

HAINES REPORT

PROGRESS REPORT OF RECOMMENDATIONS

**Environmental Health Branch
Public Health Division
Ministry of Health and Long-Term Care
May 29, 2009**

Introduction

The Ontario Food Safety Strategy (OFSS), initiated in 2000, is a joint strategy between the various agencies with food safety responsibility. The OFSS addresses control and reduction of food-borne hazards which in turn leads to the reduction of food-borne illness. It aims to ensure that the food produced in Ontario is delivered to Ontarians with a negligible level of risk.

On January 9, 2004, Superior Court Justice Roland Haines was appointed by the Ontario government to lead an independent review and to report on Ontario's meat regulation and inspection system. The stated purpose of Justice Haines' review was to strengthen public health and safety and business confidence. The report addressed increased inspection capacity in the field; continuing education and training for public health inspectors; consumer food safety education; a more rigorous inspection compliance and oversight monitoring system; increased efforts to ensure consistency between the food safety regulation of the various agencies with food safety responsibility; and relevance of current food safety legislation. With the release of the report, Justice Haines' recommendations were rolled into the multi-ministry OFSS.

In his report, Justice Haines made 113 recommendations. Government committed to act on all of them. The overall lead for the cross-ministry implementation plan for all of Justice Haines' recommendations was assigned to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). However, the Ministry of Health and Long-Term Care (MOHLTC) had the lead for 26 of the 113 recommendations and a supporting or partnership role for an additional 17. Other ministries identified by the report as having food safety responsibility include: Ministry of Natural Resources (MNR) and Ministry of Education (MEd).

In response to the Haines Report, the MOHLTC introduced the Haines Recommendations Implementation Project in 2005, with four subcommittees that involved local health units, OMAFRA and other stakeholders, as appropriate, in the fulfillment of Justice Haines' recommendations for which the MOHLTC had a lead and/or supporting role. (Please see Appendix 1 for additional information).

While significant effort was allocated to addressing many of the recommendations by the committees and the MOHLTC until 2007, extensive work remained to be completed. The need to address the new Ontario Public Health Standards and related protocols, as well as the implementation of the Small Drinking Water Systems Program restricted the ministry's ability to further the work of the subcommittees. In the spring of 2009, the ministry organized a Food Safety Seminar for directors, managers and supervisors of local public health units to get feedback on a number of food safety issues, including the Haines recommendations. Based on this feedback, the ministry has developed a more streamlined approach to address the most pressing Haines recommendations and provide linkages to the new Food Safety Standard and Protocol.

The ministry looks forward to working collaboratively with partner agencies, particularly the local public health units, in furthering the recommendations of Justice Haines and improving the food safety program in Ontario.

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HAINES RECOMMENDATION CATEGORY: INFRASTRUCTURE	
RECOMMENDATION	STATUS
<p>23. The provincial government undertake a review to ensure that Ontario has level three containment facilities that are capable of supporting investigations into emerging pathogens and other food-borne illnesses.</p> <p>CONTEXT: Surveillance in the context of public health is defined as the ongoing, systematic collection, analysis, interpretation, and dissemination of information regarding a health-related event. Public health labs are an important tool in the analysis and interpretation of information pertaining to emerging pathogens and food-borne illness investigation.</p> <p>In support of developing and implementing a clear strategy for surveillance of food-borne hazards, Justice Haines reiterates several recommendations made by the Expert Advisory Panel in its report - <i>Report of the Expert Advisory Panel, the Scientific and Regulatory Basis of Meat Inspection in Ontario (May 2004)</i>. This includes a recommendation to carry out a review to determine Level 3 capacity for the province.</p>	<p>COMPLETE: In conjunction with the Technical Advisory Committee on Environmental Microbiology (TACEM), the Infrastructure subcommittee has reviewed the availability of, and access to MOHLTC lab services, including level 3 containment.</p> <p>Pathogenic organisms associated with food are not recognized as transmissible via aerosolization and inhalation. Therefore, unlike recent and emerging pathogens (e.g. SARS virus, West Nile virus), Level 3 containment is not an absolute requirement for foodborne pathogens.</p> <p>The Ontario Agency for Health Protection and Promotion (OAHPP) (agency under which Ontario's Public Health labs are housed) have Level 4 laboratory services capacity. However, current accreditation is at Level 3 for infectious diseases detection and diagnosis. Level 3 containment facilities are those which work with agents which may cause serious or potentially lethal disease after inhalation. Currently, the OAHPP has two Level 3 containment facilities – one in Toronto however not yet fully operational and one in Ottawa. These accredited facilities are able to meet the requirement of such security when required. Therefore, by virtue of how the diagnostic work for food microbiology is structured it is not necessary to meet Level 3 containment accreditation.</p>
<p>24. The Ministry of Health and Long-Term Care develop a standard food safety testing policy and procedure for the boards of Health which should form part of the Mandatory Health Programs and Services Guidelines.</p> <p>CONTEXT: Justice Haines commends OMAFRA for its multifaceted (food-borne) disease surveillance protocol which includes testing, monitoring, and/or surveillance at each program area of responsibility. These areas of responsibility include animal health surveillance, food hazard surveillance and food-borne illness surveillance through veterinarians sending in samples from farm animals rejected at sales barns and animals identified at abattoirs; unusual trend identified in monitoring the number of species collected by deadstock collectors; herd health visits conducted by OMAF veterinarians and private practitioners; laboratory testing of food-borne pathogens, drug and other chemical residues. Programs for food-borne hazard surveillance in provincially licensed abattoirs include testing projects targeted at microbiological hazards, antimicrobial residues, pesticides, heavy metals, anabolic hormones, water and ice, microbiological quality, histopathology of meat inspection specimens, parasitology, and BSE surveillance testing. Laboratory testing projects (surveillance projects, monitoring projects, <u>and</u> baseline studies and pathogen monitoring</p>	<p>REQUIRES FURTHER WORK: MOHLTC has taken action to improve requirements and improve consistency across the province with respect to food safety programs.</p> <p>The Ministry has recently released the Ontario Public Health Standards which includes a Food Safety Standard and Protocol.</p> <p>The primary purpose for testing of food products and/or their raw materials is to determine whether they meet established food safety standards. Specifically, microbial testing provides for the detection and quantification of pathogens and spoilage microorganisms in a variety of products. These analyses allow processors, manufacturers, and public health officials to assess food safety concerns where pathogenic bacteria are detected and take appropriate action.</p> <p>The MOHLTC is a member of the Ontario Multi-Agency Foodborne Outbreak / Recall Working Group which is reviewing consistency and requirements for sampling and testing across the levels of government. Although in the preliminary stages, this work will likely further support efforts to make food safety testing and surveillance at the retail and service level more consistent across the 36 BOHs as well as inform policy surrounding sampling requirements and criteria.</p>

