

Chapter 4

Food Safety

Department of Agriculture, Food and Rural Initiatives

Department of Health

Executive management

Carol Bellringer
Sandra Cohen

Principals

Melissa Emslie
Phil Torchia

Auditor

Tiffany Beyer

Table of contents

Main points	143
Background.....	146
Audit approach	151
Audit findings and recommendations.....	152
1. Planning and performance measurement.....	152
1.1 Food safety strategic planning	152
1.1.1 Strategic planning underway requires enhancement	152
1.2 Performance measurement	154
1.2.1 Limited performance measurement and public reporting	154
1.3 Coordinating areas of shared provincial responsibility	156
1.3.1 Inspection roles and responsibilities clearly defined and communication adequate	156
1.3.2 Surveillance roles, responsibilities, and communication evolving.....	157
2. Enforcing compliance with food safety standards.....	158
2.1 Food safety standards.....	158
2.1.1 Standards consistent with other jurisdictions, except for food handler training	158
2.2 Obtaining and maintaining food establishment information.....	160
2.2.1 Food establishment database available, not always updated.....	160
2.3 Conducting inspections.....	161
2.3.1 Inspection priority and frequency not risk-based	161
2.3.2 Annual inspection targets could not be met	162
2.3.3 Inspections not always unannounced or done at riskier times.....	163
2.3.4 Inspection reports not always complete.....	164
2.3.5 Outsourced inspections require updated service standards and better performance information.....	165
2.3.6 Routine dairy inspections halted, contrary to regulation	166
2.3.7 Complaints handled adequately, with some exceptions	166
2.4 Following up violations and escalating enforcement	167
2.4.1 Violations not always followed up to ensure correction.....	167
2.4.2 Escalating enforcement options in place	168
2.4.3 Enforcement action not always escalated for repeated serious violations.....	168

2.5	Issuing and renewing food establishment permits	170
2.5.1	Some initial permits issued before all requirements met and annual renewals issued automatically	171
2.6	Inspector qualifications, independence, policies and supervision	172
2.6.1	Inspectors had related training and experience	172
2.6.2	Conflict-of-interest policies in place, but process requires improvement.....	172
2.6.3	No formal policies and procedures to guide inspectors	173
2.6.4	No quality assurance reviews of inspection files by supervisors.....	174
3.	Promoting preventive food safety activities and programs	175
3.1	Education activities	175
3.1.1	Education activities could be better linked to violations and consumer education enhanced.....	175
3.2	Promoting food safety programs	177
3.2.1	Promotion considered stakeholder input	178
3.2.2	Some applications approved before meeting all criteria	179
3.2.3	Implementation requirements and costs verified before funds paid, but not always well-documented.....	180
	Response of officials and summary of recommendations.....	181

Main points

What we examined

In Manitoba, regulatory responsibility for food safety is shared by the Province, the City of Winnipeg, and the Federal Government. The Province regulates food produced, processed, stored, and sold in Manitoba by establishments that are not otherwise regulated by a municipality or the Federal Government. This includes establishments that slaughter animals, process and store food, and retail and food service establishments, such as grocery stores and restaurants.

Provincial responsibility is divided between the Department of Agriculture, Food and Rural Initiatives (MAFRI) and the Department of Health (Health). In general, MAFRI is responsible for the safety of food before it is available to consumers, while Health is responsible once it is directly available to consumers.

We examined the Province's food safety system, including systems and practices for strategic planning and performance measurement, developing and enforcing food safety standards, providing food safety education, and promoting food safety programs.

Why it matters

Food safety has important health implications. According to the Canadian Food Inspection Agency (CFIA), public health experts have estimated that over 11 million cases of food-borne illness occur in Canada annually, although most cases of food-borne illness can be prevented by using safe food handling practices.

Food safety also has important economic implications. In addition to the lost productivity and medical costs of food-borne illnesses, significant economic consequences may result from any deterioration in the Province's and Canada's reputations for safe food.

As food safety risks and methods of responding to those risks have evolved, Manitoba has taken steps towards ensuring adequate oversight of its food safety responsibilities. Because the food safety system is complex and entails various risks, we undertook this audit to determine if the Province was well positioned to manage its food safety system.

What we found

MAFRI and Health had many systems and practices in place to identify and mitigate food safety risks. Nevertheless, we identified areas where planning and performance measurement, enforcement processes, and promotion of preventive food safety activities and programs require improvement to better ensure food safety. Our key findings are summarized below.

Planning and performance measurement

- The Province's strategic planning for food safety was evolving. MAFRI and Health need to work together to integrate their separate plans, to more fully address risks, and to ensure their plans reflect an appropriate mix of preventive and detective measures.
- Both departments had set some performance targets. However, both need to add indicators of effectiveness and to analyze results compared to targets. Both also need to enhance publicly available performance information.

Enforcing compliance with food safety standards

- The Province's food safety standards were generally consistent with those in other jurisdictions, except the Province did not have mandatory food handler training.
- A common food establishment database put in place in July 2009 was used by most inspectors, but this database was not always up to date.
- Neither department had implemented a risk-based approach to determine the priority and frequency of inspections, nor were they able to meet their informal goal of annually inspecting every food establishment.
- Routine dairy inspections had been halted, contrary to an existing regulation, in order to re-assign resources to inspecting food processing establishments.
- Food safety complaints were handled adequately in most cases.
- Inspectors did not always follow up food safety violations, including critical violations, to ensure they were corrected.
- Escalating enforcement options were in place (warnings, fines, health hazard orders, closure, and prosecution), but enforcement actions were not always escalated for repeated serious violations.

- Some initial permits were issued to food establishments before all related requirements were met. Annual permits were automatically renewed, without first reviewing a food establishment's history.
- All inspectors had related training and experience. A conflict-of-interest policy and related processes were in place to ensure inspector independence, but these processes require enhancement to ensure potential conflicts are assessed annually and dealt with appropriately.
- MAFRI and Health relied on informal policies and procedures to guide inspectors and ensure consistent inspection work, although Health was drafting formal policies. Neither department conducted quality assurance reviews of inspection files.

Promoting preventive food safety activities and programs

- MAFRI and Health provided a variety of educational material on food safety for food establishments and consumers. However, educational material and activities could be better linked to trends in critical food safety violations found during inspections. And the focus on consumer safety awareness could be increased and better integrated between the 2 departments.
- MAFRI promoted the use of preventive food safety programs by providing information and financial assistance to producers and food processors. Health did not similarly provide information on food safety programs to retail and food service establishments.
- MAFRI approved some applications for financial assistance to implement food safety programs before all eligibility criteria were met, but it always verified program implementation and costs before disbursing funds. Documentation of eligibility reviews and verification work could be enhanced.

Background

Food safety awareness

Public awareness of food safety issues has increased following several recent outbreaks of food-borne illness, including listeriosis in ready-to-eat meats, salmonella in spinach, and melamine-tainted baby formula. Food contamination can result from chemical or biological substances in animal feed, misuse of veterinary drugs, poor farming or processing practices, and improper handling of food in stores, restaurants or homes. There are many possible sources of food contamination since it can occur at several different points in the food supply chain.

Food safety implications

Food safety has important health implications. According to the Canadian Food Inspection Agency (CFIA), public health experts estimate over 11 million cases of food-borne illness occur in Canada annually. Symptoms range from stomach cramps and nausea to more extreme outcomes, including, in some rare cases, death. CFIA reports most food-borne illness can be prevented by using safe food handling practices (such as washing hands and surfaces often, refrigerating food promptly, avoiding cross-contamination, and using a thermometer to ensure food is cooked to a safe internal temperature).

According to Health officials, there were 343 human cases of food-borne illness reported to Manitoba Health in 2009. Of these, 211 were likely from food exposure in Manitoba, 74 were likely related to travel outside of Manitoba, and 58 were likely associated with water. For most, a definitive link to the source of the exposure was not established, although 3 cases were linked to food-borne illness outbreaks. An outbreak of illness occurs when a group of people consume the same contaminated food and 2 or more suffer the same illness. No deaths related to food-borne illness were identified.

Food-borne illnesses are generally under-reported as many people with symptoms do not visit a health care provider or provide specimens for laboratory testing. In addition, it can be difficult to definitively identify the source of a confirmed food-borne illness. Many people have had a food-borne illness at one time or another, although they may not have recognized it.

Food safety also has important economic implications. In addition to the lost productivity and medical costs of food-borne illnesses, significant economic consequences may result from any deterioration in the Province's and Canada's reputations for safe food.

Shared food safety responsibilities

In Canada, food safety responsibility is shared between the various levels of government, industry, and consumers. Governments develop and enforce standards and promote food safety, but industry and consumers also have roles to play by being aware of food safety issues and organizing their own activities to minimize food safety risks.

Federal responsibilities

The Federal Government regulates federally registered establishments, generally those that ship food inter-provincially or internationally, and imported food. It also takes the lead in responding to multi-jurisdictional food-borne illness outbreaks. Several different federal departments and agencies are involved in food safety:

- Health Canada sets food safety policies and standards in Canada
- CFIA enforces the food safety policies and standards set by Health Canada
- The Public Health Agency of Canada conducts food-borne illness outbreak surveillance and studies the causes, distribution, and control of food-borne illness
- Agriculture and Agri-Food Canada provides information, research and technology, and policies and programs to achieve security of the food system.

