



May 31, 2013

Andrea Smallwood
Policy Advisor, Legislative Policy Unit
Food Safety and Environmental Policy Branch
1 Stone Road West, 2nd Floor
Guelph, Ontario N1G 4Y2

Dear Ms. Smallwood,

RE: Proposed Amendments to Ontario's Meat Regulation under the *Food Safety and Quality Act, 2001*

Ontario Independent Meat Processors (OIMP) is the representative voice of the independent meat and poultry processor in Ontario, working closely with commodity organizations and various levels of government for over 30 years. The association's membership includes meat and poultry processors, retailers and wholesalers; industry suppliers, and not-for-profit organizations that support OIMP's objectives.

Ontario's meat and poultry sector plays an important role in Ontario's economy representing \$9 billion (23%) of Ontario's \$39 billion food and beverage processing industry revenue and employs 25% of Ontario's food and beverage processing industry - the single largest manufacturing employer in Ontario.

OIMP supports the need for a strong regulatory system and has been involved in strengthening Ontario's Meat Regulations dating back to the early 90's supporting the requirement that all animals slaughtered and offered for sale in Ontario must be inspected. Our participation in the 2001 and 2005 Meat regulation consultations supported the requirement for OMAF to license businesses (FSMP) conducting high risk activities. Our ongoing participation on OMAF's Technical Review Committee demonstrates our commitment to ensuring the regulations are risk based and outcome driven advocating for change when necessary.

Since the proclamation of Ontario Meat Regulation 31/05 it has not been without challenges. No one could have foreseen the diversity of businesses impacted by this regulation. We appreciate the Ministry for listening to industry regarding the challenges facing them, and support the desire to reduce regulatory burden while ensuring food safety standards are not compromised.

The following comments regarding the proposed changes are based on OIMP participation in all four of the OMAF consultation sessions, perspectives received through a recent survey of OIMP members, and opinions gathered while talking to those directly involved in the industry. Members have provided their comments individually and this paper is intended to highlight some additional comments and concerns that affect the industry overall. Our comments on the proposed Technical Amendments and additional regulations to be considered are on the attached tables.

Food safety is our primary concern:

- Regardless of where the product is made (in a meat processing plant, butcher shop, grocery store, restaurant, persons home kitchen or basement)
- Regardless of where the product is being consumed
- Regardless of volume when the product or activity is considered a high risk

Ontario consumers expect the government to provide oversight to ensure the products they are consuming will not make them ill. One illness or worse, death, related to a meat product, regardless of who is responsible for licensing or inspecting, impacts the entire industry. Ontario's provincially licensed plants remain tainted as a result of the Aylmer incident in 2003.

Reducing regulatory burdens is an issue of public interest and we realize the government has sought feedback from a variety of individuals. Some members have expressed concern that support for a number of the proposed exemptions will move the industry backwards. We cannot jeopardize the strides we have made with major retailers and food distributors moving away from a federal only policy. It is imperative that the **voice of the provincially licensed meat plants** be your primary concern as they will be directly affected by decisions that may impact them financially and may threaten their sustainability.

Who should be licensed by OMAF?

Regulations pertaining to the manufacturing and distribution of meat products must apply universally regardless of who provides the licensing or the inspection.

Justice Haines recommended that the provincial government ensure that the standards for all meat retailers be consistent whether under the *Food Premises* regulation or pursuant to any regulation developed under the *Food Safety and Quality Act, 2001*.

In Chapter 9 of the report, Meat Retail and Distribution, Justice Haines notes that "While food safety is important at all stages of the food continuum, it is especially so in the retail and distribution stage where the meat will be sold, sometimes in a ready-to-eat form, to the consumer. Meat that is not properly stored, handled, or prepared at any food service premises may not be safe for consumption."

