

MEMORANDUM

Agenda Item No. 11(A)(16)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: R. A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Resolution directing the
County Manager to develop
and implement a pilot trans
fat-free menu item decal
program

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.



R. A. Cuevas, Jr.
Acting County Attorney

RAC/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 11(A)(16)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

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Approved _____ Mayor

Agenda Item No. 11(A)(16)

Veto _____

07-10-07

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MANAGER TO
DEVELOP AND IMPLEMENT A PILOT TRANS FAT-FREE
MENU ITEM DECAL PROGRAM

WHEREAS, trans fats are chemically-engineered cooking oils that, at high levels of consumption, have been found to increase LDL (“bad”) cholesterol and decrease HDL (“good”) cholesterol; and

WHEREAS, trans fats are found in fried foods and baked goods, including french fries, doughnuts, pastries, pie crusts, biscuits, pizza dough, snack chips, cookies, crackers, stick margarines, and shortenings; and

WHEREAS, trans fats harden artery walls, increasing blood pressure, and increase dangerous inflammation that can contribute to the onset of diabetes; and

WHEREAS, on March 8, 2007, this Board in Resolution No. 326-07 directed the County Manager to study the creation of a voluntary “Miami-Dade Trans Fat Free Program” and an informational program to provide education and guidance to restaurants, bakeries and the public in Miami-Dade County, and in particular small “mom and pop” restaurants and bakeries, regarding the negative health effects of trans fats, and the availability of alternative oils and fats that can meet the frying and baking needs in their establishments; and

WHEREAS, the County Manager issued a detailed report dated May 25, 2007, which is attached and incorporated by reference herein, recommending the development of a Pilot Trans Fat-Free Menu Item Decal Program,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager to develop and implement a Pilot Trans Fat-Free Menu Item Decal Program and accompanying education program pursuant to the recommendation included in the attached memorandum.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Jess M. McCarty

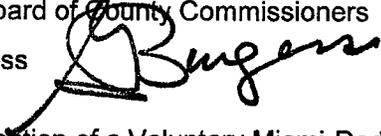
JMM

Memorandum

MIAMI-DADE
COUNTY

Date: May 25, 2007

To: Honorable Chairman Bruno Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Report on the Creation of a Voluntary Miami-Dade Trans Fat-Free Program and Education Program

INTRODUCTION

According to information provided by the U.S. Food and Drug Administration, trans fat is made when manufacturers add hydrogen to vegetable oil in a process called hydrogenation. This process increases the shelf life and flavor stability of foods. Trans fat can be found in some margarines, vegetable shortening, some animal based foods, baked goods and foods made or fried in hydrogenated oils. Scientific evidence shows that the consumption of trans fat, as well as saturated fat and dietary cholesterol raises the level of bad cholesterol (LDL) and can increase the risk for heart disease. During the Florida Legislature's 2007 Session which ended May 4, 2007, bills were filed related to regulating trans fat, including House Bill 309, by Representative Joe Gibbons, and Senate Bill 1628 by Senator Gwen Margolis. These bills, referred to as the "Healthy Dining Act", would have required public food service establishments that serve foods prepared with trans fat to post the following disclosure: "Some foods served here contain trans fats. Eating foods with trans fats can increase your risk of stroke and heart attack." If passed, these bills would have assigned to the Department of Business and Professional Regulation (DBPR) the responsibility of enforcing the disclosure requirement and would have outlined criminal penalties for violators. Although HB 309 was work shopped in a House committee, the bills were not passed.

BACKGROUND

The Board of County Commissioners approved Resolution R-326-07 at its March 8, 2007 meeting, directing the County Manager to *"study the creation of a voluntary Miami-Dade Trans Fat Free Program that would allow restaurants and bakeries in Miami-Dade County to prominently display a sticker or sign indicating that they voluntarily have agreed not to use trans fats in the foods they serve; and to study the creation of an informational program to provide education and guidance to restaurants, bakeries and the public in Miami-Dade County, and in particular small mom and pop restaurants and bakeries, regarding the negative health effects of trans fats, and the availability of alternative oils and fats that can meet the frying and baking needs in their establishments."*

This report summarizes the research led by the Office of Countywide Healthcare Planning (OCHP), together with components prepared by Consumer Services Department (CSD) and Communications Department (COM) and information obtained from the Miami-Dade County Health Department (MDCHD) from the Department of Business Professional Regulation (DBPR), Department of Agriculture and Consumer Services (DOACS), Retail Bakers of America and the Florida Restaurant and Lodging Association. This report identifies the State's food service regulatory environment, provides a comparative matrix of trans fat programs and explores the resources needed for a trans fat-free program in Miami-Dade County. Additionally, this report addresses the questions raised by

Commissioners Souto and Diaz during the February 15, 2007 Health and Public Safety Committee meeting regarding program monitoring and other nutritional programs.

