



January 29, 2014

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Tentative Determination Regarding Partially Hydrogenated Oils; Request for Comments and for Scientific Data and Information (Docket number FDA-2013-N-1317)

The Association of State and Territorial Health Officials (ASTHO) thanks you for the opportunity to submit recommendations for consideration in response to the request for comments, data, and other information helpful to further regulate partially hydrogenated oils (PHOs). We strongly support removing PHOs from the food supply. Access to healthy foods is vital to ASTHO's vision of healthy people thriving in a nation free of preventable illness and injury.

ASTHO is the national nonprofit organization representing public health agencies in the United States, the U.S. Territories, and the District of Columbia. ASTHO members, the chief health officials of these jurisdictions, formulate and influence sound public health policy and ensure excellence in state-based public health practice. ASTHO members, along with our key public health partners and 20 affiliate organizations, represent the leaders in state, territorial and local health departments.

Chronic diseases are now the leading causes of morbidity and mortality in the United States. They are also the primary drivers of healthcare expenditures. Unhealthy diets are a major contributor to chronic diseases, such as diabetes, cancer, hypertension and heart disease. The environments we live in can contribute to healthy living. Making the healthy choice is difficult if there is a lack of available healthy foods.

The FDA recently issued a preliminary determination that PHOs, the primary dietary source of artificial trans fatty acids (trans fat) in processed foods, are not "generally recognized as safe" for use in food.¹ Artificial trans fat is the most harmful fat in the food supply and is linked to about 50,000 fatal heart attacks annually.² Trans fat raises LDL cholesterol, the "bad" cholesterol, and decreases HDL, the "good" cholesterol. Researchers at the Harvard School of Public Health estimate that trans fat causes 72,000 to 228,000 heart attacks per year.³ Trans fat may also increase the risk for diabetes.⁴ Studies have also revealed disparities in trans fat knowledge⁵ and trans fat intake⁶ by education level, demonstrating a need to address healthy equity issues related to the risks of trans fat consumption.

Currently, California is the only state that has enacted a law banning the use of artificial trans fat in restaurants.⁷ In addition, Delaware and Colorado have also passed laws prohibiting the use of artificial trans fats in foods served in state public schools.⁸ A number of cities and counties have also passed laws eliminating trans fat from restaurants.⁹

Through ASTHO's official position statement passed by our Board of Directors, ASTHO supports the following aspects of trans fat bans:

- Enacting laws to eliminate trans fat in restaurants or, at a minimum, to label all menu items containing trans fat.

- Supporting educational campaigns to reduce trans fat use at restaurants.
- Tracking consumption patterns over time to ensure that other unhealthy oils and shortenings are not substituted for trans fats.
- Providing education and guidance to restaurants.

The total amount of trans fat put in our food has declined by 50 percent since about 2005.¹⁰ By eliminating PHOs from the food supply, up to 7,000 deaths from heart disease could be prevented each year.¹¹ ASTHO strongly encourages the FDA to work with other federal agencies to measure the success of this work.

As our nation struggles with the growing prevalence of chronic diseases, ASTHO is committed to working with the FDA and food establishments to improve the quality of foods served. ASTHO and our members fully support banning PHOs as a key component of our national efforts to reduce the prevalence of chronic diseases and improve the health of the nation.

Sincerely,



Paul Jarris, MD, MBA

Executive Director

Association of State and Territorial Health Officials (ASTHO)

REFERENCES

- ¹ United States Food and Drug Administration: "FDA Opens 60-day Comment Period on Measure to Further Reduce Trans Fat in Processed Foods." Available at <http://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm373925.htm>. Accessed 1-13-2014.
- ² Center for Science in the Public Interest: "About Trans Fat." Available at <http://www.cspinet.org/transfat/about.html>. Accessed 1-13-2014.
- ³ *Ibid.*
- ⁴ *Ibid.*
- ⁵ Hess S, Yanes M, Jourdan P, Edelstein S. "Trans fat knowledge is related to education level and nutrition facts label use in health-conscious adults." *Topics in Clinical Nutrition*. 2005. 20(2):109-117.
- ⁶ Kiage J, Merrill P, Kabagambe E, et al. "Intake of trans fat and all-cause mortality in the Reasons for Geographical and Racial Differences in Stroke (REGARDS) cohort." *The American Journal of Clinical Nutrition*. 2013. 97(5):1121-1128.
- ⁷ *Ibid.*
- ⁸ National Conference of State Legislatures. "Trans Fat and Menu Labeling Legislation." Available at <http://www.ncsl.org/research/health/trans-fat-and-menu-labeling-legislation.aspx>. Accessed 1-13-2014.
- ⁹ Center for Science in the Public Interest: "About Trans Fat." Available at <http://www.cspinet.org/transfat/about.html>. Accessed 1-13-2014.
- ¹⁰ Center for Science in the Public Interest: "Trans Fat." Available at <http://www.cspinet.org/transfat/>. Accessed 1-13-2014.
- ¹¹ United States Food and Drug Administration: "FDA Opens 60-day Comment Period on Measure to Further Reduce Trans Fat in Processed Foods." Available at <http://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm373925.htm>. Accessed 1-13-2014.