

August 11, 2025

Dr. Karen Castellanos-Brown
Food and Nutrition Service
U.S. Department of Agriculture
1320 Braddock Place
Alexandria, VA 22314

Re: Agency Information Collection Activities: WIC Tribal Organizations and U.S. Territories Study

To Whom it May Concern,

The National WIC Association (NWA) and National Indigenous and Native American WIC Coalition (NINAWC) supports the United States Department of Agriculture's (USDA) Food and Nutrition Service's (FNS) conducting of the WIC Tribal Organizations and U.S. Territories Study to learn more about how WIC agencies in tribal organizations and territories administer and operate the program.

NWA is the nonprofit voice of the 12,000 public health nutrition service provider agencies who serve over 6.8 million mothers, babies, and young children served by the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). NWA provides education, guidance, and support to WIC staff; and drives innovation and advocacy to strengthen WIC as we work toward a nation of healthier families. These activities enable WIC agencies to provide superior services, reach eligible participants, and establish strong referral networks and partnerships to positively impact maternal and child health.

NINAWC is a coalition representing over 45 Native American and Indigenous communities and their non-profit WIC organizations. These organizations provide services for women, children and infants. WIC associations are the front line of nutrition education and health care services for the nation's most vulnerable families.

NWA and NINAWC submit the following feedback as requested by FNS:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility

NWA and NINAWC agree that the purpose and value of the proposed data collection may be useful and could yield practical utility provided the study will not be used in any way to undermine tribal sovereignty from WIC ITOs. NWA and NINAWC urge FNS to exercise caution and to be mindful of tribal cultural norms and tribal protocols as they conduct this study. Additionally, engagement of tribal leaders early and often by FNS is essential in gaining tribes' trust and support of the study.

Indigenous WIC agencies request further clarification on the intended use and purpose of the data from this study. NWA and NINAWC request that FNS collaborate directly with Indigenous WIC agencies, via NINAWC, to collaboratively develop study goals and objectives that respond to the needs and priorities of Indigenous WIC agencies. There are also concerns regarding how the cost of

administering WIC programs will be assessed in the study. The needs, structures, and responsibilities of each ITO differ significantly, thus making it challenging to draw broad conclusions or apply uniform metrics to all ITOs.

For example, some ITOs—such as the Chickasaw Nation WIC program—administer multiple contracts on behalf of several tribal partners. This consolidated approach may appear, on paper, to indicate disproportionately high funding or administrative costs. However, that funding supports a broader network of WIC services beyond a single tribe, benefiting multiple communities. Therefore, without context, such data risks being misinterpreted.

Given the history of broken promises in treaties, assimilations, genocide, discrimination, starvation, etc., perpetuated by the U.S. government onto tribal nations, distrust may exist. As a result, ITOs could perceive this study as an attempt to remove tribal sovereignty from their WIC programs. It's important to tribal nations that WIC ITOs are governed by their tribes. Furthermore, it's essential that the U.S. government respect and uphold tribal sovereignty, regardless of study outcomes. The federal government has a federal trust responsibility with tribal nations - a legal and moral obligation to protect the rights, lands, and resources of federally recognized Indian tribes. Given the key responsibility of recognizing the inherent sovereignty of tribes, that is the right of tribal nations to govern themselves and make decisions regarding their affairs, it's imperative the federal government refrain from compromising tribal sovereignty especially given that tribal sovereignty is not universally respected or given to ITOs across federal programs. Thus, WIC ITOs' ability to maintain autonomy and self-determination remains paramount.

In addition to the proposed collection of information, NWA and NINAWC urge FNS to gather eligibility and coverage rates for ITOs and American Indian/Alaska Native (AI/AN) populations. Historically, FNS has not included measures of eligibility or coverage rates for these groups in the annual WIC eligibility reports due to small sample sizes in the Census datasets that are used for annual WIC eligibility estimates. As a result, FNS cannot publish reliable coverage rates for ITOs and AI/AN individuals. By collecting this information, the representation of these populations in these reports will be improved and aligned with the quality of coverage rates other populations receive.

Collecting this information is imperative for improving the representation of these populations in FNS reporting. Therefore, NWA and NINAWC offer 3 options that were suggested by a NINAWC contractor in previous conversations between NINAWC and FNS. These options are cognizant of the limitations in available data and would improve reporting of AI/AN individuals and/or ITOs.

- 1. Produce national and regional coverage rates for individuals who identify as AI/AN using the 1-year Census ACS file by aggregating individuals reporting AI/AN race.**

Although this approach would provide valuable information about the population of individuals who self-identify as American Indian/Alaska Native, it would not provide program-level information for ITOs, and concerns about data quality (especially about AI/AN individuals in the WIC PC data) would remain.

2. Use the Census ACS 5-year file to produce estimates of the population eligible for WIC based on the counties associated with ITOs.

If the method proves reliable and reasonably precise in testing, it will offer the most specific and programmatically useful information for ITOs. However, it will likely overestimate the population eligible for WIC associated with the ITOs (since it would include parts of counties that are not part of the ITO, and for some ITOs that only enroll Tribal members, it would include eligible non-Tribal members). It also does not provide information about individuals who identify as AI/AN but do not live in counties associated with ITOs.

3. Develop a plan for a tailored approach to producing ITO coverage rates or other reach measure.

NINAWC urges FNS to develop a detailed plan for developing more robust and appropriate coverage rates through interactions with the ITOs, Regional Offices, and FNS representatives. Developing tailored coverage rates that reflect all ITO-level differences that influence eligibility is important.

