

# Chapter 2

## Department of Health

### Meat Safety – Food Premises Program

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# Department of Health

## Meat Safety - Food Premises Program

### Summary

#### Introduction

**2.1** The Public Health Agency of Canada estimates 1 in 8 Canadians (4 million) get sick with a domestically acquired<sup>i</sup> foodborne illness each year. *“Most cases of enteric disease are mild and require only a day or two of reduced activities. However, these cases pose a significant burden due to lost productivity and other related costs.”*<sup>ii</sup> Other cases are severe and can result in hospitalization (over 11,500 per year in Canada), serious chronic conditions, or death (about 240 per year in Canada).<sup>iii</sup>

**2.2** Many foodborne illnesses can be prevented by following food safety practices, which include storing and cooking food at proper temperatures, cleanliness, and avoiding cross-contamination<sup>iv</sup> in all settings including homes, institutions and commercial establishments.

**2.3** In New Brunswick, the Department of Health, Office of the Chief Medical Officer of Health, is responsible for public health programs, which include food safety. Most food premises require a licence to operate in New Brunswick. The food premises program *“strives to eliminate unsafe food practices in New Brunswick food premises”*<sup>v</sup>.

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<sup>i</sup> The term “domestically acquired” in the study refers to illnesses acquired in Canada.

**Our audit**

**2.4** The focus of our audit was meat handled, processed and sold by provincially licensed premises, as shown in Exhibit 2.0. With regards to meat, licences are required by abattoirs (where animals are slaughtered), butcher shops (where carcasses are handled and meat/meat products are cut or processed), grocery stores (where meat is handled, displayed and sold to consumers) and restaurants (where meat is prepared and served for public consumption). Proper handling and processing of meat at these premises is an important component of overall food safety.

*Exhibit 2.0 – Provincially Licensed Food Premises – Focus of Our Audit*

<b>2.0 Provincially Licensed Food Premises – Focus of Our Audit</b>	
<p><b>-Abattoirs</b> (where animals are slaughtered)</p> 	<p><b>-Butcher shops</b> (where carcasses are handled and meat/meat products are cut or processed)</p> 
<p><b>-Grocery stores</b> (where meat is handled, displayed and sold to consumers)</p> 	<p><b>-Restaurants</b> (where meat is prepared and served for public consumption)</p> 
<p><b>Source:</b> Clockwise starting left: AGNB, Pixabay*, Pexels*, Pixabay* *Public domain stock photos</p>	

**2.5** Our objective for this audit was *to determine if the Department of Health monitors and enforces compliance with the legislation, regulations and policies in place to ensure the safety of meat for public consumption.*

**2.6** Our audit included all four regional offices of Public Health (North, South, East and Central). We accompanied inspectors performing inspections of food premises, examined a sample of files from all regions, interviewed staff and reviewed program documentation.

## **Conclusion**

**2.7** We concluded the Department of Health has processes in place to monitor and enforce compliance with the legislation, regulations and policies in place to ensure the safety of meat for public consumption. However, we observed the processes are not consistently followed, and our work identified numerous deficiencies. We also concluded the food premises program is not fully complying with the Province's *Food Premises Regulation*, leading to unaddressed food safety risks. Therefore in certain circumstances, the public could be at heightened risk of food poisoning. We have made recommendations for corrective action to address areas where improvements are needed.

## **Results in Brief**

**2.8** Results in brief are presented in Exhibit 2.1.

## **Recommendations**

**2.9** Our recommendations to the Department are presented along with its responses to each recommendation in Exhibit 2.2.

## Exhibit 2.1 – Results in Brief

## Meat Safety - Food Premises Program

### Why Is This Important?

- An estimated 1 in 8 Canadians get sick with a foodborne illness, commonly known as food poisoning, every year.
- Foodborne illness cases pose a significant burden due to lost productivity and other related costs.
- A lack of food safety practices can have severe health consequences for consumers and can be fatal.
- Proper handling and processing of meat at licensed premises is an important component of overall food safety.
- In this audit, we determined if government ensures the safety of meat for consumption in New Brunswick.

## What We Found

### Overall Conclusions

- The Department of Health has processes in place to monitor and enforce compliance with standards to ensure the safety of meat for public consumption.
- Processes are not consistently followed and numerous deficiencies were identified.
- The food premises program is not fully complying with the Province's *Food Premises Regulation*, leading to unaddressed food safety risks.
- In certain circumstances, the public could be at heightened risk of food poisoning.

### Unaddressed Food Safety Risks

- Penalties are minimal for operators who fail to comply with standards.
- Unlicensed and uninspected food premises exist in NB.
- New Brunswick meat (3% of meat consumed in the province) is not inspected.

[www.agnb-vgnb.ca](http://www.agnb-vgnb.ca)

### Serious Deficiencies Identified

#### In the Department files we tested:

- Virtually all new licence files did not comply with the Department's licensing procedures.
- 87% of annual risk assessments of food premises were not on file or the form was not properly completed.
- 81% of inspection files contained deficiencies in performing and documenting inspections of food premises.
- 76% of the revoked licence files lacked documentation indicating that proper procedures were followed.
- 6 of 9 inspectors we observed did not record all violations on the inspection report.

### Difficulties Generating Information

#### The current manual inspection system has significant limitations for capturing inspection results:

- System cannot provide general or useful information on food safety risks.
- Violations are not collectively tracked.
- Reliability of food premises program information is uncertain due to manual system.
- Information is not maintained consistently throughout all offices.

Exhibit 2.2 - Summary of Recommendations

Recommendation	Department's Response	Target Date for Implementation
<b><i>Licensing Food Premises</i></b>		
<p><b>2.54</b> We recommend the Department of Health ensure applicants for food premises licences submit all required documentation and comply with the food premises standards prior to issuing a licence.</p>	<p><i>Measures have already been put in place moving forward to ensure that all required documentation is received prior to issuing a new license and kept on file.</i></p>	<p><i>Completed</i></p>
<p><b>2.65</b> We recommend the Department of Health implement procedures to identify illegal operators of food premises and then proceed to either license the operator or take enforcement actions to cease their operations. The procedures should be done on a regular basis and the results documented.</p>	<p><i>The Department will consider this recommendation.</i></p> <p><i>Department already monitors for illegal operators during regular activities and follows up on all complaints of illegal food premises. The Department will ensure results are documented.</i></p>	<p><i>FY 2016/2017</i></p>
<p><b>2.66</b> We recommend the Department of Health review all food premises licences to ensure the class is correct and the proper annual fee is being collected.</p>	<p><i>The Department will implement the recommendation.</i></p>	<p><i>FY 2017/2018</i></p>
<b><i>Risk-based Inspection Strategy</i></b>		
<p><b>2.69</b> We recommend the Department of Health fully implement its risk-based inspection strategy by ensuring staff follow the documented <i>Standard Operational Procedures</i> and properly complete a risk assessment, and update it annually, to determine the proper inspection frequency for food premises.</p>	<p><i>The Department will implement the recommendation.</i></p>	<p><i>In progress.</i> <i>Target completion end of March 2017</i></p>

Exhibit 2.2 - Summary of Recommendations (continued)

Recommendation	Department's Response	Target Date for Implementation
<b><i>Inspection of Food Premises</i></b>		
2.75 We recommend the Department of Health follow the documented <i>Standard Operational Procedures</i> (SOPs) and properly conduct inspections to monitor operators' compliance with the food premises standards.	<i>The Department will implement the recommendation.</i>	<i>FY 2017/2018</i>
2.76 We recommend the Department of Health properly document all inspections by accurately and neatly completing the <i>Food Premises Inspection Form</i> .	<i>The Department will implement the recommendation.</i>	<i>In progress. Target completion end of March 2017</i>
2.77 We recommend the Department of Health perform the required number of routine inspections each year (which is determined by assessing the risk of the food premises).	<i>The Department will implement the recommendation.</i>	<i>FY 2017/2018</i>
2.78 We recommend the Department of Health perform re-inspections on a timely basis to ensure violations of the food premises standards have been corrected.	<i>The Department will implement the recommendation. Heightened priority will be given to re-inspections since infractions have been flagged for correction.</i>	<i>FY 2016/2017</i>
2.85 As part of recommendation 2.75, we recommend the Department of Health ensure all inspectors wash their hands before beginning their inspection and record all violations on the inspection report.	<i>The Department will implement the recommendation.</i>	<i>In progress. Target completion end of December 2016</i>
2.86 We recommend the Department of Health enhance inspections by checking temperatures, sanitizing solution concentration, food safety training records, etc. and thoroughly reviewing operators' records required by the food premises standards.	<i>Current requirements regarding frequency, completeness, and oversight of physical verification procedures will be further clarified.</i>	<i>FY 2016/2017</i>

Exhibit 2.2 - Summary of Recommendations (continued)

Recommendation	Department's Response	Target Date for Implementation
<p><b>2.87</b> We recommend the Department of Health encourage consistency between inspectors through such means as:</p> <ul style="list-style-type: none"> <li>• providing refresher training on the SOPs;</li> <li>• monitoring compliance with the SOPs; and</li> <li>• having regular meetings to discuss violations and food premises standards using professional judgment.</li> </ul>	<p><i>The Department agrees with the recommendation. Planning is underway to provide refresher training. The Department will ensure that regular training occurs and that proper quality control and oversight is in place.</i></p>	<p><i>FY 2017/2018</i></p>
<b>Tracking and Monitoring Violations</b>		
<p><b>2.92</b> We recommend the Department of Health explore the benefits of tracking and monitoring violations of the food premises standards to identify trends and target systematic corrective efforts. (For example, one region could pilot a project where violations are recorded on a spreadsheet and then analyzed to identify trends. If the exercise proves to be beneficial, a provincial system could be implemented.)</p>	<p><i>The Department is currently exploring process improvement tools to enhance tracking mechanisms, and how best to implement them.</i></p>	<p><i>In progress. Target implementation end of March 2017</i></p>
<b>Enforcement Actions</b>		
<p><b>2.95</b> We recommend the Department of Health ensure proper procedures are consistently followed and documented when revoking a food premises licence.</p>	<p><i>The Department will implement the recommendation. A comprehensive review of the SOP will be conducted and practical tools will be developed.</i></p>	<p><i>FY 2017/2018</i></p>
<p><b>2.102</b> There should be serious ramifications for food premise operators who repeatedly have their licence revoked. We recommend the Department of Health eliminate non-compliance by operators by implementing stronger enforcement actions, such as posting compliance status in premises' window clearly visible to the public, ticketing with fines, graduated licensing fees, etc.</p>	<p><i>Fines are established under the Provincial Offences and Procedures Act. The Department will explore the feasibility of this recommendation.</i></p>	<p><i>FY 2017/2018</i></p>

Exhibit 2.2 - Summary of Recommendations (continued)

Recommendation	Department's Response	Target Date for Implementation
<b><i>Posting Inspection Results on the Web</i></b>		
<p><b>2.110</b> We recommend the Department of Health enhance its public reporting of compliance with the food premises standards by:</p> <ul style="list-style-type: none"> <li>• posting inspection reports for all food premises, and</li> <li>• posting results of all inspections for the past two years.</li> </ul>	<p><i>The Department will explore the feasibility of posting inspection reports online for all licensed food premises and implement solutions where appropriate. The web-based application currently used by the Department is unable to accommodate multiple inspection forms per premise.</i></p>	<p><i>FY 2017/2018</i></p>
<b><i>Food Premises Program Information</i></b>		
<p><b>2.114</b> We recommend the Department of Health establish a standard method (to be used by all regional offices) for maintaining consistent, reliable and useful information for the food premises program including the following:</p> <ul style="list-style-type: none"> <li>• directories of licensed food premises including their class, annual fee, assigned inspector, risk category, etc.; and</li> <li>• information required by the <i>Standard Operational Procedures</i>, such as specific information on food premises relating to their risk assessment, “major” and “critical” violations, “management and employee food safety knowledge”.</li> </ul>	<p><i>The Department is currently exploring process improvement tools to enhance tracking mechanisms, and how best to implement them.</i></p>	<p><i>In progress. Target completion end of March 2017</i></p>
<p><b>2.115</b> The current manual inspection system does not provide information needed by the Department. We recommend the Department of Health explore what other provinces are doing in this regard and automate the inspection system.</p>	<p><i>The Department will conduct a jurisdictional review and explore any feasible options for electronic solutions that will improve operational procedures</i></p>	<p><i>FY 2018/2019</i></p>

Exhibit 2.2 - Summary of Recommendations (continued)

Recommendation	Department's Response	Target Date for Implementation
<b><i>Quality Assurance within the Program</i></b>		
<b>2.125</b> We recommend the Department of Health implement quality assurance practices to ensure all risk areas covered by the <i>Food Premises Regulation</i> are subject to quality assurance monitoring.	<i>The Department will implement the recommendation. A comprehensive review of the SOP will be conducted and procedures will be updated and clarified where needed.</i>	<i>FY 2017/2018</i>
<b>2.126</b> We recommend the Department of Health rotate food premises assigned to inspectors at least every four years as required by the <i>Standard Operational Procedures (SOPs)</i> .	<i>The Department will ensure that food premises assigned to inspectors are rotated as per the SOP.</i>	<i>FY 2017/2018</i>
<b>2.127</b> We recommend the Department of Health calibrate equipment regularly as required by the SOPs.	<i>The Department will implement the recommendation.</i>	<i>In progress. Target completion end of December 2016</i>
<b>2.128</b> We recommend the Department of Health thoroughly review all of the SOPs to determine if they are practical. Attention should be given to identify SOPs that are not being followed. (In particular, the number of inspection files per inspector to be reviewed by the Regional Director may be excessive.) We further recommend the SOPs be revised as needed.	<i>The Department will implement the recommendation. A comprehensive review of the SOP will be conducted and procedures will be clarified and updated where needed.</i>	<i>FY 2017/2018</i>

Exhibit 2.2 - Summary of Recommendations (continued)

Recommendation	Department's Response	Target Date for Implementation
<b><i>Unaddressed Food Safety Risks</i></b>		
<p><b>2.154</b> We recommend the Department of Health assess the public health risks related to:</p> <ul style="list-style-type: none"> <li>• uninspected meat;</li> <li>• class 5 operators not having food safety training;</li> <li>• licensing and inspecting abattoirs that are also involved with processing meat (such as making sausage, head cheese, jerky and other smoked products); and</li> <li>• community suppers, and</li> </ul> <p>we recommend the Department consider updating its regulations based on their findings.</p>	<p><i>In regard to a meat inspection program, the Department previously assessed the public health risk and found it to be very low. The Department will conduct another assessment to ensure it is still valid.</i></p> <p><i>The Department acknowledges that the other recommendations under 2.154 must be reviewed and will explore whether regulatory changes are required and, if so, how these could be implemented.</i></p>	<p><i>Meat Inspection risk assessment - Fall 2017</i></p> <p><i>FY 2018/2019</i></p>
<p><b>2.155</b> We recommend the Department of Health fully implement the current <i>Food Premises Regulation</i> or amend it to reflect the Department's present public health policy intentions.</p>	<p><i>In April 2016, the Food Premises Regulation (Public Health Act) was amended and the Department is now licensing food premises at public markets and temporary events.</i></p> <p><i>The Department intends to continue with the implementation of the Food Premises Regulation as intended.</i></p>	<p><i>Completed</i></p> <p><i>FY 2018/2019</i></p>

## Background on Food Safety

### Food poisoning

- 2.10** Foodborne illness is often called “food poisoning”.  
*“Foodborne illness is a disease or injury that occurs when people eat food that is contaminated.”<sup>vi</sup>*  
*“Foodborne illness can lead to serious morbidity and even mortality to consumers, especially pre-school children, older adults and those with impaired immune systems.”<sup>vii</sup>* Common causes of food contamination are explained in Exhibit 2.3. Raw meat is one of a number of potential sources of foodborne illness.

