

**6.****AGRICULTURE AND FISHERIES -  
FOOD SAFETY****BACKGROUND**

**6.1** Throughout the years, the Government of Nova Scotia has fulfilled its responsibilities for food safety through a number of different departments. The Department of Health was responsible for inspection and enforcement relating to food service establishments (e.g., restaurants and cafeterias). The Department of Agriculture and Marketing, and related agencies, had certain responsibilities for meat and milk safety. The Department of Environment had responsibilities in areas where food service was a part of the activities of an entity the Department would routinely inspect (e.g., campgrounds). The Department of Fisheries and Aquaculture monitored the safety of food produced in certain fish processing plants. In the early 1990's, the food safety inspection responsibilities of the Department of Health were transferred to the Department of the Environment.

**6.2** Decades ago, regulating food safety in food service establishments was the responsibility of boards of health which reported to the various municipalities. Each board had considerable autonomy in this function, and this resulted in different food safety regulations and practices throughout the Province. Eventually, the boards were disbanded and their responsibilities were assumed by various Provincial government departments. However, at the time of our audit, a multitude of regional regulations still existed.

**6.3** In 1993, a joint steering committee representing Federal, provincial, territorial and municipal authorities from agriculture, fisheries and health agencies launched the Canadian Food Inspection System initiative in response to a need for a comprehensive approach to food inspection in Canada. In 1994, the Federal, provincial and territorial Ministers of Agriculture established the Canadian Food Inspection System Implementation Group to take a lead role in developing a process to harmonize national food inspection systems. The Group published a report in 1997 outlining a blueprint for the process (see Exhibit 6.1 on page 113).

**6.4** In response to these initiatives, and through consultation among representatives from the Departments of Agriculture and Marketing, Environment, Fisheries and Aquaculture, and Health, the Province of Nova Scotia's new food safety program was created. The Department of Agriculture and Marketing was made responsible for areas related solely to food (food service establishments, meat and dairy), while those areas with a joint food and environmental component (day care centres and campgrounds) remained with the Department of the Environment. The Department of Fisheries and Aquaculture retained its licensing and inspection responsibilities for fish processors.

**6.5** In 2000, the Department of Fisheries and Aquaculture amalgamated with the Department of Agriculture and Marketing to form the Department of Agriculture and Fisheries. The new Department is organized into six branches: Agriculture Services; Legislation and Compliance Services; Industry Development and Business; Fisheries and Aquaculture; Policy, Planning and Communications Co-ordination; and the Nova Scotia Agricultural College. The organizational structure of the Department is illustrated in Exhibits 6.2 and 6.3 on pages 114 and 115.

**6.6** Under the Legislation and Compliance Services Branch, Quality Evaluation Division, the Food Safety Section is responsible for the inspection and licensing of food service establishments, the meat inspection program, and dairy field inspections. These activities are mandated by the

Health Act, the Meat Inspection Act, the Dairy Commissions Act, and related regulations. The Fisheries Licensing and Inspection Section is responsible for matters related to the buying and processing of fish under the Fisheries and Coastal Resources Act and Fisheries Inspection Regulations.

**6.7** Nonetheless, food safety remains a joint Federal-Provincial responsibility. The Federal government, through the Canadian Food Inspection Agency, is responsible for Federally-registered food processors, as well as food processed or served in Federal organizations or on Federal lands. Generally, a company must be Federally registered if its food products cross national or provincial boundaries. The Federal government's responsibilities for food safety come from the Canada Food and Drug Act. This legislation includes powers for food recall.

**6.8** The Nova Scotia food safety program is generally responsible for foods processed, sold and served in the Province. The Province is responsible for licensing all fish processors in Nova Scotia. However, since most fish processors in the Province export a portion of their product, they are Federally registered and subject to inspection by the Canadian Food Inspection Agency. The Province relies on these inspections as support for the granting of licences. Because few fish processors produce for only local markets, the Canadian Food Inspection Agency has agreed to inspect these operations on behalf of the Province. The Department has signed a memorandum of understanding with the Canadian Food Inspection Agency to address fish food safety, and works closely with the Agency to coordinate their respective responsibilities.

**6.9** Water is included in the scope of the food safety system when it is served by a food service establishment or bottled and sold at the retail level. The Province inspects water served by food service establishments. Bottled water is regulated by the Canadian Food Inspection Agency because it is listed as a processed food product under the Canada Food And Drug Act.

**6.10** The Food Safety Section of the Department of Agriculture and Fisheries has a staff of 28 full-time employees and up to 12 part-time employees, depending on the time of year. Its budget for the 2000-01 fiscal year was \$1,350,900. It is responsible for inspecting approximately 5,300 food service establishments, 374 dairy producers, 9 dairy processors, and 20 meat plants. Approximately 275 fish processing plants requiring a Provincial licence are inspected by the Canadian Food Inspection Agency.

## **RESULTS IN BRIEF**

**6.11** The following are our principal observations from this audit.

- Under the Health Act, there are a number of municipal regulations related to food service establishments. This results in differences throughout the Province in licensing, inspection and other compliance requirements. The Department is preparing new regulations for food service establishments to replace existing Provincial and various municipal regulations. The Department is also developing new regulations for slaughterhouses and meat processing plants. Each set of new regulations is based upon national standards and codes of practice developed by the Canadian Food Inspection System Implementation Group. These are based on scientific risk assessment and management principles.
- The respective licensing, inspection, enforcement and other responsibilities of the different entities involved in the food safety system appear to be well defined.
- The Department has developed policies and procedures to guide staff. Except in the case described below, we found policies to be consistent with legislation and regulations.

- Churches, fire departments and other volunteer organizations can hold up to six events each year in which food is served without requiring a formal inspection by the Department of Agriculture and Fisheries. Organizations are required to obtain a Temporary Events Licence from the Department when food is involved, and there is generally a review of food preparation, transport, storage and serving practices by a Food Safety Specialist prior to granting the licence. However, any advice from the inspector is provided in good faith and there is no follow-up to determine if the advice was acted upon. We could find no support for such an exemption in the Health Act, and consequently the policy may not be in compliance with Provincial legislation. We did note that the exemption is specified in draft regulations awaiting finalization and approval.
- We observed weaknesses in the system with respect to day care centres. Day care centres are inspected by the Department of Environment and Labour. Many centres serve food, and in such cases the inspection will address issues relating to food safety. The current system does not ensure that all day care centres are inspected on a regular and timely basis. In addition, the manner of determining the frequency of inspections for day care centres is different from that used by the Department of Agriculture and Fisheries for food service establishments, and the licensing of day care centres is inconsistent from region to region.
- We reviewed a sample of inspection files to determine if the Department's monitoring and inspection systems were operating effectively to ensure food safety requirements outlined in legislation, regulations and policies were being met. We found that systems were operating satisfactorily. However, we had a number of observations relating to weaknesses in file documentation and errors in the recording of inspection information in the Food Safety Section's computer database.
- Based on our review of a sample of files, inspection frequency targets were generally met in 2000. However, a new risk-based policy requiring more frequent inspections is being implemented in the Food Safety Section. When the new policy is fully implemented, substantially more inspections will be required on an annual basis. We are concerned that the Department may not be able to meet the revised inspection frequencies and we recommended that the Department develop a strategy to address the increased demand the new policy will place on its staff and other resources.
- The Food Safety Section has good systems for ensuring the competency of its staff. Standards have been set for the educational and professional requirements of inspection and management staff. Regular training is provided to keep staff current on issues relating to food safety. There is a system for monitoring and evaluating the performance of staff.
- We recommended a system of periodic rotation of inspectors among the body of food service establishments they inspect, where it is practical.
- We observed room for improvement in the Department's reporting on performance with respect to its food safety responsibilities.

