



**Nicole Alexander-Scott, MD, MPH**  
**Director**

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

TTY: 711  
[www.health.ri.gov](http://www.health.ri.gov)

March 8, 2021

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

RE: H 5758 - AN ACT FOOD AND DRUGS -- SANITATION IN FOOD  
ESTABLISHMENTS -- HOME FOOD MANUFACTURE ACT

Dear Chairwoman McEntee:

I am writing with concerns about H 5758, legislation which would amend the current law that allows farmers to sell produce directly to consumers by directing the Rhode Island Department of Health (RIDOH) to permit home food manufacture and sales directly to consumers, provided the standards for kitchens in Rhode Island's minimum housing standard laws and housing maintenance and occupancy codes are met in addition to a specified list of requirements and standards.

Specifically, H 5758 would allow residential kitchens to operate under the *Farm Home Food Manufacture of Rhode Island* General Laws (RIGL) 21-27-6 and produce low-risk products from items that are grown locally. Although many states have allowed limited production of low-risk foods in home kitchens, there are many food safety and economic considerations.

Residential kitchens do not meet the minimum requirements of a food establishment. Unlike food establishments, a residential kitchen is not required to have a public water system; commercial refrigeration and other equipment; or separate facilities free from pets and home food preparation activities. To a large extent, they are unregulated and not inspected by the regulatory agency. The main concerns with allowing food production in residential kitchens are:

- Contamination of product by ill members of the household who may also be using the kitchen;
- Cross contamination from raw animal foods being stored or prepared in the same kitchen;
- Lack of allergen control when utensils, cutting boards, and equipment are used for multiple foods for the business and for home meal preparation;
- Potential water quality concerns for private water systems that do not have the same requirement for separation of the well and septic system;
- Lack of a dedicated sink to ensure handwashing;

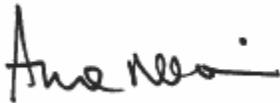
- Lack of a three-compartment sink to properly wash, rinse, and sanitize dishes, utensils, and equipment;
- Household pets that could spread disease such as toxoplasmosis associated with cats and salmonella associated with reptiles; and
- Barriers to regulator's ability to investigate food-related illnesses in a private home setting to identify the cause of an outbreak.

This bill would also use an identifier instead of a physical location on the label to protect the privacy of the food processor. This contradicts federal labeling laws. Currently, a physical location is required for traceback if there is an illness, allergic reaction, or other incident associated with the product. Other labeling requirements include ingredient, allergen, and nutrition information.

Household refrigerators are not designed to cool and hold large quantities of food. Most are unable to maintain the required temperature of 41° F. The enactment of H 5758 could increase the public's risk of foodborne illnesses.

It is for these reasons that RIDOH has serious concerns with the proposed legislation as written. However, RIDOH welcomes an opportunity to meet with the sponsors and industry partners to discuss RIDOH's concerns to see if safer alternatives can be identified.

Sincerely,



for

Nicole Alexander-Scott, MD, MPH  
Director  
Rhode Island Department of Health

CC: The Honorable Members of the House Committee on Small Business  
Nicole McCarty, Esquire, Chief Legal counsel to the Speaker of the House