In summary, this report responds to BCC Resolution R-326-07 by providing a summary of the research on State and local Trans Fat-Free (and related nutritional programs) legislative initiatives and presents an overview of the Food Services' monitoring and enforcement capabilities. The report also highlights possible educational and partnership opportunities that can be implemented in support of the County's goals for encouraging healthy eating choices. The report recommends that the County's Trans Fat-Free Program be implemented as a **Pilot Trans-Fat Free Menu Item Decal Program** collaboratively designed and initiated together with the Miami branch of the Restaurant and Lodging Association.

TRANS FAT: RESEARCH ON STATUS OF LEGISLATIVE PROGRAMS & OTHER INITIATIVES

The science of detrimental impacts of trans fat on the human body is fairly new. One of the first public education campaigns targeting the general public and restaurateurs about the dangers of trans fats began in the small community of Tiburon, California in 2004. A group of residents began a campaign called "Ban Trans Fats" and were successful in convincing restaurant owners to change frying foods with trans fat-free oils. All 18 restaurants in town converted to trans fat-free cooking.

In 2005, New York City picked up the program from Tiburon and developed an extensive educational campaign, which involved reaching out to 22,000 food suppliers, manufacturers and licensed restaurants owners through mailed written materials. The campaign called for food service establishments to remove PHVO (partially hydrogenated vegetable oil) from foods they were serving. A post-campaign survey was conducted to evaluate the program's effectiveness as compared to a pre-campaign survey. According to Article 81.08 of the New York City Health Code, results indicated "showing that the use of PHVO remained common and had not declined substantially despite the Trans Fat Educational Campaign." The campaign, which was directed to the industry, was not effective in changing use of trans fat. In late 2006, New York City decided to develop legislation to mandate a trans fat-free program.

Boston's **BestBites** educational campaign encourages restaurants to add healthy, lighter menu items. The campaign was implemented in August, 2006 and 600 of the 2,000 restaurants in Boston have participated. Operating costs for the program is estimated at \$40,000 per year and is funded through a **Steps to a Healthier US Grant**. The average cost per restaurant is approximately \$70 which includes a nutritionist intern (provided by Brigham & Woman's Hospital) who reviews the restaurant recipes sent to the Boston Public Health Commission (BPHC) to determine if they meet nutritional guidelines, as well as, program and communication materials. The recipes which meet the guidelines are designated as a Boston **BestBites** entree and are listed in the BPHC website for community access.

It has only been in the last six months that states and municipalities have introduced legislation to mandate the reduction of trans fats in foods served in restaurants and other food service establishments. Fifteen states have introduced trans fat legislation within the last four months, five have either tabled, rejected or diluted these bills. Additionally, ten states have also introduced bills addressing other nutritional issues (calories, cholesterol, sodium, etc.). To date, no state bill has passed. Two municipalities, New York City and Philadelphia, have passed legislation to be implemented by July 1, 2007 through the local health department. Program rules have not been developed for either ordinance.

No legislation or voluntary educational programs have yet developed any mechanism for tracking how educational campaigns or mandates have led to a change in consumption behavior. This is why staff is recommending a pilot program as described in the recommendation section of this report.

In preparing this report, OCHP researched and reviewed 36 state and municipal trans fat legislative and other initiatives. Findings were sub-grouped by whether the legislative initiatives are **Proposed** or **Enacted**. Of those enacted, they were additionally grouped by whether the initiative is in the form of a **Mandate** (enforceable by law) or whether participation is **Voluntary**. Additionally, non-legislated **Community-Based Initiatives** are included in OCHP's research summary. Program characteristics, information on lead agency, enforcement process (if developed), monitoring and assessment (if information was available/developed), and status, are detailed in the matrix. These findings are presented under Attachment A: **Sampling of State and Local Trans Fats & Other Nutritional Monitoring Initiatives.**

MANDATING TRANS FAT-FREE: INDUSTRY PERSPECTIVE

OCHP contacted the Retail Bakers of America (RBA) and the Florida Restaurant and Lodging Association (FRLA). RBA serves as an informational and communication resource to retail bakeries and continues to research and test the use of alternative oils which will yield the same effect in baked goods. A minimal number of MDC bakeries are members of RBA. FRLA serves as a resource to restaurants in training, education, news and trends. FRLA's position on trans fat mandates is: "the health authority resources required to effectively and meaningfully verify trans fat-free claims would be excessive and misdirected.....it is far more effective to direct those resources at influencing public behavior, i.e., advocating healthy eating choicesHealth authorities can accelerate this trend by raising public – and industry – awareness toward healthy alternatives, and rejecting hastily conceived and heavy-handed quick fixes. This leaves FRLA in the position of advocating careful consideration of new regulation or government programs, and focusing the conversation on realistic results and the means to achieve them." (See Attachment B)