## AUDIT SCOPE

**6.12** In March 2001 we completed a broadscope audit in the Department of Agriculture and Fisheries. The assignment was conducted under the mandate established by Section 8 of the Auditor

General Act. Our audit was performed in accordance with auditing standards established by the Canadian Institute of Chartered Accountants and accordingly included such tests and other procedures as we considered necessary in the circumstances.

**6.13** Our audit focused on the Provincial food safety system, notably in the areas of standards, compliance, enforcement, competency and accountability. More specifically, the objectives of this assignment were to assess the Department's:

- process for developing and promulgating food safety standards;
- monitoring, inspection and other activities as they relate to the food safety requirements of legislation, regulations and/or policy;
- systems for the enforcement of Provincial legislation and regulations related to food safety;
- processes to ensure the competency of personnel involved in food safety inspections, enforcement and training activities; and
- accountability framework and reporting with respect to food safety.

**6.14** Audit criteria were developed to assist in our assessment of the systems and practices of the Department. The audit criteria were discussed with and accepted as appropriate by senior management of the Department and are outlined in Exhibit 6.4. Our audit procedures included interviews with management and staff, testing of inspection files, as well as an examination of other documents. Because certain food safety compliance procedures are undertaken by the Department of Environment and Labour, we performed some testing in that Department as well.

## PRINCIPAL FINDINGS

### *Standards*

**6.15** *Standards development* - The development of food safety regulations begins with an identified need to create or change a standard. This need may become apparent from several sources, such as national, international or industry developments, or as a result of an analysis of inspection results. Research and consultation with industry and the public occur before changes to regulations are finalized and presented for approval to Executive Council.

**6.16** The Department is preparing new regulations for food service establishments to replace existing Provincial and various municipal regulations. In keeping with national and international developments, the draft regulations are focused on areas of risk related to food handling and preparation and are supported by separate codes of practice and guidelines. The standards and codes of practice proposed for adoption in the new regulations were developed through the Canadian Food Inspection System Implementation Group (CFISIG), based on scientific risk assessment and management principles. The proposed new regulations represent a move away from detailed, prescriptive rules towards a more flexible system which will allow for changes in food technology and operational procedures. Accordingly, the new regulations will not have to be revised every time a change is made to a standard or code.

**6.17** The Department is also developing new regulations for slaughterhouses and meat processing plants to replace existing regulations. Similar to those proposed for food service establishments, the draft regulations are based upon national standards and codes of practice developed through CFISIG.

**6.18** The draft regulations for food service establishments and meat plants have been in development for the past two to three years and management expects the consultation and approval process will be completed during 2001.

**6.19** *Public education* - The Department considers education to be an essential component of the food safety system. Educational efforts are aimed at food service workers specifically, as well as the public in general. The Department has developed training courses for food handlers both in the service industry and in community organizations. Training and certification of bulk milk drivers in the dairy industry - a requirement under Provincial regulations - is also provided by the Department.

**6.20** The Department's internet web-site provides links to information on food safety and is easily accessible to the public. The information, in the form of fact sheets which can easily be printed, is updated periodically. Newspaper articles, public information bulletins and displays at special events are other methods the Department uses to publicize food safety issues.

**6.21** Department staff were also recently involved in a national initiative (The Canadian Partnership for Consumer Food Safety Education), along with representatives from Federal and other provincial governments and industry, to promote food safety in the public school system (see Exhibit 6.5 on page 117). Information and programs from this initiative are available to schools throughout Nova Scotia.

### ***Compliance***

**6.22** *Legislation* - Food safety is mandated under several pieces of Provincial legislation as described in paragraph 6.6 (see also Exhibit 6.6 on page 118). Department inspectors are responsible for ensuring compliance with all food safety provisions. The Department has developed policies and procedures to guide staff. Except in the case described below, we found policies to be consistent with legislation and regulations.

**6.23** We observed that churches, fire departments and other volunteer organizations can hold up to six events each year in which food is served without requiring an inspection by the Department of Agriculture and Fisheries. These groups are not required to equip kitchen facilities to the same extent as restaurants. Organizations are required to get a Temporary Event Licence from the Department when food is involved, and there is generally a review of food preparation, transport, storage and serving practices by a Food Safety Specialist prior to granting the licence. However, any advice from the inspector is provided in good faith and there is no follow-up to determine if the advice was acted upon. We were told that this exemption was provided to volunteer organizations in recognition of the valuable service they provide to society. However, we could find no support for such an exemption in the Health Act, and consequently the policy may not be in compliance with Provincial legislation. We did note that the exemption is specified in draft regulations awaiting finalization and approval.

**6.24** Under the Health Act, there are a number of municipal regulations related to food service establishments. This results in differences throughout the Province in licensing, inspection and other compliance requirements. For example, in the Town of Kentville, a grocery store is required to be licensed and inspected. In the surrounding Municipality of Kings County, there is no such requirement. In the municipalities of Colchester and Yarmouth there are certification requirements for food service workers which are not a requirement in most other municipal jurisdictions. As described in paragraph 6.16, the Department is developing new regulations for food service establishments which will eliminate the inconsistencies in licensing and other requirements.

**6.25** *Licensing* - Food service establishments are subject to Provincial licensing and inspection requirements. The Department administers the licences, which includes collecting the fees, recording information on licence holders, and issuing the licences. Licences are renewed annually and expire on March 31 each year. Prior to the end of March, renewal notices are sent to the current list of licence holders and the licences are renewed when the fee is paid. There is no formal process to ensure that all establishments that require a licence have been licensed, especially new establishments which opened during the year. The Department relies on informal communication with other departments and municipalities and monitoring by inspectors in the communities to ensure all establishments are licensed.

**6.26** The Department does not require an establishment to be inspected immediately prior to the renewal of its licence. Section 4(2) of the Eating Establishments (Provincial) Regulations states that a licence shall be renewed annually “*only upon receipt of a written recommendation... indicating that the eating establishment continues to conform to these regulations.*” Management considers that, as long as an inspection has taken place sometime during the year, the requirement is satisfied. However, an inspection is required prior to issuing a first-time licence to a new establishment.

