

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

# STANDING COMMITTEE ON PUBLIC ACCOUNTS

## **FOOD SAFETY INSPECTION PROGRAM**

(SECTION 3.06, 2019 ANNUAL REPORT OF THE OFFICE OF THE AUDITOR  
GENERAL OF ONTARIO)

1<sup>st</sup> Session, 42<sup>nd</sup> Parliament  
70 Elizabeth II

ISBN 978-1-4868-4937-6 (Print)  
ISBN 978-1-4868-4939-0 [English] (PDF)  
ISBN 978-1-4868-4941-3 [French] (PDF)  
ISBN 978-1-4868-4938-3 [English] (HTML)  
ISBN 978-1-4868-4940-6 [French] (HTML)

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

The Honourable Ted Arnott, MPP  
Speaker of the Legislative Assembly

Sir,

Your Standing Committee on Public Accounts has the honour to present its Report and commends it to the House.

A handwritten signature in blue ink that reads "Catherine Fife".

Catherine Fife, MPP  
Chair of the Committee

Queen's Park  
February 2021



STANDING COMMITTEE ON PUBLIC ACCOUNTS  
MEMBERSHIP LIST

1<sup>st</sup> Session, 42<sup>nd</sup> Parliament

CATHERINE FIFE  
Chair

FRANCE GÉLINAS  
Vice-Chair

DEEPAK ANAND

STEPHEN CRAWFORD

JILL ANDREW

CHRISTINE HOGARTH

TOBY BARRETT

\*DARYL KRAMP

\*STEPHEN BLAIS

MICHAEL PARSA

STAN CHO  
Willowdale

\*NORMAN MILLER (Parry Sound—Muskoka) was replaced by DARYL KRAMP on  
September 22, 2020.

\*JOHN FRASER was replaced by STEPHEN BLAIS on October 1, 2020.

JOHN VANTHOF regularly served as substitute members of the Committee.

---

CHRISTOPHER TYRELL  
Clerk of the Committee

ERICA SIMMONS  
Research Officer



---

## **CONTENTS**

INTRODUCTION	1
ACKNOWLEDGEMENTS	1
BACKGROUND	1
LEGISLATION	3
Provincial	3
Federal	3
FUNDING	4
2019 AUDIT OBJECTIVE AND SCOPE	4
MAIN POINTS OF 2019 AUDIT	5
ISSUES RAISED IN THE AUDIT AND BEFORE THE COMMITTEE	6
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: MEAT	7
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: FRUITS AND VEGETABLES	9
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: FISH AND SEAFOOD	10
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: DAIRY	11
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: EGGS	12
INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: ORGANIC FOODS	12
FEDERAL LABELLING REQUIREMENTS NOT ENFORCED IN PROVINCIAL FOOD-PROCESSING PLANTS	13
LACK OF PUBLIC DISCLOSURE OF MINISTRY OF AGRICULTURE INSPECTION RESULTS	14
PUBLIC HEALTH UNITS' INSPECTION AND ENFORCEMENT PRACTICES FOR FOOD PREMISES	14
TRACKING AND MONITORING OF FOODBORNE ILLNESS OUTBREAKS	15
CONSOLIDATED LIST OF COMMITTEE RECOMMENDATIONS	17





## INTRODUCTION

On March 4, 2020, the Standing Committee on Public Accounts held public hearings on the audit (Section 3.06 of the Auditor General's *2019 Annual Report*) of the Food Safety Inspection Program, overseen by the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Health, and the Chief Medical Officer of Health.

The Committee endorses the Auditor's findings and recommendations, and presents its own findings, views, and recommendations in this report. The Committee requests that the Ministry provide the Clerk of the Committee with written responses to the recommendations within 120 calendar days of the tabling of this report with the Speaker of the Legislative Assembly, unless otherwise specified.

## ACKNOWLEDGEMENTS

The Committee extends its appreciation to officials from the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Health, the Chief Medical Officer of Health, Toronto Public Health, and Peel Public Health. The Committee also acknowledges the assistance provided during the hearings and report-writing deliberations by the Office of the Auditor General, the Clerk of the Committee, and Legislative Research.

## BACKGROUND

Contamination of food may occur at any point in the food-supply chain, from the farm to transport, preparation, and packaging. At food premises, defined by Ontario law as "any premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale," food can also be contaminated with bacteria from the use of unsanitary utensils or equipment; improper cooking methods, food handling, or storage; or poor hygiene practices of food handlers.

In 2018, Ontario had over 73,000 food premises open year-round, and over 7,500 open seasonally. There were also 2,507 temporary food premises registered in the jurisdictions of the five Public Health Units visited by the Office of the Auditor General (Toronto, York, Peel, Simcoe Muskoka, and Ottawa).