Until the government can provide assurance as to how Public Health under the Food Premise Regulation can provide the oversight and regulatory standards to address the food safety risks with the manufacturing and distribution of OMAF's currently regulated products, **the OIMP is not supporting exemptions that potentially put our sector at risk.**

Considerations:

- Public Health inspectors would require training to be able to oversee meat processing procedures similar to that provided to OMAF further processing inspectors.
- OMAF utilizes a risk based inspection frequency ensuring that meat plants conducting Category 2 activities receive inspection ranging from every 6 weeks to daily. Public Health Inspectors would need to use a similar model rather than the current requirement to inspect not less than once every four months for high-risk food premises.
- Under the Food Premise Regulation consideration should be given to issue licenses to businesses conducting category 2 activities.
- If exemptions are supported we urge OMAF to consider voluntary licensing for those processors that have made significant investments in their facility to meet the standards and have customers that want that level of government oversight OMAF provides.
- While there is a distinction between an assembled food product and assembled meat product industry noted the need for assembled products to be regulated under the same process control standards as an OMAF licensed plant producing the same type of product.
- If an assembled food product containing meat were exempt from licensing how could they be received, stored and distributed in a OMAF licensed facility?
- Industry questions how the percentage of meat can determine the level of risk (i.e. ecoli related to ground beef)

- Where did the criteria used to establish the 25% come from? (*federal regulations defines a meat pie as 20% of the filling to be meat*)
- How will Public Health Inspectors monitor the 25% threshold? (*written recipes would be required and access to them by an inspector*)
- While there was general support for small distribution volume exemptions there still remained concerns with how Public Health Inspectors will monitor the threshold?
 - Does the less than 25% or less than 20,000 kg of products to wholesale markets per year include all products or only meat products?
 - Was there consideration given to a dollar amount similar to that in the United States?
 - Consideration must be addressed as to where the product is going (*senior residences, hospitals, child care facilities*)
- Industry **does not support** exemptions for food service operators performing category 2 activities and feel they should be subject to the same requirements as a licensed meat plant under Food Safety and Quality Act: O. Reg. 31/05: s. 93(1)(b)(c), 97(1), 98(1), 105 (1).

93. (1) An operator of a meat plant shall,

(b) ensure that any process used at the plant in the manufacturing, processing or preparation of a meat product is designed and implemented to ensure a safe meat product;

(c) implement and maintain control procedures at the plant to identify, quantify, eliminate, minimize or control hazards in a production process that are critical to ensuring the production of a safe meat product.

97. (1) The operator of a meat plant shall ensure that processing operations at the plant are performed in a manner that produces meat products that are safe.

98. (1) If meat products are cooked, fermented or smoked at a meat plant, the operator of the plant shall record the time and temperature for the cooking, fermentation and smoking.

105. (1) Subject to subsection (2), a prepared meat product that contains pork shall be heated, cured, frozen or otherwise treated in such a manner that all *Trichinella spiralis* in it are destroyed.

- A foodservice establishment would be considered to pose the same level of risk as a meat plant if they are:
 - Using curing agents (restricted ingredients - nitrate)
 - Operating a smokehouse located inside or outside the establishment
 - Using tumbling/injecting equipment
- OMAF licensed meat plants will be subject to Meat Plant Guidelines P9.10.01.13 and P9.10.04.22 to support the production of safe fermented sausage and dried meat products. OMAF licensed meat plants will incur costs to meet these requirements while foodservice establishments producing the same product would not be required to.
- OMAF needs to work closely with MOHLTC for changes to Food Premise Regulation to incorporate process control requirements.
- Instead of making exemptions OMAF could consider licensing those food service establishments involved in producing category 2 (high risk products) with the requirement to meet certain aspects of the regulations such as process control standards and be exempt from others that are not applicable (i.e. building/construction).

When decisions have been made regarding the proposed changes we encourage OMAF to develop a comprehensive communication plan including, but not limited to, public health units, agricultural organizations, restaurant association and industry. Those operating outside of the regulations need to be aware of the penalties and enforcement activities.