Exhibit 2.3 – Common Causes of Food Contamination

2.3	Common Causes of Food Contamination
<p>The three most common ways food becomes contaminated are:</p> <ul style="list-style-type: none"> <li>• <b>PEOPLE</b> - A food handler transfers a harmful substance (Example: on their hands, or is sick) onto safe (ready-to-eat) food.</li> <li>• <b>EQUIPMENT</b> - Food comes into contact with a contaminated piece of equipment (Example: a cutting board used for raw chicken is then used for cutting lettuce for a salad).</li> <li>• <b>FOOD</b> - Safe food comes into contact with food containing contaminants— usually raw food (Example: raw meat juices drip onto ready-to-eat food improperly stored in the refrigerator).</li> </ul>	
<p><b>Source:</b> Excerpts from <i>The ABC's of Food Safety – An Introductory Guide to Food Safety</i></p>	

### Statistics for foodborne illness

- 2.11** “Each year, roughly 1 in 8 Canadians (or 4 million people) get sick with a domestically acquired<sup>2</sup> foodborne illness. (source: PHAC<sup>3</sup>). Thousands of Canadians seek medical treatment and hundreds die.”<sup>viii</sup> Appendix IA shows rates of selected food- and waterborne diseases in New Brunswick along with their comparison to Canadian rates. Appendix IB provides further information on food-related illnesses, hospitalizations and deaths in Canada.

### Food safety

- 2.12** “Foodborne illness is **preventable** and its risks can be **minimized** when all participants from the producer, processor, distributor and retailer, through to the consumer acknowledge their responsibilities. (Canada’s Strategy for Safe Food)”<sup>ix</sup>

<sup>2</sup> The term “domestically acquired” in this study refers to illnesses acquired in Canada.

<sup>3</sup> PHAC refers to Public Health Agency of Canada

**2.13** *The ABC's of Food Safety – An Introductory Guide to Food Safety* states, “*Three Steps to Food Safety*:

- **Step 1: Prevent** = *Stop problems before they happen by avoiding cross-contamination. [Practice good personal hygiene, proper hand washing and safe food storage.]*
- **Step 2: Delay** = *Slow the growth of micro-organisms in food by monitoring and controlling temperature.*
- **Step 3: Destroy** = *The final line of defense! Kill dangerous micro-organisms by proper cooking, cleaning and sanitizing.*

**2.14** *Temperature control is the single most important aspect of food safety. Time and temperature affect the growth of bacteria.*<sup>x</sup>

## **Background on Food Premises Program**

### **Authority**

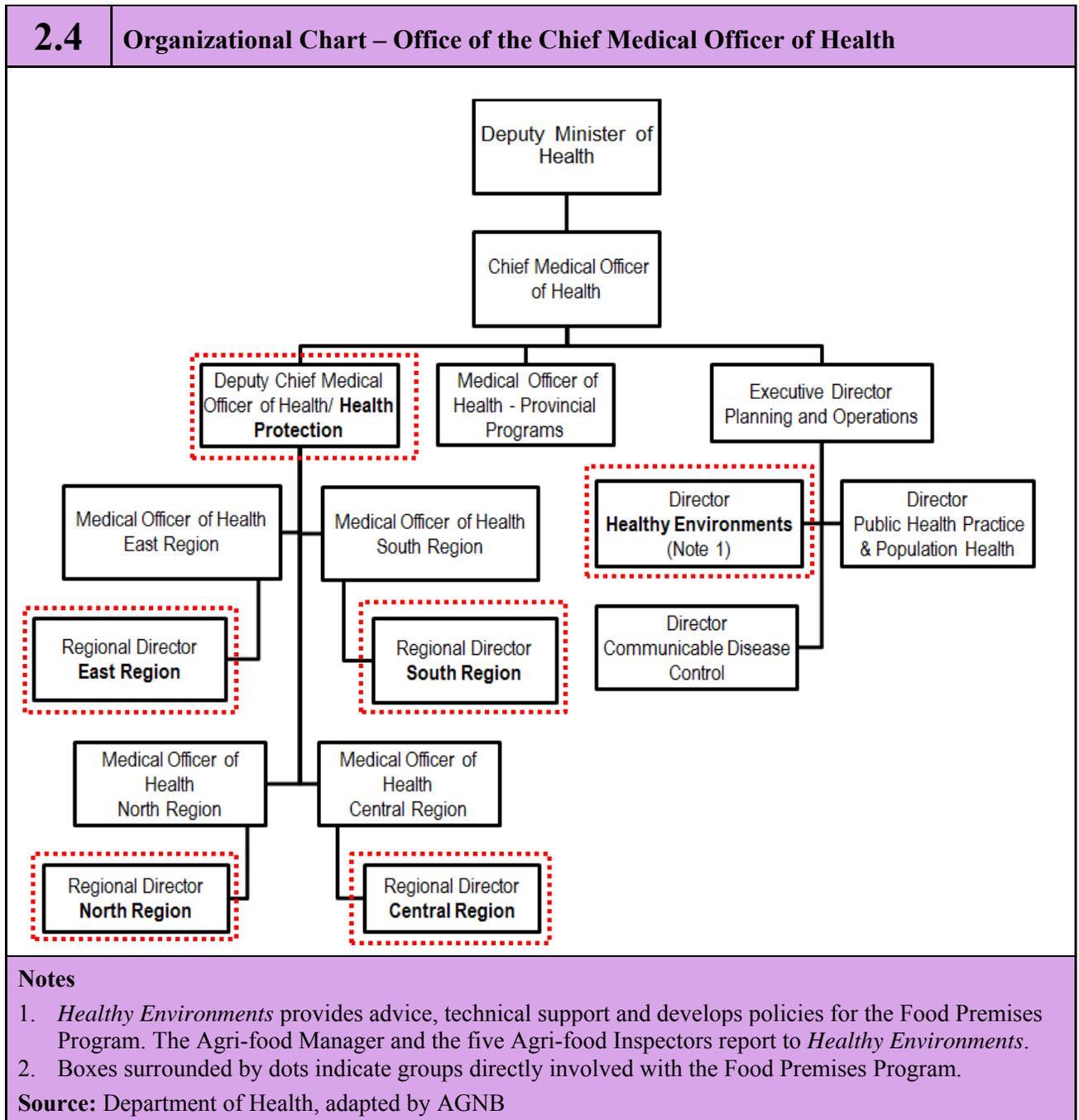
**2.15** The objectives of the Department with its *New Brunswick Food Inspection System* are “*Demonstrably safe food that protects and helps promote good health, and justifies confidence in the Canadian food system at home and abroad*”.<sup>xi</sup>

**2.16** The Department of Health is responsible for administering the *Public Health Act*. The *Food Premises Regulation* and the *Abattoir Regulation* fall under this Act. Within the Department, the Health Protection Branch and the Healthy Environment Branch are responsible for food safety. (These Branches are part of the Office of the Chief Medical Officer of Health which is responsible for public health programs.)

**2.17** There are four Public Health regions in the province. Pursuant to the *Food Premises Regulation* (Regulation), Health Protection Branch staff in each region have the authority to issue licences and orders to food premises and to suspend or revoke licences.

**2.18** Exhibit 2.4 shows an organizational chart of the Office of the Chief Medical Officer of Health. The Chief Medical Officer of Health reports to the Deputy Minister.

Exhibit 2.4 – Organizational Chart – Office of the Chief Medical Officer of Health



**Licence to operate**

**2.19** Most food premises require a licence to operate in New Brunswick. “**Food premises**’ means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, and includes a food vending machine and an abattoir but does not include premises exempted by the regulations.”<sup>xii</sup>

**2.20** With regards to meat, licences are required by abattoirs (where animals are slaughtered), butcher shops (where carcasses are handled and meat/meat products are cut or processed), grocery stores (where meat is handled, displayed and sold to consumers) and restaurants (where meat is prepared and served for public consumption).

**Inspections**

**2.21** Food premises are inspected prior to obtaining their first licence and then periodically throughout the year. Inspectors monitor compliance with standards set in the Regulation. Violations (non-compliance with the standards) can result in suspension or revocation of a licence.

**2.22** Public Health Inspectors and Agri-food Inspectors perform inspections. Inspectors work from the Health Protection Branch offices and Agri-food offices in the four regions (North, South, East and Central).

**Figures for the program**

**2.23** Exhibit 2.5 provides further information on the program.

*Exhibit 2.5– 2013-2015 Figures for the Food Premises Program*

<b>2.5</b>	<b>Figures for the Food Premises Program</b>
<ul style="list-style-type: none"> <li>• There are approximately 4,000 provincially licensed food premises in New Brunswick. These include: abattoirs (where animals are slaughtered), meat cut-up shops, meat and food processors, grocery stores, restaurants, schools, nursing homes, etc.</li> <li>• There are 31 provincially regulated abattoirs in New Brunswick.</li> <li>• Approximately 50 Public Health Inspectors and 5 Agri-food Inspectors operate in the four regions with several offices throughout the Province. Inspectors are responsible for other programs in addition to the food premises program.</li> </ul>	
<p><b>Source:</b> Various documents provided by the Department (unaudited)</p>	

## Introduction to Findings

### *Why we chose this project and the objective of our audit*

**2.24** Our rationale for selecting this project is provided in Exhibit 2.6.

**2.25** The objective of our audit was:

*to determine if the Department of Health monitors and enforces compliance with the legislation, regulations and policies in place to ensure the safety of meat for public consumption.*

Exhibit 2.6 - Why We Chose this Project

2.6	Why We Chose this Project
<p>We select our projects on the basis of relevance, significance and risk with the goal of having a positive impact. We chose to do this audit for the following reasons:</p> <ul style="list-style-type: none"> <li>• The lack of appropriate food safety practices can have severe consequences (including death) of consumers.</li> <li>• In the past few years, five of the nine other provincial Auditors General have examined food safety, with three focusing on meat. They reported significant weaknesses in their jurisdictions.</li> <li>• In 1999 our Office did a similar audit of food safety (inspection of food service establishments) which resulted in thirty-six recommendations. Only four of the recommendations were implemented by the end of our follow-up cycle in 2003.</li> <li>• Most New Brunswickers consume meat. Meat is handled and stored by various individuals working in abattoirs, meat processing and packing facilities, stores (grocery, convenience, bakeries, farmers' markets), restaurants and institutions (such as: schools, hospitals, nursing homes, special care homes, day cares). Poor procedures in one food premises could affect many individuals.</li> </ul>	

### *Defining meat and responsibilities*

**2.26** We define “meat” to include beef, pork, lamb, poultry, etc. (excluding fish). Much of the meat inspection in Canada is the responsibility of the Canadian Food Inspection Agency. All facilities that produce meat for trade across provincial or national borders must be federally inspected. Provincially inspected facilities only produce products for trade within the province and are normally of a relatively small scale.

### *Our audit focused on provincially licensed premises where meat is handled and sold*

**2.27** Our audit focused on provincially licensed abattoirs (where animals are slaughtered) and other licensed food premises where meat is stored, handled, processed, distributed, sold, etc. Food premises may source meat from either provincially licensed abattoirs, federally licensed abattoirs, or both.

***Our audit included all four regions***

**2.28** Our audit focused on the Department’s administration of the regulations and the Department’s *Standard Operational Procedures*<sup>xiii</sup> (SOPs).

**2.29** We developed criteria to use as the basis for our audit, which are shown in Appendix II. The criteria were reviewed and agreed upon by the Department.

**2.30** We started planning our audit in June 2015 and concluded our fieldwork in May 2016. As shown in Exhibit 2.7, we visited each of the four regions (including the Agri-food offices) and tested food premises files from all regions. We interviewed personnel and accompanied inspectors doing inspections of food premises. Further details of our work performed for this audit are shown in Appendix III.

