



Food and  
Nutrition  
Service

February 21, 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 – Vendor Exchanges

**Granted February 21, 2022:**

Cherokee Nation of Oklahoma WIC  
Choctaw Nation of Oklahoma WIC  
Five Sandoval Indian Pueblos, Inc. WIC  
Louisiana WIC  
Maine WIC  
Navajo Nation WIC  
Osage Nation WIC  
Pueblo of Isleta WIC  
Texas WIC  
Utah WIC  
Washington WIC  
Pueblo of Zuni WIC

**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