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

- The **Ontario Ministry of Agriculture, Food and Rural Affairs** is generally responsible for meat, produce, fish and dairy that is produced, processed, and consumed only in Ontario.

- The **Ontario Ministry of Health** and **municipalities** fund 34 local **Public Health Units** across the province (35 at the time of the audit). Food safety programs are delivered through the local Public Health Units, each governed by its own board of health, and responsible for meeting obligations set out under the Ontario Public Health Standards (made by the Ministry of Health under the *Health Protection and Promotion Act*).
- **Public Health Ontario** (a Crown Agency) conducts regional surveillance of foodborne illness; conducts scientific research; and provides technical advice and support to Public Health Units and the Ministry of Health.
- The federal **Canadian Food Inspection Agency (CFIA)** inspects food imported into Ontario from other provinces/territories or countries, or produced in Ontario for export outside the province, and regulates any food that is labelled organic.
- The federal **Pest Management Regulatory Agency** tests, analyzes, registers and approves all pesticides in Canada.

The Auditor reports that 45% of all agriculture products (which include grains and other crop products, live animals, fishery products, food and non-alcoholic beverages, alcoholic beverages and tobacco products, and other farm products such as eggs) sold in Ontario are produced or processed within the province while the remaining 55% are imported from other provinces/territories and countries (and must therefore be licensed and inspected by the federal Canadian Food Inspection Agency). The Auditor notes that it is important that the Ministry of Agriculture, Food and Rural Affairs

do an effective job of licensing and inspecting producers to ensure that food produced in this province for sale to Ontarians is free of any contamination that might affect their health. Similarly, the Public Health Units have an important responsibility to make sure that food is handled hygienically and prepared correctly to protect consumers.

---

## LEGISLATION

### Provincial

Ontario's jurisdiction over food safety primarily falls under four provincial laws:

- The ***Food Safety and Quality Act, 2001*** gives authority to the Ministry of Agriculture, Food and Rural Affairs to establish food safety standards with respect to
  - meat, eggs, and foods of plant origin (such as fruits, vegetables, culinary herbs, nuts, edible fungi, maple syrup, and honey) that are produced and consumed within Ontario;
  - licensing, suspending, or revoking licences of food processors; and
  - inspecting and detaining food products and other relevant items such as records and equipment, issuing orders, and/or laying charges.
- The ***Fish Inspection Act*** regulates standards for fish processing and the sale of fish that is processed and consumed within Ontario.
- The ***Milk Act*** outlines the Ministry of Agriculture, Food and Rural Affairs' role with respect to the inspection and testing of raw milk from cows and goats, as well as the licensing and inspection of dairy plants.
- The ***Health Protection and Promotion Act*** requires Public Health Units to (among other things) inspect food premises for the purpose of preventing, eliminating and decreasing the effects of health hazards. Examples of food premises are restaurants, food courts, grocery stores, butcher shops, banquet halls, catering facilities, and mobile food premises such as food trucks.

The Ministry of Agriculture, Food and Rural Affairs has a voluntary program, not required under any legislation, called Foodland Ontario Organic. To use the Foodland Ontario Organic logo, products must meet the Foodland Ontario Standards and be certified to the Canada Organic Standard.

### Federal

- The federal ***Food and Drugs Act and Regulations*** establish standards for the safety and nutritional quality of all foods sold in Canada.
- The federal ***Safe Food for Canadians Act and Regulations*** generally apply to food that crosses provincial borders but some of the provisions for food labelling, advertising, and grading also apply to foods produced, processed, and sold within the province.
- The **Regulations** under the ***Safe Food for Canadians Act*** set out the **Canadian Organic Regime** certification system. Under the Safe Food for Canadians Regulations, organic food products must be certified according to the Canadian Organic Standards if they

- have an organic claim on the label and are sold between provinces/territories or imported; or
- display the Canadian Organic Logo on the label and are sold within or outside of Canada.

## **FUNDING**

The Ministry of Agriculture, Food and Rural Affairs spent about \$39.5 million in the 2018/19 fiscal year on food-safety licensing, inspections, and related services. The Ministry of Health and municipalities spent about \$63.1 million in 2018/19 to fund the Public Health Units for food safety activities. Total average annual spending on food safety by the two ministries and municipalities over the last five years was about \$105.7 million.

## **2019 AUDIT OBJECTIVE AND SCOPE**

The objective of the audit was to assess whether the Ontario Ministry of Agriculture, Food and Rural Affairs has effective systems and procedures in place to

- ensure licensing, inspection and sampling programs are delivered economically and efficiently in accordance with applicable legislation, regulations, agreements and policies such that food-safety risks for commodities farmed, processed and marketed within Ontario are managed to protect the health of Ontarians; and
- measure and publicly report periodically on the results and effectiveness of food-safety programs and services.