TRANS FAT REGULATION: MONITORING AND ENFORCEMENT

Current Regulatory Environment for Restaurants and Bakeries

Three state agencies currently have the authority in Florida for the regulation of food service establishments: DBPR, DOH/MDCHD and DOACS. DPBR inspects and regulates restaurants and other food service providers (s.509 F.S.) and has the authority to contract with local governments. MDCHD provides epidemiological services for food borne illness and outbreak investigations of food service establishments licensed by DBPR. DOACS regulates and monitors bakeries and other food establishments, such as delicatessens, meat markets, etc. (s. 500 F.S.). There are no mandates granting state agencies the authority to regulate restaurants and bakeries specifically for trans fat. Local governments are preempted by State authority from regulating restaurants within their jurisdictions. Neither MDCHD nor DOACS have the legislative authority to contract separately with local government for the enforcement of local ordinances.

Miami-Dade County Monitoring Options

OCHP and Consumer Services Department (CSD) assessed the regulatory potential among MDC agencies for enforcing a trans fat ban. CSD is the MDC agency responsible for restaurant inspections (50 establishments inspected annually) and related consumer complaints, under the MDC Tipping Ordinance. CSD offered four options if it is determined that a comprehensive monitoring component is needed to ensure compliance when MDC's final trans fat-free initiative is fully implemented. Options 1 and 2 present options that are based on self-verification, and options 3 and 4 would require additional staff resources for monitoring and validating procedures.

- Option 1 requires restaurant or bakery owners to attest their foods are trans fat-free by signing an affidavit certifying foods are trans fat-free. Owners would retain manufacturers' food labels as proof of compliance. However, this option does not contain validation by CSD or other enforcement authorities.
- Option 2 requires self verification of recipes by the industry owner or verification of recipes by a third party. Any expenses will be paid by the owner/industry participant.

- Option 3 requires owners to retain all labels used for preparing foods and monitoring of labels by CSD enforcement officer. Inspections will be incorporated into CSD's existing enforcement plan but would necessitate the hiring of a part-time inspector and car expenses.
- Option 4 would require a full-time nutritionist to validate recipes (depending on participation levels and the number of recipes assessed). Providers would send recipes to the nutritionist for review. Restaurants who meet the requirements will be provided the trans fat-free sticker. For the specifics of each option, see Attachment C.

TRANS FAT EDUCATION

Marrying Trans Fat-Free restaurant menu options with educational initiatives will better enable consumers, and the food service establishments that serve them, to make healthier choices. OCHP, CSD and Communications developed a number of approaches for education on trans fat-free choices. The approaches range from nearly cost-free which involves the dissemination of existing materials to more costly public education campaigns.

Centers for Disease Control and Prevention (CDC) and the US Food and Drug Administration, together with other national and local materials (BestBites), are available electronically at no cost. The only costs would involve printing and dissemination.

Communications developed an optional comprehensive proposal for an education campaign that outlines four components including: MDC website updates with timelines and status, 311 education to address public inquiries, the use of County media resources, activities in three languages and highlights of a restaurant or bakery of the month which has participated in MDC's trans fat-free project. Marketing plan costs total \$125,000 which includes all advertising, marketing, public relations and communication expenses. Proposed components can be combined or specific parts can be applied. Details are included in Attachment D, **Voluntary Trans Fat-free Program Marketing Plan**. The marketing program costs may be reduced if program is implemented through the proposed initial pilot.

Staff has also proposed the development of a one-page educational mailer which would be distributed to approximately 5,900 restaurants and bakeries. The mailer would present information on the health hazards of using trans fat in cooking and would advocate for the use of alternative oils. CSD estimates \$6,000 would be needed to cover the cost of development, materials production and mailing expenses. Additionally, CSD has offered staff services under its Cooperative Extension office to assist with materials development and conduct educational seminars on the dangers of trans fat. Cooperative Extension efforts will focus on the education of members of the local restaurant and bakers associations, as well as, locally owned and operated 'mom and pop' establishments.

Additionally, OCHP received information from MDCHD that it addresses nutrition and trans fat through its website including: "How to Read a Food Label -- Comparing Food Fads versus Facts" and "A Guide to Dining Out." MDCHD's Chronic Disease Program, together with members of the Consortium for a Healthier Miami-Dade, provides nutritional classes led by public health workers and nutritionists.

