

ENFORCEMENT CHECKLIST FOR TRANS FAT ELIMINATION POLICIES

DEVELOPMENT PHASE

☐ Step 1: Analyze regulatory authority to enforce *trans*-fatty acid (TFA) policy

Guiding Questions:

- Which government agency has the power to enforce TFA regulations? _____
- What other agencies share responsibilities for enforcement? _____

- Where in existing administrative structure can implementation and enforcement of TFA policy be integrated?

- List all government authorities concerned with food control activities in the country and describe the enforcement system highlighting the strengths, weaknesses, and opportunities, including an overview of the resources, responsibilities, functions and coordination between the entities.

Government Authority	Strengths	Weaknesses	Opportunities
1.			
2.			
3.			

☐ Step 2: Inventory available enforcement resources

Human Resources

- ☐ List number of inspection personnel _____
- ☐ State ratio of food inspectors to the population served/food service establishments _____
- ☐ Complete table of human resources and training requirements:

Category of Food Safety Personnel	Career Structure (Grade, Licensure, etc.)	Qualifications
1.		
2.		
3.		

Financial Resources

- ☐ State current budget (_____) and proposed budget (_____) for enforcement activities (in actual money amount) and budgetary mechanism to obtain monies _____
- ☐ Ability to pay employees/work force per diem for inspections that require travel? (check if 'yes')
- ☐ List cost to buy equipment to test for TFA _____

Supply and Equipment-Related Resources

- ☐ List number of facilities and equipment available to support food analysis _____
- ☐ Complete table of official food control laboratories (including public health laboratories), including the type of analyses performed/conducted, procedures and methods used

Lab Type	Available Analyses	Procedures	Methods Used
1.			
2.			
3.			

- ☐ Complete table on inspection agency resources, including an assessment of strengths and weaknesses in food inspection services:

Inspection Agency	Resources Available	Strengths	Weaknesses
1.			
2.			
3.			

- ☐ Reports on activities conducted by food inspectors: samples collected for testing, results obtained, corrective actions taken (check if information available)
- ☐ Existence of a quality assurance program (check if 'yes')
- ☐ List quantity/estimates of oil refining/processing facilities in the country _____
- ☐ State number of those facilities with partial hydrogenation abilities _____
- ☐ State number of vehicles for transportation needs during assessments _____

Other

- ☐ Answer the following if possible on food imports and exports: quantity and value of food imports and exports; data on detentions or rejections of food exported; mechanisms for collecting information on food exports rejected by foreign buyers; mechanism for monitoring food imports; main food safety and quality problems encountered with the country's imports and exports

- ☐ List existing research on TFA presence in food supply

- ☐ State non-governmental and private sector resources available to aid in enforcement activities (labs, grants, trainings, personnel, etc.)

- ☐ **Step 3: Design an appropriate inspection strategy to assess compliance**

- Laboratory testing
- Label analysis
- Facility investigation
- Review documents and records

If TFA restriction, consider either laboratory testing (ideal practice if capacity exists) OR label analysis if mandatory labelling of TFA per serving (or other quantity) is reliable and accurate

If PHO ban, consider either label analysis if ingredients lists on pre-packaged foods are reliable and accurate OR facility investigation, especially where plants with partial hydrogenation facilities are easily identifiable and monitorable.

Launch Phase

☐ Step 4: Set a clear timeline for implementation

Strategies

- Ensure that the timeline is set so that the regulations are fully implemented for all products prior to the 2023 deadline
- Design rollout period not to exceed 18 months, providing plenty of time for stakeholders to comply

☐ Step 5: Inform stakeholders about the legal requirements

Strategies

- Provide opportunities for stakeholders to review and comment on draft laws and/or regulations prior to enactment. There should be clear rules to ensure transparency and otherwise reduce industry interference in the policymaking process
- Publish and distribute the final legal requirements widely
- Provide detailed, tailored guidance about the legal obligations to all affected stakeholders
- Suggest techniques to help buyers conduct due diligence of their suppliers
- Train inspectors and other officials
- Enlist media and civil society to help mobilize public support for the law, and industry compliance with the law
- Provide advance notice about enforcement as the deadline for compliance approaches
- Notify offenders of non-compliance and take appropriate regulatory action (e.g., fines, closure if warranted).

☐ **Step 6: Mobilize resources for enforcement activities**

Strategies

- Allocate a sustainable budget for implementation and enforcement activities
- Incorporate TFA enforcement into existing systems
- Consider charging businesses for inspections, if feasible
- Apply financial sanctions to fund enforcement

Implementation Phase

☐ **Step 7: Monitor legal compliance across the supply chain and identify violators**

Strategies

- Identify the most critical control points:
 - Monitoring at the border
 - Licensing of food business operators
 - Inspecting oil refineries

- Establish monitoring procedures that target critical control points

- Include TFA checks with general health and safety inspections
- Share monitoring responsibility across agencies
- Focus monitoring on 'bad actors'
- Institute effective record keeping and documentation of violations
- Create and track indicators of enforcement activities and compliance results
- Design testing protocols with the proper technical expertise
- Establish a complaint line

☐ **Step 8: Hold violators accountable through legal systems**

Strategies

- Define the offense under TFA law

- Set the penalty proportionate to the offense committed

- Enforce provisions through the appropriate legal system

☐ **Step 9: Share enforcement results with policymakers and the public**

Strategies

- Use the media to shame violators
- Publish enforcement reports
- Ensure transparency
- Encourage inter-governmental cooperation
- Include civil society