

Chapter 3

Section 3.02

Food Safety Inspection Programs

Standing Committee on Public Accounts Follow-Up on Section 3.06, 2019 Annual Report

On March 4, 2020, the Standing Committee on Public Accounts (Committee) held a public hearing on our 2019 audit of Food Safety Inspection Programs. The Committee tabled a report on this hearing in the Legislature on February 22, 2021. A link to the full report can be found at <http://www.auditor.on.ca/en/content/standingcommittee/standing-committee.html>.

The Committee made 16 recommendations and asked the Ministry of Agriculture, Food and Rural Affairs (Ministry of Agriculture) and the Ministry of Health to report back by June 2021. The Ministries formally responded to the Committee on June 23, 2021. A number of the issues raised by the Committee were similar to the audit observations of our 2019 audit, which we have also followed up on this year. The status of each of the Committee's recommended actions is shown in **Figure 1**.

We conducted assurance work between June 2021 and July 2021, and obtained written representation from the Ministry of Health that effective October 28, 2021 and the Ministry of Agriculture that effective October 29, 2021, they have provided us with a complete update of the status of the recommendations made by the Committee.

Overall Conclusion

As of July 2021, 27% of the Committee's recommended actions had been fully implemented, and 37% of the recommended actions were in the process of being implemented. There has been little or no progress on 27% of the recommended actions, and 9% of the recommended actions will not be implemented.

Detailed Status of Recommendations

Figure 2 shows the recommendations and status details that are based on responses from the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Health, and our review of the information provided.

Figure 1: Summary Status of Actions Recommended in February 2021 Committee Report

Prepared by the Office of the Auditor General of Ontario

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		Fully Implemented	In the Process of Being Implemented	Little or No Progress	Will Not Be Implemented	No Longer Applicable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	1	1				
Recommendation 5	1	1				
Recommendation 6	1	1				
Recommendation 7	1			1		
Recommendation 8	1				1	
Recommendation 9	1		1			
Recommendation 10	1	1				
Recommendation 11	1		1			
Recommendation 12	1		1			
Recommendation 13	2		1	1		
Recommendation 14	2			2		
Recommendation 15	2	1	1			
Recommendation 16	2			2		
Total	22	6	8	6	2	0
%	100	27	37	27	9	0

Note: Recommendations 1 through 11 were made to the Ministry of Agriculture, Food and Rural Affairs, and Recommendations 12 to 16 were made to the Ministry of Health.

Figure 2: Committee Recommendations and Detailed Status of Actions Taken

Prepared by the Office of the Auditor General of Ontario

Committee Recommendation	Status Details
Recommendation 1 The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to develop and implement: - an effective progressive compliance approach to working with farmers whose meat products have tested positive for drug residues; Status: Will not be implemented. - a protocol for tracing animals back to their original farms and producers and to alert farmers to positive drug residue findings. Status: Fully implemented.	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 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 the 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.
Recommendation 2 The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Public Health Units to develop and implement consistent Ministry-approved inspection guidelines for Public Health inspectors to follow when inspecting facilities that engage in high-risk meat processing activities such as smoking and curing. Status: In the process of being implemented by January 2022.	The Ministry of Agriculture has provided to the Ministry of Health higher-risk meat processing guidance and training materials, and the meat inspection checklist its inspectors use is in accordance with the criteria outlined in the Meat Regulations. Two Public Health Inspectors also attended the Ministry of Agriculture's meat school training program from April to June 2021 in order to provide input in developing Ministry of Health 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.

Committee Recommendation	Status Details
Recommendation 3 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs should collaborate with Health Canada to: • add glyphosate to the list of chemicals to be monitored and tested as part of the ongoing regular pesticide-residue sample testing; • use test results to periodically 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.	The Ministry of Agriculture developed a two-year glyphosate baseline study in May 2020. 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 of the study with Health Canada's Pest Management Regulatory Agency when the study is complete, as approval for the use of glyphosate for use in farming and its maximum residue level fall 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 in May 2022.
Recommendation 4 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs should develop and implement a risk-based approach to sampling produce suppliers and regularly update its database of producer information to include types of crops grown, production volumes, where the produce is sold, and other data as available. Status: Fully implemented.	The Ministry of Agriculture obtained access to the Agricornp 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. Sample selection is risk based and favours produce items which are consumed often, consumed raw, and/or for which outbreaks have been reported worldwide. In addition, 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.
Recommendation 5 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs should collaborate with Public Health Units to jointly conduct food safety inspections of dual facilities that both process fish and sell it at retail. Status: Fully implemented.	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 of dual premises that both process fish and sell it at retail. 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.

