

Chairman Frank Pallone, Jr., Chairman  
U.S. House Committee on Energy and Commerce

Cathy McMorris Rodgers, Ranking Member  
U.S. House Committee on Energy and Commerce

Carolyn B. Maloney, Chairwoman  
U.S. House Committee on Oversight and Reform

James Comer, Ranking Member  
U.S. House Committee on Oversight and Reform

May 17, 2021

Dear Chairman Pallone, Ranking Member McMorris Rodgers, Chairwoman Maloney, and Ranking Member Comer,

We are members of Project TENDR (Targeting Environmental Neuro-Development Risks), a group of scientists, health professionals, and children's and environmental advocates concerned about the potential contributions of environmental chemicals to neurodevelopmental disorders such as intellectual and learning disabilities, autism spectrum disorder, and attention deficit hyperactivity disorder.

Heavy metals, including inorganic arsenic, lead, cadmium, and mercury, are chemicals of particular concern to us with regard to children's health. No known "safe" level of these toxicants exists. These are non-essential elements with extensive evidence of human toxicity, most notably neurodevelopmental disorders in children. Therefore, we are writing to endorse the Baby Food Safety Act of 2021 -- introduced by Mr. Krishnamoorthi and Mr. Cardenas in the House as HR 2229 and Ms. Klobuchar and Ms. Duckworth in the Senate as S1019 -- which seeks to amend the Federal Food, Drug, and Cosmetic Act to limit the presence of toxic elements in foods for children less than 36 months of age.

HR2229/S1019 is strong, evidence-based legislation that will reduce the risks of foodborne chemicals to children. Importantly, it includes provisions that insure that regulations will evolve to remain adequately protective as new knowledge emerges about these risks. In the short-term, the bill establishes provisional maximal allowable concentrations for the four heavy metals in infant and toddler foods and defines a process for periodic review of these action levels to ensure that they reflect current knowledge about these chemicals. Moreover, recognizing that new hazards to children's neurodevelopment might be identified, the bill also permits the Secretary of HHS to develop regulations for other chemicals not identified in HR2229/S1019 if the evidence warrants. We also support the provisions of the bill requiring manufacturers to comply with the action levels, to conduct testing of their final products for the heavy metals, and to increase the transparency of these processes by mandating semi-annual public disclosure of the testing results.

In summary, we at TENDR support HR2229/S1019 whole-heartedly, viewing it as an important step toward protecting children's brains from the harmful effects of exposure to toxic heavy metals. The harms are long-lasting and reduce the likelihood that children will be able to fulfill their potential.

These exposures are preventable and should not be tolerated in a just society. Many years ago, the microbiologist Rene Dubos made comments regarding childhood lead poisoning that are apposite to the issue of heavy metals in children's foods: ". . . the problem is so well-defined, so neatly packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it."

Sincerely

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