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Submitted via www.regulations.gov

Re: Docket No. FNS-2022-0007-0001; Special Supplemental Nutrition Program for Women, Infants, and Children: Revisions in the Women, Infants, and Children Food Packages

First Focus on Children submits these comments in response to the U.S. Department of Agriculture’s (USDA) “Special Supplemental Nutrition Program for Women, Infants, and Children: Revisions in the Women, Infants, and Children Food Packages” proposed rule (7 CFR Part 246), which will strengthen the ability of the WIC program to improve the health outcomes of millions of pregnant women and young children.

First Focus on Children is a national, bipartisan advocacy organization dedicated to making children and families the priority in federal budget and policy decisions. As an organization working to support the healthy development of America’s children, we appreciate USDA’s ongoing commitment to ensuring the nutritional quality of the WIC program is aligned with current scientific guidance.

The acute and long-term impacts for children facing food and nutrition insecurity must be addressed before they are born. For over fifty years, the WIC program has been one of the most essential federal programs in giving low income pregnant women, postpartum and breastfeeding individuals, infants and children at nutritional risk a better start in life. WIC provides nearly 6 million mothers and children access to nutritious foods, counseling on healthy eating and breastfeeding support. A vast body of research confirms that properly nourished children not only have better health outcomes but more actively participate at school, have better focus and information retention. Children who eat poorly suffer not only from chronic diseases like obesity, type 2 diabetes and tooth decay, but also face a lifetime of challenges caused by inadequate access to proper nutrition, including behavioral problems, depression, low self esteem, and failure to thrive at school.

The National Strategy on Hunger, Nutrition, and Health outlined by the Biden-Harris Administration acknowledges that stronger nutrition standards across federal programs can “help increase diet quality of beneficiaries and spur companies to reformulate food products.”¹ Updated food packages will benefit more than 6.3 million WIC participants and, most significantly, the 4.9 million women and children who will

¹ White House, Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health (Sept. 2022), at 24, <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>.

receive enhanced fruit and vegetable benefits.² This increase sets the stage for healthier outcomes at key periods of growth and development, as well as the formation of lifelong taste preferences that could encourage healthier diet patterns beyond the duration of WIC eligibility.³

In 2017, the National Academies of Sciences, Engineering, and Medicine (NASEM) issued a final report and made expert recommendations to promote further alignment between the WIC food packages and the *Dietary Guidelines for Americans*.⁴ The report identified gaps in nutrient intake among the WIC population and articulated actionable steps to improve dietary outcomes through more balanced issuance across the WIC food packages. NASEM's detailed review was aligned with the first-ever issuance of *Dietary Guidelines for Americans (DGAs)* recommendations for pregnancy, lactation, and the first two years of life, grounding its recommendations in the most current nutrition science.⁵

USDA's proposed rule reflects the scientific advice outlined in the NASEM report and the most recent edition of the DGAs, demonstrating an ongoing commitment to build upon the public health advances secured in the 2009 Food Package Review. USDA should not compromise on its commitment to follow science-based recommendations throughout its rulemaking process. Failing to do so will only negatively impact participating WIC families.

USDA's proposed rule recognizes that WIC's extraordinary public health efforts would be enhanced if WIC could encourage consumption of healthier food options. In 2021, the average WIC benefit constituted only 8.1% of annual household expenditures on food at home.⁶ The DGAs identify several key food categories where the vast majority of Americans – including children and pregnant women – are falling short of recommended intake. With added investment, WIC would be well positioned to increase consumption of these priority food groups – such as fruits, vegetables, whole grains, and seafood – while further supporting household economic security.

Proposed Higher Values for the Cash Value Benefit (CVB)

We strongly support USDA's proposal to increase the value of the cash value benefit to reach target intake for fruit and vegetables. The increased amounts, first enacted by Congress in 2021, in response to pandemic hardships, would take a noteworthy step forward in establishing healthy eating patterns by ensuring participants are able to afford fresh fruit and vegetables to meet 50% of DGA-recommended intake. Increasing the value of the CVB to the levels proposed by NASEM to meet 50 percent of the recommended fruit and vegetable intake is likely to increase fruit and vegetable purchases and consumption among WIC participants.⁷ The pandemic, as well as the recent shortages in baby formula, have shined a light on the critical role that the WIC program plays in supporting the nutritional needs of babies, young children, and mothers, and makes the case for permanent investment in policies that will improve access to WIC and increase innovation and modernization.

² See U.S. Department of Agriculture, Food and Nutrition Service. WIC Data Tables, Monthly Data – State Level Participation by Category and Program Costs, FY 2022 (preliminary), <https://www.fns.usda.gov/pd/wic-program> (note: August 2022 data as most recent month).

³ See Johnson SL (2016) Developmental and Environmental Influences on Young Children's Vegetable Preferences and Consumption. *Advances in Nutrition* 7(1):220S-231S, <https://doi.org/10.3945/an.115.008706>.

