

# Food Safety

Follow-up on VFM Section 3.09, *2008 Annual Report*

## Background

In Canada, the regulatory responsibilities for food safety are shared among all levels of government. At the federal level, Health Canada establishes the policies and standards governing the safety and nutritional quality of food sold in Canada, as well as monitoring the incidence of food-borne disease. The Canadian Food Inspection Agency (CFIA) is responsible for regulating and inspecting federally registered establishments in every province. These are generally establishments that move food across national and provincial borders.

At the provincial level, Ontario's Ministry of Agriculture, Food and Rural Affairs (Ministry) administers a number of statutes aimed at minimizing food safety risks relating to meat, dairy, and foods of plant origin processed and sold exclusively in the province. To oversee compliance with this legislation, the Ministry has systems and procedures for licensing, inspecting, and laboratory-testing various food groups produced and sold in Ontario.

In the 2009/10 fiscal year, total expenditures on food safety were approximately \$43 million (\$48 million in the 2007/08 fiscal year). In our *2008 Annual Report*, our key observations with respect to the adequacy of the Ministry's procedures to minimize food safety risks were as follows:

- The Ministry is to conduct annual licensing audits of provincial abattoirs (which account

for about 10% of all animals slaughtered in Ontario) and freestanding meat processors. We noted that licensing audits found significant deficiencies at a number of plants. Some plants had a deficiency rate of close to 30% for the standards examined, and many deficiencies were repeat violations from previous audits. To better ensure the safety of meat and meat products, the Ministry needs to make sure that timely corrective action is taken when significant violations are found.

- We noted that there had been a lack of systematic follow-up or corrective action to address adverse results from the Ministry's laboratory tests for microbial organisms (bacteria) and chemical substances in meat and meat products. For example, a study of 48 newly licensed freestanding meat processors in the Greater Toronto Area in 2006 to determine the prevalence of pathogens and contamination on equipment and food-contact surfaces found high rates of bacteria. Although the Ministry advised us that a high count of microbial indicators does not, in itself, pose an immediate risk to public health, the results could indicate a lapse in sanitation or a process failure that increases the risk of food-borne illness.
- The Ministry has delegated the responsibility for administering and enforcing various quality and safety provisions of the legislation for cow's milk to the Dairy Farmers of

Ontario (DFO). Laboratory tests are also performed routinely for bacterial content, somatic cell counts (an indicator of infection in the udder), and antibiotic residues, and there are financial penalties for non-compliance. However, we noted that the Ministry had not established a monitoring regime to assess DFO's performance. The Ministry is responsible for inspecting dairy processing plants and distributors, and we noted weaknesses in its processes, such as licences being renewed before an inspection was completed, minimal inspections of distributors, and inadequate documentation of the inspection results. In addition, results from the testing of fluid milk and cheese products showed instances of bacterial counts that suggested a number of processing plants were having difficulty maintaining adequate sanitation standards in their plants.

- For foods of plant origin, there are limited enforceable provincial food safety standards. Nevertheless, the Ministry, on its own initiative, has been collecting samples of fruits, vegetables, honey, and maple syrup and having them tested. In the 2007/08 fiscal year, the Ministry conducted over 2,400 tests and found adverse results for 2% of the samples. The contaminants included lead found in processed honey and maple syrup, chemical residues in fruits and vegetables exceeding Health Canada's maximum allowable limit, and microbial contaminants (listeria and salmonella) in minimally processed vegetables. When non-compliance was detected, the Ministry collected additional samples from the same producers for further testing; the non-compliance rate on those second samples has been about 20%. Although the Ministry could notify and educate the producers regarding its findings, it did not have the enforcement authority for further action.

Finally, we noted that, to manage food safety risks better, the Ministry needed to develop a more

comprehensive risk-based strategy to guide its priorities and activities.

We made a number of recommendations for improvement and received commitments from the Ministry that it would take action to address our concerns.

## Status of Recommendations

According to information provided by the Ministry, we concluded that it has taken action on all of the recommendations we made in our *2008 Annual Report* and that it has made significant progress on the majority of them. The Ministry indicated that it requires more time to fully address a few of our recommendations, such as implementing its new information management system, benchmarking its performance, and measuring the impact of its activities around food safety in Ontario. The status of action taken on each of our recommendations at the time of our follow-up was as follows.

