

## United States Senate

CHARLES E. GRASSLEY  
PRESIDENT PRO TEMPORE EMERITUS  
WASHINGTON, DC 20510-1501

March 17, 2023

The Honorable Xavier Becerra  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Becerra and Secretary Vilsack,

I write to you with serious concerns about potential conflicts of interest that may exist among members of the 2025-2030 Dietary Guidelines Advisory Committee (DGAC), whose appointments were announced on January 19, 2023.

As our nation's nutrition and public health experts begin their review of nutrition and health science in advance of their expected report, it is important that the report be based on strong, unbiased evidence. As you likely know, the *2025-2030 Dietary Guidelines for Americans* that your offices will develop from this report will have a far-reaching impact on the American public and will influence key federal nutrition programs including the National School Lunch Program and the Supplemental Nutrition Assistance Program, among others. In what will become the official U.S. government recommendation on basic nutrition that policymakers, healthcare professionals, educators, and families across the country will rely on to build healthy habits from 2025-2030, such an important report must be free from outside influences that stand to profit from shaping it.

Recent reports have come to my attention suggesting that a member recently appointed to DGAC, Fatima Cody Stanford, may have a conflict of interest related to the pharmaceutical industry.<sup>1</sup> According to publicly available data, Ms. Stanford was paid over \$32,000 in consulting income, the vast majority of which came from specific pharmaceutical companies that manufacture weight loss and obesity drugs.<sup>2</sup> In 2021 alone, she received \$15,500 in income directly from Novo Nordisk, the manufacturer of the obesity drug Semaglutide sold under the names Wegovy, and the higher-dose Ozempic, which was approved by the FDA in 2022. It is also worth noting that Ms. Stanford's personal media tour has focused extensively on publicizing

<sup>1</sup> @esaagar. "1/ The appointment of this Dr by the Biden admin to our dietary advisory council is the perfect illustration of how pharma and big government are rigging nutrition guidelines for \$" *Twitter*, 23 Jan. 2023, 1:25 p.m., <https://twitter.com/esaagar/status/1617589475277668382>.

<sup>2</sup> "Fatima C Stanford." *Open Payments*. 2021, <https://openpaymentsdata.cms.gov/physician/807348>.

Committee Assignments:

RANKING MEMBER  
BUDGET

JUDICIARY  
FINANCE  
AGRICULTURE

CO-CHAIRMAN  
CAUCUS ON  
INTERNATIONAL NARCOTICS CONTROL

the same Novo Nordisk products either directly or indirectly.<sup>3</sup> The extent of Ms. Stanford's existing financial incentives as she begins serving on the committee warrant questioning.

DGAC will be exploring overweight and obesity health outcomes in the committee's scientific evidence review and it is important the questions pursued by the committee under this topic are free from the influence of the pharmaceutical industry and obesity doctors who may stand to benefit financially. I am concerned these influences could misconstrue data and information in the review process and provide flawed recommendations to the American people.<sup>4</sup> The dietary recommendations that DGAC will make will also influence future public policy. Unfortunately, your agencies have refused to make public any known conflicts of interest you reviewed during your vetting process for potential members.

HHS and USDA have now twice failed to follow the recommendations of a 2017 report from the National Academies of Science, Engineering, and Medicine (NASEM), requested by Congress to evaluate the Dietary Guidelines for Americans development process – which explicitly recommended releasing “any known conflicts – for a reasonable period of time prior to appointment.”<sup>5</sup> It is troubling that this recommendation was not implemented in the last two advisory committee selection processes, not to mention the failure to implement several other NASEM recommended reforms designed to bolster transparency. The same report even noted that improvements were needed because “perception of biases and conflicts of interest can...undermine the public's trust in the process” of developing the Dietary Guidelines. As I have long said, the public's business ought to be public. Transparency brings accountability.

