



August 20, 2008

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Honourable David Caplan
Government of Ontario
Ministry of Health and Long-Term Care
Hepburn Block, 10th Floor
80 Grosvenor Street
Toronto, ON M7A 2C4

Dear Minister Caplan:

RE: *Ontario Regulation 562(Food Premises) Proposed Amendments*

On behalf of the Canadian Institute of Public Health Inspectors (Ontario Branch) Inc. (CIPHI) please accept our request and proposal for the review and amending of *Ontario Regulation 562(Food Premises)*. It is the view of our organization that such a measure is necessary to strengthen the food safety inspection system in Ontario.

On May 2, 2001 the CIPHI (Ontario Branch) Inc. sent a letter correspondence (attached) to the Chief Medical Officer of Health commenting on then proposed amendments to *Ontario Regulation 562 (Food Premises)*. We would like to acknowledge that some of our previous proposals have been addressed in recent amendments; however several recommendations from that correspondence remain outstanding.

In June 2008, the food safety committee of the CIPHI (Ontario Branch) Inc. polled our membership to solicit feedback on desired amendments to *Ontario Regulation 562 (Food Premises)*. We received over 220 responses to our survey. This consultation with our members resulted in the identification of a number of proposed amendments, many of which were presented in the 2001 correspondence.

The CIPHI (Ontario Branch) Inc. members identified a number of proposed amendments and areas of concern including but not limited to those mentioned in the attachment entitled *Ontario Regulation 562(Food Premises) Proposed Amendments*.

The CIPHI (Ontario Branch) Inc. requests that the Ministry of Health and Long Term Care undertake a comprehensive review of the *Ontario Regulation 562 (Food Premises)*. This should include the commissioning of a task force, comprised of all key stakeholders, including the Canadian Institute of Public Health Inspectors (Ontario Branch), to oversee the review and make recommendations for proposed amendments.





Canadian Institute of Public Health Inspectors

L'Institut Canadien des Inspecteurs en Santé Publique

Sincerely,

Ken Diplock, Hons.BA (Kin), BAsC, CPHI(C)
CIPHI Ontario Branch Councillor-Food Safety Division
Tel: (519) 883-2008 ext 5435
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Attachment

Copy: Honourable Leona Dombrowsky, Ontario Minister of Agriculture Food and Rural Affairs
David C. Williams, Ontario Chief Medical Officer of Health
Brenda Mitchell, Director, Environmental Health Branch Public Health Division MOHLTC
Tony Amalfa, Environmental Health Branch Public Health Division MOHLTC
Bjorn Christensen, President Association of Supervisors of Public Health Inspectors (Ontario)
Connie Uetrecht, Executive Director Ontario Public Health Association
Linda Stewart, Executive Director Association of Local Public Health Agencies
Peter Heywood, President Canadian Institute of Public Health Inspectors Ontario Branch Inc.
Adam Grant, President Canadian Institute of Public Health Inspectors
Dr. Lynn Noseworthy, Chair, Council of Ontario Medical Officers of Health



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SEP 7 9 2008*Ontario Regulation 562 (Food Premises) Proposed Amendments*

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The following is a summary of the most frequently cited amendment recommendations from Public Health Inspectors (PHIs) in Ontario. We would welcome the opportunity to discuss these with you and to actively participate in a comprehensive review and update of the *Ontario Regulation 562 (Food Premises)*.

Mandatory Food Handler Certification

Currently Health Units in Ontario are mandated through the Ontario Ministry of Health Mandatory Health Programs and Services Guidelines: Food Handler Training Protocol to offer food handler certification training. This requirement for certified food handlers applies only to a fraction of the total number of high and medium risk food service establishments in Ontario. The fact that this Protocol is not referenced in *Ontario Regulation 562 (Food Premises)* complicates enforcement by Ontario Health Units.

PHIs observe the benefits of training first hand when working with certified food handlers as evidenced in their increased food safety awareness and improved food handling practices. CIPHI (Ontario Branch) Inc. recognizes that this requirement for mandatory food handler training exists in most other Canadian provinces.

The poll results reveal that benefits are evident from the overwhelming call for this amendment to the regulations. PHIs identify Mandatory Food Handler Training as the number one issue for consideration in any future amending of the *Ontario Regulation 562 (Food Premises)*.

Recommendation # 68 of Farm to Fork – A strategy for Meat Safety in Ontario states “that the provincial government amend the *Health Protection and Promotion Act* to require that the operator of a food premises and at least one staff member, present at a food premises during all hours of operation, be a certified safe food handler.”

