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## MINISTRY OF AGRICULTURE AND FOOD

### 4.01—Food Industry Program

(Follow-up to VFM Section 3.01, 2001 Annual Report)

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#### BACKGROUND

The objective of the Food Industry Program of the Ministry of Agriculture and Food (at the time of our audit named the Ministry of Agriculture, Food and Rural Affairs) is to manage food safety risk in Ontario's food industry to protect consumers and enhance market access and industry competitiveness. In 2000, Ontario's food industry included over 60,000 farms that produced \$7.8 billion worth of agricultural production and food processors that shipped products to market valued at \$25 billion.

To maintain the safety and quality of the province's food supply, the Ministry, in co-ordination with other provincial ministries as well as the federal and municipal governments, licenses and inspects food processing plants and tests selected products for evidence of contamination. To support the program, for the 2002/03 fiscal year, the Food Industry Division spent a total of \$20 million. In 2000/01, it spent \$20 million, employed 110 staff, and engaged 140 inspectors on a contract basis.

Although the Ministry had engaged in a number of initiatives to protect consumers from food-borne contaminants, we concluded that the Ministry needed to improve its efforts to ensure compliance with legislation, policies, and procedures by addressing weaknesses in its licensing and inspection processes. Specifically, we noted the following:

- Food safety deficiencies that were defined as critical by the Ministry and that can pose risks to human health were noted during annual licensing audits of abattoirs (slaughterhouses) but often were not corrected in a timely manner.
- Newer testing methods were not in place to randomly test meat from abattoirs for evidence of bacterial, chemical, and other more recently recognized hazards to health that are not readily detected by traditional meat inspection methods.
- The Ministry had not assessed the effectiveness of the Dairy Farmers of Ontario (DFO) since 1998 when the DFO had assumed responsibility for ensuring the safety of the processing of raw cows' milk. Consequently, we reviewed the activities of the DFO and found that adequate inspection processes for raw (unpasteurized) cows' milk had been established.
- One-third of the goat dairy farm inspection reports we reviewed were given a conditional rating because of non-compliance with minimum standards, and 90% of the goats' milk samples tested on behalf of the Ministry did not meet legislated bacterial standards. There was no evidence that the Ministry had followed up on these problems.

- In 2000, the Ministry tested almost 800 fruit and vegetable samples and found 28 cases where chemicals exceeded acceptable limits by as much as 80 times the maximum allowable limit. As of March 2001, the Ministry had yet to formally notify growers and retailers of the test results.
- Penalties imposed for non-compliance with food safety legislation were not sufficient to have a deterrent effect. During the 2000/01 fiscal year, the average penalty was \$320 for infractions such as illegally slaughtering poultry and illegally processing cheese.

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

## CURRENT STATUS OF RECOMMENDATIONS

According to information received from the Ministry, substantial action has been taken on all the recommendations made in our *2001 Annual Report*. Some of the action taken by the Ministry will be addressed through the *Food Safety and Quality Act, 2001* and associated regulations. This Act received royal assent on December 5, 2001 but had not been proclaimed as of May 2003. Therefore, the requirements of the Act were not in force at the time of our follow-up review. The current status of each of our recommendations is outlined below.

### ***COMPLIANCE WITH LEGISLATION, POLICIES, AND PROCEDURES***

#### **Abattoir Licensing, Inspection, and Testing—Licensing**

##### **Recommendation**

*To better ensure that all provincially licensed abattoirs meet licensing requirements and the meat produced is safe for human consumption, the Ministry should:*

- *develop specific criteria for licence suspensions and other penalties for non-compliant abattoirs;*
- *establish guidelines for setting acceptable time frames for abattoirs to take corrective action on problems noted during the licensing audits; and*
- *ensure abattoirs take corrective action as soon as possible after licensing audits are completed so that food safety issues can be resolved promptly.*

##### **Current Status**

The Ministry informed us that it developed specific criteria for licence suspensions and other penalties, and introduced an enhanced rating system on April 1, 2002 that better reflects the food safety status of provincially licenced abattoirs. The new system is based on a

letter grade and is similar to that used by the Canadian Food Inspection Agency in federally inspected plants. The new system allows the Ministry to ensure non-compliant operators take timely corrective action in that, after an abattoir is audited, feedback is immediately provided. For example, plants receiving an “A” rating or higher are to have a corrective-action-plan meeting with the inspector within four weeks of the audit being completed to set time frames for correcting major deficiencies. Plants receiving lower ratings would have corrective action initiated earlier than four weeks. For 2002/03, the Ministry indicated that 80% of the 209 provincially licensed abattoirs received a rating of “A” or higher.

