

December 20, 2017

Scott Gottlieb, M.D.
Commissioner of Food and Drugs
U.S. Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852
Email: CommissionerFDA@fda.hhs.gov

VIA EMAIL

Dear Dr. Gottlieb,

The undersigned organizations and individuals write to express our concern over the decision by the U.S. Food and Drug Administration (FDA) to disband its Food Advisory Committee without notice to or consultation with stakeholders.

FDA's Food Advisory Committee allows the agency to obtain input from a wide range of experts and stakeholders on food-related issues. Rather than eliminate this advisory committee, we urge FDA to rethink how this committee could be reconstituted and reinvigorated to enhance its value to the agency.

In its announcement last week, the Center for Food Safety and Nutrition (CFSAN) indicated its intention to rely in the future on the FDA Science Board and/or the FDA Risk Communication Advisory Committee to obtain advice on food issues. While both bodies play important roles, they have not been designed to provide specific expertise on food microbiology, food science, epidemiology, toxicology, and nutrition science that is available through the Food Advisory Committee.

Moreover, since the Risk Communication Advisory Committee does not include any consumer representatives on its roster, it is missing this critically important perspective. As noted on the FDA website, consumer representatives play an important role on advisory committees: they "serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committees on scientific issues that affect consumers."

CFSAN has indicated that it will continue to hold workshops, meetings, conferences, and webinars to engage with its stakeholders. While we appreciate the outreach FDA does, only an advisory committee meeting can provide helpful recommendations to the agency that are the result of interactive discussion among stakeholders. Moreover, industry and academic experts may speak with an independent voice when they are members of advisory committee meetings, while in public meetings, they may be representing the view of companies that employ or fund them. Most importantly, many of the alternative forms of outreach identified by the FDA will not be subject to the transparency and conflict-of-interest requirements associated with advisory committees.

FDA maintains that, because the Food Advisory Committee has not met since 2015, the Committee is no longer needed. However, it should be noted that after 2005, the Committee did not meet for six years, but then it subsequently met four times after that. We have difficulty understanding why it has been challenging for CFSAN staff to identify topics for the advisory committee to discuss, given the wide range of challenging issues facing CFSAN that span areas such as FSMA implementation, chemicals in food, and nutrition labeling. We believe that, with appropriate planning, the advisory committee could be utilized effectively, and provide a benefit to public health that justifies its expense.

We urge FDA to transparently explore different options for reconstituting the Food Advisory Committee, including through the use of panels addressing specific topics of interest, such as the panels used by the Medical Devices Advisory Committee, which could provide valuable input to the agency and facilitate meaningful participation by consumer representatives. We would welcome the opportunity to participate in that exploration.

Thank you for your consideration.

Sincerely,

Center for Science in the Public Interest
Center for Foodborne Illness Research & Prevention
Consumer Federation of America
Consumers Union
Environmental Defense Fund
Food & Water Watch
National Consumers League
STOP Foodborne Illness
The Pew Charitable Trusts
Trust for America's Health

The following former members of the Food Advisory Committee have also signed on to this letter:

Susan Vaughn Grooters
Joan Gussow
Jean Halloran
Lisa Lefferts
Marion Nestle
Urvashi Rangan
Carol Tucker Foreman

CC Dr. Stephen Ostroff
Dr. Susan Mayne
Laura Silvis
Anna Abram