*Exhibit 2.7 – Overview of Our Audit Work*

2.7 Overview of Our Audit Work									
<i>Procedure</i>	<i>Details</i>								
<b>Tested food premises files</b>	<ul style="list-style-type: none"> <li>95 of approximately 4,000 files from all 4 Regions</li> </ul> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="background-color: #d9ead3;">North</th> <th style="background-color: #d9ead3;">South</th> <th style="background-color: #d9ead3;">East</th> <th style="background-color: #d9ead3;">Central</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><b>26</b></td> <td style="text-align: center;"><b>19</b></td> <td style="text-align: center;"><b>27</b></td> <td style="text-align: center;"><b>23</b></td> </tr> </tbody> </table>	North	South	East	Central	<b>26</b>	<b>19</b>	<b>27</b>	<b>23</b>
North	South	East	Central						
<b>26</b>	<b>19</b>	<b>27</b>	<b>23</b>						
<b>Observed 9 inspectors</b> while they performed inspections	<ul style="list-style-type: none"> <li>food premises files included: abattoirs, meat cut-up shops, meat and food processors, grocery stores, restaurants, schools, nursing homes, etc.</li> <li>All 5 Agri-food Inspectors and 4 of approximately 50 Public Health Inspectors</li> <li>In each of the 4 regions</li> <li>Inspections at abattoirs, meat shops, grocery stores, a food processor making sausages, and a restaurant</li> </ul>								
<b>Conducted interviews</b>	<ul style="list-style-type: none"> <li><b>In the regions:</b> <ul style="list-style-type: none"> <li>Regional Medical Officers of Health</li> <li>Regional Director</li> <li>Public Health Inspectors and Agri-food Inspectors</li> <li>Administrative assistants</li> </ul> </li> <li><b>Central office program employees</b> from the <i>Office of the Chief Medical Officer of Health - Healthy Environment Branch</i>, including the Agri-food Manager</li> </ul>								

## Key Findings

### *Symbols used in this chapter*

**2.31** Our audit was performed in accordance with standards for assurance engagements, encompassing value-for-money and compliance, established by the Chartered Professional Accountants of Canada, and accordingly included such tests and other procedures as we considered necessary in the circumstances.

**2.32** Certain statistical information presented in this chapter was compiled from information provided by the Department. It has not been audited or otherwise verified. Readers are cautioned that this statistical information may not be appropriate for their purposes.

**2.33** In this chapter our key findings are reported in sections. Each key finding is supported with detailed findings. Our key findings are listed in Exhibit 2.8.

**2.34** The following symbols are used to classify our findings:

- ✓ represents a positive observation;
- ✘ represents an area needing improvement or further consideration; and
- represents other observations.

## Exhibit 2.8 - Key Findings

2.8	Key Findings	Paragraph Number
<b>Positive observations</b>		
✓	There are documented procedures for the program.	2.35
✓	The food premises program uses a risk-based strategy for inspections.	2.37
✓	The Department performs inspections to monitor operators' compliance with the standards.	2.39
✓	Enforcement actions are taken by the regional offices.	2.42
✓	Inspection results are posted on the Department's website.	2.44
<b>Area needing improvement or further consideration</b>		
✗	Only 1 of the 21 tested files complied with the Department's licensing procedures.	2.46
✗	We observed other licensing issues where improvement is needed.	2.55
✗	Annual risk assessments of food premises were not on file or the form was not completed properly in 68 of 78 files tested.	2.67
✗	Inspections were not done as directed by the <i>Standard Operational Procedures</i> (SOPs) in 63 of 78 files tested.	2.70
✗	We observed deficiencies in the inspection process.	2.79
✗	Violations are not collectively tracked and monitored.	2.88
✗	13 of 17 files tested lacked evidence that proper procedures were followed when a licence was revoked.	2.93
✗	Penalties are minimal for operators who fail to comply with the standards.	2.96
✗	Posting inspection results on the Department's website needs improvement.	2.103
✗	Existing systems do not allow the Department to generate useful information on food safety risks.	2.111
✗	Quality assurance over the food premises program is lacking and the Department's <i>Standard Operational Procedures</i> for the program are not followed consistently.	2.116
✗	The food premises program is not fully complying with the Province's <i>Food Premises Regulation</i> , leading to unaddressed food safety risks.	2.129

**Key Finding: ✓ There are documented procedures for the program.**

**Why this is important**      **2.35**      Documented procedures provide direction to staff for delivering a quality program consistently.

**Findings**      **2.36**      We found the following:

- ✓ There are documented *Standard Operational Procedures* (SOPs) for the program;
- ✓ The SOPs are comprehensive and consistent with the Regulation; and
- ✓ Staff are aware of the SOPs and find them helpful.

**Key Finding: ✓ The food premises program uses a risk-based strategy for inspections.**

**Why this is important**      **2.37**      Using a risk-based approach for the inspection function allows the Department to focus on higher risk food premises and inspect them more often than lower risk ones. For example, a restaurant preparing a variety of dishes on site may get inspected three times each year, whereas a small grocery store selling pre-packaged meats may get inspected once each year.

**Finding**      **2.38**      ✓ We found the food premises program uses a risk-based strategy for inspections. The SOPs provide instruction for completing a risk assessment for each food premises, which is “*to be updated on an annual basis to determine the inspection frequency*”.<sup>xiv</sup>

**Key Finding: ✓ The Department performs inspections to monitor operators' compliance with the standards.**

**Why this is important**



✓ Inspection supplies: flashlight, thermometers, test strips, notepad, camera

**2.39** “Routine inspections are full assessments of the food premises operations and their facilities. .... They include assessment of food service employees’ food handling practices and knowledge, product flow, food source, storage, thawing, preparation (including cooking temperatures and times) and post-preparation processes, equipment and facility construction, cleaning and sanitizing processes, water sources, sewage disposal and vermin control.”<sup>xv</sup> The SOPs address inspection of food premises, including “inspection protocol”, which provides guidance on how to inspect food premises.

**2.40** We believe inspecting food premises for compliance with the food premises standards is a key function in mitigating foodborne illness.

**2.41** ✓ In general, we found inspectors followed the inspection protocol. Our observations are summarized in Exhibit 2.9. Some interesting comments from inspection reports are documented in Exhibit 2.10.

**Finding**

Exhibit 2.9 – AGNB Observations of Inspectors Performing Inspections

2.9	AGNB Observations of Inspectors Performing Inspections
<p><i>Procedure or Action</i></p> <hr/> <ul style="list-style-type: none"> <li>✓ Reviewed previous inspection report before going on site (prepare for inspection) (note 1)</li> <li>✓ Inspected while facility was operating (note 1)</li> <li>✓ Unannounced inspection. Operator was surprised to see inspector (note 1)</li> <li>✓ Introduced themselves (show identification if asked, state intent to inspect and nature of inspection) (note 1)</li> <li>✓ Did complete and thorough walk-around making observations (note 1)</li> <li>✓ Had a good relationship with operator: respectful, serving as both an educator and an enforcer of the food premises standards (note 2)</li> </ul>	
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Procedure or action required by <i>Food Premises Standard Operational Procedures (SOPs)</i>.</li> <li>2. Procedure or action considered appropriate and good practice by AGNB, based upon SOPs.</li> </ol> <p><b>Source:</b> Observations made by AGNB while accompanying all 5 Agri-food Inspectors and 4 (one from each region) of approximately 50 Public Health Inspectors doing routine inspections at a variety of food premises involving meat (abattoirs, meat shops, grocery stores, a food processor and a restaurant).</p>	

## Exhibit 2.10 – Quotes from Food Premises Inspection Reports

2.10	Quotes from Food Premises Inspection Reports
	<ul style="list-style-type: none"> <li>• “Wings found thawing at room temperature. Thawing must be done under continuously cold running water, in the microwave and used immediately or in the fridge.”</li> <li>• “Rodent droppings found throughout the kitchen. There shall be no signs of rodents and insects.”</li> <li>• “Operator/staff must not sleep on the preparation table. It is not a bed and is not an acceptable practice.”</li> <li>• “Foods in refrigerators shall be kept covered to prevent contamination. Uncovered mushrooms &amp; raw chicken in walk-in cooler. (discarded)”</li> <li>• “Cutting boards are no longer smooth and easily cleanable and must be resurfaced or replaced.”</li> <li>• “Knives cannot be stored dirty. They must be properly cleaned and sanitized.”</li> <li>• “Knife holders were not being removed, washed, rinsed and sanitized in the meat department.”</li> <li>• “No meat shall be cut before equipment has been cleaned and sanitized.” [Translation]</li> <li>• “Ready-to-eat meat should not be stored with raw meat.” [Translation]</li> <li>• “There is lack of knowledge with regard to cleaning and sanitizing and proper food handling.</li> <li>• “Employee[s] show a lack of hand washing importance.”</li> <li>• “Dishes must be sanitized as part of the washing process.”</li> <li>• “Mousetrap found on hand wash sink. Keep hand wash sink clean and sanitary and use only for hand washing.”</li> <li>• “Sinks not to be used for storage – washing and sanitizing only.”</li> <li>• “Chemicals stored above food products.”</li> <li>• “Damaged food containers found. Discard immediately as cross contamination can occur.”</li> <li>• “A thorough cleaning and sanitizing of the kitchen is required. Floors, Equipment, food contact surfaces, food containers.”</li> <li>• “There is no properly mixed sanitizer present.”</li> <li>• “The kitchen requires more lighting. It is too dark to properly see areas that require cleaning.”</li> </ul>
	<p><b>Source:</b> Excerpts from food premises inspection reports, “Remarks” section</p>



✘ Cutting boards are no longer smooth and easily cleanable and must be resurfaced

**Key Finding: ✓ Enforcement actions are taken by the regional offices.**

***Why this is important***

**2.42** There should be documented procedures for enforcing the food premises standards. When operators fail to comply with the standards, the Department should take appropriate action.

***Finding***

**2.43** ✓ We found enforcement procedures are documented in the SOPs and enforcement actions are taken by the regional offices when operators do not comply with food premises standards. While accompanying inspectors performing inspections, we saw situations where the inspector instructed the operators to discard food and items, which is within their authority. During our review of food premises files, we saw evidence of inspectors investigating a complaint, Regional Directors issuing warning letters, regions suspending and revoking licences and one case where non-compliance by a food premises was referred to the Crown Prosecutor.

**Key Finding: ✓ Inspection results are posted on the Department's website.**

***Why this is important***

**2.44** Posting inspection results on the Department's website has several benefits. Providing public access to food premises' inspection results allows the consumer to be better informed. Also, the watchful eye of the consumer in this competitive environment can serve as a strong incentive for food premises to comply with the standards. In addition, posting inspection results demonstrates the Department's accountability for the food premises program.

***Finding***

**2.45** ✓ We found inspection results are posted on the Department's website for public viewing. According to the SOPs, inspection reports are posted for all food premises except those for adult and child residential facilities, daycares, abattoirs and dairy plants. We reviewed the Department's website and found inspection results were posted for each of the four regions. An example of food premises inspection results posted on the Department's website can be found in Appendix VI.

## **Key Finding: ✘ Only 1 of the 21 tested files complied with the Department's licensing procedures.**

### ***Why this is important***

**2.46** The *Standard Operational Procedures* (SOPs) address the licensing of food premises. They provide direction on the classes of licences, the requirements for licensing, and the licensing process. (See Appendix IV for food premises classes with examples.)

### ***Operator compliance with the standards is required before licensing***

**2.47** **An inspection report with a green rating is required prior to licensing.** The Regulation states, “*The Minister shall not issue a licence to an applicant unless he or she has a copy of an inspection report by a public health inspector, made not more than 3 weeks before the date of issuance of the licence, indicating that the food premises meets the standards ...*”<sup>xvi</sup> This requirement is also stated in the SOPs.

### ***Our testing***

**2.48** The guidance on the licensing process is very direct, making reference to documents to be used and the timeline to be followed. Given the annual process for renewing a licence is primarily an administrative task not involving the Public Health Inspectors, we believe it is critical the Department ensure full compliance with the food premises standards before issuing a new licence to an operator.

**2.49** We tested a sample of 21 files where a new licence had been issued to determine if proper procedures were followed by the Department before issuing the licence.

### ***Findings***

**2.50** We found the Department did not ensure applicants (for food premises licences) submitted all the required documentation and complied with the food premises standards prior to issuing a licence. An inspection report indicating that the food premises meets the standards is required by the Regulation before issuing a licence, and we found the Department was not always complying with this requirement. Our testing results are shown in Exhibit 2.11. Specifically, we found the following:

- ✘ Only one of the 21 tested files complied with the Department's licensing procedures;
- ✘ Four of 21 files had significant deficiencies (unsupported licence issued by the Department) – see Exhibit 2.12; and
- ✘ A post-licence routine inspection was not done in 16 of 21 files tested.

## Exhibit 2.11 - Issuing a New Licence to an Operator - Results of Testing

<b>2.11 Issuing a New Licence to an Operator - Results of Testing</b>	
Number of files <b>tested</b>	21
Number of files showing <b>procedures were properly followed</b>	1
Number of files with <b>deficiencies</b> . (There was no documentation in the file indicating one or more proper procedures had been completed.)	20
<b>Deficiency</b>	<b>Number of files with deficiency</b>
Incorrect fee was received (note 2)	4
Application did not contain all required information:	
<ul style="list-style-type: none"> <li>• Dates and times of intended operation of the food premises</li> <li>• Statement of the applicant's experience in operating a food premises or documentation of food safety training</li> <li>• Details of staff training that has been or will be provided</li> <li>• Details of hygienic practices and procedures to be followed by persons working in the food premises and a copy of the applicant's health policy for staff</li> <li>• Documentation detailing how the premises, equipment and utensils will be kept clean and sanitary, including details on disposal of waste products. Sanitizing procedures must be described in detail</li> <li>• Documentation on food handling procedures used by the applicant for potentially hazardous food. This should include thawing methods, cooking and holding temperatures, cooling methods, etc.</li> </ul>	6 4 4 5 3 4
Letter not sent to the applicant indicating the application was approved (issued after the inspector has reviewed the application information and has determined it to be appropriate)	17
Inspection not conducted before the licence was issued (note 3)	3
Inspection report did not have a green rating	1
Inspection report was incomplete (not all standards marked) – see paragraph 2.51	5
Licence issuance date was not reasonable (note 3)	7
<b>Notes:</b>	
1. The deficiencies were identified while reviewing files from all regions. The deficiencies were discussed with the Regional Directors and the Agri-food Manager and examples of deficiencies were shown to them.	
2. Deficiencies involved the following: operator applied for the wrong class and wrong fee was received, an old application form was used and an outdated fee was received, and no documented evidence of fee received.	
3. Examples discussed in Exhibit 2.12	
<b>Source:</b> Observations made by AGNB from testing a sample of 21 files where a new licence was issued to an operator during the period from April 1, 2014 to March 31, 2015. The sample included files from all four regions and applications where the approving procedures were completed by Public Health Inspectors and Agri-food Inspectors. The sample covered a variety of food premises, including: an abattoir, meat shops, meat and food processors, grocery stores and restaurants.	

