

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 23, 2022

Mr. Ron Klain
Chief of Staff
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. Klain:

Republicans on the House Committee on Oversight and Reform are continuing oversight of the United States' worsening infant formula crisis. On May 20, 2022, we wrote to you requesting a staff level briefing before May 27, 2022. Additionally, we requested all communications between the White House, the Food and Drug Administration (FDA), and the U.S. Department of Health and Human Services (HHS) regarding the infant formula shortage. You failed to respond to this letter.

In the meantime, this crisis has continued to grow, leaving parents terrified, unable to find formula, and struggling to feed their children.¹ In January 2022, the out-of-stock rate for infant formula was 23 percent.² Now, 74 percent of formulas are out of stock nationally.³ Additionally, ten states and 14 metropolitan areas now have out-of-stock rates greater than 90 percent.⁴ Unfortunately, media reports indicate the Biden Administration and FDA had ample notice of the impending shortage and took no action.⁵

Formula shortages began last summer as the pandemic disrupted supply chains across the globe.⁶ HHS and the FDA were aware of the potential for shortages; Secretary Xavier Becerra said on *CNN* that the "FDA has kept [him] apprised of this from last year."⁷ The formula shortage was exacerbated by Abbott Laboratories' voluntary closure of their plant in Sturgis, Michigan on February 17, 2022, due to potential bacterial contamination.⁸ Although Abbott's facility in Sturgis reopened on June 4, 2022, severe storms on June 13th caused the plant to flood

¹ Martine Paris, *One in Five US States is 90% Out of Baby Formula*, BLOOMBERG (June 2, 2022).

² *Dataseamly's Data Reveals 31% Out-of-Stock Rate in April 2022 for Baby Formula; Up 11% Compared to November 2021*, BUSINESS WIRE (Apr. 13, 2022).

³ *Supra* n. 1.

⁴ *Id.*

⁵ Daniella Diaz, et. al., *Breaking down the Biden administration's response to the baby formula shortage*, CNN (June 3, 2022); Press Release, S. Comm. on Health, Education, Labor and Pensions, Burr Releases Timeline Detailing FDA, Biden Admin Failures in Infant Formula Crisis (May 19, 2022).

⁶ Dr. Joel Zinberg, *How the FDA bungled the nation's baby-formula supply*, NEW YORK POST (June 2, 2022).

⁷ RNC Research (@RNCResearch), Twitter (May 16, 2022, 12:32 PM), <https://twitter.com/RNCResearch/status/1526239189683019779>.

⁸ *Supra* n. 6.

Mr. Ron Klain
Page 2 of 2
June 23, 2022

and shut down again.⁹ They are unsure when they will be able to reopen the facility, but estimate that it will take at least “a few weeks.”¹⁰ Abbott is one of two companies that produce approximately 80 percent of all infant formula in the U.S.¹¹ Executives of companies that manufacture infant formula said they were immediately aware of the significant impact that the facility’s closure would have on the infant formula market.¹²

The White House has repeatedly said they have been working around the clock since February to address the issue.¹³ Yet, despite the FDA and HHS being aware of the formula shortage last year, and company executives warning that the Abbott plant’s closure would immediately have significant repercussions, President Biden conceded he did not become aware of the shortage until April 2022.¹⁴ Furthermore, the White House did not take steps to address this crisis until May 2022.¹⁵ These steps were too late for desperate parents.

To understand what the Administration knew, when officials knew it, and what, if any actions were taken; we renew our request for a staff-level briefing no later than June 30, 2022. Please be prepared to discuss any steps the Administration is taking to respond to this emergency. Additionally, we renew our request for all communications between or among White House staff, the FDA, and HHS, referring or relating to the formula shortage.

To schedule the briefing or ask any follow-up or related questions, please contact the Committee on Oversight and Reform Republican staff at (202) 225-5074. As a reminder, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for cooperating with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

cc: The Honorable Carolyn B. Maloney, Chairwoman,
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

⁹ Statement, Abbott Laboratories, Update on Abbott’s Sturgis Plant and Formula Production (June 15, 2022).

¹⁰ *Id.*

¹¹ Marc A. Thiessen, *Big-government interference caused the baby formula crisis*, THE WASH. POST (June 2, 2022).

¹² Tyler Pager, *Biden says he heard late about baby formula shortage*, THE WASH. POST (June 1, 2022).

¹³ Daniella Diaz, et. al., *Breaking down the Biden administration’s response to the baby formula shortage*, CNN (June 3, 2022).

¹⁴ *Supra* n. 10.

¹⁵ *Supra* n. 9.