

The Association of Supervisors of
Public Health Inspectors of Ontario
(Incorporated 1982)

Common Approaches for Farmers' Markets & Special Events

A Guide for Public Health Units

October 2006

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1.0 INTRODUCTION

On June 15, 2006, the Minister of Health and Long-Term Care for the Province of Ontario announced amendments to the Food Premises Regulation 562 of RRO 1990. These amendments resulted in significant changes in the responsibilities and authorities of local public health units and public health inspectors and the way public health units address food safety issues at farmers' markets and special events.

The Chief Medical Officer of Health (CMOH) and the Ministry of Health & Long Term Care (MOHLTC) have confirmed that the health hazard and related food safety protections will continue to apply under Part III of the HPPA. The sections that are particularly relevant are:

- Section 10 (duty to inspect re: health hazards)
- Section 13 (power to issue an order re: health hazard)
- Section 16 (food premises notification of their intent to commence operation)
- Section 17 (prohibition on sale of food unfit for human consumption)
- Section 18 (prohibition on sale of unpasteurized milk or milk products)
- Section 19 (seizure and/or destruction of food deemed unfit for consumption)
- Section 41 (right of entry and conducting examinations, investigations, tests)

Current prohibitions against the sale of ungraded eggs, unpasteurized milk and products under the *Livestock and Livestock Product Act* and against the sale of uninspected meat under the *Food Safety and Quality Act* will continue to apply in farmers' markets and special events that are exempted from the Food Premises Regulations.

Following several teleconference calls and a day long meeting between key stakeholders in July, 2006 a working group was formed by the Association of Supervisors of Public Health Inspectors Ontario (ASPHIO) to develop "Operational Guidelines".

These guidelines have been developed by ASPHIO for Public Health Inspectors (PHIs) and Public Health Units (PHUs) to use for reference purposes in their efforts to minimize the risk of food borne illnesses in persons purchasing and consuming products from these exempted food premises.

This document is intended for local PHUs in an effort to standardize strategies and policies with respect to these exempted food premises. It is intended to provide a common approach and understanding by clarifying the roles, responsibilities and legal authorities under the HPPA and Food Premises Regulation. Approaches to health hazard assessments, inspections, forms and other tools are included in these guidelines as appendices.

2.0 GLOSSARY

The following definitions are included in the Health Protection and Promotion Act (HPPA):

- Food** means food or drink for human consumption, and includes an ingredient of food or drink for human consumption.
- Food Premises** means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence.
- Premises** means lands and structures, or either of them, and includes; water, ships, vessels, trailers and portable structures designed or used for residence, business or shelter, trains, railway cars, vehicles and aircraft.

The following definitions are included in the Food Premises Regulation (FPR) as amended:

- Farmers' Market** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.
- Farmers' Market Food Vendor** means the operator of a stall or other food premise that is located at a market.
- Farm Products** means products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products.

The following definitions are not included in the HPPA or FPR but have been developed by the working group with reference to dictionary definitions or definitions that are provided in other pieces of legislation or in case law:

- Farm** should be given the ordinary meaning of a farm (i.e.: in a rural area with a barn, silo, fields etc. with a full-time farmer) and should include a hobby farm (i.e.: in a rural area with fields and a farmer on part-time basis). It would not include urban properties with a garden
- Religious Organization** is defined in the Income Tax Act as an organization, other than a registered charity, of which a congregation is a constituent part, that adheres to beliefs, evidenced by the religious and philosophical tenets of the organization, that include a belief in the existence of a supreme being.

Fraternal Organization

was interpreted in *Union Club of BC v. Saanich* (1993) 85 BCLR (2d) 167 at 171, as being any organized body of men (or of women, or both) who are banded together, not for pecuniary profit, but for mutual assistance, and to promote moral, intellectual or social benefits among the members.

Examples of fraternal organizations include but not limited to:

- Knights of Columbus, Masonic Lodge, Moose Lodge, Sisterhoods and Brotherhoods, etc.

Service Club

is defined in Webster's Dictionary as any of several organizations dedicated to the growth and general welfare of its members and the community.

Examples of service clubs include but not limited to:

- Lions Club, Rotary Club, Optimists, Royal Canadian Legion, Boy Scouts, Girl Guides, Community Sports Association (i.e. hockey, baseball), etc.

Special Events

for the purpose of these guidelines are all food service events or occurrences that are open to the public and held by religious organizations, service clubs, or fraternal organizations and that are considered to be outside the normal scope of the organization's regular activities. To differentiate from a "regular event" they operate for approximately 2 weeks per year or less (e.g. 1 day per month or over a 2 week duration for special fairs, celebrations, etc).

Health Hazard Assessment

for the purpose of these guidelines is a PHI visit to a food premise that is exempt from the FPR and consists, but is not limited to the following activities;

- providing education, advice and recommendations to operators,
- determining exemption status and conditions for exemption under the FPR,
- identifying and correcting health hazards under the authority of the HPPA,
- identify practices that increase risk of food borne illness,
- promoting food safety and food handler education, or
- conducting an investigation to determine compliance with the Food Premises Regulation (signs, lists, etc).

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| Inspection | for the purpose of these guidelines is the on-site visit conducted by PHIs to ensure compliance with the Food Premises Regulation for those premises that do not have exempt status or in response to a complaint received by PHUs at any food premises. |
| Re-inspection | for the purpose of these guidelines is a follow-up inspection to ensure compliance with requirements under the Food Premises Regulation or orders issued under the HPPA respecting health hazards. |
| Potentially Hazardous Foods | as defined in the <i>Food Retail and Food Services Code</i> means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish (edible mollusca and crustacean), or any other ingredients, in a form capable of supporting growth of infectious and/or toxigenic microorganisms. This does not include foods which have a pH level of 4.6 or below and foods which have a water activity of 0.85 or less. |
| Non-Potentially Hazardous Foods | as defined in the <i>British Columbia, Temporary Food Markets Guidelines</i> means any food that does not support the growth or production of disease causing microorganisms or the production of toxins including foods with a pH level of 4.6 or below and water activity of 0.85 or less under standard conditions. |

3.0 LEGAL BACKGROUND/CONTEXT (HPPA)

The following is a brief description of the most relevant sections of the HPPA (Act) and the impact of the amendments to the R.R.O. 1990, Regulation 562, amended to O. Reg. 308/06 hereinafter called the FPR.