In addition, the audit assessed whether the Ministry of Health, through the Public Health Units, has effective systems and procedures in place to

- inspect food premises and conduct foodborne-illness surveillance and outbreak management economically and efficiently to prevent the effects of foodborne illnesses, in accordance with applicable legislation, regulations, agreements and policies; and
- measure and publicly report periodically on the results and effectiveness of food premises inspection programs.

Audit fieldwork was conducted at the Ministry of Agriculture, Food and Rural Affairs office in Guelph and at five local Public Health Units: Toronto, York, Peel, Simcoe Muskoka, and Ottawa. These five Public Health Units are responsible for about 49% of all food premises and 50% of the total Ministry of Health food-safety expenditures.

---

## MAIN POINTS OF 2019 AUDIT

The audit noted that “while the risk of a mass foodborne-illness outbreak in Ontario is likely low, small-scale food incidents could have the potential to occur because it would take only one diseased animal or one unclean restaurant.”

The audit identified several areas where food-safety risks to Ontarians could be minimized through improvements:

- 98% of meat tested negative for harmful drug residue, but in the 2% of cases of positive drug-residue test results, there was no follow-up with the farmers who raised the animals to prevent repeat occurrences.
- Ontario’s *Cosmetic Pesticides Ban Act, 2008* lists 131 pesticides that cannot be used for general groundskeeping. Between 2014 and 2018, the Ministry of Agriculture, Food and Rural Affairs sample-tested about 1,200 Ontario-grown produce items and found residues of 14 banned pesticides in excess of Health Canada’s allowable maximum levels a total of 76 times.
- The Ministry of Agriculture, Food and Rural Affairs inventory of farmers did not contain complete information on production volumes, types of crops grown, and where the produce was sold. Such data would be useful to determine a risk-based food-sample-testing plan.
- Current provincial legislation provides limited enforcement tools to compel Ontario fish processors (that process fish for Ontario consumption only) to address food-safety infractions, resulting in repeat offences.
- The Ministry of Agriculture, Food and Rural Affairs does not inspect fish farms. The Canadian Food Inspection Agency inspects only licensed fish farms that produce, process, treat, preserve, grade, package or label fish and seafood for export outside the province.
- The Ministry of Agriculture, Food and Rural Affairs did not receive adequate information to provide sufficient oversight of the Dairy Farmers of Ontario (DFO), which is responsible for inspecting dairy cow farms and testing of raw cow milk.

The audit identified the following issues with Public Health Units, which are responsible for inspecting food premises:

- Public Health Units did not investigate complaints of foodborne illnesses on a timely basis.
- Some food premises were never inspected until Public Health Units received complaints from the public.
- Different inspection-grading systems for food premises among Public Health Units provided inconsistent information to the public across Ontario.

- The Ministry of Health's 2019 Ontario Food Safety Protocol requires Public Health Units to establish and implement procedures to monitor or inspect temporary food premises such as those at food festivals. However, there are no minimum provincial requirements for the frequency of inspections of temporary food premises as there are for fixed food premises, such as restaurants. About 12% of special events within the jurisdictions of all five Public Health Units visited by the audit team were inspected in 2018, and only about 15% in 2017.

The audit also reported several areas where current regulations and standards may be insufficient:

- Businesses operating solely within Ontario can market their products as "organic" even if they are not certified to the Canadian Organic Standards.
- Sheep milk, water-buffalo milk and non-chicken eggs are not subject to mandatory regulation or inspection for quality assurance.

The audit also noted gaps in the inspections carried out by the different government bodies responsible for food safety. For example, the Ministry of Agriculture, Food and Rural Affairs and the Canadian Food Inspection Agency check for federal food-labelling requirements regarding allergens in provincial food-processing plants but do not verify other labelling requirements such as place of origin and nutritional value.

The Auditor concluded that overall, efficient systems and procedures are in place to keep the Ontario food supply safe but that more could be done to improve the Ministry of Agriculture, Food and Rural Affairs licensing and inspection programs.

Regarding the Ministry of Health, the Auditor concluded that the five Public Health Units visited during the audit had effective systems and procedures in place to inspect food premises and conduct foodborne-illness surveillance and outbreak management in accordance with applicable legislation and regulations. However, the Auditor found several areas where improvements could be made, including inspection of online and home-based food businesses and temporary food premises at special events. The audit also found inconsistencies between Public Health Units with respect to inspection policies and procedures, and public disclosure of inspection results both online and onsite at the food premises.

## **ISSUES RAISED IN THE AUDIT AND BEFORE THE COMMITTEE**

Significant issues were raised in the audit and before the Committee. The Committee considers the issues below to be of particular importance.

