



MEMORANDUM IN SUPPORT

February 2024

S.7036A – Ramos (In Senate Consumer Protection Committee)

A.7707A – Wallace (In Assembly Agriculture Committee)

***An Act to amend the General Business Law, in relation
to restricting the retail sale of spices which exceed lead level limits***

We strongly encourage the New York State Legislature to pass S.7036A/A.7707A during the 2024 legislative session. This legislation reflects an important policy initiative that would establish a uniform standard for lead levels in spices sold at retail in New York State.

We are a diverse and wide-ranging segment of businesses, companies, and trade associations that support a safe and consistent standard for appropriate lead levels in spices. We represent importers, distributors, retailers, food sellers, meal preparers, restaurants, manufacturers, producers and other businesses that work with spices on a daily basis. Spices contribute significantly to the local New York economy, with more than \$550 million in spices imported annually through New York ports with \$400 million in spices sold in New York State each year. Spices are essential for businesses such as restaurants, bakeries, and food producers. They also play a critical role in New Yorkers' diverse diet and ethnic cuisines and serve as a key component to healthy living practices.

The proposed legislation establishes certain limits for lead that can be contained in spices, depending upon the type and category of spice. These limits constitute an aggressive and science-based approach to food safety and would be the first of its kind in the United States. As you may know, the U.S. Food and Drug Administration has not established limits for spices. The specific limits outlined in the bill align with those adopted in the European Union (EU) in 2021 to ensure the safe consumption of spices by consumers of all ages.

Importantly, the EU standard varies by type of spice. For instance, the EU utilizes a standard that the amount of lead contained in a fruit spice, such as paprika, must be lower than 0.6 parts per million (ppm) while the amount of lead in a bud spice, such as cloves, cannot exceed 1.0 ppm. Similarly, a bark spice, such as cinnamon, cannot exceed 2.0 ppm and limits for a seed spice, such as cumin, would have to lower than 0.9 ppm. In addition to codifying the EU-based standard for spices under New York State law, this legislation establishes a first-of-its-kind statutory limit of 1.0 ppm for dried herbs, such as oregano. Setting different limits for distinct categories of spice is a balanced and science-based approach that aligns with global regulatory standards recognizing that diverse types of plants naturally have varying amounts of trace levels of lead they absorb from the environment.

We strongly support protecting public health through safe and consistent limits for lead in spices. The key is ensuring these limits are based on sound science. Moreover, such limits should be set at a level that they are achievable to neither detrimentally impact New York's vibrant ethnic and immigrant communities nor create a *de facto* ban of spices for the businesses and restaurants that rely on them.

We have been and continue to be committed to protecting New Yorkers' health from elevated levels of lead in spices. The legislation proposed by Senator Jessica Ramos and Assemblywoman Monica Wallace will do just that, and it should be passed by the New York Legislature and signed into law by Governor Hochul this session. We commend Senator Ramos and Assemblywoman Wallace for their dedication and leadership on this critical public health issue.

Thank you for your consideration.