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February 17, 2023

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

RE: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC):
Revisions in the WIC Food Packages (RIN 0584-AE82)

Dear Secretary Vilsack:

As Ranking Member of the House Committee on Education and the Workforce and Ranking Member of the Subcommittee on Early Childhood, Elementary, and Secondary Education, we write to offer our comments regarding the proposed rule entitled *Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages* (the proposed rule) published in the Federal Register on November 21, 2022.

The WIC program has proven vital to infants, children, and pregnant and postpartum women by promoting healthy growth and development, increasing intake of vitamins, minerals, and nutrient-dense foods, as well as lowering health care costs, especially in low-income and communities of color.¹ Science-based food packages are essential to the WIC program, which has been proven to provide improved health outcomes for individuals who are nutritionally at-risk.² Importantly, the WIC food packages are not dictated by Congress but are based on the latest nutrition science and expert recommendations. By tailoring the WIC food package based on the 2017 National Academies of Sciences, Engineering, and Medicine report (NASEM report)

¹ WICstrong.com, WIC Helps Your Community, (Feb. 9, 2023, 10:10 AM), <https://www.wicstrong.com/community/wic-helps-your-community/>.

² National WIC Assoc., Enhancing the WIC Food Package: Impacts and Recommendations to Advance Nutrition Security, 7 (June 2021), [nwa-wic-food-package-report.pdf](https://www.nwica.org/wp-content/uploads/2021/06/nwica-wic-food-package-report.pdf).

and the 2020-2025 Dietary Guidelines for Americans (DGAs), the proposed rule aims to promote a wider variety of food options, allow state agencies to better accommodate food packages for cultural food preferences and dietary needs, and increase equitable access to supplemental foods.

The proposed rule, as recommended by the NASEM report, would increase the Cash-Value Voucher (CVV) benefit for all participants and expand the food items that can be purchased using the CVV.³ While the *Consolidated Appropriations Act, 2023*⁴ temporarily extended the increase in the monthly benefit level, an increase first authorized in *the American Rescue Plan of 2021*,⁵ absent further action CVV benefits will return to their established regulatory monthly levels of \$9 for children and \$12 for pregnant, postpartum, and breastfeeding individuals in fiscal year 2024.⁶ According to the NASEM report, established regulatory benefit level enables the purchase of less than a one-cup equivalent of fruits and vegetables per day, woefully short of the recommended amounts.⁷ The proposed rule would permanently increase benefits to \$25 for children, \$45 for pregnant and postpartum women, and \$50 for breastfeeding women, with those levels indexed for inflation. These additional benefits have already played an instrumental role in increasing children's total daily consumption of fruits and vegetables in 2021 by a 1/3 of a cup—a direct result of increased benefits.⁸ The increased benefit is already improving nutritious options and receiving support from program participants.⁹ We support permanently establishing it and indexing it to inflation in the proposed rule.

The proposed rule also takes steps to bolster consumption of whole grains, by changing the whole grain criteria for breakfast cereals to require whole grain as the first ingredient and requiring that all WIC-eligible breakfast cereals meet the whole grain criteria. The proposed rule also provides participants with more whole-grain options that align with their personal and cultural preferences, such as quinoa and whole wheat naan. The NASEM report indicates that all pregnant, breastfeeding, and postpartum WIC participants and over 93% of child participants do not meet the recommended whole grain intake.¹⁰ Whole grains contain dietary fiber, which the DGAs lists as a nutrient of public health concern due to low intake.¹¹ In nutrient-dense forms,

³ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages, 87 Fed. Reg. 71090, 71093 (proposed Nov. 21, 2022) (to be codified at 7 C.F.R. pt. 246) (hereinafter Food Package NPRM).

⁴ Pub. L. No. 117-328 (2022).

⁵ Pub. L. No. 117-2, § 1105, 135 Stat. 4, 17 (2021).

⁶ Food Package NPRM at 71094.

⁷ National Academies of Science, Engineering, and Medicine, Review of WIC Food Packages: Improving Balance and Choice: Final Report, 271 (2017),

https://www.ncbi.nlm.nih.gov/books/NBK435902/pdf/Bookshelf_NBK435902.pdf. The recommended daily amount for pregnant or lactating individuals are 1 ½ - 2 ½ cups of fruits and 2 ½ - 3 ½ cups of vegetables. *Id.* at U.S. Dept. of Agriculture, Dietary Guideline for Americans: Make Every Bite Count with the Dietary Guidelines.