### MEAT

#### Licensing of Abattoirs and Freestanding Meat Processors

##### Recommendation 1

*To help ensure that licences are issued only to abattoirs and freestanding meat processors that have met its food safety standards, the Ministry of Agriculture, Food and Rural Affairs should:*

- *ensure that prompt corrective action is taken by the plant operators when significant deficiencies are found during a licensing audit, and if corrective action is not taken, to consider denying a licence;*
- *review its system of rating abattoirs and freestanding meat processors and provide clear criteria and guidelines so that they reflect more accurately and consistently the facilities' level of compliance; and*

- *update its information system promptly to facilitate auditing and licensing decisions.*

*In addition, the Ministry should:*

- *periodically update its database of freestanding meat processors so that all are subject to the required compliance audit;*
- *expedite the outstanding licensing audits for the large number of newly licensed freestanding meat processors;*
- *follow up on and address concerns raised by its staff with regard to any potential systemic problems; and*
- *develop compliance standards that are more specific to freestanding meat processors.*

### Status

The Ministry indicated that it has implemented a staged protocol for acting on non-compliance. The protocol includes verbal and written warnings, compliance orders, and hearings on licence suspension/revocation. In addition, a new monthly performance report that tracks the percentage of corrected audit deficiencies has been implemented by the Ministry. This report allows program staff to focus on establishments where deficiencies are not being corrected by the required dates.

By February 2009, the Ministry had hired 10 new area co-ordinators to help with tracking corrective actions and deal with compliance issues. Their tasks include, for example, attending compliance meetings, monitoring deficiencies, and drafting compliance letters and orders. The area co-ordinators were also intended to help relieve the administrative burden of area managers so that they can better focus on management of their areas.

According to the Ministry, as of mid-June 2010, over 82% of the deficiencies identified in the 2009/10 fiscal year with corrective action due-dates had been addressed, compared to 67% in the 2007/08 fiscal year. In addition, the meat-plant rating system was revamped, with meat-plant compliance standards now being ranked according to food safety risk to focus compliance efforts on the most significant deficiencies identified.

The Ministry informed us that the review of the audit system for abattoirs and freestanding meat processors was underway. The work completed in this area so far included two projects to review the audit-scoring processes. The Ministry indicated that it plans to apply program improvements—including the simplified meat-plant rating system, and objective scoring—in the 2010/11 fiscal year.

The Ministry has begun the development of a new information management system to maintain client information and statistics; track licensing, inspection, and laboratory testing activities and results; and flag deficiencies for corrective action. A pilot was completed in 2009 and the project was being implemented in phases, with full implementation expected by late 2013.

The Ministry maintains a current list of licensed plants on its website. Approximately 90% of the new plants received their licensing audits in the 2009/10 fiscal year, and most of the 10% that were not audited last year have been audited so far in the 2010/11 fiscal year.

According to the Ministry, organizational changes were made in April 2009 to help ensure consistency in the delivery of inspection services to meat plant operators and address the concerns of staff. In addition, the Ministry completed guidelines specific to freestanding meat plants and issued them to operators in June 2009.

## Abattoirs: Inspection and Laboratory Testing

### Recommendation 2

*To help ensure the safety of food produced at abattoirs, the Ministry of Agriculture, Food and Rural Affairs should:*

- *analyze why some plants were showing an abnormally high or low incidence of carcass condemnation rates and follow up to ensure that inspectors are following the inspection criteria consistently; and*
- *ensure that laboratory tests performed are in accordance with the sampling methodology, and*

*when the laboratory tests indicate a potential widespread or systemic problem, make suitable changes to its inspection and testing programs.*

### Status

The Ministry indicated that in March 2009 it developed a statistical routine to facilitate the review of condemnation-rate data. All historical data have been reviewed and an ongoing protocol has been established to allow for identification of anomalies and trends. In addition, the Ministry began including additional training on carcass disposal in its routine inspector training in November 2008, to help ensure that inspection criteria are consistently applied by all inspectors.

