

San Francisco Department of Public Health
Environmental Health Section
1390 Market Street, Suite 210
San Francisco, CA 94102



**Director's Rules and Regulations
For Trans-fat Free Restaurants and to promote Healthy
Living**

**Pursuant to Article 37, Sec. 3701 – 3711 of the
San Francisco Health Code**

04/2008

I. Introduction

The following Director's Rules and Regulations set forth specific guidelines and are promulgated to carry out the intent of Article 37 of the San Francisco Health Code in restaurants that voluntarily apply for permitting from the Environmental Health Section's Trans Fat Free Restaurant Program.

The goal of the Program is to encourage and recognize restaurants that discontinue storing, distributing, serving, or using any food, oil, shortening, or margarine containing artificial trans fat.

The Role of the Department of Public Health

The Department Director, after a public hearing, shall adopt rules, regulations and forms to implement a Trans Fat Free Restaurant recognition program to include the following:

- The application process
- Eligibility criteria
- Qualification as a Trans Fat Free Restaurant

Eligibility and qualification shall include thresholds and standards for storing, distributing, serving or using trans fat.

Stakeholders are restaurant operators who voluntarily apply to the Program for special permitting.

The Program shall be administered by the Environmental Health Section of the Department.

These Director's Rules and Regulations shall become effective 30 days after a noticed public hearing.

II. Definitions

- (a) **Department** shall mean the Department of Public Health (DPH).
- (b) **Director** shall mean the Director of the *Department* of Public Health or his/her designee.
- (c) **Food** shall mean any article intended for use for food, drink, confection, or condiment, or any article that is used or integrated for use as a component of any such article.
- (d) **Restaurant** means any retail eating establishment serving food to the general public, including a restaurant, coffee shop, cafeteria, café, luncheonette, sandwich stand, or soda fountain.
- (e) **Qualified Restaurant** shall mean any *restaurant* that has discontinued storing, distributing, serving or using any food, oil, shortening or margarine containing less than 0.5gm per serving of *Trans Fat*.
- (f) **Participating Restaurant** shall mean any *restaurant* that has received *certification* and the official standardized decal of the Program for posting.
- (g) **Trans Fat** or **Artificial Trans Fat** means trans fatty acid, which is produced by partial hydrogenation of vegetable oil. Trans fat, or partially hydrogenated oil, is commonly found in processed foods and used as cooking oil for frying in restaurants. A food shall be deemed to contain artificial trans fat if the food is labeled as, or lists an ingredient, or has vegetable shortening, or margarine, or any kind of partially hydrogenated vegetable oil. *A food whose*

nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food at less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

- (h) **Certification** shall mean written and signed documentation upon inspection by the **Department** that the food facility is a **Qualified Restaurant**.

III. Regulatory Authority

San Francisco Health Code Article 37 Sec. 3704 - Sec. 3705 states that the Director shall implement a Trans Fat Free Restaurant recognition program that would include the following components:

- (1) The Director shall conduct an equal opportunity outreach to encourage all eligible restaurants within the City & County to participate in the Program.
- (2) Qualified Restaurants applying to participate in the Department's Trans Fat Free Restaurant Program shall pay an annual registration fee of \$250 and any related cost for time and materials above the \$250.00.
- (4) Restaurants qualifying for certification shall evidence – through thorough inspection by the Department's Program – that they do not purchase, store, distribute, serve, or use any food, food additives, food ingredients, oil, shortening or margarine containing 0.5gm or greater Trans Fat per serving. They shall maintain on site the original labels for all cooking oils, shortenings or fats that are, when purchased by the qualifying restaurant, required by applicable federal and state law to have labels, and that the products are currently stored, distributed, held for service, used in preparation of any menu item, or served by the qualifying restaurant. If original labels are not required by law then documentation from the manufacturer or distributor indicating the trans fat content in these food items must be maintained at the qualifying restaurant.
- (5) The Department shall provide an official standardized decal to be posted in participating restaurants upon their certification as Trans Fat Free by the Department.
- (7) The Department shall periodically conduct unannounced inspections of participating restaurants to determine compliance with the Program.
- (8) The Director shall periodically post a list of Trans Fat Free Restaurants certified through the Program on the Department's website.

Sec. 3708: Penalties. This Section is designed to protect the public from “intentional false or misleading statements or misrepresentations made by any person applying to the program regarding ... eligibility or qualifications ... or compliance” and provides for administrative penalty as well as revocation of a restaurant's recognition as a Trans Fat Free Restaurant.

IV. Responsibilities of Participating Restaurants

1. Operators of Participating Restaurants shall diligently purchase, store, distribute, serve, or use only foods, food additives, food ingredients and oils with no shortening or margarine containing 0.5gm or greater of Trans Fat per serving.
2. Whenever the Director finds that information in a business's application or any required submission is inaccurate or misleading or a business that has Trans Fat Free Restaurant recognition is violating or has violated the terms of the Trans Fat Free Restaurant Program eligibility or qualifications, the Director has the authority to revoke that restaurant's recognition as a Trans Fat Free Restaurant, which revocation shall be final.

V. The Application Process

1. Operators desiring to participate in the Program shall obtain an application packet from San Francisco Environmental Health's website at www.sfdph.org/eh or in person at the Environmental Health office located at 1390 Market Street, Suite 210 or by request at telephone 415-252-3800. Applicants shall submit the following:
 - a. A completed and signed Trans Fat Free Restaurant Program application form
 - b. A completed checklist of all food products used at the establishment for making menu items, with signature verifying that all products used are trans-fat free (containing less than 0.5gm trans-fat)
 - Applicants who choose to NOT submit a completed checklist will allow the Program Inspector to complete it for them and they will be billed the current Dept. consultation fee.
 - c. A check or money order in the non-refundable amount of \$250.00 payable to SF Environmental Health, with the wording, "Trans Fat Free Restaurant Program," in the memo section
2. Following receipt of the application packet, the Program's Inspector will conduct a verification inspection of the premises based on the checklist submitted.
3. Upon successful verification inspection, the applicant facility will be certified as a Trans Fat Free Restaurant.
4. Certification will be effective for one (1) year from the date of issue. Prior to the expiration date, the Dept. will send the facility a letter to inquire if the Participant wishes to continue in the Program.
 - Continuance of participation in the Program will require steps 1(b) thru 4 above to be repeated.
5. General Public complaints to this Dept. or reasonable doubt regarding a Participating Restaurant's trans-fat free status shall constitute cause for another verification inspection. The inspection costs will be billed to the Participating facility.

VI. Pertinent Documents

1. Trans Fat Free Restaurant Program Checklist
2. Trans Fat Free Restaurant Program Application Form
3. Trans Fat Free Logo / Placard