## Abattoir Licensing, Inspection, and Testing—Inspections

### Recommendation

*To help ensure that corrective actions arising from annual licensing audits are completed as required and food safety risks are minimized, the Ministry should ensure that inspectors follow up on and adequately document the completion of all operational tasks.*

### Current Status

The Ministry indicated that, to ensure that inspectors have the necessary tools to adequately monitor the required corrective actions resulting from licensing audits, it has provided training in the areas of information systems, meat hygiene, and meat processing. Inspectors also monitor the abattoirs’ progress in correcting deficiencies through the Food Safety Decision Support System that records information from all abattoir audits and inspections. In addition, area managers are now responsible for ensuring that inspectors follow up on and adequately document the completion of all operational tasks.

## Abattoir Licensing, Inspection, and Testing—Laboratory Testing of Meat

### Recommendation

*To help ensure that meat products from provincially licensed abattoirs are safe for human consumption, the Ministry should:*

- *develop a risk-based approach to laboratory testing and utilize newer methods to test meat from healthy animals for potential food safety hazards;*
- *summarize laboratory results to help identify systemic problems; and*
- *ensure that all problems detected are followed up on and resolved in a timely manner.*

### Current Status

The Ministry informed us that it improved its risk-based process for random and targeted sampling of animals for chemical residues. It is now testing cows, calves, lambs, goats, chickens, turkeys, and sows for antibiotic residues. In addition, testing for high-risk livestock,

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such as barbecue hogs, has been enhanced to detect sulfonamide residues. The Ministry also conducted a trial test at a high-risk cow abattoir using US microbial performance standards. As well, baseline data for microbiological and chemical contamination of beef, hogs, and chickens have been developed. Results from the trial test should help the Ministry to develop a process for ongoing monitoring for microbial contamination to ensure that meat products processed in provincially licensed abattoirs meet high standards.

In addition to carrying out on-site testing at some cattle and hog plants, the Ministry has developed new laboratory testing and rapid-testing technology, such as carbadox detection methodology, sulfa-on-site tests, and an on-premise swab test for antibiotic residue. Laboratory results from this testing are now reviewed monthly by managers to identify systemic problems and ensure appropriate and adequate follow-up. The new procedures also establish time frames for correcting deficiencies on a timely basis.

In 2001, the Ministry enhanced its comprehensive testing program for bovine spongiform encephalopathy (BSE) (commonly referred to as “mad cow disease”). This ongoing program is designed to test the highest-risk animals, including animals that die on the farm, older animals, and animals that display signs of neurological distress. During the 2002/03 fiscal year, the Ministry informed us that more than 1,100 samples had been tested for BSE in Ontario, which is three times the internationally recognized testing standard. All samples tested negative for BSE.

As well, managers now receive monthly summaries of all laboratory results, and the Ministry has implemented protocols for follow-up of unfavourable results within established time frames. The Ministry informed us that compliance with these protocols is being monitored on a regular basis.

## **Animal Disposal Industry: Licensing and Inspection**

### **Recommendation**

*To better ensure that deadstock operators comply with legislation and that meat from deadstock is properly disposed of and does not end up in the human food chain, the Ministry should:*

- *inspect the vehicles of deadstock collectors in accordance with ministry policy to ensure that valid permits are in place;*
- *implement a formal policy for the frequency of inspections of deadstock collectors, rendering facilities, receiving plants, and brokers;*
- *obtain and review all federal inspection reports and follow up on any areas not covered by federal inspectors; and*
- *review and revise as necessary legislation, policies, and procedures concerning the transportation of dead animals.*

## **Current Status**

The Ministry informed us that a study was completed regarding current legislation and regulations pertaining to the transportation of dead animals, inspection of vehicles, and the licensing of deadstock operators. As a result, the Ministry is developing new regulations under the *Food Safety and Quality Act, 2001* and the *Nutrient Management Act, 2002*. In addition, the Ministry has revised its inspection procedures and appointed a co-ordinator to ensure inspections of deadstock collectors, receiving plants, and brokers are carried out and that noted deficiencies are corrected. Inspections are now scheduled based on a risk assessment of the deadstock collectors and their history of compliance with policies and timeliness in addressing deficiencies. Receiving plants, brokers, and collectors are inspected annually, quarterly, or monthly as determined by the risk assessment.

The Ministry indicated that, for the 2003 licensing year, it inspected all the deadstock collection vehicles and set up a system to ensure that valid vehicle permits are in place.

The Ministry now receives, within 30 days of the inspection, all federal inspection reports for the six rendering facilities that the Canadian Food Inspection Agency inspects. At a minimum, rendering facilities are inspected annually. The Ministry reviews these reports and follows up on areas not covered by the federal inspectors before renewing the licences for these facilities.

