CITY OF HAMILTON

Public Health Services
Health Protection Division

Report to: Mayor and Members
Board of Health

Submitted by: Elizabeth Richardson
Medical Officer of Health
Public Health Services

Date: November 23, 2007

Prepared by: Robert Hart x5428

SUBJECT: Web Posting of Food Premises Inspection Results Update
BOH07006(b) (City Wide)

RECOMMENDATIONS:

(a) That the Board of Health approve the continued use of the current green card
system, as the basis of the City’s food safety inspection disclosure program;

(b) That the Board of Health approve the delay of implementation of web-posting of
inspection findings until the outcome of the 2008 budget process is known; and

(c) That the item respecting a report outlining the pros and cons of a three colour
inspection system and the associated costs be identified as complete and
removed from the Outstanding Business List.

Elizabeth Richardson
Medical Officer of Health
Public Health Services

EXECUTIVE SUMMARY:

In response to Report BOH07006, Food Safety Improvements, presented at the April
23, 2007 Board of Health meeting, staff were directed to prepare a report outlining the
pros and cons of a three colour inspection certificate system and the associated costs
and present it to a future Board of Health meeting for consideration.

This report fulfils this direction and also provides an update on the development status
of a system to post food premises inspection results on the web.
An analysis of Public Health Service’s (PHS) current computerized database of food premises inspections indicates significant potential for uncontrollable errors in reporting. These errors could result in a loss of reputation for food premises and thus liability for the City in not exercising due diligence in controlling for accuracy of information released.

It is therefore recommended that a computerized field-based data management system that is capable of controlling for the errors described above be implemented to replace the current system. Adoption of this system will delay the implementation of web-based posting into 2008 (the original implementation timeline was late 2007) but would ensure an acceptable level of reporting accuracy.

The replacement system could support a three colour inspection certificate system. However in reviewing inspection scoring systems currently in use in North America, staff have determined that there is insufficient evidence to conclude that such systems significantly improve compliance. In addition, scoring systems are currently applied inconsistently across health unit jurisdictions and are open to misinterpretation by the public. The Ministry of Health and Long Term Care supports the principle of disclosure of information regarding public health program delivery. However, they have neither prescribed nor recommended the use of scoring systems for the disclosure of food premises inspection findings.

PHS therefore recommends that the current green card system, combined with web-based posting of inspection findings, form the basis of the City’s food safety inspection disclosure program.

**BACKGROUND:**

At the April 23, 2007 Board of Health meeting referred to above, the Board endorsed the posting of food premises inspection results on the web (“web-based disclosure”). Reasons cited in the report for adopting this strategy were as follows:

- Some jurisdictions implementing web-based disclosure systems have noted increased compliance with safe food practices among food premises and/or decreased local food borne illness incidence.¹

- In response to public desire for increased access to inspection information, web-based disclosure has become the norm among urban centres in southern Ontario, including Toronto, Peel, Halton, Niagara and Waterloo regions.

- Hamilton residents surveyed earlier this year were strongly in favour of a web-based disclosure system and report they would use it primarily to seek out premises with good compliance histories.

¹ The jurisdictions reporting these findings also made significant changes in their inspection strategies during the period that web-based disclosure was introduced. Therefore, it can not be determined with certainty whether posting, altered inspection strategies or a combination of the two contributed to the findings.
Local food premise operators acknowledged potential business benefits to web-based disclosure, but voiced concerns related to data security, data accuracy, and the consistent application of inspection standards and enforcement policies by PHS inspectors.

As well as commencing development of a web-based disclosure system, staff were also directed at that meeting to consider expanding the overall food safety disclosure system to include the use of three colour signage (red, yellow, green) for posting at food premises. Toronto and Peel Region use three colour signage. Some other Ontario health units, including Hamilton, post only green signage.

**ANALYSIS/RATIONALE:**

**Current Status of Web-based Disclosure Development and Recommended System Requirements**

It was originally proposed that the web-based disclosure system be launched at the end of this year. However, implementation has been delayed due to concerns about the accuracy of the data that would be posted to the web from the existing inspection database.

The current database is populated with inspection findings from handwritten forms prepared by inspectors in the field. The forms are electronically scanned allowing the information to be automatically transferred to the database. Two serious sources of data error have been detected in this process:

1. **Human Error**
   Inspectors can make mistakes in completing the inspection report. For example, entering the wrong food premises identification number on the report will assign the findings of that inspection to the wrong food premises. This error has been found to be fairly common in the existing data.

