

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8429

To amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of food and limit the presence of contaminants in infant and toddler food, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2026

Mr. KRISHNAMOORTHY (for himself, Ms. STANSBURY, Mr. MAGAZINER, Mrs. SYKES, Ms. NORTON, Ms. TLAIB, Ms. DELAURO, Ms. DEAN of Pennsylvania, and Mr. LIEU) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of food and limit the presence of contaminants in infant and toddler food, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Baby Food Safety Act  
5       of 2026”.

1 **SEC. 2. DEFINITION OF INFANT OR TODDLER FOOD.**

2 Section 201 of the Federal Food, Drug, and Cosmetic  
3 Act (21 U.S.C. 321) is amended by adding at the end the  
4 following:

5 “(tt) The term ‘infant or toddler food’ means food  
6 that purports to be, or is represented as being, for infants  
7 or children up to the age of 24 months. Such term does  
8 not include infant formula.”.

9 **SEC. 3. CONTAMINANTS IN FOOD, INCLUDING INFANT OR**  
10 **TODDLER FOOD.**

11 (a) IN GENERAL.—Chapter IV of the Federal Food,  
12 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-  
13 ed by adding at the end the following:

14 **“SEC. 425. CONTAMINANTS IN FOOD, INCLUDING INFANT**  
15 **OR TODDLER FOOD.**

16 “(a) ADMINISTRATIVE ORDERS FOR CONTAMINANTS,  
17 INCLUDING TOXIC ELEMENTS, IN FOOD.—

18 “(1) IN GENERAL.—

19 “(A) REQUIRED LIMITS.—The Secretary,  
20 by administrative order, shall establish limits on  
21 the toxic elements of lead, cadmium, mercury,  
22 and arsenic (or a species of any such toxic ele-  
23 ment) in—

24 “(i) any infant or toddler food; and

25 “(ii) food predominantly composed of  
26 a fruit or vegetable puree or juice.

1           “(B) ADDITIONAL LIMITS.—If the Sec-  
2           retary determines appropriate upon review of  
3           relevant health data and other relevant avail-  
4           able information, the Secretary, by administra-  
5           tive order, may—

6                   “(i) establish limits for contaminants,  
7                   including toxic elements, in infant or tod-  
8                   dler food, in addition to the limits for toxic  
9                   elements described in subparagraph (A);  
10                  and

11                   “(ii) establish limits for contaminants,  
12                   including toxic elements, in food predomi-  
13                   nantly composed of a fruit or vegetable  
14                   puree or juice, in addition to the limits for  
15                   toxic elements described in subparagraph  
16                   (A).

17           “(2) PROCEDURE.—In establishing or revising  
18           any limit under paragraph (1), the Secretary shall—

19                   “(A) evaluate relevant health data and as-  
20                   sessments, data from State and local health de-  
21                   partments, and other information the Secretary  
22                   considers relevant;

23                   “(B) take into account relevant differences  
24                   among food types, groups, and categories, as  
25                   appropriate, including the extent to which the

1 use of such substances cannot be avoided in the  
2 production of the applicable food and its ingre-  
3 dients, based on an evaluation of alternative in-  
4 gredients, use of best manufacturing and agri-  
5 cultural practices, and full compliance with sec-  
6 tion 418; and

7 “(C) notwithstanding the requirements of  
8 subchapter II of chapter 5 of title 5, United  
9 States Code, and chapter 6 of title 5, United  
10 States Code—

11 “(i) publish any administrative order  
12 under paragraph (1) in the Federal Reg-  
13 ister following—

14 “(I) publication of a proposed  
15 order in the Federal Register; and

16 “(II) consideration of comments  
17 to a public docket open for not fewer  
18 than 45 calendar days; and

19 “(ii) set forth in any proposed or final  
20 administrative order under paragraph (1)  
21 a substantive summary of the valid sci-  
22 entific evidence concerning the proposed or  
23 final limit.

24 “(3) CHANGES TO LIMITS.—If the Secretary de-  
25 termines appropriate after review of relevant data

1 and assessments and other available and relevant  
2 health information, the Secretary may revise any  
3 limit established under this subsection by adminis-  
4 trative order published in the Federal Register in ac-  
5 cordance with paragraph (2).

