



## November Legislative Highlights

### RI Legislative Updates At A Glance:

#### Lifespan – Care New England Merger

There may be no story in Rhode Island right now with a bigger gap between the potential consequences and the amount of public attention it's getting than the Lifespan-Care New England hospital merger. This week's announcement that state regulators will decide whether to approve the merger by March 16 should focus minds. Will Rhode Island and its residents be better off with roughly 80% of hospital services controlled by a single powerful entity? The hospitals and Brown University say yes, arguing a single integrated academic medical center will improve health outcomes, spur economic development, and help Rhode Island compete with Boston. Others disagree, warning an institution so large would be effectively uncontrollable, or citing studies that question the payoffs from big medical mergers elsewhere.

The Rhode Island Foundation convened a 25-member committee that has now offered some ideas for managing those risks in a new report which will likely help shape the debate over the coming months. One thing that's changed since early in the pandemic: Lifespan and Care New England are in much better financial shape. Neither hospital group

has reported its full-year earnings for fiscal 2022 yet — they follow the federal fiscal year, closing out on Sept. 30, and it takes a few months after that for the numbers to arrive. But through the first nine months of the fiscal year, Lifespan's operating income stood at \$71 million and Care New England's stood at \$41 million. The improved cash flow is due in part to the significant taxpayer support that has been directed the hospitals' way amid the public health crisis: Lifespan booked \$93 million in relief money during the first nine months of the fiscal year, and Care New England booked \$77 million. As for Brown University, its endowment just hit a record \$6.9 billion.

## RI Race for Governor

Nellie Gorbea's campaign is out with a polling memo that summarizes an internal survey of 500 likely Democratic primary voters conducted from Nov. 7 to 9. The poll puts the secretary of state neck and neck with the incumbent governor: Dan McKee leads at 26%, followed closely by Gorbea at 24%, then Seth Magaziner at 16%, Matt Brown at 6% and Helena Foulkes at 4%; one in five voters is undecided. The memo, co-authored by Gorbea pollster Celinda Lake, says that was the initial result before testing positive messages about each candidate. Once voters heard those messages, Gorbea rose to 29%, followed by McKee at 21%, Magaziner at 19%, Brown at 9% and Foulkes at 6%. Also interesting are the poll's approval ratings for the three statewide officeholders: Gorbea's job performance is rated excellent/good by 58% of primary voters, with Magaziner at 55% and McKee at 45%. Personal ratings: Gorbea is at 53% favorable, with Magaziner and McKee tied at 50%.

Right now Dan McKee is employing his own "Rose Garden Strategy", holding plenty of official gubernatorial events while working to remain above the fray as his challengers launch their campaigns. Evidence emerged this week that the strategy is working: a new Morning Consult poll pegs McKee's job approval rating at 59%, making him the second most popular Democratic governor in the country, behind only next-door neighbor Ned Lamont at 64%. While there have always been quibbles about Morning Consult's methodology, an apples-to-apples comparison shows McKee is currently polling 24 points better than Gina Raimondo's final pre-pandemic number from the same firm. McKee spokesperson Mike Trainor tells me the governor plans to kick off his campaign in late January, and is planning a fundraiser for the same day that he expects to bring in about \$300,000.

Seth Magaziner kicked off a fresh debate among the Democratic gubernatorial candidates this week by proposing they sign a so-called "People's Pledge" designed to neutralize outside money that might otherwise come into the race. The model would be a pledge agreed to in 2014 by Gina Raimondo, Angel Taveras and Clay Pell, which Common Cause's John Marion says largely succeeded in its goal. "I think that we, as Democrats, should be honest about the fact that we are not powerless to do something about dark money and its corrupting influence on elections," Magaziner said on this week's Newsmakers. Matt Brown quickly ridiculed the idea, calling it "an empty, ineffective, and unenforceable gimmick," and suggesting the other candidates should adopt his policy of refusing donations from corporate PACs, corporations lobbyists, and fossil-fuel interests. (Magaziner said he was open to such bans as part of a negotiated People's Pledge.) Nellie Gorbea responded in her own letter, expressing openness to negotiations but using the opportunity to highlight the fact Magaziner loaned his campaign account \$700,000 back when he was first running for treasurer and has never paid it back — a frequently talking point from Magaziner's critics.

