



July 20, 2017

The Honorable Jeff Sessions  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue  
Washington DC 20530

The Honorable Maureen Ohlhausen  
Acting Chairwoman  
Federal Trade Commission  
600 Pennsylvania Avenue  
Washington DC 20580

Dear Attorney General Sessions and Chairwoman Ohlhausen:

We are writing to express our concerns regarding the proposed merger between Whole Foods and Amazon. While we do not oppose the merger at this time, we are concerned about what this merger could mean for African-American communities across the country already suffering from a lack of affordable healthy food choices from grocers.

This merger should be scrutinized beyond the normal antitrust review process that only examines the competitive impact. It should also include a careful review of the impact further consolidation will have on the communities representing many of the “food deserts” across the nation. As you know, the USDA defines Food Deserts as “parts of the country void of fresh fruit, vegetables, and other healthy whole foods, and usually found in impoverished areas.” Many of these areas are populations we represent. Therefore, we hope you consider whether this merger will contribute to increasing rather than reducing the number of food deserts, and potentially increasing health disparities for African-Americans and the poor.

Good nutrition is critical for good health, and the purpose of the Supplemental Nutrition Assistance Program (SNAP) is to “provide nutrition for those who can’t afford it.” Increasing retail food availability is a key element in changing the social conditions of low-income Americans. We are concerned that the proposed merger potentially may exacerbate the food divide among vulnerable populations, including the 41 million SNAP recipients, particularly those in low-income and rural communities.

SNAP recipients currently are unable to use their benefits to buy groceries online, but they may be able to do so in the not-too-distant future. The Department of Agriculture is preparing to roll out ten pilots that will allow some SNAP customers to use their electronic benefit transfer, or EBT cards, with online retailers — a trial called for in the 2014 farm bill. In January, Amazon was selected as one of the companies to conduct a pilot across three states: New York, New Jersey, and Maryland. Amazon’s current grocery delivery service, Fresh, requires a monthly fee of \$14.99 and is only available to Amazon Prime members.

Another concern is the declining presence of retail stores due to the growth of online shopping. Amazon wields considerable power in online retailing with its platform capturing

nearly 45% of all online spending. In the past few months, several major retailers have announced the closure of hundreds of stores nationwide. Many of the communities we represent may feel the impact of these announced closures.

While Whole Foods may have a limited presence in many of our districts, further consolidation may force grocers who have a stronger brick-and-mortar presence in our communities to respond to this merger. As a result, it is possible these grocers will consolidate further and close stores that offer any, or the only, option to low-income communities.

We look forward to the opportunity to work with you to address these concerns and others as your agency evaluates the benefits and challenges a Whole Foods/Amazon national footprint could bring to the food retailing industry and communities across the nation.

Sincerely,



Marcia L. Fudge  
Member of Congress

*Additional Signatures on File: Rep. Donald Payne (NJ); Rep. Maxine Waters (CA); Rep. Bonnie Watson Coleman (NJ); Rep. Gregory Meeks (NY); Rep. Bennie G. Thompson (MS); Sen. Corey Booker (NJ); Rep. Frederica Wilson (FL); Rep. Val Demings (FL); Del. Eleanor Holmes Norton (DC); Rep. Emmanuel Cleaver II (MO); and, Rep. Barbara Lee (CA).*