**6.27** As described in paragraph 6.4, and as outlined in a memorandum of understanding between the Department of Agriculture and Fisheries and the Department of Environment and Labour (DOE&L), food service inspections for day care centres and campgrounds are performed by public health inspectors employed by DOE&L, in conjunction with their other regulatory inspection responsibilities. Management of DOE&L informed us that they do not have a complete list of the day care centres and campgrounds that require a food service licence and they cannot be sure that all such facilities have been inspected. We were informed by DOE&L officials that day care centres and campgrounds are the responsibility of the Departments of Community Services and Tourism and Culture, respectively. Inspections of these facilities are carried out when DOE&L is notified by the appropriate department that an inspection is required. Inspectors individually schedule the inspections and forward copies of the food service inspection reports to the Department of Agriculture and Fisheries. We recommended that a communication strategy be developed to facilitate better sharing of information and increase assurance that all day care centres and campgrounds are inspected on a regular and timely basis.

**6.28** We also found that the Department of Agriculture and Fisheries was not consistent in its handling of the day care centre information that it received. In some cases, day care centres were registered for food service licences and fees collected when inspection reports were received from DOE&L. In other cases, they were not registered for a licence and fees were not collected. Management informed us that information to complete the licensing process was not always provided in the inspection reports. Management indicated that the day care centres missed would be included in the licensing process in 2001.

**6.29** Under the Meat Inspection Act, slaughterhouses and meat processing plants are required to be licensed and inspected in order to operate. Licences are administered by the Department in a manner similar to that for food service establishments. Under the Dairy Commission Act and Regulations, dairy producers and processors are required to be licensed and inspected. Licence administration is the responsibility of the Nova Scotia Dairy Commission.

**6.30** The Department issues and administers licences for fish processing plants in accordance with the Fisheries and Coastal Resources Act. Based on a memorandum of understanding between the Department and the Canadian Food Inspection Agency, the Agency provides the inspection services required under Nova Scotia legislation and regulations. Yearly renewal of a fish processing licence is conditional upon completion of the annual inspection and certification that the plant meets the regulatory requirements.

**6.31** *Inspections* - The Department has established a risk-based approach to inspections that focuses on potential hazards in a food service establishment. Establishments are assessed as high, medium or low risk based on, among other factors, the types of food prepared, the clientele served and inspection history. The assessment determines the number of inspections to be performed each year (see Exhibit 6.7 on page 119). As a minimum, one inspection is required for each establishment each year. The standard inspection report is designed for exception reporting and is generally used only to note compliance violations. Follow-up inspections are carried out when compliance violations are noted, based on the severity of the violation and related risk.

**6.32** Under the meat inspection program, all animals are required to be inspected prior to slaughter, during the slaughtering process, and through to the final meat product. Thus an inspector must be present at a slaughterhouse whenever it is operating. There are twenty slaughterhouses in the Province. Five are in operation at least three days a week, with the others operating less frequently. The Department ensures compliance with regulatory requirements by scheduling inspectors to be on-site whenever a meat plant is in operation.

**6.33** The Department also carries out inspections of dairy producers and processors on behalf of the Dairy Commission. There are 374 dairy producers (farms) that require inspection. The inspections focus on the general conditions of the farm, sanitation and maintenance. The inspectors are also involved in quality assurance through the collection of milk samples for laboratory testing. Each farm is scored out of a maximum of 100 points, with minimum score requirements for specific areas of concern. Failure to achieve a minimum score requirement will result in a follow-up inspection. A farm earning a total score of 98 or more which meets all minimum requirements in each category may be exempted from an inspection in the following year. Annual inspections are required for all producers achieving farm scores of less than 98.

**6.34** Dairy processors (i.e., plants) exporting products outside of the Province are required to be Federally registered and licensed, and are subject to inspection by the Canadian Food Inspection Agency. Processors who serve only local markets are Provincially licensed and inspected. At the time of our audit, there were nine Provincially licensed dairy processors. The Provincial inspection process and report are based on the system used by the Federal inspectors, which is derived from the national Dairy Regulations and Code developed through CFISIG. A minimum of two inspections per year are performed with follow-up inspections when there are significant compliance violations.

**6.35** As described in paragraph 6.8, inspections at fish processing plants are performed by Federal inspectors. The inspections are carried out in accordance with a quality management program developed by the Canadian Food Inspection Agency (CFIA). The program requires all plants to develop and implement a quality control program. The Department has a copy of CFIA policy manuals which outline the inspection process, along with compliance and enforcement strategies. The Department is confident that the work of CFIA meets all of the regulatory requirements of Provincial legislation.

**6.36** We reviewed a sample of inspection files to determine if the Department's monitoring and inspection systems were operating effectively to ensure food safety requirements outlined in legislation, regulations and policies were being met. We found, generally, that systems were operating satisfactorily. However, we have a number of observations to report.

**6.37** We selected 55 food service establishments from the list of current licence holders for 2000 and reviewed the related inspection files. We observed that 48 of the establishments were inspected during the year, three had closed or otherwise did not require an inspection, and four had not been inspected. Of the four establishments not inspected, one was rated as high risk, one as medium risk, and two were low risk. We were informed that the high and medium risk establishments were subsequently scheduled for inspection in early 2001. We were also told that inspections of low risk

establishments are sometimes deferred to the following year in order to ensure higher priority establishments - those rated as high or medium risk - are inspected on a timely basis. This was consistent with our observation that some of the low risk establishments in our sample were inspected in 2000 but not inspected in 1999.

**6.38** We observed that documentation in inspection files was not always consistent or complete. For example, some inspection reports were missing the inspection date and licence expiry date, others were missing the establishment's risk rating, and in one case the inspector's signature was not on the report. We also noted two instances where inspection reports were missing from the file. Further, we observed that when food safety violations were noted on inspection reports, they were not always properly referenced to the applicable risk category item listed on the report. We recommended that formal standards and guidelines for documentation of inspections be established and that reports be reviewed periodically to ensure standards are being followed.

**6.39** We found a number of instances where a significant safety violation was noted on an inspection report, but no follow-up inspection was scheduled and there was no explanation provided in the file. We were subsequently provided with satisfactory explanations for why follow-up inspections were not necessary in those circumstances. In most cases, the explanation was that the matter leading to the violation was corrected before the inspector left the food establishment's premises. We recommended that all such information be documented in the files to provide complete support for inspection activities.

**6.40** Food service establishment inspection files consist of paper files, including inspection reports and other documentation, and an electronic database where information from the inspection reports is recorded. We observed a number of discrepancies between the information documented on the inspection reports and in the database including risk rating differences and reinspection dates not recorded or recorded incorrectly. Most of the discrepancies were explained as data entry errors which raises a concern about the integrity of the data upon which management relies to monitor inspection activities. We recommended a system of quality control be developed and implemented, including periodic review and comparison of paper and electronic files, and monitoring of computer data changes.

