



FACT SHEET

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Access to Baby Formula Act (H.R. 7791)

Infant formula is essential to a baby's early life and development. Unfortunately, the nation is experiencing a formula shortage crisis.

Families across the country are struggling to feed their infants and children, and families lack clarity as to when this shortage will end. Twenty-six states have out-of-stock rates of [40 to 50 percent](#) for infant formula, while some states have out-of-stock rates of [50 percent or higher](#).

The crisis was caused by a manufacturing recall and subsequent closure of a major manufacturing plant as well as pandemic-related supply chain issues. In February 2022, an Abbott Nutrition facility in Michigan [voluntarily recalled](#) several infant formula products (including Similac, Alimentum, and EleCare) and the Food and Drug Administration (FDA) issued a [warning](#) to consumers not to use these recalled products.

The crisis has taken an especially dangerous toll on women and children from underserved communities who use WIC benefits to access formula.

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) helps ensure the health and well-being of low-income women, infants, and children up to age five who are at an increased nutritional risk. WIC participation has been [associated](#) with improved infant health outcomes—including reduced infant mortality — and reduced disparities in hospitalizations rates among Black and Latino infants.

About [half](#) of infant formula sold nationwide is purchased with WIC benefits, which restricts the types of formulas that recipients can buy. Moreover, Abbott Nutrition's formula products serve 89 percent of all infants participating in WIC, according to the U.S. Department of Agriculture's (USDA) Food and Nutrition Service.

The *Access to Baby Formula Act* will ensure flexibility so that we can help families feed their newborn babies during this crisis.

The *Access to Baby Formula Act* will grant the U.S. Department of Agriculture (USDA) the authority to waive certain requirements so that vulnerable families can continue purchasing safe infant formula with their WIC benefits during extenuating circumstances, such as a public health emergency or supply chain disruption. The bill will also ensure that WIC participants are better protected during a product recall.