The Public Health Agency of Canada also administers the Federal Food-Borne Illness Outbreak Response Protocol, which sets out federal and provincial responsibilities for multi-jurisdictional food-borne illness outbreaks. In 2010, in consultation with provincial and territorial stakeholders, the Protocol was jointly updated by the Public Health Agency, Health Canada, and CFIA. Both MAFRI and Health participated in this process.

Provincial responsibilities

The Province regulates food produced, processed, stored, and sold in Manitoba by establishments that are not otherwise regulated by a municipality or the Federal Government. This includes establishments that slaughter animals, process and store food, and retail and food service establishments, such as grocery stores and restaurants. The City of Winnipeg is the sole municipality in the Province with food safety regulatory authority, which it exercises only within the City of Winnipeg boundaries that existed before the 1972 amalgamation of suburbs.

MAFRI responsibilities

MAFRI is responsible for the safety of food before it is available to consumers. This includes food safety on farms and in slaughterhouses, food processing plants, meat processing plants, dairy processing plants, and warehouses.

MAFRI assumed food safety oversight responsibility for 28 provincially registered slaughterhouses in April 2007, and about 500 food processing establishments and warehouses under provincial responsibility in June 2009. Prior to these dates, Health was responsible. MAFRI also has food safety oversight responsibility for about 400 dairy farms and 2 provincially registered dairy processing plants.

MAFRI has 4 food safety inspectors: 2 in Brandon, 1 in Dauphin and 1 in Winnipeg. The inspectors conduct and follow-up inspections, issue permits, handle complaints, and provide food safety education as part of their inspection process. They also periodically assist with other matters, such as animal welfare complaints and elk farm inspections.

Inspection of provincially registered slaughterhouses is outsourced to CFIA. However, CFIA's responsibility ends once the slaughter is completed; oversight over any further processing, such as cutting and wrapping, is MAFRI's responsibility.

MAFRI also has 10 staff providing consultation services and promotional activities designed to encourage producers, processors and distributors to adopt food safety programs, such as Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs); and Hazard Analysis Critical Control Points (HACCP). They also administer financial assistance programs to help producers and processors implement food safety programs.

Health responsibilities

Health is responsible for the safety of food once it is directly available to consumers. This includes food safety in restaurants, retail food stores, temporary food establishments, and mobile food units.

In April 2007, Health assumed food safety oversight responsibility for about 7,000 food handling establishments under provincial responsibility, as well as 500 food processing and warehouse establishments subsequently transferred to MAFRI in June 2009. Prior to this date, the Department of Conservation was responsible.

Health has 24 public health inspectors that conduct and follow-up inspections, issue permits, handle complaints, and provide food safety education as part of the inspection process. In addition to inspecting food handling establishments, they also inspect rental housing, daycares, pools, and recreational camps. About 40% of an inspector's time is spent on food safety activities.

Health also maintains food safety surveillance data and administers Manitoba's Enteric Illness Protocol, which sets out provincial roles and responsibilities for food-borne illness outbreaks in the Province. The Protocol provides guidance and procedures for containing an outbreak and preventing its spread, determining an outbreak's source, and the reporting required during an outbreak investigation.

If an outbreak is specific to 1 region, the local regional health authority leads the investigation. If the outbreak affects multiple regions, Health takes the lead. MAFRI assists as required, but it does not have a defined role under the Protocol. Health officials told us they planned to update the Protocol (last updated in 2008) soon to ensure it is consistent with the recently updated Food-Borne Illness Outbreak Response Protocol administered by the Public Health Agency of Canada.

City of Winnipeg responsibilities

The City of Winnipeg is responsible for about 2,100 food establishments within the City boundaries that existed before the amalgamation of the suburbs in 1972. The City has 13 inspectors that conduct inspections of food establishments, as well as swimming pools, body modification establishments, residential care facilities, and day cares. About 90% of an inspector's time is spent on food safety activities.

Provincial regulatory authority

Provincial regulatory authority primarily stems from *The Public Health Act*, *The Dairy Act*, and related regulations.

The Public Health Act provides authority for both MAFRI and Health to conduct inspections and enforce standards. *The Food and Food Handling Establishments Regulation*, a regulation under this Act, defines the different types of food handling establishments, sets out their registration and permitting requirements, and specifies the food safety standards they are required to follow. Food handling establishments include:

- Slaughterhouses (such as for beef, hogs and poultry)
- Food processing plants (such as pasta makers)
- Meat processing plants (such as beef cut and wrap facilities)
- Warehouses
- Food service establishments (such as restaurants)
- Retail food stores (such as grocery stores)
- Temporary food service establishments (such as festival vendors)
- Mobile food service establishments (such as hotdog carts).

The Dairy Act requires dairy farms and dairy processors to be registered, and provides the authority for inspectors to conduct inspections and enforce standards. *The Dairy Regulation*, a regulation under this Act, specifies the food safety standards that dairy farms and dairy processors are required to follow.

MAFRI has tabled a *Food Safety Act*, but at the time of our audit it was not yet in force and related regulations were still being developed. Once it is in force, MAFRI will operate under this Act as opposed to *The Public Health Act*, and *The Dairy Act* will be repealed. MAFRI officials expect *The Food Safety Act* and regulations to be fully implemented in the next 2 years.

Federal-Provincial communication and coordination

MAFRI and Health both participate on the Federal, Provincial and Territorial (FPT) Food Safety Committee. This Committee:

- Coordinates the development of national food safety policy options
- Engages interested and affected partners and stakeholders to ensure practical and realistic approaches
- Implements initiatives to achieve national food safety goals and priorities
- Supports FPT Assistant Deputy Ministers of Agriculture and Health with food safety responsibilities.

MAFRI also participates in various working groups under the FPT Food Safety Committee, such as:

- The Pathogen Reduction Working Group, which focuses on lowering pathogen related risks in meat and poultry
- The Enhanced Surveillance Working Group, which focuses on improving data collection
- The Common National Meat Hygiene Standard Working Group, which was pilot testing draft standards at the time of our audit.

Health also participates in the FPT Public Health Network Committee and the FPT Council of Chief Medical Officers of Health. These Committees provide advice and direction on risk assessment and communication, as well as the management of food related human disease outbreaks.

Audit approach

Audit objectives

We examined the adequacy of the systems and practices in MAFRI and Health for:

- Food safety strategic planning and performance management
- Enforcement of food safety standards
- Food safety education and promotion of food safety programs.

Audit scope

We conducted the audit between September 2009 and July 2010. It examined food safety processes in place between January 1, 2009 and December 31, 2009 at MAFRI and Health. Our audit was performed in accordance with the value-for-money auditing standards recommended by the Canadian Institute of Chartered Accountants and, accordingly, included such tests and other procedures as we considered necessary in the circumstances.

The audit included review and analysis of applicable legislation, policies and practices, files, records, reports, correspondence, and other program documentation. As well, we interviewed people from the departments, as well as various stakeholders and subject matter experts. We also accompanied department staff on inspections of food establishments. Lastly, we obtained information on food safety standards and inspections from other provinces.

Audit findings and recommendations

1. Planning and performance measurement

1.1 Food safety strategic planning

1.1.1 Strategic planning underway requires enhancement

We expected MAFRI and Health would work together to develop a comprehensive food safety strategic plan for Manitoba and that strategic planning would include:

- Processes to identify, assess and prioritize food safety risks
- A mix of activities to manage food safety risks, including programs to both prevent and detect food-borne illness hazards
- Alignment of resources and funding with food safety goals.

At the time of our audit, MAFRI had hired a consultant to help them develop a risk-based food safety strategic plan. The consultant identified several weaknesses and risks, including:

- The limited number of MAFRI inspectors (only 4) for the 500 facilities requiring inspection
- The distance between inspectors and facilities, resulting in excessive travel time and costs
- The lack of a system for risk-rating facilities (risk-rating would consider factors such as the type of product produced and the production process, the measures in place to reduce or eliminate risk, and production volume and distribution)
- The lack of a provincial food safety surveillance program supported by laboratory testing
- The need to consult with industry in developing the new *Food Safety Act* regulations and in promoting food safety programs
- The lack of a back-up service delivery plan and transition strategy if MAFRI's agreement with CFIA for inspection services at the 28 provincially registered meat slaughterhouses was to end.

MAFRI produced an annual 3 year plan, setting out objectives, actions required, expected results, and timelines. The 2009/10 plan had a mix of both preventive and detective food safety activities. These included promoting the adoption of food safety programs to farms and industry, as well as conducting inspections. This plan preceded the work of the consultant. MAFRI advised that future plans would deal with the consultant's findings.

Health considered food safety strategic planning as just 1 sub-component of its strategic planning for public health. It had not formally identified risks specifically related to food safety or created a written strategic plan. Most food safety planning centred on ensuring compliance with food safety standards by inspecting establishments, with education part of this process. However, Health's concerns about food safety also extended to issues such as the level of trans fats and sodium in foods. There were no plans to promote food safety programs (such as HACCP) to restaurants and other food service establishments.

Health's strategic planning periodically considered the problems related to sharing the delivery of public health inspection services in Winnipeg with the City of Winnipeg. These included differing service levels (restaurant inspections in the Province's area were less frequent than in the City's area) and confusion for businesses and the public. However, at the time of our audit, the 2 parties were trying to negotiate a cost-neutral merger solution with a common service level.

