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February 25, 2025

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

RE: H 5354 – An Act Relating to Food and Drugs – Milk Sanitation Code – Sanitation in Food Establishments (Adds pickles and relish to foods not requiring refrigeration, the sale of raw milk and the taking of mushrooms for personal use.)

Dear Chair Donovan:

Please accept this letter of strong opposition to H 5354, 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 5354 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."

In January 2025, the Connecticut Department of Agricultural issued a “stop sale” and recall on raw milk from Nature View Dairy because of two cases of illness tied to the dairy’s unpasteurized milk were confirmed as *Campylobacter*. In July and August 2024, Idaho investigated a *Campylobacter* outbreak associated with raw milk that made 18 people ill.

In 2024, a *Salmonella* outbreak affected at least 165 individuals across multiple states. The outbreak was traced back to raw milk products from Raw Farm LLC, formerly known as Organic Pastures, based in Fresno, California. This incident marked one of the largest raw milk-associated outbreaks in the past decade. According to *Food Safety News*, 40% of the illnesses were in children age five or younger (Beach, 2024).

In early 2024, three people in Washington State were infected with a strain of *E. coli* after consuming raw milk from Cozy Vale Creamery in Tenino, Washington. Both individuals were diagnosed with a *Shiga toxin-producing E. coli* (STEC) infection, which can lead to severe illness, including hemolytic uremic syndrome (HUS), a life-threatening complication.

In November 2024, Raw Farm LLC in California faced a health scare when bird flu (H5N1) was detected in a batch of raw milk. Although no illnesses were reported in connection with this milk, the discovery of the avian influenza virus prompted immediate recalls and a temporary halt in milk sales. Bird flu, a disease primarily associated with poultry, is a serious concern for public health, and its detection in milk raised alarms. Raw milk’s vulnerability to contamination by various pathogens, including viruses like H5N1, emphasizes the risks of consuming unpasteurized dairy products. While pasteurization effectively eliminates most harmful microorganisms, including viruses and bacteria, raw milk lacks this safety measure, leaving consumers at risk of contracting a variety of diseases. Public health officials urged consumers to avoid raw milk to reduce the risk of exposure to potentially dangerous pathogens such as H5N1, which can cause severe respiratory illness in humans.

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 age 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 becoming 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 5354, 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 1,391 reported foodborne illness outbreaks, 26,872 illnesses, 3,746 hospitalizations, and 103 deaths attributed to food prepared in private homes and residences from 2009-2023 (CDC, 2025). 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.

Botulinum poses serious health risks, as evidenced by 77 foodborne outbreaks reported to the CDC from 1998 to 2023 (NORS, 2024). A staggering 75% of these outbreaks occurred in private homes or residences, highlighting the significant danger of improper food handling and preparation. Of these outbreaks, 23% of them resulted in deaths. There were 276 illnesses and 220 hospitalizations amongst these outbreaks. This underscores the critical importance of proper food safety practices to prevent exposure to this deadly toxin. Examples of these outbreaks include:

- In September 2024, a botulism outbreak in France was linked to a locally produced canned pesto sauce. Five individuals who consumed the pesto were hospitalized and placed on respirators. Authorities identified the pesto as the source and issued a recall, urging consumers to destroy any purchased jars (Ministry of Agriculture and Food Sovereignty, 2024).
- In June 2024, a botulism outbreak in California was traced to homemade cactus salad served at family gatherings. Ten individuals were hospitalized. The salad was prepared using home-canned cactus pads (Redwine, 2024).
- In Russia, a significant botulism outbreak in June 2024 affected at least 369 people, resulting in one death and numerous hospitalizations. The outbreak was associated with ready-to-eat salads containing canned beans, prompting nationwide recalls (Associated Press, 2024).
- In September 2023, a severe outbreak of botulism with 15 cases was linked to canned sardines at a restaurant in Bordeaux, France, during the Rugby World Cup. The cases were from seven different countries and one death occurred (Meurice et al., 2023).
- In 2015, in Fairfield County, Ohio, the largest botulism outbreak in the US in 40 years resulted in 29 illnesses and one death. The source was traced to improperly home-canned potatoes used in a church potluck potato salad (McCarty et al., 2015).
- In July 2015, pickles and sauce products were recalled when routine sampling activities discovered a pH high enough to allow the growth of *Clostridium botulinum*.
- On July 30, 2014, the California Department of Public Health warned consumers not to eat VR Green Farms jarred food products because of two cases of botulism in Ohio that were linked to the firm's Pine Nut Basil Pesto. The company recalled a variety of jarred food products sold at the VR Green Farms stand located in San Clemente, California and sold via the internet to consumers throughout the United States.

In addition to the increase in morbidity and mortality, there is also a significant financial burden to the food business. Bartsh et al. (2018) estimated that the cost of a foodborne illness outbreak could vary greatly depending on the type of food business and the size of the outbreak. Costs could range from \$3,968 to \$1.9 million for smaller outbreaks, and up to \$8,273 to \$2.6 million for larger ones. These costs depend on factors like the number of people affected (from 5 to 250); severity of illness; loss of revenue; and expenses for lawsuits, legal fees, and fines. Such costs would be especially damaging for a small cottage food business.

If enacted, H 5354 is likely to increase the risk of botulism and other foodborne pathogens 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,



Jerome M. Larkin, MD
Director

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