

# Chapter 1

## Section 1.06

Ministry of Agriculture, Food and Rural Affairs and Ministry of Health

# Food Safety Inspection Programs

Follow-Up on VFM Section 3.06, *2019 Annual Report*

| RECOMMENDATION STATUS OVERVIEW |                          |                               |                                     |                       |                         |                      |
|--------------------------------|--------------------------|-------------------------------|-------------------------------------|-----------------------|-------------------------|----------------------|
|                                | # of Actions Recommended | Status of Actions Recommended |                                     |                       |                         |                      |
|                                |                          | Fully Implemented             | In the Process of Being Implemented | Little or No Progress | Will Not Be Implemented | No Longer Applicable |
| Recommendation 1               | 2                        | 1                             |                                     |                       | 1                       |                      |
| Recommendation 2               | 1                        |                               | 1                                   |                       |                         |                      |
| Recommendation 3               | 2                        | 2                             |                                     |                       |                         |                      |
| Recommendation 4               | 2                        |                               | 2                                   |                       |                         |                      |
| Recommendation 5               | 2                        | 2                             |                                     |                       |                         |                      |
| Recommendation 6               | 1                        | 1                             |                                     |                       |                         |                      |
| Recommendation 7               | 1                        | 1                             |                                     |                       |                         |                      |
| Recommendation 8               | 2                        | 2                             |                                     |                       |                         |                      |
| Recommendation 9               | 1                        |                               |                                     | 1                     |                         |                      |
| Recommendation 10              | 1                        |                               | 1                                   |                       |                         |                      |
| Recommendation 11              | 1                        | 1                             |                                     |                       |                         |                      |
| Recommendation 12              | 5                        | 1                             | 4                                   |                       |                         |                      |
| Recommendation 13              | 2                        | 2                             |                                     |                       |                         |                      |
| Recommendation 14              | 1                        |                               | 1                                   |                       |                         |                      |
| Recommendation 15              | 1                        |                               | 1                                   |                       |                         |                      |
| Recommendation 16              | 1                        |                               | 1                                   |                       |                         |                      |
| Recommendation 17              | 2                        |                               | 1                                   | 1                     |                         |                      |
| Recommendation 18              | 3                        |                               |                                     | 3                     |                         |                      |
| Recommendation 19              | 2                        |                               |                                     | 2                     |                         |                      |
| Recommendation 20              | 1                        | 1                             |                                     |                       |                         |                      |
| Recommendation 21              | 2                        |                               |                                     | 2                     |                         |                      |
| <b>Total</b>                   | <b>36</b>                | <b>14</b>                     | <b>12</b>                           | <b>9</b>              | <b>1</b>                | <b>0</b>             |
| <b>%</b>                       | <b>100</b>               | <b>39</b>                     | <b>33</b>                           | <b>25</b>             | <b>3</b>                | <b>0</b>             |

Note: Recommendations 1 through 14 were made to the Ministry of Agriculture, Food and Rural Affairs, and Recommendations 15 to 21 were made to the Ministry of Health.

## Overall Conclusion

The Ministry of Agriculture, Food and Rural Affairs (Ministry of Agriculture) and the Ministry of Health, as of September 30, 2021, have fully implemented 39% of the actions we recommended in our *2019 Annual Report*. The Ministries have made progress in implementing an additional 33% of the recommended actions.

The Ministry of Agriculture has fully implemented recommendations such as establishing roles and responsibilities in following up with farmers of animals with drug-residue over the allowable limit, reviewing education material to farmers on pesticide use, introducing a new regulation to licence fish processing plants, and developing a risk-ranking document to prioritize compliance actions on dairy infractions. Recommendations that the Ministry of Agriculture was in the process of implementing include assessing whether glyphosate should be added to their produce monitoring program and updating its current agreement with the Dairy Farmers of Ontario.

However, the Ministry of Agriculture stated that it will not implement one (3%) of the recommended actions, to formally penalize farmers selling animals with drug-residue levels over the allowable limit. The Ministry of Agriculture stated that it does not have the authority to implement this recommendation.

The Ministries have made little progress on the remaining 25% of the recommended actions, which includes eight of the twelve recommended actions to the Ministry of Health. The Ministry of Health stated that due to the COVID-19 pandemic, the Public Health Units' resources and efforts for the last year were redirected from the implementation of our recommendations.

The status of actions taken on each of our recommendations is described in this report.

## Background

According to the latest study by Public Health Ontario dated March 2019, foodborne illnesses in Ontario account for 41,000 visits to hospital emergency rooms and 137,000 visits to physicians' offices each year. Contaminated food kills about 70 people in the province annually and sends another 6,600 to hospital.

Contamination of food can happen at any point in the food-supply chain, from the farm to transport to preparation and packaging.

In Ontario, prevention of foodborne illness is the responsibility of all three levels of government, which license and inspect food producers and food premises as follows:

- Meat, produce, fish and dairy produced, processed and consumed only in Ontario are generally the responsibility of the Ontario Ministry of Agriculture, Food and Rural Affairs (Ministry of Agriculture).
- Food premises are inspected by 34 Public Health Units in municipalities across Ontario funded by the Ontario Ministry of Health, and by the municipalities in which they are based.
- Food imported into Ontario from other provinces or countries, or produced in Ontario for export outside the province, is inspected by the federal Canadian Food Inspection Agency (CFIA).

According to the latest StatsCan data from 2017, 45% of agriculture food products sold in Ontario are produced or processed within the province; the remaining half is imported from other provinces and countries, which means it is licensed and inspected by the federal CFIA.

The Ministry of Agriculture spent about \$38.4 million in 2020/21 (\$39.5 million in 2018/19) on food-safety licensing, inspections and other related services, while the Ministry of Health and municipalities spent about \$36.2 million in 2020/21 (\$63.1 million in 2018/19) the same year to fund Public Health Units. Total average annual spending by the two ministries and municipalities on food

safety over the last five years was \$98.6 million (\$105.7 million from 2013/14 to 2018/19).

