

Green Roof By-law and Food Safety

Date:	May 22, 2009
To:	City Council
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

The proposed Toronto Green Roof By-law, enacted under the authority of Section 108 of the *City of Toronto Act (COTA)* requires green roofs on certain types of new buildings and regulates the design and construction of green roofs in Toronto.

In October 2008, Toronto Building and City Planning reported on a draft proposal to require green roofs and to provide design requirements for green roofs. At a subsequent meeting of the Planning and Growth Management Committee on May 6, 2009, a request was made for a report from the City Solicitor and the Medical Officer of Health relating to any implications for food safety resulting from enacting the proposed by-law. This report concludes that there is no conflict between current Canadian and U.S. Food Safety Regulations and the proposed Green Roof by-law as it would relate to industrial buildings that house food handling, food storage and food manufacturing.

Financial Impact

This report has no financial impact.

DECISION HISTORY

At a meeting of the Planning and Growth Management Committee held on May 6, 2009, the Committee requested that the City Solicitor and the Medical Officer of Health submit a report directly to Council relating to the proposed Green Roof By-law. The report should indicate if Canadian and U.S. Food Safety Regulations are compatible with the proposed by-law as it would relate to industrial buildings that house food handling, food storage or food manufacturing.

<http://www.toronto.ca/legdocs/mmis/2009/pg/decisions/2009-05-06-pg25-dd.htm>

ISSUE BACKGROUND

Green roofs provide many health and environmental benefits to the City including reducing the urban heat island effect and energy consumption; improving air quality and stormwater management and creating opportunities for biodiversity and habitat creation and the beautification of the City. The construction of green roofs supports the implementation of city-wide environmental policy objectives of the 'Climate Change, Clean Air and Sustainable Energy Action Plan' and the 'Wet Weather Flow Management Master Plan'. The City's Official Plan also supports the use of green roofs as an innovative approach to reducing the urban heat island effect in Toronto.

In February, 2006, Toronto City Council adopted Toronto's Green Roof Strategy to encourage the construction of green roofs on City and privately owned buildings through incentives, public education and the development approval process. The Green Roof Strategy called "Making Green Roofs Happen" emerged from a process of extensive stakeholder consultation and a consultant's study of the costs and benefits of green roofs to the City. Section 108 of the *City of Toronto Act, 2006* (COTA) provided Council with the authority to pass a by-law requiring and governing the construction of green roofs. The new authority under COTA allows the City to require green roofs as-of-right as opposed to the current program of encouraging green roofs for new private development. The provincial authority was specific in allowing the City to set standards only for green roofs. This is an "exception" to the *Building Code Act, 1992* which generally prohibits municipal bylaws which exceed the requirements of the Ontario Building Code.

Improper food handling can result in foodborne illnesses, which are relatively common. A recent report on Foodborne Illness in Toronto established a new estimate of the full burden of foodborne illness: 437 thousand cases per year, or one in every six residents. The report estimates the economic impact in healthcare costs and lost productivity to be in the range of \$500 million annually. Preventing foodborne illness is a major public health challenge and Toronto Public Health (TPH) plays a critical role in contributing to the maintenance of food safety systems and in the surveillance, detection and investigation of foodborne illness. However, to reduce the risk of foodborne illness, governments at all levels work together to regulate and monitor food safety at every stage in commercial food preparation from farm to table. Efforts were therefore made to ensure that the proposed Green Roof By-law, as it relates to food establishments, was compatible with Canadian Food Safety Regulations.

COMMENTS

The responsibility for food safety in Ontario is shared by federal, provincial and municipal governments through a patchwork of legislation overseen by agencies at all three levels. Federal roles proceed from the national government's responsibility for inter-provincial and international trade. The Canadian Food Inspection Agency (CFIA) is

responsible for food safety at the federal level. The agency is responsible for ensuring that manufacturers, importers, distributors and producers comply with federal regulations and standards governing the safety, quality, handling, identification, processing, packaging and labelling of food. At the provincial level, there are three ministries responsible for administering various statutes and regulations governing the sale and consumption of food in Ontario. The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is the principal agency in the regulation of meat while the Ministry of Health and Long Term Care (MOHLTC) administers the Food Safety Regulations under the *Health Protection and Promotion Act (HPPA)*. The Ministry of Natural Resources (MNR) has responsibility under the *Fish Inspection Act* to regulate the commercial sale and processing of fish. At the municipal level food safety monitoring, inspection and enforcement is conducted on behalf of the MOHLTC by the 36 local Boards of Health and local health units.

The MOHLTC administers legislation concerning the delivery of food safety programs and services by Boards of Health in Ontario. Its authority is provided in the *Health Protection and Promotion Act* and *Ontario Regulation 562/90 (Food Premises)*. Part 111 - General, of the Food Premises Regulations outlines requirements for building maintenance such as being free of health hazards and for the floor or floor coverings to be tight, smooth and non-absorbent in food preparation rooms. There is also a requirement for the walls and ceilings of rooms and passageways to be readily cleaned and maintained in a sanitary condition. These requirements are for the inside of the building and should therefore not be impacted by the proposed bylaw.

The potential for mould growth should be mitigated by adherence with the Technical and Construction Standards included in the bylaw. Best practices dictate that a food premise should be constructed and maintained in a manner that would exclude the entry or harbourage of pests including rodents. Furthermore the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Environmental Control Guidelines recommends that: “*Openings in walls, foundations, eaves and the roof should be screened or sealed, as appropriate, to prevent entry of the outside elements (e.g., rain snow), airborne contaminants (e.g., dust, smoke, odours), and pests (e.g., mice, pigeons, raccoons)*”. There is no evidence that a green roof would increase rodent infestation or impact pest control measures.

Toronto Public Health has no evidence to indicate that food safety regulations will be impacted by the proposed bylaw. The City Solicitor was consulted concerning this report and concurs with the conclusions of the Medical Officer of Health.

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SIGNATURE

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