RI Department of Health
Three Capitol Hill
Providence, RI 02908-5097

TTY: 771
www.health.ri.gov

February 8, 2024

The Honorable Susan R. Donovan, Chair
House Committee on Health and Human Services
State House
82 Smith St.
Providence, RI 02903

RE: H 7441 – An Act Relating to Food and Drugs – Milk Sanitation Code – Sanitation in Food Establishments

Dear Chair Donovan:

Please accept this letter of strong opposition to H 7441, legislation that would permit and legalize the sale of raw milk and add pickles and relish to those foods that are permitted to be manufactured and sold as a farm-home food product. Farm-home food products are made in what is called a cottage-food operation, and it is defined as a person who produces food products only in the home kitchen of that person's primary domestic residence and only for sale directly to a consumer. The act would take effect upon passage.

Concerning the provisions of H 7441 that would permit and legalize the sale of raw milk, the Rhode Island Department of Health (RIDOH) is strongly opposed due to clear science which demonstrates that permitting the sale of raw milk will result in increased serious illnesses, long-term disabilities, increased healthcare costs, and death, especially among children.

Under current law, all milk sold in Rhode Island must be pasteurized, the only exception being one in Section 21-2-2 (8) of the General Statutes that states, "a physician may authorize an individual sale of goat milk directly from producer to consumer by written, signed prescription."

The Centers for Disease Control and Prevention (CDC) states, "Raw milk can carry harmful germs that can make you very sick or kill you… Many people who chose raw milk thinking they would improve their health instead found themselves (or their loved ones) sick in a hospital for several weeks fighting for their lives from infections caused by germs in raw milk. For example, a person can develop severe or even life-threatening diseases, such as Guillain-Barré syndrome, which can cause paralysis, and hemolytic uremic syndrome, which can result in kidney failure and stroke..."

The Food and Drug Administration (FDA) states "raw, unpasteurized milk can carry dangerous bacteria such as Salmonella, E. Coli, and Listeria, which are responsible for causing numerous food-borne illnesses." FDA further states that pregnant women run a serious risk of becoming ill from the listeria bacteria which can cause miscarriage, fetal death, or serious illness or death of

a newborn. FDA also states, "There is no meaningful nutritional difference between pasteurized and raw milk." and "Raw milk should not be consumed by anyone, at any time, for any reason."

A study published in October 2022 in *Epidemiology and Infection* links outbreaks related to unpasteurized milk and changes in State law. Compared with jurisdictions where retail sales were prohibited, those where sales were expressly allowed were estimated to have a 3.2 times greater number of outbreaks. This study supports the findings of previously published reports indicating that State laws resulting in increased availability of unpasteurized milk are associated with more outbreak-associated illnesses and outbreaks. Outbreaks linked to unpasteurized milk in this analysis disproportionately affected younger people, with more than half of illnesses occurring in people ages 19 or younger. Children are at greater risk for severe infection and might not make dietary decisions for themselves. (https://www.cdc.gov/foodsafety/rawmilk/rawmilk-outbreaks.html) This study supports the findings of an earlier study that showed that a substantial proportion of the raw milk-associated disease burden falls on children. In that study, 59% of the outbreaks involved at least one child younger than five.

The legal status of non-pasteurized milk sales in one state can lead to outbreaks in neighboring states. Last year, RIDOH interviewed a Rhode Island resident who tested positive for Campylobacter on January 11, 2023. This individual reported regularly drinking unpasteurized milk from a local farm in Connecticut where the sale of unpasteurized milk is legal.. The ill individual reported drinking the milk in the week prior to illness (symptom onset was January 3, 2023).

In February 2021, Maine and New Hampshire public health officials identified multiple cases of campylobacteriosis in residents of both states, including 30 cases of campylobacteriosis among Maine residents. At least two Maine residents were hospitalized. Individuals had reported recent purchases of unpasteurized/raw milk from a New Hampshire farm.

In November 2023, nine cases of salmonella were linked to raw milk and milk products from a producer in Fresno, California. Three of the infected individuals were children, and all reported consuming the raw milk products before falling ill.

In October 2023, 14 cases of campylobacteriosis were reported in Salt Lake County, Utah, with 12 of those infected confirming they had consumed raw milk. Health officials suspect the source of the outbreak was unpasteurized milk obtained from a farm share program.

In September 2023, eight cases of cryptosporidiosis and one case of E. coli O111:H8 were linked to raw milk from a farm in Hillman, Minnesota. The illnesses affected people of all ages, including four children younger than 10—one of which required hospitalization.

Another emerging threat associated with raw milk is antibiotic-resistant Human Brucella. Brucellosis, caused by *Brucella* spp., is primarily an animal disease; however, exposure to infected animals or raw milk products can cause human disease. In humans, brucellosis is characterized by nonspecific symptoms, including fever, arthralgia, myalgia, and sweats; miscarriage and other sequelae can occur. (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6385706/).

In late October 2018, a New York resident became ill after drinking raw milk originating from a farm in Pennsylvania. The CDC confirmed the illness was due to Brucella abortus RB51, a live attenuated strain of Brucella used in veterinary vaccines. Human Brucella abortus RB51

infections are undetectable by routine diagnostics and resistant to a first-line antibiotic used to treat human brucellosis.

In early 2017, CDC, Vermont Department of Health, other state public health agencies, and the FDA investigated a multistate outbreak of Listeria monocytogenes infections. Eight people infected with the outbreak strain of Listeria were reported from four states. All eight people were hospitalized, and two people died; one was a Vermonter. One illness was reported in a newborn. Cases were traced to a common source of raw milk cheese from one creamery in New York, which has permanently closed as a result of the outbreak.