Some of our most significant findings from the 2019 audit included the following:

- Ninety-eight percent of slaughterhouse meat tested negative for harmful drug residue, but in the 2% of cases of positive drug-residue test results, there was no follow-up with the farmers who raised the animals to prevent repeat occurrences.
- The *Cosmetic Pesticides Ban Act* lists 131 pesticides that cannot be used for cosmetic groundskeeping, in parks and yards, for example, because of potential health and environmental concerns. However, their use is allowed in agriculture for operational and economic reasons. Between 2014 and 2018, the Ministry of Agriculture tested about 1,200 Ontario-grown produce samples and found residues of 14 banned pesticides that exceeded Health Canada limits a total of 76 times.
- Fish processors who sell only in Ontario did not require a licence to operate. The Ministry of Agriculture, therefore, may not be able to close them because there is no licence to revoke if inspectors identify serious food-safety deficiencies.
- Businesses operating solely within Ontario could market their products as “organic” even if they are not certified to the Canadian Organic Standards. In comparison, Quebec, Manitoba, Alberta, British Columbia, New Brunswick and Nova Scotia all have laws requiring that organic food be certified to the Canadian Organic Standards, even when it is sold only within their borders. We also noted that routine sample testing of produce for pesticides residue was not required for the CFIA organic certification process.
- The degree of public disclosure of inspection results for food premises, along with the inspection grading systems used by the 35 Public Health Units at the time of our audit, varied across the province and led to inconsistent information provided to the public across Ontario.
- Based on our review of inspection reports from 2016 to 2018 at the five Public Health Units we visited, we found that for those

foodborne-illness complaints that required food premises inspections, Public Health Units consistently did not inspect 20% of food premises within two days of receiving the complaint. The Public Health Units we visited informed us that a two-day timeline is considered a best practice.

- While not all special events require inspections, we found that only about 12% of all special events in 2018 within the jurisdictions of the five Public Health Units we visited were inspected. According to the US Centers for Disease Control and Prevention, special events can be high risk because the usual safety features of a kitchen may not be available at outdoor events.

We made 14 recommendations to the Ministry of Agriculture and 7 recommendations to the Ministry of Health, consisting of 36 action items, to address our audit findings.

We received commitment from the Ministry of Agriculture and the Ministry of Health that they would take action to address our recommendations.

## Status of Actions Taken on Recommendations

We conducted assurance work between April 2021 and July 2021. We obtained written representation from the Ministry of Health that effective October 28, 2021 and the Ministry of Agriculture that effective October 29, 2021, they had provided us with a complete update of the status of the recommendations we made in the original audit two years ago.

### Meat

#### Recommendation 1

*To reduce the risk of meat with drug-residue levels above prescribed standards from entering the food chain, we recommend that the Ontario Ministry of Agriculture, Food and Rural Affairs, in collaboration with the Canadian Food Inspection Agency:*

- *establish clear roles and responsibilities in the areas of reviewing positive drug-residue results with the farmers who raised the animals;*

**Status: Fully implemented.**

### Details

In our 2019 audit, we found that since April 2015, about 300 meat samples (representing about 2% of the meat tested) taken from provincially inspected slaughterhouses were found to contain drug residues above prescribed standards. There was no follow-up with the farmers who raised the animals to prevent repeat occurrences.

In our follow-up, we found that the Ministry of Agriculture met with the Canadian Food Inspection Agency (CFIA) in September 2020 to determine their roles and responsibilities regarding following up on drug residue violations. In June 2021, the Ministry of Agriculture developed an internal policy that articulates its process in responding to adverse drug residue violations. The policy outlines that in an event of an adverse drug result, in addition to its current protocols of notifying the slaughterhouse and CFIA, it would also attempt to trace back to the producer. In the event that a producer cannot be traced, the Ministry of Agriculture would send a letter to the last identified place where the animal was supplied from. CFIA has confirmed with the Ministry of Agriculture that its ability to follow up with a producer on drug residues identified at provincially inspected slaughterhouses is dependent on regulations and in most cases is limited only to banned and illegal substances.

- *formally penalize farmers who continue to sell animals with drug-residue levels above the allowable limit.*

**Status: Will not be implemented.** The Office of the Auditor General of Ontario continues to recommend that the Ministry of Agriculture should work with the CFIA to formally penalize farmers that continue to sell animals with drug-residue levels above the allowable limit.

### Details

In our 2019 audit, we found that the Ministry of Agriculture could only encourage provincially inspected slaughterhouse operators to follow up positive drug test results with their suppliers.

In our follow-up, we found that the Ministry of Agriculture met with the Canadian Food Inspection Agency (CFIA) in September 2020 to determine their roles and responsibilities regarding following up on drug residue violations. CFIA confirmed with the Ministry of Agriculture that its ability to formally penalize farmers who supplied animals with drug-residue levels above the allowable limit is dependent on regulations and in most cases is limited only to banned and illegal substances. The Ministry of Agriculture also consulted with its legal services and determined that the current legislation does not grant the Ministry of Agriculture the authority to impose fines on farmers who supply animals that contain drug residue levels above the allowable limits. The Ministry of Agriculture will continue to take strong compliance actions at the meat plant level, and continue to raise awareness across the supply chain through an education campaign about the responsible use of livestock medicines. In addition, as noted above, in June 2021, the Ministry of Agriculture developed an internal policy that articulates its process in responding to adverse drug residue violations.