The Ministry of Agriculture, Food and Rural Affairs noted that Ontario's food industry is a complex system worth about \$6 billion annually to the province's GDP. The Ministry has about 150 staff inspectors across the province for over 4,000 meat, dairy, and fruit and vegetable operations. With 3,400 dairy farms across the province, the Ministry works closely with the Dairy Farmers of Ontario to carry out about 24,000 inspections a year. As part of the inspection process,

the Ministry takes about 68,000 product and environmental samples for testing and notes a 96% pass rate for these tests.

According to 2015 Statistics Canada data (the most recent available), about 30% of produce (fruits and vegetables) sold in Ontario was grown in the province, about 3% came from other provinces, and the remaining 67% was imported from other countries. The Ministry of Agriculture, Food and Rural Affairs has oversight of the 30% that was grown in Ontario while the Canadian Food Inspection Agency was responsible for the remaining 70% coming from other provinces and countries.

The Committee heard that the Ministry of Health is engaged in ongoing consultations regarding the modernization of public health. The Committee emphasized the importance of balancing consistency across the province with ensuring that Public Health Units continue to have the flexibility to respond to specific local needs and concerns.

The Ministry of Health recognized the need to address the emergence of online and home-based food businesses and to provide food safety messaging for Ontarians who prepare food at home.

The Ministry of Agriculture, Food and Rural Affairs noted that it is crucial to preserve public trust and confidence in the food system; this is important both for public safety and for the entire value chain in agriculture.

## **INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: MEAT**

The audit reported that 98% of meat at provincially-inspected slaughterhouses tested negative for harmful drug residue; and that different criteria are used by the Ministry of Agriculture, Food and Rural Affairs and Public Health Units to inspect meat-processing facilities.

Ministry of Agriculture, Food and Rural Affairs inspectors enforce Ontario Regulation 31/05: "Meat" under the *Food Safety and Quality Act, 2001* for meat processors that conduct meat processing activities such as curing, smoking, canning, sausage-making, fermenting and dehydrating meat. These are considered high risk activities under the Regulation because there is more room to introduce biological, physical or chemical hazards. The Auditor notes that "this is particularly critical for ready-to-eat meat, as there is no further cooking prior to consumption." However, a restaurant or a butcher conducting such high-risk meat-processing activities is exempt from Ministry of Agriculture, Food and Rural Affairs licensing and is inspected by a Public Health Unit in accordance with criteria outlined in O. Reg. 493/17: "Food Premises" under the *Health Protection and Promotion Act*.

For the 2018/19 fiscal year, there were 29 slaughterhouses in Ontario under the oversight of the Canadian Food Inspection Agency because these plants also exported outside Ontario, but there was no information on how much meat slaughtered in these plants was consumed in Ontario. The Ministry of Agriculture, Food and Rural Affairs licensed 122 slaughterhouses that slaughtered meat strictly for consumption in Ontario.

There were 362 meat-processing plants supplying meat exclusively for Ontario consumption that were inspected by the Ministry of Agriculture, Food and Rural Affairs in 2018/19. Another 186 meat-processing plants in Ontario that export outside the province are licensed and inspected by the Canadian Food Inspection Agency. The audit noted that there is no data on the percentage of meat processed in Ontario that comes from facilities inspected by the Ministry and the percentage that comes from facilities inspected by the Canadian Food Inspection Agency.

Neither the Ministry of Agriculture, Food and Rural Affairs nor the Canadian Food Inspection Agency has the authority to follow up with farmers who originally sold animals with antibiotic and drug levels above the allowable limits to slaughterhouses. The federal *Food and Drugs Act* does not regulate the use of antibiotics and drugs on farms. The federal *Feeds Act* provides regulatory authority for the mixing and selling of livestock feed and does not provide authority in the use of the feed.

The Committee asked what steps the Ministry of Agriculture, Food and Rural Affairs is taking to address the Auditor's finding that 2% of the meat tested at provincially-inspected slaughterhouses was positive for drug residues but there was no follow-up with farmers. The Ministry explained that inspectors work with the processing plant to alert them of these findings, as well as working with the Canadian Food Inspection Agency.

The Ministry of Agriculture, Food and Rural Affairs acknowledged that identifying the farm where an animal originated can be challenging. Up until two years ago, there was a protocol for the Canadian Food Inspection Agency (CFIA) to trace animals back to the farm and alert the farmer about the residue finding. As part of the Ministry's response to the Auditor's report, they are in discussions with the CFIA about whether to restart this protocol. The Committee noted the importance of traceability not only to producers but also to customers.

The Committee emphasized the value of a progressive compliance model when working with farmers, with enforcement action undertaken on a continuum, starting with education and awareness, progressing to warnings, and from there to stronger deterrents such as monetary penalties.

Given the Auditor's finding that the Ministry of Agriculture, Food and Rural Affairs and Public Health Units used different criteria when inspecting high-risk meat processors, such as butchers and restaurants that smoke or cure meat, the Committee stressed the need for consistent inspections of facilities engaged in high-risk meat processing.

