constituent for the California Assembly District 16 and State Senate District 7 and I am writing in support of the senate bill SB073 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. There is no safe level of exposure to lead, mercury, cadmium, or arsenic and Maryland must take action in order to protect children's health and the public communities' health for the future.

Toxic metals found in baby food and associated labeled food contain neurotoxins and when exposed, the nervous system is heavily impaired. To protect the fundamental growth of children and their developing brains and minds, we must remove these toxic metals from baby food and have strict regulations in testing. According to a recent study, 95% of the store-bought baby food tested contain lead, 73% contain arsenic, 75% contain cadmium, and 32% contain mercury.[1] These levels significantly contribute to damage in the brain and nervous system, slowed growth and development, learning and behavior problems, as well as hearing and speech problems.

To protect the future of our children and the communities around us, we must support and pass senate bill SB073 and take other actions to protect children and the public health against toxic heavy metals.

[1] https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf

Children's National Testimony - SB 723 - Sarah Dur
Uploaded by: Austin Morris
Position: FAV

111 Michigan Ave NW
Washington, DC 20010-2916
ChildrensNational.org

Testimony of Sarah Rae Durrin, MD
Pediatrician
Children's National Hospital
before
Senate Finance Committee
IN SUPPORT OF
SB 723: Baby Food – Toxic Heavy Metals – Testing and Labeling

February 29, 2024

Chairwoman Beidle, Vice Chair Klausmeier and members of the committee, thank you for the opportunity to provide written testimony in favor of Senate Bill 723. My name is Sarah Durrin, MD, and I am a General Pediatrician at Children's National Hospital. Children's National has been serving the nation's children since 1870. Nearly 60% of our patients are residents of Maryland, and we maintain a network of community-based pediatric practices, surgery centers and regional outpatient centers in Maryland.

Senate Bill 723 takes an important step in preventing unnecessary and harmful exposure of infants and toddlers to heavy metals. Multiple studies have demonstrated the detrimental effects that early exposure to heavy metals can have on a child's health. Studies have linked exposures to heavy metals such as mercury, cadmium, and arsenic to numerous pediatric growth disorders, neurocognitive impairments, organ and bone disease, and cancers. There is literature which demonstrates children with exposure to lead are more likely to have deficits in executive functioning, problems with inattention and irritability, poor self-regulation, mental health disorders, and even increased rates of criminal behavior and rates of arrest.[1] Exposure to heavy metals has disproportionate effects on young children because their brains and bodies are rapidly developing. There is no safe level of exposure to heavy metals for children and thus, we must do everything that we can to protect this vulnerable age group.

Heavy metals can be found naturally in the environment and parents must be cautious to try to limit their child's exposure. However, a distressing source of heavy metals for parents and pediatricians is processed foods and cereals, many of which are targeted to children at the ages when they are most vulnerable to heavy metal exposure. This recently hit home when it affected a patient of mine, an adorable and healthy 2-year-old girl who resides in Baltimore County, Maryland. At 22 months old, this patient was found to have very high lead levels in her blood, approximately 4x higher than what we consider normal or acceptable for her age. Her mom saw on the news that the FDA recalled a food product that her child regularly consumed due to concerns for lead contamination, and very proactively brought her daughter in for evaluation at which time she was found to have elevated lead. Prior to this visit, she had routine lead screenings that were normal and lived in a certified lead-free home, reassuring that she had not had significant prior exposure. Her high lead levels were almost certainly caused by intake of these toddler pouches. Luckily, her mom caught this before her lead levels were high enough to require hospitalization or immediate decontamination, but the 2-year-old girl is continuing to undergo monthly blood draws to monitor her lead levels as they slowly decrease after removing the exposure. It is too early to say what affect this will have on her future neurocognitive development and unfortunately, there is nothing we can do at this point besides continue to monitor.

Primary prevention of exposure to heavy metals is the only way to minimize the dangerous effects of these toxins. Packaged baby foods should be a convenient and healthy way to help infant and young children eat a nutritious and varied diet, not another potential risk to children's health and stress for caregivers. I applaud Senator Benson for introducing this important legislation, which will benefit our state's youngest residents and their families, and request a favorable report on Senate Bill 723. Thank you for the opportunity to submit testimony. I am happy to respond to any questions you may have.

References:

1. Al osman, M., Yang, F., & Massey, I. Y. (2019). Exposure routes and health effects of heavy metals on children. *Biometals*, *32*(4), 563–573. https://doi.org/10.1007/s10534-019-00193-5

Ben Black's Support Letter for MD Lead in Baby Foo

Uploaded by: Benjamin Black

Position: FAV

February 28, 2024

Please Support SB0723

As a current public health student and future epidemiologist, I am writing to express my support for SB0723. This bill will be one of the first of its kind and call into light a concerning issue that has been disregarded for the last few years. By safeguarding the health of Maryland's youngest and most vulnerable population, we will be able to see better health outcomes in the state.

Throughout my time as an undergraduate student, I have been able to work in a multitude of public health organizations and sectors in order to gain a vast variety of experiences that will help guide me during my career. One of the most concerning trends that I have seen during this time in our current landscape is the use of pesticides and metals in the food sector that should not be used.[1] There has been a multitude of research studies that have identified these heavy metals as harmful to our children.

One recent study found that 95% of baby foods are contaminated with heavy metals.[2] This is concerning as children are bombarded by a multitude of chemicals on a daily basis and adding metals into their food does not help their health. These heavy metals have been linked to developmental delays, behavioral abnormalities, and learning disabilities.[3] Another study further supported this as they found that children with higher levels of urine argentum had a significantly higher risk of developing dyslexia.[4] Speaking from my own experience, growing up with dyslexia can be difficult. This learning disorder puts children at a disadvantage and sometimes can not be detected early enough before a child feels helpless behind.

I am hoping that passing this bill as it will help cause a cascade of change and set a precedent of limiting the use of heavy metals in baby foods. There is currently only one other state that regulates and tests for these metals, being California.[5] I believe Maryland should support and pass this bill in order to bring into light the importance of this issue. If passed, Maryland will be able to implement a testing system that would test baby food for these toxic metals.

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[1] https://www.betterhealth.vic.gov.au/health/healthyliving/food-pesticides-and-other-chemicals
[2] https://journals.lww.com/mcnjournal/fulltext/2020/03000/
[3] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5333623/
[4] https://pubmed.ncbi.nlm.nih.gov/32289584/
[5] https://www.consumerreports.org/health/food-safety/

Please take these facts into consideration when considering this bill and I ask that you take a stand with me against toxic metals that harm our most susceptible age group.

