

# Department of Consumer Protection

Testimony to Public Health Committee, March 1, 2010

In opposition to

HB-5287 "AN ACT ALLOWING THE PRODUCTION AND SALE OF ACIDIFIED FOOD PRODUCTS ON RESIDENTIAL FARMS"

Frank Greene, Director, Food & Standards Division

Senator Harris, Representative Ritter, Senator DeBicella, Representative Giegler and Honorable members of the Public Health Committee, I am Frank Greene, Director of the Department of Consumer Protection's Food & Standards Division. Thank you for the opportunity to submit testimony in opposition to Raised House Bill 5287.

As was the case with a similar proposal last session, the Department understands and applauds efforts to assist Connecticut's farmers. Our opposition to this bill arises not from the good intentions of the proponents, but solely from our strongly held belief that carving out the proposed exemptions will lead to increased cases of sickness and even death of the consuming public.

To many people, there may appear to be little difference between allowing the production of jams and jellies in home kitchens, and the production of other jarred foods such as pickles, salsa and the like. But the difference is profound. The current exemption for jams and jellies is limited to fruit grown and produced on the farm, and critically important is that fruit is **naturally** acidic and it is acid that inhibits bacterial growth. Jams and jellies by statute must also be produced with sugar, which acts in a manner similar to salt as a preservative and also works to inhibit bacterial growth. Jams and jellies made with fruit have never shown themselves to pose a significant risk for food borne illness whereas other food items such as vegetables, that aren't naturally acidic, do pose a serious risk even when acidified.

Consequently, the bill as written generates a number of concerns. There is a very real risk for disease and death by the inclusion in this bill of products (vegetables) and processes (acidification) that have been shown to be repeatedly implicated in cases of botulism. According to the Center for Disease Control the primary risk for botulism is home canned foods. Botulism is a horrible disease which when untreated has a high mortality rate, with death caused by respiratory failure. Even for those surviving, patients with severe botulism may require a respirator and other medical assistance, as well as intensive medical and nursing care for several months. There are also long term implications for patients who survive an episode of botulism poisoning. They may have fatigue and shortness of breath for years and long-term therapy may be needed to aid recovery. In short, this is a very serious disease.

Production of food as contemplated by this legislation also makes one consider the risks for other food borne diseases. For instance, even when a home operator may strive for good sanitation, there is always a concern regarding the presence of a sick child, hand sanitation following the handling of soiled diapers, and the presence of the family pet. These issues cannot always be controlled and represent an increased risk of food borne illness.

Second, home processors cannot usually meet all the requirements of food safety regulations; and thus this bill seeks exemption from inspection and licensing of certain residential kitchens. It should be noted that neither DCP's nor DPH's regulations are designed to frustrate home processors. The formation of these regulations is quite literally constructed upon real-life experiences and tragedies regarding foodborne illnesses and outbreaks. The creation of a special exemption, particularly for the foods proposed, creates a loophole in the food safety system which is designed to protect the consuming public from undue risk.

Additionally, customary residential equipment such as ovens and refrigerators found in home kitchens is not designed or manufactured to produce, cool and hold large volumes of prepared foods. The lack of commercial equipment creates an added contributing risk factor to foodborne illness.

The Department recognizes that certain individuals want to produce jarred and canned products and while charged with enforcing food safety laws we also currently do our best to assist the operator in producing a safe food product. We have demonstrated our commitment to this by working with entrepreneurs who want to engage in food processing by guiding them to educational resources in our State and surrounding State Extension Services, as well as to directing them to acceptable venues where commercial kitchens are already located; including churches, restaurants or service organizations. We are currently working with three organizations to establish a cooperative kitchen in the State where processors can produce products under inspection and sanitary control. These are the real and safe options for those operators who want to engage in this type of food production.

For these reasons, the Department is opposed to HB-5287, and respectfully asks the Public Health Committee to oppose the bill.

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