

Congress of the United States  
Washington, DC 20515

May 17, 2022

Robert B. Ford  
Chairman of the Board and Chief Executive Officer  
Abbott Laboratories  
100 Abbott Park Road,  
Abbott Park, Ill. 60064

Dear Mr. Ford,

Across the country, families are facing an unprecedented shortage of baby formula. The out-of-stock rate reached 43 percent last week, a 10 percent increase from last month.<sup>1</sup> Unfortunately, Abbott's recall of its Similac baby formula has only exacerbated an already dire situation. This shortage has fallen especially hard on Massachusetts, in particular families who rely on the Women, Infants, and Children (WIC) program to purchase Similac baby formula.

As you know, every state's WIC agency is required by law to competitively bid and contract with a single brand of baby formula in return for rebates from the manufacturer. For Bay Staters, Abbott's Similac baby formula is the exclusive brand for WIC. Thus, although Abbott's recall has impacted states across the country, it has fallen disproportionately on states like Massachusetts that have contracted with Abbott. In fact, it has been nearly impossible for the parents of roughly 22,000 infants across our Commonwealth who rely on WIC to reliably find a supply of baby formula.<sup>2</sup>

Although states are able to authorize waivers in emergencies like these that permit WIC users to purchase other brands of baby formula, families are still finding empty shelves. This is because in communities like Lawrence, Massachusetts, where 89 percent of babies born are eligible for WIC, many stores only stock Similac. Accordingly, families are rationing food for babies and many are being forced to drive for hours in hopes of finding what they need.

Clearly, this is unsustainable. The health of thousands of infants is depending on Abbott to rapidly address the serious issues at its plant in Sturgis, Michigan, that led to a bacterial

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<sup>1</sup> Eduardo Medina, 'Please Help': A Nationwide Baby Formula Shortage Worsens, N.Y. TIMES (May 11, 2022 at 10:27 AM), <https://www.nytimes.com/2022/05/08/business/baby-formula-shortage-retailers.html>.

<sup>2</sup> USDA: Food and Nutrition Service, *WIC 2019 Eligibility and Coverage Rates*, (April 22, 2022), <https://www.fns.usda.gov/wic/2019-eligibility-coverage-rates#5>.

contamination precipitating the recall on February 17, 2022, so Similac production can be restarted as soon as it is safe to do so. At the very least, we hope you can agree that rationing food for infants who desperately need nutrients to grow up strong and healthy is not an acceptable outcome.

Therefore, we ask that you answer the following questions:

1. What is your timeline for fixing the contamination at this facility, and when can families anticipate full production capacity to resume?
2. Once the facility is ready to restart production, how long will it take to replenish the supply of baby formula so that states like Massachusetts will stop experiencing shortages?
3. In the meantime, what steps are you taking to mitigate these shortages and, in particular, how are you prioritizing states like Massachusetts whose exclusivity agreements through WIC have caused families to suffer from the shortages most acutely?
4. What steps will you take to ensure that this type of shortage does not happen again?
  - a. What criteria are you using to determine who receives formula on a case-by-case basis?
  - b. Do you have any prioritization guidelines in place to ensure equitable distribution of formula?

Please reply with your answers to these questions by May 20, 2022. Thank you for your attention to this critical issue. We stand ready to work with you to ensure that the shortage is eliminated as quickly as possible.

Sincerely,



Lori Trahan  
Member of Congress



Ayanna Pressley  
Member of Congress

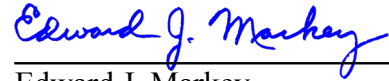


Katherine Clark  
Member of Congress



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Elizabeth Warren  
United States Senator



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Edward J. Markey  
United States Senator



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Richard E. Neal  
Member of Congress



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James P. McGovern  
Member of Congress



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Jake Auchincloss  
Member of Congress



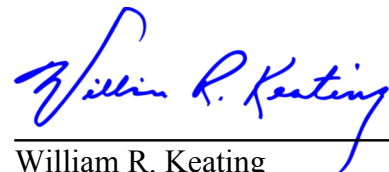
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Seth Moulton  
Member of Congress



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Stephen F. Lynch  
Member of Congress



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William R. Keating  
Member of Congress