### Recommendation 2

*To ensure more consistent inspections of facilities that engage in high-risk meat processing such as smoking and curing, we recommend that the Ministry of Agriculture, Food and Rural Affairs, in collaboration with the Public Health Units, develop approved inspection guidelines for Public Health Unit inspectors to follow when inspecting such facilities.*

**Status: In the process of being implemented by January 2022.**

### Details

In our 2019 audit, we found that the Ministry of Agriculture and the Public Health Units used different criteria when inspecting high-risk meat processors

that smoke or cure meat. Ministry of Agriculture inspectors enforce the Meat Regulations for such premises while Public Health Inspectors enforce the Food Premises Regulation. While the Ministry of Health, in partnership with the Ministry of Agriculture, provided training to Public Health Inspectors on high-risk meat processing, there is no requirement for Public Health Inspectors to inspect these facilities in accordance with the criteria outlined in the Meat Regulations.

In our follow-up, we found that the Ministry of Agriculture has provided to the Ministry of Health higher-risk meat processing guidance and training materials, and its meat inspection checklist is in accordance with the criteria outlined in the Meat Regulations. Two Public Health Inspectors also attended the Ministry of Agriculture's meat inspection training program from April to June 2021 in order to better inform the update and development of the Ministry of Health's inspection tools and training materials. The Ministry of Health, with support from the Ministry of Agriculture, is in the process of developing a draft facility inspection checklist, and then will validate it with Public Health Units through consultation. This list will be finalized for release and use by January 2022.

## Fruits and Vegetables

### Recommendation 3

*To improve the safety of Ontario produce, we recommend that the Ministry of Agriculture, Food and Rural Affairs, in collaboration with the Ministry of the Environment, Conservation and Parks, assess the education and training it provides to farmers to ensure that it fully addresses:*

- *the use of lower-risk pesticides, biopesticides and alternatives to pesticides in agricultural farming;*
- *which pesticides are approved for use on which crops, and how long to wait after applying pesticides to harvest crops.*

**Status: Fully implemented.**

### Details

We found in our 2019 audit that 131 pesticides banned for general groundskeeping are allowed in agricultural farming. Between 2014 and 2018, the Ministry of Agriculture tested about 1,200 Ontario-grown produce samples and found residues of 14 banned pesticides that exceeded Health Canada limits a total of 76 times. Our review of a sample of 30 of these cases showed that the causes of pesticide contamination were pesticide spray drifting from adjacent crops; farmers unaware of which pesticides were approved for use on which crops; produce harvested too soon after pesticides were applied; and cross-contamination from other crops during packaging. The Ministry of Agriculture, in collaboration with the Ministry of the Environment, Conservation and Parks (MECP), delivers an education and training program for farmers, including a formal mandatory certification course that covers the proper use of pesticides and alternatives to the use of pesticides.

In our follow-up, we found that the Ministry of Agriculture had reached out to the Ontario Pesticide Education Program (OPEP) coordinators at the University of Guelph in spring of 2020 to discuss the next steps, and had also initiated a review of their training, specifically, the Grower Pesticide Safety Course (GPSC) in September 2020. As a result of a December 2020 meeting between the Ministry of Agriculture, MECP and OPEP, a one-page guidance document was drafted to provide direction on the review of the content of the GPSC and provide recommendations to improve the course materials if gaps are identified. The GPSC materials being reviewed include the course manual, instructor presentations, and tests. Recommendations have been provided to the OPEP administrators and revisions to the manuals, presentations and tests are underway.

#### Recommendation 4

*In order to protect consumers, we recommend that the Ministry of Agriculture, Food and Rural Affairs, in collaboration with Health Canada:*

- *add glyphosate to the list of chemicals to be monitored and tested as part of the regular pesticide-residue sample testing;*
- *use the results of the testing to reassess whether glyphosate should be approved for use in farming and the appropriate maximum residues allowed in produce.*

**Status:** In the process of being implemented by May 2022.

#### Details

We found in our 2019 audit that glyphosate, an herbicide linked to cancer, was commonly used on the two highest-volume crops in the province—corn (including sweet corn) and soybeans. However, the Ministry of Agriculture did not regularly monitor or sample-test sweet corn and soybeans for residues of glyphosate.

In our follow-up, we found that the Ministry of Agriculture developed a two-year glyphosate baseline study in May 2020 expected to be completed by May 2022. This study adds glyphosate testing to all commodities currently collected as part of the Foods of Plant Origin (FOPO) Food Safety Monitoring program. The Ministry of Agriculture will share the results with Health Canada's Pest Management Regulatory Agency when the study is complete. Approval for the use of glyphosate for use in farming and its maximum residue level falls under Health Canada's jurisdiction. The permanent inclusion of glyphosate in the FOPO monitoring program is dependent on the results of the baseline study and will be determined after the study is completed.

#### Recommendation 5

*To help the Ministry of Agriculture, Food and Rural Affairs develop a risk-based approach to sampling produce suppliers, we recommend that it:*

- *obtain access to the Agricorp database to provide it with additional produce information;*
- *update its database of producer information that includes types of crops grown, production volumes, where the produce is sold and other data as available.*

**Status:** Fully implemented.

#### Details

We found in our 2019 audit that the Ministry of Agriculture's current inventory of producers lacks specific information on the type of crops grown, how much is grown and where the produce is sold. This limited information makes it difficult for the Ministry of Agriculture to select appropriate producers for sample-testing. The Ministry of Agriculture had access to the registry of Ontario farms with gross sales of \$7,000 or more annually maintained by Agricorp, an agency of the Ministry. However, the Ministry of Agriculture was not using Agricorp's registry to update its inventory listing because, according to the Ministry, the crop information in the registry was updated at most every five years, with information self-reported by farmers.

