

# Infant Formula Actions - Coalition Sign-on Letter

As Congress considers legislative action on the infant formula supply crisis, PLEASE SIGN ON TO THE BELOW LETTER BY 3PM ET ON WEDNESDAY 5/18.

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 WIC Association  
MomsRising  
[additional organizations]

 rdaeger@gmail.com (not shared) [Switch account](#) 

\* Required

Full Name: \*

Your answer

Email Address: \*

Your answer

Name of Organization (as it will appear on letter): \*

Your answer

Are you a national, state, or local organization? \*

- National
- State
- Local

What state is your organization based in? (for state and local organizations only)

Your answer

Please confirm that you are authorized to sign your organization on to this letter. \*

Yes, I am authorized.

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