**6.41** From our review of inspection files, we noted that Department of Environment and Labour inspection reports for day care centres are similar to the ones used by Department of Agriculture and Fisheries inspectors. However, we observed a difference in the approach to inspections by the two departments. It appears that the day care centres are not assigned a risk rating and are only inspected once a year, as required for their operating licence through the Department of Community Services. Under the Department of Agriculture and Fisheries' policy, every food service establishment requires an assessment of the risks associated with food service operations and the population served. The risk assessment rating determines the number of inspections required during the year. Discussions with Department of Agriculture and Fisheries officials suggest that some day care centres would likely be visited more than once per year if rated and inspected in a manner similar to other food service establishments. We recommended that Department officials undertake discussions with DOE&L officials to develop an approach for day care centre inspections which is appropriate and consistent with the treatment of other food service establishments.

**6.42** *Inspection frequency* - A number of years ago, the former Department of Agriculture and Marketing established a policy for determining the minimum number of inspections a food service establishment required each year, based on a risk assessment process. Low and medium risk establishments required at least one inspection per year and high risk establishments required one or two inspections per year, depending on inspection history.



**6.43** In the fall of 1999, the policy was revised and new inspection targets were established based on research into food safety risks and optimal inspection frequencies. Low risk establishments now require one inspection, medium risk establishments require two inspections, and high risk establishments require three inspections per year. The revised policy was introduced in 2000 using a phased-in approach and management expects it to be fully implemented by the end of 2001. Based on our review of files, inspection frequency targets were generally met in 2000. However, in most cases the targets were the lower ones, based on the old policy. Had the new policy been fully implemented, substantially more inspections would have been required. Also, as stated in paragraph 6.37, inspections of low risk establishments are sometimes deferred to the following year to allow for higher priority inspections. We are concerned that the Department may not be able to meet the revised inspection frequencies and we recommended that the Department develop a strategy to address the increased demand the new policy will place on staff and other resources.

**6.44** *Complaints* - The Department has developed a system to record and follow up on consumer complaints relating to food safety. Complaints are documented on a standard form and classified according to the type of complaint, for example, food borne illness or unsanitary conditions. An inspector carries out an investigation and documents the results on an inspection form. Complainants are informed of the result of the investigation, if appropriate.

### ***Enforcement***

**6.45** *Roles and responsibilities* - Enforcement powers for compliance with food safety provisions are outlined in a number of Acts. Enforcement powers under the Health Act and Regulations (primarily those relating to food service establishments) may be exercised by a medical officer appointed by the Department of Health. The Department of Agriculture and Fisheries has a formal understanding with the Department of Health to coordinate the responsibilities of each department with respect to the enforcement of food safety. Agriculture and Fisheries has also developed a policy statement which further describes the enforcement roles and responsibilities of its inspectors and management.

**6.46** Enforcement powers for compliance with the Meat Inspection Act and Regulations are directly under the mandate of the Department of Agriculture and Fisheries. Under the Dairy Commission Act and Regulations, final authority for enforcement rests with the Dairy Commission. The respective Acts and regulations define responsibilities for enforcement.

**6.47** Enforcement of compliance with food safety provisions of the Fisheries and Coastal Resources Act and the Fish Inspection Regulations, as noted in paragraph 6.35, is carried out by Federal inspectors. Roles and responsibilities are clearly defined in policy and procedures manuals, as well as in a memorandum of understanding with the Canadian Food Inspection Agency.

**6.48** *Enforcement procedures* - Where there is an immediate risk to human health, enforcement under the Health Act may involve seizing and destroying unsafe or unwholesome food, or closing a food service establishment. These measures are carried out by the Department's inspectors upon authorization (order) by a medical officer of the Department of Health. Management indicated that the Department has a good working relationship with the Department of Health and is able to obtain the required authorizations without difficulty.

**6.49** Where the threat to human health is not immediate, but a food service establishment is found to be in violation of the Act and regulations, the owner is provided an opportunity to correct the problem. A follow-up inspection is also carried out. The number of opportunities an owner is given to address a problem, and the amount of time, are determined by the individual inspector and based upon the nature of the problem and the related health risk. If the problem is not rectified, the inspector may call upon management to intervene, and possibly initiate an action against the owner, such as licence suspension or cancellation.

**6.50** Through discussion with management and inspection staff, we found that the inspectors, in general, believe they have enough guidance, training, and experience to handle compliance issues. Inspectors promote compliance through suggestions for improvement when conducting inspections and teaching food handler courses. Inspectors believe they are well supported by management and generally have enough authority to enforce serious compliance violations. However, there was some indication that additional authority would decrease the number of less serious compliance violations and, consequently, reduce the number of follow-up inspections required. Since the new regulations are still in draft format, there is now the opportunity to develop stronger or new enforcement provisions. We encouraged the Department to research the enforcement tools used in other jurisdictions - such as ticketing, fees based on inspection experience, and posting of inspection results - for appropriateness and practicality for Nova Scotia.

**6.51** *Appeals* - Specific appeal procedures are provided in various Acts and regulations. Under the Health Act, an establishment owner must be provided the opportunity to appear before the medical officer to show cause why an order to close an establishment or seize food should not be made. Similarly, under the Dairy Commission Act, a milk producer or processor may have a hearing with the Dairy Commission before a licence is suspended or canceled. Appeals under the Meat Inspection Act are heard by the Meat Inspection Board. We were informed that membership on the Meat Inspection Board has lapsed, and there is currently no Board to hear appeals. However, a special appeal panel could be assembled if required. It is expected that the new regulations currently being drafted, as noted in paragraph 6.17, will amend the meat inspection appeal procedures.

**6.52** *Food-borne illness outbreaks* - A protocol has been established for investigating food-borne illness outbreaks, and roles and responsibilities are documented in a manual. A medical officer of the Department of Health is designated as the outbreak team leader. The food safety inspectors' responsibilities include inspecting alleged problem establishments, documenting case histories and collecting food samples.

### **Competency**

**6.53** *Qualifications* - The Department has two classifications of inspectors. Employees hired as food safety specialists are required to be a Certified Public Health Inspector (Canada) - CPHI(C), a professional designation awarded by the Canadian Institute of Public Health Inspectors. Food safety technicians are required to have a diploma in Animal or Food Science Technology or equivalent training and experience. We were informed that, in 2000, all of the Department's food safety inspectors successfully achieved certification as a Food Safety Professional (CFSP) through the American National Environmental Health Association. They also successfully completed an internationally recognized food service management program (ServSafe) which emphasizes current food safety practices within the industry.

**6.54** *Training* - New employees receive training in job responsibilities through accompanying an experienced inspector on a variety of inspections. This "on-the-job" training generally takes several weeks. Depending on qualifications and experience, new employees carry out initial unaccompanied inspections in establishments rated as low risk.