Section 96 (1) (e)

Lt. Gov. in Council may make regulations exempting any person, organization, premises, food, substance, thing, plant, animal other than man, solid, liquid, gas, heat, radiation or combination of any of them, or any class of any of them from any provision of this Act or the regulations and prescribing conditions that shall apply in respect of any such exemption.

- Sections 2 and 3 of the FPR provide for exemptions from requirements of the FPR, **not** the HPPA, and impose conditions that must be satisfied for the exemptions to apply.
- Sections 2 and 3 of the FPR do not provide exemptions to persons and organizations from the provisions of the HPPA; therefore, even though some persons/organizations/premises may be exempt from the requirements of the FPR, they are not exempt from any applicable provisions in the HPPA.

Section 16(2) – Operators' Obligation to Notify MOH

Every person who intends to commence to operate a food premise shall give notice of the person's intention to the medical officer of health of the health unit in which the food premise will be located

This section applies to all food premises including those exempted in the FPR as amended.

Section 16(4) – Operators' Obligation to Provide Information

Every person who operates a food premise shall furnish the medical officer of health of the health unit in which the food premise is located with such information as the medical officer of health requests in respect of the manufacturing, processing, preparation, storage, handling, display, transportation, sale or offering for sale of any food on or in the food premise and the distribution of food from the food premise.

This section applies to all food premises including those exempted in the FPR as amended.

Section 10 - Duty to Inspect

- (1) *Every medical officer of health shall inspect or cause the inspection (e.g. PHI) of the health unit served by him or her for the purpose of preventing, eliminating and decreasing the effects of health hazards in the health unit.*
- (2) *The duty of every medical officer of health under subsection (1) includes, but is not limited to, the duty to inspect or cause the inspection of food premises and any food and equipment thereon or therein.*

Section 13 - Health Hazards

A medical officer of health or a public health inspector may make an order under this section where he or she is of the opinion, upon reasonable and probable grounds, (a) that a health hazard exists in the health unit served by him or her; and (b) that the requirements specified in the order are necessary in order to decrease the effect of or to eliminate the health hazard.

Section 19 – Immediate Disposal or Destruction of Food

Where food is seized under this section and the medical officer of health or public health inspector is of the opinion, upon reasonable and probable grounds that the condition of the food is a health hazard, ... he or she may destroy or dispose of the food or cause it to be destroyed or disposed of without further examination or investigation.

Section 41 - Right of Entry

- (1) *PHI has right of entry - may enter and have access to, through and over any premises for any one of these purposes:*
 - * a) *purpose of the Act - deliver programs and services to prevent spread of disease, protect and promote health of people in Ontario*
 - b) *enforcing a section of the Act or regulation*
 - s13 (health hazards)
 - s17 (can't sell diseased food)
 - s18 (can't sell unpasteurized milk)
 - s19 (authority to seize)
 - * c) *exercise of power OR duty under Act or regulation*
 - d) *carrying out a direction under the Act*
- (4) *PHI may make examinations, investigations, tests and inquiries for a purpose mentioned above*

4.0 KEY COMMON PRINCIPLES AND UNDERSTANDINGS

Special Events

For special events, two important principles apply. First, differentiate between the vendor and the event. Just because a special event is organized by a religious organization, service club, or fraternal organization, does not mean that all individual food premises at the event are automatically exempt from the FPR. The individual food premises must be operated by one of the exempt groups. Second, differentiate between the group who operates a food premises and the actual food handlers. Persons preparing and serving the food for a "special event" for a local service club, religious or fraternal organization must be members of that service club or organization for the premises to be exempt from the FPR. Members include family members and other volunteers assisting the organization at these functions.

For those special events where the general public is invited and hazardous foods are being served, the exempt group must ensure that the signs are posted and they maintain lists of sources of donated hazardous foods to meet the criteria for exemption from the FPR. Not posting signs if required to do so, results in the organization not meeting the criteria for exemption from the FPR. Notwithstanding this requirement, PHUs should consider assisting these organizations in meeting the FPR requirements as per the *spirit of the exemption*. Hence the benefits of good communication between these organizations and PHU are essential. Refer to the Appendices at the end of this document for examples of forms and letters. Organizations that refuse to post or maintain the lists as required would not be exempt from the FPR.

Farmers' Markets

For farmers' markets, greater than 50% (e.g. 50% + 1) of the vendors must be producers of farm products who are primarily selling or offering for sale their own products for the entire market to be exempt from the FPR. For example if only 30% of the farmers markets' food vendors at a market meet the definition of a "farmers' market food vendor" and are primarily selling their own products, then the market is not exempt from the FPR. A market assessment form in Appendix V may be a useful tool to assist PHUs to determine the exemption status of a market. In addition, if the market is exempt from the FPR, then all of the food premises attached to the farmers' market are exempt from the FPR. This would include those premises preparing and serving hazardous foods such as hamburgers, chicken, sausages, etc. This should separate the true farmers' markets from "flea market" venues that may have a few food premises amongst a number of market vendors selling their wares such as clothing, antiques, electronics, etc.

When considering the > 50% rule, all vendors including all non-food vendors/stalls should be considered as part of the farmers' market. In areas such as large shopping malls where a farmers' market is held in the parking lot, etc only the vendors that are directly attached to this area should be considered. For example; the food premises located in the mall would not be considered part of the "farmers' market".

Assessing and Mitigating Risk

Regardless of whether or not a premise is exempt, key principles to guide the work of the PHI are that actions should be reasonable, practical and commensurate with actual health risk. It is therefore suggested that a risk assessment approach be used to identify and implement the safe food handling practices and procedures needed to ensure the safety of the foods and minimize the risk of food borne illnesses. Please refer to the Health Hazard Assessment Approach (Section 5) of this guideline.

5.0 HEALTH HAZARD ASSESSMENT APPROACH FOR FOOD PREMISES EXEMPT FROM THE FOOD PREMISES REGULATION AS AMENDED

As these premises are exempt from the FPR, it would not be appropriate to conduct an inspection in terms of compliance or non-compliance with the technical requirements of the regulations. For exempt premises, an on-site health hazard assessment/ investigation can be conducted to determine whether or not, on “reasonable and probable grounds” a health hazard exists under the HPPA.

The investigative and critical assessment skills of the PHI will be necessary to assess each situation on a case by case basis. For example, the absence of a thermometer cannot be considered a health hazard; however foods that have been subjected to time and temperature abuse could be a health hazard. Similarly, the absence of a hand basin or suitable hand washing facilities may be considered a health hazard where raw hazardous product is being prepared, but may not be a hazard where only non-hazardous foods are being prepared or they are dispensed using tongs. The critical question is; does this result in a health hazard?