The belief that clean milking equipment and animal udders make raw milk safe to consume is false. Bacteria found naturally in the environment that cause mastitis in cow udders can spread the pathogens to the milk. Listeria monocytogenes bacteria can cause mastitis in cows; and even asymptomatic cows can shed the bacteria into their milk. In addition, toxins produced by certain strains of Staphylococcus aureus, particularly the one that causes toxic shock syndrome, have been detected in milk from cows who have mastitis.

Prior to widespread pasteurization in 1938, milk products accounted for 25% of all reported foodborne outbreaks. Today, milk products account for less than 1% of outbreaks. This significant reduction is a direct result of the protection provided by pasteurization. It is an accepted fact that eating raw chicken can cause serious illness and death. The same is true for raw milk.

Raw milk contains bacteria, both beneficial and harmful. Other foods also contain beneficial bacteria without the risk associated with consuming raw milk. Regarding lactose intolerance, studies do not support the widespread claim that raw milk confers benefits in reducing the discomfort of lactose intolerance (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3948760/).

Due to the proven and known risks of serious illness and death from raw milk, considered in tandem with no proven nutritional benefit of raw milk, pasteurization is supported and endorsed by numerous regulatory, professional, and consumer organizations, including, but not limited to CDC, FDA, US Department of Agriculture (USDA), National Association of State Departments of Agriculture (NASDA), Association of Food and Drug Officials (AFDO), National Environmental Health Association (NEHA), American Medical Association (AMA), American Academy of Pediatrics (AAP), American Academy of Family Practitioners (AAFP), American Veterinary Medical Association (AVMA), National Conference for Interstate Milk Shipments, Center for Science in the Public Interest (CSPI), Public Citizen, and World Health Organization (WHO).

RIDOH supports efforts to promote local food production and healthy eating through its participation in the Food Policy Advisory Council and other efforts. The increased threat of disease outbreaks from raw milk will threaten the livelihood of Rhode Island's agriculture industry and the reputation of the *Rhody Fresh* program that seeks to promote the safety and quality of buying from Rhode Island farmers.

Regarding the provisions related to pickles and relish in H 7441, RIGL 21-27-6.1 (http://webserver.rilegislature.gov//Statutes/TITLE21/21-27/21-27-6.1.htm) requires farm-home food manufacture to be *limited to the production of non-potentially hazardous food and foods that do not require refrigeration including jams, jellies, preserves, and acid foods, such as vinegars, that are prepared using fruits, vegetables, and/or herbs that have been grown locally; double crust pies that are made with fruit grown locally; yeast breads; maple syrup from the sap*

of trees on the farm or of trees within a 20-mile radius of the farm; candies and fudges; and dried herbs and spices."

Foods prepared in a residence or home kitchen are a common source of foodborne illness. Data from the National Outbreak Reporting System show that there were 1,225 reported foodborne illness outbreaks, 22,893 illnesses, 2,737 hospitalizations, and 89 deaths attributed to food prepared in private homes and residences from 2008–2018 (CDC, 2018). NEHA suggests that states should prohibit the sale of home-canned foods from a home kitchen due to the high-risk nature of the product. FDA suggests that licensed food establishments that prepare high risk products that require special processes and refrigeration receive two to four scheduled inspections annually depending on the menu. Home kitchens do not receive these inspections. Limiting home food or farm home food operations to low-risk items can reduce the risk and protect public health.

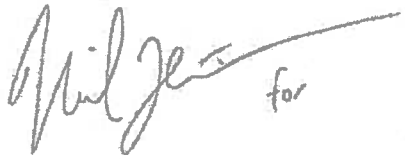
A potentially hazardous food is a food that requires temperature control for safety to limit pathogenic microorganism growth or toxin formation. In its *Regulatory Guidance for Best Practices for Cottage Foods* document published in April 2012, the Association of Food and Drug Officials (AFDO) states that a cottage food operation should not be allowed to produce food items which require temperature control for safety or other food items that present food-safety risk such as acidified foods, low-acid canned foods, garlic in oil, and fresh fruit or vegetable juices. AFDO's list of products that should not be produced at a cottage food operation includes, but is not limited to, *canned, pickled products such as corn relish, pickles, and sauerkraut.*
See http://www.afdo.org/Resources/Documents/pubs/Cottage_Foods_013.pdf

If the high-risk food processing required to make farm-home pickles and relishes safe for human consumption is not followed correctly, food poisoning may result. The pathogen of concern is clostridium botulinum, or botulism. Botulism is a foodborne illness, and its symptoms appear within 12 to 72 hours of consuming contaminated products. Symptoms can include nausea; vomiting; weakness; dizziness; blurred vision and double vision; and difficulty swallowing, speaking, and breathing. Botulism is potentially fatal and can result in permanent nerve damage. Food can contain the toxin without showing any signs of contamination, and improperly home-canned vegetables remain the leading cause. If enacted, H 7441 is likely to increase the risk of botulism in Rhode Island which, in turn, may lead to increased morbidity and mortality.

Agriculture is one of Rhode Island's most significant industries, with an annual economic impact of about $58 million. Ninety-five percent of Rhode Island's farms are family farms, and 31% of Rhode Island's farmers are new and beginning farmers. Rhode Island should continue to focus its efforts on ensuring that Rhode Island's small farms and cottage-food industries are supported so that they can continue to produce healthy and safe food products.

The passage of this bill would contradict RIDOH's core mission of protecting the public's health and safety. Therefore, RIDOH respectfully and strongly opposes the passage of this bill. Thank you for your consideration of this important matter.

Sincerely,



Utpala Bandy, MD, MPH
Interim Director

CC: The Honorable Members of the House Committee on Health and Human Services
The Honorable David J. Place
Nicole McCarty, Chief Legal Counsel
Lynne Urbani, Director of House Policy