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TTY: 771
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February 8, 2023

The Honorable Carol Hagan McEntee
Chairwoman
House Committee on Small Business
State House
82 Smith St.
Providence, RI 02903

RE: H 5301 – An Act Relating to Food and Drugs – Sanitation in Food Establishments

Dear Chairwoman McEntee:

I am writing regarding H 5301, legislation which would add pickles and relish to those foods which 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.

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.*"

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 5313 is likely to increase the risk of botulism in Rhode Island which, in turn, may lead to increased morbidity and mortality and lawsuits against cottage-food operators and their businesses. Insurance companies are not likely to insure such high-risk food processing operations, leaving the cottage-food operations owner at risk for losing his or her home and other assets.

Agriculture is one of Rhode Island's most significant industries, with an annual economic impact of about \$58 million. Ninety-five percent (95%) of Rhode Island's farms are family farms. Thirty-one percent (31%) of Rhode Island's farmers are new and beginning farmers. Clearly, 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.

Sincerely,



Utpala Bandy, MD, MPH
Interim Director

CC: The Honorable Members of the House Committee on Small Business
The Honorable David J. Place
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy