

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(16)
07-10-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-839-07

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 Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Carlos A. Gimenez and upon being put to a vote, the vote was as follows:

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

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: **KAY SULLIVAN**
Deputy Clerk



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

MEMORANDUM

Agenda Item No. 11(A)(16)

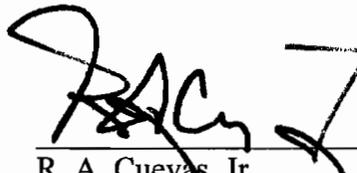
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

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

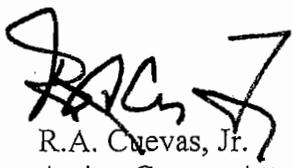


MEMORANDUM

(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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Memorandum



Date: May 25, 2007

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

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	Bill or Ordinance Description (Year Enacted)	Title & Description (Year Adopted)	Lead Agency or Initiator	Enforcement Process & Agency (if different)	Monitoring & Assessment	Status
New York City, New York	IntOrd: 9/29/2006 Effective: 7/1/07	Amendment to Article 81 of the Health Code - Ban of artificial trans fats in restaurants and mobile food vendors. On ingredients & ingredients containing artificial ingredients listed for banning due to the enactment. http://www.nyc.gov/html/nycc/docs/trans_fats/nycc81.pdf www.nyc.gov/html/nycc/html/nycc81.pdf	MANDATE/LAW New York City Department of Health & Mental Hygiene		Restaurant health code inspections	• Council signed amendment on 4/21/05/06 • Mayor signed 4/20/07 • No rules yet
Other Nutritional Regulations						
Pennsylvania	IntOrd: 1/25/07 Effective: 7/1/07	Bill No. 066936 - Amendment Title 6 of Health Code - Ban use of artificial trans fats in restaurants, cafeteria, mobile food service, mobile food vendors, vending machines. http://webdocs.phila.gov/council/attachments/3149.pdf	Department of Health			Bill passed 2/15/07 No rules yet

Articles 81 (amended 8/15/07) 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 other boards on July 1, 2007.

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

Municipality of State	Type	Title & Description (optional)	Lead Agency for Initiative	Implementation If not detailed below, not addressed in state legislation	Monitoring & Assessment	Status
Arizona	M-E or P (annual) Enactments, proposed, V-E, P, E, or F (enacted), Proposed, C - Community-based initiatives	N/A	N/A	N/A	N/A	N/A

Other Nutritional Regulations

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

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

Municipality or State	Title & Description (Legislation)	Agency for Implementation	Enforcement Process & Agency (if different)	Monitoring & Assessment	Status
California	<p>AB 97 -- An act to add Article 6.6 to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code relating to food... governing any fat or cholesterol in use for food preparation served at food facilities.</p> <p>AB 40 -- Beverage sweetened Ready to drink... manufacturers' health on beverages on any food or food additive containing any fat.</p> <p>Intro'd: 12/2/07 [Effective: 7/1/08] http://www.legislature.ca.gov</p>				Rejected
Connecticut	<p>SB 268 -- Trans Fats Restricted in Food Service Establishments... Ban food service establishments from serving foods prepared with trans fats including trans fats.</p> <p>Intro'd: 4/17/07 [Effective: 7/1/08] http://www.sos.ct.gov</p>				Rejected
<p>Other Nutritional Regulations</p> <p>SB 120 (12/2/07) -- Require chain restaurants (10 or more franchises or food facilities in the state) to provide nutrient information on menu/menu boards. Required: Total calories, total grams of saturated fat & trans fats, 3) total carbs & 4) total sodium. Ex: menu board include: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium." http://www.legis.ct.gov/hbill/07-09/015988-120_bill_20070308_revised_sen_v88.pdf</p>					
<p>Other Nutritional Regulations</p> <p>SB 656 (1/19/07) -- will require chain restaurants (or those with ten different menu items with US) to provide info on: 1) menu detailing calories, saturated & trans fat, carbs & sodium per serving for each menu item, 2) menu boards - list total calories per serving, & 3) provide info on menu items on request by consumers</p>					

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

State	Title & Description (web link)	Agency for Initiative	Implementation (if different)	Monitoring & Assessment	Status
Florida	<p>HB 3091/BE 1628 - Healthy Dining Act - This public law requires establishments that prepare, serve or sell food that contains trans fat to label the following: <ul style="list-style-type: none"> • Name of the trans fat • Amount of trans fat in the food • Amount of trans fat in the food as a percentage of total fat HB 3091/BE 1628 is currently in the House of Representatives. </p>	Florida Division of Hotels and Restaurants	<p>Violation of the Act is a 2nd degree misdemeanor. Enforcement can be suspended or revoked by the Division.</p>	Monitoring & Assessment	<p>Workshop - Business & Regulation Committee to hold public hearing on 4/23/07. Bill sponsor take it up again in 2008 session.</p>
Hawaii	<p>HB 1797 & SB 1973 - This bill requires food service establishments to label the following: <ul style="list-style-type: none"> • Name of the trans fat • Amount of trans fat in the food • Amount of trans fat in the food as a percentage of total fat HB 1797 & SB 1973 is currently in the House of Representatives. </p>	Department of Health	<p>Violation of provision subject to fines or imprisonment or both as provided by law.</p>		