**6.55** To maintain the CFSP certification, inspectors are required to pursue related professional development and training. Credential renewal is every two years from the date of certification. In the past two years, the Department has provided an annual two-day training session to present specific food safety topics to staff. Management has expressed commitment to providing training opportunities for staff to fulfill recertification requirements, as well as to tracking staff participation in training sessions.

**6.56** *Performance monitoring* - For purposes of food safety, the Province is divided into three regions, each under the responsibility of a Regional Manager. Regional Managers report directly to the Section Manager (see Exhibit 6.3 on page 115). Inspectors are located at the three regional offices, as well as seven field offices throughout the Province.

**6.57** Management assesses the performance of new employees through close supervision and review of inspection documents. As well, the Department has implemented the performance appraisal system developed for all employees of government. The Regional Managers evaluate the performance of inspectors annually, comparing individual performance against goals established at the beginning of the year. The appraisal process identifies areas of strength, as well as concerns which need to be addressed over the next evaluation period.

**6.58** The Department does not have a specific conflict of interest policy for inspectors. However, all staff are expected to comply with government's Code of Conduct for Civil Servants and inspectors are bound by the code of ethics of their professional associations. Management relies on supervision and the professionalism of staff to ensure inspectors remain unbiased and objective in the performance of duties. If a complaint is made against an inspector it is investigated immediately by the Regional Manager.

**6.59** Ongoing monitoring of inspectors is carried out through regular, daily and weekly contact, periodic staff meetings, and monthly reviews of activity, inspection and expense reports. In addition, the Regional Managers, on an annual or bi-annual basis, accompany each inspector on an inspection to assess techniques and coverage.

**6.60** The Department has not established specific performance standards for inspectors, such as time to complete an inspection or number of inspections in a period. Management indicated that they use informal inspection guidelines to regularly monitor the performance of inspectors.

**6.61** With respect to government programs which include routine inspections, we believe that control can be strengthened by rotating individual inspectors throughout the population of entities being inspected. Such a practice would discourage biased treatment of an organization by an inspector because the inspection results may be subject to review by another inspector at a later date. Other than for the meat safety program, there is little routine rotation of food safety inspectors in the Department. We agree with management's assessment of the difficulty of rotating inspectors serving rural areas because of the small number of staff and large geographic areas involved. However, we recommended that the Department consider a system of inspector rotation for the urban areas where it may be practical.

**6.62** At the time of our audit, there was limited monitoring of meat plant inspectors. Through the scheduling and rotating of inspectors among the meat plants and weekly statistical reporting by the inspectors, management gains some assurance that inspections are being done properly. However, detailed inspection reports are filed at the respective meat plants, and copies are not regularly submitted to the regional or field offices. If an issue arises, the Section Manager may visit the meat plant and review the file. The position of Senior Meat Inspector was created in 2000 and assigned responsibility for development of a code of practice for meat inspections and a professional development plan for inspectors.

**6.63** *Policies* - The Department has developed policies and guidelines to assist inspectors in the performance of their responsibilities. Policies and guidelines are not maintained in a formal manual, but are distributed to staff as developed.

**6.64** Preliminary work on developing an orientation manual for new staff was done in early 2000. A number of available documents and resources were identified, with some amendments required.

A manual has been developed in one of the regions which includes policies and guidelines as well as other food safety information. We recommended that a formal policy and procedures manual be developed for the whole Section to ensure policies and guidelines remain current and readily available.

**6.65** We identified areas where more formal policies should be developed. These include detailed guidelines for food seizures, appropriate time frames for compliance, and detailed procedures for initiating prosecutions.

### *Accountability*

**6.66** The accountability process should provide sufficient, appropriate, understandable and timely information on areas of assigned responsibilities. The Food Safety Section has a relatively small number of staff, and for this reason the accountability process within the Section involves a high degree of personal contact. There is frequent interaction among the Regional Managers and between the Regional Managers and the Section Manager. There are monthly or bi-monthly meetings to address operational and policy issues. The Section Manager meets regularly with the Division Director on specific issues and also prepares briefing notes for the Deputy Minister and Minister, when required. In addition, the Section Manager reports monthly, through the Division Director, to senior management of the Department on activities of the Section.

**6.67** The Department prepares an annual report. The most recent annual report, tabled with the House of Assembly in April 2000, was for the year ended March 31, 1999. We believe 12 months is too long of a delay for reporting on the performance of the Department. We recommended that the annual report be prepared and tabled on a more timely basis. A more detailed annual report on the activities of the Division was also prepared and published for the same year. However, the annual report for the year ended March 31, 2000 was not completed because the Department had since been amalgamated and restructured.

**6.68** We observed that the annual reports lack substantive information on performance and do not fulfill their potential as accountability documents. The Division's report contains its mandate, commentary on programs, and general information on the Section's activities. It does not include specific objectives, actions the Section will take to meet the objectives, and accomplishments in meeting the objectives. Some statistical information is provided, but it does not focus on the Division's performance in meeting its goals and objectives.

**6.69** The Section prepared a detailed business plan for the year ended March 31, 2000 which outlined expectations, activities related to achieving the outcomes and some outcome measures. However, there has been no formal reporting on the progress made in achieving the outcomes identified. The Section did not prepare a detailed business plan for the year ended March 31, 2001 due to uncertainty involving its future structure and responsibilities, but it subsequently drafted one for 2001-02 when its future was more clear.

**6.70** The Section maintains a database of information on food service establishment inspections performed. The database contains inspection information from the past three years, and is used to generate a number of statistics and reports. However, information on certain of the performance measures identified in the business plan is not currently being collected or reported. We recommended continued development of performance measures, collection of supporting information and better reporting on performance.

**6.71** Management indicated that they are confident that the food safety program is effective and having a positive impact. The Province has a program dedicated to food safety, whereas in most other provinces inspectors also have responsibilities in other areas, such as water and sanitation.

Staff morale is high, staff are well trained and the Section has had good success to date in meeting its inspection goals. In April 2000, the food safety staff were the recipients of the Year 2000 Alexander Officer Award, a national award presented by the Canadian Institute of Public Health Inspectors for outstanding achievement in public health and food safety. Factors cited were the Department's development of training courses and the high number of food service workers and volunteers trained each year. We acknowledge that these factors contribute to a successful food safety system. We recommended that factors relating to the outcomes of a safe food system also be determined and monitored to provide additional assurances that the Section is meeting its goals.

### **CONCLUDING REMARKS**

**6.72** There are good processes for developing and promulgating food safety standards in the Province. Monitoring, inspection and other activities as they relate to the food safety requirements of legislation, regulations and/or policy are satisfactory, but there needs to be more attention given to the accuracy and completeness of inspection files and to the inspection and licensing of day care centres which serve food.

**6.73** Systems for the enforcement of Provincial legislation and regulations related to food safety are satisfactory. There are good processes to ensure the competency of personnel involved in food safety inspections, enforcement and training activities. The Section's internal accountability framework is satisfactory, but improvements could be made to the Department's external reporting on its performance with respect to food safety.

