

New Food Safety Regulation Requirements

Consultation Paper April 2014

Background

Manitoba Agriculture, Food and Rural Development (MAFRD) is committed to ensuring the safe processing of Manitoba foods. The primary objective of the new food safety regulation is to make sure all licensed food processors in Manitoba are following safe food practices. Although Canada has a safe food supply, the Public Health Agency of Canada estimates that each year, roughly one in eight Canadians (or four million people) will get sick due to food borne illness.

During the development of the regulations, consideration was given to current regulations in other jurisdictions, MAFRD inspection results and industry best practices on food safety.

This modernized food safety regulation is designed to be risk based and to allow innovation and flexibility in the food processing sector while strengthening food safety practices in Manitoba.

How is food processing currently regulated in Manitoba?

In Manitoba, food processing is regulated by both the provincial and federal governments. Processing facilities require permits or registrations and are inspected by government officers.

Food processors who make food products that are listed under the *Canada Agricultural Products Act*, the *Fish Inspection Act* and the *Safe Food for Canadians Act* and trade them nationally or internationally must be registered and inspected by the Canadian Food Inspection Agency (CFIA).

Two provincial departments are responsible for food safety inspections of the food premises that are not registered by the CFIA.

- Manitoba Health is responsible for inspecting food service and food retail establishments such as restaurants, cafes, take-outs, catering facilities, mobile vending carts, grocery stores, farmers' markets and temporary food events at fairs or festivals.
- MAFRD is responsible for inspecting food processing plants (where the primary business is not direct marketing to consumers), abattoirs and warehouses.

Currently both departments are enforcing the Food and Food Handling Establishments Regulation under *The Public Health Act*. Upon the completion of a successful inspection, a permit to operate is issued.

Who will the food safety regulation apply to?

Any facility or location where food products are handled, processed, manufactured, prepared, packaged, stored or distributed is considered a food premises. This includes abattoirs and dairy farms. These food premises will have to comply with the new food safety regulation.

Are there any exemptions under the new food safety regulation?

If your food premises falls under a food safety regulation of the federal government or one of its agencies; another legislative act; or the jurisdiction of a municipality (ex: a food premises regulated by Manitoba Health), it will be exempt from this regulation. This exemption also applies to fish gutting stations.

If you sell more than 75 per cent of your product per year directly to the consumer (ex: a bakery selling product through a store retail counter), you will continue to be regulated by Manitoba Health. However, if you sell to four or more food premises, regardless of the volume, then this regulation will apply to you.

MAFRD will be the regulatory authority for these food premises under the new food safety regulation.

Will there be a transition period to comply with the new food safety regulation?

Yes, MAFRD will provide a transition period to comply with some of the requirements of the new food safety regulation. There will be different transition periods for the requirements under the licensing, food safety programs, process controls and training sections. Details are explained in the corresponding section below.

What are the new regulation requirements?

This section presents a summary of the new requirements under the new Food Safety Regulation.

Food premises licensing requirements

Currently, MAFRD issues permits for food premises to operate. Under the new food safety regulation, MAFRD will issue a licence.

The operator of a food premises must submit a licence application form that includes:

- names of food premises and operators
- business type and location
- contact information
- days and hours of operation
- copies of building plans
- list of products processed, including details of any restricted products and process controls
- list of water systems and proof of water potability
- copy of required food safety programs (ex: Personnel Practices, Cleaning and Sanitation)
- any other documentation that MAFRD considers relevant in terms of food safety

Restricted products

A restricted product refers to potentially hazardous food that is processed to make it ready-to-eat using:

- thermal processing, increasing the food's acidity or drying
- processing in hermetically sealed containers
- using a formulation, a procedure or a reduced oxygen package that controls a food safety risk
- curing and/or fermenting products
- smoking products, unless only for flavor enhancement

A potentially hazardous food refers to a food capable of growing harmful micro-organisms.

Food safety programs

A food safety program is a documented set of steps or instructions to prevent food safety risks before they occur. The programs provide rules and procedures for employees to consistently follow.