***✘ An inspection report indicating that the food premises met the standards was not always present***

**2.51** The Department is not complying with the Regulation when it issues a licence without an inspection report showing the operator complies with the food premises standards. When reviewing inspection reports that supported new licences issued, we observed the following:

- ✘ The inspection report supporting the new licence was incomplete in five of the 21 (24%) files tested, as shown in Exhibit 2.11. (In this case, “incomplete” means that all of the standards were not marked as “not observed”, “satisfactory” or “unsatisfactory”. Given these three options, there is no reason for not marking all of the standards.)
- ✘ One inspection report did not have a green rating which is required prior to licensing.
- ✘ One inspection report noted the following violation, “*Hot water is required before operating.*” This is a critical violation, which would result in a striped-red colour rating and require a re-inspection. However, the inspection was given a green score and marked, “*No Re-inspection Required*”.

***✘ 4 files had significant deficiencies (unsupported licence issued by the Department)***

**2.52** We found four files had significant deficiencies. We selected two of these cases to discuss with the Regional Director. In both cases, they agreed that the documentation in the food premises file did not support the issuance of the licence. See Exhibit 2.12 for details on the four cases of unsupported licence.

## Exhibit 2.12 – Food Premises Licensing Procedures Not Followed – Four Severe Cases

2.12	Food Premises Licensing Procedures Not Followed – Four Severe Cases
<p><b>Case A – food processor</b></p> <ul style="list-style-type: none"> <li>✘ The application was for a class 3 food premises licence (see <b>Appendix IV</b>) and the Department received \$50. The Department issued a class 5 licence. The licence fee for class 5 was \$350.</li> <li>✘ The inspection report supporting the new licence indicated a re-inspection was required by a specific date. The re-inspection was not done.</li> <li>✘ While a new licence was issued to the operator in March, a formal warning letter regarding non-compliance was issued in July, four months later.</li> <li>✘ Four months after the initial inspection, a different inspector did a routine inspection detecting ten violations, with five being “major”. Five re-inspections were done before the operator had satisfactory compliance. (Four of the re-inspections were done within a 37-day period.)</li> </ul> <p><b>Case B - restaurant</b></p> <ul style="list-style-type: none"> <li>✘ The application was missing most of the required documents. Only the application form and a floor plan were present.</li> <li>✘ The inspection report supporting the new licence (dated May 5) had 21 standards marked “not observed” and 19 standards observed. This means that less than half of the standards were inspected before the new licence was issued, and the post-licence inspection was not completed within the required timeframe of three weeks. (The next inspection was dated Aug 22.)</li> <li>✘ The new licence was dated April 1, 2014. The inspection report was dated May 5, 2014. This suggests the licence was issued before the inspection was done, or the licence was dated incorrectly.</li> </ul> <p><b>Case C – retail store having a meat section and a deli with rotisserie chickens</b></p> <ul style="list-style-type: none"> <li>✘ The application was missing most of the required documents.</li> <li>✘ The date on the licence (July 3) indicated the licence was issued before all of the required application documentation was obtained. An email from the operator to the inspector dated July 15 stated, “<i>I am sending you all other required documents in separate e-mails.</i>”</li> <li>✘ The July 3 date on the licence also indicated the licence was issued before the inspection (dated July 21) was done demonstrating the operator’s compliance.</li> <li>✘ The July 21 inspection report for the new facility had 18 standards marked “not observed”. This indicates a complete and thorough inspection was not done, and there is no evidence the operator was fully complying with the standards. The next inspection was done 18 months later.</li> </ul> <p><b>Case D – meat shop</b></p> <ul style="list-style-type: none"> <li>✘ The application was missing many of the required documents, including: 1. details of hygienic practices and procedures to be followed and a copy of the applicant’s health policy for staff; 2. documentation detailing how the premises, equipment and utensils will be kept clean and sanitary, including details on disposal of waste products - sanitizing procedures must be described in detail; 3. documentation on food handling procedures used by the applicant for potentially hazardous food; and 4. the dates and times of intended operation of the food premises.</li> </ul>	
<p><b>Source:</b> The cases and deficiencies were identified while reviewing files from all regions.</p>	

***✘ A post-licence routine inspection was not done in 16 of 21 files tested***

***Recommendation***

**2.53** Regarding the inspection for a new licence, the SOPs state, “*New facilities and those with a new licence require inspections prior to opening. ... A routine inspection shall follow the new facility inspection within 3 weeks of licence issuance to observe food handling practices.*”<sup>xvii</sup> We tested our sample of 21 files with new licences to see if the post-licence routine inspection was done. We found a post-licence routine inspection was done in four files and not done as required in 16 files. The test was not applicable for one file.

**2.54** **We recommend the Department of Health ensure applicants for food premises licences submit all required documentation and comply with the food premises standards prior to issuing a licence.**

**Key Finding: ✘ We observed other licensing issues where improvement is needed.**

***Why this is important***

**2.55** Ensuring all food operators are licensed, and licensed in the correct class, is fundamental for the food premises program's effectiveness.

***Findings***

**2.56** We found the following:

- ✓ The Department's annual licence renewal administrative process appears to work well.
- ✘ There is inconsistency in the licensing information maintained by the regional offices.
- ✘ Procedures to identify illegal operators are not done routinely.
- ✘ Procedures to ensure the licence class is correct are not done routinely.

✓ ***The Department's annual licence renewal administrative process appears to work well***

**2.57** From reviewing the SOPs, examining licences in food premises files and interviewing administrative support staff responsible for renewing food premises licences, we concluded the Department's annual licence renewal process appears to work well.

✘ ***There is inconsistency in the licensing information maintained by the regional offices***

**2.58** Information on food premises provided by the regional offices revealed inconsistency in the information captured and maintained by different offices. In at least two of the four regions, there was inconsistency between sub-offices within the region. This makes it difficult to accumulate accurate provincial program information.

✘ ***Procedures to identify illegal operators are not done routinely***

**2.59** Some people who perform food operations, which require them to be licensed, are not. They are referred to as "illegal operators". Identifying illegal operators is not addressed by the SOPs. We asked regional staff if there were routine procedures to identify illegal operators.

**2.60** The Department becomes aware of illegal operators through various means including: complaints from the public of various matters, other licensed food operators, inspectors seeing signs while driving, etc. However, the Regional Directors confirmed there were no procedures done on a regular basis to identify active food operators who are not licensed.

✘ ***Procedures to ensure the licence class is correct are not done routinely***

**2.61** While reviewing lists of licensed food premises provided by the regions and testing a sample of food premises files, we observed food premises which appeared to be licensed in the wrong class. Some of these were discussed with regional staff and confirmed to be in

the wrong class.

**2.62** Having the proper class of licence is important for the following reasons:

- The type of inspector assigned to the food premises depends upon the licence class. Public Health Inspectors have specialized training in food science and are responsible for inspecting most food premises. Agri-food Inspectors have specialized training in agricultural activities and are responsible for inspecting abattoirs, some meat shops and dairies;
- Some standards apply only to specific classes. Examples include the class 4 requirement that staff have food safety training and the class 5 requirement for food recall records, which are needed if a foodborne illness is traced to the operator;
- The annual licence fee differs for each class of licence, ranging from \$0 for a day care or residential facility to \$1,050 for a dairy plant; and
- The inspection report for specific types of licences does not get posted to the Department's website. For example, abattoir inspection reports are not posted.

**2.63** Regional Directors confirmed the class of licence is important and that there were no procedures done on a regular basis to ensure the licence class of food premises is correct.

***3 of 5 abattoirs had food operations outside of typical abattoir activities - may result in unaddressed risks***



**An abattoir was preparing and selling beef jerky, pepperoni and pea meal bacon, which is outside of typical abattoir licence activities.**

**2.64** Three of the five abattoirs we visited were producing ready-to-eat meat and non-meat products. These processes are not typically part of the slaughter or meat-cutting activities that occur in abattoirs and may result in unaddressed risks.

- One abattoir was preparing and selling head cheese, beef jerky, smoked salmon, sausages, bacon sausage rolls, dog treats, etc.;
- Another abattoir was preparing and selling beef jerky, pepperoni and pea meal bacon; and
- We made several surprising observations at the third abattoir which we report in Exhibit 2.13.

Exhibit 2.13 – Surprising Observations at a Licensed Food Premises

2.13	Surprising Observations at a Licensed Food Premises
<p>These two photos were taken in a walk-in cooler.</p>	
	<p>Hanging carcasses insufficiently separated in cooler used for food storage (risk of contamination to other products)</p> <p>Ready-to-eat meats (bologna and pepperoni sausage) stored close to carcass (risk of contamination)</p> <p>Spaghetti sauce stored close to carcass (risk of contamination to outside of jar)</p> <p>Blood from the hanging carcasses on the floor where employees may walk through (risk of contamination)</p>
<p>Raw meat stored above raw vegetables (risk of contamination)</p> <p>Unlabeled food items (violation)</p> <p>Blood on the floor where employees may walk through (risk of contamination)</p> <p>Items stored directly on floor (prevents proper cleaning)</p>	
<p><b>Source:</b> Observations made by AGNB while observing an inspection of an abattoir, many of which were noted by the inspector on the inspection report.</p>	

Exhibit 2.13 continued – Surprising Observations at a Licensed Food Premises

2.13 cont'd	Surprising Observations at a Licensed Food Premises
<p>Inadequate separation between slaughter and food processing areas poses a risk of contamination.</p>	
	
<ol style="list-style-type: none"> <li>1. Slaughter room</li> <li>2. Door between slaughter room and food processing area had a hole where doorknob belongs. Also, the open door allows employees to move freely between areas posing a risk of contamination.</li> <li>3. Food processing area where items such as the following were prepared: fudge, meat pies, headcheese, spaghetti sauce, pickled eggs, etc.</li> </ol>	
<p><b>Other AGNB observations and comments:</b></p>	
<ul style="list-style-type: none"> <li>• The facility had a large retail outlet with many different products, a slaughter room, a meat cut-up area, several walk-in freezers and coolers, and a large kitchen. (The licensed abattoir appeared to be a minor part of the establishment's business.)</li> <li>• The business also did barbeques off-site for groups. They were catering one for 40 people the day after our visit. A large barbeque was stored in the back room. (This is typical class 4 licence activity, not class 5 abattoir activities.)</li> <li>• A staff member was wrapping utensils in napkins in the food processing area (adjacent to the open slaughter room) to be used at an upcoming event. (There could be a risk of contamination.)</li> <li>• Some sausages made at the abattoir were labeled and packaged for a different company, expanding the distribution of the product. (Foodborne illness is influenced by food volume. Increased handling and storage of large volumes increases the risk of temperature abuse.<sup>xviii</sup>)</li> <li>• In addition to those identified in the photos, we observed the following violations: <ul style="list-style-type: none"> <li>✘ Male employees in the cut-up area did not wear hair nets;</li> <li>✘ Dirty knives were observed in the slaughter area;</li> <li>✘ A bag of onions was stored on the floor next to cleaning products;</li> <li>✘ An uncovered unlabeled bucket of dirty rags was stored in the walk-in freezer; and</li> <li>✘ Boxes were stored directly on the floor in the walk-in freezer.</li> </ul> </li> </ul>	
<p><b>Source:</b> Observations made by AGNB while observing an inspection of an abattoir, many of which were noted by the inspector on the inspection report.</p>	

***Recommendations***

**2.65 We recommend the Department of Health implement procedures to identify illegal operators of food premises and then proceed to either license the operator or take enforcement actions to cease their operations. The procedures should be done on a regular basis and the results documented.**

**2.66 We recommend the Department of Health review all food premises licences to ensure the class is correct and the proper annual fee is being collected.**

**Key Finding: ✘ Annual risk assessments of food premises were not on file or the form was not completed properly in 68 of 78 files tested.**

**Why this is important**

**2.67** We believe a risk-based inspection strategy provides for the most efficient use of resources, as it focuses more on food premises with higher risk. The Department's process of completing risk assessments on food premises sets the required routine inspection frequency. Exhibit 2.14 provides information from the SOPs on the risk categories with inspection frequency and risk factors.

Exhibit 2.14 – Risk Categories with Inspection Frequency and Risk Factors

<b>2.14 Risk Categories with Inspection Frequency and Risk Factors</b>	
<b>Risk Category</b>	<b>Minimum Frequency of Inspection</b>
<i>High</i>	<i>a minimum of <b>THREE</b> inspections per year</i>
<i>Moderate</i>	<i>a minimum of <b>TWO</b> inspections per year</i>
<i>Low</i>	<i>a minimum of <b>ONE</b> inspection a year</i>
<p><i>Foodborne illness is influenced by many factors, including:</i></p> <ul style="list-style-type: none"> <li>• <i>the types of foods;</i></li> <li>• <i>the type of preparation;</i></li> <li>• <i>the volume;</i></li> <li>• <i>the population; and</i></li> <li>• <i>food handler education and training.</i></li> </ul> <p><i>Each of these factors will be considered in establishing the risk category assigned to a premises.</i></p> <p><b>Note:</b> <i>Scheduled inspections will be conducted in accordance with the result of the risk assessment of each food premises. Follow-up inspections will be conducted as required based on inspection results.</i></p>	
<p><b>Source:</b> Excerpts from <i>Food Premises Standard Operational Procedures</i></p>	

**Findings**

**✘ 68 of 78 files tested contained deficiencies in risk assessments of food premises**

**2.68** We tested a sample of 78 food premises files to determine if risk assessments of food premises were completed as directed by the SOPs. We concluded the SOPs relating to risk assessments were not always followed. In the 78 files, the number of risk assessments ranged from none to three. If at least one assessment did not follow procedure, we concluded the file had a deficiency. The results of our testing are shown in Exhibit 2.15. We found 68 of the files tested contained deficiencies, including the following:

- ✘ a risk assessment was not present in 12 of 78 files tested;
- ✘ the risk assessment was not updated annually in 58 files;
- ✘ the form was not completed properly in 29 of the 66 files with risk assessments; and
- ✘ two assessments were over eight years old.

