



Testimony of University of Maine Cooperative Extension, Presented by
Extension Food Science Specialist Beth Calder, To Inform
LD 1823, *An Act to Respect and Protect the Right to Food*, May 10, 2023

Senator Ingwersen, Representative Plueker and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Beth Calder and I am a Food Science Specialist for University of Maine Cooperative Extension, offering testimony today for your consideration of LD 1823 and similar proposals. I want to recognize my Extension colleagues with relevant expertise, Robson Machado, Extension Food Science Specialist, and Jason Bolton, Extension Associate Dean, have also provided input and together we have concerns, which include:

- **Decreased consumer confidence in safety of Maine food products**
- **Potential increase in unsafe foods**
- **Lack of food safety oversight and food safety education**
- **Vague language needs to be clarified**

UMaine Cooperative Extension believes that Mainers should have a right to food, while increasing access to minimize food insecurity. We provide education and other technical assistance services statewide to support those activities, including our popular Recipe to Market course, sanitation course, and Food Testing Services. However, we have seen numerous examples in which well-intentioned people have unknowingly produced unsafe food products that can affect public health.

- **Decreased consumer confidence in safety of Maine food products**

Foods produced in Maine are associated with being high quality and safe, and food entrepreneurs and businesses in Maine have worked tirelessly to maintain these virtues, which can be attributed partly to the success of the Maine Department of Agriculture, Conservation and Forestry (DACF) inspection program and UMaine Cooperative Extension educational, testing, and research programs. A foodborne illness outbreak can be devastating not only to the food business owner, but can affect similar products, the entire Maine food system, and could cause a decrease in consumer confidence in Maine locally produced foods. Foodborne illnesses are extremely costly to the food industry, as quoted by the CDC: *“Foodborne illness is common, costly, and **preventable**. CDC estimates that each year 1 in 6 Americans get sick from contaminated food or beverages and 3,000 die from foodborne illness. The U.S. Department of Agriculture (USDA) estimates that foodborne illnesses cost the United States more than \$15.6 billion each year.”* (CDC and Food Safety).

- **Potential increase in production of unsafe foods**

Farmers and entrepreneurs in Maine are becoming more creative and seeking new ways to produce and preserve foods. As the Director of the UMaine Food Testing Services, I field many of these questions from Mainers wanting to preserve/produce their products safely. When creating new products, Maine people may unknowingly produce potentially harmful foods that could contain high levels of bacteria and/or toxins. Some examples of potentially harmful, high-risk foods include improperly produced canned foods, adding toxic plant ingredients, lack of proper food handling practices, producing foods in unsanitary conditions, and/or not cooking, refrigerating, or freezing foods adequately. If continued deregulation of our food system occurs, more of these products will be consumed by Maine citizens. Without oversight from consumer food inspection, this possible increase in unsafe, high-risk



foods may negatively impact public health. Foodborne illnesses can range from mild illness (flu-like symptoms), to more serious prolonged hospitalizations, and/or death.

- **Lack of food safety oversight and food safety education**

We are fortunate in Maine that many food products can be produced under a home food license, with a very reasonable licensing fee of \$20. Other states do not even allow products to be produced in a home kitchen. If a food producer wants to scale-up to a commercial food processor's license, which can be created within the home of the business owner, it is only \$50 from the Maine DACF. As Extension Specialists, we work closely with our Consumer Protection Inspectors, as they support food business owners by visiting their kitchens and observing their processes. They educate and assist food producers with proper food safety and sanitation practices to ensure safe food production. Without this contact with inspectors, and since most food producers are not educated on safe food practices, they may unknowingly produce unsafe foods. It is a requirement by the Food and Drug Administration (FDA) and the Maine Department of Agriculture, Conservation and Forestry (DACF) that *all* food producers *must* follow Good Manufacturing Practices (Current Good Manufacturing Practices). Food producers that are not inspected may not know about the FDA's required food allergen labeling law (Guidance for Industry in Regards to Food Allergen Labeling) and may not adequately inform consumers of potential allergens in their foods. Undeclared allergens are the leading cause of food recalls (Increase in Food Recalls). **Deregulation of Maine food production will remove current food safety checks that inspection provides to protect consumer public health from unsafe food products.** Not requiring Maine DACF licensing and inspection of food production may increase public health risk to Mainers and our valuable tourist industry.

- **Vague language needs to be clarified**

The food bills LD 725 (the previous Food Sovereignty bill) and LD 1823 (this proposed bill) are vague and confusing for food producers, consumers, regulators, and those of us who educate and assist new food producers. We suggest the terms of LD 1823, and any new food bills moving forward, be more clearly defined. It should delineate where unregulated/unlicensed food products can be sold within food sovereign towns (does it pertain to Facebook Marketplace, and local farmers markets in food sovereign towns only). The language should include that no products can be sold outside food sovereign jurisdictions where they are produced, and online (internet) sales are prohibited, as most foods sold across Maine's lines would fall under the U.S. Food and Drug Administration's (FDA) jurisdiction and producers must follow their rules and regulations. Clear definitions will assist regulatory agencies in determining when unlicensed, unregulated food producers must comply with and follow state regulations. Of special concern are some of the definitions under LD 1823, Sec. 6. 7 MRSA §282. Definitions. By removing the face-to-face transaction requirement (1.) and adding the vague mutually agreed-to terms language, the bill would allow any food to be sold under any circumstances. The addition of the definition of Traditional Foodways (4.) makes it even easier for any food to be sold under any arrangement. These changes open the gates for the complete deregulation of all food commerce in the jurisdictions under the Food Sovereignty Act. We view this as a step back that can potentially put the lives of Mainers at risk and possibly undermine the Maine brand and food businesses that already are licensed and inspected to ensure they are producing safe foods. **If consumers would like to purchase unlicensed, unregulated food products, they should be properly informed. We feel the transaction should only take place at the site of production so consumers can make more informed decisions about the cleanliness and practices of that food producer.**



In summary, we are fortunate in Maine to have a vibrant food economy and a safe, local food supply, which can be attributed to our state regulatory agencies, and partners like UMaine Cooperative Extension, providing the necessary education and support for our Maine food producers. We strongly urge the Committee to take seriously the potential food safety risks that could threaten Maine public health if food production and sales are further deregulated in Maine. Please know that UMaine Cooperative Extension stands as a ready resource for those looking to start or grow food-based businesses in the state, as well as to policymakers seeking to reduce barriers while upholding standards of consumer safety. Thank you for considering this important information, and please let me know if there is any additional information I can provide in advance of your work session.