MAFRI and Health conducted their strategic planning for food safety separately. At the time of our audit, they were not jointly developing a Provincial food safety strategic plan.

Inspection programs alone can only partially manage food safety concerns. Food safety experts and food safety literature note the increasing importance of surveillance (to help identify food safety risks), industry adoption of food safety programs, and consumer awareness and education. We noted efforts were underway to coordinate and potentially increase surveillance activities, but the 2 departments had not yet decided how this could best be accomplished. Neither department included consumer awareness and education in their strategic planning, although both maintained some consumer information on their websites.

Recommendation 1: We recommend that MAFRI and Health work together to ensure their individual food safety strategic planning is integrated and that it:

- Identifies, assesses and controls risks to food safety
- Considers the appropriate mix of inspections, surveillance, industry and consumer education, and promotion of food safety programs
- Aligns resources and funding with established goals and priorities.

1.2 Performance measurement

1.2.1 Limited performance measurement and public reporting

We expected performance measures, including both expected outputs and outcomes, would be in place for major activities and that management would compare results to targets, explain variances, and consider actions required to improve results. We also expected there would be some publicly available performance reporting.

It is important to have performance measures focused on effectiveness, not just outputs. For example, while it is important to set an annual target for the number of inspections to be performed, it is also important to gather information on the results of inspections, such as the number and types of critical violations.

MAFRI set long-term targets for the number of farms and establishments expected to adopt food safety programs as a result of MAFRI's promotion efforts, but there were no annual targets. MAFRI did not set formal inspection targets. Most food safety performance measures focused on outputs, rather than MAFRI's effectiveness in preventing or reducing food-borne illness. Health did not formally set targets or other measurable performance goals for food safety.

MAFRI compared the number of annual inspections performed to an informal annual target of inspecting each facility once. Management was aware of variances and their causes. However, this was not formally documented. MAFRI also compiled data on food safety program activities, such as the number of participants at outreach activities and the number of funding applications received. Management told us they reviewed this data to monitor progress, but they did not directly compare it to the long-term targets.

Health also informally compared the number of annual inspections performed to an informal annual target of inspecting each facility once. While management was aware of variances, they did not formally investigate their cause or reasons for regional variations in meeting the target. Management found it difficult to measure and report on performance when inspection files were paper-based and kept in regional offices.

MAFRI's 2008/09 annual report, which was publicly available, had a section on MAFRI's food safety activities. This included information on the number of producers in various commodity groups that had adopted food safety programs. But it was unclear what activities MAFRI had taken to contribute to achieving these results. Also, the information was cumulative and did not identify what was achieved in the current year versus prior years. In addition, there was no comparison to the targets set, and no way to judge if the achievements were reasonable. The number of inspections conducted during the year was also

reported. In contrast, perhaps partly because of its size and diverse operations, Health did not publicly report on any of its food safety activities.

We reviewed the public reporting on food safety in other Canadian jurisdictions and found examples of the following kinds of information:

- Number of inspections completed
- Number of establishments temporarily closed, fined, or with cancelled permits as a result of inspections performed
- Percentage of establishments complying with standards
- Number of complaints received and responded to
- Number of surveillance and food hazard monitoring initiatives undertaken
- Number of licensed facilities successfully adopting a food safety program
- Percentage of commodity production done under on-farm food safety programs.

In addition, some jurisdictions publicly disclosed targets and compared actual to expected performance.

Several jurisdictions also posted summaries or copies of inspection reports on their websites, allowing the public to search for information about specific facilities. For example, 1 jurisdiction assigned each facility a food safety hazard rating of low, moderate or high after each routine and follow-up inspection. It also disclosed the number of critical and non-critical violations for each inspection and listed a summary description of each violation. Another jurisdiction required all establishments to display the most recent food inspection report on their premises so it could be viewed by customers.

The City of Winnipeg website listed the Winnipeg food service establishments formally charged with violating food safety standards, a summary of the charge, and the resulting fine or reprimand. It also listed establishments ordered closed because of deficient operating conditions, including the closure date, the re-open date, and the reasons for the closure (such as rodent control or sanitation issues). In addition, it listed establishments ordered closed by inspectors for circumstances outside the operators' control, such as flood or fire damage.

The Province gave the City this information for food service establishments in the City that were the Province's responsibility. But the Province did not maintain similar information on its website for the food service establishments outside of Winnipeg. In addition, the public could not search online for inspection results for all food service facilities.

Recommendation 2: We recommend that MAFRI and Health set measurable targets for inspections and food safety programs – including indicators of effectiveness, as well as outputs – and periodically compare results to targets to identify any actions required to respond to trends and improve results.

Recommendation 3: We recommend that MAFRI and Health enhance publicly available information on food safety to include data on compliance with food safety standards.

1.3 Coordinating areas of shared provincial responsibility

We expected food safety roles and responsibilities to be clearly defined and regular on-going communication among the various parties.

1.3.1 Inspection roles and responsibilities clearly defined and communication adequate

A memorandum of understanding between Health and MAFRI detailed the inspection responsibilities of each. MAFRI was responsible for farms, slaughterhouses, food and meat processors and warehouses, while Health was responsible for restaurants, food retail stores, farmers' markets, mobile food units, and temporary food establishments. But many facilities had mixed operations. For example, bakeries may sell to grocery stores and directly to consumers. In these cases, the departments worked together to decide which would be responsible for the facility. There was no written documentation maintained, but the facilities were assigned to the respective department in a shared electronic database.

Health also shared responsibility with the City of Winnipeg for food safety at the consumer level. As the Background section notes, the City was responsible for food service establishments within the City of Winnipeg boundaries that existed before the 1972 amalgamation of suburbs and Health was responsible for all others. There was no documentation formalizing the above arrangement and there were exceptions. For example, City inspectors were responsible for facilities in City-owned buildings that would otherwise be the Province's responsibility and Provincial inspectors were responsible for facilities in Provincially-owned buildings that would otherwise be the City's responsibility.

MAFRI and the City had an informal understanding that MAFRI was responsible for inspecting all food producers and processors in Winnipeg, including those within the old City of Winnipeg boundaries.

All parties communicated as needed. For example, if a Winnipeg food establishment outside of the City's inspection area applied for a Winnipeg business license, the City contacted MAFRI or Health (as applicable) before issuing the license. The City also gave MAFRI and Health complaint information received from the City's 311 phone line (used for non-emergencies and information requests). MAFRI, Health and the City worked together to investigate food-borne illness outbreaks.

All parties showed a common understanding of their inspection responsibilities and described good working relationships. However, better written documentation clearly indicating which party is responsible for facilities with mixed operations and listing the exceptions to established geographical boundaries may prevent gaps and possible duplication in inspections.

Recommendation 4: We recommend that MAFRI and Health, together with the City of Winnipeg, fully document their respective inspection responsibilities, including responsibilities for facilities with mixed operations and exceptions to responsibilities based on established geographical boundaries.

1.3.2 Surveillance roles, responsibilities, and communication evolving

Food safety surveillance is the monitoring and assessment of exposure of a human population to a food contaminant. It can take many forms and be done throughout the food chain. For example, studies can be done on certain foods to determine the prevalence of a certain pathogen, such as salmonella in chicken. Additionally, surveillance can identify actual cases of food-borne illness and then trace them back through the food chain to identify the source.

At the time of our audit, roles and responsibilities for food safety surveillance were evolving. Traditionally, Health focused on public health and MAFRI focused on animal health, with a particular focus on the dairy sector. However, in recent years, these lines have blurred as animal diseases with implications for human health and food safety have emerged. As food-borne illness may affect the entire food chain, Health and MAFRI need to work together on food safety surveillance. The 2 departments knew this and had been meeting to discuss surveillance activities and to better define their roles and responsibilities. Officials were discussing how to share surveillance data and avoid duplicating efforts, how to manage joint animal and human health issues, how to address personal health information issues, and how to identify areas needing increased surveillance. Together with other departments, such as Conservation and Water Stewardship, they were also developing a framework for working collaboratively on issues impacting human health, animal health and the environment.

2. Enforcing compliance with food safety standards

2.1 Food safety standards

2.1.1 Standards consistent with other jurisdictions, except for food handler training

We expected the Province's food safety standards to be generally consistent with other jurisdictions, and that the standards would be periodically reviewed and updated.

We reviewed the Province's food safety standards and found they were mostly consistent with those found in other Canadian jurisdictions. We focused our review on the standards addressing the 10 most critical hazards described in the inspection policies Health was drafting at the time of our audit. These standards were as follows:

- Cold holding of hazardous foods should be at or below 4°C
- Hot holding of hazardous foods should be at or above 60°C
- Thermometers should be located in hazardous food storage areas
- All food sold or processed should be from approved sources and fit for human consumption
- Ready-to-eat foods should be separated from raw foods during handling, preparation and storage
- Hot and cold running water should be available where food is processed, prepared, and manufactured and where utensils are washed
- Food contact surfaces should be cleaned and sanitized
- Food and equipment should be protected from contamination
- Satisfactory hand washing should occur at appropriately located hand wash basins
- Food handlers should be free of any disease or condition that may spread through food and food handlers should minimize direct contact with food.