## Exhibit 2.15 - Risk Assessments - Results of Testing

<b>2.15 Risk Assessments - Results of Testing</b>	
Number of files <b>tested</b>	78
Number of files showing <b>risk assessment procedures were properly followed</b>	10 (13%)
Number of files with <b>deficiencies</b> . (There was no risk assessment on file or the form was not completed properly.)	68 (87%)
<i>Deficiency</i>	<i>Number of files with deficiency</i>
<b>Risk assessment(s) not present in file</b>	12 (15%)
<b>Risk assessment form(s) completed incorrectly (66 files had forms)</b>	29 (44%)
<ul style="list-style-type: none"> <li>not all sections marked (The resulting score and risk category may be affected when all sections are not completed. This may affect the inspection frequency.)</li> </ul>	4 (6%)
<ul style="list-style-type: none"> <li>score incorrect (An incorrect score may result in a wrong risk category and wrong inspection frequency.)</li> </ul>	12 (18%)
<ul style="list-style-type: none"> <li>risk category incorrect (An incorrect risk category results in a wrong inspection frequency.)</li> </ul>	5 (8%)
<ul style="list-style-type: none"> <li>form not reviewed – “<i>Assessment reviewed by:</i>” and “<i>Date:</i>” spaces were blank. (A supervisor’s review reduces the risk of error and contributes to the proper inspection frequency being assigned to a food premises.)</li> </ul>	19 (29%)
<b>Risk assessment(s) not updated annually</b>	58 (74%)
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>We tested a sample of 78 food premises files. We selected the sample to include files from all four regions (as indicated in Exhibit 2.7) and all sub-offices, inspections by both the Public Health Inspectors and the Agri-food Inspectors, and a variety of food premises (abattoirs, meat cut-up shops, grocery stores, restaurants, schools, nursing homes, etc.). In each file, we reviewed the risk assessments for a three-year period (from April 1, 2012 to March 31, 2015) to determine if the risk assessment forms were properly completed and updated annually. We tested forms completed before April 1, 2015 only. (This date is prior to the Department being notified of our audit. We saw several files for which no risk assessment had been completed for many years, which recently had a risk assessment form completed. These recent forms were not included in our test.)</li> <li>The number of risk assessments in a file for the three-year test period varied from none to three, depending on the Department’s compliance with the requirement to do risk assessments and when the facility was first licensed. If one risk assessment did not follow procedure, we concluded the file had a deficiency.</li> <li>The deficiencies were identified while reviewing files from all regions. The deficiencies were discussed with the Regional Directors and the Agri-food Manager and examples of deficiencies were shown to them.</li> </ol>	
<b>Source:</b> Observations made by AGNB.	

**Recommendation**

**2.69 We recommend the Department of Health fully implement its risk-based inspection strategy by ensuring staff follow the documented *Standard Operational Procedures* and properly complete a risk assessment, and update it annually, to determine the proper inspection frequency for food premises.**

**Key Finding: ✘ Inspections were not done as directed by the *Standard Operational Procedures (SOPs)* in 63 of 78 files tested.**

***Why this is important***

**2.70** “*Inspection provides an opportunity to audit the food premises’ ongoing internal programs, practices and procedures that are necessary to prevent risks from developing that are causes or contributing factors to foodborne illness. It also provides an opportunity to educate operators and food handlers on food safety issues.*”<sup>xix</sup> We believe monitoring and ensuring operators’ compliance with the food premises standards is a key function in mitigating risks of foodborne illness.

***Findings***

**2.71** The SOPs describe the types of inspection and provide the inspection protocol, which includes preparing the inspection report. We tested a sample of 78 food premises files to determine if inspections were done in accordance with the SOPs. We concluded they typically were not.

***✘ 63 of the 78 files tested contained deficiencies in performing and documenting inspections of food premises***

**2.72** The results of our testing are shown in Exhibit 2.16. The number of inspection reports in the 78 files we reviewed ranged from one to sixteen. If at least one inspection report did not follow procedure, we concluded the file had a deficiency. Sixty-three (81%) of the files we tested contained deficiencies, including the following:

- ✘ Many inspection reports were incomplete or inaccurate. In addition to the seven attributes shown in Exhibit 2.16, we found:
  - ✘ Some inspectors’ handwritten comments were very difficult to read, illegible, or incorrect. It is imperative for inspection reports to be legible in order for operators to understand the violations needing corrective action;
  - ✘ The licence class was improperly marked in some cases. When this happened with class 5 food premises, it caused an incomplete inspection relating to food recall records, which are needed if a foodborne illness is traced to the operator;
  - ✘ Repeat violations were not always noted. (The SOPs for routine inspections state, “*Items found to be repetitive from the previous inspection are also noted;*”<sup>xx</sup>) and
  - ✘ Re-inspection reports were not documented consistently. We noted in several cases there was no evidence that all of the violations from the previous inspection had been corrected.

- ✘ Routine inspections were not always done when required in 25 files (32%). We examined one file where a licensed food premises requiring two inspections per year was not inspected between July 15, 2013 and March 30, 2015 (20 months). And, we examined another file where there was only one inspection report on file (from 2013) yet the facility had a licence for three fiscal years; and
- ✘ Re-inspections (to ensure violations were corrected) were not always done when required in 19 files (24%). Inspectors should perform re-inspections to determine if violations have been corrected within the allotted time. Given re-inspections are required when there is a “*risk to human health*”<sup>xxi</sup>, we believe timely completion of re-inspections is very important.

***Inspection reports have many users and should always be completed properly***

**2.73 The inspection report is a very important document.** It provides evidence the Department visited the food premises and inspected the operator’s compliance with the food premises standards. A copy is given to the operator to serve as a reminder of the food premises standards and to inform of corrections required. A copy must be posted in the food premises for public viewing. Also, a copy is posted on the Department’s website, providing the public awareness of violations to the food premises standards and assurance of food safety. Given the importance of the inspection report, we believe it is crucial to the food premises program for the inspection report to be always completed properly.

**2.74** The inspection report is designed as a checklist of food premises standards. Appendix V shows a copy of an inspection report. Inspection reports are completed manually by Public Health Inspectors and Agri-food Inspectors. The inspector can mark a standard as “not observed”, “satisfactory” or “unsatisfactory”. “Unsatisfactory” items must be documented, including categorizing each violation as “minor”, “major” or “critical” and giving a date by which the violation must be corrected. The inspection report is given a colour rating (green, yellow or red) based on the number and severity of the violations. (For example, a green rating is scored if the food premises has no more than five “minor” violations. A “major” violation results in a yellow rating, and a “critical” violation results in a red rating.) The report also shows whether a re-inspection is required. Both the inspector and the operator sign the report.

## Exhibit 2.16 - Inspections - Results of Testing

<b>2.16 Inspections - Results of Testing</b>	
Number of files <b>tested</b> (See Exhibit 2.15, note 1)	78
Number of files showing <b>inspection procedures were properly followed</b>	15 (19%)
Number of files with <b>deficiencies</b> . (One or more proper procedures had not been followed.)	63 (81%)
<b>Deficiency</b>	<b>Number of files with deficiency</b>
<b>Completeness of inspection report:</b>	
<ul style="list-style-type: none"> <li>Not all items to be inspected were marked. (Marking all items demonstrates all food premises standards were considered by the inspector during the inspection.)</li> </ul>	46 (59%)
<ul style="list-style-type: none"> <li>Not all violations (items marked “unsatisfactory”) were explained in the “Remarks” section. (When a food premises standard is not met, it should be fully explained so the operator can take corrective action.)</li> </ul>	9 (12%)
<ul style="list-style-type: none"> <li>Correction dates were not provided for all violations. (Dates tell the operator how long they have to make corrections. For example, an operator may be given six months to repair a floor. Sometimes immediate action is required.)</li> </ul>	14 (18%)
<ul style="list-style-type: none"> <li>Report was not signed by both the inspector and operator, or operator's representative. (A signed report indicates the inspector reviewed the inspection report with the operator.)</li> </ul>	10 (13%)
<b>Accuracy of inspection report:</b>	
<ul style="list-style-type: none"> <li>Violations recorded in the “Remarks” section were incorrectly categorized as “minor”, “major” or “critical”. (The category affects both the colour rating and the re-inspection requirement.)</li> </ul>	26 (33%)
<ul style="list-style-type: none"> <li>Colour rating did not reflect the number and severity of violations. (The colour rating – green, yellow or red – appears on the Department’s website along with the name of the food premises.)</li> </ul>	22 (28%)
<ul style="list-style-type: none"> <li>“Re-inspection Required” section was incorrectly completed based upon the number and severities of violations. (This section states if a re-inspection is required, and if so, the date when the inspector will return to verify the violations were corrected.)</li> </ul>	13 (17%)
<b>Re-inspection was not completed by the specified date</b> (not done or more than one day late, if a re-inspection was required)	19 (24%)
<b>Not all required routine inspections were completed annually.</b> (A risk assessment is completed for each food premises to determine the required inspection frequency.)	25 (32%)
<b>Notes:</b>	
1. A file contains several inspection reports, depending on how long the food premises has been licensed, its risk score, and its compliance performance. The number of inspection reports in the files we reviewed ranged from one to sixteen. If at least one inspection report did not follow procedure, we concluded the file had a deficiency.	
2. The deficiencies were identified while reviewing files from all regions. The deficiencies were discussed with the Regional Directors and the Agri-food Manager and examples of deficiencies were shown to them.	
<b>Source:</b> Observations made by AGNB from testing 78 food premises files for a three-year period (April 1, 2012 to March 31, 2015).	

**Recommendations**

- 2.75** We recommend the Department of Health follow the documented *Standard Operational Procedures (SOPs)* and properly conduct inspections to monitor operators' compliance with the food premises standards.
- 2.76** We recommend the Department of Health properly document all inspections by accurately and neatly completing the *Food Premises Inspection Form*.
- 2.77** We recommend the Department of Health perform the required number of routine inspections each year (which is determined by assessing the risk of the food premises).
- 2.78** We recommend the Department of Health perform re-inspections on a timely basis to ensure violations of the food premises standards have been corrected.

## Key Finding: ✗ We observed deficiencies in the inspection process.

### Why this is important

**2.79** We believe inspecting food premises for compliance with the food premises standards is a key function in mitigating foodborne illness.

### Findings

**2.80** We accompanied inspectors while they performed routine inspections. The inspectors explained to us what they were doing and seeing as they performed and documented their inspection. We asked questions and observed. We accompanied all five Agri-food Inspectors (who inspect 31 abattoirs) and four (one from each region) of approximately fifty Public Health Inspectors (who inspect approximately 4,000 other food premises).

**2.81** We observed deficiencies in the inspection process and inconsistencies between inspectors, including the following:



✓ Inspector using a probe thermometer to ensure cooked meat is at a safe temperature.

✗ **Not all inspectors washed their hands before beginning the inspection.** Washing their hands serves several purposes, including: preventing contamination through inspection; sending a message regarding the importance of hand hygiene; and ensuring everything required for proper hand-washing is present (hot water, soap, paper towel). Three Agri-food Inspectors did not wash their hands before beginning the inspection;

✗ **Not all inspectors used a flashlight to enhance their inspection.** Using a flashlight allows one to see things that are otherwise not visible, such as food particles stuck on parts of equipment and knife blades, and dirt, food or rodent droppings in dark or distant areas and underneath shelving. Three Agri-food Inspectors and one Public Health Inspector did not use a flashlight;

Date	Temp	Cooler 1a	Cooler 1b	Cooler 2	Cooler 3
17th	Temp AM	✓	✓	✓	✓
17th	Temp PM	✓	✓	✓	✓
18th	Temp AM	✓	✓	✓	✓
18th	Temp PM	✓	✓	✓	✓
19th	Temp AM	✓	✓	✓	✓
20th	Temp AM	✓	✓	✓	✓
20th	Temp PM	✓	✓	✓	✓
21st	Temp AM	✓	✓	✓	✓
22nd	Temp AM	✓	✓	✓	✓
22nd	Temp PM	✓	✓	✓	✓
23rd	Temp AM	✓	✓	✓	✓
23rd	Temp PM	✓	✓	✓	✓
24th	Temp AM	✓	✓	✓	✓
24th	Temp PM	✓	✓	✓	✓
25th	Temp AM	✓	✓	✓	✓
25th	Temp PM	✓	✓	✓	✓
26th	Temp AM	✓	✓	✓	✓
26th	Temp PM	✓	✓	✓	✓
27th	Temp AM	✓	✓	✓	✓
27th	Temp PM	✓	✓	✓	✓
28th	Temp AM	✓	✓	✓	✓
28th	Temp PM	✓	✓	✓	✓
29th	Temp AM	✓	✓	✓	✓
29th	Temp PM	✓	✓	✓	✓
30th	Temp AM	✓	✓	✓	✓

✗ **discrepancies with operator's temperature log:**  
1) temperatures recorded for 30 days in February (typically only 28 days) and  
2) 1 freezer unit missing from the record

✗ **Temperatures were not always adequately verified.** Maintaining proper temperatures is one of the most significant preventions to foodborne illness.<sup>xxii</sup> While most inspectors reviewed the operator's temperature records (for monitoring temperatures of refrigerated areas), we detected discrepancies with three operators' records which had gone undetected by the inspector. In addition, three Agri-food Inspectors did not use their own thermometers to verify that refrigerated and frozen storage areas were maintaining proper temperatures;

- ✘ **Verifying the strength of sanitizers was not done consistently.** Properly cleaning and sanitizing areas is also one of the most significant preventions to foodborne illness.<sup>xxiii</sup> Concentrated sanitizing solutions must be properly mixed for use. If the solution is too weak, it will not kill the germs; if it is too strong, it may chemically contaminate food. Three Agri-food Inspectors did not ensure the operator had and knew how to use test strips to verify concentration of sanitizers;
- ✘ **Verifying food safety training was not done consistently.** We believe this standard should be verified during the inspection by talking with staff and reviewing employee files for food-safety training certificates for new or recently trained staff. Two Public Health Inspectors did not review employee files for records of employee training and certification; and
- ✘ **Six of nine inspectors did not record all violations on the inspection report.**

**✘ 6 of 9 inspectors did not record all violations on the inspection report**

**2.82** The SOPs are clear; all violations should be recorded on the inspection report. *“The inspection report is the official Department document regarding compliance of a food premises. The goal of the report is to clearly, concisely and fairly present all of the non-compliance areas of a premises and to convey compliance information to the operator or person in charge at the conclusion of the inspection.”*<sup>xxiv</sup>

**2.83** One Public Health Inspector and the five Agri-food Inspectors (six of the nine inspectors) did not record all of the violations observed during the inspection. They verbally discussed some violations with the operator, rather than documenting them on the inspection report. Unless all violations are recorded on the inspection report, there is a risk that violations do not get corrected.

