

## The Center for Regulatory Effectiveness

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September 8, 2003

Honorable Eric M. Bost  
Under Secretary for  
Food, Nutrition, and Consumer Service  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20520

Mr. Carter Blakey  
Acting Director  
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Executive Officer  
USDA/OES, Room 116-A, Whitten Bldg.  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Sirs:

Enclosed is our Request for Correction of information contained in World Health Organization (WHO) Technical Report 916, Diet, Nutrition and the Prevention of Chronic Diseases.

On August 11, 2003, the Secretaries of USDA and HHS both announced an intent to base what they would include in the 2005 Dietary Guidelines in part on the aforementioned WHO Report. This WHO Report does not meet the U.S. Government's data quality standards both for reasons already stated by the U.S. Government through HHS in its July 2, 2002, letter to WHO, and for reasons explained in our Request for Correction.

Before USDA and HHS are, under the Data Quality Act, legally able to rely on any of the facts and analyses supporting the scientific recommendations in the WHO Report, both USDA and HHS will have to carry out a predissemination review (that needs to include the public involvement of all stakeholders) to identify specifically in what ways this WHO Report fails to meet the U.S. Government's data quality standards. After that review, either USDA and HHS or WHO will have to supplement this WHO Report with corrections before USDA and HHS will be able to base policy guidance on any scientific recommendations and associated facts and analyses stated in the WHO Report.

Given the requirements of the Data Quality Act, we recommend that the Secretaries of USDA and HHS also write to the World Health Organization (WHO) and the U.N. Food and Agriculture Organization (FAO), the sponsors of the WHO Report. The Secretaries of USDA and HHS need to point out that the U.S. Government (and its agencies) cannot base their policy decisions on any facts and analyses supporting scientific recommendations stated in a WHO Report, such as this one, until the facts and analyses supporting scientific recommendations in WHO reports can be shown, through a predissemination review, to meet the U.S. Government's data quality standards. We further recommend that the Secretaries of USDA and HHS offer to work together with WHO and FAO to assist WHO and FAO institutionalize a group within WHO and FAO to assure that the medical and other scientific studies cited by any and all expert consultations convened by WHO/FAO meet the U.S. Government's data quality standards. As you can see in the enclosed letters, we have already sent copies of this letter and our Request for Correction to WHO and FAO.

We would note that the Office of Management and Budget (OMB) recently proposed Draft Peer Review Standards for Regulatory Science (Press Release 2003-34, August 29, 2003). On the assumption that this Proposed OMB Bulletin takes effect (more or less in its present form) on its target date of January 1, 2004, it would appear that USDA and HHS would also have to conduct a scientifically-rigorous peer review of this WHO Report, consistent with the Bulletin's peer-review standards and procedures, before USDA or HHS would be able to rely on any of the facts and analyses supporting the scientific recommendations in the WHO Report.

Thank you for considering this Request for Correction and our recommendations. We would appreciate being advised of any action that you take.

Sincerely,

Jim J. Tozzi  
Member, CRE Advisory Board

Enclosures

cc: Director General LEE Jong-wook,  
World Health Organization  
Director General Jacques Diouf,  
U.N. Food and Agriculture Organization  
Assistant Secretary Kim R. Holmes, State