

115TH CONGRESS
1ST SESSION

H. R. 4535

To establish limitations on the quantity of inorganic arsenic in rice and rice products under chapter IV of the Federal Food, Drug, and Cosmetic Act.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2017

Ms. DELAURO (for herself, Ms. SLAUGHTER, and Mr. GUTIÉRREZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish limitations on the quantity of inorganic arsenic in rice and rice products under chapter IV of the Federal Food, Drug, and Cosmetic Act.

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 “Reducing food-based
5 Inorganic Compounds Exposure Act of 2017” or the
6 “RICE Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) According to the World Health Organiza-
4 tion, arsenic is a natural component of the Earth's
5 crust and is widely and variably distributed through-
6 out the environment in the air, water, and land. It
7 is also used commercially in herbicides and poultry
8 feed.

9 (2) Arsenic is most toxic in its inorganic form.

10 (3) Inorganic arsenic is a known carcinogen
11 and long-term oral exposure to high levels of inor-
12 ganic arsenic is associated with developmental de-
13 fects, cardiovascular disease, neurotoxicity, and dia-
14 betes, according to the World Health Organization.

15 (4) According to the European Food Safety Au-
16 thority, the estimated exposure of young children to
17 inorganic arsenic is 2 to 3 times the exposure of
18 adults to inorganic arsenic.

19 (5) According to the European Food Safety Au-
20 thority, diet is the main source of arsenic exposure
21 for most individuals.

22 (6) According to the Food and Drug Adminis-
23 tration, due to absorption from the soil and water,
24 arsenic is present in many foods, including grains,
25 fruits, and vegetables.

1 (7) Rice takes up inorganic arsenic from soil
2 and water more readily than other grains, according
3 to the Food and Drug Administration.

4 (8) Rice is a staple food in the diet of many in-
5 dividuals in the United States and is often one of
6 the first foods fed to infants. According to the Food
7 and Drug Administration, inorganic arsenic has
8 been detected in an infant's first foods, such as in-
9 fant rice cereal and brown rice syrup used in an in-
10 creasing number of products including toddler for-
11 mula and snack bars. Inorganic arsenic is also found
12 in other rice products including children's breakfast
13 cereals and rice itself. Rice may continue to be a
14 large part of the diet of children who have swal-
15 lowing difficulties and gastrointestinal reflux, ac-
16 cording to the American Academy of Pediatrics.

17 (9) The Food and Drug Administration's anal-
18 ysis of approximately 1,300 samples found that the
19 average levels of inorganic arsenic for various rice
20 and rice products are 0.1 to 7.2 micrograms per
21 serving.

22 (10) The Environmental Protection Agency lim-
23 its concentrations of arsenic in all forms in drinking
24 water to 10 parts per billion. The Food and Drug
25 Administration has established a limit of 10 parts

1 per billion in bottled water, and has also proposed
2 a limit of 10 parts per billion in apple juice. How-
3 ever, there are no Federal limits for arsenic in most
4 foods, including rice for adults and children or baby
5 foods.

6 **SEC. 3. ESTABLISHMENT OF LIMITATION ON INORGANIC**
7 **ARSENIC IN RICE AND RICE PRODUCTS.**

8 (a) **REGULATION REQUIRED.**—For the purpose of
9 protecting the public health, not later than the day that
10 is 2 years after the date of the enactment of this Act,
11 the Secretary of Health and Human Services, acting
12 through the Commissioner of Food and Drugs and acting
13 under the Secretary’s authority under chapter IV of the
14 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341
15 et seq.), shall promulgate a final regulation establishing
16 the minimum quantity of inorganic arsenic contained in
17 rice or a rice product which shall cause the rice or rice
18 product, respectively, to be deemed to be adulterated
19 under section 402 of such Act (21 U.S.C. 343).

20 (b) **SCOPE OF REGULATION.**—The minimum quan-
21 tity established under subsection (a) shall apply to rice
22 and rice products containing inorganic arsenic regardless
23 of whether the arsenic is present as a result of a natural
24 process, an ingredient added to a food, the use of a pes-
25 ticide, or other means.

1 (c) REGULATION INCLUDES TOLERANCES.—The reg-
2 ulation under subsection (a) shall include the establish-
3 ment of a tolerance under section 406 and section 408
4 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
5 346; 346a).

6 (d) MINIMUM STRINGENCY.—The standard estab-
7 lished under subsection (a) (and any subsequent revision
8 thereto) for inorganic arsenic contained in rice or a rice
9 product shall—

10 (1) be based on the maximum achievable reduc-
11 tion in health risks to individuals, taking into ac-
12 count the cancer effects, neurodevelopmental effects,
13 and other health effects of arsenic exposure;

14 (2) be protective of the long-term health of chil-
15 dren, taking into account—

16 (A) the differing eating patterns of chil-
17 dren;

18 (B) the rate of brain development in chil-
19 dren;

20 (C) any differences in the metabolization
21 of arsenic in children, as compared to adults;
22 and

23 (D) the fact that children have a longer ex-
24 pected life span than adults; and

1 (3) include separate standards for rice milk and
2 other frequently consumed rice-based foods, espe-
3 cially rice-based foods frequently consumed by in-
4 fants and children.

5 (e) DEFINITIONS.—For purposes of this Act:

6 (1) FOOD.—The term “food” has the meaning
7 given such term in section 201(f) of the Federal
8 Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

9 (2) INORGANIC ARSENIC.—The term “inorganic
10 arsenic” means inorganic arsenic and its metabo-
11 lites.

12 (3) RICE.—The term “rice” means a food that
13 is rice.

14 (4) RICE PRODUCT.—The term “rice product”
15 means a food that contains an ingredient made from
16 rice.

17 **SEC. 4. REPORT ON INORGANIC ARSENIC IN RICE.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit a report to the Congress
21 on inorganic arsenic in rice grown in the United States.

22 (b) CONTENTS.—The report under subsection (a)
23 shall include—

24 (1) an analysis of—

1 (A) the agronomy and production manage-
2 ment practices that will reduce inorganic ar-
3 senic in rice;

4 (B) the germplasm analysis and breeding
5 that may reduce inorganic arsenic in rice;

6 (C) the analytical technology improvements
7 needed to address the issue of inorganic arsenic
8 in rice; and

9 (D) the current efforts of Federal agencies
10 to reduce inorganic arsenic in the food supply;

11 (2) recommendations for actions by the Federal
12 Government in order to reduce the presence of inor-
13 ganic arsenic in rice grown in the United States; and

14 (3) recommendations for additional research on
15 inorganic arsenic in rice, including the estimated
16 cost for such research.

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