**2.84** At times during the inspections, we asked the inspector about the acceptability of specific practices we observed. Exhibit 2.17 presents observations we confirmed with the Department to be unsatisfactory but were not reported by inspectors to the operators as violations.

Exhibit 2.17 – AGNB Observations that were Not Reported by Inspectors as Violations

**2.17** AGNB Observations that were Not Reported by Inspectors as Violations



× Bloody and damaged packaging

× Meat stored directly on metal shelves

× Storage directly on floor

× Blood on floor



× Used knife with meat to be ground

- × Raw uncovered poultry in refrigerated unit next to uncovered smoked ham
- × Uncovered, unlabeled casings (for making sausages) in refrigerated unit
- × Unidentified frozen food item labelled “Miscellaneous” and dated 2014 for sale in March 2016
- × Hair not covered (hat or hair net) and no apron when handling raw meat
- × Licence not available for public viewing or expired licence posted for the public (2 cases)

**Source:** Observations by AGNB while accompanying inspectors doing inspections of food premises.

Exhibit 2.17 continued – AGNB Observations that were Not Reported by Inspectors as Violations

**2.17 cont'd**

**AGNB Observations that were Not Reported by Inspectors**



× Meat preparation area with dirty containers, dish cloth and used paper towel



× Improper labelling of sale items (No label on sauces. Item name and date of preparation are missing on meat label).

- × Tongs left in meat in display case; tongs in bowl of food in cooler
- × Hand-washing sink being used to wash equipment. Inspector told us, “No designated hand-washing sink needed in abattoirs.”
- × Staff drinking coffee in meat handling area
- × Sanitizer next to ready-to-eat meat
- × Smocks worn by restaurant kitchen staff stored in staff washroom
- × Aprons worn by meat cutters stored next to personal items in staff room

**Source:** Observations by AGNB while accompanying inspectors doing inspections of food premises.

**Recommendations**

**2.85** As part of recommendation 2.75, we recommend the Department of Health ensure all inspectors wash their hands before beginning their inspection and record all violations on the inspection report.

**2.86** We recommend the Department of Health enhance inspections by checking temperatures, sanitizing solution concentration, food safety training records, etc. and thoroughly reviewing operators' records required by the food premises standards.

**2.87** We recommend the Department of Health encourage consistency between inspectors through such means as:

- providing refresher training on the SOPs;
- monitoring compliance with the SOPs; and
- having regular meetings to discuss violations and food premises standards using professional judgment.

## Key Finding: ✕ Violations are not collectively tracked and monitored.

### *Why this is important*

**2.88** Collectively tracking and monitoring violations has value in two ways. First, it allows trends to be identified, and systematic corrective action could target trends in non-compliance. And secondly, it provides a basis for measuring food premises' compliance with the food premises standards and the effectiveness of the program.

### *Finding*

#### *✕ Violations are not collectively tracked and monitored*

**2.89** ✕ We found food premises standards that are violated were not collectively tracked and monitored. As a result the Department is unable to identify trends, target systematic corrective action and measure program performance.

**2.90** While violations for a specific food premises are recorded on the inspection report and monitored by verifying correction at the next inspection, they are not collectively monitored. Thus the Department is unable to determine trends or detect irregularities. Identifying trends in non-compliance with specific standards may allow focused efforts to improve compliance. Regional staff agreed there should be benefit to having this information. However, with the inspection process currently being a manual system, it would be time consuming to track this information.

### *Common violations*

**2.91** During our testing we tracked violations from a sample of 206 inspection reports. In reviewing the recorded violations, we made the following observations:

- Some food premises standards were violated more frequently than others;
- The average number of violations reported on inspection reports with violations was not consistent throughout the regions. One region had, on average, twice as many violations per inspection report as the other two regions tested. This may indicate the inspection process is not consistent from region to region; and,
- Some violations had a significantly higher incidence in specific regions. Only one region reported “*Rodent and Insect Control*” violations. Fifteen percent of their tested inspection reports had this violation.

**Recommendation**                      **2.92**     We recommend the Department of Health explore the benefits of tracking and monitoring violations of the food premises standards to identify trends and target systematic corrective efforts. (For example, one region could pilot a project where violations are recorded on a spreadsheet and then analyzed to identify trends. If the exercise proves to be beneficial, a provincial system could be implemented.)

**Key Finding: × 13 of 17 files tested lacked evidence that proper procedures were followed when a licence was revoked.**

**Why this is important**                      **2.93**     The SOPs provide direction for revoking a licence from an operator that fails to comply with the *Food Premises Regulation*. A licence may be revoked for any of the following reasons:<sup>xxv</sup>

1. “Food safety concerns relating to food handling practices/maintenance of the food premises
2. Upon re-inspection when Major or Critical violations have not been corrected
3. Non-compliance with the terms and conditions that may be specified on the licence”

**Finding**    **2.94**     We tested a sample of 17 files, where the food premises licence had been revoked, to determine if proper procedures had been followed. We found 13 files (76%) contained deficiencies. The deficiencies were discussed with the Regional Directors and examples of the deficiencies were shown to them. They believe in many cases the procedure was followed but not properly documented in the food premises file. We concluded there was no documentation that proper procedures were followed when a licence was revoked in 13 of 17 files tested. The results of our testing are shown in Exhibit 2.18.

**× 13 of 17 files contained deficiencies**

**Exhibit 2.18 - Revoked Licences - Results of Testing**

<b>2.18 Revoked Licences - Results of Testing</b>	
Number of files <b>tested</b>	17
Number of files showing <b>revoking procedures were properly followed</b>	4
Number of files with <b>deficiencies</b> . (There was no documentation in the file indicating one or more proper procedures had been completed.)	13
<b>Deficiency</b>	<b>Number of files with deficiency</b>
<ul style="list-style-type: none"> <li>• No inspection report with a red rating to support the revocation of the licence</li> <li>• No documentation that original licence was removed from premises</li> <li>• No documentation that revocation letter was issued to operator</li> <li>• No documentation that the food premises was confirmed to have closed following the revocation of the licence</li> <li>• Website not properly updated (note 3)</li> </ul>	<ul style="list-style-type: none"> <li>-</li> <li>4</li> <li>3</li> <li>12</li> <li>1</li> </ul>
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>1. The procedures tested are requirements according to the <i>Food Premises Standard Operational Procedures</i>.</li> <li>2. The deficiencies were identified while reviewing files from all regions. The deficiencies were discussed with the Regional Directors and examples of deficiencies were shown to them. They believe in many cases the procedure was followed but not properly documented in the food premises file.</li> <li>3. An inspection report dated April 26, 2013 was still posted on the web at the time of our testing (March 2016).</li> </ol>	
<p><b>Source:</b> Observations made by AGNB from testing a sample of 17 files from all regions. The licences had been revoked during the period of February 2011 to August 2015. The sample included food premises files of a food manufacturer, a bakery and several restaurants. (No abattoirs were in our sample as there has not been an abattoir that had their licence revoked in the past five years.)</p>	

**Recommendation**

**2.95 We recommend the Department of Health ensure proper procedures are consistently followed and documented when revoking a food premises licence.**

## **Key Finding: ✘ Penalties are minimal for operators who fail to comply with the standards.**

<i>Why this is important</i>	<b>2.96</b> Revoking a licence takes much time and effort by the Department (which equates to cost to New Brunswick's tax payers). In addition to having their food premises licence revoked, we believe there should be significant consequences for operators that expose the public to food poisoning by not following the food premises standards.
<i>Findings</i>	<p><b>2.97</b> From examining food premises files and speaking with staff, we concluded penalties are minimal for operators who fail to comply and have their licence revoked. The operator loses their licence to operate, but does not have to pay a fine. When examining licence-revoking procedures in files, we made other significant observations related to enforcement, including the following:</p> <ul style="list-style-type: none"> <li>• Operators frequently get relicensed;</li> <li>✘ Repeat offenders are common;</li> <li>✘ Penalties are minimal; and</li> <li>• Revoking a licence is not a common occurrence.</li> </ul>
<i>Operators frequently get relicensed</i>	<b>2.98</b> Following the revocation of their food premises licence, 13 of the 17 operators (76%) reapplied and were relicensed. Two files showed the operator was relicensed the day after their licence was revoked.
<i>✘ Repeat offenders are common</i>	<p><b>2.99</b> We were surprised to see more than one revocation in particular food premises files. It appears revoking a licence has little ramification to the operator. In many cases, the operator reapplies for a licence and resumes business in a few days. The following examples clearly indicate a need for stronger penalties for non-compliance. In reviewing 17 files, we found the following:</p> <ul style="list-style-type: none"> <li>✘ A prior revocation was present in eight files (47%);</li> <li>✘ Six of these eight files had two revocations within a two-year period; and</li> <li>✘ One file had five revocations and one licence suspension over a ten-year period.</li> </ul>
<i>✘ Penalties are minimal</i>	<b>2.100</b> One file contained documentation showing legal charges were laid against a food premises operator for operating without a licence. (After the food premises licence was revoked, the food premises continued to sell food.) The operator pled guilty and was fined only \$240. Given the Department's time and effort consumed

revoking the licence and preparing the legal case, the penalties for the operator appear insufficient.

***Revoking a licence is not a common occurrence***

**2.101** Information provided by the Department showed six licences revoked in fiscal 2015, nine in fiscal 2014 and eight in fiscal 2013. Given there are approximately 4,000 licensed food premises and the level of non-compliance we observed reviewing inspection reports, we find the revocation figures extremely low. It is possible some Department staff believe the minimal consequences for operators may not be worth the Department's time, effort and associated costs to revoke licences.

***Recommendation***

**2.102** **There should be serious ramifications for food premise operators who repeatedly have their licence revoked. We recommend the Department of Health eliminate non-compliance by operators by implementing stronger enforcement actions, such as posting compliance status in premises' window clearly visible to the public, ticketing with fines, graduated licensing fees, etc.**

## **Key Finding: ✘ Posting inspection results on the Department’s website needs improvement.**

<i>Why this is important</i>	<b>2.103</b> The benefits of posting inspection results on the Internet were discussed earlier in paragraph 2.44.
<i>Findings</i>	<p><b>2.104</b> From testing a sample of inspection reports and interviewing staff, we found the following:</p> <ul style="list-style-type: none"> <li>✘ Not all food premises inspection reports are posted on the Department’s website; and</li> <li>✘ Only the most recent inspection report is shown on the Department’s website, which could be misleading.</li> </ul>
<i>✘ Not all food premises inspection reports are posted on the Department’s website</i>	<p><b>2.105</b> According to the SOPs, inspection reports are posted for all food premises except those for adult and child residential facilities, daycares, abattoirs and dairy plants.</p> <p><b>2.106</b> Posting inspection results, thereby providing the public information on food premises’ compliance with food premises standards, is good practice. The Department informed us this accountability encourages operators to promptly correct their violations in order to get a “green rating” for the public to see. They also told us they have seen improvement in compliance and operators’ attitude towards complying with food premises standards since the Department started posting the inspection reports.</p> <p><b>2.107</b> Posting food premises inspection results for public consumption is a good practice and we think it should be done for all food premises, including facilities caring for vulnerable people such as daycares.</p>
<i>✘ Only the most recent inspection report is shown on the Department’s website, which could be misleading</i>	<p><b>2.108</b> Only the most recent inspection report is shown on the Department’s website. This can be misleading when food premises have a history of non-compliance and re-inspections. For example, if an inspection report has several major or critical violations (yellow or red rating), the inspection report is posted for a few days only. A re-inspection is required within two weeks. The re-inspection may show all violations are corrected (green rating) and is posted until the next routine inspection is done, which may be one to eleven months later. Someone looking at the website may see only the green rating and therefore not know the food premises’ history of non-compliance.</p> <p><b>2.109</b> We believe food premises inspection results should be posted for a period of at least two years so a history of food premises’ compliance can be seen.</p>

***Recommendation***

**2.110 We recommend the Department of Health enhance its public reporting of compliance with the food premises standards by:**

- **posting inspection reports for all food premises, and**
- **posting results of all inspections for the past two years.**

**Key Finding: ✘ Existing systems do not allow the Department to generate useful information on food safety risks.**

*Why this is important*

2.111 Having accurate and complete information is essential for making good decisions, monitoring performance and improving a program.

