October 4, 2024

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HHS/OASH Office of Disease Prevention and Health Promotion (ODPHP)
1101 Wootton Parkway
Suite 420
Rockville, MD 20852

RE: Docket OASH-2022-0021

Dear Dr. Booth, Dr. Odoms-Young and Members of the Dietary Guidelines Advisory Committee:

The International Dairy Foods Association (IDFA), Washington, D.C., represents the nation's dairy manufacturing and marketing industry, which supports more than 3.2 million jobs that generate $49 billion in direct wages and $794 billion in overall economic impact. IDFA's diverse membership ranges from multinational organizations to single-plant companies, from dairy companies and cooperatives to food retailers and suppliers. Together, IDFA members represent most of the milk, cheese, ice cream, yogurt and cultured products, and dairy ingredients produced and marketed in the United States and sold throughout the world. Delicious, safe and nutritious, dairy foods offer unparalleled health and consumer benefits to people of all ages.

IDFA appreciates the considerable effort the Dietary Guidelines Advisory Committee (DGAC) has undertaken to analyze the substantial body of scientific evidence necessary to develop the recommendations that are incorporated into the DGAC Scientific Report. We also appreciate the opportunity to provide public comments and view the public meetings of the Committee. However, we believe there are actions that this and future DGACs should undertake that would enhance the transparency, accountability, and alignment of the process with government requirements. These actions include:

- **Publication of Considered Studies**: In advance of the DGAC scientific report to the Secretary of Health and Human Services and Secretary of Agriculture, make "real-time" publicly available lists of all studies considered for each scientific question, as well as each of the studies included and excluded in the scientific review with the rationale for those decisions.

- **Availability of Meeting Materials**: Make publicly available, in advance, all materials related to DGAC public meetings and the work of the DGAC, including meeting agendas, spreadsheets of scientific studies included in the scientific reviews, and as soon as

possible post-meeting, slides presented and Committee members' statements at public meetings, in a timely manner to facilitate public and oral comments, alike.

- **Concurrent Information Release:** Establish processes for future DGACs to release this information concurrently with draft scientific conclusion statements presented at DGAC public meetings.

- **Explanation for Study Inclusion:** Provide explanations for why studies are included or excluded in scientific reviews and for the removal of any studies for reasons not identified in the associated study protocol.

IDFA believes it is essential for the Dietary Guidelines for Americans (DGA) process to be science-based and have integrity since the DGAs help set guidelines that practitioners and the public can use to design healthy diets and influence policy, including federal nutrition programs and nutrition education programs. The impact of the DGAs is substantial, which means the DGAC and entire DGA process, both current and future, needs to be transparent and grounded in robust scientific rigor. Otherwise, we believe the DGA recommendations will face scrutiny, are subject to bias, and could see their credibility weaken over time. Following concerns about earlier versions of the DGA, the National Academy of Sciences, Engineering and Medicine (NASEM) issued a report that made recommendations about the full DGA development process.[1]

Transparency Throughout the DGA Process is Essential

In line with the public acknowledgement and commitment to transparency throughout the DGA process by the federal departments that will ultimately write the DGA based in part on the DGAC, and as reiterated by NASEM, IDFA believes additional information earlier in the 2025-2030 DGA process would increase transparency into the science being considered and improve the input from stakeholders. During this latest DGAC process, we believe there has been a lack of information on the specific studies that have been included or excluded from review; similarly, there very little information has been shared on the rationale for including or excluding studies. Given that the studies reviewed form the basis for DGAC recommendations, the public deserves more transparency on these studies earlier in the DGA process.

While IDFA has shared important science that reinforces the need for dairy in healthy diets and in the DGA, there is no way of knowing whether these studies have been considered or included in the scientific review until the release of the DGAC Scientific Report. While some draft scientific conclusions have been shared, the DGAC's scientific review process does not include disclosing what studies have been considered, which of these have been included or excluded from the scientific review, or the Committee's rationale for such decisions until after the DGAC Scientific Report is published. Public information on the studies considered after the DGAC Scientific Report is published comes too late to address any potential oversight of omitted studies that could have

[1] National Academies of Sciences, Engineering, and Medicine. 2017. *Redesigning the process for establishing the* Dietary Guidelines for Americans. Washington, DC: The National Academies Press. doi: https://doi.org/10.17226/24883.

added to the body of science on a particular scientific question, which could affect the recommendations of the DGAC in its scientific report and ultimately the final DGA.