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**Exhibit 6.1**

**EXCERPT FROM 1997 REPORT OF THE  
CANADIAN FOOD INSPECTION SYSTEM IMPLEMENTATION GROUP<sup>1</sup>**

*Recommendations and Report to Ministers*

*The purpose of this report is to recommend to all Ministers involved in food inspection at all levels of government in Canada, the means of establishing a Canadian food inspection system that respects the jurisdictions of all governments.*

\* \* \*

*Moving towards a more integrated Canadian food inspection system will take both the concerted effort of all parties and a variety of steps over time. This report suggests that building on the work undertaken in the last two years by the CFIS Implementation Group, three broad goals are essential to achieving the vision of an integrated Canadian food inspection system. These include:*

1. *Harmonized Standards;*
2. *Integrated Inspection Delivery Systems;*
3. *An Inter-jurisdictional Forum For Harmonizing Standards, Procedures and Methods for Food Inspection.*

*These goals are all equally important. They are closely related and will each be essential in moving toward a truly efficient and effective Canadian system of food inspection. Their underlying premise is a recognition of the fact that there is a role for all levels of government, and that the challenge is to find better ways of partnering and coordinating activities.*

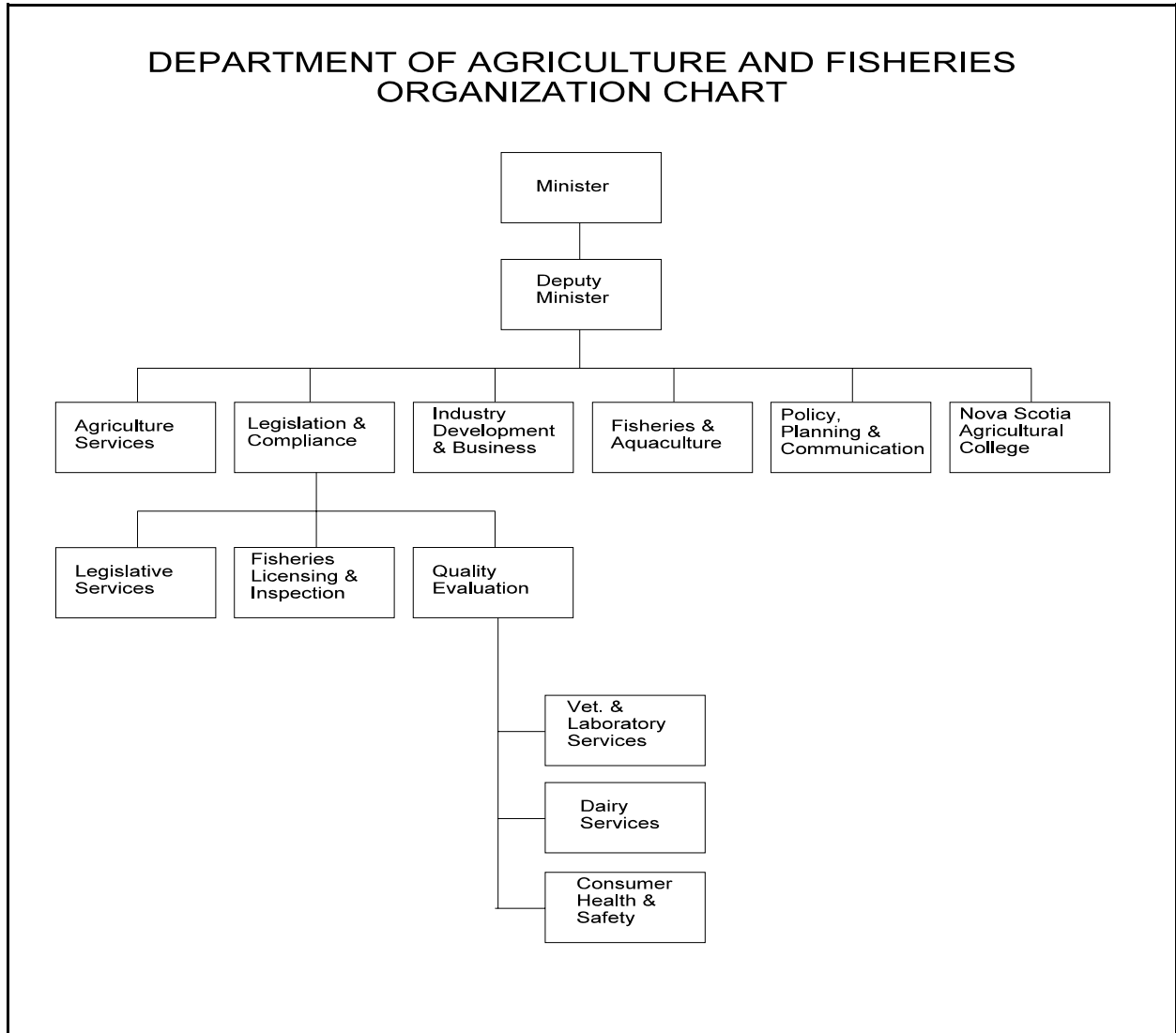
\* \* \*

*Recommended Actions (Recommendations are summarized. Additional detail is provided in report.)*