In our follow-up, we found that the Ministry of Agriculture obtained access to the Agricorp database to make use of some of the produce-related data to help inform its current producer inventory and has incorporated this producer information into its fresh fruit and vegetable sampling plan. However, going forward, Agricorp's Farm Registration Program is reducing the amount of data collected and the level of detail to make registration easier for new farmers. For example, there is a planned reduction in the type of crops and produce listed from about 80 to about 30 broader categories as well as the types of information collected from farmers related to crops and produce. These new streamlined categories also include all agricultural on-farm activities and do not

just specify fruits and vegetables. For this reason, going forward, the information Agricorp can provide to the Ministry of Agriculture is of less value as it would not be possible to know which producer grows which specific crops if they fall under the “other” category. In response, the Ministry of Agriculture has developed and implemented a business profile survey for its inspectors to collect more detailed information about growers of Ontario produce, including the crops grown, production volume or acreage and the locations where the produce is sold. The Ministry of Agriculture continues to build the producer database by collecting business profiles (using the business profile questionnaire) from new producers not previously captured in the database.

## Fish and Seafood

### Recommendation 6

*To improve the food safety of fish processed in Ontario, we recommend that the Ministry of Agriculture, Food and Rural Affairs implement a licensing requirement for fish processors and allow inspectors to suspend or revoke licences if significant infractions are found during inspections.*

**Status: Fully implemented.**

### Details

In our 2019 audit, we found that while the Ministry of Agriculture inspected the 100 fish-processing plants in the province, there was no licensing requirement for them. This meant that the Ministry of Agriculture was not able to close them if there were problems because there was no licence to revoke in the event that inspectors identified serious food-safety deficiencies. The Ministry of Agriculture had no authority to issue tickets, fines or compliance orders, and inspectors only had the authority to detain and dispose of unsafe fish products.

In our follow-up, we found that effective January 1, 2020, Ontario enacted O. Reg. 465/19 Fish Processing under the *Food Safety and Quality Act*. This new fish processing regulation now requires all fish processors that engage in higher-risk activities,

such as processing and packaging a ready-to-eat fish product, or any fish product using vacuum packaging, to obtain a licence by January 1, 2021. As of May 2021, not including federally-inspected fish facilities, there were 101 fish processing plants in the province. Twenty-six fish processing operations have been licenced and 18 are in the process of being licenced. In addition, the Ministry of Agriculture has hired and trained three food safety inspectors to inspect fish processing plants. Under the new regulation, a fish processing licence may be suspended or revoked if significant infractions were found during inspections.

The remaining 57 fish processing plants were assessed by the Ministry of Agriculture as lower risk, so licensing was not required. These fish processing plants now fall under the jurisdiction of and are inspected by Public Health Units.

### Recommendation 7

*To appropriately address food safety concerns in dual facilities that both process fish and sell it at retail, we recommend that the Ministry of Agriculture, Food and Rural Affairs, in collaboration with Public Health Units, conduct joint inspections of these facilities.*

**Status: Fully implemented.**

### Details

In our 2019 audit, we found that the authority of the Ministry of Agriculture and the Public Health Units differed with respect to “dual” premises—operators involved in both processing fish and selling it at retail, all from a single location. The Ministry of Agriculture only inspected the fish-processing areas of dual premises and the Public Health Units only inspected retail areas. This difference sometimes led to such operators not being held accountable for failing to meet food safety standards.

In our follow-up, we found that in March 2021, the Ministry of Agriculture and the Ministry of Health signed a Memorandum of Understanding (MOU) that clarifies roles and responsibilities for each entity, and promotes joint inspections at dual premises. The MOU also clarifies that while neither party is expected to

conduct a full inspection of a dual premise, either party may inspect other areas of the facility and take appropriate actions to mitigate food-safety hazards.

## Dairy

### Recommendation 8

*To improve the safety of goat-milk products in Ontario, we recommend that the Ministry of Agriculture, Food and Rural Affairs:*

- *develop policies that prioritize the significance of infractions and establish deadlines for correcting infractions; and*
- *develop policies regarding which compliance tools should be used, and when, for goat-milk producers with frequent infractions*

**Status:** Fully implemented.

### Details

In our 2019 audit, we found that the Ministry of Agriculture’s raw goat-milk test results between the 2014/15 and 2018/19 fiscal years indicated a significantly larger percentage of samples tested with high bacterial count or presence of inhibitors (antibiotics and other chemicals) compared to cow milk. When we reviewed Ministry of Agriculture inspections during the same period, we noted that about 18%, or 46, of the goat-milk producers repeatedly had the same infractions such as issues surrounding cleanliness and sanitation of the cooling and milking equipment, milking area and milk house. The Ministry of Agriculture did not have policies that prioritize the significance of infractions or set due dates for correcting infractions. We also found that the Ministry of Agriculture had the authority to issue warning letters to dairy producers, dispose of raw milk and order production shutdowns. However, we found that the Ministry of Agriculture had not developed clear policies on which compliance tools should be used, and when, for goat-milk producers with frequent infractions.

In our follow-up, we found that the Ministry of Agriculture had developed a policy document in June 2021 that outlines how infractions will be prioritized, how grades are to be assigned based on inspection findings and describes the timelines around progressive compliance follow-up activities. Under this policy document, 123 items on the Dairy Goat Farm Inspection Report will be ranked from “Low” to “Critical.” For example, the overall adequate condition of the building, with the exterior in good repair, and the tools to keep dairy operations clean are ranked as a “Low”, while the animal’s health and welfare is ranked as a “Critical” part of the inspection report. Farms will be assigned a timeline to fix issues, depending on the number and severity of the non-compliant findings during the inspection. For example, a farm which has a small number of “Low” deficiencies (up to three deficiencies) can take up to 13 months to fix issues. On the other hand, a farm that has even one “Critical” deficiency will be immediately assigned a Raw Milk Quality Program Coordinator who will conduct a risk assessment to determine the follow-up timelines and can order an immediate shutdown of the farm for up to three weeks for the issue to be fixed. The farms will also be graded depending on their level of compliance during the inspection. Any farm receiving a “Non Grade A” rating will be immediately shut off from supplying to the milk market for a minimum of seven days which can be extended to bring the farm into compliance. The premises must meet Grade A standards prior to the shut-off order being lifted. The policy is to be used by all Food Safety Inspectors to ensure a consistent risk-based approach to follow-up activities and compliance actions.

