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Submitted via <http://www.regulations.gov>

**Re: Docket No. FNS-2022-0015; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program**

UnidosUS (formerly the National Council of La Raza) respectfully submits these comments on the U.S. Department of Agriculture (USDA) Food and Nutrition Service's (FNS) proposed rule, "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program."

UnidosUS is the nation's largest Hispanic\* civil rights and advocacy organization. Through its unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers to the success and wellbeing of Latinos at the national and local levels. For more than 50 years, UnidosUS has united communities and different groups seeking common ground through collaboration and that share a desire to make our country stronger.

We write to convey our strong support of the proposed approval of online ordering and internet-based transactions, as well as remote issuance of benefits in the Special Supplemental Nutrition Program for Women, Infants, and Children. We applaud the USDA's efforts to promote equitable access to nutritious foods and nutrition security among WIC participants.

UnidosUS has long advocated for strengthening federal programs, including WIC, to improve nutrition security and help families and children access healthy food for a healthy and

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\* The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. Our materials may also refer to this population as "Latinx" to represent the diversity of gender identities and expressions that are present in the community.

productive life. The proposed revisions streamline and modernize WIC, meeting the needs of low-income communities of color and expanding equitable access to nutritious foods.

**Federal nutrition programs, such as WIC, remain vital to improving health equity and nutrition security among Latino mothers, infants, and children, who continue to experience high rates of nutrition insecurity and associated poor health outcomes.**

Latinos experience disproportionately high rates of food insecurity and associated diet-related diseases. Recent Census Bureau data from April 2023 demonstrate that Latino households with children experience food insecurity at more than twice (22%) the rate of non-Hispanic White households with children (9%).<sup>1</sup> This persistent food insecurity drives poor health outcomes. Data from the Centers for Disease Control and Prevention (CDC) show that Latinos are disproportionately harmed by several diet-related diseases—compared to non-Hispanic Whites, they have a 50% higher death rate from diabetes, 24% more poorly controlled blood pressure, and 23% more obesity.<sup>2</sup>

As a public health program, WIC is positioned to address racial disparities in child and maternal food insecurity and health outcomes given its high participation and eligibility rates among Latinos.<sup>3</sup> Latinos make up the largest group of WIC participants, with more than 2.7 million Latinos enrolled in the program.<sup>4</sup> The WIC program has demonstrated significant success in identifying nutritional deficiencies in vulnerable populations, including Latinos, and in providing access to foods with nutrients tailored for medically at-risk women, infants, and children.<sup>5</sup> Yet, many eligible Latino mothers and children are missing out from the benefits of WIC. Expanding WIC's reach and enrolling more eligible families may help further reduce racial disparities in food insecurity and associated poor health outcomes.

**Latino families and children continue to encounter barriers to WIC enrollment and the current WIC shopping experience, preventing them from taking full advantage of the benefits for which they are eligible.**

According to data from the USDA, more than 4.4 million Latinos are eligible—yet remain unenrolled—in WIC.<sup>6</sup> Researchers have found that the factors include: a lack of awareness about WIC and how to apply; fear of repercussions, including payback obligation, military conscription, college aid ineligibility, child removal, and noncitizen family member penalties; misinformation; logistical barriers; stigma; and a lack of perceived need.<sup>7</sup>

Among Latino families enrolled in the program, many experience barriers that impede access to healthy food. According to research, such challenges include language access barriers, challenges obtaining an appointment, transportation barriers, time constraints, costs associated with being away from work, difficulties accessing child care, and mobility limitations.<sup>8</sup>

**As explained below, we urge the USDA to remove barriers to online ordering in WIC and to streamline and modernize WIC food delivery and remote benefit issuance. These policies**

**would advance equitable access to healthful and nutritious foods for low-income communities of color.**

**Specifically, the USDA should:**

**1. Allow WIC participants to use their benefits online and allow for remote benefit issuance.**

Providing WIC participants with the same access to online grocery shopping as Supplemental Nutrition Assistance Program (SNAP) participants and the general public is a critical step toward addressing long-standing equity concerns in WIC and ensuring parity between WIC and SNAP. In-person requirements for carrying out WIC transactions present challenges to low-income families, especially those who experience difficulties with access to reliable and affordable transportation, those with limited mobility, people living in rural or remote communities, and those with special dietary needs that may not be accessible at the nearest WIC-authorized retailer. Expanding online ordering to WIC participants who often face these barriers will reduce challenges in accessing healthy foods.