6 “(4) TIMEFRAME FOR INITIAL LIMITS.—

7 “(A) PROPOSED ORDERS.—Subject to the  
8 requirements of paragraph (2), the Secretary  
9 shall issue proposed orders for limits under  
10 paragraph (1)(A) as follows:

11 “(i) For lead, not later than Decem-  
12 ber 31, 2026.

13 “(ii) For arsenic, not later than De-  
14 cember 31, 2026.

15 “(iii) For cadmium, not later than  
16 April 30, 2027.

17 “(iv) For mercury, not later than  
18 April 30, 2029.

19 “(B) FINAL ORDERS.—The Secretary shall  
20 issue each final administrative order for a limit  
21 established pursuant to subparagraph (A) or  
22 (B) of paragraph (1) not later than 18 months  
23 after issuance of the respective proposed order.

24 “(5) CRITERIA.—The limits established under  
25 this section shall represent the level at which the

1       contaminant may render the infant or toddler food  
2       injurious to health. In determining such limits the  
3       Secretary shall take into account the extent to which  
4       the use of such substance cannot be avoided in the  
5       production of each such food and its ingredients,  
6       based on an evaluation of alternative ingredients,  
7       use of best manufacturing and agricultural practices,  
8       and compliance with section 418.

9               “(6) ADULTERATED FOOD.—A food may be de-  
10       termined adulterated, at the final product form,  
11       under section 402(j), if such food bears or contains  
12       any contaminant (including any toxic element) in ex-  
13       cess of a limit established under this subsection.

14              “(7) PERIODIC REVIEW.—The Secretary shall  
15       review, not less frequently than every 4 years, the  
16       limits established under this subsection, taking into  
17       consideration relevant information and available  
18       data to consider whether such limits should be re-  
19       vised, following the procedure described in para-  
20       graph (2), in accordance with the criteria specified  
21       in paragraph (5).

22              “(b) SAMPLING AND TESTING FOR TOXIC ELEMENTS  
23       AND CONTAMINANTS IN FOOD, INCLUDING INFANT AND  
24       TODDLER FOOD.—

1           “(1) IN GENERAL.—Beginning not later than  
2           180 days after the date of enactment of the Baby  
3           Food Safety Act of 2026, the owner, operator, or  
4           agent in charge of a facility engaged in manufac-  
5           turing or processing infant or toddler food, food pre-  
6           dominantly composed of a fruit or vegetable puree or  
7           juice, or such other food as the Secretary may speci-  
8           fy by regulation, for consumption in the United  
9           States, shall—

10                   “(A) have a control program in place for  
11                   toxic elements and contaminants subject to lim-  
12                   its under subsection (a)(1);

13                   “(B) collect representative samples of each  
14                   such food in final product form in accordance  
15                   with a sampling plan described in paragraph  
16                   (2); and

17                   “(C) conduct testing of the samples col-  
18                   lected from the final food product for toxic ele-  
19                   ments and contaminants, in accordance with a  
20                   sampling plan described in paragraph (2).

21           “(2) REQUIREMENTS FOR SAMPLING AND TEST-  
22           ING PLAN.—

23                   “(A) IN GENERAL.—The owner, operator,  
24                   or agent in charge of a facility described in  
25                   paragraph (1) shall—

1           “(i) prepare a written plan for all  
2           sampling and testing required under this  
3           subsection; and

4           “(ii) ensure that all sampling and  
5           testing conducted under this subsection is  
6           conducted in accordance with the plan de-  
7           scribed in clause (i).

8           “(B) SAMPLING PLAN.—A sampling and  
9           testing plan required by subparagraph (A) shall  
10          identify—

11          “(i) the number of sampling units and  
12          sample unit size based upon appropriate  
13          criteria for identifying, in a representative  
14          fashion, the levels of toxic elements and  
15          contaminants in each food;

16          “(ii) one or more appropriate test  
17          methods and procedures to be used to ana-  
18          lyze the samples; and

19          “(iii) appropriate testing frequencies  
20          not less frequently than every quarter and  
21          whenever a significant change in the prod-  
22          uct or process necessitates such testing.

