

August 31, 2020

The Hon. Sonny Perdue
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Perdue:

Upon passage of the Families First Coronavirus Response Act (FFCRA), the U.S. Department of Agriculture (USDA) worked swiftly to implement program flexibilities for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). USDA approved life-saving waivers that have been instrumental in assuring uninterrupted service for WIC participants and safely connecting hundreds of thousands of new participants, including newborns, with WIC's vital nutrition and breastfeeding support. **In recognition of the ongoing and unprecedented nature of the COVID-19 crisis, we urge USDA to take immediate action to extend approved waivers for state WIC agencies for the duration of the COVID-19 emergency.**

Our three organizations are dedicated to ensuring healthy pregnancies and new moms, and positive growth and development for infants and young children. The National WIC Association is the non-profit membership organization for more than 12,000 WIC service provider agencies advancing the nutritional health of mothers, babies, and young children. The American Academy of Pediatrics represents 67,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists who are committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. The American College of Obstetricians and Gynecologists represents over 60,000 physicians and other clinicians dedicated to the advancement of women's health care.

Together, we are committed to ensuring that eligible families continue to safely access the full continuum of WIC benefits and supports throughout the pandemic. USDA waivers permit states to relax physical presence requirements, allowing WIC providers to implement modified practices that reduce in-person contact without interrupting services. These measures are necessary as scientific experts gain a deeper understanding of COVID-19, including the heightened risks of severe illness or adverse pregnancy outcomes for pregnant persons who contract the virus.

USDA's life-saving waivers have empowered WIC providers to efficiently adapt services throughout the COVID-19 pandemic. WIC providers are not only safely meeting the needs of existing participants, but are safely reaching families who are newly eligible due to job loss or diminished income. Since February 2020, nearly three-fourths of geographic states are reporting an increase in caseload. Several states have reported significant increases in participation – including North Carolina (19%), California (14%), Kentucky (13%), and South Carolina (11%).

Failure to extend these life-saving waivers would disrupt WIC's successful response to the complications presented by this pandemic, depriving states of much-needed flexibility and putting the health of pregnant women, new parents, and their infants and young children at risk. Despite swift initial action, USDA consistently imposed arbitrary time limits on these necessary flexibilities, despite the fact that Congress vested USDA with authority to approve waivers that apply for the whole duration of the emergency period. This approach has made it difficult for state and local providers, retailers and vendor partners, and other stakeholders to effectively plan for the months ahead.

A premature end to the USDA waivers would undermine WIC clinic operations and may make clinic operations impossible due to state or local requirements for phased reopening. Many of the safety precautions implemented to modify clinic spaces will be easily undermined by the volume of WIC appointments and the impossibility of enforcing social distancing among young children. Local providers – especially in rural and tribal communities – may have only a few staff members that conduct WIC operations. In several states, clinic sites that have remained open have had to temporarily suspend services when the skeleton crew of WIC staff has either been exposed to or contracted COVID-19. When so many families are in need of WIC’s support, the program should not risk such disruptions when the approved life-saving waivers have proven effective alternatives and remain available to USDA to help WIC minimize public health risk.

USDA is running out of time to act. Although FFCRA establishes a sunset date for the approval of waivers, the statute permits waivers to last for the duration of the emergency period. USDA has already exercised similar authority with certain waivers for other federal nutrition programs, including the National School Lunch Program, the School Breakfast Program, and the Child and Adult Care Food Program. As the nation continues to grapple with effective public health solutions to the COVID-19 crisis, we strongly urge USDA to exercise the full extent of its authority to empower WIC providers to continue to adapt throughout the remainder of the pandemic.

As organizations dedicated to the health and well-being of the WIC-eligible population, we urge you to protect the health and safety of WIC mothers, their babies, and young children, and WIC staff, and ensure ongoing service flexibility for WIC providers amidst this unprecedented pandemic.

Sincerely,

National WIC Association (NWA)
American Academy of Pediatrics (AAP)
American College of Obstetricians and Gynecologists (ACOG)

cc: The Honorable Pat Roberts
The Honorable Debbie Stabenow
The Honorable Bobby Scott
The Honorable Virginia Foxx