<p>projects) address high risk issues such as non-ambulatory animals, antibiotic residue testing and testing for sulpham drugs in barbeque pigs where carcasses are held until test results are received and reviewed by a scientist; monitoring projects conducted using random sampling and designed to ascertain the level of risk associated with normal animals presented for slaughter for a particular substance, in this instance carcasses are not held and the results of testing are subjected to statistical analysis; and baseline studies and pathogen monitoring projects designed to determine the levels of selected microbial pathogens and indicator organisms in carcasses of selected species – these projects also involve ready-to-eat meats produced from secondary processing where also in this instance carcasses and meat products are not held and results of the testing are analyzed and used to establish performance standards which are used to measure operator performance.</p> <p>Justice Haines also commends OMAFRA on its Food Safety Decision Support System (FSDSS) computer system used by OMAFRA to support its food inspection program (including laboratory services and surveillance). The system is designed to provide timely exchange of testing information, data and results between the food inspection program and the laboratory. FSDSS is thought to improve the inspection services provided by OMAFRA</p> <p>At the present time, however, meat processors who do not engage in animal slaughter are not subject to the same type of testing and surveillance programs undertaken in provincially licensed abattoirs. This is significant as foodborne hazard surveillance at freestanding meat processors is equally important as at abattoirs.</p> <p>MOHLTC has the legislative oversight for food retailers and distributors which are subject to inspections by public health staff at local Boards of Health (BOH) pursuant to the <i>Health Protection and Promotion Act</i> (HPPA) and the Food Premises Regulation.</p> <p>Food and environmental testing associated with food retailers and distributors and carried out in support of local BOH food safety programs may be undertaken when:</p> <ul style="list-style-type: none"> • Illnesses and/or outbreaks are being investigated to aid in providing an epidemiological link with clinical samples of infected individuals; • HACCP Audits are being conducted to assess the risk of certain aspects of a food premises; and • Food is seized where product is held until a suspected risk is confirmed or rejected. <p>Specifically for meat products at food premises, Justice Haines notes that there is no standard testing program in place across the province and points to the variance across the province where some BOHs conduct random samples (meat and other food products); others conduct testing only with audits; others only on specific meats or meat products (e.g ready to eat); and others who conduct no testing of meat products altogether.</p>	<p>Although there is currently no specific food safety testing policy and procedure standard, it is understood that PHIs, through the course of their duties, collect and test food and environmental samples as part of food safety activities. The <i>Public Health Inspector's Guide to the Principles and Practices of Environmental Microbiology</i> provides guidance to BOH and staff on laboratory-approved procedures on the collection, submission, analysis and interpretation of environmental samples thus providing a measure of consistency across the province.</p>
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<p>26. The Ministry of Health and Long-Term Care develop and implement a system of electronic submission and reporting forms for the food safety investigation samples submitted by public health inspectors.</p> <p>CONTEXT: Justice Haines suggests that the system developed by MOHLTC be comparable to OMAFRA's Food Safety Decision Support System (FSDSS). FSDSS is an electronic submission system currently in place for the meat inspectorate of OMAFRA's Food Inspection Division. The FSDSS provides support frontline inspectors, veterinary scientists, food scientists, auditors, area managers and administration staff allowing for on time accurate individual program needs in the delivery of inspection programs.</p> <p>The strength of the FSDSS computer system is considered to be its support of OMAF's food inspection program (including laboratory services and surveillance) through timely exchange of testing information, data and results between the food inspection program and the laboratory.</p> <p>The system provides business and human resource management capabilities; daily statistical information recording for automatic submission into the databank; access to up-to-date statistical information for quick analysis and response associated with risk management functions; compliance reporting mechanisms; gathering and dissemination of sample information capabilities, inventory and recordkeeping means for all licensed plants under OMAF responsibility; means for logging and documenting license and business information; and capabilities for allowing electronic communication between OMAF and the labs.</p> <p>FSDSS Sub Systems are:</p> <ul style="list-style-type: none"> • Appointed Persons • Branch Operations Management and Support • Client Statistics • Compliance • Expert Assistance • Inspection Operations • Laboratory Services • Licensing • Risk Management 	<p>REQUIRES FURTHER WORK: Discussions at the Technical Advisory Committee on Environmental Microbiology (TACEM) whose members include public health laboratory personnel were initiated to develop an electronic data capture tool to permit improved and effective communication between local Boards of Health and public health laboratories.</p> <p>In his Report on the Management of the 2008 Listeriosis Outbreak in Ontario, acting Chief Medical Officer of Health Dr. David Williams pointed to the need for further improvements and capacity building in this area.</p>
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<p>71. Additional staff and resources be provided for the Food Safety and Safe Water Unit at the Public Health Branch of the Ministry of Health and Long-Term Care so that it can provide timely and effective leadership and direction to the Boards of Health.</p> <p>CONTEXT: In support of public health renewal to address the “serious public health issues in Ontario” identified in the Naylor Report , the Walker Report and the SARS Commission Report , Justice Haines emphasizes:</p> <ul style="list-style-type: none"> • food safety as a first priority of Ontario’s public health system with MOHLTC and Boards of Health taking a strong and primary role; • emergency planning and preparedness including communication and coordination; • government commitment of necessary resources and leadership for effective public health protection; and • clearly articulated public health goals and objectives as they pertain to food safety for the province with performance measurement by government. 	<p>ONGOING: The Public Health Division is re-organizing to a stewardship model which will allow greater capacity to address food safety and other important environmental health issues. Under the new model, the Environmental Health Branch will be combining with the Infectious Diseases Branch to form the Health Protection and Promotion Branch.</p>
<p>73. The provincial government provide adequate resources to the Boards of Health to hire sufficient numbers of public health inspectors and support staff to fulfill the requirements of the food safety program of the Mandatory Health Programs and Services Guidelines.</p> <p>CONTEXT: Justice Haines contends that the provincial government must commit the necessary resources and leadership for effective public health protection against food-borne illness including the provision of resources, direction and leadership to the Boards of Health to ensure consistent and effective delivery of food safety programs across the province.</p> <p>In discussions with Boards of Health (BOH), Justice Haines is advised that additional public health inspectors (PHI) are required for BOHs fulfill Food Safety Program service and delivery standards. Funding to hire additional PHIs and exacerbated resources where PHIs are frequently diverted from food safety to other programs, emergency situations, or new initiatives is also highlighted.</p>	<p>ONGOING: Further review of the Public Health Inspectors’ capacity as it relates to food safety is required. The Ontario government has increased the provincial share of public health funding from 50% in 2004 to 75% as of January 2007.</p> <p>It is the responsibility of the Board of Health to provide or ensure the provision of health care programs and services as required by the <i>Health Protection and Promotion Act</i>. As part of this responsibility, the Board must set priorities and determine the appropriate allocation of its resources among various programs.</p> <p>The 2005 Food Safety Audit Report demonstrates that 24 health units have shown a marked improvement in completion rates. Another example of marked improvements in BOH compliance observed in the 2005 analysis is that for all high risk premises across all 36 BOHs, the completion rate improved from 21% in 1998 to 72% in 2005.</p> <p>The Ministry has recently funded a survey to identify the barriers associated with the practicum requirements for new public health inspectors entering the field. This study is being completed in partnership with the Association for Local Public Health Agencies (aLPHA) and the Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO) and will be used to inform decisions to address the capacity shortage of public health inspectors.</p>