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports the amending of *Ontario Regulation 562 (Food Premises)* to include mandatory food handler certification. At a minimum the regulation should require at least one certified food handler is present in all medium and high risk premises during all hours of operation.

Plans Review

The *Health Protection and Promotion Act* states, “Every person who intends to commence to operate a food premise shall give notice of the person’s intention to the medical officer of health of the health unit in which the food premise will be located

R.S.O. 1990, c. H.7, s. 16 (2)". Unfortunately, in many instances owners/operators of food premises do not comply with this requirement. Many premises open for business and operate without advising the local Health Unit.

CIPHI (Ontario Branch) Inc. would like the regulation amended to include the requirement for the operator to submit his/her intent to operate a food service establishment to the local health unit. This measure would provide PHIs the opportunity to proactively educate operators regarding critical and maintenance requirements of *Ontario Regulation 562 (Food Premises)*. Such a requirement would ensure implementation of safe food handling practices prior to the premise opening and help to avoid potentially hazardous and costly mistakes that negatively impact on the premise operation and health of the Citizens of Ontario. By reviewing the floor plan PHIs are able to identify potential problems such as the availability of space and/or location of equipment and ensure corrective actions are taken prior to the actual construction/renovation of the premise. The inclusion of plan submission in the *Ontario Regulation 562 (Food Premises)* will provide health units with the authority to ensure that no premise will open, prepare and serve food to the general public without consulting the local health unit.

Proposed Amendments

CIPHI (Ontario Branch) Inc. supports an amendment to *Ontario Regulation 562 (Food Premises)* which requires the operator to submit his/her intent to operate (including detailed premise floor plans) a food service premise to the local health unit.

Permits

Recommendation # 66 of Farm to Fork – A strategy for Meat Safety in Ontario states, "that the provincial government amend the *Health Protection and Promotion Act* to require each food premises in Ontario to register with the Board of Health in the jurisdiction in which the food premise carries on business." The issuing of health unit permits for all food premises will provide accurate premises inventories, assist with enforcement activities and provide assurance to the public that premises are routinely inspected.

Proposed Amendments

CIPHI (Ontario Branch) Inc. supports an amendment to *Ontario Regulation 562 (Food Premises)* which requires all food premises to be issued and display a permit issued by the local health unit.



Washrooms

The requirement for washrooms was removed from *Ontario Regulation 562 (Food Premises)* and addressed in the Ontario Building Code (in 1999) with the exception of the requirement for one sanitary facility for each sex. It is redundant for both pieces of legislation to have washroom requirements for establishments.

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports removing the requirement for one sanitary for each sex (section 68. (1)) and instead including a section in *Ontario Regulation 562 (Food Premises)* requiring washrooms are provided as per the Ontario Building Code.

Dishwashing / Sinks

According to National Sanitation Foundation (NSF) mechanical sanitizing of utensils using hot water is not straight forward and many factors contribute to effective sanitizing. NSF findings are summarized as follows:

- Thorough cleaning before sanitizing is critical in order for effective sanitizing to be accomplished;
- Effective sanitizing by hot water is achieved by the total heat accumulated by the utensil during the cleaning and rinsing stages of a wash cycle;
- The volume, pressure and temperature of the water are significant factors for effectively cleaning and sanitizing utensils in a dishwashing machine; and
- The overall design of the dishwashing machine is important in ensuring that all surfaces of the utensils are exposed to the cleaning and rinsing action of the machine for effective cleaning and sanitizing to take place.
- A reading of 160°F at the dish level (as measured by a maximum-registering thermometer or thermo-label), is indication of satisfactory sanitization.

Manufacturers and suppliers of commercial dishwashers need to ensure that the dishwasher thoroughly cleans and sanitizes the utensil in order to prevent the transmission of infectious diseases. However, in recognition of the lack of certainty in this area, dishwashers and glass washers which meet NSF Standards should be considered to meet the requirements.

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports replacing the wording of *Ontario Regulation 562 (Food Premises)* s. 78 with exempting a food premise from the provisions of s. 77 where the use of any other machine or device, that is approved for utensil washing by the National Sanitation Foundation or Underwriter's Laboratories of Canada, will effectively clean and sanitize utensils and result in a bacterial count on the utensils within the limit prescribe by s. 80.





Private Residences

PHIs recognize that home-based food businesses exist where food is prepared in a private residence for human consumption. Absent from the consent of the owner and/or occupant, or a warrant, PHIs may not enter, examine or take samples from private residences. These businesses pose the same food safety risks whether included within or separate from a private residence. Therefore, should be required to meet the *Ontario Regulation 562 (Food Premises)* and be subject to health unit inspection.

