

Rhode Island's Food Safety Net

**Ensuring Safe Food from
Production to Consumption**



April 2006

RIPIRG Education
Fund

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Acknowledgements

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Photo credits: Lori Carpenter/FOTOLIA (photo of boy); Robert Lerich/FOTOLIA (photo of fruit); Steve Degenhardt/FOTOLIA (photo of milk and cookies); and Terry Poche/FOTOLIA (photo of crawfish).

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Overview

Protecting the safety and integrity of the food supply is one of the oldest functions of government, one that the American people expect their government to perform and perform well.

The current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. In some cases, the federal government has delegated the responsibility for ensuring food safety to states and municipalities, which are often more nimble and able to respond quickly to localized public health problems. Approximately 80% of food safety inspections in the nation, for example, are completed at state and local levels. All 50 states hold the primary responsibility for ensuring the safety of milk and the sanitary operation of restaurants. In other areas, states have passed unique food safety standards that address local concerns or fill important gaps in food safety regulation left open by the U.S. Food and Drug Administration (FDA) and other regulatory agencies. As federal agencies become increasingly under-funded and influenced by powerful corporate interests, the states' role in maintaining the food safety net grows ever-more important.

The following are just a few examples of how the state of Rhode Island has enacted standards to ensure the safety of the food supply in Rhode Island and protect the health of its residents.

Milk and Other Dairy Products

In the early 20th century, adulterated and spoiled milk caused a range of diseases and illness, including tuberculosis and diphtheria. States and municipalities responded to this problem by passing standards for how the dairy industry gathered, processed, distributed and sold milk in the United States. To this day, the states hold the primary responsibility for milk safety. FDA provides guidance to the states in the form of model codes,¹ and the states may adopt these codes voluntarily. But the federal government has not established any mandatory national safety standards for Grade A milk; no national law even regulates the sale of raw unpasteurized milk. That has been left up to states and localities, which are best equipped to regulate, monitor and inspect the local dairy industry and respond to local reports of adulterated milk.

Rhode Island's milk safety standards regulate the sale of milk, milk products, raw milk and raw milk products; the production, processing, labeling, storing, handling and transportation of milk and milk products; and the sanitary conditions at any dairy or other facility and in any truck or other vehicle in which milk or milk products are produced, processed, handled or transported.² The Rhode Island Department of Health, under the auspices of the Office of Food Protection's Dairy Industry Program, conducts inspections of fluid milk production and processing facilities; performs pasteurization equipment testing; and collects product samples for laboratory analysis.³ Rhode Island's milk standards protect the state's residents from the outbreaks of milk-borne diseases that were common in the early 20th century.

A key component of state milk safety standards, including Rhode Island’s standards, is the provision empowering the state to prevent the sale of contaminated or adulterated milk. Whether milk becomes contaminated or adulterated by accident or intent, the state’s authority to remove these products from the marketplace is critical for public health.

Food Safety in Restaurants and Other Food Establishments

Almost everyone experiences a food-borne illness or food “poisoning” at least once in their lifetimes after eating out at a restaurant or other food service establishment. These food-borne illnesses, caused most often by inadequate cooking, improper holding temperatures, poor personal hygiene, contaminated equipment and food from unsafe sources,⁴ can cause symptoms ranging from the uncomfortable to the life-threatening, particularly for the elderly and those with compromised immune systems. The Centers for Disease Control estimates that food-borne disease causes 325,000 hospitalizations and 5,000 deaths each year.⁵

The federal government has promulgated no mandatory requirements for the safety of restaurant and food service establishment food, devolving this responsibility to the states. All 50 states—generally through their health, small business or agriculture departments—regulate and inspect restaurants, schools, nursing homes, and other food service establishments to ensure the safety of food served. State and local agencies are the main line of defense against food-borne disease.

Rhode Island has established statutes to protect the public from food contaminated by food service establishments or retail food stores during storage, preparation, service, or display and to ensure that food service establishments and retail food stores have adequate facilities for the storage, preparation, service, or display of food.⁶ The Rhode Island Department of Health’s Office of Food Protection works to prevent disease by assuring the safety and quality of the food supply by inspecting food establishments and investigating complaints and foodborne disease outbreaks.⁷

Shellfish

Shellfish are filter feeders; they get food and oxygen by pumping large quantities of water across their gills. During feeding, shellfish take in bacteria, viruses and chemical contaminants, which can bioaccumulate in their bodies. As a result, some shellfish harvested from polluted areas may pose a health hazard if consumed, causing diseases such as typhoid, hepatitis and salmonellosis.

