



Food and
Nutrition
Service

February 20, 2022

1320
Braddock
Place
Alexandria,
VA
22314

SUBJECT: Request for Additional WIC Flexibility in Response to the Impact of the Ongoing Coronavirus Disease 2019 (COVID-19) Pandemic on Nationwide Infant Formula Supply Chain Issues and 2022 Abbott Recall – Vendor Exchanges

TO: All FNS Regional Offices
All WIC State agencies

This letter is in response to correspondence from WIC State agencies requesting program flexibility from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Federal requirements as a result of the impact of the ongoing Coronavirus Disease 2019 (COVID-19) pandemic and the 2022 Abbott recall of certain powder infant formula and exempt infant formula on the nationwide supply chain leading to both periodic location- and product-based WIC infant formula and exempt infant formula shortages.

Applicable WIC State agencies individually requested waivers of the federal requirement that prohibits WIC authorized vendors from providing exchanges of products purchased with WIC benefits. This waiver helps allow WIC participants to be treated like all other customers during the 2022 Abbott recall of certain powder infant formula and exempt infant formula. Pursuant to the authority granted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5207), USDA’s Food and Nutrition Service (FNS) approves this waiver request for State agencies listed in the attachment through the earlier of either September 30, 2022 or the expiration date of the major disaster declaration in the affected area.

This waiver is only applicable to regulations at:

- 7 CFR 246.12(h)(3)(ii), which prohibits WIC authorized vendors from permitting exchanges for authorized supplemental foods obtained with food instruments beyond exchanges for an identical (exact brand and size) food item.

As this requirement must be included in the State agency’s vendor agreements per 7 CFR 246.12(h)(3), WIC State agencies should work with their legal counsel to determine whether additional action is needed at the State level to waive this requirement. This waiver only applies to items being exchanged under the 2022 Abbott recall of certain powder infant formula and exempt infant formula during COVID-19 supply chain disruptions. Unless a State agency has additional active FNS waivers, all other federal WIC requirements must be met.

USDA FNS appreciates WIC State agencies' commitment to quickly responding to the COVID-19 related nationwide supply chain issues that have been exacerbated by this recall.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Kriviski". The signature is fluid and cursive, with the first name "Diane" being more prominent than the last name "Kriviski".

DIANE KRIVISKI
Associate Administrator
Supplemental Nutrition and Safety Programs

Attachment:

List of WIC State agencies that have been granted an FNS waiver for:
Additional WIC Flexibility in Response to the Impact of the Ongoing Coronavirus Disease 2019
(COVID-19) Pandemic on Nationwide Supply Chain Issues – Vendor Exchanges

**List of WIC State agencies that have been granted an FNS waiver for:
Additional WIC Flexibility in Response to Impact of the Ongoing Coronavirus Disease 2019
(COVID-19) Pandemic on Nationwide Infant Formula Supply Chain Issues – Maximum
Monthly Allowance**

Granted February 20, 2022

Alaska WIC
American Samoa WIC
Commonwealth of the Northern Mariana Islands WIC
Connecticut WIC
Delaware WIC
District of Columbia WIC
Guam WIC
Hawaii WIC
Idaho WIC
Iowa WIC
Inter-Tribal Council of Arizona WIC
Inter-Tribal Council of Nevada WIC
Kansas WIC
Kentucky WIC
Maryland WIC
Massachusetts WIC
Michigan WIC
Minnesota WIC
Missouri WIC
Montana WIC
Nebraska WIC
Nevada WIC
New Hampshire WIC
North Dakota WIC
Oregon WIC
Pennsylvania WIC
Rhode Island WIC
South Dakota WIC
Standing Rock Sioux Tribe WIC
Tennessee WIC
U.S. Virgin Islands WIC
Vermont WIC
Virginia WIC
West Virginia WIC
Wisconsin WIC
Wyoming WIC