In addition, we reviewed the standards in other jurisdictions to see if they included any significant standards not in place in the Province. There was mandatory food handler training in 6 of the 9 other Provinces. In Manitoba, there was only mandatory training in Winnipeg. This resulted from a City of Winnipeg by-law stating:

- *"No person shall operate a food service establishment, excluding retail food stores, unless the person in charge has successfully completed the Certified Food Handler Training Program"*
- *No person shall operate a food service establishment employing more than five persons on duty at any one time, unless there is a person in*

charge present during all operating hours who has successfully completed the Certified Food Handler Training Program

- *The on duty person in charge shall post their Food Handler Training Program Certificate in a prominent place in the food service establishment".*

The City offered a 1 day Certified Food Handler training course that concluded with an exam requiring participants to score a minimum of 70% to obtain their food handler certificate. The course covered food-borne illness, health and hygiene, receiving and storing food, serving and dispensing food, and cleaning and sanitizing food premises and equipment. The exam could also be challenged without taking the course. Provinces with mandatory food safety training had similar requirements.

Health officials told us they had considered mandatory food handler training, but could not find a cost-effective delivery system. Some provinces, such as British Columbia, put their food handler training on the web. This might be more cost-effective than the training previously considered and found to be too expensive.

British Columbia required food service establishments to have written procedures for identifying critical control points, setting critical limits for those control points, ensuring adherence to the critical limits, and taking action if critical limits were not adhered to. These procedures were based on HACCP food safety principles. Manitoba's food safety standards did not include any similar requirement. And although MAFRI promoted the adoption of food safety programs, such as HACCP, to food processors, Health did not similarly promote food safety programs to food service establishments, such as restaurants.

Some provinces required establishments to maintain written policies and records concerning cleaning, sanitizing and controlling pests. Manitoba's standards in these areas were generally consistent, but did not require establishments to have written policies.

At the time of our audit, both MAFRI and Health were operating under *The Public Health Act*. The most recent version of this Act came into force in April 2009. The primary regulation under *The Public Health Act* concerning food safety was *The Food and Food Handling Establishments Regulation*, which was created in 1988 and amended in 2009 to ensure it was consistent with the newly amended *Public Health Act*. There was no detailed comparison to food safety standards in other jurisdictions done at this time. While MAFRI had developed a new *Food Safety Act*, it was not yet in force, although MAFRI expected the Act and its regulations to be in effect within the next 2 years.

Recommendation 5: We recommend that MAFRI and Health periodically review and update food safety standards in Manitoba to ensure they are consistent with those in most other Canadian jurisdictions.

Recommendation 6: We recommend that MAFRI and Health prepare a documented analysis of the costs and benefits of requiring food handler training in Manitoba that considers using web-based training already developed by other jurisdictions.

2.2 Obtaining and maintaining food establishment information

2.2.1 Food establishment database available, not always updated

We expected inspectors to use a common up-to-date database that included all food handling establishments in Manitoba and key information for each establishment, and that Health and MAFRI would have processes in place to ensure this information was complete and accurate.

In July 2009, MAFRI and Health began using a common electronic food establishment database that allowed access to all inspection and permit information for each facility. They added a complaints module in December 2009. The database, called Hedgehog, was initially populated from various sources, but primarily from an older facilities database used by the Department of Conservation. Management populated the new database with facility names and contact information, but not old inspection reports. These reports were still available to inspectors, but only on paper.

Inspectors were expected to update database information as part of their inspections. However, several food establishments had missing contact information, even though an inspection had recently been done. Also, 1 MAFRI inspector and 3 Health inspectors were not consistently using the database to do their inspections.

MAFRI and Health officials told us they used various sources to periodically test the accuracy and completeness of the food establishment database. The City of Winnipeg Business License Branch notified them when it issued a new business license to a food establishment. Staff from MAFRI and Health also periodically searched sources such as the Manitoba Food Products Directory, the phone book, and the Internet for establishments not in the database. But they did not keep any related documentation. Documenting the results of these searches would help management determine if these processes were effective in ensuring the accuracy and completeness of the database.

Recommendation 7: We recommend that MAFRI and Health ensure that all staff record inspections and complaints in the Hedgehog database, update food establishment information during inspections, and document work to test the accuracy and completeness of the database and assess its effectiveness.

2.3 Conducting inspections

2.3.1 Inspection priority and frequency not risk-based

We expected food establishments with higher food safety risks would be inspected on a priority basis and more frequently. Both departments indicated they planned to implement a risk-based approach. However, at the time of our audit, both followed an informal policy of inspecting every food establishment annually, with additional inspections to follow up violations and complaints.

As a first step in implementing a risk-based approach, MAFRI inspectors were completing risk assessment questionnaires during their initial inspections of food processing and warehouse establishments. The questionnaires collected information on each establishment's general location, building construction condition, water source, cooling and freezing activities, processing of high risk foods, food safety programs, staff with food safety training, and size or level of activity, as well as historical data related to complaints, food-borne illnesses, and inspections. MAFRI planned to use this information to produce an overall risk rating for each establishment and had hired a consultant to help them develop this more risk-based approach.

Most other Canadian jurisdictions used a risk-based process to set inspection frequency. Inspection policies typically required each facility to receive 1-3 inspections a year, depending on the facility's assessed risk, with additional inspections to follow up violations and complaints, as required. Criteria to assess risk varied, but typically included factors such as:

- The type and variety of food being served or processed
- The extent of food handling during preparation and processing
- The production volume
- The establishment's history of non-compliance with food safety standards
- Consumer complaints
- Food safety recalls
- Enforcement actions taken
- Whether the food establishment had been implicated or confirmed as a source of food-borne illness or outbreak.

Recommendation 8: We recommend that MAFRI and Health use a risk-based approach to set the priority and frequency of inspections. This should include development of evidence-based risk factors and risk ratings for facilities, and consider the inspection frequency in other provinces.

2.3.2 Annual inspection targets could not be met

Neither department was achieving their informal goal to annually inspect every food facility. Extrapolating the number of inspections done for the year ending June 30, 2010, it would take MAFRI 2.8 years and Health 2.5 years to inspect each food establishment at least once.

For the year ending June 30, 2010, MAFRI's 4 inspectors completed inspections of 176 of the 497 food processing and warehouse facilities in the inspection database. Health's 24 inspectors completed inspections of 2,691 of the 6,897 food service and retail facilities. An establishment can be assigned more than 1 facility number if it houses several different operations. For example, a restaurant with a lounge is assigned 1 facility number for the restaurant and another facility number for the lounge. Each of these facilities would receive its own inspection. Figures 1 and 2 show more detailed inspection results for MAFRI and Health.

Figure 1: MAFRI annual inspection targets not being achieved

Year ended June 30, 2010			
MAFRI offices	Annual target: all facilities assigned to office	Inspections completed	Percentage of target achieved
Brandon	249	111	45%
Winnipeg	138	59	43%
Dauphin	110	6	5%
Total	497	176	35%

Source: MAFRI food safety database reports

Figure 2: Health annual inspection targets not being achieved

Year ended June 30, 2010			
Region	Annual target: all facilities assigned to region	Inspections completed	Percentage of target achieved
Winnipeg	2,291	1,116	49%
Central – South East	1,351	589	44%
Eastern – Interlake	1,045	311	30%
West – North	2,210	675	31%
Total	6,897	2,691	39%

Source: Health food safety database reports

2.3.3 Inspections not always unannounced or done at riskier times

We expected inspections to be done on an unannounced basis and when riskier activity was occurring, whenever possible. Without the element of surprise, an inspector may not get an accurate sense of the way a food establishment typically operates. Visiting food establishments at different times (including peak periods, evenings and weekends) allows inspectors to observe activities and staffing levels that may have greater risks than those that would be found during normal weekday hours.

Both departments had informal policies in this area. Health inspectors told us they were expected to perform their inspections on an unannounced basis. MAFRI inspectors told us they were expected to conduct pre-arranged inspections because these would be the first MAFRI inspections since oversight responsibility was transferred from Health and they needed to ensure a person in authority would be there to assist them in completing their risk assessment questionnaires. Both were expected to perform inspections during weekdays, typically between 9am and 5pm, although exceptions were made for facilities operating infrequently or outside of these hours. Inspectors told us they were not required to record the time of their inspections and did not typically schedule inspections based on when riskier activity might be occurring.

In a sample of 80 food service and retail inspection reports, about 50% of the inspections were unannounced. In a sample of 20 food processing and warehouse inspection reports, 35% of the inspections were unannounced. In both cases, the results were inconsistent with Health's and MAFRI's informal policies.

Recommendation 9: We recommend that MAFRI and Health inspectors conduct all routine inspections on an unannounced basis, with some during times when higher risk activities are likely to occur, and that they document the time of their inspections.

2.3.4 Inspection reports not always complete

Starting July 1, 2009, both departments' informal policies required inspectors to use checklists (maintained in the Hedgehog database) for inspections. Each food establishment in the database was assigned a category code and each category had a unique inspection checklist. Previously, the standard forms did not include checklists.

The checklists were consistent with *The Food and Food Handling Establishments Regulation*. If inspectors found violations, they were to provide clear descriptions of the violations and required corrective actions. Both departments expected inspection reports to be explained to food establishment representatives, signed by both an inspector and a food establishment representative, and a copy of the report left with the establishment.

