



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

TTY: 771
www.health.ri.gov

March 30, 2026

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

RE: H 7742 – An Act Relating to Food and Drugs — Sanitation in Food Establishments

Dear Chair Donovan:

Please accept this letter of opposition to H 7742, legislation that would add pickles and relish to those foods not requiring refrigeration 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. The act would take effect upon passage.

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 (NORS) 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). The National Environmental Health Association (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*, the organism that causes 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, and it prompted nationwide recalls (Associated Press, 2024).
- In September 2023, a severe outbreak of botulism (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 potato salad that was served at a church potluck dinner (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 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 7742 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,

A handwritten signature in blue ink, appearing to read "Jerome M. Larkin, MD" followed by "for". The signature is fluid and cursive.

Jerome M. Larkin, MD
Director

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