

**For Immediate Release:**

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## **Attorney General Balderas Demands Swift Federal Action to Protect Children from Toxic Metals in Baby Foods**

*ALBUQUERQUE* – New Mexico Attorney General Hector Balderas joined a multistate coalition of 22 attorneys general in calling on the heads of the U.S. Food and Drug Administration (FDA) and Department of Agriculture (USDA) to take swift action to eliminate toxic metals from baby food. In a letter to FDA Commissioner Robert M. Califf, Deputy Commissioner Frank Yiannis, and USDA Secretary Tom Vilsack, the coalition outlines key strategies for the federal agencies that would allow them to take immediate and widespread action that would drive down the levels of dangerous toxic metals in food for babies and young children. This is the latest action in a series of efforts in response to increasing alarm regarding the health hazards posed by lead, arsenic, cadmium, and mercury in baby foods, including cereals, purees, and other products for babies and young children, aside from formula.

“It is appalling that parents cannot trust the safety and health standards for baby food, and I strongly urge these agencies to take immediate steps to ensure that products for babies and young children are free from contaminants,” said Attorney General Balderas.

The FDA has set or proposed limits on toxic metals in a wide variety of other consumable products — such as bottled water, juice, and candy — but the agency has failed to adequately regulate baby food. So far, the agency has established only one action level for one type of toxic metal (inorganic arsenic) in one type of baby food product (infant rice cereal), despite FDA concluding years ago that babies’ and young children’s smaller bodies and metabolisms make them more vulnerable to the harmful neurological effects of these toxic metals. As a result, United States baby food manufacturers are left to self-regulate the amounts of lead and other toxic metals in their products. In fact, it remains up to the manufacturers to decide whether to even test their products for these contaminants. Attorney General Balderas is currently suing several of the largest baby food manufacturers for failing to inform the public about the dangers of these metals and how much of these metals are contained in their products.

In April 2021, FDA announced the “Closer to Zero” plan, under which the agency committed to proposing “action levels” for lead in various baby foods by April 2022, inorganic arsenic in various baby foods by April 2024, and cadmium and mercury

sometime after April 2024. However, the coalition notes that the plan is already behind schedule, since the FDA failed to propose lead action levels by the April deadline. This delay is both a public health concern and a matter of environmental justice, as low-income children and children of color are disproportionately impacted by lead through exposures to lead-based paint, lead in drinking water pipes, and other sources. Lead in their food only exacerbates the existing inordinate and inequitable hazards these children face.

In their letter, the coalition urges the federal government to adopt interim measures recommended in the coalition's [October 2021 petition](#), which urged FDA to issue clear industry guidance for limiting toxic metals, such as:

- Propose interim limits for inorganic arsenic, lead, cadmium, and mercury in relevant categories of infant and toddler foods;
- Propose a lower limit for inorganic arsenic in infant rice cereal than that currently set forth in FDA guidance; and
- Provide guidance to all baby food manufacturers to test their finished products for toxic metals.

The FDA denied the petition, but earlier this month, the coalition asked FDA to expeditiously reconsider its denial of that petition.

Joining Attorney General Balderas in sending this letter to FDA and USDA leadership are the attorneys general of New York, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, Maryland, Michigan, Minnesota, New Jersey, Nevada, North Carolina, Oregon, Pennsylvania, Vermont, Washington, and Wisconsin.

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