Sincerely,

Benjamin Black
Benjaminblack10@hotmail.com

Favorable SB723 Tesimony - Eric Lopez.pdf
Uploaded by: Eric Lopez
Position: FAV

Chair Pamela Beidle
Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

February 5, 2024

Favorable Vote – SB723 – Rudy's Law - Baby Food – Toxic Heavy Metals – Testing and Labeling

RE: Letter of Support

My name is Eric Lopez, I am a resident of Maryland and a father to a 1.5 year old daughter. My little one was born at the University of Maryland and came to this world with significant health issues.

When my wife and I were preparing for the new addition to our family, our first and only child so far, we wanted to make sure that every decision me made was in the best interest of our daughter's health. She has special medical needs and we felt a heightened sense of protecting her.

In 2022, the year our daughter was born, there was a national recall of baby formula. One of the major producers of baby formula recalled their products due to bacterial contamination in the production process that led to sever illness and deaths of infants.

We were in shock and disbelief that the very products created to nourish infants was the cause of so much harm and of fatalities.

We felt like a choice was taken away from us related to something as basic and critical as food options for our daughter. We have stayed away from all baby formula because we simply could not trust the products on the market. We wish that there had been stronger laws and regulations in place back then to prevent the contamination. Which, by the way led to a national scarcity of baby formula. We saw the impact of this scarcity play out with our friends who still relied on baby formula to nourish their children.

As a resident of Maryland, I want to convey my support for SB723 and strongly urge the Finance Committee to issue a favorable vote. Passing this critical bill will take a substantial step in holding manufacturers accountable for their products and will ensure that parents have the information they need to make the best choice for their infants. Let's keep toxins out of infants products altogether, but until then, the least we can do is let parents know what toxins lie within products on shelf.

Sincerely,

Eric Lopez
Maryland Resident
40th Legislative District

2023 MNA SB 723 Senate Side.pdf
Uploaded by: Karin Russ
Position: FAV

To: **Senate Environment, Education and Energy Committee**

Bill: **SB 723 Baby Food - Toxic Heavy Metals - Testing and Labeling**

Date: **February 29, 2024**

Position: **Support**

The Maryland Nurses Association (MNA) supports *Senate Bill 723 – Baby Food – Toxic Heavy Metals – Testing and Labeling.*

This bill requires manufacturers of baby food sold in Maryland to test their product for toxic heavy metals, to post the results on the manufacturer's website, and to list on product labels that the product has been tested for lead, mercury, cadmium, and arsenic. In the absence of actionable federal regulations on heavy metals in baby food, this bill is an important step forward in protecting the health and well-being of our most vulnerable population: infants and toddlers younger than two years old. The first few years of a child's life are a critical period of development when exposure to harmful substances can affect development and the health of the child for the rest of their life. Exposure to heavy metals affects many organ systems, causes a wide variety of health problems, and damages the developing brain. This in turn leads to a wide range of societal impacts, and with a significant financial burden to our educational, criminal, and social support systems.

The Centers for Disease Control and Prevention (CDC) has said “there is no safe level of lead” in the body. Even very low levels can have negative and irreversible health effects, especially in children. Childhood lead exposure can damage the brain and nervous system, cause learning and behavior problems, and lead to hearing and speech deficits. Decades of research have established a clear relationship between elevated blood lead levels and lower IQ. Furthermore, medical and economic research show a strong connection between early childhood lead exposure and later violent criminal activity.

The health effects of mercury exposure vary, depending on the type of mercury, the amount ingested, and the age of the person. The type of mercury typically found in baby food is organic methylmercury naturally occurring in rice. Methylmercury exposure can impair learning and memory, and lead to sensory, and movement problems. All forms of mercury can affect the nervous system and the kidneys.

The primary source of cadmium exposure (for nonsmokers) is from the food supply. Foods that commonly contain high levels of cadmium, and may be found in baby food, include potatoes, grains, and leafy vegetables such as spinach. According to the federal Agency for Toxic Substances and Disease

Registry (ATSDR), the health effects from exposure to toxic levels of cadmium include kidney damage, respiratory problems, and decreased bone density.

Arsenic is naturally found in soil, water, food, and air. Since children tend to eat a narrower variety of foods than adults do, ingestion of food made with arsenic-contaminated water may represent a significant source of exposure. The physical effects of arsenic exposure include irritation of the stomach and intestines, blood vessel damage, skin changes, and neurological damage. There is also some evidence that long-term exposure to inorganic arsenic in children may result in lower IQ scores, and that exposure in early life may increase mortality in adulthood. Lead, mercury, cadmium, and arsenic exposure increase the risk of certain cancers.

As if these health impacts weren't enough, there are significant societal and financial repercussions from childhood exposure to toxic heavy metals. The consequences of lead exposure have been studied extensively and were summarized by the Pew Policy Institute. Pew calculated the economic impact of lead exposure across the U.S. and estimated that the cost to society at $192 - 270 billion per birth cohort; that is, children born each year and their lifetime health and economic effects. Pew examined 5 broad categories: (1) health care, (2) IQ loss, (3) increased special education needs, (4) lower earnings, and (5) behavior problems and crime. The authors of the Pew report estimate the costs to society at:

- Total health-related costs of elevated lead levels for children born in any given year are estimated to be between $10.8 and $53.1 million.
- Loss of IQ points results in lifetime earnings losses of $165 to $233 billion.
- Lead-exposed children may have delayed cognitive and behavioral development and need special education services. These interventions cost an estimated $30 to $146 million over the lives of all children born in a single year. Research has also estimated the cost of childhood lead exposure and ADHD at $267 million in medical treatment and parental work loss.
- Economic research shows that lead-poisoned children have decreased earning potential across their lifespan, resulting in associated tax revenue losses estimated at $25 to $35 billion per cohort.
- Lead exposure in early life is strongly associated with behavioral problems and later involvement with the criminal justice system. The direct costs of lead-related crime, (for the victims, the criminal justice system, and workers who lose earnings) is estimated at $1.7 billion.

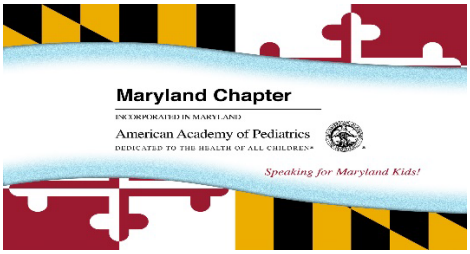
We have the opportunity now to limit the number of children in Maryland exposed to hazardous heavy metals in baby food, to protect their health and to reduce the economic burden in our state.