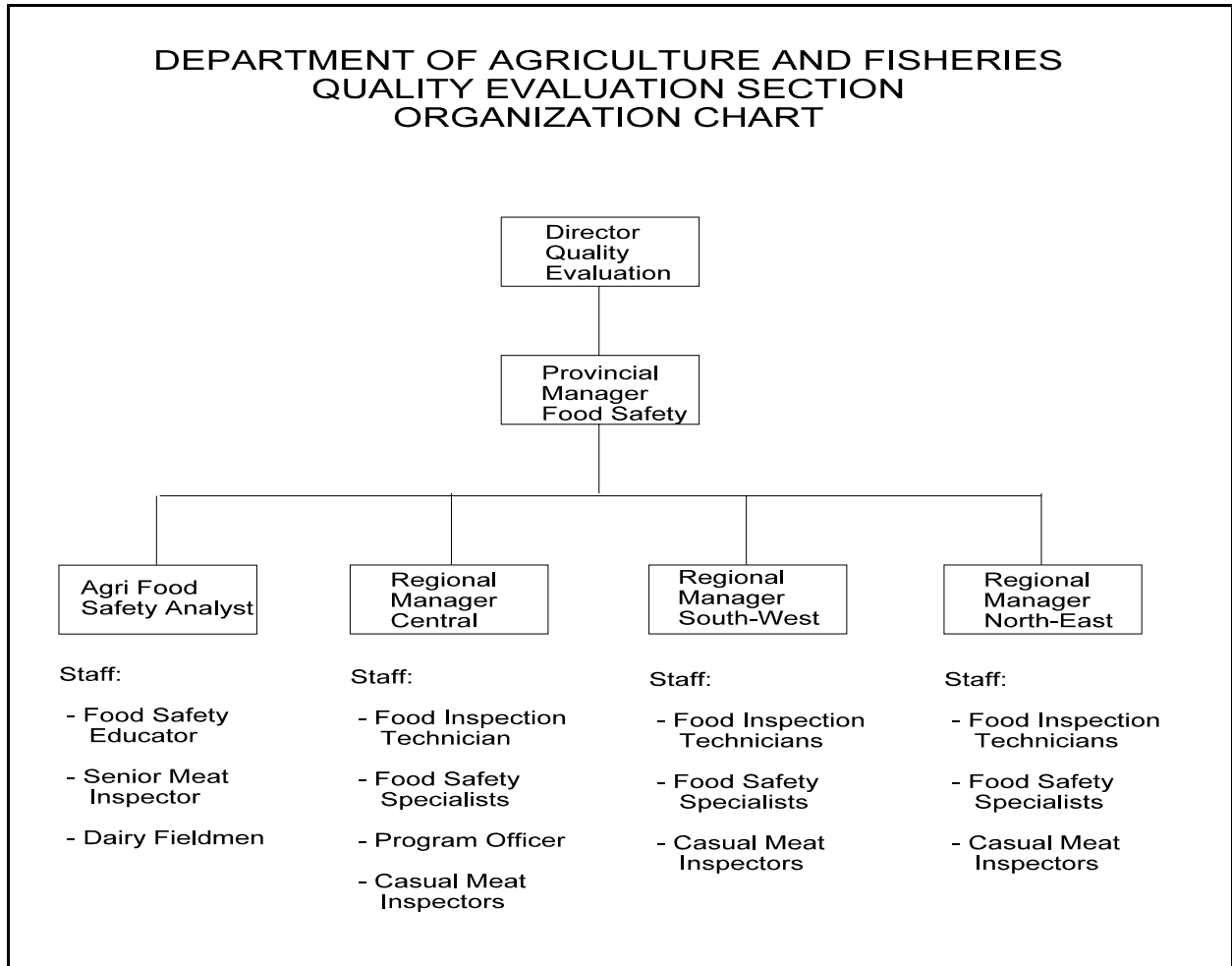
1. *Implement Harmonized Standards (Sector-Specific Regulations & Codes)*
2. *Support Development of a Common Legislative Base and Core Regulatory Base*
3. *Restructure Food Inspection Systems Within Jurisdictions*
4. *Develop Cooperative Mechanisms*
5. *Recognize CFISIG as an Ongoing Forum*
6. *Ensure CFISIG has the Necessary Resources to Deliver on its Work Plan*

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1. Continuing Progress Toward a Canadian Food Inspection System  
June 1997, Canadian Food Inspection System Implementation Group

*Exhibit 6.2*

*Exhibit 6.3*





**Exhibit 6.4****AUDIT CRITERIA**

Audit criteria are reasonable and attainable standards of performance and control, against which the adequacy of systems and practices can be assessed. They relate to the audit objectives developed for an assignment and are used to design detailed tests and procedures.

The following criteria were used in our audit of the Nova Scotia food safety system.

- *Standards* - There should be sufficient knowledge to determine where safety standards are in need of development or change. There should be systems and procedures in place to develop appropriate standards on a timely basis. There should be ongoing public education and promotion of safety standards.
- *Compliance with legislation* - There should be compliance with applicable provisions of Provincial food safety legislation and regulations. Policies should be consistent with legislation and regulations. There should be a process which enables management to know whether or not key provisions of legislation and regulations are being complied with. There should be a system to ensure that inspections are carried out on a regular and timely basis. There should be a system to follow up on the implementation of inspection orders.
- *Enforcement of the Act and regulations* - There should be a system to ensure Provincial legislation and regulations are appropriately enforced. Powers, roles and responsibility for enforcement of legislation and regulations should be clear.
- *Competency* - Personnel should have appropriate education and qualifications to administer the laws for which they are responsible. Policies should reflect current legislative requirements for food safety standards. Changes to legislation, regulations and policies should be communicated to personnel on a timely basis. There should be a process to ensure personnel receive ongoing training in food safety standards/technologies and other relevant areas. There should be a system of regular evaluation of staff competency and performance, with corrective actions taken when deficiencies are observed.
- *Accountability* - There should be adequate systems and controls to ensure the completeness, accuracy and timeliness of information reported. There should be relevant and timely reporting to inform the Minister and House of Assembly of performance with respect to food safety mandates. Government should know whether safety standards are being implemented and having a positive impact.

**Exhibit 6.5****INFORMATION ON THE CANADIAN PARTNERSHIP  
FOR CONSUMER FOOD SAFETY EDUCATION<sup>1</sup>**

*The goal of the Canadian Partnership for Consumer Food Safety Education is: “To contribute to the reduction of microbial foodborne illness in Canada by increasing awareness of safe food handling practices through the coordination and delivery of food safety education programs focussed on the consumer.”*

\* \* \*

***Formation of the Partnership***

*Industry, consumer and government organizations have been working separately for many years to improve consumer understanding of foodborne illness and the measures that can be taken to decrease the risks of the illness. However, in December, 1997, communication between a number of industry, consumer and government organizations resulted in the formation of the Canadian Partnership for Consumer Food Safety Education, the goal of which is to develop and implement a comprehensive food safety education campaign aimed at consumers.*

*Current membership totals over 20 industry, consumer, health and environmental organizations, and the federal and provincial government organizations who are concerned with food safety. In April, 1998 the Partnership incorporated itself as a non-profit organization committed to reducing foodborne illness in Canada by increasing awareness of safe food handling practices through the coordination and delivery of food safety education programs focused on the consumer.*

