

May 18, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Leader McCarthy, Leader Schumer, and Leader McConnell:

Parents across the country are increasingly anxious about the diminished availability of infant formula in traditional retail channels after Abbott Nutrition instituted a nationwide recall of its most popular products in February 2022. **The undersigned organizations urge swift action in Congress to provide federal agencies with the flexibilities and resources needed to shore up supply, assure the safety of infant formula available on the market, and provide families with options that ensure babies have access to essential nutrition.**

Although breastfeeding is the optimal source of infant nutrition, sustained breastfeeding is not an option for many mothers. Infant formula is an essential product constituting the majority – or even exclusive – source of nutrition for many infants and some older children and adults with metabolic disorders. Since Abbott Nutrition announced the infant formula recall in February 2022, the Food and Drug Administration (FDA) has led an interagency effort to address supply challenges and encourage increased production among the limited domestic manufacturers. The infant formula manufacturing sector is highly concentrated, with only four companies – Abbott Nutrition, Reckitt Benckiser (Mead Johnson), Nestlé (Gerber), and Perrigo – commanding nearly 90 percent of the domestic infant formula supply. As the nation navigates through the Abbott recall, manufacturer assurances of increased production have not yet translated to increased stock on the shelves, leaving many families with limited options and acutely impacting individuals who need specialty formulas to accommodate for allergies, digestive issues, or metabolic disorders.

More than half of all infant formula purchases in the country go through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which typically limits the 1.2 million infants receiving formula benefits to a specific brand. Though WIC's State-based, sole-source contracting process has been a successful cost containment strategy, limited options posed a unique challenge during this unprecedented failure of the manufacturing sector. Starting in February 2022, a patchwork of waivers from the U.S. Department of Agriculture (USDA) and contract flexibilities exercised by State WIC Agencies allowed for WIC families have more options – including additional container sizes and brands – to ensure that low-income families could obtain infant formula amid limited supply on the shelves.

As with the commercial market, WIC's program structure did not anticipate the possibility of the widespread shortages that are felt today by all parents of formula-fed infants. The bipartisan *Access to Baby Formula Act* advances common-sense, but essential, flexibilities that will provide regulatory relief and maximum flexibility to State and local providers as they support low-income families during product recalls and public health emergencies. This legislation also works to build contingencies into State contracts with infant formula manufacturers and promotes collaboration

between USDA and FDA to assure a coordinated, public-private response to infant formula recalls and supply disruptions. These steps empower WIC with the flexibility to ensure that the most vulnerable infants have access to adequate nutrition when supply is strained or limited.

Additionally, the *Infant Formula Supplemental Appropriations Act of 2022* would provide \$28 million in funding for FDA to address product shortages and strengthens the agency's capacity to assure safety of infant formula, especially as new products enter the domestic market. FDA's limited bandwidth to monitor for safe manufacturing practices at infant formula production sites is concerning, and this additional funding will be essential to building a safe and more resilient supply chain that delivers quality product to support infants' nutrition needs.

Together, these two bills provide a substantial next step in the federal response to the Abbott recall and will better position agencies and low-income families to weather the crisis. But more must be done to identify and remedy the structural factors that allowed for the domestic infant formula supply to be so substantially impacted by the closure of only one manufacturing facility. We look forward to ongoing efforts in Congress and federal agencies to assess the competitiveness of the infant formula manufacturing sector and assure that any given manufacturer's operations are sufficiently diversified to deliver essential product to parents in need.

We thank you for your attention to this issue, which remains top-of-mind for so many parents across the country, and we urge swift action to deliver change and build a better future for the next generation of Americans.