We ask for a favorable vote. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

References:

1. Lead FAQs | Lead | CDC
2. Mercury | ToxFAQs™ | ATSDR (cdc.gov)
3. Cadmium | Toxicological Profile | ATSDR (cdc.gov)
4. Arsenic Toxicity: Physiologic Effects of Arsenic Exposure | Environmental Medicine | ATSDR (cdc.gov)
5. Costs-of-lead-poisoning-brief_web.pdf (pewtrusts.org)

SB0723_FAV_MDAAP_Baby Foods - Toxic Heavy Metals -
Uploaded by: Mike Ichniowski
Position: FAV



TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee
The Honorable Joanne C. Benson

FROM: Dr. Mike Ichniowski

DATE: February 29, 2024

RE: **SUPPORT** – Senate Bill 723 – *Baby Food - Toxic Heavy Metals - Testing and Labeling*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 723.

In 2021, a House of Representatives Oversight Subcommittee Investigation found dangerous levels of arsenic, cadmium, lead, and mercury in many brands of baby foods. Manufacturers were found to ignore their own internal standards and continue to sell products with elevated levels of these heavy metals. Manufacturers were only testing ingredients and not their finished products, concealing higher levels of heavy metals in products sold to consumers. Just last year, children with elevated blood levels were identified in 43 states after eating apple-cinnamon baby food products that were found to be contaminated with lead, which was found in very high levels in the cinnamon used in these products. And, while the FDA has initiated a "Closer to Zero" program to address such problems by setting action levels for these heavy metals, it does not require testing of final products or disclosure of testing results by manufacturers. SB 723 intends to address these deficiencies by requiring testing and reporting by manufacturers of their finished products.

Arsenic can cause acute poisoning at high doses, but continued ingestion of smaller amounts can lead to progressive toxicity. Initial signs of gastrointestinal upset may be followed by bone marrow suppression, liver dysfunction, peripheral neuropathy, and disturbance of cardiac conduction. Arsenic can affect intellectual function and liver function in children and is associated with skin disorders as well. Chronic exposure can produce fatigue, malnutrition, and increased risk of infection. It is also a known carcinogen with an increased risk of bladder, lung, and skin cancers. Arsenic exposure in utero and early childhood has been associated with increased mortality from lung cancer in young adults.

Cadmium accumulates in the human body due to its prolonged elimination half-life. Acute exposure can cause vomiting, diarrhea, and abdominal pain. Children with higher urinary cadmium levels were found to have an increased risk of learning disabilities and a greater need for special education services.

Lead is well-known for its neurotoxic effects in children, including lower IQs, decreased academic achievement, language difficulties, attention problems and behavior disorders. Elevated blood levels are also associated with hearing problems, delayed puberty, anemia, and gastrointestinal disorders. The harmful effects of lead poisoning extend into adulthood. Adults with a history of childhood lead poisoning are at a greater risk for

cancer, cardiovascular disease, early-onset dementia, and psychopathology. There is no safe level for blood lead in children.

Mercury accumulates in kidneys, which may lead to protein in the urine and nephrotic syndrome with edema and proteinuria. Acute mercury poisoning, or acrodynia, can occur at higher levels of ingestion; this condition consists of rash, limb pain, peripheral neuropathy, hypertension and kidney dysfunction. The organic compound, methylmercury, is a potent neurotoxin.

Children and fetuses are uniquely susceptible to the effects of these toxic chemicals. Heavy metals can cross the placenta and enter the fetal circulation, and the amount to which the fetus is exposed relative to weight is far greater than that of the mother. Toxic exposures during the time of brain and organ formation and of early growth can have long-lasting impacts on an unborn child, interfering with normal neurologic development. Infants and young children, whose brains and internal organs continue to grow and develop, also have higher levels of exposure to toxic substances in their environment. They eat and drink more relative to their body weight than adults, and their frequent hand-to-mouth behaviors increase inadvertent non-food ingestions, such as from outdoor soil or contaminated house dust. Young children also absorb heavy metals more readily, particularly in the presence of iron deficiency.

There is no substitute for preventing exposure to toxic heavy metals in children living in Maryland. SB 723 intends to do that by assuring that the foods intended for infants and toddlers are demonstrated to be safe for them to eat. Until the FDA can make such assurances at the national level, it is left to the states to provide this protection for their children. The Maryland Chapter of the American Academy of Pediatrics requests a favorable report on this proposed legislation.

For more information call:
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone
410-244-7000

Callahan Testimony SB0723.pdf
Uploaded by: Sarah Callahan
Position: FAV

Ricky, Sarah, and Rudy Callahan
4044 Cortona Dr
Port Republic Maryland, 20676

February 12, 2024

Chair Pamela Beidle
Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Thank you, Chair Beidle, and committee members. I am here to ask for your favorable report on SB723 – Rudy's Law – Baby Food – Toxic Heavy Metals – Testing and Labeling.

My name is Sarah Callahan, and together with my husband, Ricky and son Rudy are lifelong residents of Maryland, representing a broad geographic footprint that spans from Prince George's to Baltimore and Harford Counties, with our current residence in Calvert County since 2012. Our son, Rudy, was born in 2022, in Anne Arundel County, a healthy and joyful addition to our family.

When Rudy was 6 months old, we began exploring various baby food options and discovered the WanaBana Apple Cinnamon pouches. Unfortunately, it was during Rudy's one-year checkup that our lives took an unexpected turn. Following the appointment, we were contacted by the Department of Health, alerting us to Rudy's alarmingly high blood lead levels. This initiated a comprehensive investigation into potential lead sources in our home, daycare, and daily environment, all of which yielded negative results, leaving us anxious about the safety of our surroundings.

The mystery of Rudy's lead exposure persisted until a friend brought to our attention a recall notice from the FDA concerning the very product Rudy had been consuming as a regular part of his diet – the WanaBana Apple Cinnamon pouch. Upon checking the lot number of a pouch we had, it matched those recalled for lead contamination. This discovery was a harrowing confirmation of the source of Rudy's lead poisoning.

In response to this terrifying ordeal, Ricky and I took immediate action by enrolling Rudy in the Calvert County Infants and Toddlers Program, focusing on early intervention to

monitor and support his developmental milestones, aiming to mitigate the long-term effects of lead poisoning.

This experience has made us staunch advocates for more rigorous testing and transparency in the baby food industry. The simple act of shopping for what we believed was a healthy, safe option for our son led to an unforeseen health crisis. The current labeling and safety assurances are insufficient. Parents, armed with comprehensive information on toxin levels in baby food, could avoid the anguish and health risks we have faced.

