

March 9, 2021

Stacy Dean
Deputy Undersecretary for Food, Nutrition, and Consumer Services
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

Re: Food Safety of WIC-Approved Products

Dear Deputy Undersecretary Dean:

Thank you for your leadership in renewing the U.S. Department of Agriculture's commitment to increasing participation in the Special Supplemental Nutrition Program for Women, Infants, and Children. As USDA's Food and Nutrition Service employs a variety of strategies to conduct outreach to eligible families and modernize program services, the National WIC Association and Academy of Nutrition and Dietetics together urge additional action to address broader structural concerns that may inhibit WIC participation, specifically assuring the safety of the nation's food supply.

WIC serves approximately 6.25 million new and expectant parents, infants and children up to age 5, including approximately 1.55 million infants (roughly 45 percent of all infants born in the United States). WIC provides targeted food packages to increase access to healthful foods, with all three infant food packages phasing in infant foods at 6 months – including infant cereals, infant fruits and vegetables, and, in some cases, infant meats. Current regulations permit state WIC agencies to substitute certain amounts of infant fruits with fresh bananas, as well as infant fruits and vegetables with cash value benefit.

Last month, the House Oversight Committee's Subcommittee on Economic and Consumer Policy issued a staff report detailing dangerously high levels of heavy metals such as arsenic, lead, cadmium and mercury in leading commercial baby and toddler food brands. These heavy metals could have negative neurotoxic effects, impeding infant and child brain development. The subcommittee recommended a series of actions to require mandatory testing for heavy metals of final products, labeling and disclosure to consumers, and setting new regulatory standards that would ensure safe products on the shelf.

The subcommittee's report builds on a series of emerging concerns about product safety in the national food supply chain, including concerns about WIC-eligible products. This report is only the most recent analysis of the presence of toxic metals in rice cereals. Previously, state WIC agencies have reported increased participants' concerns about chemical contamination stemming from herbicides and pesticides, including the presence of glyphosate in oat-based foods.

Food safety issues are not unique to baby and toddler foods or to WIC-approved products, but there is a heightened obligation to ensure that WIC families receive safe, healthful products. WIC's public health success is rooted in increased access to healthful foods that positively contribute to fetal, infant, and child growth and development. Eligible families must be able to trust that WIC's vital supports will continue to improve the health of their children.

The National WIC Association and the Academy of Nutrition and Dietetics recommend FNS take the following steps to address renewed concerns about baby and toddler foods provided to WIC infants:

- **Coordinate with USDA agencies and the Food and Drug Administration (FDA) to strengthen federal food safety efforts.** As USDA considers a broad range of steps to revitalize the national food supply chain, strengthen the farm economy and address the growing effects of climate change on agriculture, FNS should continue to elevate the impact of food safety on federal nutrition programs like WIC while engaging in broader departmental efforts. USDA must also partner with the FDA, who has long been concerned about metals in the food supply – as evidenced by its Toxic Elements Working Group – to strengthen regulations, oversight and enforcement to ensure that products are safe for consumption. As the FDA renews its prioritization of this issue, interagency collaboration should include consistent, effective strategies for sharing food safety information with the public.
- **Issue guidance to state WIC agencies on how to address participant concerns about the safety of baby and toddler foods issued through WIC.** The subcommittee’s report has led to increased concern from participating families. WIC providers must have consistent and clear responses on the safety of leading baby and toddler food brands and tailored steps to support healthful infant diets if families choose not to redeem certain issued benefits. FDA cautions that commercially produced baby and toddler foods may have less contamination than homemade foods given to infants and toddlers. FDA also cautions parents against making their own infant formula, a message that WIC providers have consistently echoed throughout the COVID-19 pandemic. To mitigate unfortunate consequences, timely food safety updates should be made available to WIC agencies to include in WIC participant nutrition education programming. State WIC agencies would benefit from uniform, national guidance on how to address participant concerns and appropriately counsel families concerned by the increased scrutiny of leading national baby and toddler food brands.
- **Explore strategies to accommodate participant concerns and to ensure maximum benefit redemption.** Existing regulations permit certain flexibilities in the older infant package to substitute infant food benefits with fresh fruits and vegetables. FNS should encourage state WIC agencies to assess redemption data and allow for reasonable, safe and age appropriate accommodation in the infant food packages. FNS should consider adopting additional strategies to assure that WIC families fully redeem their benefits and that WIC infants have continued access to foods with the nutrients needed for healthy growth and development.

WIC’s science-based food package is the foundation of a healthful start for many WIC families, and FNS plays a critical role in assuring eligible participants that WIC foods are safe and improve health outcomes for their children. As FDA considers additional actions in response to the Subcommittee on Economic and Consumer Policy’s report, FNS must play a leading role in raising the concerns of WIC participants, guiding providers in appropriate responses, and implementing necessary flexibilities to provide access to safe products. NWA and the Academy are willing and eager to assist in any way possible.

If you have any questions, please reach out to NWA's Senior Public Policy Counsel Brian Dittmeier at 202-232-4150 or bdittmeier@nwica.org or the Academy's Senior Director of Legislative and Government Affairs Liz Campbell at 202-775-8277 or ecampbell@eatright.org. We look forward to USDA's continued leadership in improving access to WIC services and paving the way for a healthier next generation.

Sincerely,

**National WIC Association
Academy of Nutrition and Dietetics**