### Recommendation 9

To improve the safety of all milk products in Ontario, we recommend that the Ministry of Agriculture, Food and Rural Affairs include inspection oversight of milk from species such as sheep and water buffalo in its dairy food safety program.

**Status:** Little or no progress.

#### Details

In our 2019 audit, we found that the *Ontario Milk Act* does not regulate the production of milk from other species such as sheep and water buffalo. At the time of our audit, there were an estimated 75 sheep-milk producers and three water-buffalo-milk farms in Ontario. These producers do not have to comply with regulations under the *Milk Act* related to quality, sanitation of farms or testing for bacteria and inhibitors such as antibiotics and other chemicals.

In our follow-up, we found that while the *Ontario Milk Act* still does not regulate the production of species such as sheep and water buffalo, the Ministry of Agriculture has implemented a protocol for assisting public health units in their food safety oversight of sheep and water buffalo milk processors by providing technical and scientific expertise related to the milk production process. The inspection oversight of sheep and water buffalo milk processors continues to rest with the Ministry of Health under the *Health Protection and Promotion Act*. The Ministry of Agriculture continues to support public health units by conducting joint inspections at sheep and water buffalo milk processors upon request. However, the Ministry of Agriculture has not engaged the Ministry of Health or farmers directly regarding inspections and sample testing of milk at sheep and water buffalo farms.

### Recommendation 10

To improve oversight of Ontario cow-milk producers, we recommend the Ministry of Agriculture, Food and Rural Affairs to work with the Dairy Farmers of Ontario (DFO) to update their 2010 agreement to clarify the Ministry of Agriculture's right of access to all information it needs given that the province in its own right has the authority to delegate and retract authority from the DFO.

**Status:** In the process of being implemented by December 2022.

#### Details

In our 2019 audit, we found that the Ministry of Agriculture did not receive the information it needed from the DFO to demonstrate sufficient oversight of the DFO. For example, the Ministry of Agriculture was not able to identify non-compliant milk producers who repeatedly committed the same infractions, those whose sample tests exceeded regulatory bacteria limits and, most importantly, what actions DFO took to address repeated non-compliance by producers. The DFO did not provide the Ministry of Agriculture with monthly reports, as required under the agreement, showing the total number of milk samples collected, type of sample testing performed and an explanation for any shortfalls between the required and actual sampling. It was also unclear in the agreement with the DFO what other information the Ministry of Agriculture had access to.

In our follow-up, we found that the Ministry of Agriculture has done an initial review of items that require updates or revisions according to the Ministry and is engaging with the DFO through a working group to discuss proposed changes while updating the outdated Administrative Agreement. As part of this discussion to revise the Administrative Agreement, the DFO has formally requested to add additional authorities which will require some additional time for the Ministry of Agriculture to assess. The finalization of this agreement is anticipated to be in December 2022.

## Non-Chicken Eggs Not Graded or Inspected for Quality Assurance

### Recommendation 11

*To improve the food safety of non-chicken eggs, we recommend that the Ministry of Agriculture, Food and Rural Affairs, in collaboration with the Canadian Food Inspection Agency, assess the risks and benefits of extending the chicken-egg inspection and grading requirements to non-chicken eggs.*

**Status: Fully implemented.**

### Details

In our 2019 audit, we found that the Canadian Food Inspection Agency (CFIA) does not regulate the grading requirements in Ontario for non-chicken eggs such as those from quails or ducks.

In our follow-up, we found that in November 2020, the Ministry of Agriculture collaborated with the CFIA to assess the risks and benefits of extending chicken-egg inspection and grading requirements to non-chicken eggs. They determined that there is neither a sufficient quantity of non-chicken eggs sold in Ontario nor a significant food safety risk to warrant the inspection or grading of non-chicken eggs.

## Organic Foods

### Recommendation 12

*To promote consistent standards for organic foods, we recommend that the Ministry of Agriculture, Food and Rural Affairs collaborate with the Canadian Food Inspection Agency to:*

- *consider having organic food produced and consumed in Ontario certified to the federal Canadian Organic Standards;*

**Status: In the process of being implemented by November 2023.**

### Details

We found in our 2019 audit that food produced and sold only in Ontario and claiming to be organic does not have to be certified to the federal Canadian Organic Standards; no provincial law requires such

certification. Certification to the federal Canadian Organic Standards is required only for organic foods sold across provincial or international borders. In comparison, Quebec, Manitoba, Alberta, British Columbia, New Brunswick and Nova Scotia all have laws requiring that organic food be certified to the Canadian Organic Standards even when it is sold only within their province.

In our follow-up, we found that in June 2021 the Ministry of Agriculture had assessed the risks and benefits of implementing a mandatory requirement that all food marketed as organic that is produced and consumed in Ontario be certified to the federal Canadian Organic Standards, however, it decided not to impose organic certification requirements at this time for farmers who only sold produce locally.

The Ministry of Agriculture is aware of a private member's bill, Bill 54 the Organic Products Act, which proposes to prohibit the marketing and labelling of products as "organic" unless they have been certified as organic in accordance with the Act. While recently government prorogued the legislature and ended Bill 54, the Ministry of Agriculture anticipated that Bill 54 may be re-introduced in the next legislative period and its potential passage occur by November 2023.

The Ministry of Agriculture has also held bi-monthly discussions with the CFIA on opportunities for collaboration on labelling, claims and standards. The Ministry of Agriculture is also working with the Organic Council of Ontario to consider their advice on any further recommendations on organic standards. The Ministry of Agriculture reaffirmed that the CFIA is responsible for monitoring and enforcing organic product regulations across the country and that providing false or misleading information on any food label is an offence under federal food safety laws. The Ministry of Agriculture continues to refer incidents of suspected non-compliant food claims to the CFIA for action.