We urge for the implementation of mandatory testing and clear labeling of toxin levels in all baby food products. Such measures would empower parents with the knowledge needed to make informed decisions, safeguarding the health and well-being of their children. Our ordeal with Rudy's lead poisoning, while deeply personal, underscores a universal need for transparency and safety in the food we trust to nourish our youngest and most vulnerable.

Our family's journey through this challenging time has shown us the critical importance of informed choices. By sharing our story, we hope to highlight the need for significant changes in how baby food safety is regulated and communicated. We stand in strong support of SB723 that will prevent other families from enduring a similar, preventable tragedy.

In closing, as such I ask this esteemed committee for your favorable report on SB723.

Sarah Callahan

Ricky Callahan

SB0723 Testimony.pdf
Uploaded by: Sarah Paul
Position: FAV

Statement of Maryland Rural Health Association (MRHA)
To the Senate Finance Committee
Chair: Senator Pamela Beidle
February 28, 2024
Senate Bill 0723 Baby Food - Toxic Heavy Metals - Testing and Labeling

POSITION: SUPPORT

Chair Beidle, Vice Chair Klausmeier, and members of the committee, the Maryland Rural Health Association (MRHA) is in SUPPORT of Senate Bill 0723: Baby Food – Toxic Heavy Metals – Testing and Labeling.

Nutrition is an essential component for ensuring the proper development of infants and children. To support a child's physical and emotional development, we need to ensure that the foods we feed them are not only nutritious but also are able to meet the needs of standard body demands. To do so, we need to ensure that we are giving our children enough foods with healthy ingredients to fuel their bodies. Additionally, while we need to make sure certain ingredients are present in the food we give our children; we also need to make sure that harmful toxins are absent. In 2021, the Subcommittee on Economic and Consumer Policy under the Committee on Oversight and Reform conducted a study on the presence of toxic heavy metals in baby food. In their report, they studied 4 of the most prominent baby food manufactures in the country. In their findings, they found toxic levels of arsenic, lead, cadmium, and mercury to be present across all manufactures. After further looking into the manufactures' policies, they are only required to test individual ingredients for heavy metals and not the final product. The report compared the level of toxic heavy metals found in each ingredient and then the final jarred product, and the difference was startling (2021). A key takeaway from this report is the recognition that current protocol for testing the levels of heavy toxic metals is insufficient. To correct this inadequacy, the report on behalf of the committee recommended mandatory testing and including a report of levels of heavy metals on the food label. The enactment of Senate Bill 0723 will accomplish the recommended changes in practice provided by the committee report. When children are chronically exposed to heavy toxic metals it can impair neurological function, delay child development, and puts the child at a higher risk for cancer, learning disabilities, and reduced intelligence levels. Furthermore, the nutrition a child receives in the first three years of their life is arguably the most critical as it can set the tone for development into adulthood and can determine risk for developing chronic diseases across the lifespan. It also plays a large role in lowering morbidity and mortality as well (World Health Organization, n.d.). Bettering the protection of the children of Maryland does not only require improved testing, but also proper education to the public. Requiring the inclusion of heavy metal levels on food labels, parents can make informed decisions on how to best feed their child. Improving the quality of baby food will have lasting benefits for the children of today that will follow them into adulthood. It also has the ability to lower the prevalence and incidence of chronic conditions in all Maryland residents, improving the overall health of the State. With these reasons, the Maryland Rural Health Association is in favor of Senate Bill 0723: Baby Food - Toxic Heavy Metals - Testing and Labeling.

On behalf of the Maryland Rural Health Association,
Jonathan Dayton, MS, NREMT, CNE, Executive Director
jdayton@mdruralhealth.org

Subcommittee on Economic and Consumer Policy & Committee on Oversight and Reform. (2021). *Baby foods are tainted with dangerous levels of arsenic, lead, cadmium, and mercury*. U.S. House of Representatives. https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf

World Health Organization. (n.d.). *Infant nutrition*. https://www.who.int/health-topics/infant-nutrition#tab=tab_1

MD SB0723 Lead in Baby Food Heavy Metal Testing Su

Uploaded by: Suzanne Hume

Position: FAV

CleanEarth4Kids.org

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.[1]

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.[2][3]

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.[4]

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.[5]

In a national study, 95% of store-bought baby food tested contained lead, 75% contained cadmium, 73% contained arsenic and 32% contained mercury.[6]

Despite this, the FDA has only issued guidance for industry with no mandates, requirements or additional regulations.[7]

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.[8] 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,

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[1] https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0723
[2] https://health.maryland.gov/phpa/OEHFP/EH/Pages/LeadTesting.aspx
[3] https://news.maryland.gov/mde/childhood-lead-poisoning-state-moves-to-more-protective-standard/
[4] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml-bill_id=202320240AB899
[5] https://www.washingtonpost.com/dc-md-va/2023/11/28/applesauce-recall-lead-poisoning-families/
[6] https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf
[7] https://www.fda.gov/news-events/fda-announces-action-levels-lead-categories-processed-baby-foods
[8] http://www.health.harvard.edu/blog/heavy-metals-in-baby-food-what-parents-should-know-and-do

transmitting and processing of signals.[9]

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.[10] Children have a greater vulnerability to heavy metals because their bodies are still developing.[11]

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.[12]

There is no safe level of exposure to lead according to the World Health Organization,[13] Centers for Disease Control[14] and the American Academy of Pediatrics.[15] Lead is especially toxic to children and unborn babies.[16] 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.[17,18] 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.[19]

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

Mercury is Neurotoxic

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

[9] https://www.ninds.nih.gov/health-information/disorders/neurotoxicity
[10] https://www.forbes.com/sites/alicegwalton/2014/02/15/11-toxic-chemicals-afffecting-brain
[11] https://link.springer.com/chapter/10.1007/978-981-32-9535-3_6
[12] https://www.cdc.gov/nceh/features/leadpoisoning/index.html
[13] https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health
[14] https://www.cdc.gov/nceh/lead/faqs/lead-faqs.htm
[15] https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/lead-exposure/Pages/default.aspx
[16] https://www.cdc.gov/nceh/lead/prevention/health-effects.htm
[17] https://www.nber.org/papers/w23392
[18] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4387706/
[19] https://www.cdc.gov/nceh/features/leadpoisoning/index.html
[20] https://www.nrdc.org/sites/default/files/watered-down-justice-report.pdf
[21] https://www.healthline.com/health/lead-poisoning-black-communities
[22] https://www.pnas.org/doi/abs/10.1073/pnas.2118631119
[23] 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.[24,25] Some baby food has been found to have mercury levels up to 5 times than allowed in bottled water.[26]