23          “(C) GUIDANCE.—Not later than 18  
24          months after the date of enactment of the Baby  
25          Food Safety Act of 2026, the Secretary shall

1 issue guidance to assist facilities described  
2 under paragraph (1) with developing sampling  
3 and testing plans. Such guidance shall address  
4 the standards for adequate and appropriate  
5 sampling and testing of each toxic element and  
6 contaminant as required by the Secretary, the  
7 minimum frequency at which samples should be  
8 tested for toxic elements and contaminants or  
9 specific species of toxic elements or contami-  
10 nants, and standards for compliance.

11 “(3) CONTAMINANTS TO BE TESTED.—In car-  
12 rying out the sampling and testing under this sub-  
13 section, the owner, operator, or agent in charge of  
14 a facility described in paragraph (1) shall ensure  
15 that each sample is tested for levels of—

16 “(A) lead, cadmium, mercury, and arsenic;  
17 and

18 “(B) any other contaminant that the Sec-  
19 retary may specify, in accordance with the sam-  
20 pling plan under paragraph (2).

21 “(4) FOODS TO BE TESTED.—The sampling  
22 and testing conducted under this subsection shall be  
23 conducted for—

24 “(A) infant and toddler foods, in final  
25 product form;

1           “(B) foods predominantly composed of a  
2 fruit or vegetable puree or juice; and

3           “(C) such other foods in final product  
4 form as the Secretary has specified, as appro-  
5 priate for the protection of public health.

6           “(5) RECORDKEEPING.—

7           “(A) IN GENERAL.—The owner, operator,  
8 or agent in charge of a facility described in  
9 paragraph (1) shall maintain, for not less than  
10 2 years or the shelf life of each food product  
11 manufactured or processed by the facility,  
12 whichever is longer, records documenting the  
13 sampling plan and results of testing conducted  
14 under this subsection with respect to the food.  
15 The owner, operator, or agent in charge of such  
16 a facility shall make such records available for  
17 inspection and copying by the Secretary upon  
18 request by the Secretary.

19           “(B) REQUIREMENTS.—The records main-  
20 tained as required under subparagraph (A)  
21 shall include—

22                   “(i) a detailed description of the foods  
23 sampled and tested;

24                   “(ii) the number of samples and tests  
25 performed;

1                   “(iii) the size and number of items in  
2                   each sample unit;

3                   “(iv) a copy of the sampling plan re-  
4                   quired under paragraph (2);

5                   “(v) identification of the entity con-  
6                   ducting the sampling;

7                   “(vi) identification of the entity con-  
8                   ducting the testing;

9                   “(vii) identification of the analytical  
10                  methods used to perform the sampling and  
11                  testing;

12                  “(viii) analytical findings of the sam-  
13                  pling and testing; and

14                  “(ix) such other data and information  
15                  as the Secretary may require.

16                  “(C) APPLICABILITY.—The requirements  
17                  of this paragraph shall apply to all records of  
18                  sampling and testing conducted pursuant to  
19                  this subsection, regardless of the findings.

20                  “(6) LABORATORY ACCREDITATION.—The  
21                  owner, operator, or agent in charge of a facility de-  
22                  scribed in paragraph (1) shall ensure that testing re-  
23                  quired pursuant to this subsection is performed in  
24                  accordance with international standards by a labora-  
25                  tory that—

1           “(A) is in compliance with the require-  
2           ments regarding laboratory accreditation de-  
3           scribed in section 422; or

4           “(B) if the requirements described in sub-  
5           paragraph (A) do not apply to the laboratory,  
6           is accredited by an accreditation body that con-  
7           forms to international accreditation standards.

8           “(7) SAMPLING AND TESTING PROGRAM.—The  
9           Secretary shall develop and implement a sampling  
10          and testing program for infant and toddler food that  
11          is sufficient to—

12           “(A) support the periodic review under  
13           subsection (a)(7) of limits on toxic elements in  
14           infant and toddler food; and

15           “(B) independently verify that products  
16           are compliant with the limits proscribed pursu-  
17           ant to this subsection.

