

December 31, 2012

REGULATORY ALERT 2012-02

NOTICE OF PROPOSED CHANGES TO THE CALIFORNIA WIC PROGRAM

Purpose

For the California Supplemental Nutrition Program for Women, Infants and Children (WIC) to inform WIC stakeholders of the Program's plan to adopt the California WIC Authorized Food List Shopping Guide (WAFL SG) into California regulation, pursuant to Health and Safety Code Section 123322.

Proposed Regulation

The California Department of Public Health (CDPH), which administers the California WIC Program, proposes to adopt the following rule into California regulation via bulletin:

The California WIC Authorized Food List Shopping Guide dated July 5, 2011 is the list of authorized supplemental foods for the California Supplemental Nutrition Program for Women, Infants and Children.

Nature of the Regulation

The California WIC Program is adopting the WAFL SG currently in use as the authorized foods.

The WAFL SG can be found on CDPH's website at:

<http://www.cdph.ca.gov/programs/wicworks/WIC%20Foods/WICAuthorizedFoodListShoppingGuide-7-5-2011.pdf.pdf>.

Reason for the Regulation

Supplemental foods identified by the state must meet the minimum requirements and specifications for foods set out in Title 7 of the Code of Federal Regulations, (7 C.F.R.), Part 246. State WIC programs must identify the brands of foods and package sizes that are acceptable for use. (7 C.F.R. 246.10)

The California WIC Program prescribes a selection of authorized supplemental foods to participants to meet the nutrition needs of its participants. Local agencies issue food instruments for the authorized supplemental foods, provide nutrition education and

health referrals to assist participants with their food choices. WIC authorized vendors stock WIC authorized foods in order to fulfill food instruments.

In order to maintain stability for the approximately 1.45 million WIC Program participants, 5600 vendors, and 84 local agencies; WIC is adopting into regulations the current WIC Authorized Food List Shopping Guide dated July 5, 2011.

Authority

The Child Nutrition Act of 1966, title 42 of the United States Code (U.S.C.), Section 1786 (Public law 89-645, Section 17), as amended, establishes the federal authority under which states may administer the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) through local agencies. The WIC Program was established as a result of a Congressional finding that substantial numbers of pregnant, postpartum and breastfeeding women, infants and young children up to the age of 5 from families with eligible income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The purpose of the WIC Program is to provide supplemental foods, nutrition education, and health referrals, pursuant to 7 C.F.R. 246.

In California, Special Supplemental Nutrition Program for Women, Infants and Children was established under the authority of the California Health and Safety Code Sections 123275 through 123355. The regulations for the State's administration of the WIC Program are contained in title 22 of the California Code of Regulations (CCR), Chapter 6, Sections 40601 through 40815, and in the [WIC Regulatory Bulletins posted](https://www.cdph.ca.gov/Programs/CFH/DWICSN/Pages/LawsandRegulations.aspx) at: <https://www.cdph.ca.gov/Programs/CFH/DWICSN/Pages/LawsandRegulations.aspx>

Stakeholder Workgroup Information

In accordance with Health and Safety Code section 123322, CDPH will meet via webinar consultation with stakeholders on January 23, 2013 to receive input on the adoption of the WAFL SG. If you are interested in being a member of the stakeholder workgroup, please send an e-mail by close of business on January 9, 2013 with the subject line reading "Stakeholder Application" to WICRegulations@cdph.ca.gov, with the following information included in the body of the e-mail:

Name:

Company Name (if applicable):

Address:

E-mail Address:

1. Which stakeholder group do you represent? (check one)

- Currently authorized WIC vendor
- Store owner or representative (not WIC authorized)
- Manufacturer
- WIC Local agency representative
- WIC participant
- Advocate

- Consumer group
- Other. Please state affiliation: _____

The California WIC Program will contact you by January 16, 2013 with details on how to attend the webinar workgroup meeting.

Comment Period

CDPH will accept written comments from affected stakeholders regarding the adoption of the California WIC Authorized Food List Shopping Guide dated July 5, 2011. The comment period will be open for 25 calendar days, from January 22–February 15, 2013. Send your comments electronically to the following e-mail address:
WICRegulations@cdph.ca.gov.

If this proposed action is not withdrawn, CDPH will publish its final action, including responses to the comments received, on its website no later than 120 days after the end of the comment period.

Questions and Additional Information:

If you have any questions, please contact the California WIC Program at
WICRegulations@cdph.ca.gov.

The California WIC Program currently accepts requests for changes to brand specific foods and food category change requests on an annual basis, tentatively scheduled for the month of August. If you have a brand specific product that you would like WIC to consider authorizing that meets USDA Food Eligibility Requirements but is not currently authorized, you may submit that product for consideration during that time; WIC accepts food category change requests during that time as well. Non-brand specific foods are accepted for review at any time and can be submitted using WIC's online food submission tools.



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