



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

HOLLY T. SHIKADA
ATTORNEY GENERAL

For Immediate Release
June 28, 2022

News Release 2022-25

Attorney General Shikada Demands Swift Federal Action to Protect Children from Toxic Metals in Baby Foods

HONOLULU – Hawai'i Attorney General Holly T. Shikada joined a multistate coalition of 22 attorneys general in calling on the heads of the U.S. Food and Drug Administration (FDA) and Department of Agriculture (USDA) to take swift action to eliminate toxic metals from baby food. In a letter to FDA Commissioner Robert M. Califf, Deputy Commissioner Frank Yiannis, and USDA Secretary Tom Vilsack, the coalition outlines key strategies for the federal agencies that would allow them to take immediate and widespread action that would drive down the levels of dangerous toxic metals in food for babies and young children. This is the latest action in a series of efforts in response to increasing alarm regarding the health hazards posed by lead, arsenic, cadmium, and mercury in baby foods, including cereals, purees, and other products for babies and young children, aside from formula.

“The dangers of toxic metals such as lead, cadmium, mercury and others have been known for decades, but have not been adequately regulated in food for infants and young children,” Attorney General Shikada said. “The FDA must take immediate action in setting acceptable standards to protect our children from the harmful effects of toxic metals.”

The FDA has set or proposed limits on toxic metals in a wide variety of other consumable products — such as bottled water, juice, and candy — but the agency has failed to adequately regulate baby food. So far, the agency has established only one action level for one type of toxic metal (inorganic arsenic) in one type of baby food product (infant rice cereal), despite FDA concluding years ago that babies' and young children's smaller bodies and metabolisms make them more vulnerable to the harmful neurological effects of these toxic metals. As a result, United States baby food manufacturers are left to self-regulate the amounts of lead and other toxic metals in their products. In fact, it remains up to the manufacturers to decide whether to even test their products for these contaminants.

In April 2021, FDA announced the “Closer to Zero” plan, under which the agency committed to proposing “action levels” for lead in various baby foods by April 2022,

inorganic arsenic in various baby foods by April 2024, and cadmium and mercury sometime after April 2024. However, the coalition notes that the plan is already behind schedule as the FDA failed to propose lead action levels by the April deadline. This delay is both a public health concern and a matter of environmental justice, as low-income children and children of color are disproportionately impacted by lead through exposures to lead-based paint, lead in drinking water pipes, and other sources. Lead in their food only exacerbates the existing inordinate and inequitable hazards these children face.

In their letter, the coalition urges the federal government to adopt interim measures recommended in the coalition's [October 2021 petition](#), which urged FDA to issue clear industry guidance for limiting toxic metals, such as:

- Propose interim limits for inorganic arsenic, lead, cadmium, and mercury in relevant categories of infant and toddler foods;
- Propose a lower limit for inorganic arsenic in infant rice cereal than that currently set forth in FDA guidance; and
- Provide guidance to all baby food manufacturers to test their finished products for toxic metals.

The FDA denied the petition, but earlier this month, the coalition asked FDA to expeditiously reconsider its denial of that petition.

Attorney General Shikada joined the attorneys general from the following states in sending this letter to the FDA and USDA leadership: New York, California, Colorado, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Maryland, Michigan, Minnesota, New Jersey, New Mexico, Nevada, North Carolina, Oregon, Pennsylvania, Vermont, Washington, and Wisconsin.

A copy of the letter is available [HERE](#).

#

For more information, contact:
Gary H. Yamashiroya
Special Assistant to the Attorney General
Email: ATG.PIO@hawaii.gov
Web: <http://ag.hawaii.gov>
Twitter: [@ATGHgov](https://twitter.com/ATGHgov)