The Ministry has developed a co-ordinated formal process to prioritize annual food-testing requirements. As part of this process, for example, several years of test results for water and ice were analyzed in 2008. The Ministry's analysis showed that both immediate and long-term changes to the water and ice testing program were necessary. Recommendations resulting from the analysis were developed and a new, revised water and ice testing program was put into place in the summer of 2010.

## Freestanding Meat Processors: Inspection and Laboratory Testing

### Recommendation 3

*To help ensure the safety of food products produced by freestanding meat processors, the Ministry of Agriculture, Food and Rural Affairs should:*

- *ensure that ongoing inspections focus on plants that represent the highest risk;*
- *improve its reporting of inspection results so that better information is available when conducting future inspections of plants with significant deficiencies; and*
- *in light of the findings from its 2006 microbial laboratory testing, take more timely and effective action to correct both systemic issues and food safety concerns about individual processors.*

### Status

The Ministry indicated that in March 2009 it had developed a food safety risk management framework to improve the capacity and the consistency of its decision-making. A pilot project using the framework was completed to determine a risk-based frequency of inspection at freestanding meat plants. As a result of this pilot, the Meat Inspection Program developed a risk-classification tool and has used it to evaluate all freestanding meat processors. In August 2010, the Ministry implemented its inspection program, which uses both risk-based frequency of inspection and the new risk classification tool.

The Ministry also indicated that improvements to the manner in which inspection results are reported will be made with the new information management and technology system that is currently under development.

In January 2009, the Ministry implemented routine microbial testing of ready-to-eat meat products from provincially licensed meat plants. Protocols on dealing with adverse results were also put into place. Such protocols include notifying the Canadian Food Inspection Agency and local public health units as well as placing the product under detention and ceasing meat-processing operations at the plant when necessary.

## Disposal of Dead Animals

### Recommendation 4

*To ensure that deadstock operators store, collect, process, and dispose of deadstock in accordance with the legislation, the Ministry of Agriculture, Food and Rural Affairs should:*

- *expand its inspection of vehicles licensed to carry deadstock to include those of livestock producers; and*
- *obtain and review inspection reports from the Canadian Food Inspection Agency (CFIA) and follow up on areas not covered by federal inspectors.*

### Status

The *Dead Animal Disposal Act* was replaced by the “Disposal of Dead Farm Animals” regulation under the *Nutrient Management Act* and the “Disposal of Deadstock” regulation under the *Food Safety and Quality Act*. The new regulations came into force on March 27, 2009. To avoid duplication of licensing and inspection, the Ministry has eliminated the need for provincial licences or markers for farmers transporting their own deadstock to a disposal facility. However, a federal permit to move any cattle carcasses off their farms is still required. Commercial deadstock collectors that pick up carcasses from farms continue to be licensed and inspected by the Ministry.

The Ministry informed us that it has been conducting annual inspections of all provincially licensed rendering plants regardless of the CFIA inspection status; therefore it no longer needed to rely on CFIA’s inspection reports.

## DAIRY

### Cow’s Milk

#### Recommendation 5

*To ensure that the transfer of responsibility for the safety of cow’s milk to the Dairy Farmers of Ontario (DFO) continues to operate effectively, the Ministry of Agriculture, Food and Rural Affairs should establish an oversight process and periodically review the activities of the DFO.*

### Status

The Ministry has made progress on the written guidelines it has been developing for overseeing the responsibilities delegated to the Dairy Farmers of Ontario (DFO), which include all aspects of the DFO Raw Milk Quality Program. The guidelines were expected to be finalized in late 2010.

In addition, the Ministry indicated that it had developed protocols that allow for easy and secure access to DFO information. As a result of this improved access, routine data-analysis reports had been developed, which include details on the

management and communication of test results, the consistent application of penalties, and the inspections of farms for compliance. Ministry staff now regularly review these reports and monitor DFO activities.

The Ministry, with input from Internal Audit, is developing a plan to assess risk and verify compliance with and enforcement of the Raw Milk Quality Program requirements. It is to be implemented in autumn 2010.

