

Food Retail and Food Services Regulation

approved: April 12, 1999

**Canadian Food Inspection
System Implementation Group**

CFISIG

Interpretation and Application

Interpretation

1. In this regulation

- "Act" means the applicable provincial health act;
- "container" includes a food grade receptacle or covering used to package, wrap, contain or cover food;
- "contamination" means exposure of food to conditions which permit or may permit
 - a) the introduction of foreign matter including filth, a poisonous substance or pests, or
 - b) the introduction or multiplication of disease causing microorganisms or parasites, or
 - c) the introduction or production of toxins;
- "equipment" means items that are used in the operation of a food premises that include but is not limited to dispensing units, stoves, ovens, deep fryers, ventilation systems, slicers, grinders, mixers, scales, cutting surfaces, tables, shelving, refrigerators, freezers, sinks, ice makers, trolleys, vending machines, dishwashing machines, and lighting systems;
- "fish" means fin fish and molluscan and crustacean shellfish;
- "food" means any raw, cooked or processed substance and includes but is not limited to ice, beverages, or ingredients used or intended for use in whole or in part for human consumption;
- "food bank" means a non profit organization that
 - a) operates with the exclusive intent of feeding the hungry, and

b) receives, holds, packages, repackages or distributes food to be consumed off the premises but does not process food;

- "food contact surface" means the surface of equipment or utensils with which food normally comes into contact;
- "food premises" means any place where food that is intended for public consumption is sold, offered for sale, supplied, handled, prepared, processed, packaged, displayed, served, dispensed, stored or transported;
- "handwashing station" means a hand basin provided with
 - (a) hot and cold running water,
 - (b) soap in a dispenser, and
 - (c) a method of hand drying that uses single service products;
- "health hazard" means any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease.
- "operator" includes a holder of a permit, an owner, lessor or manager of the food premises;
- "pest" means any animal or arthropod destructive to the operation or may contaminate food or food contact surfaces in a food premises and includes rats, mice, cockroaches and flies;
- "potable" means water that is safe for human consumption;
- "potentially hazardous food" means food in a form or state which is capable of supporting the growth of pathogenic microorganisms or the production of toxins;
- "process" means to make raw foods ready to eat, and includes but is not limited to washing, rinsing, thawing, heating, cutting, cooking, smoking, salting, canning, freezing, pasteurizing and reprocessing of previously processed food;
- "ready to eat" are foods not requiring any further preparation before consumption;
- "regulatory authority" means the municipal, provincial, territorial or federal enforcement body having jurisdiction over the food premises for the purposes of the Act and this regulation, or any agency or authorized representatives of any of them;
- "sanitary" means free from contamination;
- "sanitize" means to treat by a process which destroys most microorganisms, including all pathogens, and sanitation has a corresponding meaning;
- "service animal" means an animal that is specifically trained for the purpose of providing assistance to persons with disabilities as defined in the applicable provincial or territorial Act pertaining to service or guide animals;

- "single service" means designed to be used only once and then discarded;
 - "utensil" includes kitchenware, tableware, glasses, cutlery, or other similar items used in the handling, preparation, processing, packaging, displaying, serving, dispensing, storing, containing or consuming of food;
 - "voluntary caterer" means a member of a group, organization or agency who volunteers to prepare food for functions or gatherings;
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Application

2. This regulation applies to every food premises other than:

(a) a private residence

(b) a private residence that provides food and lodging and that:

i) has 4 or fewer bedrooms for hire, and

ii) limits food service to the guests of those hired rooms.

(c) premises in which food is prepared or served by voluntary caterers for functions or gatherings limited to members of their own organization and guests.

PART 1

OPERATION OF A FOOD PREMISES: APPROVALS, PERMITS, ENFORCEMENT

Approval

3. (1) No person shall operate a food premises unless

(a) the plans and specifications for the food premises have been approved by the regulatory authority in accordance with section 6, and

(b) the food premises are constructed and maintained in accordance with that approval.

Approval revoked

(2) The regulatory authority may revoke the approval if a food premises is not operated and maintained in a manner that ensures the safe and sanitary handling of food in the operation of the food premises.

Reinstatement of approval

(3) An approval revoked under subsection (2) may be reinstated if the regulatory authority is satisfied that the food premises meets the conditions for approval under section 6 and is in compliance with subsection (2).

Permit to operate

4. (1) No person shall operate a food premises unless the person holds a permit issued under this section.

(2) A person who wishes to operate a food premises shall

(a) apply to the regulatory authority in the form and manner prescribed, and

(b) provide the regulatory authority with any other information as required.

(3) The regulatory authority may issue a permit to operate a food premises to a person who complies with the Act and this regulation.