<p>76. The provincial government address the deficiencies in the current funding system to ensure Boards of Health have sufficient funding to provide the mandatory food safety programs and services.</p> <p>CONTEXT: Justice Haines states that “funding of public health and in particular the activities of the Boards of Health (BOH) is critical to the success of a public health food safety program”. He also point to the frequently made argument that the province should provide 100% funding for all mandatory programs and services delivered to the people of Ontario. In the absence of 100% provincial funding, Justice Haines points to the Walker report and others that call for a cost-sharing agreement which will provide stable funding for public health in Ontario. He also point to the concern that BOH have with current funding arrangements within their local government.</p>	<p>COMPLETE: The provincial/municipal cost-sharing formula for funding Boards of Health is the focal point of this recommendation.</p> <p>In 2004, the Ontario government announced new initiatives to revitalize public health including increasing the provincial share of public health funding from 50% to 75% by 2007. In January 2006, the provincial share increased from 55% to 65% and in January 2007, the provincial share rose to 75%.</p>
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RECOMMENDATION CATEGORY: EDUCATION AND TRAINING

RECOMMENDATION	STATUS
<p>20. The Ministry of Health and Long-Term Care expedite the implementation of a system such as the Integrated Public Health Information System (iPHIS), to track all food-borne illnesses across the province and permit access and analysis of the data, by all Boards of Health in the province.</p> <p>CONTEXT: Echoing public health practitioners, Justice Haines asserts that surveillance is an important part of any food safety program.</p> <p>Justice Haines points to the difficulty MOHLTC has of facilitating a coordinated foodborne disease surveillance system given the nuances associated with the organization of public health for the province into 36 individual and autonomous Boards of Health.</p> <p>He maintains however, that MOHLTC should have a clear and publicly articulated strategy for surveillance of food-borne hazards and other associated surveillance programs.</p>	<p>COMPLETE: MOHLTC implemented the Integrated Public Health Information System (iPHIS) in all 36 health units and the Public Health Division in Ontario in December 2005. iPHIS is the case, contact and outbreak management information system used for managing all reportable and communicable infectious diseases in Ontario.</p> <p>Using information from iPHIS and related tools, the MOHLTC is able to detect increases above normal in infectious diseases. It was this system that assisted the MOHLTC staff in detecting the recent Listeriosis outbreak.</p> <p>Whether food- or non-food related, recognition of a change in the distribution of illness is an essential part of any program for the control of outbreaks of illness. Early detection and identification of an outbreak is essential to investigating and managing an outbreak. Surveillance and monitoring aspects of disease occurrence and spread are therefore key to detection and identification and ultimately successful control of illness and disease. To be most effective, surveillance systems must incorporate regular, frequent, and timely information collection (and dissemination) regarding individual incidents and cases.</p>
<p>35. Farmers who sell meat or poultry products directly to the public be subject to the same standards, level of inspection and food handler training requirements as any other retailer.</p> <p>CONTEXT: Justice Haines contends that farmers who sell meat and poultry products, whether at the farm-gate, through farmers’ markets, or by custom order and delivery are subject to the same risks of food contamination as any other food retail</p>	<p>SOME PROGRESS: In 2006 the MOHLTC launched a safe food handling campaign targeting farmers’ market operators and their clients and community special event groups. Significant effort has been made to ensure these food retail and food service groups are aware of and practice safe food handling practices despite the fact that they are exempt from most provisions of the Food Premises Regulation.</p> <p>Although recent amendments to the Food Premises Regulation exempting of farmers’ market from the food vendors may be</p>