2. **Scanner Error**
   The scanner used to process the inspection reports has been found to sometimes misinterpret the information on the report. Errors detected include misread numbers and misidentification of key action items, including enforcement activities.

It was originally believed that modifications could be made to the existing system to control for these errors. However, Corporate IT and PHS Planning and Continuous Improvement (P&CI) staff have since determined that modifications either cannot be made or require manual check procedures that are time-consuming and inefficient.

A review of the database systems being used by other health units providing web-based disclosure indicates that the majority are using systems in which the data is entered directly into a hand-held electronic device in the field. Forms are pre-loaded on the device and feature mechanisms that block completion if they are filled out incorrectly or incompletely. This method of data entry greatly reduces the potential for inspector error.
and, if adopted, would also eliminate errors associated with the use of scanned reports described above. Some systems currently in use in Ontario also include applications for other environmental health programs including rabies control and complaint response. Adopting such a system could therefore potentially solve data management issues associated with other PHS programs.

PHS, P&CI and IT staff are currently evaluating various systems in use by Ontario health units and it is expected that a selection will be made by mid-January of next year. Therefore, exact costs for start-up and annual maintenance cannot be provided at this time. However, what is believed to be an accurate estimate (based on discussions with product vendors and other health units) has been submitted as a 2008 budget enhancement. The requested enhancement is $59,400, cost shared 75%-25% with the province. This amount represents the cost of annual licence fees, upgrades and maintenance for all users of the system. One time start-up costs associated with system installation/configuration, hardware upgrades, and user training would be covered by capital funds already set aside for food safety disclosure system enhancements.

**Colour Coding of Inspection Signage**

As mentioned above, some jurisdictions in North America use scoring or grading systems as a component of their food premises inspection systems. Examples include Los Angeles (LA) County which uses a letter grade system and the City of Toronto and Region of Peel, which both use three colour signage.

**Grading Systems and Food Safety Compliance**

There has been considerable debate on the effect posted inspection grades have on food safety compliance. Both LA County and the City of Toronto above have published reports indicating that either compliance or local foodborne illness rates have improved since the introduction of their systems. However, both also acknowledge that other significant changes to their inspection and disclosure systems occurred simultaneously with the introduction of grading systems. LA County noted for example that

> The implementation of grade cards in Los Angeles County also was accompanied by an increase in the frequency of inspection of some restaurants, additional training of restaurant inspectors, and enhanced efforts in educating restaurant owners and staff…..it is possible that these other components contributed to the observed reduction in foodborne-disease hospitalizations.

Similarly, the introduction of Toronto’s three colour signage also coincided with both the launch of their *DineSafe* web-based disclosure system and significant changes to their inspection procedures. So while it is possible that grading systems may contribute to improved food safety practices, it is just as possible that other disclosure strategies,

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increased training and enhanced inspection/enforcement strategies are equally or more effective.

In support of this view, it was noted in a report to the 2003 City of Hamilton Board of Health that compliance improvements (less need to re-inspect; fewer critical violations identified) cited in the DineSafe Evaluation almost exactly mirrored improvements observed in Hamilton with the introduction of the green card system, combined with increased inspection frequencies.

As a further example, PHS staff have identified significant compliance improvements in the first three quarters of this year. Critical infractions identified in high risk food premises have decreased by approximately 23% over 2006 data and the number of required re-inspections has decreased by approximately 8% (refer to table below). These improvements correspond to new inspection standards that were introduced to the food safety program at the beginning of this year. The standards were designed to improve the consistency of inspection and enforcement practices among Public Health Inspection staff. The first three quarters of 2006 saw three charges laid against food premises. Twenty-nine charges have been laid for the same period in 2007. These data would seem to indicate that more stringent enforcement policies can also have a significant impact on compliance.

