



Thank you for inviting me to submit written testimony on H.536, a bill addressing heavy metals in baby foods. My name is Justin Marsh, I'm political director at Vermont Conservation Voters (VCV) and also the lead on democracy and toxics legislation for my organization.

I want to focus and offer context as to how we got to this place of heavy metals in baby foods. While there are horrible cases of intentionally added metals to food, and I will get to that later, it's simply not the norm, thankfully. But we know, regardless of how they get into the food, these contaminants are still there. What this bill does is make sure the testing is done and that consumers have access to the information to inform their purchasing decisions and the potential health implications. There is no known safe level of exposure to some of these metals, particularly lead.

Even at low levels, exposure during early childhood can have lasting consequences. 2019 research by Healthy Babies Bright Futures shows these contaminants are associated with impaired brain development, reduced IQ, behavioral challenges, learning disabilities, and increased risks of cancer and other chronic diseases. Infants are especially vulnerable because their bodies and brains are still developing, and they consume more food relative to their body weight than adults.

So how do these contaminants enter baby food? There are multiple pathways, many of which are systemic and preventable:

Heavy metals occur naturally in soil, water, and air, but decades of industrial activity, fossil fuel use, and economic poisons such as pesticides have significantly increased their prevalence. Crops absorb these metals from contaminated soil and irrigation water. Certain foods, like rice, root vegetables, and leafy greens - common in baby foods - are especially prone to accumulating arsenic and cadmium.

However, as I mentioned earlier, there have been investigations that have shown that some manufacturers knowingly used ingredients with elevated levels of heavy metals, underscoring gaps in oversight and accountability.

In October 2023, the US FDA identified that cinnamon used in applesauce pouches was likely intentionally contaminated with lead and chromium. This was found to be done by the Ecuadorian cinnamon supplier to increase its weight since the spice is sold by the pound. This food fraud resulted in over 500 cases of high blood lead levels in children across the U.S.

While individual exposures may often fall below acute toxicity thresholds, the cumulative and chronic nature of exposure - across multiple foods and over critical developmental windows - is what makes this a serious public health concern.

Thanks to states that have already passed similar legislation, Vermonters are already able to access more transparent testing, as producers have complied with other state laws. Vermont has an opportunity to return the favor by adding infant formula to our legislation. While I appreciate the thresholds the House Committee Amendment outlines - including infant formula shall California or two other states in the union were to include it. But we don't need to wait. The market will shift even though Vermont is so small. Don't discredit our power. We've been the leader, thanks in part to this very committee, on countless toxics reforms and seen other states follow suit soon after. It just takes one, and Vermont should be that state.

You may hear from industry that it may create a shortage. This bill includes levers for the AG's office to pull should we face that situation. Industry may also tell you that their formula is already being rigorously tested. Well then good - provide the results to consumers. If there's nothing to hide, then why hide?

Thank you.

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