HB 54 - Franchise food establishments (19 or more establishments) to maintain nutritional information on each of its standard menu items, and to have that information readily available and provide the information to the public, upon request. The information shall include the total number of: 1) Calories; 2) Grams of saturated fat; trans fat; 3) carbohydrates; 4) milligrams of sodium; 5) Grams of protein; and 6) Grams of sugar.

Other Nutritional Information

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

Municipality or State	Title	Description (Web-link)	Lead Agency for Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	Status
Illinois	M-P Intro'd: 2/15/07 [Effective: None]	HB 1297 - Trans fat Disclosure Act Requires that a manufacturer of "ready-to-eat" food containing 1% or more of trans fat disclose the grams of trans fat on the packaging for products and areas other than the packaging with the disclosure at the time of sale. http://www.legis.state.il.us/legislation.asp?legID=1297&act=1	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.		
	M-P Intro'd: 2/14/07 [Effective: 1/1/09]	HB 1264 - Artificial Trans Fats Restriction Act No food containing artificial trans fats shall be stored, distributed, held for service or used in the preparation of any menu, in any food establishment, as by any private food and snack shop, served directly from a "food truck" or "food cart". www.legis.state.il.us/legislation.asp?legID=1264&act=1				

HB 3891 (2/23/07) - Menu Labeling and Labeling Act - This bill would require restaurants and similar food establishments to post a sign no smaller than 6" x 5" 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, and high blood pressure."

Other Nutritional Information

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

Municipality or State	Date of Bill/Proposal Federal/Proposed Legislative/State Initiative	Title & Description (Web-link)	Lead Agency for Initiative	Enforcement/Process & Agency (if different)	Monitoring & Assessment	Status
Maryland	M-P Intro'd. 1/23/07 [Effective 10/1/08]	HB91 - Food Service Facilities Use of Artificial Trans Fat. Mandatory "Warning" for consumer family lunch items containing artificial trans fat for public food purveyors, requires the Department of Health and Service to conduct a cost/benefit analysis of the legislation. (http://www.maryland.gov/legislation/legislation.cfm?id=HB91)	Department of Health and Mental Hygiene			Delayed -- 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	Intro'd. 2/28/07 [Effective 10/1/08]	SB 504 Food Service Facilities Use of Artificial Trans Fat. Mandatory "Warning" for consumer family lunch items containing artificial trans fat for public food purveyors. (http://www.maryland.gov/legislation/legislation.cfm?id=SB504)	Department of Health and Mental Hygiene			Delayed -- 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	Intro'd. 2/23/07 [Effective 10/1/08]	SB633 Food Containing Artificial Trans Fat Prohibitions. Public eating places must post signs regarding trans fat content. (http://www.maryland.gov/legislation/legislation.cfm?id=SB633)	Department of Health and Mental Hygiene			Delayed -- 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

State	Bill Number	Title & Description (Word Limit)	Least Restrictive Initiative	Enforcement Process & Enforcement Agency (if different)	Monitoring & Assessment	Status
Michigan	M-P Intro'd 2/14/07 Effective 7/1/07	HB 4194 Amend Food Law of 2000. This legislation shall develop and for training consumers regarding foods containing artificial trans fats and shall make the morning available on its website. (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4194_000.htm) (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4194_000.htm)				
	M-P Intro'd 2/22/07 Effective 7/1/07	HB4195 Amend Food Law of 2000. A F.S.E. amend of the Food and Drug Administration (FDA) to require the FDA to issue a rule that requires the use of the term "partially hydrogenated" on the label of any food product that contains partially hydrogenated oils. (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4195_000.htm) (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4195_000.htm)				
	M-P Intro'd 2/14/07 Effective 7/1/07	HB 4196.. Amend Food Law of 2000. A F.S.E. amend of the Food and Drug Administration (FDA) to require the FDA to issue a rule that requires the use of the term "partially hydrogenated" on the label of any food product that contains partially hydrogenated oils. (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4196_000.htm) (http://www.legislature.mi.gov/doc.aspx/leg_000_000_4196_000.htm)				