Committee Recommendation	Status Details
Recommendation 6 The Standing Committee on Public Accounts recommends that to improve the safety of goat milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should implement policies that prioritize the significance of infractions; establish deadlines for correcting infractions; and implement compliance tools for goat milk producers with repeated infractions. Status: Fully implemented.	The Ministry of Agriculture developed a policy document in June 2021 that outlines how dairy goat farm inspection results are to be interpreted and ranked, how grades are to be assigned based on inspection findings and describes the timelines around progressive compliance follow-up activities. 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. 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 the issue. 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 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 being lifted.
Recommendation 7 The Standing Committee on Public Accounts recommends that, to ensure the safety of all milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should include inspection oversight of sheep and water buffalo milk and milk products in its dairy food safety program. Status: Little or no progress.	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 <i>Health Protection and Promotion Act</i>. 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 8 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to extend the protocol for quality assurance inspection and grading of chicken eggs to include non-chicken eggs. Status: Will not be implemented.	The Ministry of Agriculture informed us that it would not implement this recommendation because the Ministry collaborated with the CFIA in November 2020 to assess the risks and benefits of extending chicken-egg inspection and grading requirements to non-chicken eggs and 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. Furthermore, the Ministry did a survey in the winter of 2020 of Public Health Units on non-chicken eggs and received consensus that sale of non-chicken eggs is uncommon in Ontario, that there have been very few food safety issues related to non-chicken eggs and the current requirements under Ontario Regulation 493/17 are sufficient to address food safety related to non-chicken eggs. Under O. Reg 493/17 that applies to Public Health Units, inspectors have to check that non-chicken eggs are clean, have no visible cracks, and stored at a temperature of 4 degrees Celsius or less. Non-chicken egg farmers who sell inter-provincially are also licensed by the CFIA.

Committee Recommendation	Status Details
Recommendation 9 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs should assess 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. Status: In the process of being implemented by November 2023.	In June 2021, the Ministry of Agriculture assessed the risk 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, the Ministry of Agriculture decided not to impose organic certification requirements at this time for farmers who only sold produce locally. The Ministry of Agriculture is also aware of a private member's bill, Bill 54 the Organic Products Act, which proposed 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.
Recommendation 10 The Standing Committee on Public Accounts recommends that the Ministry of Agriculture, Food and Rural Affairs collaborate with the Canadian Food Inspection Agency to update the Ministry's meat Inspection Policy and Procedure Manual to include guidance on the inspection of federal and provincial labelling requirements; and ensure the Ministry checks for allergens and labelling more thoroughly during inspections. Status: Fully implemented.	The Ministry of Agriculture updated the <i>Meat Inspection Policy and Procedure Manual</i> 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 11 The Standing Committee on Public Accounts recommends 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.	The Ministry of Agriculture is currently assessing the benefits and risks of the food safety inspection dataset that would be made public as part of the reporting and is reviewing public disclosure options. In the fall and winter 2021, the Ministry plans to submit risk assessments to 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 intends to have implemented its approved plan to publicly post its food safety inspection data.
Recommendation 12 The Standing Committee on Public Accounts recommends that the Ministry of Health should 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.	The Ministry of Health developed a draft document with a jurisdictional scan of best practices and evidence on food safety at special events in early 2021, and 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 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.

Committee Recommendation	Status Details
Recommendation 13 The Standing Committee on Public Accounts recommends that the Ministry of Health should 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 for use by all Public Health Units; Status: Little or no progress. - require consistent enforcement of Ontario Regulation 493/17: "Food Premises" which requires food premises to have at least one certified food handler or supervisor who has completed food-handler training on the premises during all hours of operation. Status: In the process of being implemented by December 2022.	In July 2021, the Ministry of Health developed a stakeholder plan 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 had not taken specific steps to address the recommendation to establish a consistent set of inspection and quality-assurance procedures, protocols and tools. The Ministry of Health advised us it still intended to implement it. The Ministry of Health held an educational webinar in March 2020 for the Public Health Units to reinforce the amendments to the Food Premises Regulation that requires at least one certified food handler at the food premises during all hours of operation. 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 14 The Standing Committee on Public Accounts recommends that the Ministry of Health should work with the Public Health Units to establish a single consistent and comparable food premises grading system to be used across Ontario and to ensure that: - all Public Health Units publicly report their inspection results through a single provincial website; - the latest inspection results are posted onsite at food premises. Status: Little or no progress.	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. The Ministry of Health advised us it still intended to implement the recommendation.

Committee Recommendation	Status Details
Recommendation 15 The Standing Committee on Public Accounts recommends that the Ministry of Health, in collaboration with the Public Health Units and Public Health Ontario, should ensure that there is updated and consistent guidance to Public Health Units to: - ensure consistency in the recording of foodborne-illness data in the Integrated Public Health Information System by Public Health Units; Status: Fully implemented. - develop and implement a public education campaign on all aspects of food safety at home and at food premises, including home-based and online food premises. Status: In the process of being implemented by May 2024.	The Ministry of Health collaborated with Public Health Ontario and the Public Health Units 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. The Province'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. The Ministry of Health has posted guidance on home-based food businesses on its website as of December 2020, which 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. The Ministry of Health intends to complete necessary research and conduct stakeholder consultations to fully implement this action item by May 2024.
Recommendation 16 The Standing Committee on Public Accounts recommends that the Ministry of Health should work with Public Health Units to: - implement a requirement that Public Health Units determine and initiate a response within 24 hours of receiving a significant potential foodborne illness-related complaint and conduct food premises inspections within no more than 48 hours of receiving a complaint of a potential foodborne illness; Status: Little or no progress. - provide detailed, timely, and publicly available information about public health inspections and reports on food premises. Status: Little or no progress.	The Ministry of Health has not taken specific steps to address the recommendation to require Public Health Units to determine and initiate a response within 24 hours of receiving a significant foodborne illness-related complaint and conduct food premises inspections within no more than 48 hours of receiving a complaint of a potential foodborne illness, but it advised us it still intended to implement it. The Ministry has not taken specific steps to address this recommendation, but it advised us it still intended to implement it.