⁴ National Academies of Sciences, Engineering and Medicine (2017) Review of WIC Food Packages: Improving Balance and Choice: Final Report. <https://doi.org/10.17226/23655>.

⁵ See U.S. Department of Agriculture & U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf.

⁶ U.S. Department of Labor, Bureau of Labor Statistics. Economic News Release: Consumer Expenditures—2021 (Sept. 8, 2022), <https://www.bls.gov/news.release/cesan.nr0.htm>.

⁷ U.S. Department of Agriculture, Food and Nutrition Service. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages, Proposed rule, at 13, <https://fns-prod.azureedge.us/sites/default/files/resource-files/wic-fr-112122.pdf?eType=EmailBlastContent&eId=6a183be4-23c8-4619-bbe9-8928fa68d112>.

NASEM identified significant gaps in vegetable consumption among WIC-eligible populations, including 100% of postpartum women, 99% of children, and 99% of pregnant women who fall short of DGA-recommended vegetable intake.⁸ By giving families the opportunity to choose more fruit and vegetables, WIC will help reduce long standing financial barriers to healthy choices. Whole fruit is higher in fiber than 100% fruit juice,⁹ and NASEM prioritized fiber intake across all child and adult food packages.¹⁰ By decreasing overall juice issuance and boosting CVB for whole fruit purchases, WIC can work to reverse intake disparities that disproportionately affect low-income families and, in particular, Black children.¹¹

Added CVB value was incredibly well received by program participants after it was implemented in spring 2021, resulting in rapid and measurable increases in fruit and vegetable consumption (total daily fruit and vegetable intake increased by 1/3 cup from 2.01 cups before the CVB increase to 2.31 cups with the CVB increase).¹² In addition to addressing key nutrient gaps, the CVB is the most versatile element of the WIC food package, providing a greater degree of choice that can empower WIC families to reflect cultural eating patterns and experiment with new varieties. Added CVB benefits greatly shifted participant perceptions about the value of WIC participation: before the benefit was boosted in 2021, 83.8% of WIC participants felt that the CVB was “not enough,” but only 24% felt similarly after the increased amounts were put in place in 2021.¹³ A higher-value CVB could incentivize ongoing participation by young children, addressing a persistent challenge that fueled participation declines in the 2010s.¹⁴

Inclusion of Seafood in the Child and Adult Food Packages

We strongly support the proposed rule expanding access to seafood in the WIC food packages, from only 3.4% of WIC participants to an estimated 58.7%. Seafood is an important source of protein and nutrients, and the 2020 *Dietary Guidelines for Americans* – the first edition with distinct recommendations for pregnancy, lactation, and early childhood – emphasized the particular benefits of seafood consumption for pregnant and breastfeeding women, noting the potential benefits to a child’s cognitive development.¹⁵ We support USDA’s decision to issue seafood monthly, instead of forcing a complicated rotation with legumes and peanut butter. In addition to the health benefits of expanded access to a new food category, USDA should avoid complex issuance patterns that could confuse participants and deter retention of eligible families.

Adjustment of Dairy Issuance to Promote Participant Choice

We strongly support the proposed rule allowance of dairy substitution, permitting a participant to redeem all potential substitutions (e.g. yogurt, cheese, and tofu) for quarts of milk. Additionally, USDA’s proposal to offer a broader range of package and container sizes will allow a further degree of flexibility that will make it easier for State WIC agencies to authorize single-serve and multipack yogurt containers, string cheese, and

⁸ Ibid, 9.

⁹ U.S. Department of Agriculture & U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*, at 88. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf.

¹⁰ See National Academies of Sciences, Engineering and Medicine (2017) Review of WIC Food Packages: Improving Balance and Choice: Final Report, at 224-244. <https://doi.org/10.17226/23655>.

¹¹ Drewnowski A, Rehm CD (2015) Socioeconomic gradient in consumption of whole fruit and 100% fruit juice among US children and adults. *Nutrition Journal* 14(3). <https://doi.org/10.1186/1475-2891-14-3>.

¹² Ritchie L, et al. (2022) Multi-State WIC Participant Satisfaction Survey: Cash Value Benefit Increase During COVID. National WIC Association & Nutrition Policy Institute. <https://s3.amazonaws.com/aws.upl/nwica.org/nwa-multi-state-cvb-report-march-2022.pdf>.

¹³ Ibid, 12.

¹⁴ Ibid, 9.

¹⁵ U.S. Department of Agriculture & U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*, at 117. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf.

drinkable yogurts. We support the changes to dairy in the proposed rule to ensure that participants have more choice throughout the food package.

