

## APPENDIX F-2: PUBLIC COMMENTS

### OVERVIEW

The Dietary Guidelines Advisory Committee operates under the Federal Advisory Committee Act (FACA), a law that emphasizes public participation and requires open access to meetings and operations. To further engage the public and ensure input into the process, the U.S. Departments of Agriculture (USDA) and of Health and Human Services (HHS) solicited public comments throughout the Dietary Guidelines Advisory Committee process. Published Federal Register notices alerted the public to written comment collection and their right to provide oral comments during 2 of 5 meetings the Committee held. Per FACA, all meetings of the Committee were open to the public; the meetings were made accessible in person and by webcast. In addition, the Departments updated the DietaryGuidelines.gov website, sent out GovDelivery notices, and posted social media messages on a steady basis to notify the public of opportunities for engagement throughout the Committee's work. Partly due to these expanded efforts to involve the public, comments increased more than 60-fold from 2015 to 2020.

Comments to the Committee covered a wide array of topics. The majority addressed topics under review by the Committee, specifically added sugars, beverages, the birth to age 24 months subpopulation and related topics (e.g., human milk, infant formula), dietary fats, dietary patterns across all ages, and dietary patterns during pregnancy and lactation.

A total of 62,339 comments were posted from March 12, 2019, through June 10, 2020, including 5 submitted by postal mail and uploaded to the Federal Docket Management System (FDMS). Of these, 3,961 were unique and 58,378 were form letters. Of note, interest in the Dietary Guidelines process was far reaching. Although the majority of comments were received from within the United States, they also emanated from Australia, Canada, Denmark, Egypt, France, Germany, India, Ireland, Israel, Italy, Luxembourg, Malaysia, Malta, Mexico, the Netherlands, New Zealand, Northern Ireland, the Philippines, Poland, Portugal, Slovenia, South Africa, Spain, Taiwan (Province of China), United Arab Emirates, and the United Kingdom.

### PROCESS

Comments were accepted electronically through Regulations.gov and by paper submissions through the postal mail. A team of Federal staff processed comments using FDMS, a

centralized Docket Management system that provides the ability to search, view, download, and submit comments on Federal notices and Rules. Media and mail campaigns resulted in duplicate comments from individuals and organizations, and these are referred to as form letters. FDMS enabled comment deduplication based on the detection of similarities and differences among comments within each campaign. A threshold for the amount of text constituting a duplicate comment was predetermined, allowing form letters to be easily identified and managed by staff. The efficient processing of public comments using FDMS was of particular importance given the public's growing interest in the work of the Dietary Guidelines Advisory Committee, as evidenced by the numbers of public comments in Table F2.1.

**Table F2.1. Number of public comments submitted to Dietary Guidelines Advisory Committees**

<b>Dietary Guidelines Advisory Committee</b>	<b>Number of Public Comments</b>
1990	~80
1995	284
2000	165
2005	435
2010	774
2015	972
2020	62,339

Information required from the public comment submitter included the text of the comment (up to 5,000 characters), attachments, if any, and first and last names. Additional information, though not required, could be provided and would be viewable on Regulations.gov, including the submitter's city, state, and country, and organization name, if applicable. Street address, zip code, email address, and telephone and fax numbers also could be provided, but would not be viewable on Regulations.gov except if included in attachments.

All comment submissions were reviewed by trained Federal staff and after being posted were viewable on Regulations.gov. Nearly all public submissions were posted to Regulations.gov without change. The content of public comments was not edited, but in some cases, certain types of personally identifiable information, such as an individual's street address or email address, were redacted. Several comments were withdrawn after notice was given to staff by the commenter that an incomplete comment had been submitted in error. Comments

that contained vulgar language or inappropriate comments were not posted. In total, 27 comments received were not posted due to one of these reasons.

Staff summarized each submitted comment. Committee members were regularly sent comment summaries organized by topic area and were given instructions for searching and reading the full comments on Regulations.gov. When requested, Federal staff also provided Committee members with copies of original public comment submissions and any corresponding attachments. Public comments were discussed and considered by the Committee at Subcommittee and full Committee meetings.