### Dairy Processing Plants and Distributors

#### Recommendation 6

*To help ensure that licences are issued only to dairy processing plants and distributors that have met the food safety standards established by legislation, the Ministry of Agriculture, Food and Rural Affairs should:*

- *before issuing a licence, ensure that the establishment is inspected and that any significant deficiencies, including those found by the Canadian Food Inspection Agency (CFIA), are corrected;*
- *ensure that results of inspections are properly documented; and*
- *follow up on laboratory tests that show unsatisfactory results.*

*In addition, the Ministry should ensure that its information system provides adequate information for effective monitoring of dairy processing plants and distributors.*

### Status

The Ministry indicated that it had been collaborating with CFIA and had received a commitment from them to better co-ordinate and share inspection reports in a timely manner. It also indicated that it had developed risk-based procedures to achieve proper follow-up on adverse laboratory test results. The final protocol was put into place in December 2008.

In July 2009, an interim database for the fluid milk distribution program was created to permit better organization, tracking, and reporting of licensing and inspection information as well as automated generation of routine letters and licence-renewal applications.

As indicated earlier, the development and implementation of a new information management system is underway and was expected to be completed by late 2013.

## FOODS OF PLANT ORIGIN

### Recommendation 7

*In order to ensure that foods of plant origin sold to the public are safe from contamination, the Ministry of Agriculture, Food and Rural Affairs should:*

- *work with the province and stakeholders to determine ways to strengthen the legislation to give the Ministry the authority to protect consumers better; and*
- *work with stakeholder groups to develop a more comprehensive inventory of producers, consider options for cost-effective monitoring of food safety in this area, and promote good agricultural practices.*

### Status

According to the Ministry, the *Farm Product Grades and Sales Act* was under review as part of the Open for Business initiative over the last two years. Stakeholders had been consulted on the proposal to move the food safety provisions of that Act to the *Food Safety and Quality Act*. Specifically, input was being sought on clarifying the requirements and prohibiting the marketing of contaminated fruit and vegetable products.

In addition, the Ministry indicated that it had been working more closely with federal and other provincial food safety agencies to develop a national approach to food safety for these products. As well, the Ministry was working with industry partners to develop and deliver information and tools such as good manufacturing practices (GMPs)

to address food safety issues at processors of plant-origin foods. Several information workshops and training sessions were held for various commodities in the last fiscal year.

The Ministry also informed us that, in 2009, it began to require registration of agri-food premises in the Ontario Agri-food Premises Registry for producers to be eligible for some cost-shared funding programs. When they register their premises, producers are registering the exact geographical location of their enterprises and characterizing the type of agri-food activity taking place on those premises. The Ministry has access to these records of premises for all phases of emergency management, including prevention, detection, and response. This has strengthened its capacity to respond to agri-food emergencies.

## CO-ORDINATION WITH CANADIAN FOOD INSPECTION AGENCY

### Recommendation 8

*To be more effective and efficient in ensuring that our food is safe, the Ministry of Agriculture, Food and Rural Affairs should work with the Canadian Food Inspection Agency (CFIA) to clarify responsibilities and to co-ordinate better the monitoring and enforcement of food safety.*

### Status

The Ministry informed us that it had been collaborating with CFIA on compliance and enforcement issues in several areas of food safety and quality. The recent focus of the two organizations had been mainly on addressing the recommendations contained in the reports on the listeriosis outbreak of 2008, which also emphasized improved inter-agency co-operation and collaboration between all agencies that have food safety responsibilities.

Common themes of the recommendations were enhancing the food-borne illness outbreak response protocol (FIORP 2010); clarifying roles and responsibilities; improving laboratory capacity and co-ordination; and communicating with the

public, with federal/provincial/territorial partners, and with other organizations. FIORP 2010 is the technical, operational, and information protocol that guides how public health and safety authorities work together in the investigation and management of a national or international outbreak of food-borne illness. It was endorsed by federal, provincial, and territorial deputy ministers of agriculture and health in June 2010.

In addition, the Ministry indicated that it has several Memoranda of Understanding in place with CFIA, all of which serve to clarify roles and responsibilities, co-ordinate food safety activities, and facilitate the sharing of information.

