

Sarah Widor
Director, Supplemental Food Programs Division
1400 Independence Ave. SW
Washington, DC 20250

Re: Request for Information: Center for WIC Modernization and Delivery, Docket No. [FNS-2021-0038](#)

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov/>.

Dear Ms. Widor:

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, nonprofit organization whose mission is to advocate for policies that advance economic and racial justice. Founded more than 50 years ago, CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on-the-ground service delivery) that reduce poverty, improve the lives of people with low incomes, tear down barriers arising from systemic racism, and create pathways to economic security. In the last several years, CLASP has strengthened our commitment to racial equity internally and externally, in all aspects of our operations, advocacy, and partnerships. Our responses to this RFI draw on our racial equity journey, including state and national policy advocacy, data analysis, and coalitions that center racial equity, as well as our deep commitment to connecting individuals with lived expertise to policy design, implementation, and advocacy.

Food is necessary to live, function and thrive. Therefore, having adequate and accessible food is economic justice. Research reveals that the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) helps to enhance [health and well-being](#) by contributing to economic stability, learning and development, dietary intake, birth outcomes and more. However, many eligible families face significant barriers to redeeming the benefits WIC provides.

Some barriers [include](#):

- Misconceptions about eligibility
- Language and cultural barriers
- Limitations on what WIC foods can be purchased
- Disparities in food access
- Time away from work to apply and maintain WIC benefits
- Expenses related to reaching WIC clinics

Our comments address three of the seven questions posed in the RFI:

- (1) What capabilities should the Center have to effectively support State and local WIC agencies in implementing new technology solutions and process changes?
- (2) How should the Center evaluate WIC State agency needs and prioritize projects?
- (3) How should the Center work with State and local WIC agencies to help them modernize their WIC programs and improve the participant journey through WIC?

Thank you so much for the opportunity to provide input. We look forward to your questions.

Question 1: What capabilities should the Center have to effectively support State and local WIC agencies in implementing new technology solutions and process changes?

The Center should have capabilities related to:

- Data sharing and matching
- User experience improvement / human-centered design
- Participant engagement
- Racial equity
- Language access.

Each of these capabilities is discussed in more detail below.

Data sharing and matching

In general, agencies should use information that has already been collected and verified by other administering agencies to determine eligibility rather than requiring applicants to resubmit that information. As much as possible, agencies should use eligibility for one program to deem people eligible under other programs with similar requirements. WIC includes “adjunctive eligibility”, or “automatic income eligibility” in which certain applicants can be determined income-eligible for WIC based on their participation in other programs such as SNAP, TANF, and Medicaid. However, in most states, even when a family is participating in other programs, they must still learn about and apply for WIC on their own. The Center should support agencies in proactively identifying families who are eligible for WIC and enrolling them with a minimum of additional paperwork or requirements. Similarly, the Center should support agencies in identifying data sources that could be used to satisfy the nutrition risk assessment without requiring additional office visits. Medicaid currently pays for more than 4 in 10 births in the United States and these babies are automatically enrolled in Medicaid—a similar strategy should be considered for WIC.

Data mining and sharing should not be used to play “gotcha” and terminate benefits, and this must be made clear in all WIC outreach and throughout the certification process. If contradictory information is revealed through data matching, people should be allowed ample time to provide updated information. Efforts undertaken in the name of “program integrity” must be evaluated for the number of issues found, the impact on program uptake, and the cost. It is important when doing so, however, that enrollees are made aware of how their data will be used, and what privacy protections they have. [Research](#) from the Immigrant Health and Cancer Disparities Service at Memorial Sloan Kettering Cancer Center shows that among Latinx immigrant families, every false rumor heard regarding negative consequences of WIC participation made participants 27% less likely to enroll an eligible child.

User experience improvement / human-centered design

The Center should have the capability to support agencies in ensuring that applications, forms and notices, are simplified to only request information mandated by law or federal guidance, written and designed clearly (including at an accessible reading level), mobile-friendly, and available online, by phone (including telephonic signature), in person, and in paper form. This should include testing by actual users to ensure that they are able to follow the instructions and do not abandon the application out of frustration.