## **WRITTEN COMMENTS TO THE ADVISORY COMMITTEE**

Written public comments to the Committee were continuously submitted from March 12, 2019, through June 10, 2020. The initial collection, which spanned March 12, 2019, through June 17, 2019, was announced in Federal Register notice 84 FR 8840 and comments were collected in Docket FNS-2019-0001-0001. During this time, 515 unique comments and 6,222 form letters were submitted, for a total of 6,737 comments. The next phase of comment collection occurred from June 18, 2019, through June 10, 2020, and was announced in Federal Register notice 84 FR 28266; comments were collected in Docket FNS-2019-0001-6698. During this time period, 3,446 unique comments and 52,156 form letters were submitted, for a total of 55,602 comments. All comments will remain on Regulations.gov and can be accessed and read at any future time by searching for the Docket numbers noted above.

At 4 meetings of the Committee, the Chair requested public comments on the protocols for each scientific question considered by the Committee. For each question, a specific protocol, or plan, was developed to describe how the Committee would apply a methodology, such as the Nutrition Evidence Systematic Review (NESR) methodology, to answer the scientific question. During the second, third, fourth, and fifth Committee meetings, the Chair asked the public to provide comments on the protocols specifically discussed at those meetings. Staff compiled all comments on the protocols and provided them to Committee members, along with directions on accessing and reading comments on Regulations.gov.

## ORAL COMMENTS TO THE ADVISORY COMMITTEE

The opportunity to provide oral comments in person at 2 of the full Committee meetings was announced in the Federal Register notice 84 FR 28266, published on June 18, 2019. This was the first time that USDA and HHS offered 2 opportunities for the public to provide oral comments to the Committee. The second opportunity took place in Houston, Texas; this was the first time in decades the public provided oral public comments outside of the Washington, DC metropolitan area. A total of 75 people provided oral comments on July 11, 2019, in Washington, DC and 51 people provided comments on January 24, 2020, in Houston, TX. For the July 11 meeting, 81 people were on the list to provide oral comments (including confirmed and standby commenters), but 6 of those did not attend to give remarks. For the January 24 meeting, 61 people were on the list to provide oral comments (including confirmed and standby commenters); 10 of those did not attend to give remarks. Registration to provide oral comments was completed online and registrants were accepted on a first come, first served basis. Registration was further limited to 1 person per organization. Individuals submitted a brief outline of their oral comments upon registering and were allowed up to 3 minutes in which to deliver their comments to the Committee. Some individuals also submitted written copies of their oral comments through Regulations.gov.

## ADDITIONAL COMMENT COLLECTIONS

In addition to soliciting public comments throughout the period of the Committee's work, USDA and HHS asked for public comments at 3 other times.

Before the Committee was established, USDA and HHS asked for public comments on the topics and questions developed for examination by the Committee in their review of the scientific evidence to support the development of the *2020-2025 Dietary Guidelines for Americans*. These topics and questions remain available at DietaryGuidelines.gov. Comments were accepted February 28, 2018, to March 30, 2018; a total of 6,069 public comments in this collection are on Regulations.gov in Docket FNS-2018-0005. Of those comments, some included attachments containing form letters, which accounted for an additional 6,571 comments considered duplicative, bringing the total number of comment submissions to 12,640. Of those, 3,250 were unique comments and 9,390 were form letters covering various topics.

The public also was asked to submit nominations for the Committee. Nominations were collected from September 6, 2018, through October 6, 2018 (see **Part C. Methodology** for additional details).

A final round of public comments directed to USDA and HHS on the Committee's Advisory Report will be received in Docket FNS-2020-0015 on Regulations.gov following the Committee's submission of its Report to the Secretaries of USDA and HHS. The report will be available for the public's review on DietaryGuidelines.gov. This round will encompass both written and oral comments on the Committee's Advisory Report. A Federal Register notice 85 FR 33081, published on June 1, 2020, announced a month-long public comment period on this Report, as well as an opportunity on August 11, 2020, for members of the public to provide oral comments to the Departments about the Report.

## **SUMMARY**

For 15 months, USDA and HHS sought written and oral public comments throughout the Committee's deliberations. The Committee reviewed the comments and greatly appreciated the time, effort, and thought that individuals and organizations put into their submissions. Public involvement is critical to making the Dietary Guidelines process open and transparent.