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used

NWA and NINAWC are deeply concerned about the potential burden that this proposed information collection will place on ITOs. Many ITOs already operate with limited administrative capacity and additional data collection requirements—especially those that may not lead to tangible benefits for the tribes involved—can place a significant strain on staff and resources. It's critical that FNS fully acknowledge this reality and actively work to minimize disruption to already stretched teams. Without thoughtful adjustments, the study risks placing undue burden on the very organizations it aims to understand and support.

(c) Ways to enhance the quality, utility, and clarity of the information to be collected

NWA and NINAWC urge FNS to visit all types (state, local and tribal government) of ITO agencies, especially local agencies run through tribal entities. Based on the call for comment:

"WIC staff from 20 Tribal government agencies will participate in site visits, and WIC staff from 37 State, local, and Tribal government agencies will participate in virtual interviews."¹

Based on our interpretation of this statement, FNS will conduct in-person site visits for ITOs that are state agencies but only virtual site visits for all other agency types. It is imperative that FNS conduct in-person site visits with all types of ITO agencies to fully understand the nuances of these agencies.

Additionally, we urge FNS to consider Urban Indian Health organizations who offer WIC assuming FNS isn't already intending to visit these types of agencies. For example, in Washington State, the Seattle Indian Health Board is an Urban Indian Health organization that provides WIC. Including

these types of agencies is important as they face unique challenges when providing WIC services to Urban Indians living in their service area.

Lastly, we urge FNS to ensure that they visit all 5 U.S. territories as like ITOs, each one is unique and varying from the other.

(d) Ways to minimize the burden of the collection of information on respondents, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

NWA and NINAWC strongly encourage FNS to factor tribal data sovereignty and data equity into their collection techniques and other forms of information technology. Tribal sovereignty means that tribes hold the sovereign authority to manage the collection, ownership, application and interpretation of their own data even when it is collected by federal, state, or local governments and/or other third parties. This authority includes the right to informed consent on how a Tribe's data, including protected health information about their community members, are used or shared with third parties.²

We encourage FNS to adopt principles from the CARE Principles for Indigenous Data Governance (Collective Benefit, Authority to Control, Responsibility, Ethics) in its data collection and dissemination process.

NWA has been partnering with NINAWC in finding ways to increase tribal data sovereignty and data equity and thus, implores FNS to consider ways in which data can be equitably and respectfully shared while respecting tribal sovereignty. For example, we urge FNS to visit local ITO agencies that are under geographic state agencies specifically.

It's important for FNS to remember that every tribe has their own culture, traditions, protocols, values, and governing system. How WIC is implemented in a tribe in Maine is not the same as in Wellpinit, Washington. Additionally, for tribes who receive or provide WIC services to their communities through a contract that they have with their state WIC program, or state or local health department, staff travel to the tribe to provide WIC services thus making how these programs operate incredibly different from an ITO WIC program. In these instances, non-ITO WIC programs have substantially less say because the state WIC agency is in charge. To quote our colleague from Washington WIC, *"If you know one tribe, you only know one tribe."* It's disrespectful to assume that all tribal WIC programs are the same and thus we urge FNS to keep this in mind as it conducts this information collection.

Moreover, we recommend that FNS keep in mind that many ITOs operate on different Management Information Systems (MIS), which makes it highly unlikely that a single, standardized report can be generated across all programs. This lack of uniformity may complicate data collection, limit comparability, and place an additional burden on staff who may be required to manually compile or translate data. Furthermore, some tribes ask for data sharing agreements despite it being WIC data because it is their data about their community and families. It's critical that FNS acknowledges this reality and avoid assumptions of data uniformity when designing and implementing the study.

Lastly, we urge FNS to report their findings back to Tribal Leaders first before making any report public. Culturally, it's imperative that tribal leaders see the data and discuss the outcomes. It's also vital that FNS implement tribally led strategies as it's critical for gaining the support of tribal nations as well as for building sustainable strategies. Strategies need to be led by tribal nations, not FNS.

NWA and NINAWC applaud FNS's efforts to conduct this study to learn more about how WIC agencies in tribal organizations and territories administer and operate the program. This opportunity will ultimately help WIC families, thus building a stronger, healthier America.

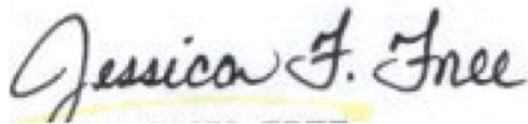
Sincerely,



Jennifer Nicklas
Chair, Board of Directors
National WIC Association



Georgia Machell
President & CEO
National WIC Association



Jessika Free-Bass
Chair, Board of Directors
National Indigenous and Native American WIC Coalition

¹ *Agency Information Collection Activities: WIC Tribal Organizations and U.S. Territories Study* (2025) *Federal Register*. Available at: <https://www.federalregister.gov/documents/2025/06/13/2025-10769/agency-information-collection-activities-wic-tribal-organizations-and-us-territories-study> (Accessed: 8 July 2025).

² 'Tribal Data Sovereignty and Data Privacy' (no date) *American Indian Health Commission*. Available at: <https://aihc-wa.com/programs-and-policy/tribal-public-health/tribal-data-sovereignty-and-data-privacy/> (Accessed: 29 July 2025).