Mercury is a neurodevelopmental toxicant and is a threat to developing fetuses and newborns.[27] Mercury has been found to cross the placental barrier and cause reproductive harm.[28] 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.[29] Cadmium is a known human carcinogen and can cause children to have problems with processing, memory and development.[30,31] Even low levels of cadmium are harmful.[32] Soy-based baby formulas can contain six times the concentration of cadmium compared to cow milk-based formula.[33]

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.[34]

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

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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[24] https://www.epa.gov/mercury/health-effects-exposures-mercury
[25] https://wwwn.cdc.gov/TSp/ToxFAQs/ToxFAQsDetails.aspx-faqid=113&toxid=24
[26] https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov
[27] https://www.who.int/publications/i/item/9789241500456
[28] https://journals.sagepub.com/doi/pdf/10.1177/0960327109107045
[29] https://www.wisnerbaum.com/blog/2022/october/updated-2022-baby
[30] https://www.who.int/teams/chemical-safety-and-health/health-impacts/chemicals/cadmium
[31] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8207007
[32] https://www.health.ny.gov/environmental/chemicals/cadmium/cadmium_jewelry.htm
[33] https://pubmed.ncbi.nlm.nih.gov/10789373/
[34] https://hbbf.org/sites/default/files/2022-12/BabyFoodReport_ENGLISH_R6_0.pdf
[35] https://www.who.int/news-room/fact-sheets/detail/arsenic
[36] https://sites.dartmouth.edu/arsenicandyou/arsenic-and-children
[37] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4026128/
[38] 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.[39]

And, in 2021, Maryland passed HB643 to ban 24 toxic chemicals and heavy metals from cosmetics.[40] 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.[41] 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.[42]

Sincerely,

Suzanne Hume
Educational Director and Founder
S@CleanEarth4Kids.org
(760) 518-2776
CleanEarth4Kids.org

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.

[39] https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0447ys2020RS
[40] https://mgaleg.maryland.gov/2021RS/bills/hb/hb0643T.pdf
[41] https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0723
[42] https://cleanearth4kids.org/team-5-get-the-lead-out

Bio for Terri Peters, 2024.pdf
Uploaded by: Terri Peters
Position: FAV

Terri Peters' Bio

Terri L. Peters, R.Ph., PD is the President/CEO/Owner Pharmacist of Quality of Life Pharmacy & Health, Inc. located in Capitol Heights, Maryland, Prince George's County. Terri's credentials designate her as a Registered Pharmacist and Pharmacy Doctor in the State of Maryland.

Terri was born and raised in Philadelphia, Pennsylvania where she graduated from the Philadelphia High School for Girls, a public College prep High school. After graduation, Terri started her pharmacy career in the United States Air Force and served as a pharmacy technician from 1981– 1988. She was an E-5 Staff Sergeant when she left the United States Air Force to pursue her pharmacy degree.

Terri returned to Philadelphia to pursue her dream of becoming a pharmacist and graduated in 1994 with a Bachelor of Science Degree in Professional Pharmacy from The University of the Sciences in Philadelphia (Formerly Philadelphia College of Pharmacy & Science). During her career, Terri has worked as a Pharmacist in Community Pharmacies, Long Term Care Facilities, Hospitals, Independent Pharmacies, Ambulatory Care, and Executive Pharmacy Management.

With an extended career in pharmacy, today, Terri is an Ambulatory Care Clinical Hospital Pharmacist for University of Maryland Capital Region Health, at the Laurel Regional Medical Center. Terri is also President and CEO, and Chief Pharmacist, of a Clinical Disease Management Compounding Specialty Pharmacy. In addition to being a business owner, Terri is well known as a health coach for general health issues, with a specialty in nutrition, diabetes, and weight loss specialist. In 2008, Terri opened Quality of Life Pharmacy & Health Inc. with her husband, also a pharmacist, Dr. Roderick G. Peters, R.Ph., PD, to be at the forefront of improving patient outcomes through specialty compounding and disease management, particularly with the BIPOC community with an emphasis on the Black population and the unique challenges facing this community. Her specialty is custom medication compounding for women's health, hormone replacement therapy, diabetes management, pain management, weight loss Management, vitamin supplementation, and medication therapy management, https://qolrx.com/

Terri has served as an associate professor for Experiential Education for Doctor of Pharmacy candidates at Howard University. In 2013, Terri helped establish a pharmacy technician high school-based program while serving as co-chair of the newly formed Pharmacy Advisory Committee Elizabeth Seton College Prep Catholic High School located in Prince George's County. Her community work is extensive and includes serving as a

Terri Peters' Bio

member of the Prince George's County Chapter of the National Coalition of 100 Black Women where she chairs the coalition's Health Awareness Committee. Terri is also a member of the Prince George's County Health Coalition. In 2022, Terri was invited and now serves on the Board of Directors of Open My Heart Foundation.

Recent community outreach activities and presentations:

- At the height of the COVID pandemic, Terri provided education on the reality of COVID, provided guidance on prevention and in collaboration with Dorman Group Holdings, distributed over 500 masks.
- Since its inception, Terri has been a regular subject matter guest on the *Health, Wellness & Lifestyle* online TV/Radio program which is hosted by Lynda Dorman (another NCBW-PGC member) and Dr. Donna Christensen, former congresswoman from the US Virgin Islands. (2021-2023)
- COVID-19 Antivirus Arsenal (4/6/20)
- Vaccine & Black Americans - In collaboration with Prince George's County Alumnae Chapter Delta Sigma Theta Sorority Inc. (2/27/21)
- A Real Conversation about Coronavirus 2019 (3/28/21)
- Co-convenor and panel member at the East Coast-West Coast webinar on Sickle Cell hosted by seven chapters of the National Coalition of 100 Black Women (California and Maryland Chapters)
- Hope Connections Health Fair (10/8/22)
- Duval H.S. - Terri's tips for teens (10/13/22)
- Breast and Prostate Cancer Awareness - Cancer & Nutrition (10/22/22)
- Pink Ribbon Breast Cancer Awareness Rally at Doctor's Community Hospital - Introduced the community to National Coalition of 100 Black Women (10/24/22)
- Metabolic Syndrome in collaboration with Sharon Hawks (11/16/22)
- Healthcare Access and Equity - Open My Heart Foundation (2/17/2023)
- Panel discussion (2/17/2023) - Open My Heart Foundation at University of Maryland Capital Regional Hospital – Panel: "Inequity related to Cardiac Care"
  \

Recent Awards & Honors:

Terri Peters' Bio

-Community Service Award from:
Open My Heart Foundation
For Health & Heart Health Education: February 2020

- The Deborah Offer Bulgin Award from:
Women of Virtue- Prince George's County
Excellence in Science & Medicine: March 2023

- The Edna M Jones Award from:
National Coalition of 100 Black Women, Inc.
Community Service Award (Community Health Awareness) April 2023

Rudys Law Testimony for Senate and Finance Committ
Uploaded by: Terri Peters
Position: FAV

Chair Pamela Beidle 2/28/2024
Finance Committee
3 East
Miller State Office Building
Annapolis, MD 21401

Favorable – SB723- Baby Food - Toxic Heavy Metals - Testing and Labeling

RE: Letter of support

Toxic heavy metals, mercury, lead, arsenic, and cadmium, though found in many foods across the food chain, can wreak havoc on the systems of the most vulnerable, particularly infants whose systems are developing.