(4) Where, in the opinion of the regulatory authority, any person has demonstrated that he or she is not capable of operating a food premises in accordance with the Act and this regulation, the regulatory authority may refuse to issue a permit under subsection (3).

(5) A refusal to issue a permit under subsection (3) remains in effect until such time as the regulatory authority is satisfied that the person is capable of operating a food premises in accordance with the Act and this regulation.

(6) The regulatory authority may issue a permit under subsection (3) subject to terms and conditions.

(7) A permit issued under subsection (3) is not transferable.

(8) The holder of a permit issued under subsection (3) shall post the permit in a conspicuous location in the food premises.

(9) A permit to operate issued under existing applicable food premises regulations, that is valid and subsisting on the date this regulation comes into force, is deemed to have been issued under this section.

Enforcement

5. If the holder of a permit issued under section 4 contravenes the Act or this regulation, the regulatory authority may

(a) impose terms and conditions on the permit,

(b) rescind or amend existing terms and conditions on the permit, or suspend or cancel the permit.

PART 2

CONSTRUCTION, DESIGN, FACILITIES

Plans and specifications to be approved

6. For the purposes of the Act and this regulation, no person shall construct or make alterations to a food premises unless plans and specifications respecting the location, design and construction of the facility are submitted to and approved by the regulatory authority.

General construction requirements

7. (1) Every person who constructs or makes alterations to a food premises shall ensure that the food premises are

- (a) of sound construction and in good repair,
- (b) designed to facilitate effective cleaning and sanitation, and
- (c) designed to ensure the safe and sanitary handling of food in the operation of the food premises.

(2) Where it is deemed required by the regulatory approving agency, every operator of a food premises shall ensure that the food premises are

- (a) equipped with or attached to a supply of hot and cold potable water in quantities sufficient to meet the needs of the food premises;
 - (b) connected to an approved and properly operating sewage disposal system;
 - (c) provided with lighting which is located throughout all areas of the food premises and of sufficient intensity adequate to meet the needs of the food premise operation; and
 - (d) equipped with a means of providing ventilation to areas of the food premises that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke, or excessive heat.
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Washroom facilities and handwashing stations

8. (1) In the absence of municipal or provincial building by-laws, codes or legislation, washroom facilities in every food premises shall be constructed, equipped and designed in accordance with the most recent edition of the *National Building Code*.

(2) Every operator of a food premises shall supply and maintain handwashing stations adequate in number and location to ensure convenient access to all employees.

Storage of equipment or materials not required for operation of food premises

9. An operator of a food premises shall ensure that articles, equipment or materials not associated with the operation of the food premises are:

(a) stored separate from areas where food is processed or prepared, and

(b) stored in manner that does not contaminate food or food preparation areas.

Storage of chemicals

10. Every operator of a food premises shall ensure that chemicals, cleansers, and other similar agents are stored in

(a) non-food containers that are clearly labelled to identify the contents, and

(b) such a manner to prevent contamination of food.

Pests

11. Every operator of a food premises shall ensure that the premises are

- (a) free of insect and rodent infestations,
 - (b) free of conditions that lead to the harbouring or breeding of pests, and
 - (c) screened or otherwise protected to prevent the entrance of pests.
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PART 3

CONTROL OF FOOD HAZARDS

Food from approved sources

12. (1) Every operator of a food premises shall ensure that all food on the food premises is obtained from :

(a) a source that is subject to inspection by the government of Canada, the province, any other province or territory, or an agency official of any of those governments under whose authority food safety standards are established and enforced, or

(b) a food premises for which plans and specifications have been approved under section 6.

(2) Food that is present in a food premises and not clearly identified as being held for return to supplier or for disposal is deemed to be offered for sale and for human consumption.

Product Identification

13. Every operator of a food premises shall ensure that all food on the food premises is clearly and properly identified.

Protection of food from contamination

14. Every operator of a food premises shall ensure that food

(a) is protected from contamination, and

(b) is handled, prepared, processed, packaged, displayed, served, dispensed and stored in a sanitary manner.

Contaminated food

15. An operator of a food premises shall not sell, offer for sale, donate, supply, prepare, process, package, display, serve, dispense or store food which is contaminated or otherwise unfit for human consumption.

Processing, storage, display and transportation

16. (1) Every operator of a food premises that processes potentially hazardous food shall ensure that the food is processed in a manner that renders it safe to eat.

(2) Every operator of a food premises shall ensure that potentially hazardous food is stored, displayed and transported at a temperature that is less than or equal to 4°C or greater than or equal to 60°C, or in the case of frozen potentially hazardous food, less than or equal to 0°C.

Food transportation, storage or distribution units

17. Every operator of a food transportation, storage, or distribution unit shall operate these units under conditions that prevent any form of chemical, microbial or physical contamination of the food.