*Findings*

2.112 We found the following:

- ✘ **Program information is not maintained consistently throughout all offices** (explained below);
- ✘ **The regional offices are unable to provide information required by the SOPs.** The SOPs require the regions to provide central office annually with specific information on food premises relating to their risk assessment, “major” and “critical” violations, “management and employee food safety knowledge”, etc. None of the regions could provide all of the required information; and
- ✘ **Violations are not collectively tracked**, as discussed earlier in this report.

*✘ Program information is not maintained consistently throughout all offices*

2.113 With the exception of an automated system for renewing food premises’ licences, there is no standard method for maintaining program information. As a result, the regional offices have developed their own methods. We also found:

- ✘ **The reliability of information is uncertain.** Several offices maintain food premises information in locally-designed spreadsheets using Excel, which do not have input edits. As a result, there is no evident mechanism for preventing data entry errors. This implies the data may be less reliable than would be the case in a more structured format; and
- ✘ **Directories of licensed food premises provided by the regional offices were inconsistent in both content and style.**

*Recommendations*

2.114 We recommend the Department of Health establish a standard method (to be used by all regional offices) for maintaining consistent, reliable and useful information for the food premises program including the following:

- **directories of licensed food premises including their class, annual fee, assigned inspector, risk category, etc.; and**
- **information required by the *Standard Operational Procedures*, such as specific information on food**

**premises relating to their risk assessment, “major” and “critical” violations, “management and employee food safety knowledge”.**

**2.115 The current manual inspection system does not provide information needed by the Department. We recommend the Department of Health explore what other provinces are doing in this regard and automate the inspection system.**

**Key Finding: ✘ Quality assurance over the food premises program is lacking and the Department's *Standard Operational Procedures* for the program are not followed consistently.**

***Why this is important***

**2.116** Quality assurance practices ensure a program's policies and procedures are followed and the program is operating effectively.

***Findings***

**✘ *The food premises program procedures are not followed consistently***

**2.117** From reviewing documentation, testing food premises files and interviewing staff, we concluded quality assurance over the food premises program is lacking and the Department's *Standard Operational Procedures* for the program are not being followed consistently. Specifically, we found the following:

- ✓ The SOPs contain quality assurance practices. In general, we found them to be reasonable.
- ✘ Our findings show quality assurance practices are lacking;
  - ✘ When testing food premises files from the four regions, we found non-compliance with the SOPs;
  - ✘ Food premises assigned to inspectors are not rotated every four years as required; and
  - ✘ Not all thermometers used by inspectors are calibrated in accordance with the SOPs.

**✘ *Our findings show quality assurance practices are lacking***

**2.118** Discussions with the Regional Directors indicate they are doing some monitoring. While specific practices differ by region, the Regional Directors told us they review risk assessments and some inspection reports, they ensure follow-up inspections are done and they are aware when inspectors fall behind in doing routine inspections. They informed us they do not do the review of inspection files for all of the criteria and to the extent indicated in the SOPs.

**2.119** Our testing results show quality assurance practices are lacking. When testing food premises files from the four regions, we found non-compliance with the SOPs. The program's procedures were not always followed when the Department:

- issued the first licence to an operator;
- determined a food premises' risk (which set the inspection frequency);
- performed inspections;

- completed the inspection form;
- posted the inspection reports on the internet;
- revoked a licence; and
- rotated inspectors.

*✘ Food premises assigned to inspectors are not rotated every 4 years as required*

**2.120** Rotating inspectors enhances operators' compliance because a "fresh set of eyes" sees differently. While we saw evidence of inspector rotation in some files, we also saw cases where the same inspector had been inspecting a facility for many years. In one case the file had the same inspector for 11 years. This inspector completed 13 inspections over six years finding the operator in compliance (no violations marked on inspection forms) with the exception of one minor violation. A temporary inspector did a routine inspection of the same food premises and identified six violations, requiring two re-inspections.

**2.121** "*Ensure inspector rotation of food premises inspection areas every 4 years,*" is stated in the SOPs as a responsibility of Regional Directors. Regional Directors confirmed they do some rotation of food premises assigned to inspectors. However, none of the four regions could confirm that an inspector was limited to four years of inspecting a particular food premises.

*✘ Not all thermometers used by inspectors are calibrated in accordance with the SOPs*

**2.122** Proper temperature control is one of the most significant preventers of foodborne illness. During inspections, inspectors use thermometers to ensure proper food temperatures are maintained in refrigerated units, freezers, warming tables in restaurant buffets, etc.

**2.123** "*Ensure regular calibration of equipment and documentation of the calibration performed,*" is stated in the SOPs as a responsibility of inspectors. This is a quality assurance practice. Regular calibration of thermometers ensures the accuracy of the temperatures taken by inspectors during inspections.

**2.124** Two inspectors told us they occasionally calibrate their thermometers, although they do not document it. Certain Regional Directors confirmed the regions do not regularly ensure their equipment is calibrated in accordance with the SOPs.

**Recommendations**

**2.125** **We recommend the Department of Health implement quality assurance practices to ensure all risk areas covered by the *Food Premises Regulation* are subject to quality assurance monitoring.**

- 2.126 We recommend the Department of Health rotate food premises assigned to inspectors at least every four years as required by the *Standard Operational Procedures* (SOPs).**
- 2.127 We recommend the Department of Health calibrate equipment regularly as required by the SOPs.**
- 2.128 We recommend the Department of Health thoroughly review all of the SOPs to determine if they are practical. Attention should be given to identify SOPs that are not being followed. (In particular, the number of inspection files per inspector to be reviewed by the Regional Director may be excessive.) We further recommend the SOPs be revised as needed.**

**Key Finding: ✕ The food premises program is not fully complying with the Province’s *Food Premises Regulation*, leading to unaddressed food safety risks.**

***Why this is important***

**2.129** Mitigating risks is an objective of many safety programs. Given the program “*strives to eliminate unsafe food practices in New Brunswick food premises,*”<sup>xxvi</sup> we believe the Department should mitigate as many risks as feasible to ensure food provided to the public is safe to eat.

***Findings***

**2.130** We concluded there are unaddressed food safety risks, and the food premises program is not operating as intended in our Province. The public could be at heightened risk of food poisoning by consuming food from unlicensed and uninspected food premises. We found the following:

- Meat slaughtered in New Brunswick is not inspected.
- ✕ Food safety training is not a requirement for class 5 food premises, including abattoirs.
- ✕ Farmers’ markets are not licensed and inspected, as required by the Regulation.
- ✕ Not all convenience stores, food warehouses, etc. are licensed and inspected, as required by the Regulation.
- Community suppers are not subject to licensing and inspection; and
- ✕ Soup kitchens and most not-for-profit food operators are not licensed and inspected.

***Meat slaughtered in New Brunswick is not inspected***



**2.131** *New Brunswick is the only province that does not offer a meat inspection program.* Many provinces require inspection of the meat slaughtered in provincial abattoirs, in addition to inspection of the abattoirs. However in two provinces, (Saskatchewan and Newfoundland and Labrador), a voluntary meat inspection program is offered. In Saskatchewan, “*regular inspections aim to ensure that the meat is safe for human consumption. In-depth inspections examine the animal, the slaughter process, the carcass, the plant including the equipment, and the meat. Farmers voluntarily choose to have their animals slaughtered at plants that are provincially or federally inspected because large retail customers require this inspection before they purchase meat.*”<sup>xxvii</sup>

**2.132** Most of the meat consumed in New Brunswick comes from other provinces. Federal laws require that meat crossing provincial borders be slaughtered in federally licensed abattoirs, which have meat inspection programs. However, meat from provincially licensed abattoirs in New Brunswick is not inspected by the Province. Only the abattoir (building and equipment) is inspected.

**2.133** Department staff told us they believe most people assume all meat is inspected. (We also believed this before beginning this project.)

**2.134** We were also told the Department had started to develop a meat inspection program. We reviewed a document relating to “*NB Meat Inspection Program*” which stated the following:

- *In 2008 the Departments of Health and Agriculture and Aquaculture went to the Policy and Priorities Committee and received approval for the development of a Provincial Meat Inspection Program ...*
- *This program is scheduled to be fully implemented by the year 2012.*

**2.135** The Agri-food Inspectors were sent to intensive training on meat inspection for several weeks. They showed us some of their training material. “*The systematic inspection of animals destined for slaughter and careful post-mortem examination is essential to ensure that the meat is safe for human consumption.*”<sup>xxviii</sup>

**2.136** The planned meat inspection program was never implemented in New Brunswick. The Department estimated that three percent of the meat consumed in New Brunswick originates from provincially regulated abattoirs.

**✘ *Food safety training is not a requirement for class 5 food premises, including abattoirs***

**2.137** There are food safety training requirements for Class 4 food premises. (See Appendix IV for food premises classes with examples.) These food premises must have at least one person present at all times in the area where food is being prepared who successfully completed food safety training. The manager of these premises also must have successfully completed food safety training.



**Kitchen and dry storage room in an abattoir**



**Posted list of products made on site and available for purchase at the abattoir**

***✗ Farmers' markets are not licensed and inspected, as required by the Regulation***

**2.138** Typically class 5 food premises have wide distribution networks, meaning their products reach more areas. Unlike class 4, class 5 food premises do not have the food safety training requirements. Since abattoirs are class 5, this means food safety training is not a requirement for abattoir operators.

**2.139** While accompanying the Agri-food Inspectors as they did an inspection of an abattoir, we observed all five of the abattoirs also did retail business. At three abattoirs, the retail business appeared very significant, selling several fresh and processed meat products.

**2.140** When an abattoir operator also does meat processing, such as making sausage or ready-to-eat food (head cheese, jerky and other smoked products), we believe an abattoir inspection alone is not sufficient. Given abattoir operators are not required to take food safety training, we believe there is an unaddressed food safety risk if these operators are also allowed to prepare ready-to-eat meat products.

**2.141** We also believe class 5 operators should have the same food safety training requirements as class 4 operators. We discussed this with staff at the regional offices and they agreed.

**2.142** Farmers' markets should be licensed and inspected according to the *Food Premises Regulation* and the *Application Guide - Food Premises Licence*. However, they are not. The Department confirmed that butcher shops and meat processors who cut meat and make sausages to sell at farmers' markets may not be licensed.

**2.143** We were informed the Department initiated a "modified" food premises licence in April 2016. The Department intends to license "public markets", including farmers' markets in a modified manner.

**2.144** The food premises program is not operating as intended in our Province.

***✘ Not all convenience stores, food warehouses, etc. are licensed and inspected, as required by the Regulation***

**2.145** Convenience stores, food warehouses, and other “food premises where potentially hazardous food<sup>4</sup> is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises,”<sup>xxix</sup> should be licensed as class 3 food premises, and inspected, according to the *Food Premises Regulation*. However, most of them are not. Currently the Department is not requiring class 3 operators to be licensed, as required by the Regulation.

**2.146** The Department indicated they have not fully implemented the 2009 Regulation. The current practice is “optional” class 3 licensing. They issue class 3 licences only to those operators requesting a licence. The licensing requirements are essentially the same for class 3 and class 4 licences (with the exception of food safety training and a lower annual licence fee). When given an option to license (pay an annual fee and comply with the food premises standards), most operators opt not to obtain a license.

**2.147** By not licensing this class of operators (who are required by the Regulation to be licensed), the Department may be exposing the public to risk relating to unsafe food. The method of “optional” licensing also causes inconsistency in the program.

**2.148** The *Food Premises Regulation* came into force in November 2009, which is over seven years ago. Because the Department has not implemented all parts of the Regulation (such as class 3 licences), the risks relating to food safety are not being properly mitigated. The food premises program is not operating as intended in our Province.

***Community suppers are not subject to licensing and inspection***

**2.149** When the *Food Premises Regulation* came into force in November 2009, community suppers required a licence effective April 2010. However, before the Department implemented the licensing requirement, this section of the Regulation was repealed.

**2.150** We spoke with Regional Medical Health Officers, Regional Directors and Public Health Inspectors. They believe community suppers are a significant risk to the

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<sup>4</sup> Examples of potentially hazardous food include: meat and meat products; fish, shellfish and seafood products; poultry; eggs; cream-filled pastries and pies; and cut fruits and vegetables.

public. Through media coverage, we are aware of a death and several illnesses, attributed to food poisoning from a community supper.

**2.151** New Brunswick's food premises program does not include community suppers.

*✘ Soup kitchens and most not-for-profit food operators are not licensed and inspected*

**2.152** Again, staff in the regions told us they believe there are significant risks to the public when operators of food premises, where potentially hazardous foods sold to the public are processed or prepared, are not licensed and inspected. Risks relating to food poisoning are not dependent upon the motive for profit. Hence, there is no reasonable basis for exempting not-for-profit operators from complying with food premises standards. Licensing fees could be waived. However food premises standards should be enforced.

**2.153** Some not-for-profit food operations are exempt from licensing in the Regulation. However, there are others (such as soup kitchens and not-for-profit food vendors at special events lasting more than one day) that should be licensed and inspected according to the Regulation. Currently the Department is not doing this on a regular basis.

*Recommendations*

**2.154** We recommend the Department of Health assess the public health risks related to:

- **uninspected meat;**
- **class 5 operators not having food safety training;**
- **licensing and inspecting abattoirs that are also involved with processing meat (such as making sausage, head cheese, jerky and other smoked products); and**
- **community suppers, and**

**we recommend the Department consider updating its regulations based on their findings.**

**2.155** We recommend the Department of Health fully implement the current *Food Premises Regulation* or amend it to reflect the Department's present public health policy intentions.