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

Municipality or State	Year (Fiscal or Calendar) or Effective Date	Title & Description (if available)	Lead Agency for Initiative	Implementation (if detailed below - not addressed in state legislation)	Enforcement/Process & Agency (if different)	Monitoring & Assessment	Status
New Hampshire	M-P Int'd: 2/6/07 Effective: 1/1/08	HB 324 - An Act Relating to the Use of Artificial Trans Fats in Food Prepared and Served in Public Schools - 1663 of Public Laws of New Hampshire The purpose of this bill is to prohibit the sale or use of artificial trans fats in any food prepared for consumption on premises of a school. By any food served on premises of a school, no artificial trans fat shall be added to any food prepared for consumption on premises of a school, and any trans fat added to any food prepared for consumption on premises of a school shall be so labeled as such.	Department of Health and Human Services	Resolves license			Approved to test relative to level of artificial trans fats and saturated fats in food prepared and served in public schools...
New Jersey	M-P Int'd: 10/6/06 Effective: One year after enactment	http://www.state.nj.us/health/nutrition/ SB 2265 - Act Concerning Artificial Trans Fats in Food Prepared and Served in Restaurants and Supplementing Title 26 of the Revised Statutes... The purpose of this bill is to prohibit the sale or use of artificial trans fats in any food prepared for consumption on premises of a restaurant, and any trans fat added to any food prepared for consumption on premises of a restaurant shall be so labeled as such.	Commissioner of Health and Senior Services				

Other Nutritional Information

SB 2264(12/05/06) - This bill would direct retail food establishments to apply to chains with 10 or more locations nationally or 5 or more locations in this state 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.

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

State	Type	Title & Description (WebLink)	Lead Agency for Initiative	Implementation (If different)	Monitoring & Assessment	Status
New Mexico	M-F of Trans Fat Enacted/Proposed M-F of Trans Fat Proposed M-F of Trans Fat Proposed M-F of Trans Fat Proposed	HB 1203 - Trans Fat Act A restaurant shall have the same information regarding the preparation of food for sale as is required for every restaurant... Intro'd: 2/14/07 Effective: 7/1/07		The Environmental Board shall promulgate rules for the regulation of trans fat in restaurants and may establish a system for grading a restaurant's compliance with the Act		03/07/2007 Combination menu labeling and trans fat limit legislation was tabled in House Business and Industry. It is possible the sponsor will come up with a amendment to study.
New York	M-P Intro'd: 4/30/07 Effective: 180 days after enacted as law	AB 1192 - An Act to amend the general business law Section 2401-a. Purpose: Regulate the use of trans fats in food service... Intro'd: 4/30/07 Effective: 180 days after enacted as law	Board of Health	Agency General's Office has jurisdiction from continuing to serve food. Fees \$50 to \$500 per day.		

HB 1203(2/14/07). This bill would require commercial menu labeling and trans fat limit legislation. Board requires all restaurants with those or more locations in the state to post calorie information, including the preparation of trans fat per serving for every standard menu item at the point of purchase on a menu or menu board. Further directs restaurants to limit the use of a trans fat, including that in margarine and shortening, to one-half gram of trans fat per serving. The effective date for the labeling requirement is July 1, 2007 and July 1, 2008.

Other Nutritional Information:

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

Municipality of State	Type	Title & Description (web-link)	Lead Agency for Initiative	Implementation: Enforcement Agency (if different)	Monitoring & Assessment	State
Rhode Island Continued	M--P M-Extr & Regulate Food and Hospitality V.L. 9-2 (Enacted) CI - Community-Driven Initiative	SB 113 - An Act Relating to Food and Drugs. Condition to a new System Establishment Auditing Team. For residential No foods containing artificial flavors for... served by school, residential, food for service, assisted in preparation of any other items to served in any food service... administered or to any business or by any mobile food service unit.				
		Reference: RI STATE HOUSE HISTORICAL ARCHIVES 91 ASJ 200 C/OFFICE XAVIER, INC/HEALTHY S&M/CUR				

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

Municipality or State	Title	Bill or P. Number (if applicable)	Effective Date	Department	Lead Agency for Initiative	Implementation	Monitoring & Assessment	Status
South Carolina	SB350 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-143.	SB350 - 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	Food Inspection Division and addressed to each inspection	Enforcement, Process & Enforcement Agency (if different)	Monitoring & Assessment	
	SB301 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-142.	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				
	SB109 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-390.	SB109 - A bill to amend the code of law of South Carolina, 1976, by adding section 44-1-390.	Effective: 30 day after enactment]	Department of Health & Environmental Control		To require the Department to ascertain such use of trans fats when conducting inspections of retail food establishments, and to provide a penalty for violations.		