Inspected Meat Products from an Unlicensed or Unregistered facility

Under Meat Regulation 31/05 Section 101, entry of meat products into a meat plant requires the product to originate from either another OMAF licensed meat plant, a federally registered establishment or imported into Canada in accordance with the *Meat Inspection Act* (Canada). The regulation should focus on providing evidence to ensure the product received inspection under Ontario Meat Regulation 31/05 or the Meat Inspection Act and Regulations. The integrity of the product needs to be maintained and safety of the product through proper handling and temperature control. It is impractical for the onus to rest entirely on the receiving plant for temperature control. While data loggers are a great tool they are not on all trucks. OMAF licensed meat plants already have protocols in place to deal with returned products.

Competitiveness challenges faced by Industry

- Industry continues to express concern regarding the lack of compliance and enforcement of businesses conducting regulated activities without a license. This should be a transparent process and penalties and convictions communicated to demonstrate OMAF's commitment to licensed meat plants.
- Local Public Health inspectors have a responsibility to identify and report licensable activities that put the public at risk and jeopardize the sustainability of our licensed meat plants.
- Colleges offering culinary programs, teaching students how to make high risk products (curing, smoking, drying), need to include in their curriculum the regulatory requirements. In some cases these products are being sold or served in their cafeterias.
- OMAF licensed plants are subject to federal interventions such as the control of E-coli, Salmonella, and Trichinella while food service establishments producing similar products are not, potentially putting public safety at risk and creating a competitive disadvantage.
- Small distribution volume exemptions will create a competitive disadvantage for licensed meat plants.

Once again, the OIMP would thank you for the opportunity to provide feedback. We look forward to our continued collaboration with OMAF in fine-tuning the regulatory language.

Sincerely,



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President

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OIMP Comments: Proposed Amendments to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Item	O.Reg. 31/05 Reference	Proposed Amendment	OIMP's Comments
1	Interpretation	The weights set out in the definition of "eviscerate" do adequately address young chicken and duck carcasses. Although, if a carcass from a young chicken or duck has kidneys, its label must provide that information.	Would need to see the regulatory text to comment.
		In order to better determine when the labelling is required for young chicken and duck carcasses, the term "eviscerate" could be clarified.	Would need to see the regulatory text to comment.
		In addition, a description of "young chicken" and "young duck" could be included.	
2	s.15(2)	Allow residences to be adjoined to the meat plants but do not allow them to open directly into a meat plant (i.e. there must be a door separating the residence from the meat plant).	Support
3	s.15(5)	Repeal s.15(5).	Support
4	s.16(1)	1. Remove the term "soundly".	Support
	s.16(2)(d)	2. Clarify that construction standards mentioned in s.16(2) should apply only to washrooms in processing areas and may not apply to washrooms in other areas (e.g. offices). This would apply in meat plants with more than one washroom.	Washrooms should not be included in the construction requirements at all - this is above what is required for the Federal Plants
5	s.16(3)	Clarify that coving is optional if wall-floor junctions are constructed in a way that they can be readily and effectively cleaned and material is prevented from accumulating in them.	Support
6	s.17	1. 1. Lux values would be updated and not be more onerous than federal standards.	Support
		2. Clearly allow the use of portable, temporary or task lighting	Support
7	s.19(2)	Remove the requirement for the segregation of effluent from human effluent from other waste.	Support
8	s.19(5)	Repeal s.19(5)	Support
9	s.21(2)	A meat plant would be required to have:- a furnished workspace in an appropriate area of the meat plant that is large enough for the inspector to perform their duties	Support
	s.21(5)	- an electrical outlet near the workspace	Support
		-access to a telephone and telephone line.	Support
		The requirement for inspection stations and lockers at a slaughter plant will remain.	Support
10	s.22(1)	Remove the construction requirement for a separate dry storage room. Ensure that ingredients and packaging are dry and not contaminated.	Support
11	s.22	Clearly allow freestanding meat plants to process and sell pet food.	Support
	s.90	Subject to specific controls, allow inedible material to be handled and stored in a separate area of a meat plant, rather than in a separate room.	Support