⁸ Lorrene Ritchie et al., Multi-State WIC Participant Survey: Cash Value Benefit Increase During COVID, National WIC Assoc. 4 (Mar. 2022), <https://s3.amazonaws.com/aws.upl/nwica.org/nwa-multi-state-cvb-report-march-2022.pdf>.

⁹ *Id.*

¹⁰ National Academies of Science, Engineering, and Medicine, *supra* note 7, at 279.

¹¹ U.S. Dept. of Agriculture, Dietary Guideline for Americans: Make Every Bite Count with the Dietary Guidelines, 36 (2020).

whole grains have limited added sugars, saturated fats, and sodium,¹² and contain antioxidants, B vitamins, and minerals, all of which lower the risk of chronic diseases and cancer.¹³ This proposed update ensures that participants are indeed consuming whole grains when consuming breakfast cereals, especially since breakfast cereals are the “top contributor” to whole-grain intake for children.¹⁴

Additionally, the proposed rule makes multiple changes regarding fruits and vegetables. Currently about 80% of the U.S population does not meet daily fruit recommendations.¹⁵ The proposed rule includes a reduction in juice to 64 fluid ounces for children, pregnant, and breastfeeding women and removes juice recommendations entirely for postpartum women.¹⁶ The Department of Agriculture (the Department) also proposes to require state agencies to authorize an additional form of fruits and vegetables (other than fresh) and require vendors to stock at least three different vegetables instead of two vegetables. The DGAs emphasize the consumption of whole forms of fruits and vegetables over juice for all subgroups, especially as whole fruits and vegetables are more nutrient dense and can lower the risk of chronic diseases.¹⁷ The DGAs also recommend limiting the amount of fruit juice consumed since juice is lower in dietary fiber compared to other forms of fruit. By reducing juice amounts, authorizing an additional form of fruits and vegetables, and increasing vegetable variety, the revised food package promotes dietary fiber intake for all participants as well as lowers the risks of high blood pressure and cholesterol.¹⁸

The proposed rule provides state agencies additional flexibility on the package sizes that can be authorized for food items (excluding WIC formula), such as yogurt and bread. The rule would also allow state agencies needed flexibility to ensure participants can take advantage of a particular package size even if the package size does not meet the maximum monthly allowance. Additionally, we appreciate that the proposed rule allows fortified soy-based yogurts and cheeses as milk substitution options as well as allows an opportunity to comment on the feasibility of plant-based milk alternatives that meet nutrient specifications.

We appreciate the Department’s actions to ensure appropriate nutrition for those served by the WIC program using a science-based review. These actions are particularly important given that the WIC program is in a unique position to improve the health outcomes of low-income and communities of color that are often disproportionately impacted by food insecurity¹⁹ and diet-

¹² *Id.* at ix.

¹³ *Id.* at 37.

¹⁴ *Id.* at 76.

¹⁵ *Id.* at 32.

¹⁶ Food Package NPRM at 71095. Current juice amounts in WIC food packages are 128 fl. oz. for children 1 through 4 years, 144 fl. oz. for pregnant individuals, 96 fl. oz for postpartum individuals, 144 fl. oz. for partially breastfeeding individuals, and 144 fl. oz. for fully breastfeeding individuals.

¹⁷ U.S. Dept. of Agriculture, Dietary Guideline for Americans: Make Every Bite Count with the Dietary Guidelines, 24, 31-32 (2020).

¹⁸ *See id.* at 23-24.

¹⁹ Alisha Coleman-Jensen et al., Household Food Security in the United States in 2020 16-17, U.S. Dept. Of Agriculture, Econ. Rsch. Serv. (2021), <https://www.ers.usda.gov/webdocs/publications/102076/err-298.pdf>.

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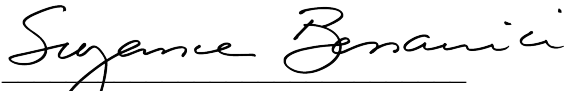
related chronic disease.²⁰ We are encouraged by the Department's work in proposing these revisions, tailored to provide a well-balanced nutrient dense diet that are critical to promoting nutrition security and equity and improving nutrition for participants.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Ranking Member



SUZANNE BONAMICI

Ranking Member

Subcommittee on Early Childhood, Elementary,
and Secondary Education

²⁰ Debbe Thompson, et al., Perspectives of Black/African American and Hispanic Parents and Children Living in Under-Resourced Communities Regarding Factors That Influence Food Choices and Decisions: A Qualitative Investigation, 8 Children 236, 237 (2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8002848/>.