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Submitted electronically via [Regulations.gov](https://www.regulations.gov)

Re: Kentucky Agriculture Commissioner Jonathan Shell's Comment in Response to to *Request for Public Comments on the Scientific Report of the 2025 Dietary Guidelines Advisory Committee* [HHS-OASH-2024-0017-0001], 89 Fed. Reg. 99883 (Dec. 11, 2024)

Dear Director Taylor and Acting Administrator Owens:

I write to you not only as Kentucky's Agriculture Commissioner but also as a representative of one of the nation's leading beef-producing states. I must express my deep concerns about and opposition to the recommendations outlined in the Scientific Report of the 2025 Dietary Guidelines Advisory Committee, particularly those recommendations advocating for prioritizing a plant-based diet and significantly reducing the consumption of all red meat, including beef.

Many of the Committee's recommendations in the Scientific Report are similar to those made in previous iterations of the guidelines, including those related to limiting consumption of sugar-sweetened beverages, for example. But in a marked shift from prior reports, the Committee recommends reducing the intake of red and processed meats and eating more plant-based sources of protein. The Committee goes so far as to recommend that the 2025–2030 Dietary Guidelines for Americans *prioritize* plant-based proteins over animal proteins. This is a dramatic and unnecessary departure from past dietary guidelines.





First, research shows nutrient deficiencies and chronic disease are increasing as red meat consumption declines.¹ Iron deficiency is a global public health concern among adolescent girls and women. Heme iron found in animal foods like beef, and not in plant-foods, is critical to reversing iron deficiency.² Additionally, many Americans are not meeting the current recommendations for beans, peas, and lentils, which strongly suggests they are not the preferred source of protein. Meat, and specifically red meat, is what Americans prefer to eat. And, meat-based diets contain more nutrient-rich protein sources than plant-based diets. The Committee's recommendations to the contrary should be rejected.

Second, the proposed dietary changes would have profound and detrimental effects on Kentucky's beef cattle industry.³ Kentucky is home to over 38,000 beef cattle farmers who collectively support an industry critical to our state's economy. In fact, Kentucky has more beef cattle than any state east of the Mississippi River.⁴ The Committee's proposal to recommend reducing beef consumption is very likely to lead to a sharp decline in demand, threatening the livelihoods of these farmers and the jobs of those in associated industries like meat processing, logistics, and agricultural supply. Kentucky is already experiencing a decline in family farm ownership, and this proposal would put further pressure on those hardworking farmers who simply want to carry on their family legacy to the next generation.

The beef industry is a cornerstone of Kentucky's rural economy. A decrease in beef sales would ripple through our communities, leading to job losses, reduced tax revenues, and a decline in economic activity in areas where beef farming is the primary industry. This would particularly harm small towns and counties that rely

¹ See Benavidez GA, Zahnd WE, Hung P, Eberth JM. Chronic Disease Prevalence in the US: Sociodemographic and Geographic Variations by Zip Code Tabulation Area. *Prev Chronic Dis* 2024; 21: E14.; National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK). 2021. Overweight & Obesity Statistics. <https://www.niddk.nih.gov/health-information/health-statistics/overweight-obesity>.; U.S. Department of Agriculture, Economic Research Service. 2021. Loss Adjusted Food Availability (Per Capita) Data System - Meat, poultry, fish, eggs, and nuts. <https://www.ers.usda.gov/webdocs/DataFiles/50472/meat.xls?v=34.4>.

² See Institute of Medicine, 2001. Dietary Reference Intakes for Vitamin A, Vitamin K, Arsenic, Boron, Chromium, Copper, Iodine, Iron, Manganese, Molybdenum, Nickel, Silicon, Vanadium, and Zinc. The National Academies Press, Washington, DC. <https://doi.org/doi:10.17226/10026>.; Piskin E, Cianciosi D, Gulec S, Tomas M, Capanoglu E. Iron Absorption: Factors, Limitations, and Improvement Methods. *ACS Omega* 2022; 7(24): 20441-56.

³ While much of this comment focuses on Kentucky's beef cattle industry, the same arguments apply to all of Kentucky's meat producing industries.

⁴ See <https://www.kentuckycattlemensbeef.com/our-cattlemen.html#:~:text=Cattle%20farming%20is%20a%20longtime,forages%20ideal%20for%20raisin g%20cattle>. (last visited Feb. 6, 2025).





heavily on agriculture. Moreover, while I support President Trump’s “America First” policy, and believe that his tough negotiations with foreign nations will lead to greater American prosperity in the long run, there may be short-term consequences that impact our farmers in the form of tariffs. Decreasing the demand for beef domestically while foreign markets put up barriers to our producers will result in a one-two punch that many of our communities simply cannot afford. Moreover, such an unforced error places not only Kentucky’s but also the nation’s food security at risk. Now is the time to *increase* domestic demand for beef, not to diminish its important role in making citizens and communities stronger.

While I acknowledge the importance of a balanced diet, the guidelines seem to overlook the nutritional value that beef provides, including essential proteins, vitamins, and minerals. I advocate for a dietary approach that educates consumers on moderation rather than demonization of specific food groups. I urge you to reconsider these recommendations and recognize the important role beef has in our society. I propose working collaboratively to find a middle ground that promotes health, respects the nutritional role of beef in diets, and considers the economic realities of states like Kentucky.

Domestic policy, including food policy and security, is a matter for the President’s executive branch. In fact, the Advisory Committee was chartered to help the Secretaries of Health and Human Services and of Agriculture fulfill their statutory duty to publish the Dietary Guidelines for Americans. *See* 7 U.S.C. § 5341(a)(1); Charter, *2025 Dietary Guidelines Advisory Committee* (Dec. 9, 2022), <https://perma.cc/3GN7-WNFT>. Congress proclaimed that the “information and guidelines contained in” the guidelines “shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.” *Id.* § 5341(a)(2). Under the statute, the Secretaries—and, by extension, the Advisory Committee—can consider only current scientific and medical information in preparing the dietary guidelines.

Yet the Advisory Committee wildly disregarded the legislative guardrails constructed by Congress. In fact, the report states that the Advisory Committee made all its recommendations through the “lens” of health equity. The report unapologetically “considered factors such as race, ethnicity, socioeconomic position, and culture” and “examined relationships between diet and health across the lifespan through a health equity lens.” Scientific Report at 1, 4. That’s diversity, equity, and inclusion by another name. Any data or study reviewed through a health equity “lens” is contrary to the plain text of section 5341(a)(2) and flies in the face of President Trump’s Executive Order eradicating diversity, equity, and inclusion concepts from





federal policymaking.⁵ The Advisory Committee’s use of health equity is also arbitrary and capricious under the Administrative Procedure Act because the Advisory Committee “relied on factors which Congress has not intended it to consider.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). For these reasons, any analysis in the Scientific Report that is based on health equity framework should be ignored in the Dietary Guidelines for Americans, 2025–2030.

Thank you for considering the impact of these guidelines on Kentucky’s meat producing industry, including our successful beef cattle industry. I would welcome the opportunity to discuss this matter further and contribute to a more balanced approach in the final guidelines.

Sincerely,

Jonathan Shell
Commissioner
Kentucky Department of Agriculture

⁵ See Executive Order 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing.” Jan. 20, 2025.