In a sample of 20 food processing and warehouse inspection reports:

- 60% of the Hedgehog inspection checklists had unanswered questions. On average, this represented 6% of the questions, and in 1 case 50% were unanswered
- 2% of the violations and 4% of the corrective actions were not clearly described
- 12% of the violations were in the closing comments and inconsistent with the response to the related question on the checklist
- 50% of the inspection reports were not signed by an establishment representative and a further 10% were signed by neither the establishment representative nor the inspector.

In a sample of 80 food service and retail establishment inspection reports:

- 94% of the Hedgehog checklists had unanswered questions. On average, this occurred 16 times per inspection report, but in several reports answers were provided only for questions where violations were found
- 1% of the violations and 2% of the corrective actions were not clearly described
- 9% of the inspection reports were not signed by an establishment representative and a further 4% were signed by neither the establishment representative nor the inspector.

Recommendation 10: We recommend that MAFRI and Health improve inspection documentation to ensure that:

- All checklist questions are answered
- Violations and required corrective actions are clearly described
- Inspection reports are signed by both inspectors and establishment representatives.

2.3.5 Outsourced inspections require updated service standards and better performance information

We expected MAFRI to have service standards for the inspections outsourced to CFIA. These service standards would include such information as the number and types of inspections to be performed, the food safety standards to be applied, the follow-up procedures required to ensure violations are corrected, and guidelines for escalating enforcement actions. We also expected that sufficient performance information would be obtained to ensure the service standards were met.

Inspections of non-federally registered slaughterhouses in Manitoba have been outsourced to CFIA since 1965, with the most recent agreement in place since 1984. The agreement sets out roles and responsibilities, food safety standards to be used (those provided in the federal *Meat Inspection Act*, last updated in 2005), and a cost structure (last updated in 1995). Either party can terminate the agreement by giving 12 months notice. At the time of our audit, MAFRI and CFIA were reviewing this agreement.

MAFRI expected CFIA inspectors to conduct pre- and post-slaughter inspections of each animal slaughtered in all of the 28 provincially registered slaughterhouses in Manitoba (2 poultry, 4 swine, and 22 with mixed operations that include cattle, swine, lamb, goat, sheep and bison). In addition, MAFRI informally expected CFIA Regional Veterinarians to conduct 2 to 3 inspections of each slaughterhouse every year and CFIA's Animal Program Inspector to inspect each facility annually to ensure the consistency of the routine inspections. MAFRI received copies of all CFIA inspection reports and reviewed them for any serious infractions.

The CFIA services being received had been in place for many years. MAFRI had not recently reviewed these services to ensure they were consistent with its assessment of food safety risks associated with the slaughter process.

We selected 5 slaughterhouse files to assess if MAFRI ensured that service standards were being met. We found the expected informal inspection levels were being achieved, and violations and corrective actions were clearly described. But documentation of follow-up of violations was not always provided and enforcement action was not escalated for repeated non-critical violations. MAFRI officials told us they were seeking legal advice on whether they could take enforcement action (such as issuing fines) based on inspections by third parties, or if they needed to conduct their own inspections.

Recommendation 11: We recommend that MAFRI use current risk assessments to develop and periodically update service standards for outsourced inspections and ensure those standards are being met.

2.3.6 Routine dairy inspections halted, contrary to regulation

In 2009/10, MAFRI officials decided to temporarily stop routine dairy inspections, even though *The Dairy Regulation* required each dairy farm to be inspected 2 times per year. However, inspectors continued to do a limited number of inspections to facilitate dairy farm transfers and to follow up complaints. Management believed the dairy farms had a lower food safety risk than the food processing plants and therefore decided to concentrate the limited inspection resources on the processing plants. As well, Manitoba dairy farmers were in the process of adopting the national food safety program, Canadian Quality Milk, developed by the Dairy Farmers of Canada. One of the objectives of the program was to have all farmers implement it by 2012. The Dairy Farmers of Manitoba organization was working closely with Manitoba dairy farmers to achieve this objective. The Dairy Farmers of Manitoba told us that as of June 30, 2010, about 56% of Manitoba dairy farmers had implemented the Canadian Quality Milk food safety program.

The Dairy Regulation was last updated in 1998. MAFRI management realized several years ago that the regulation required updating, and in 2008 they decided that this would be done in conjunction with the planned *Food Safety Act*. However, this update has not occurred in a timely manner. As a result, MAFRI has not been in compliance with *The Dairy Regulation* for an extended period of time. Also, in the interim, we expected MAFRI to continue inspecting dairy farms with a history of serious and repeat violations, even if management felt the overall food safety risk posed by dairy farms was relatively low.

Recommendation 12: We recommend that MAFRI expedite updating *The Dairy Regulation* to reflect its assessment of the related food risk and, in the interim, ensure that dairy farms with a history of serious and repeat violations continue to be inspected.

2.3.7 Complaints handled adequately, with some exceptions

We expected actions taken to follow up food safety complaints to be prompt and reasonable based on the risk to food safety. We also expected complaints and related investigation activities to be documented and included in department records for each food establishment.

Food safety complaints were received from calls to Winnipeg's 311 phone number, as well as from direct calls to Health and MAFRI offices. Complaints were recorded by department staff and then distributed to the inspectors in charge of the related areas. Before the electronic database complaint module started in December 2009, complaints were not centrally tracked, other than for complaints received through the 311 phone line. After December 2009, all complaints were to be centrally

tracked and the details of the complaint and follow-up actions documented in each establishment's file.

Inspectors used their professional discretion to decide how to respond to complaints. A complaint might prompt a full inspection or an inspection more narrowly focused on the complaint. Health expected every complaint to be responded to within 24 hours, although this did not mean all related work had to be finished in that time.

We reviewed a sample of 15 complaints received by Health and found that, in almost all cases, there was adequate documentation of the complaint and follow-up actions. However, documentation of actions taken could have been improved in 2 cases.

As well, follow-up actions in most cases were prompt and reasonable based on the underlying food safety risk, with appropriate full or partial inspections. But in 2 cases involving suspected food poisoning, samples were obtained from the complainants and promptly sent for testing, but in 1 case a facility inspection was not performed until 7 days after taking the samples, and in the other case an inspection was not performed.

MAFRI received no complaints between June 2009, when it first assumed responsibility for food processing and warehouse establishments, and December 31, 2009.

2.4 Following up violations and escalating enforcement

2.4.1 Violations not always followed up to ensure correction

We expected each violation to be followed-up to ensure it was corrected. Follow up might be done by re-inspection or by obtaining other evidence, such as a paid invoice for goods or services received by the establishment to correct the violation. Without adequate follow up, food establishments may not realize it is important to promptly correct violations.

MAFRI officials decided not to follow up violations until every food establishment had first received 1 routine inspection. With only 4 inspectors, they felt it was initially more important to assess the food safety risk of the entire population through inspection of all facilities than to follow up violations. A sample of 20 food processing establishment and warehouse inspection reports with a total of 90 violations confirmed that none of the violations were followed up; 14 of these were critical violations.

Health's policy was to follow up violations as soon as possible after the correction timeframes provided by the inspectors. In a sample of 80 food service and retail establishment inspection reports with a total of 258 violations, only 239 violations

required follow up as 19 were corrected during the inspections. Only 35% of the 239 violations were followed up and, of these, only 68% promptly. In addition, 107 of the 239 violations requiring follow up were critical violations. Of those critical violations, only 37% were followed up and, of these, only 65% promptly.

Recommendation 13: We recommend that MAFRI and Health ensure all violations are promptly followed up and corrected, with a focus on critical violations.

2.4.2 Escalating enforcement options in place

Inspectors had various enforcement options available to respond to food safety standard violations found during inspections. In order of increasing severity, these included:

- Requesting corrective action
- Issuing a written warning
- Issuing a fine ranging from \$199.80 to \$655.65
- Temporarily closing the food establishment
- Issuing a written health hazard order
- Charging an individual with committing an offence under *The Public Health Act*, which may result in a fine up to \$50,000, imprisonment up to 6 months, or both
- Charging a corporation with committing an offence under *The Public Health Act*, which may result in a fine up to \$500,000.

Health hazard orders and the ability to prosecute were added to *The Public Health Act* as of April 1, 2009. A person or corporation is guilty of a separate offence for each day the violation continues. Fines and jail time can double if offences involve failure to comply with an emergency health hazard order.

2.4.3 Enforcement action not always escalated for repeated serious violations

Figure 3 summarizes enforcement actions by Health and MAFRI over the last 3 years. Information on corrective actions requested was not tracked when inspection reports were paper based, so this information was not available until July 2009, when the Hedgehog database was implemented. At the time of our audit, MAFRI inspectors had not yet elevated enforcement beyond requesting corrective actions, so all other enforcement actions shown are related to Health's food safety inspections. Health officials indicated that the increase in enforcement actions over the 3 years resulted from improved enforcement training.

