



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 4, 2026

The Honorable Heather Bagnall
Chair, House Health Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: HB 196 – Public Health - Baby Food Testing - Definition of Baby Food – Letter of Information

Dear Chair Bagnall and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for House Bill (HB) 196 - Public Health - Baby Food Testing - Definition of Baby Food. This bill expands mandated testing for toxic elements (i.e., arsenic, lead, cadmium, and mercury) to include infant formulas (defined by 21 U.S. Code § 321) and infant cereals (defined by 7 CFR § 220.2), in addition to baby food.

The Department would like to share information regarding the developing regulatory landscape for baby food testing. Since the original Maryland law (Chapters 953 and 954 of the Acts of 2024) was enacted in January 2025, companies have begun compliance by reporting testing results for products covered under the statute and making those results publicly available through a variety of methods.¹⁻⁹ Some companies present raw testing data that may be difficult for consumers to interpret, while others provide more detailed explanations alongside the data.

To date, the U.S. Food and Drug Administration (FDA) has issued final guidance for establishing action levels for lead in certain foods intended for infants and young children, as well as for inorganic arsenic in apple juice and infant rice cereal. The FDA has also issued draft action levels for cadmium and arsenic in other foods, and is developing guidance related to mercury in certain foods intended for infants and young children.² Given that action levels for some toxic

¹ Gerber. Accessed 26 Jan 2026. Available from: <https://www.gerber.com/tet>

³ Earth's Best. Accessed 26 Jan 2026. Available from: <https://www.earthsbest.com/producttesting>

⁴ Beech-Nut. Accessed 26 Jan 2026. Available from: <https://www.beechnut.com/product-testing-results/>

⁵ Plum Organics. Accessed 26 Jan 2026. Available from: <https://www.plumorganics.com/heavy-metals-test-results-for-pouches/>

⁶ Happy Family Organics. Accessed 26 Jan 2026. Available from: <https://www.happyfamilyorganics.com/product-finder-results/>

⁷ Sprout Organic Foods. Accessed 26 Jan 2026. Available from: <https://learn.sproutorganics.com/c/OSRK>

⁸ Parent's Choice (Walmart). Accessed 26 Jan 2026. Available from: <https://wm.traceabilitybabyfood.com/>

⁹ Good & Gather (Target). Accessed 26 Jan 2026. Available from: <https://help.target.com/help/SubCategoryArticle?childcat=Baby+%26+Toddler+Food&parentcat=Compliance&searchQuery=>

² Closer to Zero: Reducing Childhood Exposure to Contaminants from Foods. FDA. Published 26 Jan 2023. Updated 6 Jan 2025. Available from: <https://www.fda.gov/food/environmental-contaminants-food/closer-zero-reducing-childhood-exposure-contaminants-foods>

elements remain under development, it may be challenging for consumers to fully interpret testing results at this time.

Other states, including Virginia³ and Illinois,⁴ have followed Maryland and California⁵ by enacting similar legislation. California's law includes infant formula while Virginia's and Illinois's statutes exclude infant formula. None of these laws explicitly reference infant cereals.

Maryland has been on the forefront of consumer protection efforts related to toxic elements in foods intended for babies and children. The Department's Division of Environmental Sciences within the Laboratories Administration works closely with the FDA through the Laboratory Flexible Funding Model (LFFM) partnership to test food for toxic elements. This partnership began in 2020 and has been renewed to continue through 2030. Testing conducted through this partnership has resulted in numerous product recalls, including the nation's first recall for inorganic arsenic in apple juice—is the most consumed juice by children—and for lead in ground cinnamon. In 2023, the Department also supported the FDA's investigation into the lead-contaminated cinnamon applesauce outbreak that poisoned children across multiple states, including Rudy Callahan of Maryland, the namesake of Rudy's Law.

If enacted, this bill would have an operational impact on the Department. Expanding mandated testing to additional product categories would increase the number and types of products for which the Department could request testing information pursuant to section (d) of the statute.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,



Meena Seshamani, M.D., Ph.D.
Secretary

³ Baby Food Protection Act; testing and labeling requirements for toxic heavy metals, HB 1844, 165th Gen. Assemb., Reg Sess. (VA 2025). Available from: <https://lis.virginia.gov/bill-details/20251/HB1844>

⁴ Baby Foods - Toxic Heavy Metals, SB 73, 104th Gen. Assemb., Reg Sess. (IL 2025). Available from: <https://www.ilga.gov/Legislation/BillStatus?DocNum=73&GAID=18&DocTypeID=SB&LegId=157179&SessionID=114>

⁵ A.B. 899, 2023-2024 Biennium, 2023 Reg. Sess. (CA 2023). Available from: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB899