Sen. Ellis Written Testimony SB0570.pdf
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Position: FAV

Arthur Ellis, CPA
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Charles County

Deputy Majority Leader

Finance Committee

Vice Chair, Rules Committee

Senate Chair
Joint Committee on the
Management of Public Funds

Senate Chair
Joint Committee on
Workers' Compensation Benefit and
Insurance Oversight

Senate Chair, Charles County Delegation

Chair, Select Committee Southern
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Sponsor Written Testimony: Favorable

Senate Bill 570: Public Health - Baby Food Testing - Definition of Baby Food

February 23, 2026

Dear Chair Beidle, Vice Chair Hayes, and fellow colleagues of the Senate Finance Committee:

I am writing to express my strong support for Senate Bill 570, which would redefine "baby food," require laboratory testing of such products, and make publicly available the results of such products to inform the decision-making process for families when feeding their infant.

In 2019, a nonprofit organization, Healthy Babies Bright Futures, conducted an independent study on baby food products. Their research determined that there was at least one toxic element found in 95 percent of tested products. In 2021, the U.S. House of Representatives, Oversight and Reform Committee reported that the toxic elements arsenic, lead, cadmium, and mercery were found in baby food products, in levels over the allowable amount determined by the U.S. Food and Drug Administration.[1] These toxic elements are especially harmful to infants and young children, as toxic elements can modify a developing brain and have been linked to problems with learning, cognition, and behavior.

The redesignation of baby food to include infant formulas and infant cereal is imperative as baby cereal containing grains and rice, are likely to contain toxic elements. As a well-known

[1] Bair E. C. (2022). A Narrative Review of Toxic Heavy Metal Content of Infant and Toddler Foods and Evaluation of United States Policy. *Frontiers in nutrition*, *9*, 919913. https://doi.org/10.3389/fnut.2022.919913

ingredient of cereal, cereal containing rice is commonly used after an infant is weaned from breast milk/ formula feeding. Given their high food intake compared to their low body weight, infants and young children are more vulnerable to toxic elements found in food compared to adults.

The bill also requires proficient laboratories to assess baby food products and produce the results to consumers. Baby food product manufacturers must package such products with a QR code or machine-readable code that consumers can readily access with the results of baby food products containing toxic elements. Manufacturers must also provide a link to the U.S. Food and Drug Administration webpage that details the risks associated with consuming toxic elements found in foods during infancy and young childhood.

This is a severe problem, affecting Maryland families and the growth and development of infants and young children. Maryland has a crucial role to play in securing the future of our children. Senate Bill 570 will ensure that Maryland families are provided with transparency around toxic elements found in infant formulas and infant cereals so that they are able to make informed decisions.

I request a favorable report on Senate Bill 570. Thank you for your consideration.

Sincerely,

Arthur Ellis, CPA

SB0570_FAV_MDAAP_PH - Baby Food Testing - Definiti

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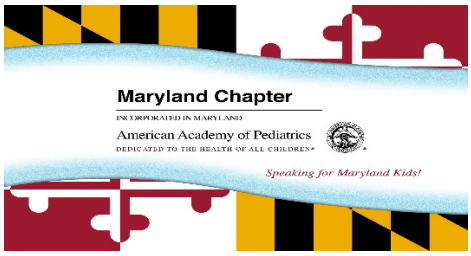
Position: FAV



Senate Finance Committee
February 25, 2026
Senate Bill 570 – *Public Health – Baby Food Testing – Definition of Baby Food*
POSITION: SUPPORT

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 570.

MDAAP strongly supports the bill's goal of expanding coverage under the prior heavy metals in baby foods law. It is entirely appropriate and necessary to include infant formula and infant cereals within the scope of required testing. Infants are uniquely vulnerable to toxic exposures during critical stages of development, and products intended to be a primary or sole source of nutrition must meet the highest safety standards.

In particular, the inclusion of infant cereals is a positive and well-justified step. Infant rice cereal has been repeatedly identified in past testing as a potential source of arsenic exposure, and expanding testing requirements will help reduce preventable risks to infants and young children.