## RI's Current and Future Financial Position

A few months before the pandemic, in November 2019, the state's first-quarter budget report showed Rhode Island on track to run a \$4 million deficit for the year. That wasn't unusual: it was the fourth November out of the previous five when the quarterly budget report showed a projected deficit, the biggest being a \$60 million shortfall in 2017. That context is crucial to understand why the \$618 million surplus forecast this week is such an eye-popping number to close observers of the budget — it's not just a lot of money, period, it's also an enormous swing compared with what lawmakers expected when they wrote the budget in June. That means state leaders have \$618 million to spend on top of unspent American Rescue Plan Act funding — not only the much-discussed \$1.1 billion ARPA pot, but also hundreds of millions more from ARPA allocated to specific agencies and purposes.

Then there's the new infrastructure bill, with over \$3 billion coming to Rhode Island, and potentially the Build Back Better Act, as well. At the risk of sounding like a broken record, state lawmakers face a huge test in allocating such an enormous one-time windfall wisely. More federal funds on the way to Rhode Island: U.S. Sen. Jack Reed and his congressional colleagues announced this week they've secured an \$81.7 million grant from the CDC to pay for the new state health lab. That project has been on the drawing board for a while, but the expectation had been the state would need to use its own resources to fund it. (In practice that might have just meant using other federal money, but that cash is now freed up for other projects.)

## RI COVID Status

Along with most other states in the country, Rhode Island is seeing infections rise yet again heading into the Thanksgiving holiday. The good news is that the state is reporting only about half as many cases — 441 on average per day — compared to the same time last year. The bad news is that health experts, including former FDA commissioner Dr. Scott Gottlieb, have taken to calling COVID-19 an 'endemic' similar to the flu, meaning the cyclical ups and downs of infections are likely sticking around for the foreseeable future. Weekly case rates are consistently three to 14 times higher among people who are unvaccinated. But rates are also creeping up among people who have gotten their shots, which is part of why health officials are urging everyone 18 years and older to get a booster. Health Department Director Dr. Nicole Alexander-Scott is calling on Rhode Islanders to 'keep your guards up' heading into the colder weather and holiday season."

[Click here to learn more about Rhode Island Legislation.](#)

*Rhode Island Legislative content courtesy: Channel 12 – Nesi Report*

## National Legislative Updates At A Glance:

### Overview of the Past Week and Future Outlook:

Last week the House approved the Biden administration's Build Back Better reconciliation package on a largely party-line vote. One Democrat crossed the aisle to join all Republican

House members in opposing the legislation. The package now moves to the Senate for consideration, which is expected to make changes to the bill over the next few weeks. As we head into the Thanksgiving holiday week, Congress still faces a December 3 government funding deadline and must raise the debt ceiling by mid-December. We are expecting yet another continuing resolution until December 17 or longer, and a debt limit extension – just unclear how that will be done.

### **Court Grants Stay on OSHA's Vaccine and Testing Mandate; Sixth Circuit to Hear Consolidated Cases:**

Last Friday evening, the Fifth Circuit Court of Appeals granted a stay on the U.S. Occupational Safety and Health Administration's (OSHA) Emergency Temporary Standard (ETS) for COVID-19 vaccination and testing. In the [22-page opinion](#), the Court reaffirmed the administrative stay that was previously issued and indicated that the order applies "with equal force to all related motions consolidated into the case," including FMI's challenge. The Fifth Circuit order bars OSHA from taking any steps to implement or enforce the ETS, and OSHA has in fact suspended its activities related to the implementation and enforcement of the ETS, pending future developments in the litigation.

While the stay remains in effect for now, please be aware that as expected, all the cases challenging the ETS that have been filed around the country have now been consolidated into one challenge. We learned earlier this week that the consolidated challenge will be heard by the Sixth Circuit Court of Appeals. The order can be found [here](#). We will learn more in the coming days regarding the government's next steps, but this appears to be a positive development for now. We will provide new updates to the litigation as we learn them.

While OSHA posted a [statement](#) on its website stating that as of the November 12 stay it has suspended activities related to implementation and enforcement of the rule, Department of Labor Secretary Marty Walsh issued a ratification of the rule in the [Federal Register](#) this week. FMI is actively preparing public comments for submission. The current deadline for [public comments](#) is December 6.

Republican Senators and a majority of Republican members of the House of Representatives joined in sponsored resolutions filed this week to roll back the ETS rule under the Congressional Review Act (CRA). A CRA resolution is a procedural way Congress can act to nullify a federal regulation. The Senate resolution ([S.J.Res. 29](#)) is being led by Senator Mike Braun (R-IN) and the House resolution ([H.J.Res. 65](#)) is sponsored by Representative Fred Keller (R-PA-12). While a CRA only requires a simple majority in both houses of Congress to pass, action is rarely successful and passage of the ETS CRA is seen as a longshot given the current Democratic majorities.