Without the benefit of regulations to establish minimum standards for exempt food premises, the best practice for assessment is to follow a HACCP approach. Monitoring of critical control points will reveal breaches in safe food handling that could result in a health hazard. HACCP is also a broadly accepted and established food safety tool that can be used to validate the actions taken by a PHI.

Critical Control Points (CCPs) can be placed into the following categories:

- a. Food source/potable water source
- b. Storage of food
- c. Thawing/cooling/cold holding
- d. Preparation and handling (cross contamination)
- e. Cooking/reheating/hot holding

5.1 Food Source/Potable Water Source

It is an offence for any food premise to use or offer for sale the following;

- unpasteurized milk: under the HPPA
- ungraded eggs: under the *Livestock and Livestock Products Act* and its regulations, enforced by OMAFRA
- uninspected meat: under Ontario's *Food Safety and Quality Act* enforced by OMAFRA

Options for addressing these foods are available within the HPPA, such as seizing and destroying, holding for examination, or a section 13 HPPA order.

The safety of any other food product source is determined by the assessment of the PHI. This should be based on visible condition of the food, temperature of hazardous foods, evidence of cross contamination, and information gathered relating to the storage and transportation of the food. For example, tuna sandwiches made from commercially canned tuna, at a private residence that are refrigerated overnight and transported in sealed containers (i.e. zip lock bags or plastic containers with lids) in cool boxes may not reveal any breaches in critical control points. Therefore on the basis of “reasonable and probable grounds” a health hazard may not exist.

The use of a potable water/ice supply in food preparation may also be a factor to consider in determining a health hazard assessment. When assessing the risk associated with the use of a non-regulated and/or uninspected drinking water source, i.e. from private wells the PHI can ask several questions. Several factors may provide valuable information such as the results of any testing, the frequency of testing, the type of well (dug/drilled), use of any treatment device/system, the boiling of the water for minimum of 1 minute, etc to identify potential health risks.

5.2 Food Storage

Protection from contamination and proper temperature control are key elements. Clean, washable containers, with tight fitting lids, protection from insects, dust and chemicals should be provided. Protection from the elements such as rainy and windy conditions should be considered at outdoor venues. For this CCP gross contamination of a food product by insects, filth and/or chemical contaminants could be considered a health hazard. It is likely that if this condition exists there may be compound issues contributing to the health hazard.

The determination of a health hazard on this CCP requires judgment on the part of the PHI. It is recommended that you work proactively with the vendors to provide practical food safety information and advice, such as examples of suitable food-storage containers and ways to maintain appropriate temperature control. The aim should be safe food and a successful event. Some risk management strategies may be applied to minimize risk. Seizing and destroying food is an enforcement strategy that could be used where a health hazard is deemed to exist.

5.3 Thawing/Cooling/Cold Holding

The critical issue here is time/temperature abuse to the point that the food cannot be considered safe to eat. Where hazardous foods are being held in the danger zone an assessment of risk is required. Several factors should be considered such as the severity of temperature abuse (i.e. an internal temperature of 6 degrees Celsius versus 20 degrees Celsius), the amount of time involved, the pH and water activity levels of the product and whether further cooking or processing of the product will occur.

This can be a complex assessment that may have to be made with incomplete or questionable information; nevertheless, when in doubt it is prudent to err on the side of caution and public safety. Any corrective action taken by the PHI needs to be aligned with the actual health risk involved.

The transportation of cold food, such as salads and meat, also needs to be considered. Education should be provided regarding how people can more safely transport foods to and from special events, with cold holding principles in mind. For instance, food should be kept in the refrigerator or freezer until just prior to transport, ice or frozen gel packs should be kept in the cooler with the food being transported, the ice-filled cooler should be placed in the car rather than a hot trunk in summer, and a thermometer should be used in the cooler to ensure temperatures are maintained.

5.4 Preparation and Handling (Cross Contamination)

Practices such as appropriate hand washing, utensil washing and sanitizing of food preparation surfaces are being assessed. The absence of a properly equipped hand wash station or sinks for sanitizing utensils and for sanitizing surfaces may contribute to the existence of a health hazard especially where raw hazardous foods can come into contact with ready to eat foods via hands, food contact surfaces and utensils.

These risks could be mitigated by: using tongs, providing an adequate supply of clean utensils, sharing a central utensil washing facility with other vendors/premises, using a temporary hand basin, providing and using hand sanitizer, or a combination of these and other options. However contamination of prepared ready to eat food by raw hazardous foods should be considered a health hazard resulting in the food being unfit or unsafe for human consumption. Enforcement options under HPPA could include issuing a section 13 health hazard order or seizing, holding or destroying the food under section 19.

5.5 Cooking/Reheating/Hot Holding

Cooking of raw hazardous product (both frozen and unfrozen) to typical regulatory standards is a CCP. The absence of a thermometer to determine internal cooking temperature should not be considered a health hazard. Undercooked hazardous foods however, as determined by the PHI through visual inspection and internal temperature readings, should be assessed for risk and appropriate action taken.

Sensible approaches to "risk mitigation", should be considered. For example, insufficient cooking temperatures can be rectified by applying risk management strategies such as educating the operator or re-heating/cooking the foods to the proper temperature. Reheating of pre-cooked foods (e.g., pizza, patties, wings, and pies) is also considered to be a CCP and cooking to typical regulatory standards is recommended.

The transportation of hot food also needs to be considered. Education should be provided regarding how people can more safely transport foods to and from special events, with hot holding principles in mind. For instance, to transport a hot, cooked turkey, use an insulated container or wrap in foil and cover with heavy towels to help maintain hot food temperature. Travel time should be kept to a minimum unless the food can be maintained above 60 degrees Celsius.