Figure 3: Enforcement actions increased over the last 3 years

Type of action	Fiscal year		
	2007/08	2008/09	2009/10
Corrective action request	n/a ¹	n/a ¹	8,124
Warning	33	80	137
Fine	6	30	39
Closure	13	9	14
Health hazard order	n/a ²	n/a ²	11
Prosecution recommended	n/a ²	n/a ²	0

Source: Manitoba Health and Manitoba Agriculture Food and Rural Initiatives

1 Not available as data not tracked prior to 2009/10

2 Not applicable as related legislation not in place prior to 2009/10

Health officials told us enforcement decisions were left to each inspector's discretion, within the following unwritten general guidelines:

- Warnings were to be issued when violations previously noted were not corrected
- Fines were to be levied when violations previously given warnings had not been corrected
- Health hazard orders were to be issued when fined violations were not corrected
- Prosecution was to be recommended if an establishment did not comply with a health hazard order.

Health did not have any guidelines on when establishments should be closed.

We examined a sample of 10 warnings issued by Health inspectors and reviewed past inspection reports to see if the underlying violations had been noted in prior inspections. In 50% of the cases the violation had been previously noted at least twice. That meant a warning should have been issued earlier and the warnings should have resulted in fines. Also, in 50% of the cases, there was no follow-up visit after the warning. And in 2 of the 5 cases followed up, the same violation as the 1 that triggered the original warning was found, but no further enforcement action was taken.

We also reviewed a sample of files to see if Health inspectors recommended prosecution for establishments with repeated serious violations. In 2009, Health issued 4 health hazard orders to 4 food establishments and they all received a later re-inspection. Only 1 re-inspection occurred promptly and it found all violations had been corrected. For the other 3, follow-up visits were not prompt and enforcement actions were not escalated for repeated serious violations. On average, follow-up visits for these 3 establishments occurred 55 days after the

orders were issued, even though 22 of the 51 violations were classified as high-priority by the inspector, requiring correction within 24 hours. When follow up did occur, inspectors found 16 of the 22 high-priority violations had not yet been corrected. Only 1 food establishment was fined; the other 2 received no additional enforcement.

MAFRI officials told us the inspectors had discretion to use enforcement powers. But they were expected to discuss all planned enforcement activity, beyond requesting corrective action, with the Manager of Inspection and Auditing Services before proceeding. Closure of a food establishment required the Deputy Minister's approval. By the time of our audit, MAFRI had not issued any warnings, fines, or health hazard orders since June 2009, when it first assumed responsibility for the processing plants and warehouses. Management told us the inspectors had not come across any situations requiring these higher levels of enforcement.

Recommendation 14: We recommend that MAFRI and Health ensure that inspectors use escalating enforcement action (warnings, fines, closure orders, health hazard orders, and prosecution) when repeated serious violations are not corrected.

2.5 Issuing and renewing food establishment permits

The Food and Food Handling Establishments Regulation requires all food handling establishments to complete and file a registration form approved by the Minister. It also requires all food handling establishments to operate with a valid permit, except where:

- Only non-potentially hazardous foods are sold or displayed for purchase
- Sanitation and food safety are regulated by the Federal Government or an agency of the Federal Government, by a municipality, or under another Act of the Legislature.

At the time of our audit, Health issued annual permits to food service establishments (such as retail food stores, restaurants, and mobile food units) that expired March 31 of each year. MAFRI issued permits without expiry dates to processing plants and warehouses. MAFRI officials said they planned to issue annual operating licenses under *The Food Safety Act*. No permits were transferable between persons or food establishments.

We reviewed the permitting process in other jurisdictions and found some permits expired annually, while others had no expiry date.

2.5.1 Some initial permits issued before all requirements met and annual renewals issued automatically

Both departments required permit applicants to submit registration forms with the following information: establishment name, establishment type, owner and establishment contact information, proposed opening date, and type of registration (new owner, new construction, or extensive remodel). Applicants also had to attach the proposed menu or product and equipment listings. In addition, applicants building new facilities or significantly modifying existing ones had to submit copies of building plans. Inspectors were to review these plans to ensure they complied with food safety standards and provide comments to applicants. Finally, all facilities were to be inspected, and all violations corrected before permits were issued.

We reviewed a sample of 5 food processing and warehouse files, as well as 10 food service and retail establishment files. We found registration forms were obtained and complete in most cases and inspections were completed in all cases. But violations found during the inspections were not always resolved before permits were issued.

Health inspectors automatically renewed previously issued annual permits, without any documented supporting rationale. They did not first consider the food establishment's history, including results and any outstanding violations from past inspections and complaints.

Recommendation 15: We recommend that MAFRI and Health ensure that registration forms are complete and initial permits are not issued until all requirements have been met, including resolution of any outstanding food safety standard violations.

Recommendation 16: We recommend that Health inspectors complete a documented review of a food establishment's history, including results and outstanding violations from past inspections, as well as any complaints received during the year, before renewing an annual permit.

2.6 Inspector qualifications, independence, policies and supervision

2.6.1 Inspectors had related training and experience

All of MAFRI's inspectors had over 10 years of experience inspecting dairy farms. They also received training on their expanded duties of inspecting food processing establishments and warehouses. In addition, MAFRI's inspectors job shadowed Health and CFIA inspectors and completed joint inspections with them as part of their training.

Health's inspectors were all Certified Public Health Inspectors (PHIs), or PHIs-in-training who were supervised by PHIs. All PHIs must follow a code of ethics, standards of practice, and professional development requirements set by the Canadian Institute of Public Health Inspectors.

2.6.2 Conflict-of-interest policies in place, but process requires improvement

We expected processes to be in place to ensure inspectors were independent and to manage potential conflict-of-interest situations.

Both departments followed the Province's Conflict-of-Interest Policy. It requires employees to declare any potential conflicts of interest, both when they start their job and as circumstances change. Declarations of potential conflicts must be in writing to the employee's deputy minister or designate. The Policy also requires department management to ensure potential and actual conflicts of interests are identified, monitored and resolved.

MAFRI told us all employees completed conflict-of-interest declaration forms in 2008. After that, employees completed the forms when hired. We reviewed the personnel files of 18 MAFRI employees involved with food safety activities and found only 7 files had signed conflict-of-interest declaration forms. MAFRI management told us that, in 9 cases, the forms were not completed because 2 different human resources branches of the Department both thought the other was obtaining them. In the other cases, the forms were simply missed. There were 2 cases where employees had declared potential conflicts of interest, which were both adequately communicated to MAFRI's assigned designate. MAFRI management told us the designate verbally communicated back to the employees a conclusion that no actual conflicts existed. But there was no written communication to the employees or their supervisors.

Health told us it included references to the Policy in letters of employment, both when hiring and promoting employees. We reviewed the personnel files of 33 Health employees involved with food safety activities and found they all had signed letters of offer referencing the Policy. In 4 cases, employees declared potential conflicts of interest to Health's assigned designate, who communicated

back to the employees any actions required to resolve the conflicts. But Health management told us this information was not always communicated to an employee's immediate supervisor or manager, who might be unaware of a need to manage a potential conflict of interest when assigning work to an inspector.

Given the importance attached to inspectors' independence, potential conflicts of interest should be regularly assessed. For example, it would be inappropriate for inspectors to be involved with facilities operated by family members or to accept gifts, such as free meals. Although the Province's Conflict-of-Interest Policy does not require it, MAFRI's and Health's practices could be strengthened by reminding inspectors annually of the Policy and requiring them to declare potential conflicts of interest, or indicate there are none.

Recommendation 17: We recommend that MAFRI and Health enhance inspector independence by requiring inspectors to submit signed conflict-of-interest declaration forms annually, documenting related conclusions and actions taken, and ensuring relevant information is communicated to supervisors.

2.6.3 No formal policies and procedures to guide inspectors

We expected MAFRI and Health to have formal policies and procedures to help inspectors perform their duties, with guidance on:

- Conducting and documenting inspections
- Providing correction timeframes
- Following up violations
- Using enforcement powers
- Handling complaints
- Issuing permits.

Policies and procedures would not replace the inspectors' professional judgment; they would show how to exercise that judgment and help ensure consistency between inspectors in similar situations.

At the time of our audit, both departments relied on informal policies and procedures, although Health was drafting formal policies. While reviewing establishment files during our audit, we found inconsistencies in the way inspectors documented complaints and inspections, provided correction timeframes for violations, used enforcement actions, and issued permits. More details are in sections 2.3 to 2.5. The inconsistencies may have resulted from the lack of formal documented policies, combined with insufficient communication of policies through training sessions and staff meetings.

Recommendation 18: We recommend that MAFRI and Health develop written policies and procedures to guide inspectors' professional judgment and ensure greater consistency in conducting and documenting inspections, providing correction timeframes, following up violations, using enforcement powers, handling complaints, and issuing permits.

Recommendation 19: We recommend that MAFRI and Health regularly review and update inspection policies and procedures, and communicate them to staff through training sessions and staff meetings.

2.6.4 No quality assurance reviews of inspection files by supervisors

We expected supervisors to perform and document quality assurance reviews on a sample of files from each inspector, emphasizing higher risk files. Reviews would check if:

- Policies and procedures were followed
- Appropriate documentation was kept
- Timeframes for correcting violations were reasonable
- Proper follow-up occurred promptly
- Enforcement actions were appropriate.

This would allow management to provide feedback to inspectors and to note common issues requiring resolution, such as a lack of consistency in documenting inspections, and any staff training needs.

Neither department completed quality assurance reviews. However, managers in both departments told us they reviewed files when warranted, such as when an establishment complained about an inspection.

