

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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May 5, 2022

The Honorable Dr. Robert Califf
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Dear Commissioner Califf:

I wrote to you in March seeking information about the Food and Drug Administration's (FDA) delayed response in addressing contaminated infant formula. I appreciate the commitment you and your staff have made to respond to that inquiry and explain the steps your agency is taking to better protect infants from foodborne illnesses. I write today to request a briefing on the status of FDA's work to address the urgent issue of eliminating toxic heavy metals in baby foods. The presence of heavy metals in America's food supply is cause for alarm, and I am extremely concerned that FDA is failing to address this harm to public health with the urgency required to keep our children healthy and safe.

A recent investigative report by *Politico* highlighted the longstanding "dysfunction" and inefficiency within the Center for Food Safety and Applied Nutrition, FDA's food safety arm. The report includes interviews with more than 50 current and former FDA officials and industry professionals, who describe the state of food regulation at FDA as "ridiculous," "impossible," "broken," "byzantine," and "a joke."¹ I am particularly concerned that FDA has "repeatedly failed to take timely action on a wide range of safety and health issues the agency has been aware of for several years, including ... heavy metal contamination in baby foods."²

This public health issue has been a priority of my Subcommittee for years. On February 4, 2021, the Subcommittee released a staff report finding that "commercial baby foods are tainted with significant levels of toxic heavy metals, including arsenic, lead, cadmium, and mercury."³ To date, FDA has taken only minimal action to reduce the presence of these toxic

¹ *The FDA's Food Failure*, *Politico* (Apr. 8, 2022) (online at www.politico.com/interactives/2022/fda-fails-regulate-food-health-safety-hazards/).

² *Id.*

³ Majority Staff, Subcommittee on Economic and Consumer Policy, Committee on Oversight and Reform, *Baby Foods Are Tainted with Dangerous Levels of Arsenic, Lead, Cadmium, and Mercury* (Feb. 4, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>).

heavy metals in baby foods. According to many health advocates, the one key limit FDA has established—on levels of inorganic arsenic in infant rice cereals—“is still too high to be protective of babies’ health.”⁴

It is deeply troubling that FDA has had so much time to make meaningful progress on these critical public health issues and yet appears to have achieved so little. The Subcommittee requests a briefing on the progress of FDA’s work to regulate toxic heavy metals in baby foods by May 19, 2022.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Please contact Subcommittee staff at (202) 225-5051 if you have any questions about this request.

Sincerely,



Raja Krishnamoorthi

Chairman

Subcommittee on Economic and Consumer Policy

cc: The Honorable Michael Cloud, Ranking Member
Subcommittee on Economic and Consumer Policy

⁴ *The FDA’s Food Failure*, Politico (Apr. 8, 2022) (online at www.politico.com/interactives/2022/fda-fails-regulate-food-health-safety-hazards/).