



Shasta County

DEPARTMENT OF RESOURCE MANAGEMENT
1855 Placer Street, Redding, CA 96001

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TO: ALL FOOD FACILITIES IN SHASTA COUNTY

FROM: FERN HASTINGS, SENIOR R.E.H.S.,
SHASTA COUNTY ENVIRONMENTAL HEALTH DIVISION

DATE: JUNE 5, 2018

SUBJECT: NOTIFICATION OF FEDERAL PROHIBITION FOR SALE OR USE OF
PARTIALLY HYDROGENATED OILS AT FOOD FACILITIES

The Federal Food and Drug Administration (FDA) has made a final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs) are generally recognized as safe (GRAS) for any use in human food. The compliance date for removal of PHOs from retail food sale/use is **June 18, 2018**. The FDA Declaratory order is available at the Shasta County website at the following web address under the category Prohibition of Partially Hydrogenated Oils at Food Facilities:

https://www.co.shasta.ca.us/index/drm_index/eh_index/ehd_programs/food_safety.aspx

As with any Federal requirement, if a State or local law requirement makes compliance with both Federal law and State or local law impossible, or would frustrate Federal objectives, the State or local requirement would be preempted.

The major compliance provisions of the Order:

- A. **Partially Hydrogenated Oils (PHO) are not generally recognized as safe (GRAS) for any use in human food.** The FDA defines 'safe' as: a reasonable certainty in the minds of competent scientists that the substance is not harmful under intended conditions of use (21 CFR 170.3(i)).
- B. The FDA is defining PHOs as those fats and oils that have been hydrogenated, but not to complete or near complete saturation, and with an iodine value (IV) greater than 4.
- C. Any party may seek food additive approval from the FDA for the use of PHOs with data that demonstrates no harm of the proposed use.

D. FDA compliance date of the Order is June 18, 2018

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The Order DOES NOT apply to:

- a. Naturally occurring trans fat (ingredients from ruminant sources)
- b. The use of conjugated linoleic acid (CLA).
- c. Partially hydrogenated methyl ester of rosin.
- d. Fully hydrogenated oils
- e. Edible oils that contain Industrially-Produced Trans Fatty Acids (IP-TFA) as an impurity

Facilities found to be selling or using PHOs in their facility after the compliance date will be notified on their inspection report to remove the product from use/sale in the facility. Formal enforcement action may be deferred pending further guidance from FDA regarding variances and other compliance issues. The FDA is expected to issue guidance for compliance and enforcement regarding this issue in the near future. As this information becomes more available, this notification will be updated on the Shasta County Environmental Health Division web page at the same web address listed above.

For more information:

Outreach and Information Center

1-888-SAFEFOOD

1-888-723-3366

10 AM- 4 PM EST Closed Thurs and 12:30PM - 1:30PM EST

Submit inquiries to: <https://cfsan.secure.force.com/Inquiry>

Shasta County Environmental Health Division

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