The benefits of a food safety program may include:

- reducing food borne illnesses
- increasing customer and consumer confidence
- demonstrating that food safety risks have been assessed
- keeping risks under control by having procedures in place
- having evidence (ex: records) to prove that actions performed protect consumers, reducing business liability
- improving control of production process
- reducing waste
- maintaining or increasing market access

Customers' requirements for comprehensive food safety program implementation are increasing in the food industry. This regulation covers two basic components of a food safety program: personnel practices and cleaning and sanitation. These two required programs are priorities based on potential risk, MAFRD inspections results and microbial surveillance results.

People and the food processing environment are potential sources of contamination if precautions are not taken. Implementing programs for personnel practices and cleaning and sanitation will help control food safety risks.

The operator of a food premises must develop and implement written personnel practices and cleaning and sanitation food safety programs. Written food safety programs must describe the policies, procedures and controls to help prevent food from being contaminated at the food premises. After the written programs are implemented, monitoring must occur to demonstrate that the programs are being followed by employees. Records must be kept as proof that these monitoring activities have occurred. Written programs must be updated whenever a change that

affects the programs is made. Changes to the written program must be documented in a log book.

Transition period

During the transition period, food premises operators will be able to get licences as long as they submit their food safety programs:

- within six months after this regulation comes into force, if the food premises has a workforce of 50 people or more
- within 12 months after this regulation comes into force, if it has a workforce of more than 10 people but less than 50
- within 18 months after this regulation comes into force, if it has a workforce of 10 people or less

The written food safety programs are not required for dairy farms, food warehouses and unapproved meat processing. This includes wild game, if that is the only activity that occurs at the food premises.

Unapproved meat is defined as meat:

- from a game animal
- from a wild boar within the meaning of the Exotic Wildlife Regulation (*The Wildlife Act*)
- from an animal that has not been slaughtered in an abattoir that is licensed under The Food Safety Act (Manitoba) or registered under the Safe Food for Canadians Act (Canada) and about which no determination has been made under either of those acts as to whether the meat is fit for human consumption

General requirements

Pest control

The operator of a food premises must ensure a facility is free of pests and regularly examined for the presence of pests. Pest control records must be kept, including observations, pest activity and any corrective actions.

Food recalls

The operator of a food premises must be able to conduct a timely recall of any food product and must provide at MAFRD's request:

- a description of the recalled product (ex: name, lot numbers)
- the total quantity of recalled food in their possession and the quantity distributed
- the area of distribution and contact information of those who received the food

Process controls

Allergens

A list of all allergens present at a food processing and storage areas must be maintained. Allergen control procedures must be in place when there is a risk in the food premises of introducing a food allergen into food that is intended to be free of that allergen.

Potentially hazardous food

Potentially hazardous food will be permitted in the processing and storage areas of a food premises, **only** if it comes from:

- a licensed facility under *The Food Safety Act* or another food safety act
- a food premises regulated for food safety by the federal government or another province or territory government or agency
- an external source (ex: another country), approved by Canadian laws

Unapproved meat processing and selling

There are few differences from previous specifications under the Food and Food Handling Establishments Regulation. However, the term unapproved meat is now used to define the uninspected meat plus wild game. No unapproved meat carcass may enter the food premises, unless the carcass has been eviscerated.

Unapproved meat must not be present at a food premises unless the operator holds an unapproved meat licence. Unapproved meat from poultry must not be present or processed in the premises, even if an unapproved licence is in place. Unchanged is the fact that unapproved red meat cannot be sold and must be returned to the owner.

Transportation

Food must be transported in clean vehicles and under conditions that prevent food safety risks. During transport, the internal temperature of potentially hazardous food must be maintained according to the temperature control section.

Temperature control

Potentially hazardous food is required to be kept at a temperature either 4 °C or lower, or 60 °C or higher.

If the food is cooled from 60 °C or higher temperature, it must reach 20 °C or lower within two hours and 4 °C or lower within six hours. This does not apply to carcasses.

Frozen food must be kept frozen. Frozen potentially hazardous foods must be thawed in a way that doesn't cause a food safety risk. Food that is stored at 4 °C or lower and is processed in a room that is 10 °C or higher, cannot be kept there for more than four hours.

Process control programs

When a restricted product is processed, food premises operators must:

- identify the food safety risks and the control steps that makes the food safe
- show that those food safety risks are controlled
- monitor the steps that control food safety risks
- calibrate any monitoring equipment used
- keep records and produce them when a MAFRD inspector asks for them
- provide scientific data showing that the process control steps work, when a MAFRD inspector asks for them

Transition period

If a food premises is in operation on the day before the regulation comes in place, there will be a 12 month exemption. MAFRD's staff at the CVO/Food Safety Knowledge Centre can provide technical help.