RECOMMENDATION

Recent developments in the "science of the health effects of trans fat," together with the lack effective regulatory efforts, point to the need to create an ***environment-for-change***. Encouraging healthy choices in use and consumption of trans fat-free foods occurs best through demonstration. In the case of restaurateurs and bakers, the demonstration occurs when consumers select healthy choices over unhealthy ones. Consumers increase their selection of healthy choices when it is demonstrated that they can have "their cake...and eat it too," e.g.; when trans fat-free foods can be demonstrated to taste good, as well as be good for you. To begin changing the environment, it is recommended that the County work with local universities and industry organizations including local chambers of commerce

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and representatives of restaurant and retail bakery associations, to fully develop a **Pilot Trans Fat-Free Menu Item Decal Program** that would be implemented for up to one year with the following components:

- Voluntary program working with limited number of capable and willing restaurants and bakeries (computerized ordering or other manual tracking mechanisms, payment for program participation costs, and willingness to participate in customer survey). Participants will receive a placard, menu item decals (for approved recipes) and will be listed on the MDC Trans Fat-Free Webpage;
- Decals would be placed next to menu item whose recipe has been submitted to County-contracted nutritionist (nutritional evaluation paid for by participating restaurant or bakery) and assessed as having no trans fat;
- Web-based listing of participating restaurants and the menu items that have been "assessed";
- Decals placed next to menu items that have been assessed and determined as meeting the initiative's parameters;
- Participation in program necessitates the restaurant's capability to track consumption of assessed/ 'decaled' together with willingness to distribute, collect & submit survey of consumer feedback (cost also contributed by participating restaurants and bakeries); and,
- Educational materials can either be provided at no or minimal cost from existing local, state and federal resources, or can be developed specifically for this program based on the proposals outlined by MDC Communications Department listed in Attachment D.

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Issue (Amended, Enacted, Proposed, etc.)	Title & Description (web-link)	Implementation		Monitoring & Assessment	Status
			Lead Agency for Initiative	Enforcement Process & Agency (if different)		
New York City, New York	M-E Intro'd: 9/29/2006 Effective: 7/1/07	Amendment to Article 91 of the Health Code - Also of interest: rules for 15 restaurants and vendors food vendors, etc. restaurants & shopping - allowing additional holidays used for buying also for ingredients http://www.healthcode.org/healthcode/91.html www.nyc.gov/healthcode/91.html	New York City Department of Health & Mental Hygiene	Restaurants health code inspections	• Council signed amendment on 4/21/06/06 • Mayor signed 4/18/07 • No rules yet	
MANDATE LAW						
Other Nutritional Regulations						
Article 81 (amended 81.50) of The Health Code for New York City - Board of Health proposal to implement menu labeling in restaurants that already provide nutrition information. Restaurants that provide nutrition information as of March 1, 2007 will be required to post such information on menus and menu boards on July 1, 2007.						
Pennsylvania	M-E Intro'd: 1/25/07 Effective: 7/1/07	Bill No. 060956 Amends Title 6 of Health Code "From now on, instead from fats in restaurants, cafeteria, snack shops, shops, hotels, coffee shops, among others." http://webqips.phila.gov/consultations/0749.pdf	Department of Health		Bill passed 2/15/07 No rules yet	

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type M-E or P Measure Enacted/Proposed V-E or P Enacted /Proposed C - Community-based Initiative	Title & Description (web-link)	Implementation <small>(if not detailed below - not addressed in draft legislation)</small>			Status
			Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	
Arizona	N/A	N/A	N/A	N/A	N/A	N/A

Other Nutritional Regulations

SB 1436 (1/25/07) - Requires chain restaurants (at least with 10 establishments in US and 5 in the state) to list food or beverage from the top ten categories, grams of saturated fat, grams of trans fat, grams of carbohydrates, and milligrams of sodium

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SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type M - F or P (Federal) X - L or F (State) or - Community Based Initiative	Title & Description (web link)	Lead Agency for Initiative	Enforcement Process & Agency (if different)	Monitoring & Assessment	Status
District of Columbia (DC)	M - P Intro'd: 3/12/07 Effective: 30 days after Congressional Review	B. 439 - The Menu Education and Labeling Act of 2007 - http://www.dccouncil.gov/legislation/legislation.cfm?billid=439	DC Department of Health	Through the Department of Consumer & Regulatory Affairs and Dept.		
<p>Other Nutritional Regulations</p> <p>SB 666 (1/19/07) - will require chain restaurants (at least with two different locations with US) to provide info on 1) grams of total fat, calories & sodium per serving for each menu item, 2) menu boards - include calories per serving, & 3) provide info on menu items requested by consumers</p>						

