

SB 1297

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH

SB1297, RELATING TO HEALTH

Written Testimony
Only

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 9, 2009
2:45 PM**

1 **Department's Position:** The Department respectfully opposes this measure because it would take away
2 from current public health priorities being acted on at this time.

3 **Fiscal Implications:**

4 **Purpose and Justification:** This bill establishes a working group within the Department of Health to
5 develop and implement a plan to eliminate or significantly reduce the use of trans fats in Hawaii's food
6 preparation and food service industry. The working group would consist of eleven members appointed
7 by the governor and established within the Department of Health, to research state laws and trends of
8 trans fats regulations, determine labeling requirements and penalties, and a public awareness campaign.
9 A preliminary report of findings would be submitted to the legislature by December 31, 2009. The
10 Department finds this measure problematic because we currently lack sufficient evidence based research
11 on the effects of reducing the availability of trans fat through food service establishments only and how
12 it will impact the health of Hawaii's people. Also, it is not known how effective a measure for food
13 service establishments would be on reducing the consumption of artificial trans fat since it would
14 continue to be available through other retail sources. New York City and California are leading the

1 nation in efforts to ensure the removal of artificial trans fat from restaurants. The Department asks to
2 review the evaluation of New York City and California's efforts in the coming years, without the
3 formation of a task force, to determine its applicability to Hawaii.

4 Thank you for the opportunity to provide testimony.

5

6



est. 1947

Hawaii Restaurant Association

1451 South King St, Suite 503
Honolulu, HI 96814
www.hawaiirestaurants.org

Phone: 808.944.9105
Fax: 808.944.9109
hra@hawaiirestaurants.org

Board of Directors 2008 - 2009

Chair Victor Lim
McDonald's Restaurants

Vice Chair Chris Colgate
Duke's Canoe Club

Treasurer Chris Colgate
Duke's Canoe Club

Secretary Jim Hamachek
Aunne Pasto s/Dixie Grill

Past Chair Beau Mohr
Pearl

Board Members Peggy Abella
Anheuser | Busch Sales of
Hawaii
Paul Ah Cook
Paradise Beverages
Bryan Andaya
L & L Drive-Inn
Steve Cole
Kona Brewing Company
Biff Graper
Collers Monroe Fretlander
Tom Jones
Gyotaku Japanese Restaurants
Jay Kaneshiro
Ruth's Chris Steak House
Waicki
Brian Kawabe
American Express
Bob Lathan
Hansen Distribution Group
James Lee
Let's Eat Hawaii
Gary Manago
Sergio's LLC
Michael Milande
Morton's The Steakhouse
Stephanie Mizuno
Sodexo (Straub)
Bob Morse
Southern Wine & Spirits
Conrad Nonaka
Culinary Institute of the Pacific
Robert Small
Orbit Sales
Bill Tobin
Tiki's Grill & Bar
Kevin Wada
Sodexo (Glan)
Ken White
Rewards Network, Inc.
Allen Young
Betler Brands

NRA Director Emeritus Ed Wary
Aunne Pasto s/Dixie Grill

Advisory Directors Faith Freitas
Trade Publishing
Ken Kanter
Douglas Trade Shows
Cuyler Shaw
Ashford & Weston

Executive Director Gail Ann Chew

February 6, 2009

Sen. David Y. Ige, Chair
Committee of Health
Hawaii State Senate
State Capitol Rm 215

Dear Chair Ige,

The Hawaii Restaurant Association commends the intent of SB 1297 to reduce or eliminate the use of Trans fats in Hawaii's food preparation and food service industry.

It is our belief that establishing the heart healthy working group to monitor this is not necessary since most of the food service industry has already switched away from the Trans fat oils in their products. All of the major restaurants chains have already switched to non Trans fat oils and this is true throughout the industry. Even on supermarket shelves, you will primarily see only the Trans fat free oils. Due to the information in the media these past years, the supply chain is now providing what the consumer wants, Trans fat free oils.

Thank you for giving us the opportunity to share our opinion and please feel free to call on us if we can be of further help.

Sincerely,

Victor Lim
Chair



American Heart Association | American Stroke Association

Learn and Live

Serving Hawaii

Testimony for SB 1297, "Relating To Health"

The American Heart Association supports SB 1297, but would like to clarify its participation in the proposed healthy working group and planning.

The American Heart Association has long recognized that the consumption of artificial trans fats is a health risk to the American people and encourages their removal from packaged goods and foods prepared in restaurants and bakeries. In 2006, the association issued its Diet and Lifestyle Recommendations, which advise people to limit their consumption of trans fats to no more than one percent of daily caloric intake. By following our primary recommendation to eat a healthy overall diet that emphasizes fruits, vegetables, whole grain foods, fat-free and low-fat dairy products, lean meats, poultry and fish twice a week, people will necessarily reduce their consumption of trans fats, saturated fats and cholesterol – all important measures in the fight against cardiovascular disease.