Training

Staff training is critical to a successful food safety program and to help control food safety risks. Training ensures that staff knows, understand and follow the food premises' policies and procedures.

MAFRD is developing a training curriculum which will be available on-line and in person. It will be similar to Manitoba Health's food handlers training, but will be targeted to food processors. Food safety training certificates will be valid for five years after successful completion.

The new food safety regulation requires:

- at least one person who holds a current food safety certificate recognized by MAFRD is present at all times when processing and, cleaning and sanitation activities take place
- all employees must have appropriate food safety knowledge and skills for the work they perform

Transition period

There will be a transition period for this training requirement; food premises must comply:

- within six months after this regulation comes into force, if the food premises has a workforce of 50 people or more
- within 12 months after this regulation comes into force, if it has a workforce of more than 10 people, but less than 50 people
- within 18 months after this regulation comes into force, if it has a workforce of 10 people or less

Food premises that are licensed solely as dairy farms, food warehouses or unapproved meat processing are exempt from the training requirement.

Other requirements

The new food safety regulation has minimal changes to the general requirements from the Food and Food Handling Establishment Regulation. For example: the design, construction and ongoing maintenance of food premises section will remain almost the same. The new food safety regulation will be more specific to food processing than to food service or food retailing. The following sections show the main changes:

Storage of personal food

No personal food will be allowed to be prepared or stored in the processing or storage areas of a food premises.

Storage of articles not used for food processing

Articles, equipment or materials not used in food processing must not be stored in the food processing area of a food premises. Their storage location must not cause contamination.

Mandatory sampling and testing

MAFRD may require the operator of a food premises to conduct sampling and testing to show that the food is not contaminated or that the procedure used does not create a food safety risk.

Resources available

The Growing Assurance Program – Food Safety Processing and Distribution provides funding for adopting food safety programs in food premises, excluding fish and seafood.

Other resources available include:

- *Basic Good Manufacturing Practices Program (GMPs) Guidebook* and electronic templates
- guidance staff to help developing food safety and traceability programs
- technical support
- educational materials
- website: manitoba.ca/agriculture/food-safety

These resources are available until March 31, 2018.

Summary

Table 1 Comparison of requirements of the Food Safety Regulation and the Food and Food Handling Establishment Regulation.

	Food and Food Handling Establishment Regulation	Food Safety Regulation
Regulatory authority	Manitoba Health	Manitoba Agriculture, Food and Rural Development (MAFRD)
Requirement to operate	Permit	Licence
Facilities inspected	Food service and food retail establishments	Food processing plants (where the primary business is not direct marketing to consumers), abattoirs, warehouses, dairy farms
Written food safety programs required (personnel practices, cleaning and sanitizing)	No	Yes
Pest control programs	None	Records
Food recall requirements	None	Provide food recall information to MAFRD
Allergens requirements	None	List of food allergens, allergen control procedures in place
Unapproved meat	Referred to as “uninspected meat,” meaning meat which has not been inspected and approved in a slaughterhouse that is registered under the <u>Safe Food for Canadians Act</u> (Canada) or is operated under a permit issued under this regulation.	Now “Unapproved meat” means meat from a game animal; from a wild boar within the meaning of the <u>Exotic Wildlife Regulation</u> , or from an animal that has not been slaughtered in an abattoir that is licensed under the act or registered under the <u>Safe Food for Canadians Act</u> (Canada) and about which no determination has been made under either of those acts as to whether the meat is fit for human consumption. Carcasses must be eviscerated when entering the food premises.

Temperature control	Potentially hazardous food internal temperature is maintained at no higher than 5 °C or lower, or 60 °C or higher.	Potentially hazardous food internal temperature is maintained at 4 °C or lower or 60 °C or higher. Specific cooling time frames (two hours, four hours) are indicated and potentially hazardous food cannot be kept higher than 4 °C for more than four hours.
Process controls required	No	Yes
Training required	Yes- Food Handlers (only with the City of Winnipeg)	Yes – MAFRD recognized food safety training
Mandatory sampling and testing required	No	Yes – If requested by MAFRD