



## STAFF REPORT ACTION REQUIRED

### Onsite Posting of Inspection Notices for Food Premises and Recreational Water Facilities

<b>Date:</b>	April 13, 2015
<b>To:</b>	Board of Health
<b>From:</b>	Medical Officer of Health
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### SUMMARY

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In April 2014, the Board of Health (BOH) requested the Medical Officer of Health (MOH) to report back on measures to strengthen the protection of health, safety and well-being of residents of Toronto through an expansion of onsite posting of inspection notices for food premises and a new requirement for onsite posting of inspection notices for recreational water facilities.

This report provides a summary of the form and content of a by-law being proposed by Toronto Public Health (TPH), in consultation with the City Solicitor, in response to this request. The proposed by-law requires all food premises not already participating in the DineSafe program (e.g., daycare centres, nursing homes, hospitals) and all public swimming pools and spas to post onsite inspection notices issued by the Medical Officer of Health.

#### RECOMMENDATIONS

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**The Medical Officer of Health recommends that:**

1. City Council authorize the City Solicitor to introduce a Bill in Council in the form or substantially in the form of the proposed by-law attached to this report as "Appendix A", subject to such technical or stylistic amendments as may be required.

#### Financial Impact

There are no financial impacts arising from this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

At its meeting on April 28, 2014, the Board of Health adopted the recommendations in the reports titled:

1. Onsite Posting of Inspection Results for all Fixed Food Premises (<http://www.toronto.ca/legdocs/mmis/2014/hl/bgrd/backgroundfile-68399.pdf>).
2. Onsite Posting of Inspection Results for Recreational Water Facilities (<http://www.toronto.ca/legdocs/mmis/2014/hl/bgrd/backgroundfile-68400.pdf>).

These reports recommended that the Medical Office of Health, in consultation with the City Solicitor, report on the form and content of by-laws requiring the onsite posting of inspection notices by fixed food premises not already participating in the DineSafe program and by public swimming pools and spas, respectively.

The present report proposes a single by-law that addresses both recommendations.

## **ISSUE BACKGROUND**

Under the Health Protection and Promotion Act (HPPA), all Boards of Health must deliver comprehensive programs to prevent or reduce the burden of waterborne illness and injury related to recreational water use and foodborne illness. To assist in meeting these requirements, Toronto Public Health (TPH) Public Health Inspectors inspect approximately 17,000 food premises and 1,600 recreational water facilities at mandated frequencies.

TPH's comprehensive food safety program was designed to ensure that food establishments in the City are in compliance with the requirements and standards in the Ontario Food Premises Regulation 562/90 made under the HPPA. TPH exceeds these provincial requirements with its award-winning DineSafe food safety inspection and disclosure system. Disclosure of inspection results occurs through onsite posting of inspection notices, provision of food safety inspection reports and the posting of inspection details on the DineSafe website ([www.toronto.ca/fooddisclosure](http://www.toronto.ca/fooddisclosure)).

When infractions are identified, written instructions are given to the owner/operator outlining the actions that must be taken to correct deficiencies. If no infractions or only minor ones are identified during an inspection, a Pass Notice is issued to the operator. When significant infractions which do not constitute a health hazard are identified, a Conditional Pass Notice is issued. A Closure Notice is issued when crucial infractions constituting a health hazard are identified. The inspection notice issued by the Medical Officer of Health must be posted in a conspicuous place in the food premises in accordance with City of Toronto Municipal Code Chapter 545, Licensing.

However, there are approximately 2,000 food establishments in Toronto that do not require a municipal licence to operate. These are mainly institutional facilities such as daycare centres, nursing homes and hospitals. Although Toronto Public Health currently inspects these premises, they are only required to post Closure Notices. It is proposed that

these establishments be incorporated in the DineSafe Program through the attached by-law.

Public swimming pools and spas are inspected under TPH's comprehensive recreational water program. These inspections ensure that these recreational water facilities meet health and safety requirements of Ontario Regulations 565 (Public Pools) and 428/05 (Public Spas) made under the HPPA. Owner/operators are given written instructions for corrective actions if infractions are identified. If a health hazard is identified, an order to close the premises is issued.

However, infractions may occur that do not constitute a health hazard, but have the potential for becoming an imminent health and safety risk if left uncorrected for more than 48 hours (e.g. lacking adequate supply of disinfecting chemicals on hand); this is equivalent to a Conditional Pass. Recreational water facilities are not required under current municipal by-laws to post inspection notices.

## **COMMENTS**

It is anticipated that requiring the owners of all food premises and public swimming pools and spas to post inspection notices issued by the Medical Officer of Health will increase compliance with health and safety requirements and result in improved public health.

This has been demonstrated in the food safety program, with the implementation of DineSafe in 2001. Compliance with food safety requirements has increased from an estimated 50% inspection pass rate in 2000 to over 90% in 2014. In an April 2009 Board of Health Report, the incidence of foodborne disease was 30% lower between 2002 and 2007, compared to 1998 and 2002, suggesting that the DineSafe program may have been an important contributor. Various studies suggest that posting inspections in food service establishments results in improved food hygiene awareness, practice and compliance. There is also some evidence that disclosure programs can increase positive engagement and communication between food safety regulators and operators.

An expansion of the DineSafe program to food premises not previously participating would include institutional facilities such as daycare centres, nursing homes, and hospitals. Because these facilities serve vulnerable populations, they are considered high-risk food premises requiring at least three compliance inspections annually. It is anticipated that requiring the owners of these premises to posting inspection notices issued by the Medical Officer of Health will improve compliance with food safety regulations and result in improved food safety in premises where foodborne illness outbreaks sometimes occur.

Over the past 10 years, only 39% of recreational water facilities had "satisfactory" inspections, with no deficiencies noted. Requiring owners of recreational water facilities to post inspection notices issued by the Medical Officer of Health in a conspicuous place, onsite, is an important tool that municipalities can employ to inform the public of any health and safety deficiencies at these premises and to enable the public to make informed choices about using these facilities. TPH has now also made inspection results

for public swimming pools and spas available on its SwimSafe website (<http://www.toronto.ca/health/swimsafe/poolspa.htm>), as requested by the Board of Health on September 13, 2011.

Various stakeholders and interest groups were consulted on these proposed changes. There was significant support expressed for mandatory onsite posting of inspection notices for all food premises from stakeholders including MOHLTC, Toronto Legal Services, the Retirement Homes Regulatory Authority, Toronto Early Learning and Child Care Services and the Ontario Restaurant Hotel Motel Association.

TPH also consulted with MOHLTC, the Life Saving Society, Service Plus Aquatic Inc, Ontario Recreational Facilities Association Inc. and Bona Vista Pools Limited regarding the proposal to enact a by-law that would require the mandatory posting of inspection notices at recreational water facilities. In general the feedback was favourable and supportive of such a disclosure system.

Moving forward with the proposed disclosure by-law will require owners of the food premises and recreational water facilities to post, and keep posted, inspection notices issued by the Medical Officer of Health in a conspicuous place and will enhance consumer protection. The proposed by-law will provide timely access to accurate information that will help the public make informed decisions about where they eat and about the recreational water facilities they may choose to use. This aligns with the City of Toronto's strategic theme of good governance and with TPH's foundational principle of accountability and transparency.

## **CONTACT**

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## **SIGNATURE**

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Dr. David McKeown  
Medical Officer of Health

## **ATTACHMENT**

Appendix A – Inspection Notices Draft By-law