The American Heart Association **supports regulatory efforts at the local level to reduce trans fats in packaged foods, baked goods and restaurant meals, provided healthy alternatives and practical guidance are taken into consideration.** We feel that such efforts are most likely to achieve their intended goal if they incorporate a comprehensive "phased-in approach" to eliminating the use of artificial trans fats. The association wants to ensure that a sufficient supply of healthier alternative oils and shortenings are available to restaurants and bakeries to prevent the substitution of unhealthy alternatives. Actions taken merely to comply with the letter of the regulation or law make little sense when viewed in terms of the ultimate goal to decrease cardiovascular disease among Americans.

The strategy we envision involves thorough education of the cook, baker and restaurant operator, as well as an open, enthusiastic and collegial collaboration among nutrition scientists, food technologists and chemists, food manufacturers, agriculture and oil processing industries, distributors and government and regulatory staff.

Local ordinances and food code regulations that ban the use of trans fats in restaurants certainly represent one strategy that may reduce trans fat consumption in the American diet. However, a mandatory ban of trans fats alone, if unaccompanied by an effective program of education and reasonable implementation, may raise the risk of unintended consequences (e.g. the substitution of trans fats with unhealthy oils high in saturated fats). As supplies of healthy, trans-free oils become more abundant and restaurants find appropriate substitutes for baking and identify successful techniques, these issues will be of less concern.

Recommendations to Governing Agencies

To address our concerns, the American Heart Association recommends a sufficient timeframe for phase-in, regulatory safeguards that provide policymakers flexibility in implementation and strong programmatic efforts to assist the restaurant industry concurrent with the regulations.

- Local government should verify that enough healthier alternatives are available to meet the projected demand of restaurants and bakeries.

Please remember the American Heart Association in your will or estate plan.

Serving Hawaii since 1948

For information on the AHA's educational or research programs, contact your nearest AHA office, or visit our web site at www.americanheart.org or e-mail us at hawaii@heart.org

Oahu:
677 Ala Moana Blvd., Ste. 600
Honolulu, HI 96813-5485
Phone: 808-538-7021
Fax: 808-538-3443

Maul County:
J. Walter Cameron Center
95 Mahalani Street, No. 13
Wailuku, HI 96793-2598
Phone: 808-224-7185
Fax: 808-224-7220

Hawaii:
400 Hualani Street, Ste. 15
Hilo, HI 96720-4333
Phone: 808-961-2825
Fax: 808-961-2827

Kauai:
P.O. Box 1214
Lihue, HI 96766-5214
Phone: 808-245-7311
Fax: 808-246-3631

*"Building healthier lives,
free of cardiovascular
diseases and stroke."*

- Provide exemptions, or “grace periods,” for restaurants if governing agencies confirm that healthier oil alternatives are not available in sufficient amounts, there is a disruption in supply, or late-stage operational adjustments are identified by restaurants and bakers.
- Discourage the substitution of trans fats with other unhealthy oil and shortening products.
- Extend the phase-in timeframe for baking, a crucial component in the effective implementation of a ban on trans fats.

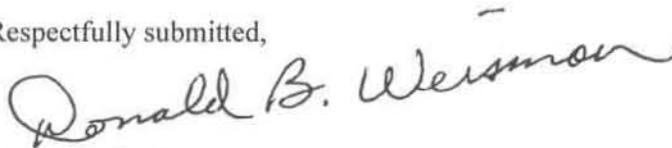
Recommendations for Restaurant Assistance

The governing agency should consider providing education and guidance to restaurants and bakeries regarding alternative oils and fats that can meet the frying and baking needs in their establishments. This guidance is particularly important for individual food service establishments and small chains.

- Provide the food service industry with specific guidance on which cooking oils and shortenings to use and how to incorporate them into their food preparation processes (e.g. specific recipes, different oil temperatures, appropriate schedules for frying oil changes).
- Restaurants should receive information on how to obtain a ready supply of healthier alternative oil products.
- Information and assistance should be readily available in a timely and on-going fashion to restaurants in various forms for effective outreach, such as written and Web-based directories and product information.

While the American Heart Association supports the intent of SB 1297, it wishes to clarify that it does not have staff locally that are qualified to participate in the development of plans to address the trans-fat issue. It would, however be receptive to having a member of its National staff participate in the healthy working group if arrangements can be made for that participation to take place via conference call.

Respectfully submitted,



Donald B. Weisman
Hawaii Communications and Marketing/Government Affairs Director