## Appendix IA – Enteric, Food and Waterborne Disease Rates

Enteric, Food and Waterborne Disease Rates				
Snapshot of reportable enteric, food and waterborne disease rates per 100,000 population for New Brunswick and Canada 2012-2013:				
	2012		2013	
	NB Rates	Canadian Rates	NB Rates	Canadian Rates
<i>Campylobacteriosis</i>	20.9	29.3	28.1	29.1
<i>Salmonellosis</i>	20.2	19.7	20.5	17.6
<i>Giardiasis</i>	17.3	11.1	12.6	10.8
<i>Cryptosporidiosis</i>	3.6	1.6	2.1	2.36
<i>E. coli</i> O157	3.6	1.9	1.3	1.4
<b>Source:</b> <i>New Brunswick Communicable Diseases 2014 Annual Report - Department of Health</i>				
When examining statistics regarding foodborne illnesses that are considered reportable under the <i>Public Health Act</i> , it is important to consider these factors:				
<b>The majority of foodborne illnesses result from unspecified agents.</b>				
Within the estimated 4 million foodborne illnesses, approximately 1.6 million illnesses (40%) are related to 30 known pathogens which include, among others, <i>Norovirus</i> , and <i>Salmonella</i> . However, 2.4 million illnesses (60%) are considered to be resulting from unspecified agents. This means the number of laboratory confirmed pathogens does not necessarily offer a full depiction of foodborne illnesses.				
<b>“Public health surveillance systems only record a small portion of the total number of food-borne illnesses</b>				
<i>This is because:</i>				
<ul style="list-style-type: none"> <li>• <i>many people are never diagnosed with a food-borne illness because:</i> <ul style="list-style-type: none"> <li>○ <i>they do not seek care* and get better on their own</i></li> <li>○ <i>they do not have a sample tested (stool, urine or blood)</i></li> <li>○ <i>a laboratory test may not identify the bacteria, parasite or virus that is causing the food-borne illness</i></li> </ul> </li> <li>• <i>some illnesses are not reported to the various public health surveillance systems”</i> (Source 3)</li> </ul>				
* Many Canadians with foodborne illnesses do not seek medical care. It is estimated that most cases do not get reported. Only approximately 14 % of people with mild symptoms (diarrhea lasting 7 days or less) seek medical attention. Only 44 % of people with more severe symptoms (bloody diarrhea or diarrhea lasting more than 7 days) seek medical care.				
<b>A set of formulas is used to determine foodborne illness estimates.</b>				
As most cases are not reported, it is important to note that the estimate of 4 million foodborne illnesses results from a complex set of formulas used by the Public Health Agency of Canada. A series of laboratory confirmed cases, proportions and estimates are used to calculate the estimate.				
<b>Note:</b> Appendix prepared by AGNB using information from the following sources:				
<b>Source 1:</b> <i>New Brunswick Communicable Diseases 2014 Annual Report - Department of Health</i>				
<b>Source 2:</b> Thomas, M. Kate et al. “Estimates of the Burden of Foodborne Illness in Canada for 30 Specified Pathogens and Unspecified Agents, Circa 2006.” <i>Foodborne Pathogens and Disease</i> 10.7 (2013): 639–648. PMC. Web. 30 Sept. 2016.				
<b>Source 3:</b> Government of Canada website, <i>How Canada estimates food-borne illness</i>				

## Appendix IB – Infographic: Food-Related Illnesses, Hospitalizations and Deaths in Canada



## Appendix II – Criteria Used in Our Audit

### Criteria Used in Our Audit

Criteria serve as the basis for our audits. They are benchmark statements we use to assess the programs. Criteria provide the framework for collecting audit evidence. Our criteria for this audit on meat safety were:

- The Department should license only those operators who demonstrate compliance with the legislation, regulations, and policies (standards).
- The Department should perform inspections to monitor compliance with the standards.
- The Department should enforce compliance with the standards.
- The Department should publicly report operators' compliance with the standards.
- The Department should have quality assurance practices.

**Source:** Criteria developed by AGNB using information from: other Offices of the Auditor General (Saskatchewan, Nova Scotia, Newfoundland and Labrador, Alberta), Legislation (*Public Health Act & regulations*), New Brunswick - Department Of Health, *Food Premises - Standard Operational Procedures*, Version 4.0 February 2015, CFIA (Canadian Food Inspection Agency), PHAC (Public Health Agency of Canada).

## Appendix III – Work Performed by AGNB for this Audit

### Work Performed by AGNB for this Audit

Our work for this audit included the following:

- reviewing legislation and policies for the program;
- holding discussions with staff from the Department of Health, specifically the *Office of the Chief Medical Officer of Health*, Healthy Environment Branch;
- visiting regional offices where we met with staff, accompanied inspectors, and reviewed documents (described more fully below);
- testing a sample of food premises files for compliance with the *Food Premises Standard Operational Procedures*. The sample included files from all four regions and covered work by both Public Health Inspectors and Agri-food Inspectors. We tested to determine if: requirements were met prior to issuing a licence to a new operator; risk assessments were completed annually; inspections were done as required and properly documented; and proper procedures were completed when revoking a licence. The files tested included many types of food premises, including: abattoirs, meat cut-up shops, grocery stores, restaurants, nursing homes, schools and bakeries.
- reviewing and analyzing information provided by the Department's central office and the four regional offices; and
- performing other procedures as determined necessary.

Our work in the four regions included the following:

- accompanying four (one from each region) of approximately fifty Public Health Inspectors while they performed a routine inspection and making observations; inspections were done at grocery stores with a meat cut-up shop, meat processing facilities making products such as sausages, jerky, head-cheese, etc., and a restaurant serving several dishes comprised of meat;
- accompanying all five Agri-food Inspectors while they performed routine inspections and making observations; inspections were done at abattoirs (where animals are slaughtered) and meat cut-up shops, where meat is cut and processed (making products such as sausages, jerky, head-cheese, etc.);
- interviewing people involved with the food premises program. This included the Regional Medical Officer of Health, Regional Director, Public Health Inspectors, Agri-food Inspectors and administrative assistants; and
- analyzing licensing information.

## Appendix IV – Food Premises Classes with Examples

### Food Premises Classes with Examples

#### **Class 3**

*Food premises where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises. (**Potentially hazardous foods** mean a form or state of food that is capable of supporting the growth of pathogenic microorganisms or the production of toxins.)*

*Examples of food premises included in this class:*

- *Food warehouses, including cold and frozen storage facilities*
- *Some convenience stores*
- *Grocery stores - sections in which potentially hazardous foods are stored, with no preparation or cooking*
- *Fish truck peddlers*

#### **Class 4**

*Food premises where food is prepared or processed without any killing, pasteurizing, or, if meat or fish, without thermal processing, for sale or consumption on or off the premises, but is not distributed wholesale.*

*Examples of food premises included in this class:*

- *Eating establishments (restaurants/take-outs) who are not wholesaling*
- *Grocery stores - sections in which food preparation or cooking is occurring*
- *Bakeries with only over-the-counter sales*
- *Convenience stores with food preparation or cooking*
- *Catering kitchen*
- *Mobile canteen and Lunch truck*
- *Institutional food service*
- *Dairy bars (milkshakes, soft ice cream, etc.)*
- *Butcher shop and Fish market*
- *Public market vendors that cook and serve potentially hazardous foods on-site at a Public Market*
- *Soup kitchen*

#### **Class 5**

*Food premises where food is processed for direct sale or wholesale distribution or where food is prepared for wholesale distribution and including an abattoir.*

*Examples of food premises included in this class:*

- *Abattoir*
- *Bakery with distribution networks*
- *Restaurant with distribution networks [i.e. prepare foods (sandwiches, burgers, etc.) for wholesale in other premises]*
- *Cannery, Cheese making facility, Fish salting facility*
- *Beverage bottling plant and Bottled water plant*

**Source:** Excerpts from the Department's *Application Guide - Food Premises Licence*

## Appendix V – Inspection Report

### FOOD PREMISES INSPECTION FORM

Name of Premises: \_\_\_\_\_

Licence #: \_\_\_\_\_

Operator: \_\_\_\_\_

Type:  Class 3  Class 4  Class 5

Address: \_\_\_\_\_

Category:  Routine  Re-inspection  New Licence  Complaint  CD Follow-up Inspection

Water Supply:  Private  Municipal

Item No.	N.O.	S	U	Item No.	N.O.	S	U	Item No.	N.O.	S	U	Item No.	N.O.	S	U
1.0				3.3				7.0				10.2			
FOOD				Holding Methods				FOOD EQUIPMENT AND UTENSILS				Walls (Construction and Maintenance)			
1.1				3.4				7.1				10.3			
Approved Source				Cooling Methods				Food Equipment (Design, Construction, Installation and Maintenance)				Ceilings (Constructions and Maintenance)			
1.2				3.5				7.2				11.0			
Purchasing and Receiving				Re-heating Methods				Food Contact Surfaces				WATER SUPPLY AND WASTE DISPOSAL			
1.3				3.6				7.3				11.1			
Acceptable Containers and Labeling				Handling Methods				Mechanical Dishwashing				Water (Quality and Quantity)			
2.0				4.0				7.4				11.2			
FOOD STORAGE				FOOD DISPLAY AND SERVICE				Manual Dishwashing				Sewage Disposal			
2.1				4.1				7.5				11.3			
Storage of Potentially Hazardous Foods				Display Methods				Eating Utensils and Dishes				Solid Waste Handling			
2.2				4.2				8.0				12.0			
Frozen Storage				Advance Preparation				CLEANING AND SANITIZING				LIGHTING AND VENTILATION			
2.3				5.0				8.1				12.1			
Refrigerated Storage (Temperature)				RECORD KEEPING AND RECALLS				Cleaning and Sanitizing				Lighting			
2.4				5.1				8.2				12.2			
Refrigerated Storage (Methods)				Record Keeping				Detergents and Chemical Use and Storage				Ventilation			
2.5				5.2				9.0				13.0			
Refrigerated Storage (Space)				Recall of Food				SANITARY FACILITIES				GENERAL			
2.6				6.0				9.1				13.1			
Dry Storage				PERSONNEL				Washroom(s)				Licence			
2.7				6.1				9.2				13.2			
Storage of Food for Staff				Demonstrating Knowledge				Hand Washing Station(s)				Rodent and Insect Control			
3.0				6.2				10.0				13.3			
FOOD PREPARATION AND HANDLING				Employee Health				FLOORS, WALLS AND CEILINGS				Other Infractions/Hazards			
3.1				6.3				10.1							
Thawing Methods				Personal Hygiene Practices				Floors (Construction and Maintenance)							
3.2				N.O. – Not Observed; S – Satisfactory; U – Unsatisfactory; MI – Minor Infraction; MA – Major Infraction; CR – Critical Infraction											
Cooking Methods															

Item No.	MI	MA	CR	Remarks	Date for Correction

<input type="checkbox"/> Green <input type="checkbox"/> Light Yellow <input type="checkbox"/> Dark Yellow <input type="checkbox"/> Striped Red <input type="checkbox"/> Red	Date of Inspection: _____	Re-inspection Required: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Date: _____	Received by: _____	Inspector Signature: _____
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Source: New Brunswick Department of Health, Food Premises Standard Operational Procedures, Version 4.0 February 2015

## Appendix VI – Example of Food Premises Inspection Results Posted on the Department of Health’s Website

Source: <http://www1.gnb.ca/0601/fseinspectresults.asp?action=setlang&lang=EN>

**Legend**

- GREEN:** High standard of compliance with no more than 5 minor violations.
- LIGHT YELLOW:** General compliance with 6 to 9 minor violations.
- DARK YELLOW:** General compliance with no more than 3 major violations.
- STRIPED RED:** Corrections are required with 1 or more critical violation and/or 4 or more major violations and /or 10 or more minor violations noted.
- RED:** License has been revoked for non-compliance.

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**Search Criteria**

Name  Status  ANY  GREEN  LIGHT YELLOW  DARK YELLOW  RED

Location

Name	Location (Civic #, Street Name, City)	Last Inspection Date (mm/dd/yyyy)	Status	Follow-up Date (When Required) (mm/dd/yyyy)	PDF Report
		10/05/2016			
		11/20/2015			
		02/02/2016			
		11/03/2016		11/17/2016	
		08/16/2016			
		08/04/2016			
		09/29/2016		10/29/2016	
		03/04/2016			

## Appendix VII – Endnotes

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<sup>i</sup> Public Health Agency of Canada, *Infographic: Food-Related Illnesses, Hospitalizations and Deaths in Canada*

<sup>ii</sup> <http://www.phac-aspc.gc.ca/foodnetcanada/ed-me-eng.php>

<sup>iii</sup> Public Health Agency of Canada, *Infographic: Food-Related Illnesses, Hospitalizations and Deaths in Canada*

<sup>iv</sup> Public Health Agency of Canada, *Infographic: Food-Related Illnesses, Hospitalizations and Deaths in Canada*

<sup>v</sup> *New Brunswick Department of Health - Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>vi</sup> New Brunswick Department of Health, *The ABC's of Food Safety – An Introductory Guide to Food Safety*

<sup>vii</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February

<sup>viii</sup> New Brunswick Department of Health, *The ABC's of Food Safety – An Introductory Guide to Food Safety*

<sup>ix</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>x</sup> New Brunswick Department of Health, *The ABC's of Food Safety – An Introductory Guide to Food Safety*

<sup>xi</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xii</sup> “Food premises” is defined in the *Public Health Act*

<sup>xiii</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xiv</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xv</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xvi</sup> *Food Premises Regulation* under the *Public Health Act*

<sup>xvii</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xviii</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xix</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xx</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xxi</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xxii</sup> New Brunswick Department of Health, *The ABC's of Food Safety – An Introductory Guide to Food Safety*

<sup>xxiii</sup> New Brunswick Department of Health, *The ABC's of Food Safety – An Introductory Guide to Food Safety*

<sup>xxiv</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xxv</sup> New Brunswick Department of Health, *Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xxvi</sup> *New Brunswick Department of Health - Food Premises Standard Operational Procedures*, Version 4.0  
February 2015

<sup>xxvii</sup> Provincial Auditor Saskatchewan, *2012 Report – Volume 2*, Chapter 33 Regulating Meat Safety

<sup>xxviii</sup> Wolfe Publishing, Ltd, 1990 - *A Colour Atlas of Meat Inspection*, J. Infante Gil, J. Costa Durao, 1990

<sup>xxix</sup> New Brunswick Department of Health, *Application Guide - Food Premises Licence*