Access to affordable and nutritious food is limited for people in lower-income areas. According to USDA data, an estimated 12.8% of people in the U.S. live in lower-income and low access (LILA) census tracts with limited access to food stores.<sup>9</sup> States with significant Latino populations, such as Texas, New Mexico, Arizona, and Florida, are among the states with the greatest number of people living in LILA census tracts.<sup>10</sup>

Moreover, WIC participants who have access to a WIC-authorized retailer face challenges when shopping. Survey data indicate that WIC participants experience difficulties finding the correct WIC-approved products and hurdles with WIC-approved items being out of stock. They may also experience stigma from shopping for WIC foods.<sup>11</sup>

Offering WIC online purchasing for delivery and curbside pickup may address or reduce hurdles for WIC participants. A 2019 study by researchers at Yale University School of Medicine demonstrated that among the states participating in the SNAP Online Purchasing Pilot, online ordering reached more than 90% of urban LILA census tracts.<sup>12</sup>

Implementing WIC online ordering and delivery is also strongly supported by WIC participants. In a survey conducted by the National WIC Association of 26,642 WIC participants (including 3,703 who completed the survey in Spanish), most respondents reported satisfaction with receiving WIC services remotely during the COVID-19 pandemic. In addition, they noted that remote services were easier “as they didn’t require taking children to WIC sites, saved time and money by not having to travel, and did not result in participants missing work or school.”<sup>13</sup> Two-thirds of the respondents noted that they would prefer to order online or by phone for in-store or curbside pickup.<sup>14</sup>

A second aspect of the proposal to continue supporting efforts to remotely issue benefits and mail EBT cards would limit the number of in-person WIC clinic visits that participants are required to make. WIC participants experience numerous structural barriers to redeeming WIC benefits in-person.

As noted in the proposed rulemaking, COVID-19 pandemic waivers that allowed for a more flexible WIC experience, including remote benefit issuance and removing the on-site requirement from monitoring transactions, were met with positive feedback. State agencies reported that the waivers made WIC “safer, more accessible, and more convenient for participants' schedules during the pandemic.”<sup>15</sup>

For the viability of this proposal, a key concern is that costs associated with delivery services and price differences for products sold online do not diminish the practical value of what is already a very modest benefit to families. In expanding the equity and utility of WIC online purchasing to meet the needs of WIC participants, the USDA should work with industry and do its own monitoring to ensure that online prices are as, or more, affordable than in-store costs; that the shopping experience is convenient and time-saving; that coupons and other discounts are available and easily accessible and useable for those purchasing items with their WIC benefits, including to cover the costs of delivery or participation in delivery programs; that the experience is accessible to those with lower levels of digital literacy and limited English proficiency; and that consumer data privacy is protected during online ordering and transactions.

Notably, it also benefits WIC-participating retailers in a number of ways: offering additional benefits to customers, which provides an enticement to join delivery programs, potentially leading to additional future online purchases; the opportunity to gather data on customer purchase habits, which can, in turn, be sold; and enhanced capacity to develop new ways in which to market to customers. There should therefore be efforts made to support equitable and cost-effective delivery and online shopping for WIC participants, and the USDA should monitor the offerings by retailers, reward best practices, and ensure that the delivery costs or other related costs do not diminish the benefits of WIC.

## **2. Ensure equitable access to WIC online purchasing as well as delivery and curbside pickup.**

Lack of access to affordable and reliable transportation poses a significant barrier in accessing healthy and nutritious food for many low-income households and contributes to racial disparities in food insecurity.<sup>16</sup> Implementing delivery and curbside pickup options in addition to online ordering services in WIC may help address food access gaps in areas with few grocery stores, as well as access issues for households with limited transportation access and mobility issues. It may also improve access to fresh fruits and vegetables in areas where stores may sell predominantly nonperishable items.

Lessons learned from the implementation of SNAP online ordering are particularly important as the USDA considers equity in implementation of WIC online ordering and delivery. Numerous barriers prevent SNAP participants from easily and affordably accessing the program. Prior research has shed light on such obstacles, which include “higher food prices online, shipping and delivery fees, minimum order requirements, difficulties finding discounts, and the unavailability of certain products and entire services in specific regions.”<sup>17</sup>

As described above, the USDA should ensure that delivery fees and minimum purchase requirements do not serve as barriers to participation in WIC online ordering and delivery. The USDA should also encourage equitable implementation of the delivery and curbside pickup options by supporting innovative delivery models, such as community drop-off hubs.

### **3. Promote equitable access to WIC online ordering and delivery by working closely with community-based organizations and advocacy organizations.**

UnidosUS is grateful for the Administration’s actions to address the rising rates of food insecurity throughout the pandemic. Yet, Latino families and children continue to encounter barriers—such as immigration-related fears, misinformation, and stigma—that prevent them from taking full advantage of the benefits for which they are eligible. Limited language-access services and outreach prevent many eligible Latino families and children from participating in critical programs, including WIC.

To ensure equitable access to WIC online ordering and delivery, the USDA should strengthen relationships with community-based and advocacy organizations that serve immigrants and communities of color and advance culturally competent and linguistically appropriate outreach. In addition, the USDA should provide targeted funding to support intentional, culturally competent public outreach campaigns by CBOs to raise awareness about WIC online ordering. State outreach partners, such as CBOs, serve as trusted messengers for Latino and immigrant communities and could be used by the USDA to maximize WIC online ordering’s reach to the communities that would most benefit from the service.

The USDA should hold recurring meetings with state and national Latino- and immigrant-serving organizations to identify barriers and best practices to ensure that low-income, nutrition insecure children and families have equitable access to critical federal nutrition programs.

