January 16, 2015

Centers for Disease Control and Prevention
Management Analysis and Services Office
1600 Clifton Road, N.E., Mailstop F-07
Atlanta, GA 30333
Sent via E-mail: InfoQuality@cdc.gov

RE: Information Quality Appeal: Request for Reconsideration of CDC's Response to Request for Correction of Information Disseminated to the Public that Improperly Attributed a Study to the Centers for Disease Control and Prevention (CDC)

Dear Sir or Madam:

I am hereby submitting[1] this request for reconsideration pursuant to the Information Quality Act,[2] as implemented through the Office of Management and Budget (OMB),[3] United States Department of Health and Human Services,[4] and the Centers for Disease Control and Prevention.[5]

On September 9, 2014, I submitted a Request for Correction (RFC) and on December 19, 2014, the CDC submitted its response to the request.[6] Both of these documents have been attached to the email in which this document is being sent.

The CDC's response was insufficient and inadequate because it did not address the issues outlined in the RFC (it was generally not responsive).[7] Further, while it does appear that the agency is strongly suggesting through its corrective measures that the paper "Eliminating the Use

[1] This request is made on my own behalf. All views expressed are solely my own.
[2] Section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001, P.L. 106-554.
[3] Office of Management and Budget, "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies," 67 Fed. Reg. 8452 (Feb. 22, 2002). ("OMB Guidelines") at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/reproducible2.pdf (accessed January 16, 2015).
[4] U.S. Department of Health and Human Services, "HHS Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information," http://aspe.hhs.gov/infoquality/Guidelines/index.shtml (accessed January 16, 2015).
[5] U.S. Department of Health and Human Services, "Guidelines for Ensuring the Quality of Information Disseminated to the Public, Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry," December 13, 2006, http://aspe.hhs.gov/infoquality/Guidelines/cdcinfo2.shtml (accessed January 16, 2015).
[6] The response was received at 5:42 pm on December 19, 2014, after normal business hours.
[7] The lack of clarity in the response makes an appeal extremely difficult simply because understanding what the agency has concluded is not easy to decipher.

of Partially Hydrogenated Oil in Food Production and Preparation" [8] is not a CDC publication, the agency fails to clearly make this point.

The CDC Should Clearly State that "Eliminating the Use of Partially Hydrogenated Oil in Food Production and Preparation" is not a CDC paper

In the report "Winnable Battles Progress Report: 2010-2015,"[9] the CDC claims "CDC has concluded that 10,000–20,000 heart attacks and 3,000–7,000 coronary heart disease deaths each year in the U.S. could be prevented by removing artificial trans fat from processed foods." This language gives the impression that the CDC developed this data. In fact, the data comes from the "Eliminating the Use of Partially Hydrogenated Oil in Food Production and Preparation" paper that was independently written by CDC authors and the opinions expressed, as explained by the paper's disclaimer, are those of the authors alone.

In its response, the CDC defended its use of the paper to inform the Winnable Battles report. The use of the paper, however, is not the issue. The CDC was giving the impression that the CDC itself had drawn these major conclusions, when in fact it was from this non-CDC study. The response indicates that "The Winnable Battles Progress Report text will be edited to clarify that the information was from the peer reviewed literature." It goes on to say "the appropriate reference to the Paper will be provided and the language will be modified to indicate that the statement is based on peer reviewed research."

While the response does suggest that the CDC will no longer state that the agency made the conclusions regarding artificial trans fat and that the paper is not a CDC paper, it is not sufficiently clear. A critical issue posed by the RFC was whether this paper is a CDC document. In its response, the CDC failed to provide a direct answer to that question.

If the CDC Believes the Paper is a CDC Publication, it Should Clarify that the Paper is a Highly Influential Scientific Assessment

While it does not appear that the CDC believes the paper to be a CDC document, if it concludes otherwise, then the CDC should clearly state this. Further, as explained in the RFC, the paper would therefore be a highly influential scientific assessment requiring the most rigorous form of peer review, pursuant to OMB's "Final Information Quality Bulletin for Peer Review."[10] If the CDC believes the paper is a CDC paper yet does not believe it should be deemed to be a highly influential scientific assessment, the agency should clearly state this as well.

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[8] William H. Dietz and Kelley S. Scanlon, "Eliminating the Use of Partially Hydrogenated Oil in Food Production and Preparation," *Journal of the American Medical Association.* Vol. 308, No. 2 (July 2012), pp. 143-144, http://jama.jamanetwork.com/article.aspx?articleid=1216486 (accessed January 16, 2015).

[9] Centers for Disease Control and Prevention, "Winnable Battles Progress Report, 2010-2015," Office of the Director, November 21, 2013, http://www.cdc.gov/winnablebattles/targets/pdf/winnablebattlesprogressreport.pdf (accessed January 16, 2015).

[10] Joshua B. Bolton, Director, Office of Management and Budget, memorandum to Heads of Departments and Agencies, December 16, 2004, http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf (accessed January 16, 2015).

Conclusion

I appreciate what appears to be CDC's acknowledgment that "Eliminating the Use of Partially Hydrogenated Oil in Food Production and Preparation" is not a CDC paper. However, since the response was so indirect, I am requesting that the CDC provide the necessary clarity. There are two primary questions. Is the paper a CDC paper? If yes, should it be classified as a highly influential scientific assessment?

The answers to these questions are both time-sensitive and critical. The paper is central to the Food and Drug Administration (FDA) justifying its potential revocation of Generally Recognized as Safe (GRAS) status for partially hydrogenated oils (PHOs).[11] If the FDA relies on the paper because it improperly believes it is a CDC publication, major public policy will be developed based on a critical misunderstanding. If it is deemed to be a CDC paper, the FDA would be relying on a paper that does not appear to have gone through proper peer review as a highly influential scientific assessment.[12] In either case, the public will be severely harmed.

Sincerely,

Daren Bakst
Research Fellow in Agricultural Policy
Thomas A. Roe Institute for Economic Policy Studies
The Heritage Foundation
Phone: (202) 608-6163
Email: daren.bakst@heritage.org

[11] Tentative Determination Regarding Partially Hydrogenated Oils; Request for Comments and for Scientific Data and Information, 78 Fed. Reg. 67169 (November 8, 2013) at https://www.federalregister.gov/articles/2013/11/08/2013-26854/tentative-determination-regarding-partially-hydrogenated-oils-request-for-comments-and-for (accessed January 16, 2015).

[12] The CDC has not classified the paper as either influential scientific information or a highly influential scientific assessment; See Centers for Disease Control and Prevention, "CDC/ATSDR Peer Review Agenda," August 21, 2014, http://www.cdc.gov/od/science/quality/support/peer-review.htm (accessed January 16, 2015).