These toxic metals are known to damage the nervous system, increase the risk of cancer, damage the digestive system including the liver and kidneys.

Labeling baby food with warnings is imperative; however, a holistic approach is warranted, since additive effects from contaminated water used to prepare formulas may add an additional layer of increased contamination.

Testing for exposure and treatment must also be considered. Parents are justified in their concerns because the last thing that a parent should be concerned with is the possibility of "poisoning" their child with foods that are supposed to be providing nutrition for growth and development.

In my practice as a compounding pharmacist, I have worked with families whose children have experienced the impact of being exposed to heavy metal toxicity. Working with the patient's pediatrician, I had to custom compound medications to chelate these metals and clean up their systems, with wonderful outcomes.

I support this bill wholeheartedly; and my fellow Marylanders should support this bill to protect our babies. Prevention, education, testing, and treatment options cannot be ignored. The healthcare team must work collaboratively to ensure that once this bill is passed, efforts are made to reduce this risk to our babies and our communities at large.

Sincerely,

Terri Peters, R.Ph., PD
Clinical Disease Management Pharmacist
Quality of Life Pharmacy & Health, Inc.
Capitol Heights, MD

_School Nurse Bill Maryland Letter SB0723.pdf
Uploaded by: Vaanessa Forsythe
Position: FAV

February 28, 2024

RE : SUPPORT SB0723

I am writing to you not only as a dedicated school nurse but also as a steadfast advocate for the health and well-being of our youngest citizens. The introduction of SB0723 is a legislative step that I wholeheartedly support and urge you to consider with the utmost seriousness.

The necessity of such legislation becomes clear through the lens of my professional experiences. In my role, I have encountered the profound and lasting impacts of lead poisoning among students. The detrimental effects of lead and other heavy metals on children's health and cognitive development are well-documented, with lead exposure being linked to reduced IQ, attention-related behaviors, and poor academic achievement (Delgado, F. et.al, 2018). A study by Bellinger emphasizes that even low-level lead exposure is associated with decreased IQ and attentional capabilities in children, underscoring the critical need for preventing exposure from all sources, including food (Bellinger, D.C., 2008). A study by Sanders et.al consolidates findings from various studies, demonstrating that exposure to toxic metals in children is linked to increased risks of autism spectrum disorders, attention-deficit/hyperactivity disorder (ADHD) and other neurodevelopmental disorders (Sanders, T., et.al, 2015). These are not mere statistics; they are lived realities of children – realities that could be mitigated through proactive measures like the proposed HB0097.

The American Academy of Pediatrics (AAP) has underscored the significance of reducing exposure to toxic heavy metals, particularly for infants and young children who are most vulnerable to their adverse effects (Council on Environmental Health, 2016). The AAP's recommendations highlight the critical role of early intervention in preventing exposure to heavy metals, which can have irreversible impacts on children;s health and development. Public Health England (2019) has underscored the importance of reducing exposure to heavy metals from the earliest stages of life to prevent potential health impacts. Through the implementation of HB0097, Maryland has the opportunity to lead by example, taking decisive action to protect its youngest residents from the beginning of their lives.

Moreover, the requirement for public reporting and labeling envisaged by this bill is a step toward greater transparency and accountability in the food industry. It empowers parents and caregivers with the information to make informed choices about the foods they provide to their children. This level of transparency is crucial for fostering a culture of safety and trust between consumers and food manufacturers.

From the perspective of a school nurse who has seen the consequences of lead poisoning firsthand, the importance of this bill cannot be overstated. Every day, we strive to create a safe and nurturing environment for our children and students to learn and grow. By ensuring that the food they consume in their earliest months and years is free from harmful contaminants, we are laying a stronger foundation for their health, well-being, and educational access.

Sincerely,

Vanessa Forsythe RN MSN

Works Cited:

American Academy of Pediatrics. (2018). *Policy Statement: Prevention of Childhood Lead Toxicity*. Pediatrics, 138(1). This statement provides guidance on the prevention and management of lead exposure in children, emphasizing the role of public policy in protecting children's health.

Bellinger, D.C. (2008). Very low lead exposures and children's neurodevelopment. *Current Opinion in Pediatrics*, 20(2), 172-177.

Council on Environmental Health. (2016). Prevention of childhood lead toxicity. *Pediatrics*, 138(1), e20161493. The American Academy of Pediatrics provides guidance on preventing lead exposure in children, highlighting the critical need for public health interventions to mitigate exposure risks.

Delgado, C., et.al. (2018) *Lead Exposure and Developmental Disabilities in Preschool-Aged Children*. Journal of Public Health Management and Practice, 24(2), e10-e17(8)

Public Health England. (2019). *Guidance: Lead poisoning: guidance for health professionals*. This document offers comprehensive guidance on identifying and managing lead poisoning, including the importance of preventing exposure in children.

Sanders, T., Liu, Y., Buchner, V., & Tchounwou, P.B. (2015). Neurotoxic effects and biomarkers of lead exposure: a review. *Reviews on Environmental Health*, 30(1), 13-32.