- *develop more specific requirements for farming of livestock, such as maximum density of barns for "free run" egg-laying chickens and minimum length of time spent outdoors for "free range" animals;*

- *require sample monitoring and testing for pesticide residues in produce as part of an organic certification process;*
  - *develop a system of certification for food claims such as “free run,” “free range,” and “grass fed” to ensure consistency in standards;*
- Status: In the process of being implemented by November 2023.**

### Details

Our 2019 audit found that there was no federal or provincial government certification in place for some of the more common methods of production claims such as “free run,” “free range,” and “grass fed.” For example, there was no specific standard as to the maximum density of a barn for “free run” eggs, nor were there specific requirements, such as the length of time spent outdoors, that qualifies for the use of the claim “free range.” Similarly, there were no requirements for the minimum proportion of grass in an animal’s diet for grass-fed claims. Additionally, organic farms in Canada certified to the Canadian Organic Standards were inspected by one of the CFIA-accredited organic certification bodies once a year to ensure ongoing compliance with organic standards. However, organic certification bodies did not, and were not required to, perform routine sample-testing of organic produce for pesticide residue.

In our follow-up, the Ministry of Agriculture reaffirmed that it has no authority to enforce food claims or create standards under the federal Safe Food for Canadians Regulations including marketing claims such as “free run,” “free range,” and “grass fed.” As noted above, the Ministry of Agriculture is aware of a private member’s bill, Bill 54 the Organic Products Act, which proposes to prohibit the marketing and labelling of products as “organic” unless they have been certified as organic in accordance with the Act. While recently government prorogued the legislature and ended Bill 54, the Ministry of Agriculture

anticipated that Bill 54 may be re-introduced in the next legislative period and its potential passage occur by November 2023. If passed, there might be additional requirements with respect to methods of production claims such as “free run,” “free range,” and “grass fed.”

- *develop public-education materials on food labelling and marketing claims.*
- Status: Fully implemented.**

### Details

In our 2019 audit, we found that under the federal *Safe Food for Canadians Act* and the *Food and Drugs Act*, no food can be advertised in a way that is false, misleading or deceptive. The CFIA investigates food-packaging claims to confirm they are consistent with the public’s general understanding of the terms in question.

In our follow-up, we found that, in February 2021, the Ministry of Agriculture had provided its feedback on CFIA’s proposed Joint Policy Statement on Food Labelling Coordination, a joint federal initiative by Health Canada, CFIA and Agriculture and Agri-Food Canada (AAFC) to develop a strategy for coordinating future changes to food labelling requirements. The Ministry of Agriculture also promoted awareness of organics requirements and food labelling by sharing education and awareness materials developed by the federal government with the general public through its webpage. The Ministry of Agriculture and CFIA have also discussed leveraging resources produced by CFIA for broader education and awareness, including providing information on new public resources on food fraud to the Ministry of Agriculture to share with the Food Integrity Initiative Table, a collaboration between government, industry, and academia to discuss food fraud issues and build awareness of food integrity risks in the Ontario agri-food value chain.

## Federal Labelling Requirements Not Enforced in Provincial Food-Processing Plants

### Recommendation 13

To help reduce gaps and overlaps in inspections of food producers by the Ontario Ministry of Agriculture, Food and Rural Affairs and the federal Canadian Food Inspection Agency (CFIA), we recommend that the Ministry of Agriculture collaborate with the CFIA to:

- update the Ministry's *Meat Inspection Policy and Procedure Manual* to include guidance on the inspection of federal and provincial labelling requirements;
- ensure the Ministry checks for allergens and labelling more thoroughly during inspections.

**Status:** Fully implemented.

### Details

We found in our 2019 audit that a lack of co-ordination between the Ministry of Agriculture and the CFIA created a gap in the inspection and enforcement of federal labelling requirements in Ontario food-processing plants. The Ministry of Agriculture's inspectors did not check for federal food-labelling requirements (for example, place of origin, nutritional value, etc.), except for allergens, and that the labelling section of the *Meat Inspector Policy and Procedures Manual* offered no guidance on inspecting these food-labelling requirements.

In our follow-up, we found that the Ministry of Agriculture had updated the *Meat Inspection Policy and Procedure Manual* in March 2021 to include additional information and inspection procedures regarding federal labelling requirements. The Ministry of Agriculture has also met with the CFIA to develop a process for informing federal partners when a provincial inspector identifies a potential non-compliance with federal labelling requirements in a provincially licenced meat plant. Since March 2020, the Ministry of Agriculture has identified and notified the CFIA on six mislabelling incidents. For example, in March 2021, a German salami spice was found at a

provincial plant containing mustard as an ingredient but was not declared on the label. The label was corrected during the inspection and the CFIA followed up and issued a recall.

### Recommendation 14

To improve transparency about food safety, we recommend that the Ministry of Agriculture, Food and Rural Affairs publicly disclose the results of its food-safety inspections and sample testing.

**Status:** In the process of being implemented by November 2023.

### Details

In our 2019 audit, we found that the inspection results of producers and processors were not disclosed on the Ministry of Agriculture's public website. This would give institutional buyers such as retail stores and wholesalers food-safety performance information about producers and processors that they could take into account in making purchasing decisions.

In our follow-up, we found that the Ministry of Agriculture is currently assessing the benefits and risks of its food safety inspection dataset that would be made public as part of the reporting and is reviewing public disclosure options. In fall and winter 2021, the Ministry of Agriculture plans to submit risk assessments to its management for review. In early 2022, the risk and issues management process required to open the data to the public will be developed and implemented throughout 2022 and 2023. By November 2023, the Ministry of Agriculture intends to implement its approved plan to publicly post its food inspection data.

## Inventory of Food Premises

### Recommendation 15

To provide every Public Health Unit with access to current lists of food premises in its jurisdiction, we recommend that the Ministry of Health collaborate with the Ministry of Municipal Affairs and Housing and municipalities to put in place agreements to have regular access to a current inventory of food premises.

