

May 10, 2023

Testimony **Against** LD 1823, An Act to Respect and Protect the Right to Food

Dear Senator Ingwersen, Representative Pluecker and Members of the Joint Standing Committee on Agriculture, Conservation and Forestry,

Thank you for the opportunity to submit testimony on LD 1823, An Act to Respect and Protect the Right to Food. I'm a small business owner and resident of Augusta, and will focus my testimony on some food safety aspects of the bill.

As a small food producer who has had both a commercial kitchen license and home kitchen license, I'm deeply concerned about expanding the current Maine Food Sovereignty Act, specifically on page 2, lines 1-4, and the effect it would have on food safety. My understanding is that this would allow unlicensed food producers to sell their products at farmers markets, and possibly fairs and other events instead of just at their production site.

Also of concern is page 3, lines 39-42 onto page 4, lines 1-3. Perhaps I'm jumping to conclusions, but it sounds like someone with no knowledge of food safety, who lives in a municipality with a local food ordinance, can produce a product in their home kitchen or other production site without a license, and then the State can't enforce or interfere in any way, even if the State knows something is contaminated or likely will cause foodborne illness. I advocate *not* passing these specific lines, and realize that page 3, lines 35-37 of current statute could lead to a similar outcome.

Food licenses exist for a reason. It's not difficult to acquire a commercial or home kitchen license, and they're reasonably priced at \$50 and \$20. Food producers whose products are deemed "potentially hazardous foods," which are perishable and need to be refrigerated or frozen to reduce microbial growth, need a commercial food processor license outside of a home kitchen. Those whose products are shelf stable can produce them in a home kitchen or commercial kitchen, if desired. During the licensing process you meet with a food inspector from the Department of Agriculture, Conservation and Forestry and discuss the process you'll follow to produce your products. Depending on the product, you might discuss the temperature your food needs to be brought up to and for how long when you're preparing it so it kills off any bacteria. If you're cooling a product down after cooking it, you need to bring it down to a certain temperature within a certain amount of time, and then bring it down even lower during another time period. These are critical things to know and confirm with experts. The inspectors are also just an email or phone call away any time you have questions.

I also took a ServSafe Food Protection Manager course (and keep my certification current) in order to acquire a commercial kitchen license. I learned a wide array of food safety information ranging from how to properly prepare different types of sanitizers and how long cold or hot items could be left out and at what temperature to the proper way to store items in the refrigerator to avoid contamination.

Will people who produce potentially hazardous foods in their homes have this food safety knowledge gained from talking to food inspectors and taking a food safety course? Will people who go to farmers markets know who's licensed and who's not? Who suffers when someone who isn't licensed causes a foodborne illness? It's more than just the people who get sick. People may start to distrust local foods

thinking they're all unsafe. It could affect many small businesses and Maine's food economy negatively. It takes just one outbreak.

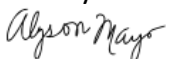
I understand people can produce potentially hazardous foods for sale from their home kitchens currently in municipalities that allow it. People who purchase these products travel to the producer's location, and can view it and possibly know it's unlicensed, but judge for themselves if they feel it's safe. If this is expanded to farmers markets and other events, people likely won't know and it won't be their choice anymore. When I go to a farmers market, I feel confident everyone's licensed and knowledgeable in food safety. Most people I know assume the same, and would like to keep it that way.

Some additional thoughts:

- What do insurance companies think of this bill? Will this drive up the cost to licensed businesses? Will insurance companies cover people who don't have licenses? Do they now?
- What about water quality? Water quality is addressed with commercial and home kitchen licenses. Without an inspection, contaminated water could be used to prepare foods for sale, unbeknownst to buyers.
- Will people without licenses keep track of what ingredients they used in each product batch, a necessity in case there's a recall on an ingredient so you can track down and notify locations where your products were sold.
- Will "food producers" who produce under a local food ordinance be required to acquire a Mobile Vendor license to sell at events outside their production site? These are attached to the kitchen license, which the "food producers" aren't required to have.
- Will chefs/restaurants want to buy products at farmers markets (cheese, for example, sounds like it could be made by someone who may not be up on food safety issues)?
- The ordinance construction (page 4, lines 9-19) would likely lead to a patchwork of ordinances across the state, confusing many people who go to farmers markets or other events. Would they need to look up the town they're in to check the ordinance to see if the vendors may or may not be licensed?

There are additional issues with this bill, but these seemed the most urgent. I hope you'll consider the increased risk of foodborne illness and the negative implications this could have on licensed food businesses, as well as how it might affect the trust Maine citizens and visitors put in local foods and farmers markets. We all want what's best for Maine's food economy, while also keeping people safe from foodborne illnesses. I urge you to vote Ought Not to Pass on LD 1823.

Thank you for your consideration,



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