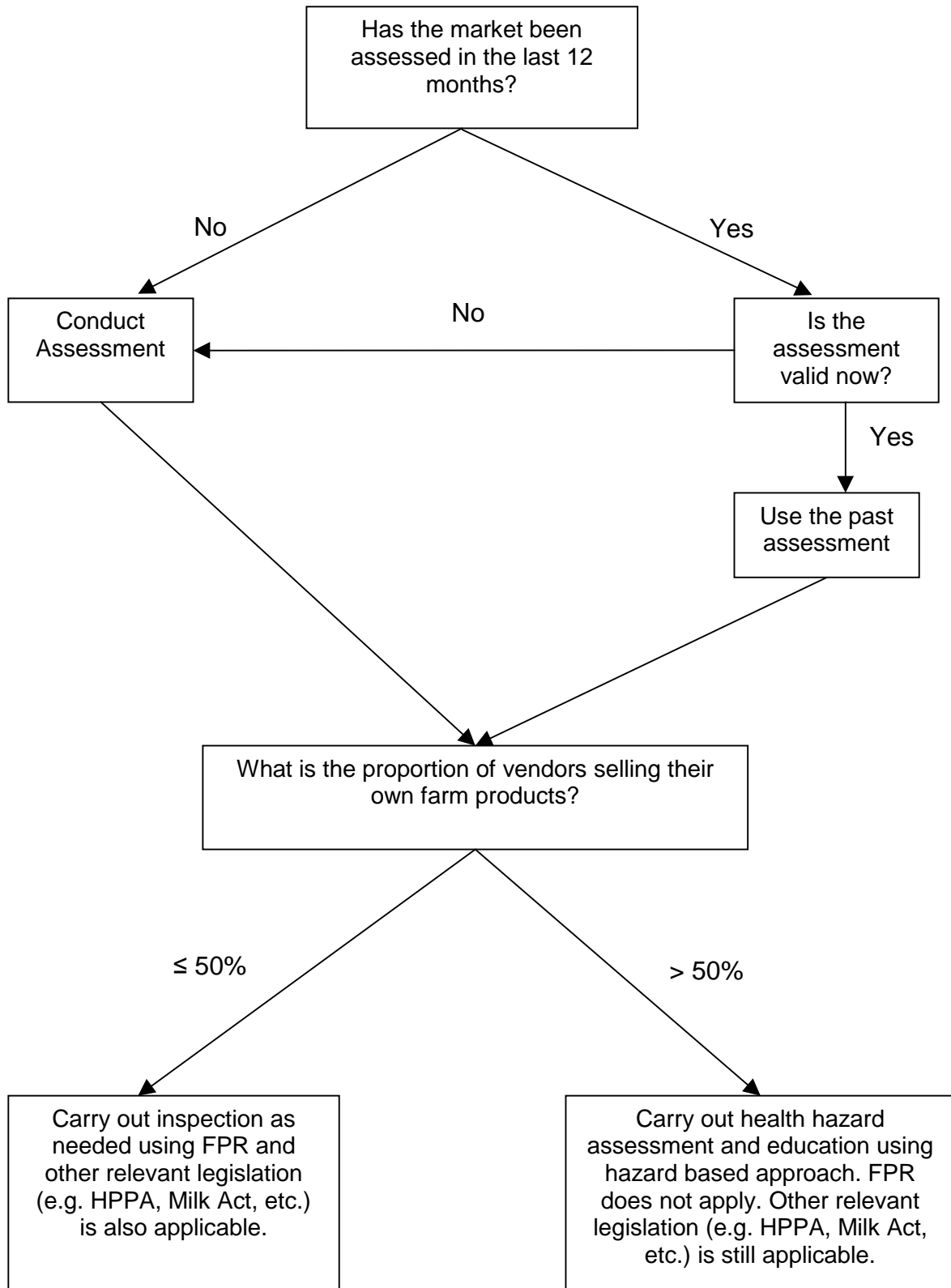
A graduated response commensurate with the risk should be considered and if appropriate may include seizing, holding or destroying unfit food. The principle of time/temperature abuse should be applied when assessing hazards associated with reheating and hot holding. This assessment is determined by taking internal temperatures of foods and obtaining information related to the length of time the hazardous food(s) have been in the danger zone temperatures (between 4 degrees and 60 degrees Celsius).

6.0 FARMERS' MARKETS

In order to support exempted premises and to continue to engage them in proactive education and outreach the following activities should be conducted for all Farmers' Markets. The ability to implement all of these activities will be based on the capacity, resources and/or staffing levels for each PHU.

1. Send a proactive letter or other communication to each market manager or organizer and local municipality prior to the operating season of the market. This will help to educate them on current requirements, provide an opportunity for proactive risk management, respond to any questions they may have about serving food safely and highlight the requirement for notification to local Medical Officer of Health on their intent to commence operation. A face to face meeting can also be invaluable in establishing your lines of communication and mutual understanding. (Appendix IV).
2. Maintain a database of markets within the PHUs' jurisdiction.
3. General food safety information and guidance/recommendations, food handler education and/or certification should be offered. Consult annually or as often as necessary with the managers and/or operators of markets on the overall operation of the market including information on proposed vendors/operators of food premises stalls.
4. Ensure farmers' market food vendors are aware that all water used for food preparation and processing including water from private wells, MUST BE POTABLE.
5. Conduct seasonal (summer/winter) on-site assessment of all farmers' markets, for the purposes of (Appendix V);
 - Providing food safety education and outreach,
 - Gathering information on the operators/vendors of food premise stalls,
 - Identifying potential health hazards or risks for food borne illness,
 - Determining the composition and nature of the market and all vendors, and
 - Assessing the market regarding their exemption status from the FPR (50% + 1),
6. PHUs should conduct a minimum of 2 "assessments" annually of markets that operate year-round and 1 "assessment" annually for seasonal markets that contain at least 1 or more "high-risk" or "medium-risk" food vendors/stalls (The HACCP Protocol for risk assessment criteria may be a useful guide).
7. PHUs should conduct a minimum of 1 assessment annually of farmers' markets that consist of only "low-risk" food vendors/stalls. (The HACCP Protocol may be a useful guide).
8. Additional assessments and/or inspections should be carried out as necessary to ensure compliance with HPPA orders, recommendations from PHIs, suspected food-borne illnesses/outbreaks, consumer complaints and food recall action.
9. Complete the MOHLTC "Visits to Exempted Food Premises" form and forward it to the MOHLTC in accordance with established procedures (Appendix VIII).