Recommendation # 108 of Farm to Fork – A strategy for Meat Safety in Ontario states “that the provincial government amend the *Health Protection and Promotion Act* and its *Food Premises Regulation* to ensure that they apply to food businesses which are attached to or form part of a private residences.”

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports amending *Ontario Regulation 562 (Food Premises)* to ensure it applies to food businesses which are attached to or form part of a private residence.

Foods from Inspected Sources/Suppliers

Recently we have observed a number of large scale outbreaks associated with various food products. Successful identification of the suspect food, its point of origin and potential distribution area rely on being able to clearly identify food producers, distributors and suppliers. In order to reduce the potential spread of illness and limit the impact on the population of Ontario it is imperative that all food offered for sale to the public is from inspected sources/suppliers.

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports amending *Ontario Regulation 562 (Food Premises)* to ensure it includes a provision that all food offered for sale to the public is from locally, provincially, federally or internationally inspected sources and suppliers.

Fish and Fish Product Inspection

The lack of a fish inspection program in Ontario to ensure safe fish and fish products constitutes a risk to the public. It is important that fish inspection be included in the food safety system in Ontario. A fish inspection program should be consistent with the standards applied to products from livestock and poultry. It should ensure that those who consume fish are given the same protection as those who consume meat. It should also ensure that the safety of food from livestock and poultry is not put at risk by uninspected





fish. A fish inspection program should be developed which is adapted specifically to deal with the particular features and risks of fish processing. (Haines, 2004, p. 342)

Proposed Amendment

CIPHI (Ontario Branch) Inc. recommends that the *Ontario Regulation 562 (Food Premises)* be amended to include fish and the processing of fish at food premises and to prohibit fish at food premises which do not originate from a source with either Ministry of Natural Resources or Canadian Food Inspection Agency oversight.

Temperature Record Keeping

Time and temperature control are critical elements to food safety. Recently *Ontario Regulation 562 (Food Premises)* was updated to include the requirement for operators to have an accurate thermometer that can be easily read, to measure the internal temperature of hazardous foods. However, there are no specific requirements for ensuring that temperature monitoring occurs.

Proposed Amendment

CIPHI (Ontario Branch) Inc. supports amending *Ontario Regulation 562 (Food Premises)* to include a requirement for all owners/operators of high and medium risk premises keep daily temperature logs. Logs should include refrigeration temperature as well as all internal temperature checks.





May 2, 2001

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Dr. Colin D'Cunha
Director, Public Health Branch and
Chief Medical Officer of Health
Ontario Ministry of Health and Long-Term Care
Public Health Branch
8th Floor, 5700 Yonge Street
Toronto, Ontario M2M 4K5

Dear Dr. D'Cunha:

RE: Comments on Proposed Amendments to Ontario Regulation 562 (Food Premises)

On behalf of the Canadian Institute of Public Health Inspectors (Ontario Branch) please accept comments regarding the proposed amendments to the legislation (above).

The proposal to amend the existing legislation in an effort to strengthen food safety in Ontario is a worthwhile goal. Through ongoing consultations with our members we appreciate numerous shortcomings of the existing legislation many of which are represented by the issues you present for review on the work sheets.

Our organization remains supportive of full implementation of the Food Retail and Food Services Regulation as drafted by CFIS. Your immediate goal is to use elements of the Food Retail and Food Services Regulation to amend the Ontario Regulation 562 is satisfactory provided that a comprehensive review is completed.

Please accept our general comments regarding the amendment issues you present on the work sheets.

Food Handler Training/Certification

The CIPHI (Ontario Branch) appreciates shortcomings of existing mandatory food handler certification training requirements in Ontario as presented in the *Ontario Ministry of Health Mandatory Health Programs and Services Guidelines: Food Handler Training Protocol*. The protocol currently applies only to a fraction of the total number of high and medium risk public food service premises in Ontario and therefore does not address mandatory food handler certification training in the greater percentage of food service premises in Ontario. The existing

Ontario Branch Inc.



mandatory food handler certification protocol is not referenced in the regulation which complicates enforcement of mandatory training requirements.

The CIPHI (Ontario Branch) is supportive of initiatives in which mandatory food handler certification is made law and applies to a greater percentage of high and medium risk food premises in Ontario. It is appreciated that such an initiative is necessary and beneficial, however, the implementation of an expanded mandatory food handler certification criteria will require a substantial investment on the part of Environmental Health Departments to coordinate the provision of training to public food service premises.