<p>operation. As such, he asserts that retail operators involved with farm-gate sales of meat and poultry products should be subject to the same requirements as any other food retail operator. All operators should be subject to food handler training and other general food safety education relating to operation of a retail food premises. Such training is available through the local Boards of Health and other third-party training facilities.</p> <p>Justice Haines encourages coordination between provincial agencies with food safety responsibility for consistency of messaging, training material content, and appropriate outreach to target groups.</p>	<p>considered counter to this recommendation, emphasis remains on education and consultation to address this issue. Where a food-related health hazard is encountered in such establishments, actions under Part III of <i>Health Protection and Promotion Act</i> may be considered. Prohibitions against the sale of un-graded eggs and un-inspected meat continue to apply in farmers' markets and other venues that are exempted from the Food Premises Regulation.</p> <p>Public health inspectors continue to investigate complaints about farmers' market operations and take appropriate measures where warranted.</p> <p>Consistency with respect to Food Handler Training requirements is also maintained as part of the revised Food Safety Protocol where Boards of Health are required to ensure that food-safety training is available to food handlers in all food premises.</p>
<p>67. The Ministry of Health and Long-Term Care develop and implement a plan for the continuing education and training of public health inspectors across the province addressing meat safety and the regulatory standards for food premises.</p> <p>CONTEXT:</p> <p>Ontario Boards of Health employ food safety inspectors who prior to certification receive instruction and practicum training in the regulation of food establishments; appropriate maintenance of a food premises; risks associated with food-borne, enteric and zoonotic diseases; and disease control.</p> <p>At the time of report writing, public health inspectors (PHI) had little opportunity for ongoing continuing education. Unlike other public health professionals, there remains no legislation or mandate requiring PHIs to maintain or continually augment their core skills.</p> <p>Justice Haines contents that with ever new and emerging food safety issues, including those associated with meat safety, there is a considerable need for PHIs to be continually trained and educated. PHIs need to be equipped to properly advise food premises operator and effectively engage in activities and initiatives to further Food Safety Program delivery and service.</p>	<p>REQUIRES FURTHER WORK:</p> <p>The MOHLTC has had discussions with stakeholders to review and consider public health inspector training needs and mechanisms for delivery.</p> <p>Early discussions have occurred with Ryerson University where options for curriculum development and program coordination and delivery have been considered.</p> <p>A proposal under consideration by the MOHLTC is the hosting of a multi-day annual conference in partnership with other stakeholders focused on current issues faced by public health regulators and practitioners.</p> <p>The Canadian Institute for Public Health Inspectors (CIPHI) has launched a Continuing Professional Competency (CPC) model and framework with the goal of developing a national standard for all holders of the Certificate in Public Health Inspection (Canada) (CIPHI - C). The key objective of this national standard is continued and ongoing development of knowledge and practice throughout Canada.</p> <p>The MOHLTC supports CIPHI in this initiative and will be working with CIPHI to further this initiative and other efforts associated with public health inspector education and training.</p>
<p>69. The provincial government, in cooperation with the food industry, develop a HACCP-based food safety program for food premises in Ontario.</p> <p>CONTEXT:</p> <p>Justice Haines is of the opinion that mandatory HACCP-based programs founded on the rigorous and structured HACCP program should be implemented across the meat production continuum – farms, abattoirs, transportation, free standing meat processors and food premises. Justice Haines recognizes that applying a similar mandatory requirement on all food premises would present significant hardship on small operations (such as seasonal stalls and small restaurants). However, he emphasizes the value for identifying risk factors, educating staff and management, and impacting knowledge and behaviour practices.</p>	<p>REQUIRES FURTHER WORK:</p> <p>Under MOHLTC legislation, there is no specific requirement for food premises in Ontario to have HACCP programs in place at food premises. However, HACCP principles are the foundation for the Food Premises Regulation and the food safety inspection system. The revised Food Safety Protocol requires boards of health to incorporate HACCP-based principles into the inspection process when assessing food premises for compliance with food safety program standards.</p> <p>To meet Justice Haines' vision, further work must be done to expand on, define and evaluate the use of HACCP-based programs at food retail and food service establishments for which Boards of Health have oversight.</p>

<p>92. The Ministry of Health and Long-Term Care develop, in collaboration with the Boards of Health and the Ministry of Agriculture and Food, uniform consumer food safety education programs for delivery throughout Ontario.</p> <p>CONTEXT: With bringing forth this recommendation, Justice Haines hoped to foster the development of educational programs with clearly defined objective that focus on risk-reduction behaviour in the home, those food-borne illnesses with the largest economic impact, and those behaviours with the highest correlation in contributing to or limiting food-borne illness.</p>	<p>ONGOING: In 2006, the MOHLTC implemented a province-wide Food Safety Education Campaign, with broad stakeholder input and involvement. MOHLTC worked with the Canadian Partnership for Consumer Food Safety Education for consistent messaging provincially and nationally. Resources and materials developed and introduced through the campaign were directed to farmers' market operators and their clients and members of the community involved in community- related events.</p> <p>The MOHLTC encourages participation of all local Boards of Health to become members in the partnership. Membership permits active collaboration and contribution to initiatives as well as use of developed materials to further improve food safety knowledge and practices among all consumers.</p>
<p>93. The provincial government evaluate the effectiveness of consumer food safety education materials and programs.</p> <p>CONTEXT: Food Safety Program standards require Boards of Health (BOH) in Ontario to ensure public health food safety information is readily available to the community within their jurisdiction.</p> <p>Consistent with the autonomous nature of BOHs, the distribution of effort in meeting the standard is varied across the province. Consumer food safety education, at the time of report writing, ranged from shelved printed material in health unit offices for the public to pick up to active local community outreach through media campaigns.</p> <p>No documented formal analysis of the effectiveness of consumer food safety education materials or program has been undertaken by the MOHLC. Without evaluation and assessment, a simple requirement to have food safety information available falls short of demonstrating a contribution to improved food safety behaviours.</p>	<p>REQUIRES FURTHER WORK: Under the current Food Safety Protocol Boards of Health (BOH) are required to ensure the provision of food safety information and/or educational material through various media to assist members of the public in the safe preparation and handling of food.</p> <p>Provision of food safety information and educational resources has been an ongoing requirement for BOHs. However, evaluation of the effectiveness of resources developed by the BOH or the MOHLTC has yet to be undertaken in a formal manner.</p> <p>Formal assessment and evaluation of information and educational resources targeting consumers is under consideration in keeping with the 2006 launch of the MOHLTC Food Safety Education Campaign and the MOHLTC (Environmental Health Branch) recent appointment to the board for the Canadian Partnership for Consumer Food Safety Education. The MOHLTC's relationship with the Partnership permits access to established consumer awareness assessment and evaluation mechanisms applied in Canada and the United States.</p>
<p>94. The curriculum for elementary and high school students developed by the Ministry of Education include instructions on food safety and proper food safety behaviours.</p> <p>CONTEXT: Justice Haines contends that numerous food safety resources have been developed around the world for use by teachers and schools and that in international jurisdictions such as the European Union there is more formal involvement of the education sector in food safety education partnerships in Ontario.</p>	<p>REQUIRES FURTHER WORK: Proponents of food safety education as a formal part of school curriculum contend that children who learn safe behaviours taught in school, and bring them home can initiate behavioural changes in their family. These proponents also point out that students at high school level can be involved in preparation of food at home and in part-time jobs.</p> <p>Presently, food safety is not formally part of the elementary or high school curriculum in Ontario. In the past, food safety materials targeted to elementary and high school students had been developed and introduced at individual schools through the Canadian Partnership for Consumer Food Safety Education.</p> <p>In 2005 the Ministry of Education initiated contact with MOHLTC during their cyclical elementary and high school curriculum review. Due to MOHLTC constraints and tight MEd timelines, opportunity to provide food safety input during the 2005 round of review could not be met. The MOHLTC's relationship with the Partnership provides opportunity for further exploring food safety as a formal part of curriculum development in conjunction with the Ministry of Education.</p>