\* \* \*

*The key messages the Partnership will communicate to consumers are:*

*CLEAN: Wash hands and surfaces often;*

*CHILL: Refrigerate promptly;*

*COOK: Cook to proper temperature; and*

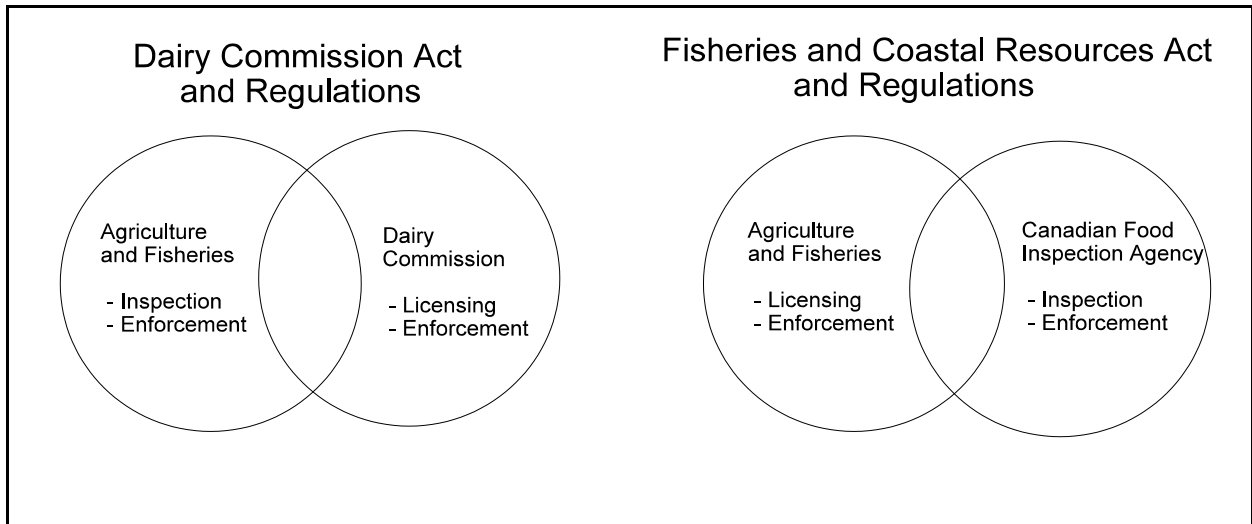
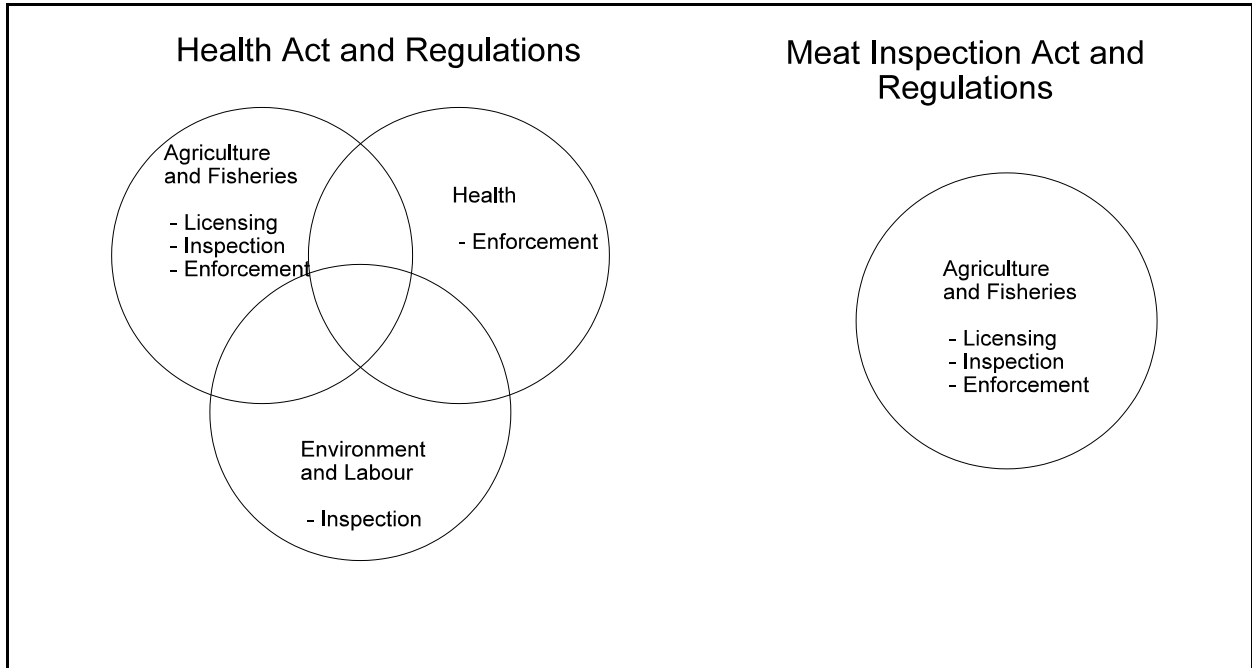
*SEPARATE: Don't cross-contaminate.*

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1. From the website maintained by the Canadian Partnership For Food Safety Education  
([www.canfightbac.org](http://www.canfightbac.org))

*Exhibit 6.6*

**SHARED RESPONSIBILITIES FOR FOOD SAFETY**



*Exhibit 6.7*

**DEPARTMENT OF AGRICULTURE AND FISHERIES  
FOOD SERVICE ESTABLISHMENT PRIORITY ANALYSIS**

The determination of risk relating to food service establishments is based on the rating of four factors.

- 7. **Food Property Risks** - risks common to specific foods or groups of foods that are known to contribute to the likelihood of food-borne illness. Various levels of risk are associated with specific foods (5 to 40 assessment points).
- 8. **Population at Risk - Typical Patronage** - specific populations are more likely to develop food-borne illness based on age and environment (10 to 30 assessment points).
- 9. **Food Service Establishment History** - history of complaints against the establishment and results of routine inspections in previous year (5 to 30 assessment points).
- 10. **Food Service Establishment Operational Risks** - various processes and/or procedures contribute more often to outbreaks of food-borne illness than others. Consider food process (hazardous foods), sufficient equipment and training of management and staff (10 to 140 assessment points).

Risk Analysis Score	Risk Category	Minimum Number of Inspections
Greater than 150	High risk establishment	3 per year
100 to 150	Moderate risk establishment	2 per year
Less than 100	Low risk establishment	1 per year

### **DEPARTMENT OF AGRICULTURE AND FISHERIES' RESPONSE**

*The management staff of the Department of Agriculture and Fisheries, Legislation and Compliance Services Branch have reviewed the Food Safety audit conducted by your staff during 2001. Our management staff agrees with the findings reported within the audit. In response to the audit findings a number of regulatory and program changes have been initiated. The following points summarize the Department's response to the findings found in the Results in Brief section of the audit report.*

- (1) The Department is proposing to government, new regulations which will provide for one consistent food safety regulation across the province. This proposal will eliminate the inconsistencies at the municipal level currently experienced.*
  - (2) The proposed regulatory initiative includes an exemption for churches, fire departments and other volunteer organizations from the requirements of the regulations. The Department food safety staff will continue to encourage members of volunteer organizations to attend foodhandler training courses.*
  - (3) Discussion is currently underway with the Nova Scotia Department of Environment and Labour concerning daycare inspections. It is anticipated agreement on one agency or the other being totally responsible for inspection and licensing of daycares.*
  - (4) The Food Safety Section has completed a review of the current file documentation. Although errors in the database may occur these are a result of data entry not inspection inaccuracies. A quality assurance program to improve the transfer of information to the database will be initiated in 2002.*
  - (5) The Department has initiated a review of resources and required inspection frequency. It will be necessary to develop a strategy to meet the future inspection requirements.*
  - (6) The Department is pleased the Auditor's Report recognized the good system for ensuring competency of food safety staff. The Department is committed to continuing with internal and external education training for staff.*
  - (7) Rotation of inspectors between different geographic districts will be considered and implemented when deemed necessary.*
  - (8) The Department agrees performance reporting should be improved and will be addressing this issue in 2002.*
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