Similarly, recent formula recalls have highlighted the importance of proactive safety measures in the infant formula supply. Ensuring that infant formulas are routinely tested for heavy metals is a reasonable and responsible safeguard that promotes child health and consumer confidence.

Senate Bill 570 represents a thoughtful expansion of existing protections and reflects a commitment to evidence-based public health policy. By strengthening oversight of products specifically designed for infants, the bill helps protect Maryland's youngest residents during a critical period of growth and development.

For these reasons, MDAAP urges a favorable report on Senate Bill 570.

For more information call:
Christine K. Krone
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
410-244-7000

SB0570_FAV_MedChi_PH - Baby Food Testing - Definit

Uploaded by: Drew Vetter

Position: FAV

MedChi

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Senate Finance Committee
February 25, 2026
Senate Bill 570 – *Public Health – Baby Food Testing – Definition of Baby Food*
POSITION: SUPPORT

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** Senate Bill 570. Senate Bill 570 expands the definition of "baby food" to explicitly include infant formula and infant cereal.

Protecting the health and development of Maryland's infants and young children is of paramount importance to our physician members. Exposure to toxic heavy metals, such as arsenic, lead, cadmium, and mercury during early childhood has been associated with adverse neurodevelopmental, cognitive, and long-term health outcomes. Senate Bill 570 represents a meaningful step toward reducing preventable exposure risks and improving transparency for families.

By expanding the definition of baby food to include infant formula and infant cereals, requiring regular testing for toxic elements, and mandating public disclosure of testing results, this legislation promotes accountability and informed decision-making. Parents and caregivers deserve clear, accessible information about the products they rely on to nourish their children. The bill's labeling and QR code provisions further enhance consumer access to safety information in a practical and modern way.

Importantly, Senate Bill 570 aligns with ongoing efforts by the U.S. Food and Drug Administration and other public health authorities to address heavy metal exposure in foods intended for infants and young children. Providing Maryland families with greater transparency will help build trust and encourage industry adherence to the highest safety standards.

MedChi urges a favorable report on Senate Bill 570.

For more information call:
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HM Global Regs Letterhead.pdf
Uploaded by: Craig Felner
Position: INFO

INFANT NUTRITION COUNCIL OF AMERICA

Heavy Metals Regulation: Infant Formula Global Landscape

In March 2025, the US Department of Health and Human Services announced Operation Stork Speed, an initiative that would, among other things, increase testing for heavy metals and other contaminants in infant formula and other foods children consume. This announcement builds upon a previously announced initiative by the US Food and Drug Administration (FDA) to set heavy metal limits in foods commonly eaten by babies and young children as part of their Closer to Zero Initiative. Infant Nutrition Council of America (INCA) supports these efforts. In the meantime, our members already have established heavy metal limits and regularly test for them as part of our longstanding commitment to provide safe, high quality infant formula products. In addition to adhering to these limits, in line with international standards and regulatory limits, and conducting routine testing, our members also comply with FDA's Good Manufacturing Practice (GMP) and quality-related regulations for food (21 CFR 110 and 21 CFR 117) and infant formula (21 CFR Part 106), which requires that manufactures conduct a hazard analysis and establish risk-based preventive controls (including of raw material hazards such as potential for heavy metal contamination). As part of these obligations, infant formula manufacturers identify potential risks for heavy metals and monitor heavy metal levels across raw materials and finished product. Heavy metals, in trace amounts, have always been a part of the human diet. They exist in the environment and may be absorbed or ingested by the plants and animals from which food ingredients (including formula ingredients) are sourced. Heavy metals are found in fruits, vegetables, meat, and seafood – even when organically grown or raised – and in human breast milk. Our members have protocols in place to reduce the presence of these substances in ingredients to ensure that any trace levels in finished infant formula remain safe for consumption and meet international standards and regulatory limits.