6.1 FARMERS' MARKET FLOW CHART

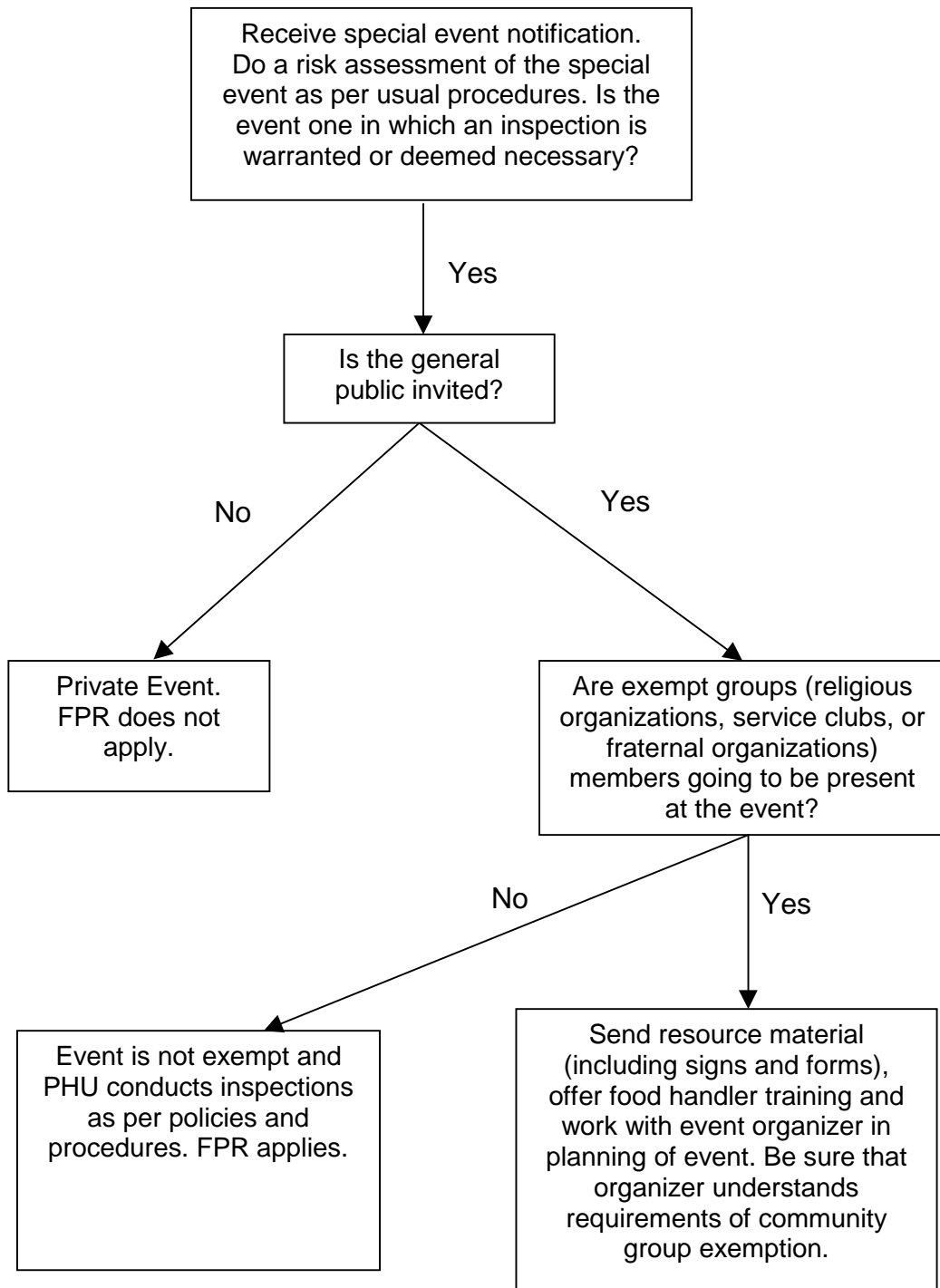


7.0 SPECIAL EVENTS

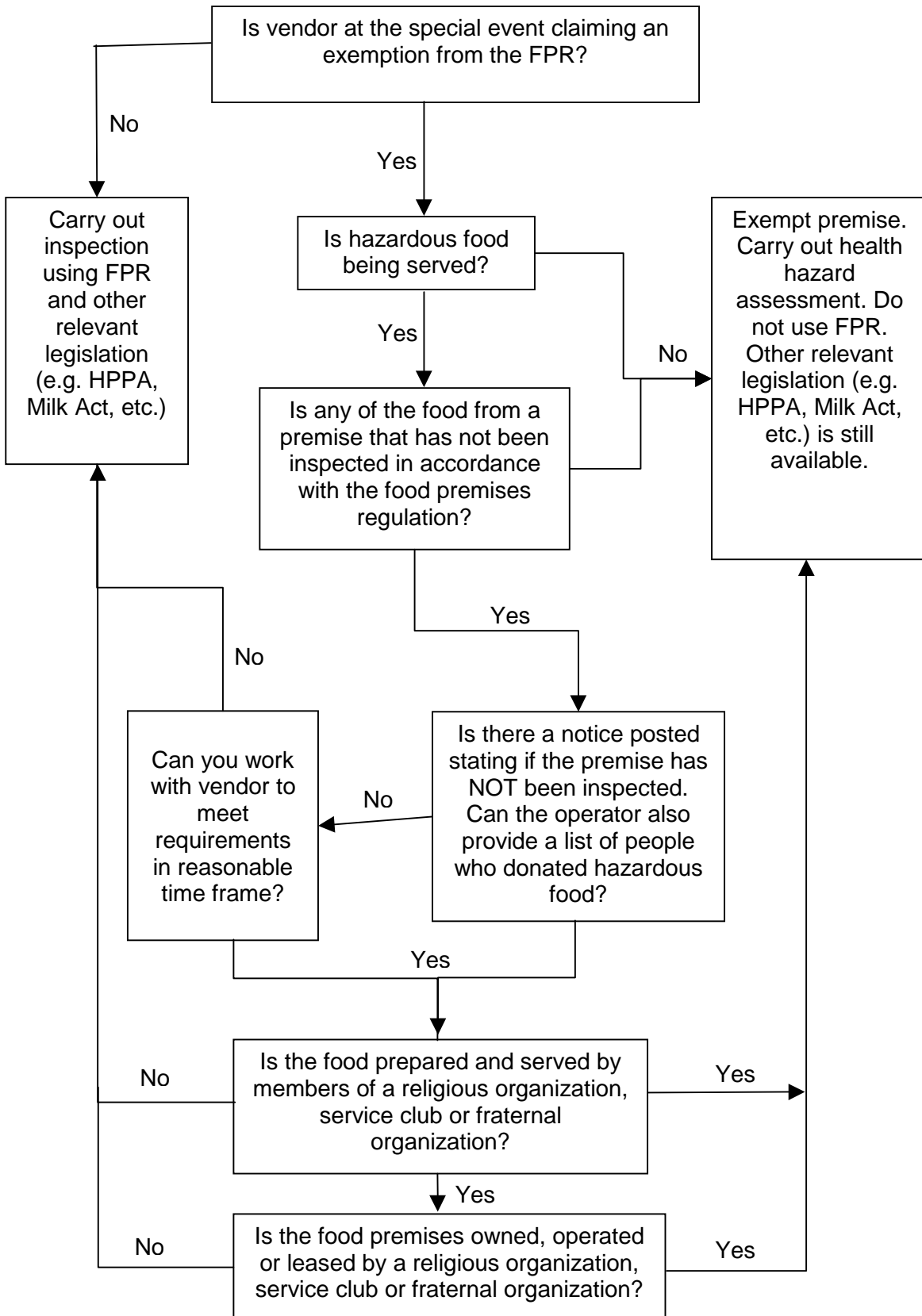
In order to support exempted premises and to continue to engage them in proactive education and outreach the following activities should be conducted for special events sponsored and/or hosted by religious organizations, fraternal organizations and service clubs. The ability to implement all of these activities will be based on the capacity, resources and/or staffing levels for each PHU.