OIMP Comments: Proposed Amendments to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Item	O.Reg. 31/05 Reference	Proposed Amendment	OIMP's Comments
12	s.23(3)	Clearly require that water sanitizers be directly connected to drains in the floor in all areas of a meat plant where meat products are processed. This would not apply in slaughter areas of a meat plant.	There is currently no requirement in the CFIA MOP or Reg's to have the water sanitizers directly connected to the drains in the floor. This language and requirement could require significant cost and burden to the industry. The language should be "directly drained" and not specify "in the floor".
13	s.27(3)(a)	Allow for access to a washroom, rather than requiring a meat plant to have its own washroom. However, this would not apply to those meat plants located inside a residential building and would not apply to slaughter plants.	Because these washrooms cannot meet the requirements of s.16(2)(d) the plant would be in constant violation of the reg's - must remove the construction requirements for all washrooms!
	s.27(3)(b)		
14	s.27(3)(c)	Include a requirement for soap, single-use paper towels and a paper towel dispenser at hand washing stations.	Support
	s.27(3)(d)		Support
15	s.27(4)5.	When there is more than one washroom in a meat plant, washrooms in non-processing areas would not require remote functioning/timed hand washing facilities.	Support
16	s.27(4)5	Clearly require soap, soap dispensers, single-use paper towels and paper towel dispensers in washroom facilities.	Support
17	s.27(3)(b)	Repeal s.27(6) and its Table.	Support
	s.27(6) and its table		
18	s.28(3)3.	Clarify that sufficient separation between change areas and processing areas in meat plants may be acceptable to prevent contamination, instead of requiring a physical barrier between the two areas.	Support
19	s.55(c)	Clarify that the current practice of using the same room for multiple purposes is acceptable and does not conflict with the requirement for products to move in a single direction.	Who approves the operational controls? What is the protocol of operation controls?
20	Part VIII	Require that all slaughter plants have the equipment required to properly restrain and euthanize animals and that it is appropriate for the type of animal being euthanized.	More research is required by OMAF on this subject before it is put into regulation
21	Part VIII	Require that slaughter plants have readily available back-up equipment for immediate use to stun and render an animal unconscious.	This should be in policy - not in regulation
22	Part VIII	Include a prohibition that prevents the loading or unloading of an animal in a way likely to cause injury or undue suffering to it.	Support
23	Part VIII	Prohibit the use of goads or electrical prods on food animals, except when human or animal safety is at imminent risk	This should not be a regulation but a policy
24	Part VIII	Prohibit bovine, ovine and caprine animals from being taken to a restraining box, unless they are to be stunned, rendered unconscious and killed without undue delay.	This should not be a regulation but a policy

