

United States Senate

May 16, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

The United States is currently experiencing an extreme shortage in our nation's supply of baby formula. For parents who rely on formula to feed their infant or small child, this shortage is nothing short of a crisis and I strongly urge you and your administration to take immediate action.

Nationwide, the current out-of-stock rate for baby formula is 43%.¹ Baby formula – or infant formula – is defined under the Federal, Food, and Cosmetic Act (FFDCA) as “special dietary use solely as a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk.”²

According to the national Centers for Disease Control and Prevention, roughly one in four parents exclusively breastfeed their children up to the age of 6 months. This means the majority of parents and caregivers in the United States rely, at least partially, on formula.³ Further, while most infants wean off formula around one year of age, there are numerous reasons why parents continue to use formula for children older than one year of age, including if a child is unable to gain weight, has food allergies, a metabolic condition, or kidney or liver problems. For children suffering from a serious medical condition, access to formula could mean the difference between life and death.

Given the important role that formula plays in the health and nutrition of our nation's youngest and most vulnerable citizens, I would ask you to direct the Food and Drug Administration to take swift action to examine how producers of formula can safely reopen and expand their manufacturing facilities to ensure America is able to produce an abundant supply of formula. Your administration needs to act quickly to protect our nation's children and help the thousands of American families who are struggling to access a basic need for their children.

Sincerely,



Ted Cruz
United States Senator

¹ <https://datassembly.com/news/out-of-stock-rate-in-april-2022-copy/>

² <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-frequently-asked-questions-about-fdas-regulation-infant-formula>

³ <https://www.cdc.gov/media/releases/2018/p0820-breastfeeding-report-card.html>