



MARCOS A. CRESPO  
Assemblyman 85<sup>th</sup> District

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ALBANY

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Black, Puerto Rican, Hispanic  
and Asian Legislative Caucus

June 1, 2015

Hon. Andrew M. Cuomo  
Executive Chamber State Capitol  
Albany, NY 12224

**Re: Department of Health's Division of Nutrition WIC Waiver Provision**

Dear Governor Cuomo:

We, the undersigned, are writing to protest a policy regarding the sale of specialty WIC infant formula which was adopted by the Department of Health's Division of Nutrition without public comment or input.

The department, as a cost-saving measure and allegedly to reduce fraud, unilaterally adopted a rule to prohibit full service supermarkets without pharmacies from accepting WIC vouchers for specialty formula. As of February 1, 2014, in a decision released to the trade on or about February 3, 2014, WIC vouchers for specialty formula were permitted only in pharmacies. This new policy has not only adversely affected our WIC recipients and full service grocers, but has also had a disproportionately large negative impact in the Bronx. Although the policy was implemented several months ago, we are now beginning to understand the full impact on our constituents.

Most of the Bronx is serviced by independent supermarkets. In fact, 65% of grocery store food sales are generated by independent grocers. While almost all of these grocers participate in the WIC program, few have pharmacies inside their stores. Further, many pharmacies do not accept WIC checks. As a result, many young mothers with children in tow are forced to travel considerable distances to find a chain pharmacy which accepts WIC.


Aside from the hardship issue, the specialty formula policy also raises public policy concerns. Your administration has been in the forefront in combating obesity and diabetes through better diet. It makes no sense to force WIC recipients to shop in pharmacies which have few, if any, perishables such as fresh fruit, vegetables and unprocessed meats, poultry and seafood.

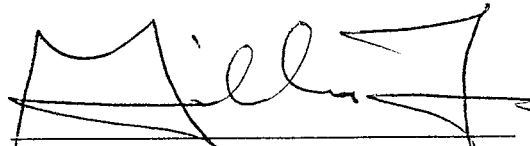
Many of the full service grocers we represent report that sales of WIC items are either flat or down whereas total sales have improved. This is directly related to DOH policy which essentially forces young mothers to shop for WIC eligible foods in pharmacies as opposed to full service food stores. As a public policy, we recommend that WIC recipients be encouraged to shop in retail outlets which offer a full range of health food choices.

In closing, we are requesting that the department adopt a waiver provision wherein a full service grocery store may apply to accept specialty formula vouchers. The department can guard against the fraudulent trafficking of WIC checks by monitoring the retailer's wholesale case purchases. It is our understanding that the department already possesses this authority.

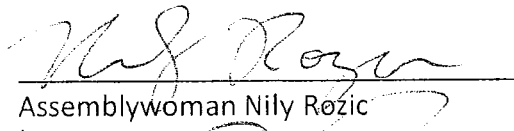
Thank you for your consideration of our views.

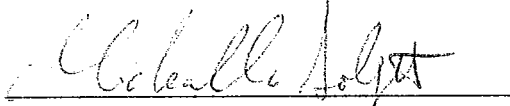
Sincerely,

  
Assemblyman Marcos A. Crespo

  
Assemblyman Guillermo Linares

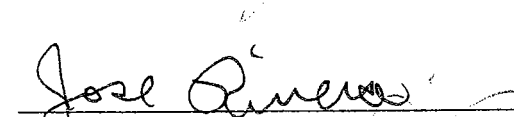
  
Assemblywoman Carmen Arroyo


  
Assemblywoman Nily Rozic


  
Assemblywoman Michaelle Solages

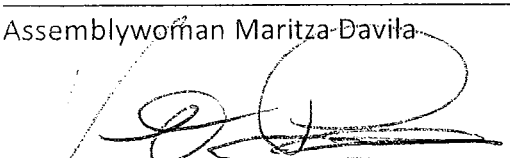
  
Assemblyman Francisco Moya


  
Assemblyman Luis Sepulveda

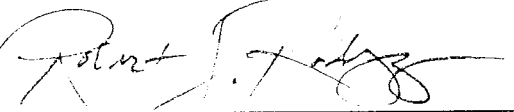
  
Assemblyman Jose Rivera

  
Assemblyman Philip Ramos

  
Assemblyman Erik Dilan

  
Assemblywoman Maritza Davila

  
Assemblyman Victor Pichardo

  
Assemblyman Robert J. Rodriguez

Cc. Howard Zuker, Commissioner, Department of Health  
Loretta Santilli, M.P.H., Director, Division of Nutrition