## **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 1. The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to develop and implement**



- a) **an effective progressive compliance approach to working with farmers whose meat products have tested positive for drug residues; and**
  - b) **a protocol for tracing animals back to their original farms and producers and to alert farmers to positive drug residue findings.**
2. **The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Public Health Units to develop and implement consistent Ministry-approved inspection guidelines for Public Health inspectors to follow when inspecting facilities that engage in high-risk meat processing activities such as smoking and curing.**

## **INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: FRUITS AND VEGETABLES**

The audit reported that pesticides banned for groundskeeping were found on some samples of Ontario produce in levels exceeding Health Canada's allowable limit; that the herbicide glyphosate, which is banned in some countries, is commonly used on Ontario soybean and corn farms; and that the inventory of produce farmers contains insufficient information.

The Ministry of Agriculture, Food and Rural Affairs regularly tests Ontario-grown produce samples from farmers' markets, retail stores and wholesalers for chemical residues and bacteria. Between 2014 and 2018, the Ministry found that 54 in about 1,200 samples of Ontario-grown produce (4.5%) contained pesticides in concentrations higher than is allowed by Health Canada.

The Committee asked about the Auditor's finding that glyphosate, an herbicide linked to cancer and banned in some countries, was commonly used on the two highest-volume crops in the province: corn (including sweetcorn) and soybeans. According to the Ministry of Agriculture, Food and Rural Affairs, in 2013/14 glyphosate was the most widely used herbicide in Ontario, accounting for 54% of total pesticide use. However, the Ministry of Agriculture, Food and Rural Affairs does not regularly monitor or sample-test corn and soybeans for residues of glyphosate. The Ministry explained that glyphosate was re-certified as safe by the Pest Management Regulatory Agency in 2017.

The audit also noted that the Ministry of Agriculture, Food and Rural Affairs inventory of fruit and vegetable producers did not contain sufficient information such as the type of crops grown, how much is grown and where the produce is sold in order to select appropriate producers for sample-testing. The Ministry does not use the registry of Ontario farms with annual gross sales of at least \$7,000 (maintained by Agricorp, an agency of the Ministry) because this registry is only updated every five years at most.

The Ministry of Agriculture, Food and Rural Affairs explained that it has worked closely with the Ministry of the Environment, Conservation and Parks to review the education and training provided to producers by the Ontario Pesticides Education program. These two ministries are collaborating to ensure that this

education program addresses the use of the correct pesticides for each crop, harvest timing after application, and the use of lower-risk pesticides, biopesticides and alternatives.

### **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 3. The Ministry of Agriculture, Food and Rural Affairs should collaborate with Health Canada to**
  - a) add glyphosate to the list of chemicals to be monitored and tested as part of the ongoing regular pesticide-residue sample testing; and**
  - b) use test results to periodically reassess whether glyphosate should be approved for use in farming and the appropriate maximum residues allowed in produce.**
  
- 4. The Ministry of Agriculture, Food and Rural Affairs should develop and implement a risk-based approach to sampling produce suppliers and regularly update its database of producer information to include types of crops grown, production volumes, where the produce is sold, and other data as available.**

### **INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: FISH AND SEAFOOD**

The Auditor noted that there was no licensing requirement for Ontario's 100 fish-processing plants and that legislation provided limited enforcement tools to compel fish processors to address food-safety infractions, resulting in repeat offences.

The Ministry of Agriculture, Food and Rural Affairs noted that it has implemented the Auditor's recommendation to have a licensing requirement for fish processors. As of January 2020, a new fish processing regulation made under the *Food Safety and Quality Act* enables the Ministry to require licences, detain food, and enable a progressive compliance regime up to and including revocation of licences.

The Committee noted the importance of collaboration between the Ministry of Agriculture, Food and Rural Affairs and Public Health Units to conduct joint inspections of dual facilities that both process fish and sell it at retail in order to address food safety concerns in these facilities. The Ministry explained that it has a Memorandum of Understanding (MOU) with Public Health Units related to meat processors and is working to expand the scope of this MOU to include fish processors. At the same time, the Ministry is looking at opportunities for cross-training and cross-certification so that the same inspectors can inspect both the processing and retail aspects of facilities.

## Committee Recommendation

The Standing Committee on Public Accounts recommends that:

- 5. The Ministry of Agriculture, Food and Rural Affairs should collaborate with Public Health Units to jointly conduct food safety inspections of dual facilities that both process fish and sell it at retail.**

## INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: DAIRY

The Committee asked about the Auditor's finding that sample tests of some raw goat milk showed high bacterial counts, and the Ministry of Agriculture, Food and Rural Affairs had not developed clear policies that prioritize the significance of infractions or set due dates for correcting infractions. The Ministry explained that it is implementing the Auditor's recommendation that it utilize a risk-based approach to prioritizing findings on goat milk. In the next 18 months, full compliance policies and an inspection protocol will be developed and implemented.

