

**Congress of the United States**  
**Washington, DC 20515**

January 27, 2022

The Honorable Thomas J. Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250

Dear Secretary Vilsack:

We understand that, according to the United States Department of Agriculture's (USDA) Fall 2021 Regulatory Agenda, the Department intends to issue a Notice for Proposed Rulemaking for revisions to the supplemental food package for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). We strongly urge you to provide package-size and container-size flexibility within certain food categories, which will help improve families' access to varieties and sizes that are more widely available, as recommended in the 2017 report of the National Academies of Sciences, Engineering, and Medicine (NASEM).

Specifically, WIC's supplemental food package provides redemptions for dairy, including milk, yogurt, and cheese. These products help mitigate nutrition-related health risks for pregnant, postpartum, and breastfeeding women, infants, and young children by providing a number of essential nutrients, which are a critical part of the healthy diet recommended by the Dietary Guidelines for Americans.<sup>1</sup> WIC's allowance of a variety of dairy options – including the addition of yogurt to the WIC food package in 2015 – provides participants with greater choice and may be associated with improved redemption of dairy benefits and consumption of key nutrient-dense foods.<sup>2</sup>

However, in its comprehensive review of the WIC food packages, NASEM recognized that strict guidelines on eligible foods could prevent participants from accessing popular options that are more commonly stocked at retail grocery stores, which may result in fewer benefits issued and fewer nutrients consumed. For example, some state WIC agencies exclude smaller yogurt container sizes (e.g., 5.3 oz. and 6 oz. cups) that are more widely available in the marketplace and convenient to serve to young children.<sup>3</sup> Even though the 2017 NASEM report clearly contemplates that single-serve containers should be an option, at least 30 states still restrict WIC purchases to one 32-ounce container of yogurt.

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<sup>1</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services, *Dietary Guidelines for Americans 2020-2025*, USDA (Dec. 2020), [https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary\\_Guidelines\\_for\\_Americans-2020-2025.pdf](https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)

<sup>2</sup> See National Academies of Sciences, Engineering, and Medicine (2017) Review of the WIC Food Packages: Improving Balance and Choice, at 282, <https://pubmed.ncbi.nlm.nih.gov/28605175/>

<sup>3</sup> *Id.* at 277.

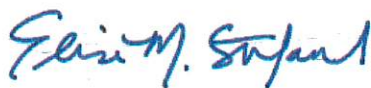
WIC families should not be limited to cumbersome, WIC-specific package sizes when more popular, convenient, and nutritionally-comparable options are available on grocery store shelves. Since yogurt was introduced to the WIC food packages in 2015, parents have been limited to only a fraction of available yogurt varieties. The COVID-19 pandemic and associated supply chain disruptions only exacerbated participant challenges in finding approved WIC foods, with state WIC agencies needing waivers to provide yogurt and food container size flexibilities as retail grocery stores report supply and stocking challenges. These waivers allowed WIC participants to access foods that met WIC nutritional needs but were more readily available in the supply chain and on store shelves.

As USDA reviews and updates the WIC supplemental food package, we ask the Department to enact NASEM's recommendation that encourages states to allow WIC participants to use their redemptions on more varieties and sizes, including yogurt redemptions for smaller size containers that total up to 32 ounces. This flexibility should apply to foods within the same food category that meet the WIC supplemental nutritional profile but are otherwise in different package or container sizes that promote greater variety and accessibility. USDA should work swiftly to implement a final rule, ensuring that there is no gap between COVID-related waivers and permanent flexibilities to provide consistent options for WIC families.

Providing food package flexibility, such as for yogurt, would significantly improve the health of women, infants, and children by providing them with better access to the full nutritional benefits of WIC's food package.

Thank you for your prompt attention to this matter.

Sincerely,



Elise M. Stefanik  
Member of Congress



Suzanne Bonamici  
Member of Congress



Glenn "GT" Thompson  
Member of Congress



Joe Courtney  
Member of Congress



Bob Good  
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Ann McLane Kuster  
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Brian Fitzpatrick

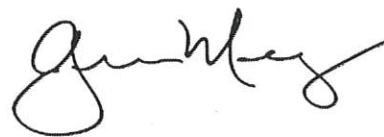
Brian Fitzpatrick  
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Mariannette Miller-Meeks, M.D.  
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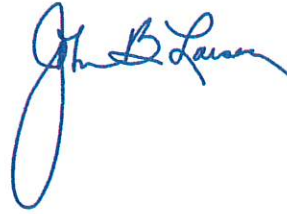


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