### **FDA Authorizes Pfizer and Moderna COVID-19 Boosters for All Adults, CDC Expected to Follow Suit:**

Last Friday, the FDA [announced](#) that it has authorized Pfizer and Moderna COVID-19 booster shots for all individuals 18 years and older, at least six months after completion of the primary vaccination series of either the Moderna or Pfizer vaccines or at least two months after completion of primary vaccination with J&J vaccine. Following FDA's authorization, the CDC's vaccine advisory committee voted to recommend the booster

shots for all adults, and CDC Director Rochelle Walensky is now expected to formally approve the booster shot recommendations. Currently, the only Americans who are technically eligible to receive the Pfizer and Moderna boosters are people 65 and older, adults at higher risk of severe illness because of underlying health conditions and certain frontline essential workers. However, several states have already expanded booster eligibility to include all adults, so today's likely expansion of federal recommendations should help to reduce confusion nationwide.

Pfizer is requesting FDA authorization for its pill to treat COVID-19. The 'antiviral' pill is designed to stop the virus' advance inside the body but would not protect people from getting COVID-19 in the first place. According to its clinical trials, the drug reduces the risk of hospitalization or death by 89 percent. Pfizer is the second company to seek authorization for an antiviral COVID pill, following an application by Merck.

### **FTC Takes Initial Vote on Proceeding to Study Retail Supply Chain Disruptions:**

On Thursday, the Federal Trade Commission (FTC) held an open forum and voted on a motion to conduct a study on retail supply chain disruption. The study, which comes under the FTC's 6(b) Orders authorization, will include a select number of "large retailers and consumer goods suppliers to study the impact on competition of ongoing supply chain disruptions and gather information from other suppliers and retailers on the issue." The FTC further noted that "[t]he study will focus on why these disruptions occur, whether they are leading to specific bottlenecks, shortages, anticompetitive practices, or contributing to rising consumer prices."

The open forum held prior to the Commissioners' consideration of a motion on the study included brief remarks from small grocery retailers and other stakeholders. The motion voted on unanimously by the Commissioners called for perfecting the study parameters to expeditiously gather input on the matter. The Commissioner will meet on November 24 to vote on the 6(b) Orders.

### **Legislation Being Developed to Prevent PFAS in Food Packaging:**

Rep. Peter Meijer's (R-MI) office reached out to share that they were considering legislation along with others to prevent the intentional inclusion of PFAS in food packaging. A number of questions have surfaced regarding this. Do you you have any concerns around this effort on human food packaging and separately, do you have any concerns about restrictions of this type for pet food packaging? If a company has existing products in the marketplace, but have already made the change to PFAS-free packaging, how long would be needed to allow those products in commerce to be sold and existing packaging to be utilized?

This is similar to legislation that has been passed insome states. In 2021, legislation was enacted in California, taking effect January 1, 2023, that disallows any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The measure defines "food packaging," in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper,

paperboard, or other materials originally derived from plant fibers.

[Click here to learn more about National Legislation.](#)

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## 2022 RIFDA Advertising & Communications Program

As many of you know, we have streamlined our communication process and marketing tools, moving to a more virtual/electronic platform. In the past we offered opportunities for members to support our communication and marketing efforts with some print advertising. This year we are updating that program to a more reflective of current opportunities for members to help offset some of our costs in these areas. As we have not been able to have all of our fundraising events this will offer an opportunity for members to support us. This is a twelve-month program that will run from November 2021 – October 2022. Please consider this opportunity to support the Association.

Here are some of the details:

### Platinum Sponsor (\$1,000):

- 6" X 4" Sponsor Ad in Monthly Newsletter Six Times Per Year
- Sponsor Logo Recognition as Platinum Sponsor in all Monthly Newsletter and Press Releases for One Year
- Sponsor Logo Recognition as Platinum Sponsor on [rifda.com](http://rifda.com) for One Year

### Gold Sponsor (\$750):

- 3" X 2" Sponsor Ad in Monthly Newsletter Four Times Per Year
- Sponsor Logo Recognition as Gold Sponsor in all Monthly Newsletter and Press Releases for One Year
- Sponsor Logo Recognition as Gold Sponsor on [rifda.com](http://rifda.com) for one year

### Silver Sponsor (\$500):

- Sponsor Recognition as Silver Sponsor in all Monthly Newsletter and Press Releases for One Year
- Sponsor Recognition as Platinum Sponsor on [rifda.com](http://rifda.com) for One Year

[Click here to learn more](#)

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Thank you to our November Supplier of the Month - Calise Bakery



Thank you to our November Retailer of the Month - ShopRite Supermarkets

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## Industry News

### Child Care: Grant Update & Governor McKee's FY2022 Supplemental Budget

Not one community nationally or in Rhode Island is immune to the child care crisis. Many families already find child care unaffordable, sometimes more expensive than their rent. Several of our providers can't find teachers, can't pay those educators what they are worth even though they want to, can't open classrooms and can't expand to take in more children.