Strengthening Whole Grain Intake

NASEM identified that 100% of adults and 93% of children do not meet DGA-recommended intake for whole grains,¹⁶ with children instead exceeding recommended refined grain intake.¹⁷ Black and Hispanic families face the greatest intake disparities, with the average Hispanic toddler consuming only 26% of recommended whole grain intake.¹⁸ NASEM recognized that breakfast cereals are well positioned to drive increased whole grain intake for young children, leveraging limited WIC resources to deliver whole grains and key nutrients like iron and folate through the same food category. Introducing whole grain consumption during childhood is critical for WIC participants' health throughout the lifecourse, as whole grain consumption boosts intake of priority nutrients like fiber and iron and is associated with reduced risk of cardiovascular disease, type 2 diabetes, and other chronic diseases.¹⁹

In addition, USDA has listened to WIC families and providers in going further than the NASEM report to offer a broader range of nutritionally appropriate whole grain options that align with cultural eating patterns as well as the dietary needs of children with allergies to whole grains, including quinoa, wild rice, millet, triticale, amaranth, kamut, sorghum, wheat berries, tortillas with folic acid-fortified corn masa flour, corn meal (including blue), teff, buckwheat, and whole wheat pita, English muffins, bagels, and naan.²⁰ Additional cultural options will both reflect traditional diets honored by WIC families while making the program more accessible to new immigrants and refugees as they settle in the United States.

Pathway for Plant-Based Dairy Alternatives

NASEM was silent on the question of whether to authorize plant-based beverages beyond soy. We strongly urge USDA to follow through on its proposal to develop a pathway to authorize nutritionally comparable dairy alternatives without having to wait for a future review or rulemaking.²¹ Many mothers and children have dairy and soy allergies and should have access to alternative plant based beverage options in the program. Providing a pathway for plant-based dairy alternatives that meet nutrition standards to be eligible for WIC purchases will increase the value and choice of the WIC package for participants with allergens or dietary patterns that do not include dairy.

¹⁶ See National Academies of Sciences, Engineering and Medicine (2017) Review of WIC Food Packages: Improving Balance and Choice: Final Report, at 224-244. <https://doi.org/10.17226/23655>.

¹⁷ See U.S. Department of Agriculture, Agricultural Research Service. Food Patterns Equivalents Database, 2011-2018 (last modified Jan. 6, 2021), <https://www.ars.usda.gov/northeast-area/beltsville-md-bhnrc/beltsville-human-nutrition-research-center/food-surveys-research-group/docs/fped-data-tables/>.

¹⁸ Ibid, 21.

¹⁹ Seal CJ, Brownlee IA (2015) Whole-grain foods and chronic disease: evidence from epidemiological and intervention studies. Proc Nutr Soc. 2015 Aug;74(3):313-9. <https://doi.org/10.1017/S0029665115002104>.

²⁰ U.S. Department of Agriculture, Food and Nutrition Service. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages, Proposed rule, at 41, <https://fns-prod.azureedge.us/sites/default/files/resource-files/wic-fr-112122.pdf?eType=EmailBlastContent&eId=6a183be4-23c8-4619-bbe9-8928fa68d112>.

²¹ U.S. Department of Agriculture, Food and Nutrition Service. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages, Proposed rule, at 23, <https://fns-prod.azureedge.us/sites/default/files/resource-files/wic-fr-112122.pdf?eType=EmailBlastContent&eId=6a183be4-23c8-4619-bbe9-8928fa68d112>.

Maintenance of Elevated CVB Benefits Throughout Rule Implementation

USDA's proposed rule outlines an implementation timeline of 18 months, allowing states to adjust complex computer systems to account for the new food packages.²² This window is critical to ensure that states are positioned to appropriately program in new products, issuance levels, and substitution patterns. However, the proposed rule suggests that changes cannot be made on a food category basis; instead, an entire food package (e.g., the food package for children) must be adjusted at the same time. For example, the proposed rule suggests that canned fish could not be added to the child food package until the entire child food package is updated. This limitation is of particular concern for the food packages with elevated Cash Value Benefit, as a narrow reading of that limitation would suggest that benefits must be reduced to \$9 or \$11 for fruits and vegetables unless *all* changes are included across the individual food package. USDA should avert this disastrous result and explicitly exempt Cash Value Benefit from this limitation in implementation to assure equitable treatment of WIC participants as States adjust their systems and program in the new food packages.

Conclusion

Thank you for the opportunity to submit comments to this proposed rule. Overall, we strongly support the proposed changes to the WIC program. We believe this will improve the nutritional value of the program for years to come and help to reduce the alarming downward participation trend. We look forward to working with USDA on this rule, and please reach out to Olivia Gomez (OliviaG@firstfocus.org) or Libby Mullin (libbymullin1@me.com) with any questions or concerns.

Sincerely,



Bruce Lesley
President, First Focus on Children

²² U.S. Department of Agriculture, Food and Nutrition Service. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages, Proposed rule, at 52, <https://fns-prod.azureedge.us/sites/default/files/resource-files/wic-fr-112122.pdf?eType=EmailBlastContent&eId=6a183be4-23c8-4619-bbe9-8928fa68d112>.