For specific heavy metals addressed in Maryland HB 196, maximum levels have already been established for infant formula in the European Union (EU), Canada, and Australia/New Zealand (FSANZ). But even among other countries, there is variation on which environmental contaminants to monitor. The EU sets the most extensive maximum allowable limits for infant formula contaminants, including lead, cadmium and arsenic. By comparison, Australia has proposed maximum limits for only 4 infant formula contaminants (lead, vinyl chloride, aluminum, and acrylonitrile) in its own 2023 updated review on the regulation of infant formula products. For Canada, maximum limits are set for lead (0.01 ppm) in infant formula. Codex Alimentarius (Codex), an international food standards body established by the Food and Agriculture Organization (FAO) and World Health Organization (WHO) provides another reference with recently updated lead contaminant limits for infant formula. It is important to note that in countries where standards have been set, there is no labeling requiring disclosure of testing results to consumers due to the fact that consumers cannot interpret this data and its relationship to human health.

INFANT NUTRITION COUNCIL OF AMERICA

	US FDA Closer to Zero	**European Commission** EU 2023/915	**Health Canada** NOM/ADM C-2020-2	**Codex** CXS 193-1995	**FSANZ** Schedule 19
Inorganic Arsenic	No limit established	0.020 ppm, as powder 0.010 ppm, as liquid	No limit established	No limit established	No limit established
Cadmium	No limit established	0.010 ppm, cow milk-based powder 0.005 ppm, cow milk-based liquid 0.020 ppm, soy- or soy + cow milk-based powder 0.010 ppm, soy- or soy + cow milk-based liquid	No limit established	No limit established	No limit established
Lead	No limit established	0.020 ppm, as powder 0.010 ppm, as liquid	0.01 ppm, as-fed	0.01 ppm, as-fed	0.01 ppm, as-fed
Mercury	No limit established	0.01 ppm, as-fed*	No limit established	No limit established	No limit established

* EU regulates mercury as a pesticide residue and does not have a specific regulatory limit for infant formula. However, the default pesticide limit of 0.01 ppm (as-fed) would apply to mercury in infant formula per Commission Delegated Regulation EU 2016/127

INCA Testimony Maryland SB 570.pdf
Uploaded by: Craig Felner
Position: INFO

INFANT NUTRITION COUNCIL OF AMERICA

Testimony re: Maryland Senate Bill 570

INCA represents several of the leading domestic manufacturers of infant formula. For more than 50 years, INCA has advocated for optimal infant health and the critical role of infant nutrition, supported families in their feeding decisions, and provided evidence-based information to educate stakeholders on appropriate infant feeding options. Infant formula is the most highly regulated food in the U.S. food supply, and INCA members take the commitment to deliver safe formulas to the most vulnerable population very seriously. Safety and quality are our top priority.

Infant formula is produced under rigorously controlled conditions supported by robust, validated food safety management systems. Quality assurance activities are implemented throughout all production steps to ensure full compliance with applicable national and international regulations to maintain the highest standards of safety and quality. The comprehensive quality testing that infant formula goes through before release is the most extensive of any food category.

Our industry already tests for heavy metals as part of our longstanding commitment to provide safe, high quality infant formula products. As the results of those tests show, our products comply with heavy metals standards established by the European Food Safety Authority, the European Commission, Joint FAO/WHO Expert Committee on Food Additives, and Codex.

In addition to our testing under international standards, there are current FDA regulations that help guard against high levels of heavy metals in infant formula. The FDA's Infant Formula Good Manufacturing Practices (21 CFR Part 106) and regulations established under The Food Safety Modernization Act (promulgated in 21 CFR Part 117) requires that manufactures conduct a hazard analysis and establish risk-based preventive controls (including of raw material hazards such as potential for heavy metal contamination). As part of these obligations, infant formula manufacturers identify potential risks for heavy metals and monitor heavy metals across raw materials and finished product batches.