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

Municipality/State	Bill/Resolution	Title & Description (web link)	Lead Agency for Initiative	Implementation (not detailed below - see attached to each legislative bill)	Monitoring & Assessment	Status
Tennessee	HB 721/SB 40 House Bill 721/07 Senate Bill 40/07	HB 721/SB 40 - bills create a new requirement for food service establishments regarding the use of trans fat and amended TCA Title 53, Chapter 8 and Title 68, Chapter 14. "After local school district lobbying asks local governing bodies to require TCA 53.08 and 68.08 on trans fat and other fats."				As of 3/28/07 pending committee referral
Tennessee	HB 1260/SB 54 House Bill 1260/07 Senate Bill 54/07	HB 1260/SB 54 - requires the Department of Health to conduct a study on the health effects of trans fats and to report the results of the study to the Governor by October 1, 2007. "The Department of Health shall conduct a study on the health effects of trans fats and to report the results of the study to the Governor by October 1, 2007." http://www.legislatum.state.tn.us				As of 3/28/07 pending committee referral

SB 1696 (1/15/2007) - This bill would require food service establishments to post on menu boards and menus the calorie content values in kilocalories that have been made publicly available for each menu item adjacent to the listing of each menu item from 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."

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

Municipality or State	Type of Initiative (e.g., Ordinance, Policy, Program, etc.)	Title & Description (web link)	Implementation		Monitoring & Assessment	Status
			Lead Agency or Initiative	Enforcement Process & Agency (if relevant)		
New York City, New York	V-E Intro. June 2005	Trans Fat Education Campaign -- Yearlong series of banners http://www.nyc.gov/health	Dept of Health & Mental Hygiene Board Of Health	VOLUNTARY	Two surveys were conducted in June, 2005 and May 2006 to determine change in adoption of trans fats.	Adoption of amendments to the New York City Health Code mandates replaces educational campaign

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

Municipality or State	Year	Description (include link)	Implementation			Status
			If not details below, link where you can find more information	Lead Agency for Initiative	Enforcement Process & Agency (if different)	
COMMUNITY INITIATIVES						
Boston, Massachusetts	CI	Boston Best Bites Program - "restaurants continue to have no-yes agreements for trans-fat & other food interventions" http://www.bostonbestbites.com	Division Public Health Commissioner and Mayor Menino		Each region runs with a "Best Bites" advisory has undergone national analysis Rughman and Women's Hospital - while 50 restaurants have joined the program (as of 6/03), only 15 have met requirements	
OTHER NUTRITIONAL REGULATIONS						
In addition to Transfat, Best Bites analysis and menu reporting also includes calories & sodium levels						
Los Angeles	CI	http://www.ci.lacounty.ca.gov	Los Angeles and California Restaurant Assn			
Tiburon County, California	CI	Voluntarily Best Bites Food Campaign initiated by local restaurants and working with restaurant, caterer, and purveyors of all 58 restaurants in town to meet 2003 nutrition labeling set by FDA. The goal is to have 100% of restaurants in Tiburon meet the goal.				
Westchester County, New York	CI	"Be Fit Westchester" http://www.westchesterny.gov/healthandfitness	Department of Health and Department of Parks and Recreation			

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

Municipality or State	Type of Initiative (Mandatory, Voluntary, or Community-Based)	Title & Description (Abbreviated)	Lead Agency for Initiative	Implementation Status (If not completed, please note reasons for non-compliance)	Enforcement Process & Agency (If different)	Monitoring & Assessment	Status
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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 Luebkeermann [mailto:gluebkeermann@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 Luebkeermann

Vice President, The Florida Restaurant & Lodging Association

230 South Calumet, Tallahassee, FL 32304-7710

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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 PT OSD 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.



Delivering Excellence Every Day

Communication Strategies

- Enhance communication 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 FAQ's 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.



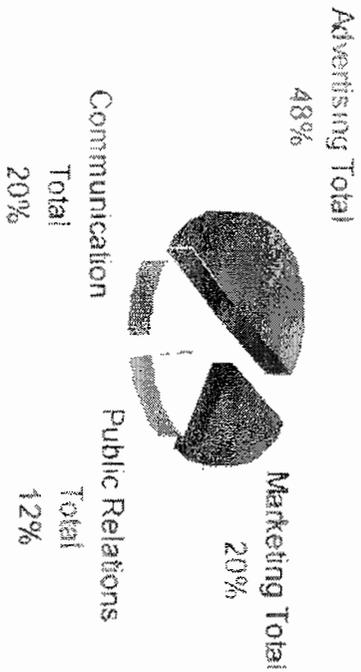
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Budget

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%
	Guerilla	5%
	Viral	3%
	Blog sites	5%
	Pod cast	5%
	Marketing Total	\$ 25,000
	Public Relations	
	Public Relations Total	\$ 15,000
	Website	25%
	Hotline	30%
Communications	Phone Message to residents	45%
	Communication Total	\$ 25,000
Total Budget	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.
 - Guerrilla.
 - 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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