Sincerely,

National Organizations

National WIC Association
MomsRising
2020 Mom
9to5
A Better Balance
Academy of Nutrition and Dietetics
American Federation of State, County, and Municipal Employees (AFSCME)
Alliance to End Hunger
American Academy of Family Physicians
American Federation of Teachers
American Public Health Association
American Public Human Services Association
American Society for Nutrition
Association of Maternal & Child Health Programs
Association of State and Territorial Health Officials
Asthma and Allergy Foundation of America
Autistic People of Color Fund
Autistic Women & Nonbinary Network
BUILD Initiative
Campaign for a Family Friendly Economy
Catholics for Choice
Center for Science in the Public Interest (CSPI)
Chamber of Mothers

Child Care Aware® of America
Child Welfare League of America
Children's Advocacy Intitute
Children's HealthWatch
Coalition on Human Needs
Community Change Action
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Democratic Mayors Association
Disability Rights Education & Defense Fund
Educare Learning Network
Equal Rights Advocates
Family Values @ Work
Family Voices
Families USA
FARE (Food Allergy Research and Education)
First Five Years Fund
First Focus Campaign for Children
Food Research & Action Center (FRAC)
Hispanic Federation
Hunger Free America
League of United Latin American Citizens (LULAC)
March of Dimes
MAZON: A Jewish Response to Hunger
Mom Congress
National Advocacy Center of the Sisters of the Good Shepherd
National Association for the Education of Young Children
National Association of Councils on Developmental Disabilities
National Association of Counties (NACo)
National Association of Social Workers
National Birth Equity Collaborative
National Center for Parent Leadership, Advocacy & Community Empowerment (National PLACE)
National Community Action Partnership
National Council of Jewish Women
National Diaper Bank Network
National Education Association
National Head Start Association
National Partnership for Women & Families
National Women's Law Center
Nemours Children's Health
Network Lobby for Catholic Social Justice
Nurse-Family Partnership
ParentsTogether Action
Partnership for America's Children
Perigee Fund
PL+US: Paid Leave for the U.S.
Population Connection Action Fund
Prevent Child Abuse America
Public Advocacy for Kids (PAK)
Research 2 Impact
RESULTS

Save the Children
Share Our Strength
Society for Nutrition Education and Behavior
Start Early
Supermajority
The Arc of the United States
The National Consumers League
The United States Conference of Mayors
UltraViolet
United State of Women
United States Breastfeeding Committee
URGE: Unite for Reproductive & Gender Equity
Women's March
Young Women for US
Youth Villages
YWCA USA
ZERO TO THREE
Zioness Movement

State and Local Organizations

Arizona Head Start Association, AZ
Arizona Local Agency WIC Association, AZ
Arkansas Advocates for Children and Families, AR
BreastfeedLA, CA
California WIC Association, CA
Head Start California, CA
LA Best Babies Network, CA
Parent Voices CA, CA
Region 9 Head Start Association, CA
Clayton Early Learning, CO
Colorado Children's Campaign, CO
Family Voices CO, CO
Raise Colorado Coalition, CO
Connecticut Early Childhood Alliance, CT
Connecticut Women's Education and Legal Fund (CWEALF), CT
Universal Health Care Foundation of Connecticut, CT
Educare DC, DC
RESULTS DC/MD, DC
Rodel, DE
Florida Policy Institute, FL
GEEARS: Georgia Early Education Alliance for Ready Students, GA
Hawaii Children's Action Network Speaks!, HI
Common Good Iowa, IA
Children's Home & Aid, IL
Erie Family Health, IL
Illinois Action for Children, IL
First Things First, Porter County, IN
New Hope Services, Inc., IN
Kansas Action for Children, KS

Agenda for Children, LA
The Amandla Group, LLC, LA
CCAL, LA
For Providers By Providers, LA
The Little Schoolhouse, LA
Louisiana Partnership for Children and Families, LA
Louisiana Policy Institute for Children, LA
Toddler's University, LA
YWCA Greater Baton Rouge, LA
Maine Children's Alliance, ME
Maine State Parent Ambassadors, ME
The Opportunity Alliance, ME
BAMSI-Quincy WIC, MA
Community Action Pioneer Valley, MA
Holyoke/Chicopee WIC, MA
Lawrence WIC, MA
Massachusetts Association of WIC Program Directors, MA
Valley Opportunity Council, Inc., MA
WIC Chelsea/Revere, MA
Maryland WIC Association, MD
Michigan Council for Maternal and Child Health, MI
Michigan League for Public Policy, MI
Michigan's Children, MI
Southeast Michigan Early Childhood Funders Collaborative, MI
Montana Association of WIC Agencies, MT
Zero to Five Montana, MT
Central District Health Department, NE
FHSI WIC, NE
Children's Advocacy Alliance, NV
Early Learning NH, NH
Granite State Progress, NH
Greater Seacoast Community Health, NH
New Hampshire WIC Directors Association, NH
New Hampshire Women's Foundation, NH
Advocates for Children of New Jersey, NJ
Bernards Township Health Department, NJ
Burlington County Health Department, NJ
Family Voices NJ, NJ
Freehold Area Health Department, NJ
Gloucester County Health Department, NJ
Maplewood Health Department, NJ
Monmouth County Health Department, NJ
National Association of Social Workers – NJ Chapter, NJ
New Jersey Citizen Action, NJ
New Jersey Time to Care Coalition, NJ
NJPHA, NJ
SPAN Parent Advocacy Network (SPAN), NJ
Township of Bloomfield, NJ
Village of Ridgewood Health Department, NJ
Visiting Nurse Association of Central Jersey, NJ