RECOMMENDATION CATEGORY: REGULATORY CONTROL	
RECOMMENDATION	STATUS
<p>59. The <i>Food Safety and Quality Act, 2001</i> and its regulations prohibit the consumption of wild game meat by anyone other than the hunter and his or her immediate family unless the harvesting, processing and distribution of the meat was done in full compliance with prescribed practices and procedures.</p> <p>CONTEXT: In Ontario, the consumption of wild game meat by anyone other than the hunter and his/her immediate family is prohibited. The Ministry of Natural Resources (MNR) may however authorize serving of wild game at authorized gatherings and the donation of wild game meat to food banks.</p> <p>At the time of report writing, the <i>Food Safety and Quality Act</i> (FSQA) had yet to come into force and regulations yet to be created under the Act. The FSQA and the Food Premises Regulation had no provisions concerning wild game meat.</p> <p>Primarily a recommendation for MNR and the Ontario Ministry for Agriculture Food and Rural Affairs (OMAFRA), the MOHLTC has a role in ensuring consistency of applied standards, in particular as they apply to food banks and in the event that an approved gathering occurs in a food service or retail premises.</p>	<p>COMPLETE:</p> <p>In April 2006, the Food Premises Regulation was amended to allow wild game dinners held under the authorization of the <i>Fish and Wildlife Conservation Act</i>. Under section 40 (4) of the regulation, operators of wild game dinners are required to notify the patrons and staff that they will be consuming un-inspected wild game, and to keep contact information for all attendees and donors of wild game.</p> <p>This regulatory amendment reaches beyond the hunter and his immediate family to provide an additional measure of public health protection regarding consumption of wild game.</p>
<p>65. The Food Premises regulation be amended to include fish and the processing of fish at food premises and to prohibit un-inspected fish at food premises, once an inspection program is implemented.</p> <p>CONTEXT: Implementation of this recommendation by MOHLTC is dependent upon actions that must first be taken by other ministries related to the responsibility for fish food safety.</p> <p>Justice Haines proposed that the development of a fish inspection program should include components consistent with the standards and level of care associated with livestock and poultry. This would ensure that those who consume fish are given the same protection as those who consume meat.</p>	<p>UNDER CONSIDERATION FOR REGULATORY REVIEW:</p> <p>Presently, non-federally registered fish processors in Ontario are not licensed or routinely inspected. In order to address the food safety risk associated with fish (catch, farming or processing) for consistency with other parts of the food safety system in Ontario, amendments are required to the <i>Fish Inspection Act</i> and the <i>Food Safety and Quality Act</i>. Provision would also need to be made to the permit development, implementation and regulation of a fish inspection system or the inclusion of fish under current food safety legislation to include fish in the definition of meat.</p> <p>Responsibility for fish food safety is proposed to be transferred from Ministry of Natural Resources (MNR) to Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA). Consequential amendments to the Food Premises Regulation are dependent on the new programming once the transfer and necessary OMAFRA legislation in place.</p> <p>MOHLTC continues to monitor progress of this issue with partner ministries.</p>

<p>66. The provincial government amend the <i>Health Protection and Promotion Act</i> to require each food premises in Ontario to register with the Board of Health in the jurisdiction in which the food premises carries on business.</p> <p>CONTEXT: Justice Haines stresses not the simple notification of intent to operate but more effective use of PHI time and resource in identifying operating food premises through coordination of efforts with municipal licensing and business registration offices. A more aggressive approach is suggested where BOH make use of municipal by-laws, license and/or administration fees to ensure all food premises are in direct communication with the BOH through the licensing process.</p> <p>In lieu of by-laws, amendments to MOHLTC legislation would help the province move to a standardized application of requirements across the province.</p>	<p>UNDER CONSIDERATION FOR REGULATORY REVIEW: The <i>Health Protection and Promotion Act</i> (HPPA) section 16(2) states that “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”. BOH past experience demonstrates that operators are inconsistent in providing the necessary notification. However, the requirement provides a starting point for MOHLTC consideration for improvements in this area.</p> <p>Under the current Food Safety Protocol, BOHs are required to liaise with owners, operators or their agents to assist them in becoming compliant with regulations upon being notified or becoming aware of (1) newly constructed or renovated food premises prior to commencement of operation and (2) proposed food premises.</p> <p>Future review of MOHLTC legislation will give consideration to a more effective notification process for operators of food premises which may include mandated registration and a cost component.</p>
<p>68. The provincial government amend the <i>Health Protection and Promotion Act</i> 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.</p> <p>CONTEXT: Currently, Food Safety Program standards required Local Boards of Health (BOH) to ensure the provision of food safety education and training programs for food handlers. However, there is no corresponding legal requirement for food handlers to attend these courses. As a result, throughout the province of Ontario, food handler courses are attended on a voluntary basis. There is no level of consistency in the duration and content of the training curriculum nor is there a common examination instrument to determine the level of competency. In addition, there is no recognized food safety certificate for the Ontario.</p> <p>Justice Haines points to convincing evidence that food handler training improve the likelihood that a food premises will comply with the food safety requirements of the Food Premises Regulation. In the interest of consistency and food safety issues management, Justice Haines recommends an amendment to the Health Protection and Promotion Act (HPPA) and/or the Food Premises Regulation.</p>	<p>UNDER CONSIDERATION FOR REGULATORY REVIEW: The current Food Safety protocol requires boards of health to promote that a minimum of one operator and food handler each be certified, and at least one certified food handler be present in the food premises at all times during operation. This applies to all high and moderate risk food premises.</p> <p>While not currently enforceable by regulation, inclusion of this item in the protocol is a significant step toward the intent of Justice Haines’ recommendation. Amendment of the <i>Health Protection and Promotion Act</i> or Food Premises Regulation to include food handler training as a mandatory requirement will be considered in future regulatory reviews.</p>