Previously served food

Potentially hazardous food

18. (1) Potentially hazardous food that has been previously served to any customer shall not be served to any customer.

Food other than potentially hazardous food

(2) Food other than potentially hazardous food, that has been previously served to any customer shall not be served to any customer, unless that food was previously served in a container and in a manner that prevents contamination.

Food handling procedures

19. Every operator of a food premises shall have written food handling procedures in relation to potentially hazardous foods to ensure that food contamination does not occur in the operation of the food premises.

PART 4

MAINTENANCE AND SANITATION

Equipment, utensils, and food contact surfaces

20. Every operator of a food premises shall ensure that all equipment, utensils and food contact surfaces used on the food premises are

(a) constructed from materials that are

(i) suitable for their intended purpose, and

(ii) durable, easily cleaned and free from any undesirable substance,

(b) in good working order, and operated in a manner that ensures the safe and sanitary handling of food in the operation of the food premises.

Refrigeration and hot holding equipment

21. (1) Every operator of a food premises shall ensure that all refrigeration and hot holding equipment

(a) is of a type and capacity that is adequate to meet the needs of the food premises, and

(b) is capable of maintaining the temperatures required by section 16(2).

(2) Every operator of a food premises shall ensure that all refrigeration and hot holding equipment is equipped with a temperature measuring device that is accurate and is in good repair.

Maintenance and sanitation

22. (1) Every operator of a food premises shall ensure that the premises and the equipment and utensils used on the premises are maintained in a sanitary condition.

(2) Every operator of a food premises shall ensure that equipment used on the premises is located and maintained such that it functions in the manner intended, and can be easily cleaned and sanitized.

(3) Without limiting subsection (1), every operator of food premises shall ensure that food contact surfaces are maintained at all times in good repair and in a clean and sanitary condition.

(4) Every operator of a food premises shall provide the facilities and equipment necessary to meet the requirements of this section.

Single service utensils and containers

23. An operator of a food premises shall not allow utensils or containers that are designed for single service use to be used more than once.

Sanitation procedures

24. (1) Every operator of a food premises shall have written procedures to ensure the safe and sanitary operation of the food premises.

(2) The written procedures required by subsection (1) shall include

(a) the cleaning and sanitizing requirements for the food premises and for all equipment and utensils used therein,

(b) the identification of cleaning and sanitizing agents used in the food premises, including their concentrations and their uses, and

(c) the identification of all pesticides used in the food premises, including their uses and their storage requirements.

Pest control measures and procedures

25. Every operation of a food premises shall maintain a written record of all pest control measures used on the premises.

PART 5

HYGIENE AND COMMUNICABLE DISEASES

Employee hygiene

26. (1) Every operator of a food premises shall ensure that all employees and any person engaged in any operation of a food premises that brings them in contact with food

- (a) wear clean clothing and footwear,
- (b) exhibit cleanliness and good personal hygiene,
- (c) take adequate measures to ensure that food is not contaminated by hair,
- (d) wash their hands as often as necessary to prevent the contamination of food, and
- (e) refrain from any behaviour or practices that may result in the contamination of food.

(2) All employees to whom subsection (1) applies are under corresponding obligations as set out in clauses (a) to (e), and every operator shall provide information to facilitate the fulfilment of these obligations.

(3) Every operator of a food premises shall ensure that no person smoke in any area where food is prepared, processed, packaged, or stored or in dishwashing areas.

Communicable diseases

27. (1) Employees of food premises who are known to be or suspected of suffering from a condition or disease, transmissible through food must be excluded from activities that would bring them into contact with any food, equipment, utensils or food contact surfaces on the food premises.

(2) A food premises employee who is suffering from a condition or disease which is transmissible through food is under an obligation to immediately report this to the operator.

PART 6

EDUCATION AND TRAINING

Food safety training

28. (1) This section does not apply to a food premises where

(a) only prepackaged food that is not potentially hazardous food is served or dispensed to the public, or

(b) unpackaged food that is not potentially hazardous food is served or dispensed to the public if the service of dispensing does not result in the risk of a health hazard occurring.

(2) Every operator of a food premises shall hold a certificate confirming his or her successful completion of a food handler training program recognized by the regulatory authority.

(3) Every operator of a food premises shall ensure that, while the operator is absent from the food service premises, at least one employee present therein holds the certificate referred to in subsection (2).

PART 7

MISCELLANEOUS

Animals

29. (1) Subject to subsection (2) an operator shall not permit live animals to be on the food premises.

(2) An operator of a food premises may permit the following animals on the premises:

(a) a service animal but not in any area of the premises in which food is handled, prepared, processed, packaged, or stored;

(b) live fish in an aquarium; or

(c) any other animal that a regulatory authority determines will not pose a risk of a health hazard occurring on the premises.
