United States Department of Agriculture

Food and Nutrition Service

Midwest Region

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20th Floor
Chicago, IL
60604-3591

January 29, 2016

Stan Bien, Director
Michigan WIC Program
Michigan Department of Health & Human Services
320 South Walnut Street-6th Floor
Lansing, Michigan 48913

Dear Mr. Bien:

This is in response to your letter dated January 27, 2016, which requested Food and Nutrition Service (FNS) approval to increase the access and availability of WIC benefits and services to children from 5 through 10 years of age. Your letter states you are requesting this exception based on the Flint Water Emergency and to fight lead with nutrition.

FNS is committed to assisting the State of Michigan in addressing the water crisis in Flint, particularly as it impacts children; one of our nation's most vulnerable populations. The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is considered one of the most critical, cost-effective, and important nutrition intervention programs in the country.

While we understand the State's desire to extend this important program to children up to 10 years of age, the federal statute governing WIC limits eligibility to children up to age five. More specifically, under section 17(b)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(2)), "children" means persons who have had their first birthday but have not yet attained their fifth birthday. Thus, due to limitations established by statute, we are unable to approve your request. Any changes to WIC eligibility requirements would require Congressional action.

FNS is dedicated to supporting the nutrition of Flint's older children through other existing federal programs which include the National School Lunch Program, The Emergency Food Assistance Program and The Child and Adult Care Food Program.

FNS is working with the Michigan Department of Education to respond to the needs of children in Flint. I encourage you to connect with staff at the Michigan Department of Education in order to refer families with children over age five to existing nutrition programs in the community.

We have also evaluated your request to increase the number of Lactation Consultants in effort to increase the number of breastfeeding mothers. It is anticipated that fiscal year 2016 breastfeeding peer counseling funds will be allocated to WIC State agencies, including Michigan, by mid-March. In addition, Michigan's existing WIC nutrition services and administrative grant provides the ability to expand the number of Lactation Consultants. We encourage you to work with our Regional funding staff to review your anticipated need and funding level.

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I appreciate the Michigan Department of Health and Human Services continuing to work with FNS to help ensure the delivery of essential nutritional services as you strive to address the adverse effects of lead contamination in the Flint community. We are confident that collaboratively we can continue to make a positive and meaningful contribution toward improving the health and nutrition of residents in Flint and throughout Michigan.

Sincerely,

Tim English

Tim English
Regional Administrator