Visiting Nurse Association Health Group WIC, NJ
Visiting Nurse Association, NJ
New Mexico Voices for Children, NM
Parents Reaching Out To Help, NM
Alliance for Quality Education, NY
Citizens' Committee for Children of New York, NY
Prevent Child Abuse NY, NY
The Children's Agenda, NY
Chinese-American Planning Council, NY
WIC Association of New York State, NY
Child Care Services Association, NC
NC Child, NC
North Carolina Budget & Tax Center, NC
North Carolina Early Education Coalition, NC
North Carolina Head Start Collaboration Office, NC
North Carolina Infant & Early Childhood Mental Health Association, NC
Partnership for Children of Johnston County, NC
Prevent Child Abuse North Carolina, NC
Ready for School, Ready for Life, NC
Think Babies NC Alliance, NC
Ehrens Consulting, ND
Family Voices of North Dakota, ND
The Center for Community Solutions, OH
Greater Cleveland Food Bank, OH
Ohio Association of Foodbanks, OH
Oklahoma Partnership for School Readiness, OK
Our Children Oregon, OR
Abortion Liberation Fund of PA, PA
Community Progress Council WIC, PA
The Foundation for Delaware County, PA
NORTH, Inc., PA
National Council of Jewish Women PA, PA
The Philadelphia Women's Center, PA
Planned Parenthood of Western Pennsylvania, PA
Beautiful Beginnings Child Care Center, RI
Parents Leading for Educational Equity, RI
Rhode Island Association for the Education of Young Children, RI
Rhode Island KIDS COUNT, RI
Women's Fund of Rhode Island, RI
The Womxn Project, RI
South Carolina Program for Infant/Toddler Care, SC
Early Learner South Dakota, SD
Black Children's Institute of Tennessee, TN
Tennessee Justice Center, TN
Texans Care for Children, TX
Texas Parent to Parent, TX
Early Childhood Alliance, UT
Birth in Color RVA, VA
Child Health Investment of Partnership of Roanoke Valley, VA
Children's Health Improvement Program of the New River Valley, VA

Children's Health Investment Program, VA
Children's Trust, VA
City of Richmond, VA
Cohen Military Family Center, VA
Family Lifeline, VA
Families Forward Virginia, VA
Greater Richmond SCAN, VA
Healthy Families, VA
Healthy Families Central Virginia, VA
Healthy Families Danville Pitts County, VA
Healthy Families Fairfax, VA
Newport News Department of Health, VA
Office of Children and Families, City of Richmond, VA
People Incorporated CHIP of Southwestern Virginia, VA
Sacred Village Doula Services, VA
Tri-County Community Action Agency, Inc.
Voices for Virginia's Children, VA
The Up Center, VA
Urban Baby Beginnings, VA
Voices for Vermont's Children, VT
Child Care Resources, WA
Children's Alliance, WA
Children's Campaign Fund, WA
Northwest Harvest, WA
Partners for Our Children, WA
Start Early Washington, WA
Statewide Poverty Action Network, WA
Washington Chapter of the AAP, WA
Washington Physicians for Social Responsibility, WA
We Are One America, WA
LaCrosse County WIC, WI
Wisconsin Early Childhood Association, WI
Wisconsin WIC Association, WI