OIMP Comments: Proposed Amendments to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Item	O.Reg. 31/05 Reference	Proposed Amendment	OIMP's Comments
25	s.75(2)(c)	Remove the exception to allow rabbits to be hoisted or suspended while conscious.	Suspended, conscious rabbits are allowed in federal
		The exception for birds, including poultry, to be hoisted or suspended while conscious would remain.	Support
26	s.75(2)(b)	Require that an animal be restrained in an upright position until it is stunned and rendered insensible.	More research needs to be done on this including the impact on religious slaughter
	s.75(8)(a)	During ritual slaughter, require that the animal is restrained in an upright position.	More research needs to be done on this for the religious slaughter
27	s.83	Include a provision that allows temperatures to rise temporarily above 4°C, provided that they remain below 10°C. It would not be acceptable for the cooler to contain meat products from a previous day.	(4) should be completely re-worded as per the CFIA model - Temp of room not to be the factor but the temp of the product.
28	Part XII	Include a provision which prohibits any person from making a statement which is untrue, deceptive or misleading. This would apply to a package, label, invoice, manifest or advertisement.	This is already included in FDR and CPLR - what does it need to be repeated. How will it be enforced?
29	Part XII	Remove all labelling requirements in O. Reg. 31/05 Meat that are also found in Food and Drug Regulations and Consumer Packaging and Labelling Regulations.	OIMP needs to see what specific regulations would be removed and what language will be used.
30	Part X	Include a requirement that ready-to-eat meat products are stored in such a manner within a meat plant that they do not become unfit for human consumption.	<p>What does this look like outside of what is already written in the regulations? Sufficiently handled by Processing standards and Standards for handling and storing</p> <p>96. (1) The operator of a meat plant shall ensure that meat products and ingredients used in meat products are, (a) handled and stored in a manner that prevents their contamination; (b) stored in an environment that effectively controls the growth of pathogenic micro-organisms; and (c) stored at the plant in a manner that protects them from physical damage. O. Reg. 31/05, s. 96 (1).</p> <p>(2) The operator shall ensure that, (a) meat products do not come into direct contact, at the plant, with any floor, wall or other surface that is not a food contact surface; and (b) containers of meat products are not placed in direct contact with the floor of the plant. O. Reg. 31/05, s. 96 (2).</p> <p>(3) If ingredients used in meat products are stored at a meat plant, the operator of the plant shall ensure that, (a) they are labelled to indicate the name of the ingredient, its composition and directions for its use; and (b) in the case of nitrite or nitrate, packaged separately from any spice, seasoning or other proteinaceous ingredient.</p>
31	s.112	Clarify that the inspection legend cannot be used by licensed meat plants for non-meat products.	If a licensed meat plant makes an assembled food product that contains meat - how will the legend be handled??
32	s.112	The meat inspection legend (including labels, packaging material, stamp) cannot continue to be used if a facility is no longer licensed.	Support
33	s.112(4)	Clarify that no person may apply an inspection legend to a meat product except at the meat plant where it was processed and packaged.	Support
34	s.119	Update Table 1 definition for "fully cooked" and related definitions.	What does this definition look like?
	Table 1		

OIMP Comments: Proposed Amendments to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Item	O.Reg. 31/05 Reference	Proposed Amendment	OIMP's Comments
35	s.129(2)	1. Clarify that boxes that are re-used must be lined with a single-use liner.	What about pre-packaged meat products? Why is an additional liner required?
	s.129(3)	2. When packaging materials are re-used, previous markings must be removed or covered.	Support
36	s.134(1)5.ii	Replace specific frozen product temperature requirements with an outcome-based requirement. For example, if the transport container is used for frozen carcasses, it is equipped to maintain them in a frozen state.	Support
37	s.134(1).7	If meat products will not become contaminated, do not restrict transport containers from carrying meat products when a previous load was incompatible.	Support