The Dietary Guidelines for Americans website states, “HHS ethics officials ensured interests and affiliations of proposed Committee members complied with applicable conflict of interest statutes, regulations issued by the U.S. Office of Government Ethics (OGE), additional agency requirements, and other applicable Federal ethics rules. Each Committee member submitted a confidential financial disclosure report and will continue to submit one annually until the Committee concludes. HHS ethics officials review each report for financial conflicts of interest and compliance with Federal ethics rules.”<sup>6</sup>

It is my understanding that candidates under final consideration for appointment submitted a Confidential Financial Disclosure Report (OGE 450) prior to selection. However, because this form is exempt from public disclosure, I have concerns this action is insufficient in bringing about much-needed transparency.

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<sup>3</sup> Stahl, Lesley. “Recognizing and Treating Obesity as a Disease.” *CBS News*, 1 Jan. 2023, 7:29 p.m., <https://www.cbsnews.com/news/weight-loss-obesity-drug-2023-01-01/>.

<sup>4</sup> “Learn About the Process, Step 3: Advisory Committee Reviews Scientific Evidence.” *Dietary Guidelines for Americans*, <https://www.dietaryguidelines.gov/learn-about-process#step-3-advisory-committee-reviews-scientific-evidence>.

<sup>5</sup> “Optimizing the Process for Establishing the Dietary Guidelines for Americans: The Selection Process.” *National Academies of Sciences, Engineering, and Medicine (NASEM)*. 2017, <https://nap.nationalacademies.org/catalog/24637/optimizing-the-process-for-establishing-the-dietary-guidelines-foramericans>.

<sup>6</sup> “Learn About the Process, Step 2: Appoint the Advisory Committee.” *Dietary Guidelines for Americans*, <https://www.dietaryguidelines.gov/learn-about-process#step-2-appoint-the-advisory-committee>.

Congress and the American people deserve transparency and accountability from the people who are forging our future dietary guidelines. In light of the serious questions potential conflicts of interest create, please answer and provide the following in numbered responses no later than March 31, 2023:

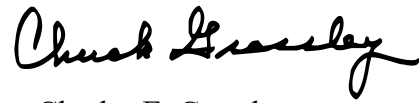
1. During the nomination review and committee selection process, how did the Departments define financial conflicts of interest?
  - a. How did the Departments define ethical conflicts of interest?
2. Do you believe Ms. Stanford's financial relationship to the pharmaceutical industry constitutes a financial conflict of interest with her work on the committee?
3. When you nominated Ms. Stanford, were either of you aware of the payments she received from Novo Nordisk Inc.?
4. Will you make public any known conflicts of interest among members which were reviewed during the committee selection process?
  - a. If not, why not?
5. Will you commit to making any known conflicts of interest reviewed during the selection process public in future selection processes?
6. In the past, the Departments cited privacy concerns for potential nominees to justify their decision not to publicly disclose any known conflicts. If the Departments continue to refuse to make public this information, do the Departments plan to develop an alternative method for disclosing Committee members' conflicts of interest following appointment?<sup>7</sup>
7. Are the Departments considering implementing any comprehensive or strategic reforms including risk-based management approaches?
8. Will the Departments commit to developing (1) a general plan for identifying and resolving biases and conflicts on the whole panel, and (2) plans for managing individuals' specific conflicts, as needed, as outlined in the 2017 NASM report?
9. Please provide my office with the Confidential Financial Disclosure Reports (OGE 450) that were submitted by each member and reviewed during the selection process.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Joseph Gilson of my office staff at [joseph\\_gilson@grassley.senate.gov](mailto:joseph_gilson@grassley.senate.gov).

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<sup>7</sup> Stoody, Eve. "Responding to the National Academies of Sciences, Engineering, and Medicine Study on the Process to Update the Dietary Guidelines for Americans." *Dietary Guidelines for Americans*, 2019, <https://www.dietaryguidelines.gov/sites/default/files/2019-05/Day%201%20Response%20to%20NASEM%20Study.pdf>.

Sincerely,

A handwritten signature in black ink, reading "Chuck Grassley". The signature is written in a cursive, flowing style with a prominent initial "C" and a long, sweeping underline.

Charles E. Grassley  
United States Senator