18          “(c) RECORD AVAILABILITY.—

19           “(1) IN GENERAL.—Upon request by the Sec-  
20           retary, the owner, operator, or agent in charge of a  
21           facility described in subsection (b)(1) shall—

22           “(A) make all records required under this  
23           section available promptly to the Secretary for  
24           inspection and copying; and

1           “(B) provide within a reasonable time an  
2           English translation of such records maintained  
3           in a language other than English.

4           “(2) RECORD AVAILABILITY.—Any records that  
5           the Secretary may inspect under this section shall,  
6           upon the request of the Secretary, be provided to the  
7           Secretary by the owner, operator, or agent in charge  
8           of a facility described in subsection (b)(1), in ad-  
9           vance of or in lieu of an inspection, within a reason-  
10          able timeframe, within reasonable limits, and in a  
11          reasonable manner, and in either electronic or phys-  
12          ical form, at the expense of such owner, operator, or  
13          agent. The Secretary’s request shall include a suffi-  
14          cient description of the records requested.

15          “(3) CONFIRMATION.—Upon receipt of records  
16          requested under paragraph (1) or (2), the Secretary  
17          shall provide to the owner, operator, or agent de-  
18          scribed in paragraph (2) confirmation of the receipt.

19          “(4) AUTHORITY OF THE SECRETARY.—Noth-  
20          ing in this subsection supplants the authority of the  
21          Secretary to conduct sampling, testing, or inspec-  
22          tions otherwise permitted under this Act in order to  
23          ensure compliance with this Act.

24          “(d) DELAYED APPLICABILITY.—The requirements  
25          for sampling and testing under this section shall apply be-

1 ginning on the date that is 2 years after the date of enact-  
2 ment of this subsection.”.

3 (b) IMPORTER REQUIREMENTS.—Section 805(c)(4)  
4 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
5 384a(c)(4)) is amended, by inserting “monitoring and  
6 verifying the accuracy of records described in section  
7 425(b)” after “for shipments,”.

8 (c) ENFORCEMENT.—

9 (1) ADULTERATION.—Section 402 of the Fed-  
10 eral Food, Drug, and Cosmetic Act (21 U.S.C. 342)  
11 is amended by adding at the end the following:

12 “(j) If it is an article of food in final product form  
13 that is an infant and toddler food, a food predominantly  
14 composed of a fruit or vegetable puree or juice, or such  
15 other food as the Secretary may specify and—

16 “(1) such food bears or contains any toxic ele-  
17 ment or contaminant in excess of a limit established  
18 under section 425(a); or

19 “(2) the owner, operator, or agent in charge of  
20 a facility that manufactures or processes the food is  
21 not in compliance with subsection (b) or (c) of sec-  
22 tion 425.”.

23 (2) PROHIBITED ACT.—Section 301 of the Fed-  
24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 331)  
25 is amended by adding at the end the following:

1 “(jjj) The failure of an owner, operator, or agent in  
2 charge of a facility that manufactures or processes food  
3 to comply with applicable requirements under subsection  
4 (b) or (c) of section 425.”.

5 **SEC. 4. IMPLEMENTATION OF FOOD TRACEABILITY PLAN;**  
6 **STUDY ON INSPECTIONS; REPORTING ON IN-**  
7 **SPECTIONS.**

8 (a) IMPLEMENTATION PLAN.—The Secretary of  
9 Health and Human Services (referred to in this section  
10 as the “Secretary”), acting through the Commissioner of  
11 Food and Drugs, in coordination with the FDA Human  
12 Foods Program and the Center for Food Safety and Ap-  
13 plied Nutrition, shall finalize an implementation plan for  
14 the Food and Drug Administration to achieve its goal of  
15 compliance, not later than January 20, 2027, with the rule  
16 issued by the Food and Drug Administration titled, “Re-  
17 quirements for Additional Traceability Records for Cer-  
18 tain Foods” (87 Fed. Reg. 70910 (November 21, 2022))  
19 (or any successor rule). Such plan shall include a descrip-  
20 tion of—

- 21 (1) any resource needs of the Food and Drug  
22 Administration;
- 23 (2) strategies for facilitating compliance with  
24 the rule; and

1           (3) detailed plans for communicating with and  
2           educating regulated entities, non-Federal regulatory  
3           partners, and regulatory staff of the Food and Drug  
4           Administration about the requirements under the  
5           rule.