OIMP Comments: Additional Amendments Proposed to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Reg #	Regulatory Text	Identify for change
Intepretation	add definition/explanation of written record	Needs to recognize that electronic record keeping is an viable option for operators. There are too many sections in the regulation to amend and would be best captured in the interpretation section.
s.18.(2)	18. (2) In addition to subsection (1), a slaughter plant shall have adequate heating and ventilation to allow inspectors at post mortem inspection stations in the killing room to work in a comfortable environment. O. Reg. 31/05, s. 18 (2); O. Reg. 221/05, s. 8.	Already covered in the following regulation: 18.(1) A meat plant shall be equipped with heating, cooling, ventilation and plumbing systems that are adequate to meet the requirements of the activities carried out at the plant and that are designed and constructed to facilitate their effective cleaning. O. Reg. 31/05, s. 18 (1).
s.88(3)	(3) The operator of a meat plant shall ensure that only the substances and methods that a director has approved for are used to denature inedible material at the plant.	This is prohibitive - does the director actually approve denaturants? Where is the list? And the methods?
Supplementary inspections at slaughter plants s.57.2 (1)	<p>57.2 (1) At the request of the operator of a slaughter plant, a director may assign one or more inspectors who are not veterinary inspectors to the plant for the purposes of performing supplementary ante mortem or post mortem inspections at the plant,</p> <p>(a) at times that fall outside the times at which a director has assigned inspectors to perform inspections at the plant under subsection 57.1 (1); or</p> <p>(b) for time in excess of the maximum times mentioned in subsection 57.1 (2). O. Reg. 70/08, s. 6.</p> <p>(2) Every operator of a slaughter plant shall inform a director at least 48 hours before the start of a day on which a director has assigned inspectors to perform inspections at the plant under this section if the ante mortem or post mortem inspections that would have been performed during that day will not be required. O. Reg. 70/08, s. 6.</p> <p>(3) At the request of the operator of a slaughter plant, a veterinary inspector may perform ante mortem or post mortem inspections at the plant,</p> <p>(a) at times that fall outside the times at which a director has assigned inspectors to perform inspections at the plant under subsection 57.1 (1); or</p> <p>(b) for time in excess of the maximum times mentioned in subsection 57.1 (2). O. Reg. 70/08, s. 6.</p>	It has been brought to OIMP's attention that there is inconsistency in application of this regulation and the fees associated with it. Is this to be reviewed during the regulatory review process?
S130. (1)	<p>130. (1) Subject to subsection (2), a meat product set out in Column 2 of the Table to this section shall not be pre-packaged in a weight other than the permitted weight set out opposite it in Column 3. O. Reg. 31/05, s. 130 (1).</p> <p>(2) Subsection (1) does not apply to a meat product that is,</p> <p>(a) pre-packaged at a random weights and subsequently labelled with the net weight for retail sale;</p> <p>(b) packaged in hermetically sealed containers in accordance with subsection 99 (4); or</p> <p>(c) pre-packaged in weights over 1 kilogram. O. Reg. 31/05, s. 130 (2).</p> <p>TABLE PERMITTED WEIGHTS FOR PRE-PACKAGED MEAT PRODUCTS</p>	Currently being reviewed for repeal by CFIA.
s.29. (3)	29. (3) Floors, ramps, gangways, chutes, pens and crates used for food animals, other than rabbits or birds that are not ratites, in a slaughter plant shall be, (f) maintained in a clean, dry and sanitary condition.	To maintain the areas in the barn or animal receiving area of a slaughter plant in a clean, dry and "sanitary" state is nearly impossible.

OIMP Comments: Additional Amendments Proposed to Ontario's Meat Regulation under the Food Safety and Quality Act, 2001

Reg #	Regulatory Text	Identify for change
s. 32. (1)	<p>32. (2) The operator of a meat plant shall ensure that the plant has a water-sampling tap installed in an accessible location in the plumbing of the plant that is,</p> <p>(a) at or near where the water from the drinking water system enters the plant;</p> <p>(b) upstream from all other plumbing fixtures; and</p> <p>(c) acceptable to an inspector. O. Reg. 31/05, s. 32 (2).</p> <p>(4) The operator shall ensure that the plant has a back-flow prevention device installed immediately downstream of the water-sampling tap to prevent water from the plant's plumbing from re-entering the drinking water system. O. Reg. 31/05, s. 32 (4).</p>	<p>There are municipal by-laws preventing the installation of a water sampling tap prior to the backflow preventer.</p>
s.51. (1)	<p>(2) Subject to subsection (3), the operator shall not permit the temperature to exceed 10 degrees Celsius in rooms or areas of the plant where meat products are processed, packaged, labelled or otherwise handled and where a low temperature is required for the preservation of the products. O. Reg. 31/05, s. 51 (2).</p> <p>(3) If the temperature exceeds 10 degrees Celsius in rooms or areas of the plant where meat products are processed, packaged, labelled or otherwise handled and where a low temperature is required for the preservation of the products, the operator shall,</p> <p>(a) not permit the internal temperature of the products to exceed 10 degrees Celsius; and</p> <p>(b) have the rooms or areas and the equipment and utensils used in them effectively cleaned and sanitized every four hours. O. Reg. 31/05, s. 51 (3).</p>	<p>From the MIR - 36. The temperature in a room or area of a registered establishment where a meat product is processed, packaged, labelled or handled shall be appropriate to ensure the preservation of a meat product. CFIA has removed specific room temperatures as well as the requirement to clean every four hours - it is about maintaining the product temperature. Need the regulations to not be so prescriptive and more outcome based.</p>