Participant engagement

While user experience testing is an important capacity, it is not the same thing, nor a substitute for, expertise in

true participant engagement. The Center should demonstrate that it understands the value people with lived experience bring to conversations about policy and systems change by committing to sustained stakeholder engagement throughout the entire program's lifecycle, from designing the program, to implementation, to evaluation. For community engagement practices to be properly designed and implemented, agencies should ask for consistent input from communities at every level of decision-making. It's important to not just use the stories of benefit recipients or view them as datasets, but also accept their input on the decisions that will affect their lives. When building trust with communities, consistent engagement is critical.

Communities should have the opportunity to provide feedback more consistently than the occasional online surveys or notice and comment period. If these feedback mechanisms prove to be inaccessible, administrators should engage directly with the communities who are serviced to understand their perspective and receive feedback through listening sessions or other sustained partnerships like advisory boards. Feedback mechanisms must be community-based and they must be person-centered to ensure that every individual has a trustworthy, consistent way to provide feedback to help generate information for research and evaluate agency processes. Building trust is necessary to ensure that stakeholders know that their thoughts and experiences will be taken into consideration when agencies make changes.

For stakeholders who come into the offices, having a form for them to read to understand that comments are open and welcomed would be beneficial. Stakeholders that have access to smartphones that can scan QR codes, for example, could potentially answer survey questions and provide comments while waiting for an appointment or to be served. Agencies can recruit, prepare, and pay trusted community leaders, members, or organizations to provide information and answer questions within the communities they represent, ensuring complete saturation of information. Not everything has to be digitized for communities. Collecting information in a traditional manner through mailers and grassroots door-to-door canvassing will help with the engagement of "hard-to-reach" stakeholders. Community members should always be provided with equitable compensation for sharing their expertise.

Racial equity

The Center should have expertise in racial equity, including training to agencies on systemic racism, implicit bias, and white supremacy, as well as the racist history of federal policies and their local implementation. They should be able to assist agencies in collecting and analyzing racially disaggregated data, looking for alternative methods for understanding the needs of groups that may not be identified in traditional data sources, and identifying and addressing the drivers of inequality in their community. Employees should have training in how to provide culturally appropriate trauma-sensitive, competent service. In addition, the Center should work to identify successful methods for reaching underserved communities. This may include building trusting relationships with nontraditional partnerships such as local community-based organizations.

Specific questions to ask the Center should include, but are not limited to:

- What is the racial breakdown of folks who work in your center and does that breakdown reflect the population that receives WIC?
- Are there people of color in decision-making leadership roles? If not, what are your plans to diversify your staff?
- Do you consider racism a public health emergency?
- What racial equity training have your center provided to its staff?
- How does your leadership and HR handle microaggressions and other forms of insensitivity based on race, gender, sexual orientation, etc
- What are the current practices and procedures that ensure an inclusive work environment?

- How do you prioritize racial equity in your work currently?
- What policies within WIC would you consider to be historically racist?
- What changes would you make to ensure that the WIC program progresses toward becoming antiracist?
- How do you encourage agencies to receive feedback from customers outside of surveys?

Language Access

The implementation of new technology solutions and process changes such as online certification functionalities and WIC EBT cards represent an opportunity for the Center to support State and local WIC agencies in making WIC enrollment accessible to demographics with high non-participation rates, namely, immigrant families with language needs. A [2020 literature review](#) released by the Council of State Governments identifies language barriers as one of the key barriers to WIC participation. State and local WIC agencies may lack the resources or organizational capacity to produce translated materials. Producing standardized and culturally competent language products is one area in which the Center can assist State and local agencies and take advantage of learnings from [other federal agencies that produce public-facing language products](#). Some recommendations include:

- Language preference participant data: The 2018 WIC Participant and Program Characteristics dataset—the latest year for which data are available—does not contain preferred language supplemental data. This information, combined with state-level data on the most-commonly spoken languages in addition to English and Spanish, is critical for State and local agencies to recognize the gaps in their outreach efforts.
- Provision of standard translated public-facing materials or assistance with translation of such materials into the languages most relevant for a given State or local agency.
- Technical assistance or available representatives who can assist with troubleshooting.