## **Dairy Licensing, Inspection, and Laboratory Testing— Dairy Farms and Milk Transportation**

### **Recommendation**

*To better ensure the quality of raw cows' and goats' milk, the Ministry should:*

- *periodically review the inspection activities of the Dairy Farmers of Ontario to ensure the established standards are being maintained;*
- *prepare an up-to-date list of all goats' milk dairy producers and establish a formal risk-based inspection process for goat dairy farms; and*
- *ensure that problems identified in inspection reports for goat dairy farms are being corrected on a timely basis.*

## **Current Status**

The Ministry commissioned a thorough review of the Dairy Farmers of Ontario Raw Milk Quality Program and found a high degree of compliance with established standards. Some recommendations for procedural improvements were made, and these are expected to be implemented by fall 2003.

With respect to goats' milk, the Ministry indicated that it had completed a list of producer and processor information, which is maintained on a computer database. Along with developing a new inspection checklist for goats' milk farms, the Ministry hired two

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inspectors to further enhance the inspection process. Correction of deficiencies noted in inspection reports is now monitored by the Ministry to ensure that goat farmers correct these on a timely basis—if they do not, the shipping of milk is now being suspended. In February 2002, the Ministry completed a review of the goats' milk quality program and plans to update the regulations (including establishing penalties), improve laboratory testing and reporting, provide additional inspection resources, and complete a baseline study of goats' milk in the province. Policy development, consultation, and drafting of new regulations under the *Food Safety and Quality Act, 2001* is expected to be completed in early 2004.

## Dairy Licensing, Inspection, and Laboratory Testing— Dairy Plants and Distributors

### Recommendation

*In order to better ensure that all dairy plants and fluid milk distributors comply with relevant health and safety requirements, the Ministry should:*

- *renew licences on a timely basis for all dairy plants and fluid milk distributors;*
- *inspect all dairy plants annually as required by ministry policy;*
- *follow up on any concerns noted during federal inspections of dairy plants prior to renewing licences;*
- *ensure that all corrective action plans to remedy deficiencies at dairy plants are reviewed and appropriate follow-ups are performed; and*
- *review the inspection process for fluid milk distributors and revise its inspection requirements accordingly.*

### Current Status

To ensure that licences are renewed on a timely basis for all dairy plants and fluid milk distributors, the Ministry is using the Food Safety Decision Support System to improve tracking of licence renewal dates and follow-up action required to correct deficiencies. In addition, the Ministry hired additional staff and plans to inspect all dairy plants during 2003. Concerns noted during the federal inspections of dairy plants must now be resolved before the Ministry will renew any licences. Any deficiencies noted during either the federal or the provincial inspections must be corrected within 30 days, and the Ministry was developing procedures to formalize this process to ensure corrective action plans are in place. To better co-ordinate the licensing and inspection process for the production, processing, and distribution functions, the Ministry consolidated these responsibilities into the Dairy Food Safety Unit. Also, a review of the fluid milk distribution program was being carried out, and the Ministry was hoping to make any required regulatory changes to the program by early 2004.

## Dairy Licensing, Inspection, and Laboratory Testing— Dairy Laboratory Testing

### Recommendation

*To better ensure the safety and quality of Ontario's cows' and goats' milk, the Ministry should:*

- *establish bacterial standards for finished milk products and adopt temperature control standards for the transportation of raw milk;*
- *collect, promptly transport, and test raw milk samples from all goat dairy farms at least monthly, as required by legislation; and*
- *follow up on and ensure corrective action is taken in all instances where goats' milk producers exceed the legislated bacterial standard.*

### Current Status

The Ministry indicated that it was working on establishing bacterial standards for finished milk products through changes to regulations under the *Milk Act* (for cows' milk) and the *Food Safety and Quality Act, 2001* (for goats' milk). In addition, the standards for temperature control during the transportation of raw milk and at processing plants that are specified in the National Dairy Code will be adopted as part of the proposed regulations.

With respect to raw milk from goat farms, the Ministry informed us that it has made improvements to sample collection and testing procedures. Two additional sample depots were established to collect and transport goats' milk for testing. The Ministry informed us that, as a result, the number of goats' milk producers routinely tested on a monthly basis has increased since 2001. For December 2002, the Ministry tested 85% of the producers and was hoping to test all producers on a monthly basis during 2003. Unacceptable bacterial levels in goats' milk trigger a visit from the Ministry to the farms to correct the deficiencies before further goats' milk is accepted into the system. The Ministry was developing enforcement tools, including penalties, as part of the regulations under the *Food Safety and Quality Act, 2001*, with anticipated implementation in early 2004.

