

Congress of the United States
Washington, DC 20515

May 17, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

Thank you for your recent and important efforts to initiate a robust government response to the infant formula shortage and your work to ensure the Food and Drug Administration (FDA) takes necessary steps to improve the supply of infant and specialty formula products¹.

We write to implore you to do everything within your executive authority, across all federal agencies, and in partnership with state and local governments to address the infant formula shortage impacting families across our country. It is imperative that the federal government work to immediately investigate the causes of these shortages and work to diligently and safely increase domestic supply while ensuring that families are protected from price gouging. We request that you direct all agencies to identify and utilize all authorities, available funds, and capacity that can be dedicated to ending the infant formula shortage, including current authorities available through the public health emergency for COVID-19, and any and all authorities under the Defense Production Act. What's good for our babies is good for our nation, and we must utilize every tool to respond to this crisis expeditiously and comprehensively with the expectation of never allowing it to repeat.

No corner of the nation is exempt from the infant formula shortage. We write on behalf of our constituents who have shared heartbreaking experiences of driving multiple hours in hopes of finding a store with baby formula in stock, oftentimes only to be met with empty shelves or rising prices.

Abbott Nutrition is one of four companies that control nearly 90% of the American baby formula market.² Infant formula made by Abbott Nutrition tested positive for a deadly bacteria at least twice in 2019 during FDA inspections under the Trump Administration that resulted in no corrective actions from the previous administration.³ Later in 2021, Abbott Nutrition chose to continue selling contaminated powdered infant formulas to the public for four months despite evidence of deadly bacteria found at a facility in September 2021. The harm this corporate greed

¹ [FDA Takes Important Steps to Improve Supply of Infant and Specialty Formula Products | FDA](#)

² [Monopolies and the Baby Formula Shortage - The American Prospect?](#)

³ [FDA Failed to Act on Safety Before Infant Formula Recall - Consumer Reports](#)

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and industry oligopoly have caused cannot be overstated.⁴ In that four-month period before the recall was made, two infants tragically died and at least four infants have been hospitalized. In the same month that health hazards were identified and ignored at Abbott Nutrition's facility, their sales grew, despite pandemic woes.⁵ Abbott Nutrition's near monopoly has made the American public all the more vulnerable to the harmful consequences of pandemic profiteering.

We urge immediate executive action. Additionally, your Administration should engage, to the greatest extent feasible, early childhood development experts, pediatric nutritionists, and community action agencies on sustainable solutions. Further, we urge that the Federal Trade Commission pursue a robust and wide-ranging study of the infant formula industry to identify the practices and conditions that led to the shortage and to establish the necessary regulatory response. A reliable, affordable supply of safe and nutritious infant formula is critical for healthy growth and development of our children. Neuroscience research has shown that 80 percent of the foundation of a child's brain development occurs in the first 1,000 days of life, which means the first three years of a child's life is critical for a child's health, learning, and executive function.⁶ Without access to proper nutrition, babies will face starvation at a formative period of development that will have long-lasting consequences over the course of their lives. Our youngest children are not the only ones particularly vulnerable. Recent estimates have shown that about 2,000 people live with severe metabolic, gastrointestinal and allergic disorders that require them to rely on formula as a means of survival⁷. In the wealthiest nation in the world, a formula shortage is a form of violence that should be absolutely inconceivable.

In Congress, we are committed to moving urgently on any and all legislative actions to ensure an immediate, short-term response to the infant formula shortage, with transparency and accountability for the actions of Abbott Nutrition and any other manufacturers who have heinously profited from the shortage, as well as long term solutions that include more equitable economic planning for critical sectors and supplies, like infant formula, and ensuring such frameworks prioritize a full supply chain public option and other measures to prevent against corporate interests that put profits over people, including our very youngest and most vulnerable.

Our constituents and millions of families across this nation need to know how they are going to feed their babies today. This moment calls for bold action in service of our infants and the ones who care for them – we stand ready to act in full partnership with your Administration to meet this moment head on.

Sincerely,

⁴ [Monopolies and the Baby Formula Shortage - The American Prospect](#)

⁵ [Abbott \(ABT\) Nutrition Sales Grow Despite Pandemic Woes | Markets Insider \(businessinsider.com\)](#)

⁶ [First 1,000 Days – a Critical Time for Children's Brain Development | Masonic Institute for the Developing Brain \(umn.edu\)](#)

⁷ ['I don't know how my son will survive': Inside the dangerous shortage of specialty formulas - POLITICO](#)

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Jamaal Bowman, Ed.D.
Member of Congress



Ayanna Pressley
Member of Congress



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Cc:

The Honorable Robert M. Califf M.D., Commissioner of the U.S. Food and Drug Administration

The Honorable Tom Vilsack, Secretary of the U.S. Department of Agriculture

The Honorable Deanne Criswell, Administrator of the U.S. Federal Emergency Management Administration

The Honorable Xavier Becerra, Secretary of the U.S. Department of Health and Human Services

The Honorable Lloyd Austin, Secretary of the U.S. Department of Defense

The Honorable Lina Khan, Chair of the Federal Trade Commission