Recommendation 20: We recommend that MAFRI and Health implement and document quality assurance reviews of inspection files.

3. Promoting preventive food safety activities and programs

3.1 Education activities

We expected MAFRI and Health to provide food safety education to consumers and food establishments, and promote preventive food safety programs to producers and food establishments. We further expected these activities to reflect stakeholder input and be risk-based.

3.1.1 Education activities could be better linked to violations and consumer education enhanced

MAFRI and Health both provided food safety educational information to consumers and food establishments through:

- Pamphlets, electronic news bulletins, and public news releases
- Website information
- Training courses
- Attendance at trade shows and conferences
- Discussions with food establishment staff during inspections.

Pamphlets at Health and MAFRI regional offices were a mix of CFIA and provincial publications. Topics included the proper use of food thermometers, kitchen food handling and cleaning tips, and food safety on farms and in processing plants. In addition, each month MAFRI distributed e-bulletins to over 300 subscribers. These bulletins had information on upcoming food safety conferences and meetings, food safety tips, information about food safety programs, and new food processing fact sheets.

MAFRI's website had food safety information for farmers, food processors, and consumers. There were 24 food processing fact sheets, covering topics such as food recalls, water safety, and validation of food safety programs. There was also consumer information, including links to the CFIA website information on food recalls, food safety tips, food allergens and allergy alerts, and safe food storage. In addition, website users could send questions to MAFRI (112 questions were received in 2009).

Health's website focused on food safety information for food service and retail food establishments. It included links to various guidelines for complying with food safety standards, issued either by Health or jointly by Health and other departments. These included guidelines for restaurant construction and design, farmers' markets, mobile food service establishments, and temporary food service

establishments. There were also links to the CFIA website and Manitoba's *Food and Food Handling Establishments Regulation*.

In 2009/10, MAFRI conducted 10 customized training sessions for individual food establishments. MAFRI also conducted 5 courses in each of the following:

- Good Manufacturing Practices (GMP)
- Hazard Analysis Critical Control Points (HACCP)
- Introduction to Internal Auditing (auditing GMP and HACCP plans).

Health's food safety inspectors delivered 10 offerings of a food safety course for food service workers in 2009/10. This was done in partnership with Assiniboine Community College (8 offerings) and University College of the North (2 offerings).

When developing educational initiatives, MAFRI and Health obtained stakeholder input in several ways. Both departments told us feedback and evaluation forms were typically completed after all course offerings and were considered when developing future course offerings. MAFRI tracked and considered information requests when developing educational material. Informally, the departments also obtained input through meetings with producer associations, food processing plants, and food service and food retail associations.

MAFRI and Health both monitored the external environment for emerging food safety issues and trends. Staff monitored food-borne illness outbreaks in other regions and many staff members subscribed to newsletters and news feeds related to food safety. Staff used this information in delivering food safety training, meeting with commodity groups, and providing public communications, such as information during the 2008 listeriosis outbreak.

MAFRI and Health did not formally identify and analyze the most critical violations of food safety standards typically found during inspections to help guide development of educational material. Such material, including posters and fact sheets, could be used by all inspectors and given to food establishments or made available online, supplementing the informal verbal education currently provided. Previously, Health provided stickers and posters about the importance of hand washing, but it did not develop material of this nature consistently.

Neither department had evaluated their food safety education efforts to see if there were any gaps or duplication of effort. In addition, despite the importance of consumer food safety awareness, neither department strongly emphasized it, nor was either department's responsibility for it clearly defined. As noted in the Background section, most food-borne illnesses can be prevented by following safe food handling practices at home. Appointing a lead department for consumer food safety education would be one way to coordinate and enhance efforts in this important area.

Recommendation 21: We recommend that MAFRI and Health better link their food safety education to trends in critical food safety standard violations found during inspections and coordinate and enhance their focus on consumer education and awareness.

3.2 Promoting food safety programs

MAFRI promoted preventive food safety programs by providing both information and financial assistance. These included Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs); and Hazard Analysis Critical Control Points (HACCP). Health did not have any programs of this nature.

GAPs are designed by national industry groups and applied to farm production processes. MAFRI officials told us there were 24 different on-farm food safety programs (programs vary, depending on the type of food produced). An example is the Verified Beef Program designed by the Canadian Cattlemen's Association.

Manitoba's GMP Program is largely based on Ontario's GMP Program. Documenting each step, establishments assess personnel and processing environment hazards and then develop and implement corrective actions and on-going monitoring procedures to meet the standards. Establishments can obtain provincial recognition (which may help them in their marketing efforts) by applying to have their GMP Program audited.

HACCP is used in the food industry to identify potential food safety hazards so that key actions, known as Critical Control Points, can be taken to reduce or eliminate the risk of the potential hazard actually occurring. Manitoba's HACCP Advantage Program is based on a collection of internationally recognized standards, codes of practice, guidelines and other recommendations relating to foods, food production and food safety. Once establishments have implemented Manitoba's HACCP Advantage Program, they can apply to have their programs audited by MAFRI to obtain provincial recognition.

Under the Federal-Provincial-Territorial "Growing Forward" initiative, the Federal Government is giving Manitoba \$12.5 million for the 4 years ending March 31, 2013 for food safety initiatives. MAFRI has allocated 60% of this funding for on-farm programs and 40% for post-farm programs. MAFRI also contributes staffing for the programs. Any unused funds at March 31, 2013 must be returned to the Federal Government.

Provincial financial assistance for food safety programs was as follows:

- Producer grants up to \$2,000 for first implementation of a national on-farm food safety program and up to \$500 for each additional commodity program implemented
- Producer grants up to \$5,000 for piloting Manitoba's GAPs
- Processor grants up to \$15,000 for implementing GMPs
- Processor grants up to \$20,000 for implementing HACCP plans.

All grants covered 90% of the eligible costs, up to the maximum amounts.

Examples of eligible costs included:

- Material and supplies for creating manuals and plans
- Consultant fees for developing and implementing recognized Provincial/Federal programs
- Facility leasing costs
- Staff training
- System audit and certification costs.

Eligible applicants successfully completing their first audit of a national on-farm food safety program, Manitoba's GAP program, or other approved programs could use any remaining implementation funds to buy approved related equipment.

For the year ending December 31, 2009, MAFRI approved 142 applications totalling \$281,000 for on-farm funding and 9 applications totalling \$236,000 for post-farm funding.

MAFRI also helped on-farm applicants by providing related training and outreach activities, as well as food safety program manuals. And MAFRI officials told us that post-farm applicants were encouraged to send their written programs to MAFRI staff for feedback. Since the start of the Growing Forward initiative, 9 applicants have been helped this way.

3.2.1 Promotion considered stakeholder input

We expected MAFRI to obtain stakeholder input to guide their food safety promotion efforts. We also expected it to promote food safety programs first and more actively to higher-risk establishments.

MAFRI met with the various commodity associations to obtain ideas for its on-farm food safety promotion efforts and information on the type of assistance wanted, such as training, manuals, and approved equipment. Eight (8) commodity group steering committees were created to help decide the direction of outreach activities and give feedback to MAFRI on its promotion efforts. In addition, MAFRI conducted research and analysis to assess each commodity's food safety risks, the

total number of commodity producers, and the percentage of those producers that had already implemented food safety programs. MAFRI then tailored its on-farm food safety system promotion efforts accordingly.

MAFRI officials told us they consulted with stakeholders on how to spend Manitoba's allocated Growing Forward post-farm funding, but not on how best to promote the implementation of food safety programs. MAFRI developed a list of about 250 processing plants eligible for funding, mailed them brochures and followed-up with phone calls. It did not focus its initial promotion efforts on higher-risk facilities. However, MAFRI officials told us they had analyzed the results of initial promotion efforts and planned to tailor future efforts to higher-risk food establishments. They also told us they were considering raising grant amounts to encourage more facilities to adopt food safety programs.

3.2.2 Some applications approved before meeting all criteria

To be eligible to receive grants, producers and food establishments had to be:

- Non-federally registered food establishments
- Operating in Manitoba with a Canada Revenue Agency business number (GST number)
- Registered or permitted to operate in Manitoba, if required by legislation
- Either a food or drink processor, transporter, warehouser or food contact packaging manufacturer (for post-farm funding).

In addition, eligible costs had to be incremental, directly related to food safety programs, and incurred after application approval.

In a sample of 10 grant payment files (5 for on-farm and 5 for post-farm), all had supporting application forms. However, 1 application was approved without proof of registration. Another was approved with some non-incremental proposed expenses, because MAFRI felt it had not clearly communicated the rules on eligible expenses. MAFRI did not document its review of application packages before approving them.

Recommendation 22: We recommend that MAFRI ensure applications for financial assistance to implement food safety programs meet the eligibility criteria before funding is approved and eligibility reviews are properly documented.

3.2.3 Implementation requirements and costs verified before funds paid, but not always well-documented

We expected MAFRI to verify that applicants met all implementation requirements for food safety programs before it paid them and to thoroughly document all verification work.

In a sample of 5 on-farm files, documentation in all 5 cases confirmed that a food safety system had been implemented. There was also documentation supporting the related expenses.