In addition, issues pertaining to the administration of food handler certification training in the province exist and require clarification including: criteria for qualifications of instructors and organizations/agencies providing food handler certification training, accreditation of food handler certification curriculum materials and establishment/maintenance of certified food handler directory.

In an effort to explore the issues above our organizations convened a task force. The first meeting of the CIPHI Food Safety Certification Task Force occurred on April 27, 2001. The Task Force is intended to be a forum to discuss the issues associated with food handler certification training in Ontario and develop a strategy to assist Ontario Health Units in implementing mandatory food handler certification training. The Task Force currently has representation only from CIPHI and ASPHIO but could be opened to include other stakeholders.

The Task Force supports Mandatory Food Handler Certification Training in all High and Medium risk food premises in Ontario using as a minimum for its implementation the criteria presented in Part 6 28.(2)(3) of the Food Retail and Food Services Regulation.

It is recognized that many Health Units in the province currently offer food handler certification training opportunities to operators and staff of high and medium risk food premises not currently captured by the Ontario Ministry of Health Mandatory Health Programs and Services Guidelines: Food Handler Training Protocol. This practice is necessary where the Health Unit participates in an incentive program like Eat Smart or simply desires a proactive approach to achieving compliance.

The time frame by which mandatory food handler certification is implemented depends on the internal readiness of each individual health unit. A phase in option over a few years (2-3) which places the emphasis on the operator to meet the mandatory training criteria in the specified time frame is reasonable.

It is appreciated that the public health inspection staff in a Health Unit setting are ideally situated to be the primary providers of food handler certification training in the province, considering; Health Units are easily accessible to area operators, inspection departments provide a ready pool of course instructors and the training provided by the inspectors is consistent with their enforcement activities in the community.

It is also appreciated that some Health Units currently establish partnerships with the private sector to coordinate the provision of some aspects of food handler certification training in their respective areas. This practice of involving the private sector is supported provided that a

mechanism is in place which accredits course content and the instructor's abilities and which results in the delivery of a program where content is accurate, consistent with Provincial legislation and is delivered in a professional manner.

Question 1-Proposed Cooking Temperatures for Meats

Agree with specific temperatures listed for the various categories of meats. Ensure that "internal temperature" is specified in this section.

Question 2-Exceptions to Temperature Requirements for Meat and Fish

This does not preclude such products being stored at required legislated temperatures prior to service.

Question 3-Cooling Rates for Hazardous Foods

Agree with the rates. Specify that cooling is to occur under refrigeration and that large volumes or portions of product be reduced to small volumes or portions.

Question 4-Reheating Requirements for Hazardous Foods.

Agree to require hazardous foods to be reheated to original cooking temperature.

Question 5-Hazardous Foods From Private Residences

Food preparation in a private residence should not be permitted considering issues:

- i) Complicates risk assessment (due to proximity of domestic activities)
- ii) Zoning and Licensing issues
- iii) Increase in resource allocation (staffing, funding)
- iv) Complication with Enforcement and applying same standard as public food premises

Question 6-Custom Cutting of Uninspected Meats

The proposal as presented is inconsistent allowing the custom cutting of uninspected meats for one group but not the other. The proposal to allow the custom-cut of uninspected meats would be acceptable for both groups provided that all aspects of the processing facility for uninspected meats are completely separate from the processing facility used for inspected meats.

Question 7-Service Dogs to Assist Handicapped Persons

Agree with proposal, however, provide for identification on animal or owner which identifies animal's purpose.

Question 8-Delete Locker Plant Section

Agree provided that this facility type and its components are captured by existing legislation.

Permit to Operate a Food Premises

Disagree with proposal to remove permit component: Requiring the issuance of a permit to operate a food premise assists the enforcement agency in being kept informed of new or renovated premises and instances of ownership transfer.

Inspection of all Foods Found in Food premises

Agree provided that there is careful consideration and a very specific listing of exempt foods.

Written Food Handling Procedures

Agree with proposal to not require all food premise operators to have written food handling procedures. This is based on the expectation that the basic principles of food safety are fully implemented on the premise.

Previously Served Hazardous Foods

Agree with proposal to prohibit service of "left overs" which are in direct or indirect contact with the customer.

Written Procedures for Safe and Sanitary Operation of Food Premises

Agree with proposal.

Thank you for the opportunity to participate in this consultation process.

Sincerely,



Michael Duncan, B.Sc., C.P.H.I.(C)
Food Safety Division Chair,
Canadian Institute of Public Health Inspectors
(Ontario Branch)

MD\fp

c.c. Suzanne Lychowyd-Shaw, President CIPHI (Ontario Branch)