<p>70. The provincial government ensure that the standards for all meat retailers be consistent whether under the Food Premises regulation or pursuant to any regulation developed under the <i>Food Safety and Quality Act, 2001</i>.</p> <p>CONTEXT: Justice Haines contends that that consistent standards for meat processors and meat retailers across the country whether provincial or national and proposes that the Food Retail and Food Services Regulation and Code be the basis for that standard. In the interim he asserts that until consistency is achieved across all the provinces that at minimum, the Ontario government should ensure that all meat retail operation whether attached to an abattoir or separate from one are subject to the same standard.</p>	<p>SOME PROGRESS: The MOHLTC continues to work closely with the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) to ensure consistency between the Food Premises Regulation and new regulations created under the <i>Food Safety and Quality Act (FSQA)</i>.</p> <p>Responsibility for Free Standing Meat Processors (FSMP) has been transferred from MOHLTC to OMAFRA.</p> <p>A document respecting the inspection of Provincially Licensed Slaughter Plants and Free Standing Meat Plants was developed by a committee consisting of representatives from MOHLTC, OMAFRA, Canadian Institute of Public Health Inspectors (CIPHI), and the Toronto Public Health Department. The document facilitates compliance with legislation and implementation of the mandates of the food inspection agencies and the current understanding with respect to operational inspection responsibilities.</p>
<p>107. The provincial government ensure that the enforcement tools and offence and penalty provisions of the <i>Health Protection and Promotion Act</i> are consistent with those in the <i>Food Safety and Quality Act, 2001</i>.</p> <p>CONTEXT: Justice Haines contends that the <i>Health Protection and Promotion Act (HPPA)</i> and the <i>Food Safety and Quality Act (FSQA)</i> have the same objective – prevention, protection and promotion. Since the objectives are considered to be the same, the investigative and enforcement powers in the two statutes should be consistent.</p>	<p>UNDER CONSIDERATION FOR REGULATORY REVIEW: Comparison of the enforcement tools and offence penalty provisions of the <i>Health Protection and Promotion Act (HPPA)</i> and the <i>Food Safety and Quality Act (FSQA)</i> was proposed and work began as a prerequisite to updating the HPPA and the Food Premises Regulation.</p> <p>As regular business practice, consultations occur between the MOHLTC and the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) to discuss and ensure consistency between the HPPA and Food Premises Regulation and the FSQA and any new regulations developed pursuant to the FSQA.</p>
<p>108. The provincial government amend the <i>Health Protection and Promotion Act</i> and its Food Premises regulation to ensure that they apply to food businesses which are attached to or form part of a private residence.</p> <p>CONTEXT: Justice Haines reminds us that the <i>Health Protection and Promotion Act (HPPA)</i> and the Food Premises Regulation do not specifically address structures which house both private residences and a food retail business. As a result, without owner/ occupant consent or a warrant, public health inspectors are limited in their ability to access these structures and enforce Food Safety Program standards therein.</p> <p>Food operations such as catering businesses and other similar setup which prepare food for service and/or retail in other food service or food retail establishments fall into this category of food premises.</p> <p>In support of many local Board of Health (BOH) conviction, Justice Haines asserts that these businesses pose the same (and in some cases greater) food safety risk which must be addressed. These businesses, whether within or separate from a private residence should be required to meet the same, if not equivalent, food safety standards and be subject to inspection as any other food business premises.</p>	<p>SOME PROGRESS - UNDER CONSIDERATION FOR REGULATORY REVIEW: In 2006 the Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO) and the Canadian Institute for Public Health Inspectors (CIPHI) were approached by the MOHLTC's Haines Regulatory Control subcommittee to provide a proposal that would effectively address this recommendation. Stakeholders are in agreement with the MOHLTC that only food from an approved source should enter a food premises or be served to the public.</p> <p>Recent amendments to the <i>Health Protection and Promotion Act (HPPA)</i> support the implementation of this recommendation. Prior to 2007, section 41(3) of the HPPA prohibited public health inspectors (PHI) and others involved in the enforcement of the HPPA from entering a private residence without the consent of the occupier. In 2007, the Ontario Legislature amended section 41(3) of the HPPA, which now states that PHIs and others are only prohibited from entering "a room actually used as a dwelling" without the consent of the occupier. Public Health Inspectors should review this section with their legal counsel in the context of specific investigations.</p>