The Auditor noted that while other Canadian provinces regulate all animals kept for the purpose of milking, Ontario's *Milk Act* regulates only milk and milk products from cows and goats. As a result, Ontario's estimated 75 sheep-milk producers and three water-buffalo-milk farms do not have to comply with regulations under the *Milk Act* related to quality, sanitation of farms, or testing for bacteria and inhibitors such as antibiotics and other chemicals.

The Committee asked what steps the Ministry of Agriculture, Food and Rural Affairs is taking to improve the safety of all milk products in Ontario. The Ministry explained that it is providing technical and scientific expertise as part of a new protocol to assist public health partners in their food safety oversight of sheep and water buffalo milk processors. The Ministry is also developing options for improving regulatory oversight for milk from all dairy species, including sheep and water buffalo milk.

The Committee asked about the Auditor's recommendation that the Ministry of Agriculture, Food and Rural Affairs strengthen oversight of the Dairy Farmers of Ontario (DFO). The Ministry responded that discussions with DFO are underway, with the aim of strengthening DFO's reporting to the Ministry in terms of dealing with infractions and providing inspection results.

## Committee Recommendations

The Standing Committee on Public Accounts recommends that:

- 6. To improve the safety of goat milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should implement policies that prioritize the significance of infractions; establish deadlines for correcting infractions; and implement compliance tools for goat milk producers with repeated infractions.**

- 7. To ensure the safety of *all* milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should include inspection oversight of sheep and water buffalo milk and milk products in its dairy food safety program.**

## **INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: EGGS**

While the Canadian Food Inspection Agency has jurisdiction over the grading of all chicken eggs in Canada, non-chicken eggs are not subject to any regulated grading or quality assurance inspection. The Auditor reported that during their inspections of grocery stores and other food premises, Public Health inspectors are required to check whether non-chicken eggs are clean, free of visible cracks, and stored at the proper temperature, but they do not provide the same rigorous degree of inspection as does a federally-registered grading station for chicken eggs. By contrast, the United States regulates eggs from domesticated chickens, turkeys, ducks, geese and guinea fowl, and mandates inspections of all hatcheries and plants.

The Committee asked why the Ministry of Agriculture, Food and Rural Affairs does not have oversight of non-chicken eggs. The Ministry explained that it is gathering information from the Public Health Units to understand the number of businesses selling non-chicken eggs and the prevalence of incidences of food safety non-compliance related to non-chicken eggs. The Ministry will engage the Canadian Food Inspection Agency to discuss risks and benefits of adding non-chicken eggs to federal grading requirements.

The Committee emphasized that it is important for the Ministry of Agriculture, Food and Rural Affairs to take steps to improve the food safety of non-chicken eggs.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 8. The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to extend the protocol for quality assurance inspection and grading of chicken eggs to include non-chicken eggs.**

## **INSPECTIONS OF FOOD PRODUCERS AND PROCESSORS: ORGANIC FOODS**

The Auditor reported that food produced and sold only in Ontario can be marketed as “organic” even if it is not certified to the federal Canadian Organic Standards as there is no provincial law requiring such certification. In comparison, Quebec, Manitoba, Alberta, British Columbia, New Brunswick, and Nova Scotia all have laws requiring that food may only be marketed as “organic” if it is certified to the Canadian Organic Standards even when it is sold only within their province.

Organic farms in Canada that are certified to the Canadian Organic Standards are inspected once a year by a Canadian Food Inspection Agency-accredited organic certification body to ensure ongoing compliance with the standards. However, these certification bodies are not required to perform routine sample-testing of organic produce for pesticide residue. The Auditor sent samples of Ontario-grown and imported organic produce for testing and the results showed pesticide residues in both.

The Committee asked how consumers—who often pay more for food marketed as organic—can be confident that these products actually *are* organic. The Ministry of Agriculture, Food and Rural Affairs explained that all food producers are subject to a number of legislated, regulated standards. From a food safety perspective, the Ministry does not distinguish between organic and other production systems. The Ministry is discussing the Auditor’s recommendations with organic producers but does not currently consider this to be a food safety issue.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 9. The Ministry of Agriculture, Food and Rural Affairs should assess the risks and benefits of implementing a mandatory requirement that all food marketed as organic that is produced and consumed in Ontario be certified to the federal Canadian Organic Standards.**

