



## STAFF REPORT ACTION REQUIRED

### Amendment to Food Handler Certification Requirement

<b>Date:</b>	April 28, 2011
<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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The purpose of this report is to recommend an amendment to City of Toronto Municipal Code Chapter 545, Licensing, § 545-5G to exempt certain eligible low risk eating or drinking establishments from the food handler certification requirement.

The exemption from the food handler certification requirement would be applied to low risk eating or drinking establishments that handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous food. Exempted establishments will still be required to comply with all provincial food safety requirements and will be inspected as required by the Food Premises Regulation.

This report was written in consultation with Municipal Licensing and Standards (MLS) and the City Solicitor.

#### RECOMMENDATIONS

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

1. City Council amend Municipal Code Chapter 545, Licensing, to exempt from food handler certification requirements low risk eating or drinking establishments that handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous food.
2. The City Solicitor be authorized to introduce the necessary bill in Council to give effect to Recommendation 1.

## **Financial Impact**

As the Food Handler Training and Certification Program is fully funded by user fee revenue collection, any reduction in revenue will be matched by an offsetting reduction in expenditure. There will be no net budget impact to the City as a result of this amendment to exempt from food handler certification requirements low risk eating or drinking establishments that handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous food.

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

## **DECISION HISTORY**

In 2006, the City of Toronto amended Municipal Code 545, Licensing and Chapter 441, Fees respecting food handler certification. The amendments required food handlers in premises that serve food and drink to the public to be trained and certified in order to help protect consumers and protect and promote public health.

## **ISSUE BACKGROUND**

In 2006, a five year phased-in compliance strategy was implemented whereby High Risk establishments were the first ones required to be in compliance followed by Medium Risk and finally Low Risk in 2011. Since the implementation of the bylaw, analyses have indicated higher levels of compliance in those premises with trained and certified food handlers in comparison to those premises without. Training is provided by a number of private and public sector organizations, including Toronto Public Health (TPH). TPH oversees the certification of both programs and individuals to ensure consistent standards.

During implementation in Low Risk establishments, TPH received several requests for exemption from premises which only serve pre-packaged, non-hazardous foods. In consultation with the City Solicitor and Municipal Licensing and Standards an amendment to the bylaw was considered to exempt certain Low Risk Premises from the food handler certification requirements.

## **COMMENTS**

The Ontario Public Health Standards specify the health programs and services to be provided by Boards of Health, while the Food Safety Protocol provides direction and identifies the minimum expectations for food safety. Boards of Health have the authority to develop additional programs and services where required to address local needs. Various studies have demonstrated that food handler training and certification increases compliance with safe food handling practices and reduces unsafe food handling practices which increase the risk of food borne illness. Requiring trained and certified food handlers in premises that serve food and drink to the public will therefore protect consumers and promote public health. On the recommendations of the Board of health and in the absence of provincial food handler certification legislation, City Council

amended Municipal Code 545, Licensing, to require eating and drinking establishments to have at least one trained and certified food handler working in a supervisory capacity at all times.

Certain food premises in Toronto are classified as low risk and handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous foods such as packaged potato chips, candy, or soda pop. This type of premise may include some variety stores, convenience stores, and dollar stores. An estimated 1,700 establishments out of a total of 17,243 food establishments in Toronto may fall in this category. The types of foods handled, stored, displayed, offered for sale or served in these establishments pose a very low risk of food-borne illness or outbreak. Moreover, no food preparation is done in these premises thus eliminating the risk of food handling errors. Therefore it is recommended that these low risk eating or drinking establishments that handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous food be exempted from the certified food handler requirement. The exemption of individual premises will be determined by a public health inspector in the course of routine inspection based on a consistent risk assessment protocol.

All other Food Premises would be required to be in compliance with the food handler certification requirements. There would still be a requirement for certified food handlers for each establishment and there would be at least one annual inspection for compliance with the Food Premises Regulation and other legislation.

Those Low Risk Premises eligible for exemption would still receive at least one compliance inspection every 12 months as per the provincial Food Safety Protocol. The Food Handler Training and Certification Program is fully funded by user fee revenue collection so any reduction in training and certification revenue due to the exemption of some premises will be matched by an offsetting reduction in expenditure. There will be no net budget impact to the City in the administration of the Program.

## **CONTACT**

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## **SIGNATURE**

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