

November 27, 2019

Appendix A to Report No. 077-19

Laura Pisko, Director
Health Improvement Policy and Program Branch
Ministry of Health
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Dear Ms. Pisko,

The Middlesex-London Health Unit (MLHU) welcomes the opportunity to provide feedback on the proposed amendments to the following regulations:

- Proposal Number: 19-HLTC033
 - Regulation 50/16 under the Healthy Menu Choices Act, 2015
- Proposal Number: 19-HLTC030
 - Food Premises Regulation 493/17 under the Health Protection and Promotion Act
- Proposal Number: 19-HLTC028
 - Food Premises Regulation 493/17 under the Health Protection and Promotion Act

This feedback reflects the front-line experience of a range of public health professionals who oversee health protection and promotion activities in the City of London and the County of Middlesex.

Proposal Number: 19-HLTC033 (Regulation 50/16 under the Healthy Menu Choices Act, 2015)

We have identified the following concerns for consideration:

- This change may exclude things like single-serve bakery sections in grocery stores from the HMCA. Items available from these sections of the grocery store could be intended for immediate consumption. Therefore, it may be appropriate to not exclude this type of service.
- The exemption of pre-packaged foods that have a Nutrition Facts Table under federal Food and Drug regulations may result in greater consumption of these pre-packaged, single-serve food items (e.g. crackers, milk or creamers, condiments). This outcome does not align with direction in the new Canada's Food Guide regarding environmentally sustainable practices and the reduction of food packaging. In addition, it is our experience from supporting the implementation of the Ontario School Food and Beverage policy that food operators offer condiments in unlimited quantities. These individual items are exempt, and the unlimited access may result in a nutritionally significant number of calories.
- Catering menus still provide an opportunity to inform consumers about the caloric content of the foods they are consuming or serving. The inclusion of catering menus in this regulation helps to facilitate healthy choices. Consumers viewing a catering menu can make a more-informed choice if nutrition information is provided.

Proposal Number: 19-HLTC030 (Food Premises Regulation 493/17 under the Health Protection and Promotion Act)

We have identified the following concerns for consideration regarding the allowance of dogs on patios and in food premises that have only pre-packaged food items and/or low risk foods:

- Health hazards such as unclean environments, allergies and threats to food safety, human safety and animal safety.
- Pubs and bars can be boisterous places. Even given adequate training, the potential for risk to patrons and employees from a startled or irritated dog exists. It could be anticipated that there will be an increase in the number of food safety complaints and animal bite investigations.
- Most craft breweries or drinking establishments sell and prepare food to fulfill requirements for a liquor license. Therefore, this food would not necessarily be low risk or pre-packaged.

Additional standards or safeguards may be required and should be created in concert and through consultation with local Public Health. The Operational Approaches for Food Safety Guideline could provide best practices for dogs on patios (e.g. limit on number of dogs, proper signage etc.). Examples of some fine details that may need to be addressed include:

- Limiting the dogs to only the outdoor environment and not allowing them to enter through the food premises.
- Ensuring that dogs are tethered in some way to the owner and under the control of the owner.
- Trip hazards should be avoided in aisles.
- Have premises owners post signs marking 'dog-friendly' areas.
- Limiting the number of dogs in an area.

Given these considerations, it may be appropriate to permit dogs in outdoor areas of food premises (patios) where a separate entrance is present, or in a food premises where no food handling is occurring provided that (A) a public health inspector has risk assessed and approved the allowance of dogs, and (B) the owner/operator posts a sign.

Proposal Number: 19-HLTC028 (Food Premises Regulation 493/17 under the Health Protection and Promotion Act)

We have identified the following concerns for feedback consideration regarding the exemption of food premises that serve low risk foods, which may include community feeding organizations and other entities serving those in need, from certain structural and equipment requirements, and from having a trained food handler on site:

- This exemption may lead to additional public risk from compromised food safety.
- Structural requirements such as hand washing basins and the provision of potable water under pressure are necessary to facilitate satisfactory food hygiene practices.
- Food that may be low in risk, and not pre-packaged, is still subject to contamination through the food handling process which can be averted should the premises maintain the requirement for adequate handwashing facilities.
- If food handling occurs, access to a handwashing station should be mandatory.

Further clarification is required regarding the definition of 'community feeding organizations and other entities serving those in need.' Many community meal programs, such as 'soup kitchens', undertake a significant amount of high-risk food preparation which is served to individuals that are medically vulnerable. The elimination of structural and/or equipment standards including the requirement for food handler training certification would elevate the potential for foodborne illness and outbreaks. Therefore, it is essential that there is no confusion regarding the food safety expectations for facilities or programs which undertake high-risk food preparation.

The city of London and Middlesex County has had mandatory food handler certification in place since 2012. The bylaw requires at least one certified food handler on-site at all times when food is being prepared. MLHU recognizes the value and importance that community feeding organizations play in providing meals to people who are experiencing life challenges. Public Health Inspectors (PHI) have taken risk-based approaches and have made concerted efforts to work with community feeding organizations in achieving regulatory compliance. Examples include offering low cost courses and providing course instruction on Saturdays when volunteer groups can attend. MLHU has received favourable feedback from community feeding organizations, as it relates to these assisted compliance efforts.

Alternative approaches to these amendments could include:

- Food premises may operate, pending approval from the local health unit, with a lower number of sinks than required by the Regulation if they can demonstrate that adequate handwashing and dishwashing practices can be performed.
- Regarding food handler training certification, resources and attention should be targeted at premises where there is active food preparation. The exemption would only apply to food premises where exclusively pre-packaged foods are served. That being stated, there is content within the food handler course that would be relevant to operators of premises where there is only pre-packaged food, including information on regulatory requirements and food recalls.

Thank you once again for the opportunity to provide this feedback regarding these proposed changes. If you have any questions or would like further clarification, please let us know. We would invite the opportunity to participate in any future consultation.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Mackie'.

Christopher Mackie, MD, MHSc, CCFP, FRCPC
Medical Officer of Health and Chief Executive Officer