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Allison Post

Chief, WIC Administration, Benefits, and Certification Branch Policy Division, Food and Nutrition Service  
U.S. Department of Agriculture  
1320 Braddock Place, 3rd Floor, Alexandria, Virginia 22314

**Re: Docket no. FNS-2023-0027; “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Implementation of the Access to Baby Formula Act of 2022 and Related Provisions.”**

On behalf of First Focus on Children, thank you for the opportunity to comment on the “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Implementation of the Access to Baby Formula Act of 2022 and Related Provisions” proposed rule (7 CFR part 246), which will help maintain access to infant formula.

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 applaud the United States Department of Agriculture’s (USDA) commitment to ensuring that infants and young children have access to the nutrition they need to grow and thrive.

**Importance of Formula**

WIC covers 1.4 million infants across the country.<sup>1</sup> Formula is designed to mimic the nutritional content of breast milk, allowing infants who do not breastfeed to grow and thrive. WIC offers formula for any infant whose mother feeds formula out of physical necessity or choice. It also provides access to specialty formula for infants with health concerns, which could be unattainable otherwise. This coverage ensures that infants in low-income households have the nutrition they need during this crucial stage of development.

Only 26% of infants are exclusively breastfed through their first 6 months.<sup>2</sup> This means that most are relying on formula to supplement their diet or rely on formula to meet all of their nutritional needs. While many mothers prefer to breastfeed, myriad barriers may prevent them from doing so. Low-income mothers or those working long hours may not be able to provide breast milk routinely for their children. Feeding formula allows anyone to feed the baby, making it easier for infants to be fed around the clock by family members or caretakers. Even

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<sup>1</sup> “National and State Level Estimates of WIC Eligibility and Program Reach in 2021.” United States Department of Agriculture. November 3, 2023. <https://www.fns.usda.gov/research/wic/eligibility-and-program-reach-estimates-2021>.

<sup>2</sup> Williams, Elizabeth and Artiga, Samantha. “Key Characteristics of Infants and Implications of the Recent Formula Shortage.” KFF. June 9, 2023.

<https://www.kff.org/medicaid/issue-brief/key-characteristics-of-infants-and-implications-of-the-recent-formula-shortage/>

mothers who are able and willing to breastfeed often need to supplement with formula to ensure that they are taking the best care of their baby. Without WIC, babies in low-income households may not be able to be fed.

### **Importance of Access to Formula on WIC**

Low-income households, households of color, and rural households are the most likely to rely on formula to keep their babies healthy.<sup>3</sup> A disproportionate amount of these families also rely on WIC to meet their babies' needs as well. When formula shortages occur, they hit these families and communities the hardest. Rural communities may have limited stores that carry formula, making it difficult to find if one or more stores are out of stock. Data shows that mothers of color are less likely to breastfeed exclusively and are therefore more reliant on formula, so their babies will miss out on vital nutrients in the absence of adequate access. Mothers in low-income households often do not have the time or resources to search for in-stock formula and may have a difficult time finding formula that fits into their budget or meets a child's special health care needs.

USDA's rule codifies the strides made by the Access to Baby Formula Act of 2022 (ABFA; PL 117-129), which was passed with bipartisan support in response to the baby formula shortage in 2022. This rule will ensure that mothers and infants have access to formula during emergencies like natural disasters, public health emergencies, or supply chain disruptions. Ensuring access to formula ensures that babies across America, especially our low-income communities and communities of color, have consistent and equitable access to the nutrition they need to thrive. Enacting this rule ensures that WIC helps to prevent shortages in the future, which is a necessary and commendable step.

### **Conclusion**

Thank you for the opportunity to submit comments on this proposed rule. We are grateful that USDA is taking responsible steps to ensure that no infant on WIC goes without the nutrition that they need. Please reach out to Abbie Malloy, Director, Health, Environmental, and Nutrition Policy, at [abbiem@firstfocus.org](mailto:abbiem@firstfocus.org) with any questions.

Sincerely,



Bruce Lesley  
President, First Focus on Children

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<sup>3</sup> Ibid.