It's everyone's problem because in order for our economy to be successful, parents and guardians need safe, high quality learning spaces for their children to be while they are working.

The State has been doing its part, and knows more needs to be done. The \$13 million that Governor McKee is recommending in his FY22 supplemental budget for child care is another critical investment in the right direction. Specifically, the money will:

- Attract & Retain the Child Care Workforce to keep classrooms open and enable new classrooms to open by giving pandemic retention semiannual bonuses (not to exceed \$1,000 per award) every 6 months) to any member of the more than 8,200 child care workforce that stays in the field
- Support opening of new Family Child Care sites by giving start-up grants of \$2,000 to new Family Child Care providers so they can open high-quality sites and increase the overall supply of child care in Rhode Island

DHS also continues to support current and new child care providers as well as the families, children cared for, those looking to become child care educators or further their education/training and the State's overall economy.

For example, DHS distributed \$18.6M in Child Care Stabilization Grants, with funds from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), to 94 percent of our total eligible providers statewide. Ninety-five percent of child care centers who received a grant dedicated at least 20 percent of their first grant to staff bonuses. This amounts to nearly \$3M going directly to child care workers. The next round of grants just began.

The application for the \$56M ARPA ReInvigorate Child Care Stabilization Grants program opened on Wednesday, October 20, 2021, and will accept applications on a rolling basis until early February 2022. This grant program is funded with funds from the American Rescue Plan Act that are required to be directed to child care providers via stabilization grants to support the operating costs of providers for approximately six months to stabilize their businesses and ensure continuity of care.

Eligible child care providers are receiving correspondence, including live application links and technical assistance resources, by email. Providers can also find information on the Funding Opportunities webpage at: <http://kids.ri.gov/funding-opportunities.php>.

## Every leader has moments to step up or shrink back

It's easy to say nothing!

It can be challenging and stressful to speak up.

Defining moments are important situations -- some are life-changing -- that require you to say something and take a stand. They test your commitment to your core beliefs and values.

All leaders spend time in reflection to identify what they truly believe and value. Their beliefs are tested and fine-tuned over time. True leaders can tell you, without hesitation, what they believe and why. They don't need a teleprompter to remind them of their core values. [Read full article](#)

## Natural Grocers Predicts Top 10 Nutrition Trends For 2022

Lakewood, Colorado-based Natural Grocers has released its sixth annual Top 10 Nutrition Trends predictions, a composite of the most anticipated health, nutrition and food trends for the coming year.

The predictions focus on long-term health and well-being. Developed by the company's team of health and wellness experts in collaboration with their purchasing and analytics teams, they are a mix of the most anticipated health, nutrition and food trends for 2022 including healthspan, sensible indulgences, functional flavors, pet nutrition and saying goodbye to burnout. [Read full article](#)

## Natural Grocers: Health focus to continue in 2022

For the last six years, Natural Grocers has gathered its own nutrition education and purchasing and analytics teams, health and wellness experts, Registered Dietitians, and Certified Natural Foods Chefs to identify the Top 10 Nutrition Trends for the year ahead. Together, these specialists study consumer-shopping preferences and the latest research, along with the COVID-19 pandemic's impact on communities to predict these rising and shifting trends. [Read full article](#)

## Trends influencing food, beverage innovation

Tate & Lyle PLC has unveiled six trends that will shape innovation in food and beverage product formulation. They are transparency, plant-based, sugar reduction, gut health,

convenience and better-for-you snacking.

“By understanding how values, behaviors and appetites are changing, and the drivers behind these shifts, food and beverage brands can launch products that meet the needs of consumers today and better anticipate how these will evolve,” said Beth Nieman Hacker, market research director at London-based Tate & Lyle. [Read full article](#)

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## Industry Events

### Free Earth Day Energy Challenge!

Celebrate Earth Day and reduce energy consumption instantly through simple operational actions.