In a sample of 5 post-farm files, funding was triggered when applicants reached various milestones, such as when GMP or HACCP plans were written, implemented, and audited. Before advancing funds, MAFRI analysts verified the milestones were reached by reviewing food safety plans, visiting sites, and obtaining copies of audit certificates. The analysts then emailed the program manager saying that the processors had met the milestones and were eligible for payment. However, analysts did not thoroughly document the verification work and show that plans and site visits were satisfactory.

Recommendation 23: We recommend that MAFRI thoroughly document its verification work before it pays post-farm grant funding for implementing food safety programs.

Response of officials and summary of recommendations

The results of this audit will assist Manitoba Health and Manitoba Agriculture Food and Rural Initiatives (MAFRI) in building upon and formalizing existing processes and focusing on specific areas for enhancement.

Since the Public Health Inspection program was transferred to Manitoba Health in 2007 from the Department of Conservation and the transfer of inspection responsibilities of non-federally registered processing plants and distribution facilities to MAFRI in 2009 many efforts have occurred. These include, transition/adjustment of staff, relocation of offices, staff orientation and training, establishment of inspection processes/expectations, promotion of preventative food safety programs like Hazard Analysis Critical Control Point (HACCP), food safety educational training for food processors, development of a computerized joint inspection database and response to public health emergencies. It is recognized that a higher level of planning, clarity of roles and public education with regards to food safety will move the program forward. Regular discussion on all of these aspects occurs between MAFRI and Health; efforts to formalize and document these processes will receive increased attention.

The collaborative relationship between MAFRI and Health is evolving and as the requirements related to the recommendations are formulated additional resources may be needed by both Departments.

Food safety strategic planning

Recommendation 1: We recommend that MAFRI and Health work together to ensure their individual food safety strategic planning is integrated and that it:

- Identifies, assesses and controls risks to food safety
- Considers the appropriate mix of inspections, surveillance, industry and consumer education, and promotion of food safety programs
- Aligns resources and funding with established goals and priorities.

Response: Health and MAFRI plan to develop a Committee for Strategic Planning and designate a coordinator to ensure action is implemented. A senior level of ADMs from both Departments, to which the Committee and Coordinator will report, has been established. An Operational Working Group will address specific issues under the oversight of the Strategic Committee.

Performance measurement

Recommendation 2: We recommend that MAFRI and Health set measurable targets for inspections and food safety programs – including indicators of effectiveness, as well as outputs – and periodically compare results to targets to identify any actions required to respond to trends and improve results.

Response: Performance measurement, goals, and targets will be included as a component of the Health, MAFRI strategic plan. The joint inspection database will assist in setting targets.

Recommendation 3: We recommend that MAFRI and Health enhance publicly available information on food safety to include data on compliance with food safety standards.

Response: MAFRI and Health will establish a joint report on the outcome of food safety inspections.

Coordinating areas of shared provincial responsibility

Recommendation 4: We recommend that MAFRI and Health, together with the City of Winnipeg, fully document their respective inspection responsibilities, including responsibilities for facilities with mixed operations and exceptions to responsibilities based on established geographical boundaries.

Response: Formal definitions of responsibilities will be developed building on the discussions that have occurred to date. A formal Memorandum of Understanding between jurisdictions will be established, where practical.

Food safety standards

Recommendation 5: We recommend that MAFRI and Health periodically review and update food safety standards in Manitoba to ensure they are consistent with those in most other Canadian jurisdictions.

Response: Health will be reviewing *The Food and Food Handling Establishments Regulation* under *The Public Health Act*.

MAFRI will utilize national food safety standards like the *National Dairy Regulation and Code*, review other Canadian jurisdictional food safety legislation and consider trends in international food safety legislation when drafting food safety regulations under *The Food Safety Act*.

Recommendation 6: We recommend that MAFRI and Health prepare a documented analysis of the costs and benefits of requiring food handler training in Manitoba that considers using web-based training already developed by other jurisdictions.

Response: MAFRI and Health will carry out this analysis within the Operational Working Group.

Obtaining and maintaining food establishment information

Recommendation 7: We recommend that MAFRI and Health ensure that all staff record inspections and complaints in the Hedgehog database, update food establishment information during inspections, and document work to test the accuracy and completeness of the database and assess its effectiveness.

Response: MAFRI and Health will develop a joint policy on the utilization of the Hedgehog database and train staff relative to the policy.

Conducting inspections

Recommendation 8: We recommend that MAFRI and Health use a risk-based approach to set the priority and frequency of inspections. This should include development of evidence-based risk factors and risk ratings for facilities, and consider the inspection frequency in other provinces.

Response: MAFRI and Health will explore operational models for risk-based approaches aimed at establishing a suitable system for Manitoba inspections. This will include looking at modifying the Hedgehog database to facilitate risk-based inspection.

Recommendation 9: We recommend that MAFRI and Health inspectors conduct all routine inspections on an unannounced basis, with some during times when higher risk activities are likely to occur, and that they document the time of their inspections.

Response: For the most part, unannounced inspections will occur in most food handling establishments. In some instances, for example, inspections for new permits need to be scheduled to ensure availability of owner/manager and re-inspections also need to be scheduled. MAFRI and Health will develop a written policy to guide staff.

Recommendation 10: We recommend that MAFRI and Health improve inspection documentation to ensure that:

- All checklist questions are answered
- Violations and required corrective actions are clearly described
- Inspection reports are signed by both inspectors and establishment representatives.

Response: MAFRI and Health will undertake joint inspection policy development, staff training and monitoring to ensure completeness of documentation, where practical.

Recommendation 11: We recommend that MAFRI use current risk assessments to develop and periodically update service standards for outsourced inspections and ensure those standards are being met.

Response: MAFRI will develop written policy for outsourced inspections and will develop audit procedures to ensure policy standards are being met wherever possible.

Recommendation 12: We recommend that MAFRI expedite updating *The Dairy Regulation* to reflect its assessment of the related food risk and, in the interim, ensure that dairy farms with a history of serious and repeat violations continue to be inspected.

Response: MAFRI will develop *The Dairy Regulation* as part of the food safety regulations being developed under *The Food Safety Act*. In the interim, MAFRI will continue to inspect high-risk dairy producers.

Following up violations and escalating enforcement

Recommendation 13: We recommend that MAFRI and Health ensure all violations are promptly followed up and corrected, with a focus on critical violations.

Response: MAFRI and Health will develop protocols for follow up and staff training. In addition, Departments will explore options in the Hedgehog database to facilitate an automated notification system for staff.

Recommendation 14: We recommend that MAFRI and Health ensure that inspectors use escalating enforcement action (warnings, fines, closure orders, health hazard orders, and prosecution) when repeated serious violations are not corrected.

Response: MAFRI and Health will develop a policy to achieve this. The Operations Working Group will oversee the implementation of the policy.

Issuing and renewing food establishment permits

Recommendation 15: We recommend that MAFRI and Health ensure that registration forms are complete and initial permits are not issued until all requirements have been met, including resolution of any outstanding food safety standard violations.

Response: MAFRI and Health will develop a protocol for this.

Recommendation 16: We recommend that Health inspectors complete a documented review of a food establishment's history, including results and outstanding violations from past inspections, as well as any complaints received during the year, before renewing an annual permit.

Response: MAFRI and Health will develop a joint policy/protocol for this, where practical. The Hedgehog database will be utilized to assist in the documented review.

Inspector qualifications, independence, policies and supervision

Recommendation 17: We recommend that MAFRI and Health enhance inspector independence by requiring inspectors to submit signed conflict-of-interest declaration forms annually, documenting related conclusions and actions taken, and ensuring relevant information is communicated to supervisors.

Response: MAFRI and Health will work with the Civil Service Commission to establish this process.

Recommendation 18: We recommend that MAFRI and Health develop written policies and procedures to guide inspectors' professional judgment and ensure greater consistency in conducting and documenting inspections, providing correction timeframes, following up violations, using enforcement powers, handling complaints, and issuing permits.

Response: MAFRI and Health will develop inspection and enforcement policies, jointly where practical. Existing policies and procedures will be reviewed, modified where necessary and documented.

Recommendation 19: We recommend that MAFRI and Health regularly review and update inspection policies and procedures, and communicate them to staff through training sessions and staff meetings.

Response: MAFRI and Health will review inspection and enforcement policies on a regular basis, and communicate these to staff through joint training sessions.

Recommendation 20: We recommend that MAFRI and Health implement and document quality assurance reviews of inspection files.

Response: MAFRI and Health will establish a process to review inspection files.

Education activities

Recommendation 21: We recommend that MAFRI and Health better link their food safety education to trends in critical food safety standard violations found during inspections and coordinate and enhance their focus on consumer education and awareness.

Response: MAFRI and Health will review critical food safety violations and based on the information will modify education programs offered to food establishments. Consumer education and awareness is a multi-jurisdictional responsibility and MAFRI and Health will look for opportunities to coordinate efforts in various federal/provincial/territorial/municipal forums such as the Federal/Provincial/Territorial Food Safety Committee or the provincial Food Safety Advisory Committee.

Promoting food safety programs

Recommendation 22: We recommend that MAFRI ensure applications for financial assistance to implement food safety programs meet the eligibility criteria before funding is approved and eligibility reviews are properly documented.

Response: MAFRI has implemented the recommendation.

Recommendation 23: We recommend that MAFRI thoroughly document its verification work before it pays post-farm grant funding for implementing food safety programs.

Response: MAFRI has implemented the recommendation.