A key consideration in the implementation of language resources is that it must be communicated throughout the enrollment process what information can and cannot be shared with other agencies, particularly the Departments of State, Health and Human Services, and Homeland Security. Our work has revealed that changes in public charge policies have had a [marked chilling effect](#) on individuals' willingness to enroll in benefit programs for which they are eligible if they live in immigrant or mixed-status households. The chilling effect extends to programs that have never been taken into account in a public charge determination such as WIC. Naturally, this language must also be translated to have its intended effect of assuaging eligible individuals' fears.

For additional recommendations, The Center on Budget and Policy Priorities has published [extensive resources](#) on the topic of [modernizing WIC](#) and [launching digital tools](#) to expand access to all eligible individuals.

Question 2: How should the Center evaluate WIC State agency needs and prioritize projects?

If sufficient resources are not available for all possible projects, the Center should prioritize projects to improve areas or communities with high poverty rates and low participation rates in WIC. These communities need not be defined by geography (e.g., if a state has identified that a particular racial or ethnic group is not being well served, it would be appropriate to support a project focused on this population).

Currently, programs are over-incentivized to search for fraud, at the expense of outreach and providing services.

These efforts to improve “program integrity” are a smoke screen used to obscure a policymaker’s or agency’s true intentions of limiting benefits access, especially for programs that serve a majority of people of color. Instead, administering agencies should be incentivized to improve access and enrollment for those who are eligible through questions like “Are the people at greatest risk of food insecurity in my program’s jurisdiction applying?” or “Are enrollees able to use this benefit to its full potential in my program’s jurisdiction?” CLASP recommends making program uptake and retention (including continuous enrollment) an explicit goal. Agencies should reward and thereby incentivize states to improve access to programs and increase enrollment. Rather than only penalizing states when an ineligible person enrolls, the federal government should consider penalizing states when programs do not have an adequate uptake among eligible persons.

Question 3: How should the Center work with State and local WIC agencies to help them modernize their WIC programs and improve the participant journey through WIC?

To remain an impactful program, WIC agencies must address racial inequities. For an agency to meaningfully engage with the individuals and communities that are most impacted—and have historically been traumatized by—benefits programs, policies, rules, processes, and operations, administrators must first acknowledge and research the racist history of these federal policies and their local implementation.

Agency officials should engage in training to better understand the impact of systemic racism, implicit bias, and white supremacy to better understand current programs and regulation and their origins. Only then can agencies begin to build trust within communities that have been historically excluded and/or discriminated against.

Often, agencies are seeing individuals at a pivotal point in their lives when they need assistance. This may make individuals who had traumatizing experiences with administering agencies apprehensive to engage due to fear, rejection, stigma, and the possibility of being re-traumatized. Often individuals who are marginalized are not treated with respect from agencies that are supposed to serve them. Some have been met with poor customer service, dehumanizing treatment, biased opinions, and/or a cold, sterile environment.

We also suggest that to avoid logistically taxing or possibly humiliating in-person meetings, WIC should provide more opportunities to interact online. [Researchers from the University of Pennsylvania](#) found that states requiring WIC EBT benefit cards to be reloaded in-person (i.e., “offline states”) saw a decrease in WIC participation during the early months of the COVID-19 crisis (March 2020 to January 2021), as compared to online states, which saw an increase. As demographics change, research shows an upcoming [generation of young mothers](#). WIC must respond to this shift by reaching mothers in unconventional ways such as social media, email, and text messaging. It is necessary for State and local agencies to innovate and engage with participants in traditional and non-traditional methods to increase participation and redemption of benefits. [Here](#) is additional information on how CLASP believes programs can be modified more equitably.

Contact Information

Some recommendations from this comment are also included in CLASP’s response to Docket No. [OMB-2021-0005: Methods and Leading Practices for Advancing Equity and Support for Underserved Communities through Government](#), which was written in collaboration with CLASP’s Community Partnership Group (CPG) and New Deal for Youth (ND4Y) Changemakers. We strongly recommend this reading.

Please contact Teon Dolby at tdolby@clasp.org with any questions related to this comment.