Heavy metals, in trace amounts, have always been a part of the human diet. They exist in the environment and may be absorbed or ingested by the plants and animals from which food ingredients (including formula ingredients) are sourced. Heavy metals are found in fruits, vegetables, meat, and seafood – even when organically grown or raised – and in human breast milk. This is why infant formula manufacturers have protocols in place to reduce the presence of these substances in ingredients to ensure that any trace levels in finished infant formula remain safe for consumption and satisfy all relevant regulatory requirements including the FDA, WHO, EU, and Codex.

INCA members recognize their obligation to provide products that are both safe and nutritious and can be used with utmost confidence. For these reasons, INCA would like to share our concerns with HB 196. HB 196 would alter the definition of "baby food" under Maryland's recently enacted baby-food testing law (Maryland Code Ann. 21-330.4) "to include, rather than exclude, infant formula."[1] If enacted, HB 196 would require infant formula manufacturers to post

[1] https://mgaleg.maryland.gov/2026RS/bills/hb/hb0196f.pdf.

quantitative testing results for certain heavy metals on their public websites—as sellers of nonformula baby foods currently must do under that law.

While INCA appreciates the intent of HB 196, this proposal overlooks important differences between infant formula and the baby foods currently covered by HB 196. Infant formula is already highly regulated under federal law in a way that other baby foods are not. There have been no congressional reports asserting elevated levels of heavy metals in infant formulas, as there have been for certain non-formula baby foods. According to both FDA and industry testing, heavy metals are present in infant formula at trace levels that are far lower than those that have been reported in many non-formula baby foods. Indeed, the FDA stated in March 2025 that its recent testing "d[id] not indicate that [heavy metals] are present in infant formula at levels that would trigger a public health concern."[2]

Moreover, the FDA is still in the process of determining action levels for heavy metals in infant formulas—unlike non-formula baby foods, for which certain action levels have already been established. For example, the FDA has already proposed or finalized action levels for lead in non-formula baby foods, and for arsenic in children's juices and infant rice cereals, but infant formulas are expressly excluded from these guidances.[3] The FDA announced its intent to set formula-specific action levels in March 2025 as part of the its Operation Stork Speed—an effort we support. And just recently, the Department of Health and Human Services announced that it will publish a report in April 2026 addressing cadmium, mercury, and lead in infant formula—a precursor to setting federal action levels.

Requiring infant formula manufacturers to post quantitative testing results before the FDA has announced any action levels for formula is more likely to cause unwarranted confusion or alarm than to provide helpful information. Absent FDA guidance, a number like "1 part per billion cadmium" would not communicate anything meaningful to parents about the formula's safety or compliance with FDA regulations. To date, all states that have adopted similar disclosure statutes for baby foods have chosen to exclude infant formula from those requirements, at least until the FDA issues action levels. California, for example, amended its bill to exclude infant formula, finding "merit to the concern" that posting quantitative test results where "the FDA has [not yet] adopted guidance" could "cause confusion among consumers on how to process the information that is presented."[3] This, in turn, could conceivably lead parents and caregivers to resort to alternative feeding options (such as homemade formulas) that do not meet FDA safety and quality standards for complete nutrition in infants and lack the nutrients necessary for infant growth and development, which can be dangerous to infants' health and wellbeing.

We are also concerned that HB 196 would require infant formula to bear a statement about "toxic element testing." The word "toxic" is not only inaccurate as it relates to trace levels of heavy metals in infant formula but potentially alarming for parents. Again, the FDA has stated that heavy metals in infant formula do not indicate "a public health concern." Absent such a demonstrated concern requiring formulas to bear the word "toxic" might mislead parents and

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[2] https://www.usatoday.com/story/money/2025/03/19/infant-formulas-lead-arsenic-consumer-reports/82372887007/.

[3] *See, e.g.*, FDA, Action Levels for Lead in Processed Food Intended for Babies and Young Children: Guidance for Industry at 3 note 2, https://www.fda.gov/media/164684/download.