RECOMMENDATION CATEGORY: COMPLIANCE AND OVERSIGHT	
RECOMMENDATION	STATUS
<p>21. The provincial government establish an Ontario Food Safety Reporting Centre to be responsible for the coordination of all matters relating to food safety in the province.</p> <p>CONTEXT: Justice Haines supports the recommendation from the <i>Report of the Expert Advisory Panel, the Scientific and Regulatory Basis of Meat Inspection in Ontario (May 2004)</i> of establishing an Ontario Food Safety Reporting Centre (OFSRC) as measure for address perceived weakness in current surveillance systems.</p>	<p>REQUIRES FURTHER WORK:</p> <p>Establishment of an Ontario Food Safety Reporting Centre (OFSRC) for coordinating all matters relating to food safety reporting in the province identifies one source for early warning and coordination to ensure rapid investigation of food safety threats and unusual occurrences in Ontario; risk communication with the public; and linkages to provincial and federal authorities. All Ministries that have a responsibility for food safety (MOHLTC, OMAFRA, and MNR) would be required to report any data, issues and concerns to the OFSRC.</p> <p>MOHLTC has conducted an inter-jurisdictional review on the development of such an infrastructure and has had discussions with various stakeholders.</p> <p>A search of other jurisdictions to determine a possible framework and mandate for an OFSRC has been completed.</p> <p>A feasibility study is proposed to help determine the best options for proceeding based on research results obtained thus far and the proposed intent of an OFSRC.</p>
<p>72. The Ministry of Health and Long-Term Care take all necessary steps to improve compliance by the Boards of Health with the Mandatory Health Programs and Services Guidelines in respect of food safety standards.</p> <p>CONTEXT: Boards of Health (BOH) provide public health inspection of food premises to ensure compliance with the Food Premises Regulation. Currently, the Food Safety Audit is the means by which the MOHLTC is able to determine if a BOH is meeting an acceptable standard for delivery of public health food safety programs and services. In his 2004 report Haines identifies several issues facing the Food Safety Safe Water Unit (currently known as the EHB) at the time of report writing. They include inconsistency in receiving Food Safety Audit report data from all then 37 BOHs, the lack of timeliness in receiving the report data, the deficient capacity for MOHLTC food safety program staff to analyze the report data, and the lack of effective enforcement steps available to take against BOHs who fail to report or comply with Food Safety Program service and delivery standards.</p> <p>The BOH-submitted Food Safety Audit reports reviewed at the time of report writing (1998 - 2003) showed dismal completion rates for food premises inspections and HACCP audits.</p>	<p>SOME PROGRESS:</p> <p>Currently, local Boards of Health (BOH) food safety programs are monitored for compliance with the Ministry's Mandatory Food Safety Program through the Annual Food Safety Audit. Such items as completion of compliance inspections, number of HACCP audits conducted and food handler training and certification are included in the Food Safety Audit. As of January 2009, the compliance indicator requirements under what were formerly the Mandatory Health Programs and Services Guidelines (MHPSG) has been expanded to the current Ontario Public Health Standards which includes a Food Safety Standard.</p> <p>In January 2008 the MOHLTC initiated an Environmental Health Services Information Project to focus on ensuring the Ministry has the information from the BOHs needed to support program planning and oversight. In keeping with the Ministry's move to a stewardship model of oversight, each BOH is required to report key service delivery information to the Ministry on a regular basis. In cooperation with the Public Health Standards Branch, draft Common Data Elements (CDE) which are performance indicators of interest for each program component and service under the Food Safety Program were established to form part of this reporting relationship.</p> <p>Additional work is being done by the Public Health Standards Branch to develop performance measures specific to monitoring compliance with the Ontario Public Health Standards.</p>

<p>74. The Ministry of Health and Long-Term Care conduct annual audits to assess compliance of Boards of Health with the food safety standards of the Mandatory Health Programs and Services Guidelines.</p> <p>CONTEXT: The current MOHLTC Food Safety Audit consist of the collection of numeric counts of various Food Safety Program service and delivery practices occurring within a Board of Health (BOH) jurisdiction as reported by the BOH. A basic analysis is conducted on these reported figures and the results are reported back to the 36 BOHs in the form of a slide presentation and/or a short statement of findings.</p> <p>In his report however, Justice Haines speaks to auditing and monitoring as a means of determining the effectiveness of food safety strategies implemented within a BOH in keeping with Ontario Public Health Standards. In short, auditing should go beyond the mere collection and reporting out of numbers to assessing BOH compliance and the ability of its Food Safety Program and relevant strategies to control potential food safety concerns within it geographic boundaries. BOHs should through the audit process demonstrate continued vigilance in implementing effective preventive food safety measures with measurable outcomes.</p>	<p>SOME PROGRESS: The Ontario Public Health Standards replaced the Mandatory Health Programs and Services Guidelines as of January, 2009 and include a Food Safety Standard with a goal of preventing or reducing the burden of food-borne illness. The Standard sets out requirements for Boards of Health in relation to assessment and surveillance, health promotion and policy development and disease prevention/health protection and includes a new Food Safety protocol. The new Public Health Practice Branch of the Public Health Division will be responsible for developing, implementing and monitoring a public health performance management framework and reporting on system performance and accountability. The Food Safety Audit monitors items such as the completion of inspections, the number of Hazard Analysis and Critical Control Point (HACCP) audits conducted and food handler training and certification. Further mechanisms for monitoring Board of Health performance in relation to the Food Safety Standard will be developed by the new Compliance and Assessment Working Group of the Food Safety Coordinating Committee and will supplement the data currently received from health units for inclusion in the Annual Food Safety Audit Reports.</p>
<p>75. The Ministry of Health and Long-Term Care deliver an annual public report that sets out its objectives and evaluations for food safety standards, the reduction of food-borne illness and the performance of Boards of Health, including their compliance with Mandatory Health Programs and Services Guidelines.</p> <p>CONTEXT: Justice Haines contends that measurement of the effectiveness of inspection and other food safety initiatives is difficult. Adding to the difficulty in measuring the effectiveness of food safety initiatives is the complexity associated with having various food safety controls along the farm to fork continuum, the variety of factors that can influence microbiological organisms, and the imprecise count of incidents of foodborne illness which occur in the province.</p> <p>Adherence to food safety standards, measurable through BOH performance and effectiveness in demonstrating a reduction in food borne illness are results which Justice Haines ascertains should form part of MOHLTC illustration to the public that effective public health practice is being applied uniformly across the province. He also emphasizes that these results should be made available to the public in the form of an annual public report where objectives are clearly delineated.</p>	<p>SOME PROGRESS: An annual public report provides opportunity for recognition of achievements and acknowledgement of areas in need of improvement.</p> <p>Within the report, Boards of Health can be measured against compliance standards and requirements established in the Ontario Public Health Standards and specifically in the Food Safety Standard and Protocol.</p> <p>This report, will be separate from the annual report produced by the Chief Medical Officer of Health and is being considered for release in 2011.</p>