## FOOD SAFETY STRATEGY

### Recommendation 9

*To ensure that its food safety programs are more effective and efficient, the Ministry of Agriculture, Food and Rural Affairs should develop a more comprehensive strategic plan that encompasses assessment of risks to food safety, appropriate measures for controlling the risks, and relevant indicators of its effectiveness in ensuring food safety. Given that other jurisdictions are increasingly focusing on the importance of educating the public on how to enhance food safety in the home, the Ministry should work more proactively with its partners on this aspect of food safety in its strategic plan.*

### Status

The Ministry informed us that it had completed a review of its food safety strategic plan in the autumn of 2008 and again in December 2009, and planned to continue to update it periodically. In addition, a risk-based approach to food safety was developed and implemented with the Ministry's new Food Safety Risk Management Framework. The framework was developed to ensure that informed and consistent food safety decisions are made.

The Ministry also established service standards for all program areas and the results are to be communicated to clients and stakeholders annually.

Food safety performance measures were completed by the end of 2008. The Ministry was into its second year of reporting and collecting data. Targets for each performance measure are to be set after three years of data have been collected.

## FOOD SAFETY SURVEILLANCE

### Recommendation 10

*To help ensure that its food surveillance is more effective and to link scientific research more closely to its regulatory programs, the Ministry of Agriculture, Food and Rural Affairs should:*

- *develop a more formal process for deciding on and prioritizing its surveillance projects;*
- *improve the sharing of surveillance information and co-ordination among ministry branches; and*
- *analyze the test results from samples submitted by private veterinarians for potential systemic food hazards.*

### Status

The Ministry indicated that it had completed a review of surveillance activities and developed a Surveillance Strategy. It decided to pilot the recommendations in the Foods of Plant Origin area. There is to be a report back on the pilot project as well as additional recommendations on a short-term strategy in 2010.

In addition, the University of Guelph's multi-disciplinary *Ontario Animal Health Surveillance Network* (OAHSN), which had been operating prior to our 2008 audit, was reconstituted in early 2009. OAHSN integrates information from many sources, including the Animal Health Laboratory, livestock auction markets, and abattoirs. It serves as a link to disease surveillance centres in other provinces, as well as at the national and international levels. The Ministry also informed us that it had been seeking out opportunities to use animal health surveillance data from samples submitted by private veterinarians to the University of Guelph's Animal Health Laboratory to improve food safety programs. A

steering committee made up of staff from the Ministry and veterinarians was established to examine the data currently available.

In addition, as part of the Ministry's Animal Health Strategy, the provincial *Animal Health Act* was introduced in the autumn of 2009 and came into force in January 2010. The legislation includes regulation-making powers that would require certain persons, including staff at veterinary laboratories, to report or notify the Chief Veterinarian of Ontario of certain named serious diseases or other hazards of animal health and/or public health significance.

## FOOD MANAGEMENT PRACTICES

### Recommendation 11

*To complement inspection programs and prevent or reduce hazards throughout the entire food-supply chain, the Ministry of Agriculture, Food and Rural Affairs should:*

- *work more actively with producers and processors to facilitate industry adoption of good management practices such as the Hazard Analysis Critical Control Points (HACCP) system; and*
- *measure the effectiveness of its programs for financially assisting operators.*

### Status

The Ministry indicated that it had completed the development of program strategies for all voluntary food safety programs as of January 1, 2010. As

well, food safety performance measures have been developed to gauge awareness and adoption of food safety practices.

In the 2009/10 fiscal year, the Ministry updated its strategic framework for food safety education and training in both the agriculture and food-processing sectors. A performance measurement framework has been put into place to accurately assess producers' and food-processors' knowledge, understanding, and adoption of voluntary food safety practices and programs. The Ministry also reviewed its existing food safety training materials and created some new ones. As of July 31, 2009, over 3,000 producers and processors had participated in ministry training events on food safety since 2007/08.

In addition, the Ministry indicated that it has committed \$25.5 million from 2009 to 2013 toward increasing agri-food facility operators' voluntary adoption of food safety best practices and participation in recognized food safety programs (either HACCP or HACCP-based programs). Recommendations from previous program-funding reviews were incorporated into new program guidelines, which included performance measures, application processes, and improved client communications. Service standards were also completed and posted on the Ministry's website in December 2009. They were also incorporated into the round of grant applications that opened on March 1, 2010.