## **FEDERAL LABELLING REQUIREMENTS NOT ENFORCED IN PROVINCIAL FOOD-PROCESSING PLANTS**

The Auditor reported that there is a lack of coordination between the Ministry of Agriculture, Food and Rural Affairs and the Canadian Food Inspection Agency in the inspection and enforcement of federal labelling requirements in Ontario food processing plants. Even though it has the authority to do so, the Canadian Food Inspection Agency does not routinely inspect these food processing plants because they do not export their products outside of the province and therefore are under the jurisdiction of the Ministry. However, Ministry inspectors do not check for federal food-labelling requirements such as place of origin, nutritional value, etc., in provincial food-processing plants, except for allergens. The audit also reported that over half of the food recalls issued between 2014 and 2018 were due to undeclared allergens on food labels.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 10. The Ministry of Agriculture, Food and Rural Affairs collaborate with the Canadian Food Inspection Agency to update the Ministry’s meat Inspection Policy and Procedure Manual to include guidance on the inspection of federal and provincial labelling requirements; and ensure the Ministry checks for allergens and labelling more thoroughly during inspections.**

## **LACK OF PUBLIC DISCLOSURE OF MINISTRY OF AGRICULTURE INSPECTION RESULTS**

The Auditor reported that the Ministry of Agriculture, Food and Rural Affairs did not disclose inspection results of producers and processors on its public website. The Ministry does not disclose the names of farms and types of produce that tested positive for pesticides and bacteria in excess of Health Canada's allowable limits; inspection results of slaughterhouses, farms and processing plants; and microbial and chemical testing results of food samples and environmental testing results of processing facilities. By contrast, Saskatchewan and Newfoundland and Labrador publicly report on the inspection results of their slaughterhouses. British Columbia also publicly posts fish-processing plant audit inspection results.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 11. The Ministry of Agriculture, Food and Rural Affairs publicly disclose the results of its food-safety inspections and sample testing.**

## **PUBLIC HEALTH UNITS' INSPECTION AND ENFORCEMENT PRACTICES FOR FOOD PREMISES**

Under the *Health Protection and Promotion Act*, all food premises operators are required to notify their local Public Health Unit when opening new premises, but the Auditor reported that some operators did not follow this requirement. In addition, the five Public Health Units visited by the audit team did not have a process in place to receive regular notifications about the opening of new food premises.

The Auditor reported that Public Health Units inspected an average of fewer than 20% of temporary food premises at special events, summer fairs and festivals. Special events can be high risk because they lack the usual safety features of a kitchen such as washing facilities and the ability to monitor food temperatures. There are no minimum provincial requirements for the frequency of inspections at special events.

The Auditor found different inspection-grading systems for food premises among Public Health Units meant that inconsistent information was provided to the public across Ontario. The Auditor also found inconsistent enforcement actions taken by Public Health Units for not having a certified food handler present at food premises. In addition, some food premises were not inspected until Public Health Units received complaints from the public.

The Committee asked how Public Health Units are planning to track and inspect the increasing number of home-based and online food businesses.

## **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 12. The Ministry of Health should establish clear protocols and minimum standards for inspection requirements at special events based on a consistent risk assessment which includes relevant factors such as event size, expected attendance, and types of food preparation.**
- 13. The Ministry of Health should work with the Public Health Units to**
  - a) establish a consistent set of inspection and quality assurance procedures, protocols and tools for conducting consistent food premises inspections for use by all Public Health Units; and**
  - b) require consistent enforcement of Ontario Regulation 493/17: “Food Premises” which requires food premises to have at least one certified food handler or supervisor who has completed food-handler training on the premises during all hours of operation.**
- 14. The Ministry of Health should work with the Public Health Units to establish a single consistent and comparable food premises grading system to be used across Ontario and to ensure that**
  - a) all Public Health Units publicly report their inspection results through a single provincial website; and**
  - b) the latest inspection results are posted onsite at food premises.**

## **TRACKING AND MONITORING OF FOODBORNE ILLNESS OUTBREAKS**

Foodborne illness complaints may arise at food premises, or at home. There are no standardized procedures on how to investigate foodborne illness complaints, the Auditor found. The Auditor reported that investigation procedures, and levels of detail reported and recorded in databases, varied among the five Public Health Units visited by the audit team.

Public Health Units are required to record instances of foodborne illnesses in the Ministry of Health’s Integrated Public Health Information System (iPHIS). Public Health Units must also record data from their investigations and inspections of food premises in their own individual databases. However, these databases were not integrated with other Public Health Units or with the Ministry’s database, thus preventing the easy sharing of information and cross-database searching.

With about 12% of all gastrointestinal illness exposure in Ontario occurring at home between 2016 and 2019, the Auditor suggested that Public Health Units could further educate the public about food safety including safe food preparation, handling and storage of food in the home.