1. A proactive letter or other communication should be sent to each religious/fraternal organization and service club. This will help to educate them on current requirements, provide an opportunity for proactive risk management, respond to any questions they may have about serving food safely and highlight the requirement for notification to the local Medical Officer of Health on their intent to commence operation. A face to face meeting can also be invaluable in establishing your lines of communication and mutual understanding and requirements for exemption from the FPR. (Appendix III)
2. Copies of a template for the required public notification signs and list of persons who donate hazardous foods may be provided to all religious/fraternal organizations and service clubs to assist them in complying with the conditions for exemption as required in Section 2 (3) paragraphs (1) and (2) of the FPR. (Appendix VII)
3. Provide general food safety information, guidance/recommendations for the operation of their special event, food handler training and/or certification to members of the above groups as necessary to improve food safety knowledge aimed at reducing the risk of food-borne illnesses and outbreaks.
4. Ensure organizers of special events are aware that all water used for food preparation and processing including water from private wells, **MUST BE POTABLE.**
5. Conduct annual on-site assessments of large exempted special events as deemed necessary for the purposes of;
 - Providing food safety education and outreach,
 - Determining the nature and complexity of the event,
 - Assessing the event regarding their exemption status from the FPR,
 - Assessing that the required signs are posted and lists maintained for donators of hazardous foods, or
 - Identifying potential health hazards, risks for food-borne illness and implementing risk mitigation strategies.
6. Additional assessments and/or inspections should be carried out as necessary to ensure compliance with HPPA orders, recommendations from PHIs, suspected food-borne illnesses/outbreaks, consumer complaints and food recall action.
7. Complete the MOHLTC "Visits to Exempted Food Premises" form and forward it to the MOHLTC in accordance with established procedures (See Appendix VIII).

7.1 SPECIAL EVENTS FLOW CHART



7.2 SPECIAL EVENTS ASSESSMENT FLOW CHART



8.0 NON-REGULATORY OR ACCEPTABLE OPTIONS FOR EXEMPTED OR TEMPORARY FOOD PREMISES – RISK ASSESSMENT AND MITIGATION APPROACH

Key components are looking at “Critical Control Points” that could lead to increased risk of food borne illness. Decisions on minimum acceptable requirements should be “outcome based “and follow generally accepted good basic food handling practices.

8.1 Cold Holding (≤ 4 Celsius)

- Mechanical refrigeration, or
- Coolers with sufficient ice or dry ice provided ice is from a potable water source,
- Foods are stored in a manner to prevent cross contamination between raw and ready-to-eat foods.
- Similar foods should be stored together, e.g. hamburgers with hamburgers and hot dogs with hot dogs, etc.

8.2 Hot Holding (≥ 60 Celsius)

- Buffet-style with hot holding units (hot water, gel-type fuels, electric or gas heaters),
- Ovens, stoves, BBQ, etc,
- Thermal wraps/blankets or insulated containers for short periods of time (refer to the risk assessment for time temperature abuse section).

8.3 Hand washing/Hand Hygiene

- Sinks with hot and cold running water and drain to sanitary sewer, or
- Containers with potable water, spigot, drain to a temporary container with supplies of liquid soap and paper towels.
- Sewage to be disposed of in an acceptable manner (into a sanitary sewer or private sewage system).
- Supplies of hand sanitizer. Should the food handling practices be such that the food handlers' hands do not become heavily soiled, then hand sanitizer may be acceptable as an alternative to supplies of soap and water (e.g. NOT handling raw meats and poultry, cutting/chopping, etc. These processes result in hands becoming potentially heavily soiled and hand washing with soap and warm water is required).

8.4 Potable Water Supply

- Ensure water used in the processing and preparing of foods and hand washing is from a potable source (Municipal water supplies are considered potable).
- A risk assessment should be completed if the potable water supply is from a private source (refer to section 5.1 for sample questions).
- Potable water containers must be cleaned, sanitized and purged prior to operation.
- All temporary water supply lines such as hoses, etc must be properly sanitized and flushed prior to operation and composed of “food grade material” safe for use with food or water intended for human consumption.
- Backflow prevention devices should be installed on all temporary hose lines connected to a potable water supply.

8.5 Cross Contamination

- Ensure food is covered (protection from flies, sneezing, dust, etc)
- Ensure separation of raw hazardous foods from cooked and/or ready to eat foods.
- Ensure work surfaces and utensils can be cleaned and sanitized in a manner to prevent cross contamination of food contact surfaces.
- Ensure food samples are offered in a manner to prevent contamination of the food products (e.g. portioned by vendor, individual containers and adequate protection).

8.5 Utensils

- Single service utensils, or
- Adequate supply of "back up" multi service utensils used for food preparation (tongs, scoops, etc.) to replace soiled or contaminated utensils in the absence of cleaning and sanitizing facilities within the premises (stall, etc).
- Back-up utensils must be properly wrapped or placed in a container to maintain them in a clean and sanitary manner.

APPENDIX I

| | |
|--|--|
| The following list contains examples of non-potentially hazardous foods. | |
| <ul style="list-style-type: none"> - apple sauce -brownies -bread and buns (no dairy or cheese fillings) -butter tarts -cakes (icing sugar only; no whipped cream) -dry cereal products -chocolate -cinnamon buns -dry noodles -pickles -relish -cookies -dried fruits -fresh fruits and vegetables -rice crispy cake -fruit pies and pastry | <ul style="list-style-type: none"> - fudge - hard candy - honey - jam - jelly - muffins - popcorn - wine and herb vinegar - maple syrup - toffee |
| <i>(Source: Adapted from the British Columbia – Guide for Temporary Food Markets)</i> | |

Note: Even though the foods in the above chart have been described as “non-potentially hazardous”, they can still be vehicles for transmission of pathogenic organisms. Fresh vegetables such as bagged spinach and sprouts that have been contaminated by poor food handling and/or production processes have been linked to recent outbreaks of food-borne illness.