#1Amendment SB723.pdf
Uploaded by: Joanne C Benson
Position: FWA

SB0723/473928/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

12 FEB 24
08:34:36

BY: Senator Benson
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

"**(Rudy's Law)**";

and in line 8, after "label;" insert "requiring a consumer to report baby food to the Maryland Department of Health if the consumer believes, based on certain information, that the baby food is being sold in the State with toxic heavy metals that exceed limits established by the U.S. Food and Drug Administration;".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR 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 U.S. FOOD AND DRUG ADMINISTRATION.**

(2) A PERSON MAY SELL, DISTRIBUTE, OR OFFER FOR SALE BABY FOOD MANUFACTURED BEFORE JANUARY 1, 2024, IF THE BABY FOOD PRODUCT IS WAREHOUSED IN THE STATE AND UNSOLD AS OF JANUARY 1, 2025.";

in lines 9, 16, and 20, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 10, strike "**A SAMPLE**" and substitute "**EACH**

BATCH"; in lines 18 and 25, in each instance, strike "**(B)**" and substitute "**(C)**"; in line 30, strike "**INCLUDE**" and substitute "**IF THE BABY FOOD IS TESTED FOR A TOXIC HEAVY METAL SUBJECT TO AN ACTION LEVEL, REGULATORY LIMIT, OR TOLERANCE ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. § 109, INCLUDE**"; in the same line, after "**LABEL**" insert "**A QR CODE OR OTHER MACHINE-READABLE CODE THAT LINKS TO A PAGE ON THE MANUFACTURER'S WEBSITE THAT CONTAINS**"; and in line 31, strike "**OR**" and substitute "**AND**".

On page 3, strike beginning with "**QR**" in line 1 down through "**METALS**" in line 3 and substitute "**LINK TO THE WEBPAGE ON THE U.S. FOOD AND DRUG ADMINISTRATION WEBSITE THAT INCLUDES THE MOST RECENT GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF THE TOXIC HEAVY METAL ON CHILDREN**";

and after line 3, insert:

"**(F) (1) IF A CONSUMER BELIEVES, BASED ON INFORMATION GATHERED THROUGH THE USE OF THE CODE INCLUDED ON THE BABY FOOD PRODUCT LABEL UNDER SUBSECTION (E)(2) OF THIS SECTION, THAT BABY FOOD IS BEING SOLD IN THE STATE WITH TOXIC HEAVY METALS THAT EXCEED LIMITS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION, THE CONSUMER SHALL REPORT THE BABY FOOD TO THE DEPARTMENT.**

(2) IF THE DEPARTMENT DETERMINES THAT A MANUFACTURER HAS VIOLATED SUBSECTION (B) OF THIS SECTION BASED ON A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING $50,000 PER VIOLATION.".

#2Amendment SB723.pdf
Uploaded by: Joanne C Benson
Position: FWA

SB0723/903621/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

26 FEB 24
16:57:22

BY: Senator Benson
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

"**(Rudy's Law)**";

and in line 8, after "label;" insert "requiring a consumer to report baby food to the Maryland Department of Health if the consumer believes, based on certain information, that the baby food is being sold in the State with toxic heavy metals that exceed limits established by the U.S. Food and Drug Administration;".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR 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 U.S. FOOD AND DRUG ADMINISTRATION.**

(2) A PERSON MAY SELL, DISTRIBUTE, OR OFFER FOR SALE BABY FOOD MANUFACTURED BEFORE JANUARY 1, 2024, IF THE BABY FOOD PRODUCT IS WAREHOUSED AND UNSOLD AS OF JANUARY 1, 2025.";

in lines 9, 16, and 20, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 10, strike "**A SAMPLE OF**"; in lines 18 and 25, in

each instance, strike "**(B)**" and substitute "**(C)**"; in line 30, strike "**INCLUDE**" and substitute "**IF THE BABY FOOD IS TESTED FOR A TOXIC HEAVY METAL SUBJECT TO AN ACTION LEVEL, REGULATORY LIMIT, OR TOLERANCE ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. § 109, INCLUDE**"; and in the same line, after "**LABEL**" insert "**A QR CODE OR OTHER MACHINE-READABLE CODE THAT LINKS TO A PAGE ON THE MANUFACTURER'S WEBSITE THAT CONTAINS**"; and in line 31, strike "**OR**" and substitute "**AND**".

On page 3, strike beginning with "**QR**" in line 1 down through "**METALS**" in line 3 and substitute "**LINK TO THE WEBPAGE ON THE DEPARTMENT'S WEBSITE THAT INCLUDES A FACT SHEET REGARDING TOXIC HEAVY METALS IN BABY FOOD WITH THE MOST RECENT GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF THE TOXIC HEAVY METAL ON CHILDREN**";

and after line 3, insert:

"**(F) (1) IF A CONSUMER BELIEVES, BASED ON INFORMATION GATHERED THROUGH THE USE OF THE CODE INCLUDED ON THE BABY FOOD PRODUCT LABEL UNDER SUBSECTION (E)(2) OF THIS SECTION, THAT BABY FOOD IS BEING SOLD IN THE STATE WITH TOXIC HEAVY METALS THAT EXCEED LIMITS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION, THE CONSUMER SHALL REPORT THE BABY FOOD TO THE DEPARTMENT.**

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE DEPARTMENT DETERMINES THAT A MANUFACTURER HAS VIOLATED SUBSECTION (B) OF THIS SECTION BASED ON A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING $25,000 PER VIOLATION.

(II) IF A MANUFACTURER HAS KNOWINGLY AND WILLFULLY VIOLATED SUBSECTION (B) OF THIS SECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING $50,000 PER VIOLATION.".

#3 Amendments SB723.pdf
Uploaded by: Joanne C Benson
Position: FWA

SB0723/253328/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

26 FEB 24
20:17:47

BY: Senator Benson
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

"**(Rudy's Law)**";

and in line 8, after "label;" insert "requiring a consumer to report baby food to the Maryland Department of Health if the consumer believes, based on certain information, that the baby food is being sold in the State with toxic heavy metals that exceed limits established by the U.S. Food and Drug Administration;".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR 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 U.S. FOOD AND DRUG ADMINISTRATION.**

(2) A PERSON MAY SELL, DISTRIBUTE, OR OFFER FOR SALE BABY FOOD MANUFACTURED BEFORE JANUARY 1, 2024, IF THE BABY FOOD PRODUCT IS WAREHOUSED AND UNSOLD AS OF JANUARY 1, 2025.";

in lines 9, 16, and 20, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 10, strike "**A SAMPLE OF**"; in lines 18 and 25, in

each instance, strike "**(B)**" and substitute "**(C)**"; in line 22, after "**WEBSITE**" insert "**FOR EACH BABY FOOD PRODUCT SOLD, MANUFACTURED, DELIVERED, HELD, OR OFFERED FOR SALE IN THE STATE**"; in line 25, strike "**AND**"; after line 25, insert:

"**(II) SUFFICIENT INFORMATION, SUCH AS THE PRODUCT NAME, UNIVERSAL PRODUCT CODE, OR LOT OR BATCH NUMBER, TO ENABLE CONSUMERS TO IDENTIFY THE FINAL BABY FOOD PRODUCT; AND**";

in line 26, strike "**(II)**" and substitute "**(III)**"; in line 30, strike "**INCLUDE**" and substitute "**IF THE BABY FOOD IS TESTED FOR A TOXIC HEAVY METAL SUBJECT TO AN ACTION LEVEL, REGULATORY LIMIT, OR TOLERANCE ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. § 109, INCLUDE**"; and in the same line, after "**LABEL**" insert "**:**

(I) THE FOLLOWING STATEMENT: "FOR INFORMATION ABOUT TOXIC HEAVY METAL TESTING ON THIS PRODUCT, SCAN THE QUICK RESPONSE (QR) CODE."; AND

(II) A QR CODE OR OTHER MACHINE-READABLE CODE THAT ALLOWS CONSUMERS TO ACCESS ON THE MANUFACTURER'S WEBSITE";

in line 31, strike "**(I)**" and substitute "**1.**"; and in the same line, strike "**OR**" and substitute "**AND**".