Status: In the process of being implemented by early 2024.

### Details

In our 2019 audit, we found that the five Public Health Units we visited relied on their working relationships with, for example, issuers of municipal business licences and provincial liquor licences to maintain up-to-date lists of food premises. However, there were no agreements in place that outlined the responsibilities of the municipalities and the Public Health Units with respect to regular access to a current inventory of food premises. We also found inconsistent monitoring and inspection of online and home-based food businesses.

In our follow-up, we found that initial discussions between the Ministry of Health and the Ministry of Municipal Affairs and Housing to put in place agreements for Public Health Units to have regular access to a current inventory of food premises from municipalities are scheduled to begin in late summer 2021.

The Ministry of Health will also be conducting broad stakeholder consultations to develop new protocols to enhance food premise inventories, providing training materials to the Public Health Units and helping the health units develop local operational policies to implement this recommendation by early 2024.

In March 2020, the Ministry of Health also distributed training materials to clarify that home-based food businesses fall under the *Health Protection and Promotion Act* to ensure consistent enforcement of food handler training requirements. As of December 2020, the Ministry of Health has posted new guidance on home-based food businesses on its website. The guidance includes information such as the requirement for an inspection before opening a home-based food business, guidance on which types of food are considered low-risk and that all home-based food businesses, except for those selling low-risk food items, are required to operate with a certified food handler. In April 2021, the Ministry of Health also drafted a jurisdictional scan of best practices for home-based food businesses.

## Public Health Units' Inspection and Enforcement Practices

### Recommendation 16

*To improve the consistency of inspections for special events among Public Health Units, we recommend that the Ministry of Health establish clear protocols and minimum standards for inspection requirements at special events based on a consistent risk assessment, which includes relevant factors such as event size, expected attendance and types of food preparation.*

Status: In the process of being implemented by May 2024.

### Details

In our 2019 audit, we found that while the Ministry of Health required Public Health Units to establish and implement procedures to monitor or inspect temporary food premises, including those operating at special events, it had not yet developed a standard template that Public Health Units can use to assess the risk of special events, such as summer fairs and festivals. Although the Ministry of Health provided direction to Public Health Units on factors that need to be considered at a minimum, Public Health Units had developed their own forms and protocols to assess the risk of a special event to determine whether it should be inspected.

In our follow-up, we found that in early 2021 the Ministry of Health had developed a draft document with a jurisdictional scan of best practices and evidence on food safety at special events, and has developed a stakeholder engagement plan as of July 2021 that identifies key ministries, municipalities, public health units, federal government, public health associations and industry stakeholders that the Ministry of Health will be engaging with in late 2021 and into 2022 to implement the recommendations from the 2019 Food Safety audit. As part of next steps, the Ministry of Health will be engaging Public Health Units and other stakeholders to update the risk categorization tool and related guidance documents; provide the necessary training to the Public Health Unit staff and develop local policies to implement this recommendation by May 2024.

### Recommendation 17

*To ensure consistency across Ontario's 35 (now 34) Public Health Units, we recommend the Ministry of Health work with the Public Health Units to:*

- *establish a consistent set of inspection and quality-assurance procedures, protocols and tools for conducting consistent food premises inspections that all Public Health Units can use; and*

**Status:** Little or no progress.

#### Details

In our 2019 audit, we found that the Ministry of Health's Food Safety Protocol did not prescribe the content of the inspection reports, the details that an inspector needed to include in inspection reports and what actions the Public Health Unit would take when there was non-compliance. As a result, Public Health Units had developed their own inspection forms and protocols which were not standardized across the province.

In our follow-up, we found that the Ministry of Health provided an educational webinar to the Public Health Units in March 2020 which included plans to establish a technical working group to develop a consistent set of inspection and quality-assurance procedures, protocols and tools, but the Ministry of Health has not begun any work on it yet. The Ministry of Health stated that due to the COVID-19 pandemic, its resources and efforts for the last year were redirected from the implementation of our recommendations.

- *require consistent enforcement of the 2018 amendments to the Ontario Food Premises Regulation regarding not having at least one certified food handler or supervisor on the premises who has completed food-handler training during every hour that the premises is operating.*

**Status:** In the process of being implemented by December 2022.

#### Details

We found in our 2019 audit that two of the five Public Health Units we visited were not enforcing the new

requirement under the Ontario Food Premises Regulation that mandated that every operator of a food premises must have at least one certified food handler or supervisor on the premises who had completed food-handler training during every hour the premises is operating.

In our follow-up, we found that the Ministry of Health held an educational webinar for the Public Health Units in March 2020 to reinforce the amendments to the Ontario Food Premises Regulation that requires that food premises must have at least one certified food handler at their premises during all operational hours. The Ministry of Health provided a refresher training to the Public Health Units in its September 2021 Environmental Health Quarterly meeting and reminded them of the enforcement requirements around food handlers. Through late 2021 and into 2022, the Ministry of Health's technical working group will determine and implement, if needed, further improvements to the consistency of enforcement of the requirement to have at least one certified food handler at the food premise during operating hours. The Ministry anticipates the work will be completed by December 2022.

### Recommendation 18

*To make inspection results clear for Ontarians, we recommend that the Ministry of Health work with the Public Health Units to establish a single consistent and comparable food premises grading system.*

**Status:** Little or no progress.

#### Details

In our 2019 audit, we noted a number of different inspection grading systems in use across the province in the Public Health Units' online disclosure of food premises' inspection results.

In our follow-up, we found that in June 2021, the Ministry of Health has developed a draft jurisdictional scan of current public health quality-assurance procedures, which includes disclosure of food premise inspection results, but has not undertaken any other steps to address this recommendation.

