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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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April 14, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C.

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C.

Dear Secretaries Becerra and Vilsack:

Thank you for your work to complete the forthcoming 2025 Dietary Guidelines for Americans (Dietary Guidelines). The Dietary Guidelines are an important foundation to support up-to-date nutritional information that helps guide federal programs and enable consumers to make healthy decisions. However, this review must be conducted in a transparent manner that is based on proper scientific evidence.

We are concerned that the Dietary Guidelines Advisory Committee's (DGAC) current scientific review, specifically its review of alcohol and sugar intake guidelines, has not been transparent. Providing clarity around how the DGAC reviews scientific evidence in anticipation of the publication of its final scientific report next year is vital to build trust in the recommendations finalized through the Dietary Guidelines and promote healthy lifestyles.

We ask that you answer the following questions, on a question-by-question basis, by **April 29, 2024**:

1. How is the DGAC engaging with outside stakeholders in accepting and reviewing scientific evidence to consider for its final report?
2. In February 2017, the National Academies of Sciences, Engineering, and Medicine (NASEM) released a report outlining recommendations to increase transparency in how DGAC members are selected. One of NASEM's recommendations was to use an external

third party to select primary and alternate nominees.¹ However, the Department of Health and Human Services (HHS) and U.S. Department of Agriculture (USDA) declined to implement this recommendation, pointing to “resource limitations (cost and time).”² How did HHS and USDA review DGAC members for any potential conflicts of interest and a balance of scientific perspectives?

3. In April 2023, HHS and USDA released an aggregate list of ethical disclosures for DGAC members.³ This list, however, did not identify specific potential conflicts by each DGAC member but all potentially identified conflicts. This release conflicts with NASEM’s February 2017 recommendations to develop a management program to address potential biases among DGAC members.⁴ Why did HHS and USDA aggregate ethical disclosures of DGAC members instead of following NASEM’s recommendations to provide more individualized information?
4. In September 2017, NASEM released a second report recommending the DGAC provide more clarity about how scientific evidence is or is not included in the final Dietary Guidelines.⁵ However in 2020, the DGAC’s scientific report recommended lowering suggested alcohol intake and sugar consumption levels. These recommendations were ultimately not adopted as HHS and USDA concluded that “there was not a preponderance of evidence in the Committee’s review of studies... to substantiate changes related to the qualitative limits for either added sugars or alcohol.”⁶ What steps is the DGAC taking to ensure similar recommendations are well reviewed in its public meetings?
5. In December 2022, Congress directed HHS and USDA to enter into a cooperative agreement with NASEM to study the impact of alcohol consumption on health outcomes.⁷ The HHS Substance Abuse and Mental Health Services Administration’s

¹ *Optimizing the Process for Establishing the Dietary Guidelines for Americans: The Selection Process*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (Feb. 2017), <https://nap.nationalacademies.org/catalog/24637/optimizing-the-process-for-establishing-the-dietary-guidelines-for-americans>.

² DIETARY GUIDELINES FOR AMERICANS, *USDA-HHS Response to the National Academies of Sciences, Engineering, and Medicine* (Sept. 2018), <https://www.dietaryguidelines.gov/sites/default/files/2019-12/USDA%20HHS%20Response%20to%20HMD%20Report%201.pdf>.

³ DIETARY GUIDELINES FOR AMERICANS, *2025 Dietary Guidelines Advisory Committee: Disclosures* (Apr. 2023), https://www.dietaryguidelines.gov/sites/default/files/2023-06/2025_DGAC_Disclosures_508c.pdf.

⁴ DIETARY GUIDELINES FOR AMERICANS, *supra* note 2.

⁵ *Redesigning the Process for Establishing the Dietary Guidelines for Americans*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (Sept. 2017), <https://nap.nationalacademies.org/catalog/24883/redesigning-the-process-for-establishing-the-dietary-guidelines-for-americans>.

⁶ DIETARY GUIDELINES FOR AMERICANS, *USDA-HHS Response to the National Academies of Sciences, Engineering, and Medicine: Using the Dietary Guidelines Advisory Committee’s Report to Develop the Dietary Guidelines for Americans, 2020-2025*, <https://www.dietaryguidelines.gov/about-dietary-guidelines/related-projects/usda-hhs-response-national-academies-sciences-engineering>.

⁷ *See Consolidated Appropriations Act, 2023*, H.R. 2617, 117th Cong. (P.L. 117-328), Section 772.

(SAMHSA) Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD) is conducting a separate study on alcohol consumption. How is the ICCPUD reviewing scientific evidence on alcohol consumption? Is the ICCPUD collaborating with NASEM as part of their forthcoming report?

6. How is the DGAC working with NASEM and the ICCPUD on these reports and how will the DGAC incorporate scientific studies and recommendations from these processes into its final scientific report?
7. In August 2023, the director of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) that the Dietary Guidelines could include lower alcohol intake recommendations to model Canada's current standards.⁸ What specific role has NIAAA had in engaging with the DGAC? What scientific studies has NIAAA relied on to support this recommendation?
8. In November 2023, HHS and USDA held a listening session with the Food and Drug Administration (FDA) to review consumption of added sugars in food products. How did the DGAC engage with FDA in advance of the listening session and how will the DGAC incorporate public comments submitted for the listening session as part of its final scientific report?
9. NASEM periodically oversees revisions to Dietary Reference Intake (DRI) levels that help inform the DGAC's recommendations on daily nutritional goals by age.⁹ Is the DGAC currently consulting with NASEM on any revisions to DRI values? If so, please provide a list of all DRIs currently under review.
10. How is the DGAC reviewing scientific evidence previously submitted in past Dietary Guidelines processes. Does the DGAC rely on past conclusions around previously submitted evidence or take a new review?

⁸ Luke Andrews, *Biden's alcohol czar warns Americans could soon be told to limit themselves to just two beers per WEEK under strict new booze guidelines*, DAILYMAIL.COM (Aug. 24, 2023), <https://www.dailymail.co.uk/health/article-12438233/Americans-limited-two-beers-strict-new-alcohol-guidelines-Bidens-booze-czar.html>.

⁹ DIETARY GUIDELINES FOR AMERICANS, *Projects Related to the Dietary Guidelines* (Feb. 16, 2024), <https://www.dietaryguidelines.gov/related-projects>.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
Ranking Member
U.S. Senate Committee on Health,
Education, Labor, and Pensions

John Boozman

John Boozman
Ranking Member
U.S. Senate Committee on
Agriculture