## **Conclusion**

We appreciate the USDA’s efforts to take meaningful steps toward increasing equity and access for WIC participants and improving the overall shopping experience for WIC households. For

these reasons, we urge the USDA to revise regulations governing WIC to promote equitable access to nutritious foods and remove barriers to online ordering and internet-based transactions and streamline and modernize WIC food delivery. To ensure equitable implementation, the USDA should also monitor targeted marketing efforts and ensure that targeted marketing of unhealthy items does not adversely impact the purchasing behaviors of WIC participants.

We also urge the USDA to continue working closely with community-based and advocacy organizations to inform Latino households about the changes to WIC. In addition, USDA should provide state agencies with guidance and technical assistance on communicating these changes with people with limited English proficiency. Should you have any questions or need further information, please contact Umaila Fatima, Health Policy Analyst at UnidosUS, at [ufatima@unidosus.org](mailto:ufatima@unidosus.org).

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- <sup>1</sup> UnidosUS calculations using U.S. Bureau of Labor Statistics, “Household Pulse Survey: Food Sufficiency and Food Security Tables,” Table 2, [https://www2.census.gov/programssurveys/demo/tables/hhp/2023/wk56/food2\\_week56.xlsx](https://www2.census.gov/programssurveys/demo/tables/hhp/2023/wk56/food2_week56.xlsx).
  - <sup>2</sup> Centers for Disease Control and Prevention (CDC), “Hispanic Health: ¡A la Buena Salud! To Good Health!,” *Vital Signs* (Atlanta, GA: CDC, May 2015), <https://www.cdc.gov/vitalsigns/hispanic-health/index.html> (accessed May 16, 2023).
  - <sup>3</sup> U.S. Department of Agriculture, Food and Nutrition Service, “National WIC Eligibility and Participation by Race and Hispanic/Latino Ethnicity Over Time,” <https://www.fns.usda.gov/apps/WIC2021/graphic3-v2021-v6.html> (accessed May 16, 2023).
  - <sup>4</sup> Ibid.
  - <sup>5</sup> Linda R. Chock, Donald K. Hayes, and Danette Wong Tomiyasu, “Insights in Public Health: The Special Supplemental Nutrition Program for Women, Infants and Children: Strengthening Families for 40 Years,” *Hawai’i Journal of Medicine & Public Health* 73, no. 9 (September 2014): 295–300.
  - <sup>6</sup> U.S. Department of Agriculture, Food and Nutrition Service, “National WIC Eligibility and Participation by Race.”
  - <sup>7</sup> Debra J. Pelto et al., “The Nutrition Benefits Participation Gap: Barriers to Uptake of SNAP and WIC among Latinx American Immigrant Families,” *Journal of Community Health* no. 45 (October 2019): 488–491.
  - <sup>8</sup> Cindy H. Liu and Heidi Liu, “Concerns and Structural Barriers Associated with WIC Participation among WIC Eligible Women,” *Public Health Nursing* 33, no. 5 (September 2016): 395–402.
  - <sup>9</sup> U.S. Department of Agriculture, Economic Research Service, “State-Level Estimates of Low Income and Low Access Populations,” last updated September 30, 2019, <https://www.ers.usda.gov/data-products/food-accessresearch-atlas/state-level-estimates-of-low-income-and-low-access-populations/>.
  - <sup>10</sup> Ibid.
  - <sup>11</sup> S. Gleason et al., WIC Food Cost-Containment Practices Study: Final Report (Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, September 2021), <https://www.fns.usda.gov/wic/wic-food-cost-containment-practices-study>.
  - <sup>12</sup> Eric J. Brandt et al., “Availability of Grocery Delivery to Food Deserts in States Participating in the Online Purchase Pilot,” *JAMA network open* 2, no. 12 (December 2019).
  - <sup>13</sup> Lorrene Ritchie et al., National WIC Association survey, March–May 2021, “Multi-State WIC Participant Satisfaction Survey: Learning from Program Adaptations during COVID,” p. 14, <https://media.nwica.org/nwamultistate-wic-participant-satisfaction-surveyreportfinal.pdf>.
  - <sup>14</sup> Ibid.
  - <sup>15</sup> U.S. Department of Agriculture, Food and Nutrition Service, *Changes in WIC Operations during the COVID-19 Pandemic: A First Look at the Impact of Federal Waivers*, December 2021, <https://www.fns.usda.gov/wic/operations-impact-federal-waivers-during-covid-19-pandemic>.
  - <sup>16</sup> Danielle X. Morales et al., “Racial/Ethnic Disparities in Household Food Insecurity during the COVID-19 Pandemic: A Nationally Representative Study,” *Journal of Racial and Ethnic Health Disparities* 8, no. 3 (2021): 1300–1314.
  - <sup>17</sup> Isabelle S. Foster et al., “Disparities in SNAP Online Grocery Delivery and Implementation: Lessons Learned from California during the 2020–21 COVID Pandemic,” *Health Place* 76 (July 2022).