## **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 15. The Ministry of Health, in collaboration with the Public Health Units and Public Health Ontario, should ensure that there is updated and consistent guidance to Public Health Units to**
  - a) ensure consistency in the recording of foodborne-illness data in the Integrated Public Health Information System by Public Health Units; and**
  - b) develop and implement a public education campaign on all aspects of food safety at home and at food premises, including home-based and online food premises.**
  
- 16. The Ministry of Health should work with Public Health Units to**
  - a) implement a requirement that Public Health Units determine and initiate a response within 24 hours of receiving a significant potential foodborne illness-related complaint and conduct food premises inspections within no more than 48 hours of receiving a complaint of a potential foodborne illness; and**
  - b) provide detailed, timely, and publicly available information about public health inspections and reports on food premises.**



---

## **CONSOLIDATED LIST OF COMMITTEE RECOMMENDATIONS**

The Standing Committee on Public Accounts recommends that:

- 1. The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to develop and implement**
  - a) an effective progressive compliance approach to working with farmers whose meat products have tested positive for drug residues; and**
  - b) a protocol for tracing animals back to their original farms and producers and to alert farmers to positive drug residue findings.**
- 2. The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Public Health Units to develop and implement consistent Ministry-approved inspection guidelines for Public Health inspectors to follow when inspecting facilities that engage in high-risk meat processing activities such as smoking and curing.**
- 3. The Ministry of Agriculture, Food and Rural Affairs should collaborate with Health Canada to**
  - a) add glyphosate to the list of chemicals to be monitored and tested as part of the ongoing regular pesticide-residue sample testing; and**
  - b) use test results to periodically reassess whether glyphosate should be approved for use in farming and the appropriate maximum residues allowed in produce.**
- 4. The Ministry of Agriculture, Food and Rural Affairs should develop and implement a risk-based approach to sampling produce suppliers and regularly update its database of producer information to include types of crops grown, production volumes, where the produce is sold, and other data as available.**
- 5. The Ministry of Agriculture, Food and Rural Affairs should collaborate with Public Health Units to jointly conduct food safety inspections of dual facilities that both process fish and sell it at retail.**
- 6. To improve the safety of goat milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should implement policies that prioritize the significance of infractions; establish deadlines for correcting infractions; and implement compliance tools for goat milk producers with repeated infractions.**
- 7. To ensure the safety of *all* milk products in Ontario, the Ministry of Agriculture, Food and Rural Affairs should include inspection**

- oversight of sheep and water buffalo milk and milk products in its dairy food safety program.
8. The Ministry of Agriculture, Food and Rural Affairs should collaborate with the Canadian Food Inspection Agency to extend the protocol for quality assurance inspection and grading of chicken eggs to include non-chicken eggs.
  9. The Ministry of Agriculture, Food and Rural Affairs should assess the risks and benefits of implementing a mandatory requirement that all food marketed as organic that is produced and consumed in Ontario be certified to the federal Canadian Organic Standards.
  10. The Ministry of Agriculture, Food and Rural Affairs collaborate with the Canadian Food Inspection Agency to update the Ministry's meat Inspection Policy and Procedure Manual to include guidance on the inspection of federal and provincial labelling requirements; and ensure the Ministry checks for allergens and labelling more thoroughly during inspections.
  11. The Ministry of Agriculture, Food and Rural Affairs publicly disclose the results of its food-safety inspections and sample testing.
  12. The Ministry of Health should establish clear protocols and minimum standards for inspection requirements at special events based on a consistent risk assessment which includes relevant factors such as event size, expected attendance, and types of food preparation.
  13. The Ministry of Health should work with the Public Health Units to
    - a) establish a consistent set of inspection and quality assurance procedures, protocols and tools for conducting consistent food premises inspections for use by all Public Health Units; and
    - b) require consistent enforcement of Ontario Regulation 493/17: "Food Premises" which requires food premises to have at least one certified food handler or supervisor who has completed food-handler training on the premises during all hours of operation.
  14. The Ministry of Health should work with the Public Health Units to establish a single consistent and comparable food premises grading system to be used across Ontario and to ensure that
    - a) all Public Health Units publicly report their inspection results through a single provincial website; and
    - b) the latest inspection results are posted onsite at food premises.

- 15. The Ministry of Health, in collaboration with the Public Health Units and Public Health Ontario, should ensure that there is updated and consistent guidance to Public Health Units to**
- a) ensure consistency in the recording of foodborne-illness data in the Integrated Public Health Information System by Public Health Units; and**
  - b) develop and implement a public education campaign on all aspects of food safety at home and at food premises, including home-based and online food premises.**
- 16. The Ministry of Health should work with Public Health Units to**
- a) implement a requirement that Public Health Units determine and initiate a response within 24 hours of receiving a significant potential foodborne illness-related complaint and conduct food premises inspections within no more than 48 hours of receiving a complaint of a potential foodborne illness; and**
  - b) provide detailed, timely, and publicly available information about public health inspections and reports on food premises.**