IDFA believes that sharing information on the nutrition studies that have been identified, and whether those studies have been included or excluded from the systematic review, with the public could allow review of the list of considered science with the goal of identifying studies that may have been overlooked or not identified in the search process. During the September 25, 2024, DGAC public meeting, one draft scientific conclusion was upgraded from "limited" to "moderate" due to the identification of an additional study that was included in the systematic review. Also, during discussion of another scientific question at this public meeting, a DGAC member verbally identified additional research that could have been included in a systematic review. These examples indicate that other relevant studies could potentially be identified by other stakeholders if information about the studies included or excluded in the scientific reviews was made public.

Additionally, IDFA is particularly concerned about the timing of the draft scientific conclusions regarding food sources of saturated fat and cardiovascular disease, as these conclusions could significantly influence recommendations regarding full-fat dairy products and the nutrients they provide. Draft conclusions were not shared until the DGAC public meeting on September 25, 2024, providing less than one month to review prior to the expected publication of the DGAC's Scientific Report in October. IDFA does not believe this provides sufficient time for appropriate review, especially for such an important topic.

IDFA recommends that all materials considered by the DGAC and presented at public meetings be made available for public review, consistent with the Federal Advisory Committee Act (FACA)[2]. As of September 15, the slides from the May public meeting had not been made public, with the dietaryguidelines.gov website still indicating that these resources are "coming soon". Other materials under discussion by the DGAC, such as the Excel spreadsheets of scientific research referred to in the May public meeting, have not been made public to stakeholders. We recommend that the lists of studies considered and explanations for any excluded scientific papers be released concurrently with draft scientific statements during the DGAC public meetings. FACA requires that "…working papers, drafts, studies, agendas and other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection…". IDFA further notes that the above concerns and recommendations with respect to the DGAC's process are consistent with U.S. trade commitments as recently championed by the Office of the U.S. Trade Representative in its Ninth Summit of the Americas Declaration of Good Regulatory Practices, [3] including basing regulations on "publicly accessible high-quality data."[4]

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[2] Federal Advisory Committee Act, 5 U.S.C. App. Section 10(b)

[3] Reference: https://ustr.gov/about-us/policy-offices/press-office/press-releases/2022/june/ustr-announces-new-declaration-good-regulatory-practices#:~:text=USTR%20Announces%20New%20Declaration%20on%20Good%20Regulatory%20Practices,-June%2009%2C%202022&text=Good%20regulatory%20practices%20are%20fundamental,compliance%20with%20international%20trade%20obligations..

[4] Reference: https://ustr.gov/sites/default/files/SOA%20GRP%20Declaration%2005192022.pdf, paragraph 7.

DGA Process Must Maintain Scientific Rigor and Integrity

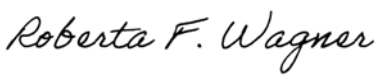
IDFA wants to emphasize that the study protocols are currently the only way that the public has to understand which scientific evidence is being used to develop scientific conclusion statements, and therefore, it is essential that these protocols be developed and strictly followed. During the DGAC public meeting period, the protocols were updated multiple times. The DGAC should ensure that the science being considered meets the protocol, rather than adding more restrictions on studies. An example is the subcommittee working on dietary patterns and cardiovascular disease identified a large number of relevant studies but later restricted the review to U.S.-only studies. Based on the information presented at the May DGAC public meeting, the updated U.S.-only protocol resulted in 104 articles for review. The DGAC then decided to restrict the articles/studies reviewed even further, based on the percentage of study participants that were non-Hispanic Caucasians. Ultimately, the DGAC decided to review just 20 articles as part of this study protocol and used as the basis for the draft conclusion statement, which was scored as "strong." IDFA reached out to USDA and HHS staff to confirm whether the group of 20 studies was the basis of the conclusion statement, and the staff indicated that the DGAC would need to address this point. We urge the DGAC to clarify how many and which studies were included in the scientific review for this question and which were excluded and for what reason.

Conclusion

IDFA strongly recommends that information be shared with stakeholders earlier in the DGAC process. This will allow the general public and other public stakeholders to fully review and understand the scientific basis for the DGAC conclusions prior to the release of the scientific report, facilitating a more informed public comment period and, therefore, a more rigorous and informed DGAC Scientific Report.

We appreciate the work of the DGAC and look forward to continued collaboration to support a transparent, rigorous, and science-based DGA process that provides trustworthy guidelines for practitioners and the public.

Sincerely,



Roberta Wagner
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