On page 3, in line 1, strike "**(II)**" and substitute "**2.**"; strike beginning with "**QR**" in line 1 down through "**METALS**" in line 3 and substitute "**LINK TO THE WEBPAGE ON THE U.S. FOOD AND DRUG ADMINISTRATION WEBSITE THAT INCLUDES THE MOST RECENT GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF THE TOXIC HEAVY METAL ON CHILDREN**";

and after line 3, insert:

"**(F) (1) IF A CONSUMER BELIEVES, BASED ON INFORMATION GATHERED THROUGH THE USE OF THE CODE INCLUDED ON THE BABY FOOD PRODUCT LABEL UNDER SUBSECTION (E)(2) OF THIS SECTION, THAT BABY FOOD IS BEING SOLD IN THE STATE WITH TOXIC HEAVY METALS THAT EXCEED LIMITS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION, THE CONSUMER SHALL REPORT THE BABY FOOD TO THE DEPARTMENT.**

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE DEPARTMENT DETERMINES THAT A MANUFACTURER HAS VIOLATED SUBSECTION (B) OF THIS SECTION BASED ON A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING $25,000 PER VIOLATION.

(II) IF A MANUFACTURER HAS KNOWINGLY AND WILLFULLY VIOLATED SUBSECTION (B) OF THIS SECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING $50,000 PER VIOLATION.".

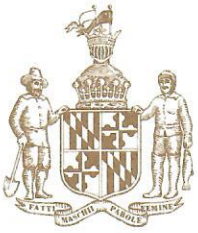
SB723 Senator Joanne Benson Testimony.pdf
Uploaded by: Joanne C Benson
Position: FWA

JOANNE C. BENSON
Legislative District 24
Prince George's County

MAJORITY WHIP

Budget and Taxation Committee
Education, Business and Administration Subcommittee
Pensions Subcommittee

Joint Committees
Audit and Evaluation Committee
Children, Youth, and Families
Ending Homelessness
Fair Practices and State Personnel Oversight



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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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.

SB 723 - FIN - MDH - LOI (1).pdf
Uploaded by: Jason Caplan
Position: INFO

Maryland
DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 29, 2024

The Honorable Pamela Beidle
Chair, Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 723 – Baby Food – Toxic Heavy Metals – Testing and Labeling — Letter of Information

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (MDH) is submitting this letter of information for Senate Bill (SB) 723 —Baby Food – Toxic Heavy Metals – Testing and Labeling. The bill requires a manufacturer of baby food to test a sample of the manufacturer's final baby food product for toxic heavy metals before packaging individual units of food for sale or distribution in Maryland, and then to share the results on the product label or manufacturer's website. The bill defines "toxic heavy metals" as arsenic, cadmium, lead, and mercury.

MDH regulates food manufacturing and distribution of food within Maryland, and each local health department is delegated authority by the Secretary to regulate retail food businesses. This authority includes the ability to control food that is considered adulterated under the Health General Article – Title 21. Food with unacceptable levels of heavy metals (or other contaminants) are considered adulterated.

MDH's Laboratories Administration and Office of Food Protection work closely with the FDA and other State partners to investigate the contamination of food with toxic heavy metals. Potential health effects are determined using clinical data, risk assessments, and consumption information to determine regulatory follow up. MDH supports the U.S. Food and Drug Administration's (FDA's) *Closer to Zero* initiative to assist in educating consumers.

For certain foods intended for infants and young children, the FDA has finalized action levels for arsenic and issued draft guidance for action levels for lead.[1] The FDA is evaluating the foundational science for cadmium so that it can establish interim reference levels, and is hoping to have action levels and draft guidance for interagency review some time this year. The FDA is also discussing research on the risks of mercury in foods intended for infants and young children,

[1] https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-action-level-inorganic-arsenic-apple-juice

but has not released any intention to develop specific guidance to date.[2] This bill would provide some details to consumers regarding the content of toxic heavy metals in food; however, given the lack of actionable levels at the federal level, it is unclear how consumers would accurately interpret the information to determine potential health impacts.

MDH notes that toxic heavy metals can have both acute and chronic health effects in infants and young children. MDH supports federal efforts to eliminate chemical contaminants in food products for infants and young children through the *Closer to Zero* program.[2] As the FDA continues to develop data and a regulatory framework for heavy metals, MDH is committed to supporting and implementing these national standards. Without this national framework, MDH and retailers could be in the position of responding to consumer questions, complaints, and concerns about baby food sold in the State with no clear guidance on what actions to take.

Recent events have focused attention on the importance of a robust and responsive national food safety system that includes adequate monitoring of foods for chemical and infectious contaminants that can adversely affect large numbers of people, especially young children and infants. MDH notes that the state of California recently adopted legislation similar to SB 723, which became effective on January 1, 2024.[3]

Food, labels, and product information are standardized for interstate commerce, and the requirements of SB 723 would put Maryland retailers and the food industry at the disadvantage of having a labeling standard that differs from other states. This would be expensive and logistically difficult for the food industry both inside and outside Maryland to comply with the disparate and complicated labeling requirements, and potentially burdensome for retailers and suppliers to ensure products met the requirements. Additionally, compliance would be difficult for MDH to implement.

This bill would have a fiscal impact on MDH, which would be required to enforce the provisions of the bill in response to consumer complaints, and to independently evaluate data from the mandated testing program. I hope this information is useful. If you would like to discuss this further, please contact Sarah Case-Herron, Director of the Office of Governmental Affairs, at sarah.case-herron@maryland.gov.

Sincerely,

Laura Herrera Scott, MD, MPH
Secretary

[2] https://www.fda.gov/food/environmental-contaminants-food/closer-zero-reducing-childhood-exposure-contaminants-foods

[3] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB899