



TO: The Honorable Heather Bagnall, Chair
Members, House Health Committee
The Honorable Deni Taveras
FROM: Tom Neltner, National Director, Unleaded Kids
DATE: February 4, 2024
RE: **FAVORABLE SUPPRT WITH AMENDMENTS FOR HOUSE BILL 196
REGARDING BABY FOOD TESTING AND DEFINITION OF BABY FOOD**

My name is Tom Neltner. I am the National Director of [Unleaded Kids](#), a national organization focused on reducing children's lead exposure from all sources. I am a chemical engineer and a lawyer. I have worked on lead poisoning prevention for 30 years and on heavy metals in food issues for 15 years.

My efforts have been instrumental in getting FDA to investigate lead contamination in food in 2017 and launch its "[Closer to Zero](#)" program in 2021. FDA's Closer to Zero program is focused on reducing children's exposure to contaminants in food as low as possible while maintaining access to nutritious foods. It has prioritized cadmium, lead, mercury, and inorganic arsenic.

I was involved in passage of California's baby food testing and disclosure bill – [AB 899](#) – in 2023 upon which [Maryland's requirements](#) were based. And last year, Unleaded Kids cosponsored California's [SB 646](#) that applied the same test and disclose approach to prenatal vitamins. I have provided guidance on similar bills in other states.

In addition, Unleaded Kids partnered with Consumer Reports to evaluate baby food companies' compliance with California's AB 899 as test results began to be disclosed in 2025. We found problems that undermined the effectiveness of the program and may put those companies that disclosed at an unfair competitive disadvantage. See our [May blog](#) and [Consumer Reports' article](#) in August. Based on those findings, as discussed later, we propose two amendments to Maryland's bill.

Full Support for HB 196's Removal of Exemption for Infant Formula

Unleaded Kids fully supports HB 196. Removing the infant formula exemption is important. We thank Delegate Taveras for her ongoing leadership on this issue.

The version of California AB 899 that passed the House in 2023 originally covered infant formula, but the Senate was convinced to remove it for two reasons. First, the infant formula market was fragile after the [Abbott Nutrition recalls](#) and parents were still scrambling to find products. Those problems have passed.

In addition, unlike baby food, there was limited evidence that the levels of arsenic, cadmium, and lead varied significantly in infant formula. This variation is important because it means that

testing and disclosure of the product will empower parents to consider exposure to these toxic elements when choosing brands and selecting specific lots.

Studies released in the past year by Consumer Reports and by Florida Department of Health made clear that there is sufficient variation in arsenic, cadmium, and lead in infant formula to give parents real choices.

- [Consumer Reports](#) reported in March 2025 on testing of 41 types of powdered formula for a number of toxic chemicals, including arsenic, lead, bisphenol A, acrylamide, and PFAS. They said “some of the results were concerning: about half of the samples we tested contained potentially harmful levels of at least one contaminant. But it was also reassuring to see that the other half of the samples showed low or no levels of concerning chemicals – showing that there are many good options on the market.”
- Florida Department of Health as part of [Healthy Florida First](#) reported in January 2026 that it tested 24 infant formula products widely available in Florida. [Governor Ron DeSantis](#) said the Florida Department of Health “found elevated levels of heavy metals like mercury in 16, pointing to systemic problems in sourcing or manufacturing.”

There is now sufficient information to warrant removing the infant formula exemption from Maryland’s law so parents can make informed choices.

Proposed Amendments to Address Implementation Problems

We also ask that HB 196 be amended to address several problems Unleaded Kids and Consumer Reports found when researching baby food companies’ compliance with California’s AB 899 as test results began to be disclosed in 2025. After [initially finding](#) very low compliance, we reached out to the companies to press them to comply and to improve access to the test results. We also caught many errors in the data and worked with the companies to address problems.

Both the California and Maryland laws require that the companies make the testing results publicly available. However, many companies thought it was acceptable to require a parent to purchase the product or go to a store and look up the lot code on each product. One company required parents to enter up to 28 characters to find results. If one character was wrong, there were no results provided.

In May 2025, we reported that 8 of 39 companies were making the test results publicly available without requiring the consumer to purchase or go to a store to check the products. By August, that number increased to 19 and reached 20 in October.

In November 2025, the California Department of Health [clarified](#) that a parent may not be required to purchase a product to access the information. See our [blog](#) for details. Still, access remains a problem.

We also found almost all of the companies' webpages describing their products lacked a link to the testing results. We saw the same problem with third-party websites featuring the products, such as Target, Walmart or Amazon. As a result, parents unaware of the state laws or not using the QR code in the store would not know about the testing results.

For this reason, we request that HB 196 be amended to insert on page 3 of HB 196 between line 30 and 31, two new subparagraphs after (e)(2)(ii)2 that says:

(3) The toxic heavy metal testing information shall be available to the public without having to provide a UPC number, a lot number, or a proof of purchase.

(4) For a product sold online or directly to consumers that is shipped to consumers on or after January 1, 2027, the product details page for the product, on an internet website where the product is sold, shall include a statement that reads: "For information about toxic heavy metal testing on this product, visit" followed by a hyperlink to the internet website where the information required by subdivision (e)(1) is posted.

For more information, please contact Tom Neltner at tneltner@unleadedkids.org or 317-442-3973.

Sincerely,



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