*Subsequent to establishing the system, we recommend that the Ministry of Health work with the Public Health Units to:*

- *ensure that all Public Health Units publicly report their inspection results through a single provincial website;*
- *ensure that the latest inspection results are posted on-site at food premises.*

**Status: Little or no progress.**

### Details

We found in our 2019 audit that four of the 35 (now 34) Public Health Units (Huron, Perth, Porcupine and Thunder Bay) did not post their inspection results on their respective websites as required by the Ministry of Health. Inspection results for these Public Health Units were only available upon request. There was also no requirement for Public Health Units to post the results of their inspections on-site at food premises. At the time of our audit, only 15 of the 35 (now 34) Public Health Units posted the results on-site.

In our follow-up, we found that in June 2021, the Ministry of Health has developed a draft jurisdictional scan of current public health quality-assurance procedures, which includes disclosure of food premise inspection results, but had not taken any other steps to address the recommendation to ensure all Public Health Units publicly report their inspection results through a single provincial website. The Ministry of Health also had not taken specific steps to address the recommendation to ensure the latest inspection results are posted on-site at food premises. The Ministry of Health has advised us it still intended to implement these recommendations.

## Tracking and Monitoring of Foodborne-Illness Outbreaks

### Recommendation 19

*To improve the effectiveness and consistency of the complaints investigations relating to potential exposures to foodborne hazards, we recommend that the Ministry of Health work with Public Health Units to:*

- *establish consistent protocols and procedures for the investigation of complaints of potential foodborne illness connected to food premises;*

**Status: Little or no progress.**

### Details

In our 2019 audit, we found that there are no standardized procedures on how to investigate foodborne illness complaints within each Public Health Unit. Our review showed that the investigation procedures of the five Public Health Units we visited varied.

In our follow-up, we found that the Ministry of Health has started work by developing a stakeholder plan in July 2021 that identifies key ministries, municipalities, public health units, federal government, public health associations and industry stakeholders that the Ministry of Health will be engaging with in late 2021 and into 2022 to implement the recommendations from the 2019 Food Safety audit. It has not taken any further steps to address the recommendation to establish consistent protocols and procedures for the investigation of complaints of potential foodborne illness connected to food premises, but it advised us it still intended to implement it.

- *require Public Health Units to conduct food premises inspections connected to a potential foodborne illness within two days of receiving the complaint, if an inspection is needed as per the Ministry's Food Safety Protocol.*

**Status: Little or no progress.**

### Details

We found in our 2019 audit that the Ontario Food Safety Protocol required Public Health Units to determine and initiate a response within 24 hours

of receiving a foodborne illness complaint, but did not require an inspection of a food premises within a specified time period. However, the five Public Health Units we visited informed us that it was a best practice to perform an inspection, if needed, within 48 hours of receiving the complaint.

In our follow-up, we found that the Ministry of Health has begun work by developing a stakeholder plan in July 2021 that identifies key ministries, municipalities, public health units, federal government, public health associations and industry stakeholders that the Ministry of Health will be engaging with in late 2021 and into 2022 to implement the recommendations from the 2019 Food Safety audit. It had not taken specific steps to address the recommendation to require Public Health Units to conduct, if needed, food premises inspections connected to a potential foodborne illness within two days of receiving the complaint, but it advised us it still intended to implement it.

### Recommendation 20

*To improve the consistency in the recording of foodborne-illness information data by Public Health Units, we recommend that the Ministry of Health, in collaboration with the Public Health Units and Public Health Ontario, review current guidelines for data entry reporting into the integrated Public Health Information System and make any necessary revisions.*

**Status: Fully implemented.**

#### Details

In our 2019 audit, we found that the level of detail recorded in the Ministry of Health's integrated Public Health Information System (iPHIS) varied among the individual Public Health Units, and that the accuracy of data recorded in iPHIS relied on manual inputting by staff of the individual Public Health Units. In addition, the databases operated by individual Public Health Units and iPHIS were not integrated, meaning it was not possible to do easy information uploading, sharing and cross-database searching.

In our follow-up, we found that the Ministry of Health, Public Health Ontario and the Public Health

Units collaborated in 2019 to update and release a revised iPHIS user guide on December 17, 2019 that states that data entries about foodborne-illnesses are now mandatory to ensure consistent information across Public Health Units. Ministry of Health's Foodborne Illness Outbreak Protocol was also updated in March 2020 to require Public Health Units to prioritize iPHIS data entry in the case of an outbreak so that information was readily available.

### Recommendation 21

*To reduce the number of foodborne-illness cases due to improper preparation, handling, cooking and storage of food at home, we recommend that the Public Health Units:*

- *regularly survey Ontarians to monitor areas of poor food-safety knowledge and behaviours; and*
- *develop specific educational materials to address those weaknesses.*

**Status: Little or no progress.**

#### Details

In our 2019 audit, we found through a 2018 Health Canada survey of Canadians' knowledge and behaviours related to food safety showed that Canadians are generally conducting themselves appropriately when it comes to handling and preparing foods. However, the survey also identified some improper preparation, handling and storage of food by ordinary citizens at home. For example, 62% of survey respondents rinsed poultry before cooking it, which can increase the risk of food poisoning as splashing water from washing chicken under a tap spreads bacteria onto hands, work surfaces, clothing and cooking equipment; 51% did not use a food thermometer to check whether food is cooked to the recommended temperature; 43% did not store raw meat, poultry and seafood on the bottom shelf of the fridge to prevent juices from dripping onto other foods and causing cross-contamination; and 22% were still defrosting meat on the countertop at room temperature.

In our follow-up, we found that the Ministry of Health drafted a document in May 2021 detailing an interjurisdictional scan of public surveillance of education best practices and developed a stakeholder plan in July 2021 that identifies key ministries, municipalities, public health units, federal government, public health associations and industry stakeholders that the Ministry of Health will be engaging with in late 2021 and into 2022 to implement the recommendations from the 2019 Food Safety audit, but has not undertaken any other steps to address this recommendation.