

SENATE CONCURRENT RESOLUTION No. 144

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Memorializes President and Congress to require FDA to establish standards regulating levels of toxic metals in baby food.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** memorializing the President and
2 Congress of the United States to require the Food and Drug
3 Administration to establish standards regulating the levels of
4 toxic metals in baby food.
5
6 **WHEREAS**, Toxic metals are heavy, dense metals naturally found in
7 the Earth such as arsenic, cadmium, mercury, beryllium, and lead
8 which in large amounts can lead to serious diseases and conditions
9 in adults such as lung cancer, pulmonary fibrosis, stomatitis,
10 osteomalacia, permanent kidney and nervous system damage, and
11 even cause death; and
12 **WHEREAS**, Children exposed to toxic metals in large amounts may
13 develop serious diseases and conditions unique to their life stage
14 such as slow growth and developmental deficiencies, decreased IQ,
15 learning disabilities, behavioral problems, attention disorders, and
16 many of the same serious life-threatening diseases which affect
17 adults exposed to toxic metals; and
18 **WHEREAS**, The federal Food and Drug Administration (FDA) does not
19 regulate the levels of toxic metals permitted in commercial baby
20 food except for arsenic in rice cereal, despite regulating the amount
21 of toxic metals in many other commonly sold products like bottled
22 water; and
23 **WHEREAS**, The lack of FDA regulations has led to high levels of toxic
24 metals in commercial baby foods such as rice cereals, juices, and
25 sweet potato puree, and many more products produced by well-
26 known and trusted makers of baby food; and
27 **WHEREAS**, Companies producing baby food have established their
28 own individualized toxic metal testing criteria due to the lack of
29 uniform national testing standards which has led to many
30 companies to test the levels of toxic metals in ingredients which
31 tend to have lower levels of toxic metals as opposed to the final
32 product due to additives like vitamins; and
33 **WHEREAS**, Commercial baby food would be much safer for
34 consumption if the FDA established uniform national standards
35 regulating the levels of toxic metals permitted in baby food and
36 established testing criteria and guidelines for companies producing
37 baby food products; and
38 **WHEREAS**, The FDA has stated its intent to produce guidelines
39 regarding arsenic and lead in juices and increase inspections and
40 testing of baby food, however the FDA has not committed to
41 expanding lead and arsenic testing of other baby food products,
42 testing for other toxic metals potentially found in baby foods, and
43 establishing uniform testing criteria for the makers of baby food;
44 and
45 **WHEREAS**, The FDA should establish standards regulating the levels
46 of all harmful toxic metal levels in baby foods to prevent life-
47 threatening diseases and conditions in children and should ensure

1 companies producing baby food are following uniform testing
2 criteria to test their products for toxic metals; now, therefore,

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4 **BE IT RESOLVED** by the Senate of the State of New Jersey (the
5 General Assembly concurring):

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7 1. The President and Congress of the United States are
8 respectfully memorialized to require the FDA to establish standards
9 regulating the levels of toxic metals allowed in commercial baby
10 food.

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12 2. Copies of this resolution, as filed with the Secretary of State,
13 shall be transmitted by the Clerk of the General Assembly or the
14 Secretary of the Senate to the President and Vice President of the
15 United States; the Majority and Minority Leaders of the United
16 States Senate; the Speaker and Minority Leader of the United States
17 House of Representatives; and every member of the New Jersey
18 congressional delegation.

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STATEMENT

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23 This concurrent resolution memorializes the President and
24 Congress to require the federal Food and Drug Administration
25 (FDA) to establish standards regulating the levels of toxic metals
26 allowed in commercial baby food. Toxic metals are highly
27 poisonous to adults in large quantities and have an even more
28 pronounced negative effect on children. Toxic metals can affect a
29 child's growth and development, may cause learning disabilities,
30 behavioral problems, attention disorders, and many of the same
31 devastating diseases seen in adults exposed to toxic metals such as
32 cancer.

33 Despite the dire consequences of toxic metal exposure in
34 children, the FDA does not regulate the levels of toxic metals
35 allowed in common commercial baby foods. The FDA has also not
36 established uniform testing criteria of toxic metals in commercial
37 baby food. Instead, companies determine their own testing criteria
38 of baby food products and many companies only test the levels of
39 toxic metals in ingredients. This often leads to inaccurate reports
40 on the levels of toxic metals present in the final product sold to the
41 consumer due to additives such as vitamins. Due to the lack of
42 uniform national regulations and testing criteria, toxic metals are
43 found in the majority of commercially available baby foods in
44 levels considered unsafe by many professionals. In response, the
45 FDA has stated its intent to regulate arsenic and lead in juices and
46 increase inspections and testing of baby food. However, the FDA
47 has not announced plans to test other baby food products for lead
48 and arsenic. The FDA has also not announced plans to test baby

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1 food for other potential disease causing toxic metals and has not
2 determined a plan to establish uniform testing criteria for
3 companies to follow. To remedy the issue, the FDA should begin to
4 regulate the levels of toxic metals in all baby food and establish
5 uniform testing criteria that companies
6 producing baby food can follow.