## Horticulture Monitoring

### Recommendation

*To help ensure that plant-based foods are safe from biological and chemical contamination, the Ministry should:*

- *send letters outlining laboratory test results to growers and retailers on a timely basis and follow up to ensure that serious safety violations are rectified; and*
- *develop a risk-based monitoring and inspection process for fruit and vegetable commodities to help reduce the risk of outbreaks of illnesses associated with domestic and imported horticultural products.*

## Current Status

When safety violations are noted through testing of horticultural products, the Ministry informed us that its current practice is to immediately telephone the grower or retailer regarding the health hazard, send a letter to the grower or retailer about the hazard, and schedule an advisory visit within a week, so that corrective action can be taken quickly. To help with the monitoring and inspection process, the Ministry indicated that it had implemented a risk-based system that evaluates hazards through risk profiles of the fruit and vegetable commodities and assigns a ranking with regard to the risk. As of May 2003, risk assessments had been completed for apple cider, sprouted seeds, lettuce, stone fruit, apples, cantaloupe, grapes, cabbage, carrots, and rutabagas. Assessments were underway for other fruits and vegetables and greenhouse crops. In addition, the Ministry, along with the Ministry of Health and Long-Term Care, participates in the monitoring of outbreaks of illnesses associated with domestic and imported horticultural products. In this regard, the Ministry uses outbreak information to develop food safety programs to help reduce future occurrences.

## Legislative Enforcement

### Recommendation

*To better ensure the safety and quality of Ontario's food supply, the Ministry should:*

- *ensure penalties are adequate to deter non-compliance with legislative requirements;*
- *review its enforcement rights and responsibilities for consistency; and*
- *consider periodically following up on the operations of past offenders to ensure continued compliance with legislation.*

## Current Status

The Ministry informed us that the average fine imposed during 2002 under the *Meat Inspection Act (Ontario)*, the *Dead Animal Disposal Act*, and the *Milk Act* was \$1,100, which was much higher than the \$320 we reported in 2001. The Ministry also informed us that it had been seeking the maximum penalties provided for under existing regulations. Furthermore, it was planning to increase the penalties to \$25,000 from the current maximum of \$5,000 when the regulations under the *Food Safety and Quality Act, 2001* are introduced in early 2004. When proclaimed, this Act will consolidate six other acts to provide:

- a framework for consistent standards and requirements to better protect the public on a timely basis from food-borne hazards; and
- increased powers for inspectors to ensure compliance with legislation.

The Ministry has implemented a pilot monitoring program in co-operation with the federal and municipal governments to ensure that past offenders do not attempt to market

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products processed illegally. The Ministry indicated that this monitoring would be expanded when additional funding is allocated to the program.

## Program Co-ordination

### Recommendation

*To better ensure that consistent standards of food safety are in place for all products consumed in Ontario, the Ministry should:*

- *develop appropriate food safety policies for products that are not subject to specific legislation and consider incorporating such products in any proposed new legislation;*
- *review regulatory requirements to determine the level of risk associated with each product and assess the nature of the monitoring required; and*
- *where monitoring is considered necessary, review the inspection process to ensure that minimum standards of food safety are maintained regardless of which level of government inspects the food products.*

### Current Status

According to the Ministry, it was working with the Ministry of Health and Long-Term Care and the Canadian Food Inspection Agency to evaluate risks and develop appropriate food safety policies and monitoring programs for all commodities across the production-to-consumption spectrum. This includes products not currently subject to specific food safety legislation, such as further processed meat outside of licensed slaughter plants, horticultural products, sheeps' milk, and fish.

The Ministry indicated that it was carrying out a review of meat, dairy, and deadstock to develop regulations based on risk under the *Food Safety and Quality Act, 2001*. The review includes a consideration of the risk-mitigation options for other high-risk products such as unpasteurized cider.

The Ministry was developing inspection protocols for verifying compliance with requirements and the meeting of minimum food safety standards. The protocols are to apply regardless of which ministry, level of government, or third party is delivering the inspection service. For example, the Ministry was developing a Hazard Analysis Critical Control Point System to identify potential hazards along the food chain; the system is for use by non-federally registered, regulated, and unregulated facilities. The protocols should ensure that any new regulations will at least meet national standards.

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## **MEASURING AND REPORTING ON PROGRAM EFFECTIVENESS**

### **Recommendation**

*To ensure that the Food Industry Program can appropriately assess the extent to which it is meeting its goals for food safety and increased domestic sales, the Ministry should:*

- *develop well-defined performance measures that the Ministry has a reasonable degree of influence over and can link to expected outcomes; and*
- *perform the evaluations necessary to determine whether its activities are effective in achieving the stated goals of the Program and to take any necessary corrective action.*

### **Current Status**

The Ministry indicated that it had developed new performance measures for the Food Industry Program. These include the number of incidents of food safety non-compliance identified during abattoir audits as a percentage of the total number of standards assessed; the percentage of adverse laboratory tests acted on according to prescribed protocols and time frames; and the number of incidents of violative levels of food-borne chemicals identified in domestic raw foods of plant origin during monitoring activities as a percentage of total number of tests. In addition, to determine whether its activities are effective, the Ministry intends to complete a thorough evaluation of the food safety program in 2003.