

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

---

DATE: December 5, 2013

TO: Honorable Members of the Rules, Elections and  
Intergovernmental Relations Committee

FROM: Gerry F. Miller   
Chief Legislative Analyst

Council File No.: 13-0002-S136  
Assignment No.: 13-11-0976

SUBJECT: Resolution (O'Farrell-Koretz) to Support reduction or elimination of Trans Fats.

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2013-2014 Federal Legislative Program SUPPORT of the Federal Food and Drug Administration action to reduce or eliminate Trans Fats.

## SUMMARY

Resolution (O'Farrell-Koretz) indicates that the Federal Food and Drug Administration (FDA) has tentatively determined that partially hydrogenated oils (PHOs), which are the primary dietary source of industrially-produced "trans fats" are not generally recognized as safe for any use in food, based on current scientific evidence. The Resolution notes that the FDA has opened a 60-day comment period to collect additional data and gain input on the time potentially needed by food manufacturers to reformulate products that currently contain "trans fats." The Resolution further notes that "trans fats" raise bad cholesterol levels which increase the risk of coronary heart disease. According to the Resolution, while in recent years many food manufacturers and retailers have voluntarily decreased "trans fats" in many foods and products, "trans fats" may still be found in processed foods, such as desserts, microwaved popcorn, frozen pizzas, margarines and coffee creamers. The Resolution states that regulating food production and food content by limiting ingredients that have no health benefits for our children and families should be a priority of the City and, therefore, recommends support of the FDA's rule change to reduce or eliminate "trans fats" in processed foods.

## BACKGROUND

On November 8, 2013, Resolution (O'Farrell-Koretz) was introduced to support the U.S. Food and Drug Administration action to reduce and/or eliminate "trans fats" in processed foods. Based on research and a recommendation by the Institute of Medicine, the FDA has tentatively determined that consumption of "trans fats" in processed foods is not safe. As a result, the FDA has proposed a 30-day comment period ending January 7, 2014, to consider the impact to the food industry including small businesses.

## Health Effects of Trans Fats

The FDA has stated that, on average, in the United States, eight individuals die yearly as a result of "trans fats" consumption in some products. The FDA has determined that these deaths could be prevented by removing "trans fats" from the U.S. food supply. The FDA has also cited evidence that "trans fats" could worsen insulin resistance, increase diabetes and put fetuses and breastfeeding infants at higher risk of impaired growth. In a 2008 report, the World Health Organization also determined that there is evidence that "trans fats" consumption could increase coronary heart disease and diabetes.

## FDA Request for Comments

The FDA has indicated that while the agency is open to comments addressing any subject area relating to reduction or elimination of "trans fats," comments are particularly sought in the following general areas:

- Setting a limit on the levels of “trans fats” in foods.
- Impact to manufacturers including the time it would take to reformulate food products to eliminate “trans fats” from the food supply.
- Ideas on how the FDA can reduce the burden on small businesses that would result from the removal of “trans fats” from foods.
- Whether there are any products that cannot be reformulated.

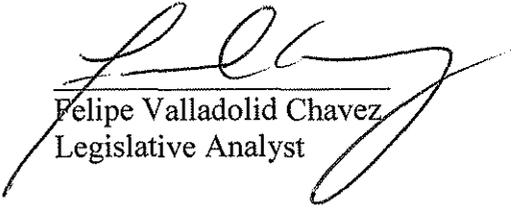
Given the priority the City has given to healthy food options and the potential health risks associated with “trans fats,” our Office recommends support of the FDA’s administrative action to reduce or eliminate “trans fats” in processed foods.

DEPARTMENTS NOTIFIED

None.

BILL STATUS

None.



Felipe Valladolid Chavez  
Legislative Analyst

Attachments: Resolution (O’Farrell-Koretz)  
GFM: fvc

RESOLUTION RULES, ELECTRICS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to, or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Federal Food and Drug Administration (FDA) has tentatively determined that partially hydrogenated oils (PHOs), which are the primary dietary source of industrially-produced "trans" fatty acids, or "trans" fats, are not generally recognized as safe for any use in food, based on current scientific evidence; and

WHEREAS, the FDA's preliminary determination is based on scientific evidence and the findings of expert scientific panels who have established the health risks associated with "trans" fats; and

WHEREAS, the FDA has opened a 60-day comment period on this preliminary determination to collect additional data and to gain input on the time potentially needed by food manufacturers to reformulate products that currently contain artificial "trans" fat should this determination be finalized; and

WHEREAS, according the FDA, consumption of "trans" fat raises low-density lipoprotein (LDL), also known as "bad" cholesterol, which increases the risk of coronary heart disease; and

WHEREAS, the Institute of Medicine (IOM) has concluded that "trans" fat provides no known health benefits and that there is no safe level of consumption of artificial "trans" fats; and

WHEREAS, while in recent years many food manufacturers and retailers have voluntarily decreased "trans" fat levels in many foods and products, "trans" fats may still be found in processed foods, such as certain desserts, microwave popcorn, frozen pizzas, margarines and coffee creamers; and

WHEREAS, regulating food production and food content by limit ingredients that have no health benefits for our children and families should be a priority for the City of Los Angeles; and

WHEREAS, support of the FDA's rule change relative to reducing "trans" fat consumption would be consistent with the City's prior efforts to promote healthy foods and healthier eating habits;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles, hereby includes in its 2013-2014 Federal Legislative Program, SUPPORT of the Federal Food and Drug Administration administrative action to reduce or eliminate "trans" fats in processed foods.

DO NOT REMOVE  
THIS IS A PUBLIC DOCUMENT  
DO NOT CUTLATE OR DEFACE

PRESENTED BY   
MITCH O'FARRELL  
Councilmember, 13<sup>th</sup> District

SECONDED BY 