



STATEMENT OF AMERICAN BEVERAGE ASSOCIATION TO USDA – November 28, 2017

Good afternoon. I am Dr. Maia Jack, vice president of science and regulatory affairs for the American Beverage Association. ABA represents the U.S. non-alcoholic beverage industry. We welcome the opportunity to share our perspectives on the recent National Academies reports on optimizing the Dietary Guidelines for Americans (DGA) process and incorporate-by-reference ABA's previous oral and written comments delivered at the last USDA listening session on February 19, 2016.

ABA generally supports the National Academies' recommendations for increased transparency of the DGA process, for increased efficiency of the DGA process through a formal redesign and for balance and relevant expertise among members of the Dietary Guidelines Scientific Advisory Committee (DGSAC), Dietary Guidelines Planning and Continuity Group (DGPCG) and Technical Expert Panels (TEP). Additionally, ABA fully supports the National Academies recommendation for the DG Scientific Advisory Committee and the DG Planning and Continuity Group to seek scientific support from a Technical Expert Panel (TEP) – which could include food industry experts. The DG Planning and Continuity Group would be responsible for strategic oversight and topic selection and prioritization. The TEP would be responsible for data collection and evaluation. Whereas, the DG Scientific Advisory Committee – which should include methodological experts – would have the sole responsibility of synthesizing and interpreting the evidence. These changes, if implemented appropriately, shall indeed uphold the scientific integrity of the DGA process.

As noted by the National Academies, “[C]ontinuing the *status quo* would result in an unsatisfactory response to the fundamental issue... USDA and HHS need to develop an explicit policy to address biases and conflicts of interest ... made publicly available...” The identification, judgment (by an independent ethics officer) and management of all relevant biases and conflicts of interest including those beyond financial gain must be documented when appointing members to the various aforementioned groups to ensure

ABA Written Testimony

the highest standards of integrity are not compromised. As noted by the National Academies, “[T]he DGAC selection process itself could have implications for the rest of the processes used for updating the DGA.”

Before USDA and HHS solicit nominations for the upcoming Advisory Committee, a set of draft guidelines on improvements to the DGA process should be released for public comment. The guidelines (or policy document) should outline (as recommended by the National Academies):

- proposed selection criteria against which nominees (for the aforementioned groups) are screened,
- best practices on identifying and managing biases and conflicts of interest – both financial and nonfinancial – as well as assuring a broad range of scientific thinking, and
- criteria, process, and logic for topic identification, selection and prioritization and for evidence grading.

These guidelines should be made available through notice-and-comment before finalization.

Once the guidelines on transparency of the nominating process, best practices and topic prioritization and evidence-grading criteria have been developed, topic identification, selection and prioritization could be made open to public comment to further enhance credibility in the DGA process. The topics should be evaluated against preset criteria (identified in the guidance document) *before* the DGAC is empaneled. As the National Academies suggested, “The composition of the advisory committee should be dictated to a great degree by the content areas under review, while also representing a wide variety of perspectives.” In contrast, the 2015 DGAC was first empaneled and then the content areas were determined. The research questions were formulated afterwards resulting in the absence of critical and relevant expertise among the panelists. This notice-and-comment approach to topic identification, selection and prioritization process could be further strengthened post-2020 by the implementation of the DG Planning and Continuity Group as a federal advisory committee, as recommended by the National Academies.

ABA Written Testimony

From a scientific rigor standpoint, it would be important to ensure that the NEL systematic reviews (and other non-NEL existing systematic reviews *if* they must be used) be externally peer reviewed prior to being made available for use by the DG Scientific Advisory Committee. In addition, the NEL grading system should not downgrade studies based on funding source if scientific rigor is otherwise met. This external peer review would ensure that the totality of the evidence is considered and graded consistently, fairly and objectively. The external peer review may also provide oversight, by clarifying working parameters relative to the reviews, and ensure relevant metrics that assess the quality of the evidence are met regardless of funding source.

Finally, the Guidelines' chartered purpose – to provide science-based nutritional advice – must be its guiding principle. In that vein, the Agencies should ensure that the Guidelines stay true to its charter and not venture outside its intended scope, such as making policy recommendations that do not add to the discussion on science-based nutrition advice. In 2015, the DGAC delved into areas typically far outside their scope, embarking upon social policy such as limiting the types of foods and beverages allowed for purchase using SNAP benefits, marketing restrictions for all age groups, including adults, taxation and suggested preferential treatment for certain farming processes related to sustainability and environmental matters. Furthermore, it questioned food ingredients' safety, disregarding FDA's formal food additive approvals and dismissing FDA's extensive toxicological expertise. Inaccurate and conflicting dietary guidance messages are detrimental to consumer understanding of nutrition and the ability to build healthy diets, and it is our belief the Dietary Guidelines should focus only on nutrition and diet and steer clear of those topics outside the scope of its charter.

Collectively, if implemented effectively, these National Academies recommendations will lead to a much greater rigorous unbiased process. The likely outcome would be an objective nutrition science-based dietary guidance that assists all Americans to choose dietary patterns that not only meet individual nutrient needs but also promote health and reduce chronic disease risk while allowing for food enjoyment.

Thank you for your considerations.

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