6           (b) STUDY ON INSPECTIONS.—The Secretary shall—

7           (1) conduct a study to—

8           (A) determine the annual number of facil-  
9           ity inspections that is sufficient to determine  
10           that imported foods are held to the same safety  
11           standards as domestic food; and

12           (B) identify whether such inspection tar-  
13           gets are consistent with the targets in the most  
14           recent annual report regarding food conducted  
15           under section 1003(h) of the Federal Food,  
16           Drug, and Cosmetic Act (21 U.S.C. 393(h));  
17           and

18           (2) not later than 1 year after the date of en-  
19           actment of this Act, submit a report to Congress on  
20           the findings of such study, and, if applicable, any  
21           factors preventing the Secretary from meeting its  
22           goal for the number of inspections and a plan to en-  
23           sure that such goal is met in the next 2 years.

1 (c) ANNUAL REPORT REGARDING FOOD.—Section  
2 1003(h)(1) of the Federal Food, Drug, and Cosmetic Act  
3 (21 U.S.C. 393(h)(1)) is amended—

4 (1) in subparagraph (E), by striking “and” at  
5 the end;

6 (2) in subparagraph (F), by striking the period  
7 and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(G) the nature of domestic facility and  
10 foreign facility inspections described in subpara-  
11 graph (C), the aggregate inspection findings of  
12 such inspections, and the compliance rate of  
13 foreign food importers with certification stand-  
14 ards;”.

15 **SEC. 5. RECORDS FOR OR IN LIEU OF CERTAIN INSPEC-**  
16 **TIONS.**

17 Section 704(a)(4) of the Federal Food, Drug, and  
18 Cosmetic Act (21 U.S.C. 374(a)(4)) is amended—

19 (1) by redesignating subparagraphs (B)  
20 through (D) as subparagraphs (C) through (E), re-  
21 spectively;

22 (2) by inserting after subparagraph (A) the fol-  
23 lowing new subparagraph:

24 “(B)(i) Any records or other information that the  
25 Secretary may remotely inspect or copy under authority

1 of this Act from a person that owns or operates, or is an  
2 agent in charge of, an establishment that is engaged in  
3 any of the activities described in clause (ii) shall, upon  
4 the request of the Secretary, be provided to the Secretary  
5 by such person, in advance of, at the time of, or in the  
6 case in which an in-person inspection would be unsafe, in  
7 lieu of, an in-person, on-site inspection, within a reason-  
8 able timeframe, within reasonable limits, and in a reason-  
9 able manner, and in either electronic or physical form, at  
10 the expense of such person. The Secretary's request shall  
11 include a sufficient description of the records or other in-  
12 formation requested.

13       “(ii) The activities described in this clause are  
14 records relating to—

15               “(I) the manufacturing, processing, sampling,  
16 testing, packing, transporting, distributing, receiv-  
17 ing, holding, or importing of an article of food; or

18               “(II) the distribution or use of animal feed  
19 bearing or containing a veterinary feed directive  
20 drug, or the issuance of a veterinary feed directive.”;  
21 and

22               (3) by adding at the end the following:

23               “(F) Section 703 does not apply to records obtained  
24 or copied, or other information obtained or copied pursu-  
25 ant to a request made under this section.”.

1 **SEC. 6. MANDATORY RECALL AUTHORITY.**

2       Section 423(a) of the Federal Food, Drug, and Cos-  
3       metic Act (21 U.S.C. 350l(a)) is amended by inserting  
4       after “animals,” the following: “or that an article of food  
5       is adulterated under paragraph (a)(1) or (j) of section  
6       402,”.

○