

## PUBLIC HEALTH LEGISLATION & THE LOCAL HEALTH DEPARTMENT

The food service industry in Canada is regulated by legislation at all three levels of government:

- Federal
- Provincial
- Municipal

### FEDERAL

The Canadian Food Inspection Agency (CFIA) inspects manufactured food for all of Canada. The CFIA enforces The Food and Drug Act which sets standards for all foods produced and sold in Canada. CFIA also oversees recalls of retail food products when necessary.



Other federal Acts and regulations govern specific foods that require special attention as they have been linked to outbreaks of food-borne illness. These foods include:

- Meats and Poultry
- Milk and dairy
- Fish and seafood
- Eggs

### PROVINCIAL

#### Public Health Act & Food Safety Act

- Provincial legislation
  - ✓ Applies only in British Columbia
- Public Health Act authorizes Public Health Inspectors to inspect places where a health hazard may exist
  - ✓ **Health hazard** means
    - (a) a condition, a thing or an activity that
      - (i) endangers, or is likely to endanger, public health, or
      - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
    - (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
      - (i) is associated with injury or illness, or
      - (ii) fails to meet a prescribed standard in relation to health, injury or illness;



- Food Safety Act gives Public Health Inspectors powers to enforce food safety laws. Some of these are:
  - ✓ Power of Entry
  - ✓ Power of Seizure
  - ✓ Power of Destruction
  - ✓ Power to Make an Order
- According to Food Safety Act, it is the responsibility of every food establishment owner/operator to provide safe food to the public

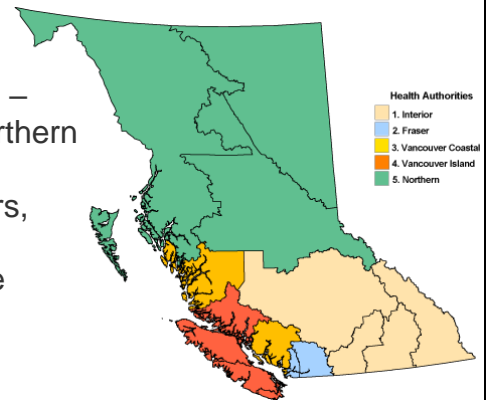


Maximum fine issued by a court under the Food Safety Act:

- ✓ For individuals, up to \$50,000 per day and 6 months in prison
- ✓ For corporations, up to \$200,000 per day

### **Regional Health Authorities**

- British Columbia divided into 5 Regional Health Authorities – Interior, Fraser, Vancouver Coastal, Vancouver Island, Northern
- In each region, health officers (e.g. Public Health Inspectors, Medical Health Officers) deliver public health standards. These standards include ensuring the public is served safe food



### **Food Premises Regulation**

- Regulation passed under the Public Health Act, enforced by Public Health Inspector
- Provincial legislation, applies only in British Columbia
- Minimum food safety standards that must be followed anywhere the public is served food in British Columbia
- Exempted premises:
  - (a) a bed and breakfast establishment operated in a private residence,
  - (b) a food bank,
  - (c) premises in which food is prepared or served by voluntary caterers for functions or gatherings limited to members of their own organization and invited guests,
  - (d) premises that are governed by the *Milk Industry Act*, the *Meat Inspection Regulation* or the *Fish Inspection Act*,
  - (d.1) an assisted living residence under the *Community Care and Assisted Living Act*, if the assisted living residence
    - (i) has no more than 6 residents, as defined by that Act, and
    - (ii) would be a single family residence if it were not being used as an assisted living residence, and



(e) premises in which only the following food is sold or offered for sale:

- (i) whole fresh fruits or vegetables;
- (ii) prepackaged, non-potentially hazardous food.

- Food premises owner/operator and their employees responsible for complying with Regulation
- Covers rules for such things as food cooking temperatures, food handling, food handler hygiene, sanitation, washrooms, maintenance, food handler certification requirements, etc.

- BC Food Handler Certification Requirements:

- ✓ (1) Every operator of a food service establishment must hold a certificate, issued by a health officer, for the successful completion of the food handler training program known as FOODSAFE or its equivalent.
- ✓ (2) Every operator of a food service establishment must ensure that, while the operator is absent from the food service establishment, at least one employee present in the establishment holds the certificate referred to in subsection (1).



- Requirements for Permits to Operate

- ✓ BC's Food Premises Regulation requires a food service establishment operator to hold a valid permit issued by a health officer (i.e. Public Health Inspector)
- ✓ The permit is not transferable with change of ownership
- ✓ The food handling permit must be displayed in a place that is visible to the public
- ✓ Food handling permits may restrict the type of food that is served or the way that it is prepared
- ✓ Before you start construction or renovations in a food establishment, floor plans must be submitted to, and approved by, a Public Health Inspector
- ✓ Other agency approvals (such as Building Code, Fire Code, Zoning, etc.) may be needed.

## Role of the Public Health Inspector

A Public Health Inspector (PHI) has 4 main roles when it comes to food safety:

### **1) Inspect food premises to ensure food is safe to eat**

During inspections, public health inspectors look for:



- ✓ Unsafe food handling practices
- ✓ Issues of non-compliance with regulations
- ✓ Investigation of food-borne illnesses and food-borne outbreaks
- ✓ Investigation of consumer complaints
- ✓ Action needed on food recalls, fires, floods, and emergencies

If an immediate public health nuisance is observed during an inspection, the PHI could close the food premises.

Inspection frequencies are based on potential risk of causing a food-borne illness:

- ✓ High risk premises = no less than **three times** per year.
- ✓ Medium risk premises = no less than **twice** a year.
- ✓ Low risk premises = no less than **once** a year.

### **2) Educate food handlers on proper food safety practices**

Public Health Inspectors cannot inspect all food being served so food handlers must be aware of how to properly handle and serve food.

### **3) Enforce the Food Premises Regulation**

Public Health Inspectors can issue orders to food premises that do not follow the requirements of the Food Premises Regulation.

### **4) Help to develop a food safety program with the operator**

A food safety program combines all aspects of food safety. A food safety program empowers an operator to regulate themselves to ensure the food they serve is safe to eat.

When should you call your local Public Health Inspector?

- ✓ Renovations
- ✓ New premises
- ✓ Menu change
- ✓ Owner change
- ✓ Complaints, concerns, questions
- ✓ Suspected food-borne illness

## **MUNICIPAL**

### **Bylaws**

- Municipalities create local laws called 'bylaws' that federal or provincial laws don't cover
- Bylaws deal with local issues. Some bylaws affect food premises (e.g. garbage, smoking, business licensing, washrooms)
- Public Health Inspectors can enforce bylaws