



TO: Vermont Senate Health and Welfare Committee
FROM: Tom Neltner, National Director, Unleaded Kids
DATE: April 21, 2026
RE: STRONG SUPPORT FOR HOUSE BILL 536 REGARDING TOXIC HEAVY METALS IN BABY FOOD PRODUCTS

Unleaded Kids strongly supports your bill (H.536) requiring baby food manufacturers to:

- Test each lot of their products for arsenic, cadmium, lead, and mercury to at least six parts per billion at a laboratory that demonstrates proficiency to a third-party.
- Make test results and descriptive information publicly available on their websites for the duration of the product's shelf life plus one month.
- Provide a QR code on the product label linking to the test results webpage when FDA establishes an action level or other limit for one of the four toxic elements.

In addition, the bill empowers your attorney general to 1) obtain the testing results from baby food manufacturers on request; 2) act when FDA limits are exceeded; and 3) determine if and when infant formula manufacturers should test and disclose based on criteria provided in the bill.

Status of Efforts to Reduce Arsenic, Cadmium, Lead, and Mercury in Food

Environmental Defense Fund, Consumer Reports, and others have been instrumental in compelling the FDA to investigate lead contamination in food in 2017 and then launch its "[Closer to Zero](#)" program in 2021. As part of FDA's program, the agency is focused on reducing children's exposure to contaminants in food as low as possible while maintaining access to nutritious foods. The program has prioritized cadmium, lead, mercury, and inorganic arsenic.

On January 1, 2025, pursuant to a California law enacted in 2023, baby food companies were required to make publicly available on their websites their test results for arsenic, cadmium, lead, and mercury. Note that that law exempted infant formula for reasons described below.

Starting in November 2024, Unleaded Kids and Consumer Reports reached out to the baby food companies to encourage them to comply with the new requirements, track compliance, and provide feedback. Our efforts culminated in a [May 2025 blog](#) by Unleaded Kids and an [August 2025 article](#) by Consumer Reports that tracked compliance with the California law by the baby food companies. We found that roughly half of the 39 baby food companies were making the test results publicly available, up from a handful at the start of the year. We continue to update the results.

The Testing and Disclosure Approach is Successful

The testing and disclosure approach in California's law has been incredibly successful at providing a market incentive for baby food brands to reduce toxic elements in products by giving parents the opportunity to choose items with the lowest levels that still meet their child's nutritional needs. We have seen contaminant levels in a company's portfolio of products steadily go down as they found ways to improve their ingredient sourcing and processing. In addition, some companies have aggressively marketed their low levels and their transparency.

This approach complements FDA's efforts well for toxic elements like lead, arsenic, and mercury where there is no known safe level. FDA sets toxic element action levels designed to remove from the market only the worst of the worst of products. Typically, the action levels are designed to ensure that 90 to 95% of products in the market can comply rather than strictly basing them on health. Unlike California's law, they do not drive contamination closer to zero and could be seen as giving permission to companies that simply meet the action level.

When the California law was being considered, there were concerns that parents would overreact to product labels indicating that toxic elements might be present or when they saw the test results showing measurable levels of lead or arsenic. Some claimed that parents would avoid buying baby foods and choose homemade or go with adult foods for the child.

These concerns appear to be unfounded. The baby food market is thriving. No companies reported a backlash to us in our candid conversations with the baby food companies. And many companies have used the test results to provide necessary context to parents so they can make informed choices.

We anticipate parents would respond similarly to learning about toxic elements in infant formula.

Why It's Important to Include to Infant Formula in H.536.

The version of the California bill 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.

Second, 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 the product testing and disclosure empowers 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 make 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." While the levels for cadmium were below levels of concern and levels of mercury were below the limit of

detection, we did find concerning levels of arsenic and lead in a significant number of samples.

- 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.”
- [Consumer Reports](#) reported in March 2026 on tests of 49 infant formula products for the same contaminants we tested for in our March 2025 story. We “detected contaminants at potentially concerning levels in 26 of 49 formulas.” However, one-third of the liquid and ready-to-eat formulas had “contaminant levels that were very low or not detected”, and so were our top choices, as were over half of the powdered formulas. We also [tested](#) for aluminum and results ranged from non-detect to 4400ppb.

There is now sufficient information to warrant requiring testing and disclosure for infant formula consistent with the California law because: 1) the levels found in infant formula are significant; and 2) they are sufficiently different in brands to give parents real choices.

Parents want to know. Recent polling results on infant formula and baby food testing from Consumer Reports highlights how this bill can be helpful to consumers. In a national survey, 86 percent said they were at least somewhat concerned about toxic elements in infant formula and baby food; 63% said they were "very concerned" and **90 percent said that infant formula and baby food manufacturers should be required to test for toxic elements and report the results.** It's very clear that parents desire transparency. Consumer Reports will provide the survey report on request.

In response to the emerging evidence, the California legislature is currently considering a bill ([AB 2302](#)) to remove that exemption. It is poised to pass the Assembly. We anticipate the Senate will be supportive.

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

Sincerely,



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