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type of Bill (e.g., Public Act, House Bill, Senate Bill, Joint Resolution, etc.)	Title & Description (web-link)	Implementation			Status	
			Lead Agency for Initiative	Enforcement Agency (if different)	Monitoring & Assessment		
Illinois	M-P	<p>HB1264: Artificial Trans Fats Restriction Act - No. 1- of Conference and/or Senate. This bill would prohibit the manufacture, sale, or distribution of any food product that contains trans fats, except for those that are necessary for the production of any other food product. The bill would also prohibit the sale of any food product that contains trans fats, except for those that are necessary for the production of any other food product.</p> <p>HB1297: Trans Fat Disclosure Act - This bill would require restaurants and similar food service establishments to post a sign no smaller than 8 1/2" x 11" stating that certain foods on the menu may be high in calories, grams of saturated fat plus trans fat, and milligrams of sodium per serving, which has been known to cause diabetes, heart disease, and high blood pressure.</p>	Department of Public Health	Requires the Department of Public Health to adopt rules to administer and enforce the act "including the imposition of a civil penalty."			
<p>Other Nutritional Information</p> <p>HB 369(1/23/07) - Menu Education and Labeling Act - This bill would require restaurants and similar food service establishments to post a sign no smaller than 8 1/2" x 11" stating that certain foods on the menu may be high in calories, grams of saturated fat plus trans fat, and milligrams of sodium per serving, which has been known to cause diabetes, heart disease, and high blood pressure.</p>							

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SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type B-E or P (Pending Enacted/Proposed) M-E or P (Proposed) G-L (Community Based Initiative)	Title & Description (web-link)	Implementation			Status
			Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	
Maryland	M-P	HB91 - final version focuses on use of Anticoumarin Fat Reduction - "prohibiting food containing trans fats with certain exceptions" requires the Department of Health and Mental Hygiene to "conduct a study on the feasibility of..."	Department of Health and Mental Hygiene			Debated - Maryland Department of Health and Mental Hygiene will study the issue and make recommendations on how to best educate and encourage the foodservice industry to address the issue voluntarily.
	M-P	HB917 - final version focuses on use of Anticoumarin Fat Reduction - "prohibiting food containing trans fats with certain exceptions" requires the Department of Health and Mental Hygiene to "conduct a study on the feasibility of..."	Department of Health and Mental Hygiene			Debated - Maryland Department of Health and Mental Hygiene will study the issue and make recommendations on how to best educate and encourage the foodservice industry to address the issue voluntarily.
	M-P	SB504 - Food Service Prohibited Use of Artificial Trans Fat	Department of Health and Mental Hygiene			Debated - Maryland Department of Health and Mental Hygiene will study the issue and make recommendations on how to best educate and encourage the foodservice industry to address the issue voluntarily.
	M-P	SB633 - Food Containing Artificial Trans Fat Prohibitions	Department of Health and Mental Hygiene			Debated - Maryland Department of Health and Mental Hygiene will study the issue and make recommendations on how to best educate and encourage the foodservice industry to address the issue voluntarily.

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Law (Title or Description)	Title & Description (web-link)	Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	Status
New Hampshire	H-P Intro'd 2/6/07 Effective: 11/1/08	HB 324 - An Act Relating to the Use of Artificial Trans Fats in Food Prepared and Served in Public Schools - (see of page 100) goal is to any food prepared for consumption or provision or consumption by any food service establishment & food store licensed by department of health and human services and any vendor or provider of food.	Department of Health and Human Services	Enforcement license		Announced to meet relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools...
New Jersey	H-P Intro'd 10/6/06 Effective: One year after enactment	SB 2255 - Act Concerning Artificial Trans Fats in Food Prepared and Served in Restaurants and Supplementing Title 26 of the Revised Statutes - (see page 100) Department of Health and Human Services for enforcement and enforcement of this act shall be subject to department of health and human services for enforcement of any provision of this act.	Commissioner of Health and Senior Services			

Other Nutritional Information:
 SB 2264 (12/9/06) - This bill would direct retail food establishments (applied to chains with 10 or more locations nationally or 5 or more locations in New Jersey) to list in a clear and conspicuous manner next to each food or beverage menu items the total number of calories, grams of saturated and trans fat, grams of carbohydrates, and milligrams of sodium, per serving, as usually prepared and offered for sale.

