



Chair Lyons and Members of the Senate Health and Welfare Committee,

My name is Anna Seuberling, Environmental Advocate with the Vermont Public Interest Group (VPIRG). Thank you for inviting me to submit written testimony on **H.536, a bill addressing toxic heavy metals in baby food products.**

Following the bill's overview a few weeks ago, I understood the key questions to be: how does H.536 work in practice alongside the authority of the FDA and how does it fit into the broader policy landscape across the U.S.?

As you've previously heard, policies like H.536 have been driven by unfortunate real-world harm. In 2023, several children were [poisoned by lead-contaminated applesauce](#) with cinnamon containing very high lead levels. This tragedy highlighted gaps in oversight and underscored the need for stronger safeguards. It also demonstrated how **contamination, whether from ingredients or supply chains, can reach consumers without adequate testing requirements in place.**

Currently, the **FDA does not require mandatory testing of baby foods for toxic heavy metals**, nor does it have comprehensive, enforceable limits across all contaminants and products. Instead, through their [Closer to Zero](#) initiative, the agency provides nonbinding guidance to manufacturers, including action levels for certain contaminants. **These action levels are [not legally enforceable](#)** and do not require manufacturers to test or publicly report results.

Importantly, the FDA sets a regulatory floor, not a ceiling. States have clear authority to establish stronger consumer protections. In recent years, **states including California, Maryland, Illinois, and Virginia have enacted laws requiring testing and disclosure of heavy metals in baby food.** These laws send a strong signal that federal guidance alone is not sufficient, and that parents and caregivers deserve greater transparency.

H.536 follows this same model. It requires manufacturers to conduct testing and to make those results accessible, often through labeling such as QR codes. Many national brands are already complying with similar requirements in other states, meaning these products—and their disclosures—are increasingly present on store shelves here in Vermont.

At its core, this bill does two things. First, it ensures testing is conducted so companies understand what is in their products and can take steps to reduce contamination. Second, it ensures transparency, so parents and caregivers can make informed choices.

This is critical because exposure is not hypothetical. A [Consumer Reports](#) analysis of 50 baby and toddler foods found that about two-thirds contained worrisome levels of at least one toxic heavy metal—arsenic, cadmium, lead, or mercury. Fifteen of those products could pose potential health risks to a child with regular consumption, even at less than one serving per day.

Finally, I want to emphasize that waiting for federal action is not a viable strategy. As Brian Ronholm of Consumer Reports testified in the House Committee on Agriculture, Food Resiliency and Forestry, meaningful FDA regulation will take time. As he put it, **“Consumers can’t afford to wait; states can’t afford to wait.”**

Vermont has the opportunity to build on the leadership of states like California, Maryland, Illinois, and Virginia by advancing a **practical, proven policy that increases transparency and helps protect children’s health.**

Thank you for your consideration of H.536. Please do not hesitate to reach out if you have further questions.

Sincerely,

Anna Seuberling

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