#### Benefits to Your Store

- Reduce costs and your environmental footprint
- Engage employees in sustainable operating practices
- Demonstrate your commitment to sustainability
- Gain store level awareness on energy efficiency
- Public recognition of participation (optional)

[Learn more](#)

### Webinar: Everything your small business needs to know about the Federal Family & Medical Leave Act (FMLA)

Friday, December 3, 2021

10:00 am – 12:00 pm

Did you know that U.S. businesses with 50 or more employees are covered by the federal Family and Medical Leave Act (FMLA)? As an employer, are you aware of and meeting your obligations under the FMLA?

Come join the U.S. Small Business Administration and the U.S. Department of Labor, Wage & Hour Division, for a comprehensive overview of the FMLA's major provisions, as well as practical tips and available resources for ensuring compliance. Topics will include:

- Employer coverage and employee eligibility
- Qualifying reasons for the leave
- Amount of leave
- Employer rights and responsibilities
- Employee rights and responsibilities

The webinar is free of charge, although registration is required.

## Webinar: How Bad is the Supply Chain Crisis, Really?

How deep does the supply chain crisis go? Rick West, CEO and co-founder of Field Agent, presents data from an audit of 1,316 store aisles and a survey of 1,245 shoppers. He also shares practical tips to help brands grow in chaotic times. [Watch the webinar.](#)

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## Coming Soon - Meetings & Annual Events

### December 2021:

- Wed. Dec. 1st: Legislative Committee @ 8 AM
- Thurs. Dec. 9<sup>th</sup>: Executive Committee Meeting @ 7:30 AM
- Fri. Dec. 24<sup>th</sup>: Office Closed in Observance of the Christmas Holiday
- Fri. Dec. 31<sup>st</sup>: Office Closed in Observance of New Year's Day

### January 2022:

- Thurs. – Fri.: Jan. 6<sup>th</sup> & 7<sup>th</sup>: Distribution of Trade Day Invitations
- Wed., Jan. 19th Legislative Committee Meeting
- Thurs. – Fri.: Jan. 20th & 21st: Distribution of Best Bagger Contest Kits
- Wed, Jan. 26<sup>th</sup> 1<sup>st</sup> Q 2022 Board of Directors Meeting

### February 2022:

- Thurs. Feb. 17<sup>th</sup>: Executive Committee Meeting @ 7:30 AM
  - Mon. Feb. 21st: Presidents Day – Office Closed
  - Wed. Feb. 23rd Legislative Committee Meeting (\*Bill Filling\*)
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# 2021 PAC Request RIFDA Needs Your Help

Please consider supporting RIFDA's legislative efforts by supporting our PAC fund.

Last year due to COVID the association did not have a PAC event and we did not solicit contributions as we had sufficient funds on hand and our strategy was to be very conservative with donations as it became clear that due to COVID there would be traditional fundraisers where you had the ability to attend and lobby those present. We had decided to do the same this year until we received a letter from the RI Board of Elections, that noted a requirement (RI Gen. law 17-25) that we need to have 15 donations from individuals in an election cycle.

The association did, in the past 4 months, make three contributions for fundraisers for Senate Leadership, House Leadership and Rep. Bob Craven, Chair of House Judiciary, who has been an advocate and resource for our association for the past few years.

As a result of these donation from our PAC made this year and the need to be able to support those that have supported us next year in an election year, we are asking our members to please contribute to our fund so that we are in compliance with this regulation. We need to have at least 15 members make a donation of \$50 in order to accomplish this.

By way of review these checks must be personal checks and not corporate checks. In the past we asked for \$125 donations. If you could get two donations of \$50 from two different people, we would be able to achieve this goal. It should also be noted the if a personal check is from a joint account each person on the account can submit a separate check from the same account as long as they have two different signatures.

Checks can be mailed to:  
RIFDA PAC  
40 Higginson Ave  
Central Falls RI 02863

## Thanks for your consideration and support of the RI Food Dealers.

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## Satisfied Member?

### Spread the Word, Tell Your Industry Friends & Vendors.

As a member, the benefit advantages such as our food safety renewal classes, WIC/EBT updates, legislative representation and updates, national industry affiliations and updates, networking events, energy programs and food industry camaraderie, as well as a number of other initiatives make RIFDA a great opportunity for new members.

Throughout each year there are exciting events as well as sponsorship and advertising opportunities. It is members like yourselves that make this all happen.

With new memberships RIFDA moves into the future as a stronger and more vibrant representative of the Rhode Island food community.

[Learn  
More](#)

Call: (401) 431-0880 | Email: [admin@rifda.com](mailto:admin@rifda.com) or [sarthurs@rifda.com](mailto:sarthurs@rifda.com) |  
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