[3] California Assembly – Committee on Health, AB 899 Bill Analysis at 11, March 28, 2023, available at https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240AB899

caregivers into thinking that these products are unsafe, and/or jeopardizing infant with alternatives that truly are unsafe. We do not recommend any actions that might unjustifiably erode confidence in U.S. infant formula products; inadvertently threaten infants' health; and further strain the availability of safe infant formula products that meet all FDA regulatory requirements. Further, it is worth noting any product labeling changes required to comply with Maryland law would be functionally required nationwide as retail partners determine product distribution, not infant formula manufacturers. This, too, counsels in favor of keeping Maryland's current approach, which mirrors the approach taken by California, Virginia, and Illinois (which represents almost 20% of the U.S. population).

INCA members look forward to working with the FDA to establish action levels for heavy metals in infant formula, and to enhance public awareness about the protective measures already in place across the infant formula industry. INCA believes that this measure is premature and would inadvertently harm not only Maryland's parents and infants but also have this same effect at the national level. The use of the word "toxic" should be avoided to as it would alarm parents as stated previously. We recommend the Committee take time to consider the unintended consequences of the legislation as drafted. INCA members welcome an opportunity to work with you and your staff on HB 196 to ensure that parents and caregivers that rely on infant formula have access to science-based information and continue to trust formula products to meet their child's needs.

SB570 Baby Food Testing LOI.pdf
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Chief of Staff

IRNISE WILLIAMS
Deputy Unit Director

February 23, 2026

To: The Honorable Pamela Beidle, Chair
Finance Committee

From: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

Re: Senate Bill 0570 - Public Health - Baby Food Testing - Definition of Baby Food-
LETTER OF INFORMATION

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) submits a letter of information on SB570. This bill would expand the definition of baby food to include infant formula and infant cereal, making all products subject to the following legal requirements:

- Prohibiting the sale, distribution, or offer for sale of baby food that contains toxic heavy metals that exceed the limits established by the U.S. Food and Drug Administration (FDA).
- Testing a representative sample of each production aggregate of the manufacturer's final baby food product for each toxic heavy metal.
- Website transparency about the levels of toxic heavy metals present in baby food.

Testing would help identify harmful metals in infant formulas and cereal, prevent the sale of products that exceed FDA limits, create transparency for families who use these products, and prevent harm if consistent issues are found among certain manufacturers. Testing by public interest groups and the FDA has repeatedly shown the presence of heavy metals in baby food products. For example, Consumer Reports tested 41 types of powdered formula and found that about half contained potentially harmful levels of at least one contaminant.

In February 2021, the U.S. House Oversight and Reform Committee's Subcommittee on Economic and Consumer Policy published a report finding high levels of toxic heavy metals — including arsenic, lead, cadmium, and mercury — in baby foods sold by major manufacturers.

A follow-up report in September 2021 urged the FDA to set limits for these metals in baby foods.

Following these reports, this Office, along with a group of twenty or more other State Attorneys Generals, wrote letters to the FDA and USDA in October 2021, June 2022, and February 2024 urging immediate action to reduce heavy metal levels and provide industry guidance on testing.

In April 2021, the FDA announced its "Closer to Zero" plan, committing to propose action levels for lead, arsenic, cadmium, and mercury. While lead guidance was issued in January 2025, other deadlines have since been removed from the FDA's website. The FDA and the World Health Organization have declared that inorganic arsenic, lead, cadmium, and mercury are toxic heavy metals dangerous to human health, particularly for babies and children, who are most vulnerable to their neurotoxic effects. Even low levels of exposure can cause serious and irreversible damage to brain development.

Thank you for considering this information as you review SB570.

cc: Senator Arthur Ellis

SB 570 - FIN - MDH- LOI.docx.pdf
Uploaded by: Meghan Lynch
Position: INFO

Maryland
DEPARTMENT OF HEALTH

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

February 25, 2026

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

RE: Senate Bill 570 – Public Health - Baby Food Testing - Definition of Baby Food – Letter of Information

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for Senate Bill (SB) 570 - 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 Virginia[3] and Illinois,[4] have followed Maryland and California[5] 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 of Health

[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