

United States Senate

731 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2204

May 17, 2022

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, D.C. 20250

Dear Secretary Vilsack,

I write to you today to urge the Department to take all actions necessary to address the infant formula shortage and provide support to the millions of Americans who rely on the WIC program as a source of essential nutrition. It is critical that families on WIC across the country are able to access infant formula. I appreciate the flexibilities that USDA has provided to states to enable WIC participants to have more options when purchasing infant formula with their WIC benefits during this time. However, this serious situation demands continued action and more must be done to address the shortage and the impact on families and babies.

Please address the following questions:

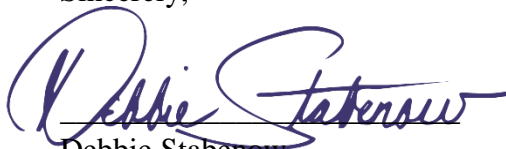
1. Abbott currently holds the WIC contract in 23 states. Given the shortage of formula across the country, how has this situation impacted participants in Abbott contract states versus states contracted with other manufacturers?
2. I understand Abbott has agreed to continue providing rebates on alternative and competitor products until the end of August.
 - a. How long does USDA estimate current supply shortages will continue?
 - b. What assurances, if any, has Abbott provided to USDA that rebating will continue so long as alternative products are necessary to address the needs of WIC families?
 - c. If alternative products continue to be necessary, what ability, if any, does USDA have to ensure rebating continues for alternative products?
3. FNS announced several waivers and flexibilities to enable states to provide options to WIC participants within the state.
 - a. Can you provide the latest information on which states have taken advantage of these waivers?
 - b. What is the Department doing to make sure that states are taking advantage of the waiver opportunities?
4. Formula shortages are affecting both WIC and non-WIC families, requiring a government-wide response. How is USDA partnering with other agencies within the federal government

to address issues in the supply chain or identify other mechanisms to resolve the immediate formula shortages?

5. Are there additional actions or flexibilities that would assist USDA in preventing or mitigating shortage issues like this in the future?

Thank you for your work and attention to this serious issue. Babies and individuals with serious health conditions depend on formula and this shortage is putting our most vulnerable at risk. I urge the Department to do all it can to support families during this time. I look forward to your response.

Sincerely,

A handwritten signature in blue ink, reading "Debbie Stabenow". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Debbie Stabenow
United States Senator