



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Revisions in the WIC Food Packages Final Rule

By: Tadeo Melean

05/21/2014

Background: The USDA “Revisions in the WIC Food Packages” final rule, published on March 4th, 2014, revises the interim rule published in 2007. The interim rule reflected recommendations made by the 2005 National Academies’ Institute of Medicine (IOM) report, [“WIC Food Packages: Time for a Change.”](#) The final rule addresses comments on the interim rule and clarifies certain provisions. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides federal grants to states to fund supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women as well as nutritionally vulnerable infants and children up to age 5. Each of the seven WIC food packages is designed to provide the supplemental foods needed to meet the special nutritional needs of these groups.

1. Provisions that Affect All WIC Food Packages (main concerns raised by WIC State agencies)

- a. Main concerns raised by WIC State agencies:
 - i. Flexibility to tailor food packages categorically – the process of modifying the WIC food packages for participant groups or subgroups with similar supplemental nutrition needs.
 - ii. Flexibility to substitute culturally relevant foods that are not as nutritious
 - iii. Flexibility to allow WIC agencies to determine whether to substitute milk for soy or tofu products
- b. Nutrition tailoring: In commentary, WIC state agencies asked for more flexibility to categorically tailor food packages. The final rule disallows categorical tailoring of food packages (p. 12275).
- c. Cultural Food Package Proposals: WIC state agencies wanted the flexibility to substitute culturally relevant foods that are not as nutritious as the original food item. The final rule disallows any substitution of food that does not meet the FNS nutrition guideline (p. 12275).
 - i. *Additional Information*: As it stands, the interim rule allows state agencies to submit a substitution of food plan to FNS. WIC state agencies asked, in commentary, that FNS change the criterion that “any proposed substitute food must be nutritionally equivalent or superior to the food it is intended to replace” to make it easier to feed a diverse population. FNS argues that “the increased variety and choice in the supplemental food in the interim rule...provide state agencies expanded flexibility in prescribing culturally appropriate packages for diverse groups.”
- d. Medical Documentation for Milk Alternatives: FNS will no longer require a health care professional licensed to write medical prescriptions to provide documentation for children to receive soy-based beverage and tofu as milk substitutes, **allowing WIC state agencies more flexibility** in how they determine the substitution needs. (p. 12276)
- e. Organic Foods: Although FNS allows for nutritionally appropriate organic foods, it is up to WIC state agencies to determine specific brands on their state WIC food list (p. 12277).

2. Supplemental Foods and Food Packages

- a. Fruits and Vegetables Voucher Increase: FNS increases the cash-value voucher for children from \$6 to \$8 per month (p. 12277).
- b. Fruits and Vegetables Clarification: Both fresh fruits and vegetables must be authorized by state agencies.
- c. White Potatoes: Since data indicate consumption of starchy vegetables meets or exceeds recommended amounts, the inclusion of white potatoes would not serve a supplementary role and are therefore not allowed on the WIC food package (p. 12278).
- d. Dried Fruit and Vegetables for Children: FNS now authorizes them to be purchased with cash-value vouchers at the state agency's option (p. 12278).
- e. Refried beans: They have been added to the examples of allowable legumes. This is important for WIC agencies that serve particular cultural populations (p. 12279).
- f. Yogurt: This rule authorizes yogurt as a substitute for milk for children and women in Food Packages III-VII at the state agency's option (p. 12280).
- g. Whole wheat pasta: Now qualifies as a whole grain bread alternative (p. 12282).
- h. Jack mackerel: Is now a canned fish option. King mackerel is not authorized under any form (p. 12284).
- i. Federal mandates: This rule contains no federal mandates for state and local governments of \$100 million or more in any one year (p. 12288).
- j. Infant food in lieu of cash-value voucher: This rule allows state agencies the flexibility to provide children and women in Food Package III the option of receiving commercial jarred infant food fruits and vegetables in lieu of the cash-value voucher (p. 12284).

NCSL Contacts and Resources

Ann Morse
Director of Hunger Partnership
NCSL—Washington, D.C.
(202) 624-8697
ann.morse@ncsl.org

Joy Johnson Wilson
Director of Health and Human Services Policy
NCSL—Washington, D.C.
(202) 624-8689
joy.wilson@ncsl.org

Gilberto Soria Mendoza
Policy Associate for Hunger Partnership
NCSL—Washington, D.C.
(202) 624-3576
gilberto.mendoza@ncsl.org

[NCSL Hunger Partnership Website](#)
[WIC Final Rule](#)
[National WIC Association: WIC State Profiles](#)

Tadeo Melean is a Bill Emerson National Hunger Fellow for the NCSL Hunger Partnership.