APPENDIX II

| | |
|---|---|
| The following list contains examples of potentially hazardous foods. | |
| <ul style="list-style-type: none"> - antipasto - cakes/pastries with whipped cream, cheese, or cream fillings - processed beans, including baked, refried and bean salad - herb and flavoured oils - cabbage rolls - canned cured meats - low acid canned vegetables (e.g., pH 4.6 beans, asparagus, beets, carrots, mushrooms, broccoli, peas) - canned products containing meat, vegetables, soups, sauces, cheese - chop suey - creamed corn - dairy products (e.g., milk, cream cheese, yogurt) - foods containing eggs as ingredients (e.g., custards, salads) - fresh shell eggs (washed, graded, whole, uncracked, and refrigerated) <p>*Note: Graded eggs are a requirement of egg marketing regulations – violations should be reported to the Canadian Food Inspection Agency.</p> | <ul style="list-style-type: none"> - pesto - fish and shellfish - garlic spreads, oils - guacamole - juice (fruit and vegetable) - tofu - perogies - fresh or processed meat, sausages - salsa - hummus |
| <i>(Source: Adapted from the British Columbia – Guide for Temporary Food Markets)</i> | |

Potentially Hazardous Foods - as defined in the *Food Retail and Food Services Code* means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish (edible mollusca and crustacean), or any other ingredients, in a form capable of supporting growth of infectious and/or toxigenic microorganisms. This does not include foods which have a pH level of 4.6 or below and foods which have a water activity of 0.85 or less.

APPENDIX III

Date:

From:

To: **Special Events Organizer**

Re: Changes to the Food Premises Regulation relating to Special Events

There are changes we want you to know about in a provincial regulation concerning food safety. These changes have affected the public health inspection process. This will affect your responsibilities as a special events coordinator.

On June 15, 2006, the Ontario Minister of Health and Long-Term Care announced amendments to Regulation 562 (Food Premises) under the Health Protection and Promotion Act (HPPA). The amendments expand an exemption that was already in place for special event meals held by religious organizations, service clubs and fraternal organizations. These amendments also exempt farmers' market food vendors from the Food Premises Regulation.

With these changes, special events organizers must meet specific requirements if these conditions exist:

- The special event meal is open to the general public AND
- It includes potentially hazardous food from a food premise that is not inspected by public health. (Hazardous food includes foods with a higher risk of spoilage or contamination, such as meats, fish, eggs, dairy products).

In such cases, organizers of these events need to meet these specific requirements and must:

- Post a notice stating that their food premise has not been inspected in accordance with the Food Premises Regulation. The notice must be posted in a conspicuous place at the entrance to the event.
- Keep a list of names, addresses and telephone numbers of the people who donate potentially hazardous food and give that list to a public health inspector if asked to do so.

Under the HPPA, all special event organizers (including exempt organizations) must:

- Inform Public Health Units in advance whenever they plan to hold a special event.
- Provide any information, as requested by Public Health Inspectors, regarding the source and preparation of foods served.

These amendments ONLY apply to food premises owned, operated or leased by religious organizations, service clubs or fraternal organizations at special events.

Other special events coordinators and food vendors must still meet all the standard requirements of the Food Premises Regulation.

We believe that food safety is everyone's responsibility. We hope that, through our food safety outreach and education programs, we can continue to work together to minimize any potential risk of unsafe food.

We look forward to having a dialogue with you to ensure you have a safe and successful experience.

For further information please call _____ at _____.

Yours Sincerely,

APPENDIX IV

Date:

From:

To: **Farmers' Market Manager**

Re: Changes to the Food Premises Regulation in regards to Farmers' Markets

There are changes you need to know about in a provincial regulation concerning food safety. These changes have affected the public health inspection process. This will affect your responsibilities as a farmers' market manager and the responsibilities of individual farmers' markets food vendors.

On June 15, 2006, the Ontario Minister of Health and Long-Term Care announced amendments to Regulation 562 (Food Premises) under the Health Protection and Promotion Act (HPPA). These amendments exempt farmers' market food vendors from the Food Premises Regulation.

With these changes, farmers' markets are now considered exempt from the Food Premises Regulation if this condition is met:

- The majority of vendors operating the stalls at the market are producers of farm products who are primarily selling or offering for sale their own products. Farmers' market operators may be asked to provide evidence of their market's exemption status to Public Health staff.

Standards will remain high for food safety:

- Farmers' market food vendors must continue to ensure that the food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale in a manner that ensures the product is not a health hazard.
- Public health staff continue to have a duty and responsibility to assess and, where needed, to prevent, reduce, or eliminate health hazards under the HPPA.
- Farmers' market food vendors must inform Public Health Units in advance when they plan to begin operating.
- It is still against the law to sell uninspected meats, unpasteurized milk, or ungraded eggs.

We believe that food safety is everyone's responsibility. We hope that through our food safety outreach and education programs, we can continue to work together to minimize any potential risk of unsafe food.

We look forward to having a dialogue with you to ensure you have a safe and successful experience.

For further information, please call _____ at _____.

Yours Sincerely,

Insert PHU
Logo Here.

APPENDIX V

**Farmers' Market Food Premise
Assessment Form**

As per the amendment to the Food Premise Regulation 562

The Farmers' Market *Food Premise Assessment Form* is used by (*insert PHU name here*) to determine if food premises meet the requirements for exemption as Farmer's Markets under Ontario Food Premises Regulation 562 of R.R.O. 1990.

The regulation states:

1. Subsection 1 (1) of Regulation 562 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“farmers’ market” means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“farmers’ market food vendor” means the operator of a stall or other food premise that is located at a market;

“farm products” means products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products;

This is an assessment for: _____ Market, located at
(name)

(address)

Season Being Assessed (please check box): May 1 to October 31 November 1 to April 30

To verify if the above food premise meets the requirements for exemption apply the formula below. If the outcome of the assessment yields a percentage equal or greater than 51% then the establishment is considered to be a Farmer's Market; if the percentage is less than 51% the establishment is considered a food premise and is required to continue compliance with the Ontario Food Premises Regulation 562. (Refer to page 2 for assistance in calculating the assessment formula).