No federal laws exist to regulate shellfish harvesters and processors to ensure that shellfish are safe; as such, states are responsible for adopting laws and regulations to ensure that shellfish are grown, harvested and processed in a safe and sanitary manner. FDA’s National Shellfish Sanitation Program has created a model ordinance for states, but this serves only as guidance and is not mandatory.⁸

Approximately 16 states have adopted shellfish safety standards, including Rhode Island. Rather than simply adopting FDA's model ordinance on shellfish, Rhode Island decided to tailor it to better fit the state's harvesting methods and focus on hard shell clams.⁹ Rhode Island's regulations outline sanitation and permitting requirements for shellfish processors, handlers and transporters; require shellfish dealers to conduct a hazard analysis; and prohibit the sale of any shellfish that have not been processed, labeled, or transported in compliance with the state's standards.¹⁰ Rhode Island also prohibits the sale of all unprocessed and/or uncooked fish, shellfish, and scallops by retail markets and other retailers without a label indicating whether the fish, shellfish, or scallops have ever been frozen.¹¹

The federal government has not established similar mandatory standards for shellfish; FDA regulations merely prohibit the interstate transport of shellfish that are likely to contribute to the spread of communicable disease from one state to another.¹²

Conclusion

The Rhode Island food safety standards discussed here and others are important for several reasons:

- They help protect public health from food-borne illnesses and other risks by filling gaps left in federal law;
- They give consumers the power to make informed choices about the food and beverages they purchase for themselves and their families; and
- They help protect local industries by ensuring the safety and purity of their products.

The FDA and other federal agencies do not have the resources—and often do not have the political will—to monitor all aspects of food safety. In fact, the number of full-time FDA employees dealing with food safety has fallen steadily from 3,167 in FY 2003 to 2,843 in FY 2006; the president's proposed FY 2007 budget for FDA would further reduce that number to 2,757.¹³ As such, states will continue to play a pivotal role in ensuring that America's food supply remains among the safest in the world.

End Notes

¹ See U.S. FDA, Center for Food Safety and Applied Nutrition, National Conference on Interstate Milk Shipments (NCIMS) Model Documents, accessed March 21, 2006 at <http://www.cfsan.fda.gov/~ear/p-nci.html>.

² Rhode Island Milk Sanitation Code, Title 21, Chapter 21-2.

³ Rhode Island Department of Health, Office of Food Protection's Dairy Industry Program, accessed March 23, 2006 at <http://www.health.state.ri.us/environment/food/dairy/dairyhome.php>.

⁴ U.S. FDA, *FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types*, 2004.

⁵ Centers for Disease Control, Division of Bacterial and Mycotic Diseases, "Foodborne Illness" fact sheet, accessed March 22, 2006 at http://www.cdc.gov/ncidod/dbmd/diseaseinfo/files/foodborne_illness_FAQ.pdf.

⁶ Rhode Island General Laws, Title 21, Chapter 21-27, §§21-27-1- 21-27-11.13.

⁷ Rhode Island Department of Health, Office of Food Protection, accessed March 22, 2006 at <http://www.health.state.ri.us/environment/food/index.php>.

⁸ FDA, Center for Food Safety and Applied Nutrition, National Shellfish Sanitation Program Model Ordinance, accessed March 30, 2006 at <http://www.cfsan.fda.gov/~ear/nsspotoc.html>.

⁹ Personal communication with John Mullen, Rhode Island Department of Health, March 30, 2006.

¹⁰ Rhode Island Department of Health, Office of Food Protection, Shellfish Inspection Program, Rhode Island Shellfish Regulation R21-14SB, accessed March 21, 2006 at http://www.rules.state.ri.us/rules/released/pdf/DOH/DOH_2158_.pdf.

¹¹ Rhode Island FDCA, §21-31-3(13), available at <http://www.rilin.state.ri.us/Statutes/TITLE21/21-31/21-31-3.HTM>.

¹² See U.S. FDA, 21 CFR 1240.60.

¹³ FDA, Office of Management Budget Formulation and Presentation, "Foods," accessed March 30, 2006 at <http://origin.www.fda.gov/oc/oms/ofm/budget/2007/HTML/1Foods.htm>.