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SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type M-F or F-Only Trans-Processed V-L or F-Isolated or -Consistently Isolated Saturated	Title & Description (web-link)	Lead Agency for Initiative	Implementation Enforcement Process & Agency (if different)	Monitoring & Assessment	Status
Rhode Island Continued	M-F Info'd: 1/24/07 [Effective: 7/1/07]	SB 113 - An Act Relating to Food and Drugs: Sanitation in Food Service Establishments. Adopted: 1/24/07 No foods containing additional saturated fat may be served, distributed, sold for service, used in preparation of any product sold or served in any food service establishment or in any restaurant by any mobile food service unit. REG. OFFICE OF THE STATE ATTORNEY JAMES W. COUGHLIN, JR. COUNSEL AFFECTING THE STATE S&W/C/D/K				

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	TYPE M-E or F (Mandatory Enacted/Proposed) V-F or F (Voluntary/Proposed) S-L (Community-Based Initiative)	Title & Description (Web-Link)	Lead Agency for Initiative	Implementation (not detailed below - not addressed in draft legislation)	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	Status
South Carolina	M-F	SB330 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-143. [Effective 90 day after enactment]	Department of Health & Environmental Control				
	M-F	SB301 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-142. [Effective 90 day after enactment]	Department of Health & Environmental Control				
	M-F	SB109 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-389. [Effective 90 day after enactment]	Department of Health & Environmental Control	To require the department to require the department to ascertain such use of trans fats when conducting inspections of retail food establishments and to provide a definition for violations.			

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality of State	Type of Initiative (requested or Community Based Initiative)	Title & Description (web link)	Implementation			Status
			Lead Agency or Initiative	Enforcement Process & Agency (if different)	Monitoring & Assessment	
Tennessee	M-P HB076-112807 HB076-21207	HB 221SB 40... bills create a new requirement for food service establishments regarding the use of trans fat and amend TCA title 53, Chapter 8 and Title 68, Chapter 7A. "Any food establishment serving or preparing food for consumption shall not use trans fat in the formulation of any food products." http://www.tn.gov/legis/comm/legis.htm				As of 3/23/07 pending committee referral
	M-P HB076-112807 HB076-21207	HB221SB54... creates the new 221SB 40... bills... "Any food establishment serving or preparing food for consumption shall not use trans fat in the formulation of any food products." "Any food establishment serving or preparing food for consumption shall not use trans fat in the formulation of any food products." http://www.tn.gov/legis/comm/legis.htm				As of 3/23/07 pending committee referral

SB 1636 (1/16/2007) - This bill will require food service establishments to post on menu boards and make the calorie content values in kcalories that have been made publicly available for each menu item adjacent to the listing of each menu item October 1, 2007. This section applies to menu items that are served in portions the size and content of which are standardized and for which calorie content information is made publicly available by any means on or after July 1, 2007.

Other Nutritional Information

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SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Year	Title & Description (web-link)	Implementation		Monitoring & Assessment	Status
			Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)		
New York City, New York	V-E before June 2005	Trans Fat Education Campaign - www.nyc.gov/health	Department of Health & Mental Hygiene NY Health	VOLUNTARY	Two surveys were conducted in June, 2005 and May 2006 to determine change in reduction of trans fats.	Adoption of amendments in 1981 of the New York City Health Code - standards regarding educational campaigns

SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Municipality or State	Type of Initiative (e.g., mandated, voluntary, etc.)	Description (web-link)	Implementation			Status
			Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	
COMMUNITY INITIATIVES						
Boston, Massachusetts	CI	Boston Best Bites Program - initiative voluntary to issue requires approval for items sold & other health considerations. http://www.dph.state.ma.us/bestbites.asp	Boston Public Health Commissioner and Mayor DePaolis		Each menu item with a "Best Bites" assigner has undergone nutritional analysis. Rasmussen and Womert's Hospital - while all restaurants have joined the program four of 6000 only 15 have met requirements.	

OTHER NUTRITIONAL REGULATIONS

In addition to Transit, Best Bites program and menu reforming also includes calories & sodium levels

Los Angeles	CI	Regulation of menu items for transit, such as school bus, after school, etc. http://www.ci.la.ca.us/	Los Angeles and California Restaurant Assoc.			
Thuron County, California	CI	Voluntary Best Bites Fall Campaign initiated by local residents and including both restaurant owners and managers of all 25 restaurants in town. See Thuron District website for details. The new City of Thuron Trans Fat Free tag line.				
Westchester County, New York	CI	Be Fit Westchester! Initiative to encourage healthy eating habits in schools and workplaces.	Department of Health and Department of Parks and Recreation			

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SAMPLING OF STATE & LOCAL TRANS FATS & OTHER NUTRITIONAL MONITORING INITIATIVES

Jurisdiction or State	Year of Initiative (Proposed or Implemented)	Title & Description (web-link)	Implementation			Status
			Lead Agency for Initiative	Enforcement Process & Agency (if different)	Monitoring & Assessment	
			If not detailed below - not addressed in draft legislation			

Definitions for Initiative Types:

Mandated Enacted = those initiatives that have been implemented through municipal or state legislation and contain punitive actions for non-compliance