ASSESSMENT FORMULA:

$$\frac{\text{Total \# of Food Vendors Selling Farm Products ()}}{\text{Total \# of Vendors ()}} \times 100 = \text{_____ \%}$$

The assessment of the premise named above yielded the following percentage (insert the percentage and circle):

_____ %
Farmers' Market

_____ %
Food Premise

Market Manager/ Owner/ Operator _____
(Signature)

Date _____

Public Health Inspector _____
(Signature)

Date _____

NOTE:

Formula Calculation

ASSESSMENT FORMULA:

$$\frac{\text{Total \# of Food Vendors Selling Farm Products}}{\text{Total \# of Vendors}} \times 100 = \text{_____ \%}$$

Assessments are conducted based on the season vendors are offering food for sale. The calculation process is the same for all seasons.

| | | |
|----------------|---------------------|------------------------|
| Selling From : | May 1 to October 31 | November 1 to April 30 |
| | Summer Season | Winter Season |

Step 1: Obtain Information

- Obtain a list of all food vendors that are operating (regardless of season) & attach
- Complete the following chart

of vendors open from May 1 to October 31 _____
of vendors open from November 1 to April 30 _____

Step 2: Calculate the *Total # of Vendors*

- Count the number of vendors open during the chosen season and record in the *Total # of Vendors* section.

Step 3: Calculate the *Total # of Food Vendors Selling Primarily their own Farm Products*

- From the attached list of food vendors determine the number of vendors that sell primarily their own farm products in the chosen season.
- Count the number of vendors that sell primarily their own farm products and record this number in the *Total # of Food Vendors Selling Farm Products* section of the formula.

Step 4: Apply the formula

Divide the *Total # of Food Vendors Selling Farm Products* by *Total # of Vendors* and multiply by 100. This will give the percentage of the total number of food vendors selling farm products at the given establishment.

- ✓ If the percentage is greater than or equal to 51% the establishment has met the definition of a farmer's market and is exempt from the Food Premises Regulation;
- ✓ If the percentage is less than 51% the establishment is not a farmers' market and food vendors/stalls must meet the requirements of the Food Premises Regulation.

APPENDIX VI

NOTICE TO PATRONS

**THIS PREMISE HAS NOT BEEN INSPECTED
BY PUBLIC HEALTH IN ACCORDANCE WITH
THE FOOD PREMISES REGULATION MADE
UNDER THE HEALTH PROTECTION AND
PROMOTION ACT**

Posted in accordance with Section 2 (3) (1) Ontario Regulation 562 (Food Premises)

**Visits to Exempted
Food Premises Surveillance Form**

Public Health Unit:

Date of Visit: -
(yyyy-mm-dd)

PHU Premise Code:
(optional)

Premise Name:

Type of Premises/Organization/Event

- Farmer's Market
- Religious Organization
- Service Club
- Fraternal Organization

Reason for Visit

- Education
 - Consultation
 - Inspection
 - Re-Inspection
 - Health Hazard Assessment
 - Suspected FBI Outbreak
 - Complaint
- PHU Complaint #:

Action Taken

- No Action Required
- Education / Consultation
- Verbal Advice
- Written Directions
- Ticket / Summons
- HPPA Order (Health Hazard)
- Food Seized / Condemned (under HPPA)
- Closure Order
- Referred to Other Agency
- Other, please specify

Correction Relates To (one or more of)

- Cleaning and Sanitizing
- Cross Contamination
- Food / Utensil Storage
- Food Handler Hygiene
- Hand Washing
- Labelling – Hazardous Foods
- List of Providers of Hazardous Food
- Potable Water Supply
- Sanitation (including garbage)
- Signage
- Time/Temperature Abuse
- Ungraded Eggs
- Uninspected Meat
- Unpasteurized Milk / Soft Cheese
- Waste Water / Sewage
- Other, please specify

Comments

APPENDIX IX

INSTRUCTIONS FOR PUBLIC HEALTH UNITS Visits to Exempted Food Premises: Surveillance Form

This surveillance survey form is intended to capture information on public health unit operations pertaining to food premises exempted from Ontario Regulation 562 (Food Premises), which came into effect on June 15, 2006. Please complete the survey form for all such activities (i.e., any complaint, inspection, visit, or enforcement action) within your health unit area beginning at your earliest convenience.

Completed forms should be faxed to the Public Health Division at **fax number 416-325-4083** every two weeks starting on Monday August 28, 2006. If you encounter any difficulty with fax transmission, please contact 416-212-6722.

Description of Data Fields:

Public Health Unit:

Indicate the name of your public health unit.

Date of Visit:

Indicate the date of the visit to the exempted food premise. If there is a follow-up visit or re-inspection at the same premise, please use a new form to record the information related to the subsequent visit.

PHU Premise Code:

This is an optional field for use by public health units in linking back to any existing food premises coding system you may have in place for administrative purposes.

Premise Name:

Indicate the name of the exempted premise / organization. Please use this name consistently on all forms for linking / tracking purposes with other forms completed for the same premise, in the event of a follow-up visit or re-inspection.

Type of Premises / Organization / Event:

Indicate the type of premise, organization, or event exempted from the Food Premises Regulation. Definitions for each exempted category are appended to this document. Only one category should be checked off in this section.

Reason for Visit:

Indicate the reason for the visit (i.e., education, consultation, inspection, re-inspection, health hazard assessment, suspected food-borne illness (FBI) outbreak, or complaint). More than one category can be checked off in this section. For instance, if an inspection was triggered by a complaint, both the complaint and inspection categories should be checked. A separate form should be completed for follow-up visits or re-inspections.

Action Taken:

Indicate the type of action taken, ranging from education / consultation, to making a referral to another Agency, to an escalation of possible enforcement actions. Alternatively, indicate if no action was required. More than one category can be checked off if applicable.

Correction Relates To:

Indicate the type of food-related correction required by the exempted premise which corresponds to the action taken by the public health inspector. The "Signage" and "List of Providers of Hazardous Food" categories refer to the requirements under section 2 (3) of the Food Premises Regulation pertaining to special events held by religious organizations, service clubs or fraternal organizations to which the general public is invited and hazardous food that originates from a food premise that is not inspected is included in the meal. Also, the category of "Labelling – Hazardous Foods" may be relevant if the matter was referred to another Agency for enforcement of non-MOHLTC labelling requirements.

Comments:

Please provide any additional comments you may have related to the visit. For instance, comments could relate to cooperation of the operator, the volume of food implicated, or other significant findings from the visit.