<p>77. The public health inspectors at Boards of Health be required to utilize standard inspection reports for food safety inspections of food premises to ensure that critical infractions are consistently recorded and that data is collected and shared with the Ministry of Health and Long -Term Care.</p> <p>CONTEXT: Standardized inspections supported by mandatory use of standardized inspection forms are presented as a means for achieving and measuring the effectiveness of food safety inspections. Consistency of measurement values are considered achievable through identification and record of the number and type of critical infractions coupled with coherent identification and definition of critical infractions.</p> <p>It is proposed that such data and other be collected by the MOHLTC and used to monitor and evaluate the effectiveness of food safety standard requirements as well as Boards of Health's ability to meet delineated standards.</p>	<p>SOME PROGRESS: A standard Ministry food inspection form is available for use by all public health units.</p> <p>The current Food Safety Protocol requires that when inspecting for compliance with regulations, the Boards of Health (BOH) use food premises compliance inspection forms which will form part of specific food safety data elements.</p> <p>Introduction of BOHs to draft Common Data Elements (CDE) - program and service delivery performance indicators - occurred on April 6, 2009. The Ministry intends to initiate a collection and reporting strategy beginning January 2010. To this end, MOHLTC has provided financial support to BOHs specifically for acquiring IT systems that support service delivery and reporting.</p>
<p>106. The Ministry of Health and Long-Term Care, with assistance from Boards of Health, develop, implement and require adherence to a comprehensive province-wide investigation, compliance and enforcement policy extending to all food premises.</p> <p>CONTEXT: MOHLTC and local Boards of Health (BOH) have jurisdiction and responsibility over retail food premises. Food Safety Program service delivery and method of delivery on program standard can vary across the province by virtue of the autonomous nature of BOHs. Geographical size and location, population size, number of food premises and human and financial resources also greatly impact program service and delivery.</p> <p>The result of autonomy and the other factors identified is variation in inspection completion rates and enforcement actions and penalties taken within a BOH jurisdiction.</p> <p>Justice Haines asserts that "risks in one part of Ontario are the same in another" and that "the entire province is entitled to the same protection, the same commitment to food safety". Sound policy leads to effective standards and regulations. Therefore, he contends that the province should develop, implement, and require adherence to a standardized approach to investigating and/or responding to non-compliant or illegal conduct by food premises and their operators.</p>	<p>SOME PROGRESS: Key to any compliance and enforcement policy is the need to adopt and maintain best practices in food safety among food retailers, food service personnel and local food producers that is based on current science.</p> <p>The current Food Safety Protocol requires Boards of Health (BOH) to establish policies and procedures to address non-compliance with the <i>Health Protection and Promotion Act</i> and associated regulation.</p> <p>A review of all inspection report forms used by the 36 BOHs and a discussion of inspection needs in both rural and urban areas was initiated to form the basis for development of a province-wide food safety investigation, compliance and enforcement policy. The suggested framework included a standard checklist that would capture areas of non-compliance and be augmented with supplemental forms for comments and documenting specific directions. The checklist would be based on the requirements of the regulations to facilitate consistency.</p>

<p>111. Provincial government consider the establishment of an Ontario Food Inspection Agency that would assume responsibility for all activities associated with ensuring food safety.</p> <p>CONTEXT: Preceded by the header 'Food for Thought – An OFIA', Justice Haines gives consideration to a rationalization, coordination, and consolidation of inspection and other food safety-related services offered at the provincial level by the various agencies with food safety responsibility. He speaks to a single agency responsible for all food inspection from production to consumption. The creation of a provincial food inspection agency with all responsibility for all aspects of food inspection is in Justice Haines' view the next logical step in moving towards a modern food safety system in Ontario.</p>	<p>REQUIRES FURTHER WORK:</p> <p>An Ontario Food Inspection Agency (OFIA) speaks to a new infrastructure to deal with consolidation of provincially mandated food, plant, and animal services currently provided by the MOHLTC and the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA).</p> <p>The proposed OFIA required an assessment of the various agencies or departments that would make up such an agency. As such, a search of various jurisdictions to determine a possible framework and mandate for an OFIA was completed.</p> <p>Meetings and discussions also occurred with the Canadian Food Inspection Agency (CFIA) as the agency had been formed as a result of a similar process at the federal level to rationalize, coordinate and consolidate food inspection services.</p> <p>A feasibility study to determine the achievability of forming such an agency would be the next step for addressing this recommendation.</p>
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APPENDIX 1:

HAINES RECOMMENDATIONS IMPLEMENTATION PROJECT: 2005 FRAMEWORK

The project consists of four subcommittees (Infrastructure, Education and Training, Regulatory Controls, Compliance Oversight) that were tasked to research the subject areas, carry out jurisdictional scans within Canada and internationally to identify best practices. The subcommittee structure was also created to ensure appropriate stakeholder consultation with government (federal, provincial and local health units), food industry and academia.

Subcommittee: Infrastructure

Tasks:

- conduct an analysis of the current system for laboratory testing of food including sampling and submission policies and procedures;
- identify linkages and reporting mechanism between local health units and the public health labs and the proposed Public Health Inspection Information System (PHIIS);
- determine enhancements to the current system of food-borne disease surveillance in Ontario food hazard surveillance and food-borne illness surveillance);
- review public health lab capacity for analysis of new and emerging pathogen risks, including Justice Haines recommendation concerning the need for Level 3 containment laboratory facilities for food-borne hazards; and,
- provide recommendations for future needs involving laboratory services.

Subcommittee: Education and Training

Tasks:

- conduct a review of the MOHLTC's proposed mandatory food handler training and certification program for its current relevance and proposed implementation. This comprehensive review would act as a precursor to the proposed mandatory food handler training program, providing baseline data that will be valuable for performance measures evaluation of the new program;
- develop farm and farm-gate inspection and food safety training policies and procedures (if and where appropriate);
- identify training needs for public health inspectors in consultation with academic institutions assisting in the review and, if necessary, amendment of the training curriculum;
- identify delivery models for ongoing public health inspector training; and,
- explore the recommended central food safety information clearing house (e.g., virtual or physical, with electronic and/or physical material, agency to assess) and develop an assessment tool for analysis of the effectiveness of consumer food safety information and education.

Subcommittee: Regulatory Control

Tasks:

- address the notification requirement for new food businesses per section 16 of the *Health Protection and Promotion Act* (HPPA);
- link with the proposed review of the Mandatory Food Safety Program (legislation, protocol, policy and procedure changes etc.);
- harmonize regulatory requirements made under *National Food Retail and Food Services Code* (NFRFSC) and the *Food Safety and Quality Act* (FSQA).

Subcommittee: Compliance and Oversight

Tasks:

- develop consistent food safety policies and inspection and oversight standards for all food handlers and retailers;
- review the current routine compliance inspection and re-inspection process, including the associated timelines for corrective measures;
- review enforcement policies;
- explore the need and/or justification for the recommended Ontario Food Safety Reporting Centre (OFSRC);
- develop a Food Safety Program report card model; and,
- explore the recommended Food Inspection Agency/Ontario Inspection Agency (OIA) that would assume responsibility for all activities associated with ensuring food safety.