Mandated Proposed = those initiatives that have been proposed, but have not yet passed through municipal or state legislation and contain punitive actions for non-compliance

Voluntary Enacted = those initiatives that have been implemented through municipal or state legislation which do not contain punitive actions for non-compliance

Voluntary Proposed = those initiatives that have been proposed, but have not yet passed through municipal or state legislation which do not contain punitive actions for non-compliance

Community-Based Initiative = those initiatives that have been implemented through non-legislated means, but may include municipalities partnering with local organizations in a community-wide voluntary effort

Attachment B

From: Geoff Luebkekmann [mailto:gluebkekmann@FRLA.org]
Sent: Wednesday, March 28, 2007 2:55 PM
To: Lightfoot, LaQuanna (OCHP)
Subject: RE: Miami-Dade County-Exploring the creation of a trans-fat free program

Dear Ms. Lightfoot -

Thank you for contacting the Florida Restaurant & Lodging Association, and your interest in trans fats, specifically:

1. "If Miami-Dade County adopts a voluntary program will the restaurant association be willing to participate in the program through any component?"
2. "Do you have suggestions regarding the most proficient process for enforcement?"
3. "What is the restaurant association's current initiatives regarding trans-fats?"

Regarding a voluntary trans fat prohibition program, before we could provide useful reaction we would need a specific proposal. We are, however, extremely guarded concerning trans fats regulatory schemes. This extremely complex issue requires careful consideration of many elements, including the rarely discussed distinction between naturally-occurring and artificial trans fats, and the significant operational challenges faced by businesses to truthfully and verifiably claim trans fat exclusion. We believe the issue requires deeper study, and that no program should be advanced without a basis in fully-vetted, peer-reviewed science.

As for enforcement, we do not foresee a realistic scenario that justly and reliably achieves this. The health authority resources required to effectively and meaningfully verify trans fat-free claims would be excessive and misdirected. Rather than attempt a public health outcome through food supply regulation, it is far more effective to direct those resources at influencing public behavior, i.e., advocating healthy eating choices. Market forces are superior to regulation in many ways, and informed consumers can rapidly achieve impact far beyond that of government regulation.

Our current initiatives regarding trans fats are to foster meaningful and factual discussion of the issue, and provide our industry accurate and useful information. This includes a gentle reminder to those that would hasten government regulation that not long ago certain foods, such as butter, were scorned while others, such as margarine, were endorsed as healthy choices. Margarine, of course, is a trans fat.

Restaurant success depends on meeting public needs and expectations, and the industry strongly performs in this respect. As diners demanded healthier meal options, the industry provided low calorie and low fat offerings. As the public sought low-carbohydrate choices, the industry answered. As diners embrace the reduction or elimination of artificial trans fats, the industry will eagerly accommodate them.

As studies on the health aspects of artificial trans fats proliferate, it is imperative that any action be measured and appropriate. To hastily establish unattainable or unverifiable standards for trans fats would unjustly penalize food service operators and provide no lasting public benefit. The future must include fully developed science, and avoid onerous, unnecessary, and punitive regulation.

As prominently covered in the national media, our industry is already moving away from trans fats. Health authorities can accelerate this trend by raising public – and industry – awareness toward healthy alternatives, and rejecting hastily conceived and heavy-handed quick fixes. This leaves FRLA in the position of advocating careful consideration of new regulation or government programs, and focusing the conversation on realistic results and the means to achieve them.

I hope you find this useful, and please contact us again if we can be of assistance.

Sincerely,

Geoff Luebke

Vice President, The Florida Restaurant & Lodging Association
230 South Adams, Tallahassee, FL 32304-7710
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fax: 850.224.2877
cell: 850.879.2588
e-mail: geoff@flra.org
web: www.flra.org

