

May 12, 2022

President Joe Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

I write to urge you to take immediate action to address the baby formula crisis facing American families. As baby formula is out of stock in approximately 40 percent of U.S. grocery stores, millions of parents across the country are struggling to feed their infant children.

Ongoing labor shortages and global supply chain disruptions have impacted the supply of many grocery products for many months. In February, the U.S. Food and Drug Administration (FDA) recalled three major varieties of powdered baby formula—Similac, Alimentum, and EleCare—produced in the Abbott Nutrition facility in Sturgis, Michigan. This has created an especially acute supply shortage of baby formula, which is often the only life-sustaining option for many of our nation’s most vulnerable children.

To date, your administration’s response to the shortage has been insufficient. To increase the supply of baby formula and address this growing crisis, I urge you to take the following actions:

- 1) Invoke the Defense Production Act (DPA) to increase the domestic production of baby formula in the U.S.;
- 2) Direct the FDA to expeditiously approve European Union-approved infant formula products for commercial sale in the United States; and
- 3) Direct the FDA to expeditiously allow the re-opening of the Abbott formula plant in Michigan.

There is ample precedent for using the DPA to address a crisis in peacetime. In April 2020, President Donald Trump invoked the DPA to sustain the U.S. meatpacking industry. You yourself have invoked the DPA several times. A major supply chain disruption that puts the lives of America’s infants in jeopardy is worthy of the same response. Additionally, the urgent approval of European infant formula products, which cannot be sold in the U.S. for largely arbitrary reasons, would increase formula supply in the short term. Lastly, it is unacceptable that the FDA has not worked more expeditiously to facilitate the reopening of the Abbott infant formula plant, which was closed in February.

This year has already been challenging for American families. The ongoing baby formula shortage is making life even more difficult for them, and unnecessarily so. I call on you to take these actions, without delay, and increase domestic baby formula production.

Thank you for your attention to this serious matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Rubio", is centered on the page.

Marco Rubio
U.S. Senator