Attachment C

Consumer Services Department Monitoring Options

OPTION	METHODOLOGY	COST TO PARTICIPANT*	COST TO COUNTY*	COMMENT
1	Self verification via an affidavit. Product labels to be kept on site.	No cost to the participant.	Cost of mailing an educational/information letter and affidavit to 5500 restaurants and 450 bakeries. Cost of mailing certifications to 595 participants (based on 10% participation). \$6,000 (recurring)	No cost to participant. No verification component.
2	Self verification of recipes by a third party.	To be paid by the participant. Hourly cost of a certified dietician/nutritionist is estimated at \$22-\$34. Cost per establishment dependent on time spent verifying recipes	Cost of mailing an educational/information letter and affidavit to 5500 restaurants and 450 bakeries. Cost of mailing certifications to 595 participants (based on 10% participation). \$6,000 (recurring)	Annual cost for a voluntary program could deter participation. Costs may be incurred whenever there is a menu/recipe change. Could pose a challenge to many mom and pop establishments as many do not keep or maintain recipes.
3	Verification of original product labels to be kept on site by participant.	Program costs paid by the participant. Annual cost per establishment would be \$106 based on 10% participation.	Cost for 1 FT CSD Enforcement Officer \$57k (includes salary, fringe, and vehicle). Cost of mailing an educational/information letter and affidavit to 5500 restaurants and 450 bakeries. Cost of mailing certifications to 595 participants (based on 10% participation). \$6,000 (recurring)	Annual cost for a voluntary program could deter participation The U.S. Food and Drug Administration require manufacturers to list the trans fat content of foods on packaging labels. Inasmuch as this information is readily available on the label, expertise from a certified dietician/nutritionist is not necessary.
4	Verification of recipes by a certified dietician/nutritionist.	Program costs paid by the participant. Annual cost per establishment would range from \$86-\$129 based on 10% participation.	Annual cost of a certified dietician/nutritionist is estimated at \$45k-\$71k. Cost of mailing an educational/information letter and affidavit to 5500 restaurants and 450 bakeries. Cost of mailing certifications to 595 participants (based on 10% participation). \$6,000 (recurring)	Annual cost for a voluntary program could deter participation. Costs may be incurred whenever there is a menu/recipe change. Could pose a challenge to many mom and pop establishments as many do not keep or maintain recipes. Some establishments consider recipes to be proprietary information which could be problematic if retained by the County

* Costs will increase or decrease based on the number of establishments that participate in a voluntary Trans Fat Free Program. Cost estimates are based on a 10% participation rate.

Attachment D

Voluntary Trans Fat Free Program
Marketing Plan



Delivering Excellence Every Day

Purpose and Procedure

■ Purpose:

To create an educational communication program offering guidance to restaurants, bakeries and the public in Miami-Dade County regarding the negative health effects of trans fats and the availability of alternative cooking methods.

■ Procedure:

Consider featuring a recently compliant restaurant or bakery on a monthly basis through traditional advertising methods and via alternative communication mediums.

Develop program information materials and public service announcements addressing past, current and upcoming initiatives.



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Communication Strategies

- Enhance website content with updated project timelines. Additionally, develop and post an updated project report on the website each year.
- Implement a 24-hour recorded telephone hotline addressing FAQs listed on the website and beyond.
- Utilize 3-1-1 to address any questions or concerns the public and food business owners may have about the educational program.

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Advertising

■ Strategy & execution:

Media buy should be purchased in English, Spanish and Creole languages.

Overview of proposed media:

- Print: A varied mix with proven high impact results.
- Public Radio: Low cost, high impact.
- Network and Cable TV: Select a prime time, high volume approach.
- MDTV: Low cost, long range solution for program awareness.
- Outdoor (i.e. County buses, bus benches, etc.): Utilization of other County resources to maximize long range program awareness.
- Online: Relative low cost, easy to update.

Overview of spending:

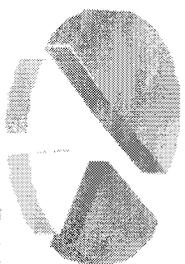
- \$110,000 to \$150,000 range in total budget allotted for the campaign.

MIAMI-DADE
COUNTY

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Budget

Advertising	Print	30%
	Public and satellite radio	20%
	Network and Cable	30%
	MDTV	5%
	Outdoor	15%
	Advertising Total	\$ 60,000
	Direct marketing	25%
	Collateral materials mailed to County residences	45%
	Email campaign	2%
	Third party marketing	5%
Marketing	Co-marketing arrangements with partner collateral materials	5%
	Guerrilla	5%
	Viral	3%
	Blog sites	5%
	Pod cast	5%
	Marketing Total	\$ 25,000
	Public Relations	
	Public Relations Total	\$ 15,000
	Website	25%
	Headline	30%
Communications	Phone Message to residents	45%
	Communication Total	\$ 25,000
	Flexible approach designed to provide awareness and meet budget imperative. Low Range: Minus 12% High Range + 20%	
Total Budget	\$ 125,000	



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Flexible Costs

- Direct marketing:

- Collateral materials mailed to County restaurants, bakeries and residences.
- Push email campaign.

- Other considered marketing programs:

- MDC portal.
- Guerilla.
- Viral.
- Blog site.
- Pod cast.



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Conclusion

- Education of restaurants, bakeries and the public in Miami-Dade County resulting in an increase of program exposure, understanding and appreciation.
- Develop and maintain a clear, concise and consistent public message to be utilized over the long-term.
- Employ an integrated strategic campaign presenting cost and magnitude flexibility to deploy and intensify as needed.



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