### High Risk Food Premises Inspection Results
**January 1 – August 31**

<table>
<thead>
<tr>
<th></th>
<th># routine inspections conducted (I)</th>
<th># re-inspections (RI) required</th>
<th># critical violations (CI) identified</th>
<th>RI:I</th>
<th>CI:I</th>
<th># tickets written</th>
</tr>
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<tbody>
<tr>
<td>2006</td>
<td>1,273</td>
<td>434</td>
<td>549</td>
<td>0.34</td>
<td>0.43</td>
<td>3</td>
</tr>
<tr>
<td>2007</td>
<td>1,254</td>
<td>397 (↓8%)</td>
<td>421 (↓23%)</td>
<td>0.31</td>
<td>0.33</td>
<td>29</td>
</tr>
</tbody>
</table>

**Public Misinterpretation Associated with Grading Systems**

Two concerns raised by the Ontario food service industry and health units that have rejected three colour signage are the potential for misinterpretation and the subjective nature of the scoring system on which they are based.

Health units are responsible for ensuring as much as possible that food premises posing significant risk to the public are closed. Examples of conditions that would result in the closure of a food premises include:

- inadequate hot/cold holding units that make it impossible to hold hazardous foods safely
- lack of a running potable water supply or hot water supply
- housekeeping, sanitation, and/or pest issues so extreme as to pose a critical risk to safe food handling

Inspectors frequently find many less severe food safety violations during the course of inspections. These violations can pose food safety risks and re-inspections are required
to ensure permanent corrective action is taken. However, in these situations temporary corrective measures can be put in place to remove these risks pending re-inspection.

Therefore, at the completion of the inspection process, a food premises is designated either “safe” (i.e. permitted to operate) or “unsafe” (i.e. ordered closed until corrective action is taken). The introduction of an intermediate yellow or conditional pass obscures this point. It suggests that some premises permitted to operate pose significant food safety risks and should be avoided by the public. This misconception was identified as a significant problem by the City of Toronto in the evaluation of the DineSafe program where it was determined that up to 36% of diners did not understand the meaning of a yellow sign or equated it with an increased risk of foodborne illness.

In light of the information provided above, PHS staff recommends the continued use of the green card sign system. The system parallels PHS’s inspection/enforcement policy of permitted to operate or, closed until risk alleviated and is clear in its meaning. A three colour system could in fact be counter to the concepts of full public disclosure and transparency by fostering misunderstanding or mixed messages. Patrons desiring information about inspection findings would be better served by accessing a web-based disclosure system where more detail and explanation can be provided.

**ALTERNATIVES FOR CONSIDERATION:**

The Board of Health may elect not to endorse the improvements to the database outlined in this report. This may result in a lost opportunity to enhance programs that benefit the public’s health and access to information at minimal cost, and may put the City in a liability position with respect to the posting of erroneous inspection findings if web-based disclosure is implemented based on the current model. If web-based disclosure were not implemented at all, Hamilton would not be meeting public expectations for its food safety disclosure system, and would trail significantly behind strategies employed by neighbouring municipalities.

The Board of Health could direct staff to implement a three color grading system, replacing the current green card system. This could result in the public’s misinterpretation of food safety signage, and alienate the food service industry. The industry has been collaborating in the development of the disclosure system. There is no solid evidence to show that a three color grading system alone improves food safety compliance.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As indicated in Report BOH07006, increases in food safety compliance resulting from these recommendations could result in increased efficiencies related to reduced inspection times and number of required re-inspections. Increases in food safety compliance could also lower the local incidence of food borne illness. This, in turn, could reduce lost productivity and health care costs associated with this illness across our community.
of a computerized field-based data management system would require a gross budget enhancement of $59,400 ($14,850. net levy) but would decrease legal liability for the City by decreasing the potential for erroneous inspection reports.

**POLICIES AFFECTING PROPOSAL:**

n/a

**RELEVANT CONSULTATION:**

The following groups/agencies were consulted in the preparation of this report: neighbouring health units, the Ministry of Health and Long Term Care, the Canadian Restaurant and Food Service Association, the Canadian Council of Independent Grocers, City of Hamilton Legal Services and Corporate Services (ITS) Departments.

**CITY STRATEGIC COMMITMENT:**

The recommendations set out in this report support the implementation of the PHS Strategic Plan, through the development of a system that will improve the monitoring and analysis of food safety program data. This will allow for more precise measurement of business outputs leading to improved program planning. The enhanced ability to provide timely, accurate information to the community also supports the goal of promoting PHS as a recognized Public Health expert in the community.

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.  ☑ Yes  ☐ No

If adopted, the recommendations in this report could lead to a reduction in the risk of food borne illness as a result of improved food safety program delivery. In addition, the community will have improved access to public information.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No

If adopted, the recommendations in this report could result in improved food safety compliance leading to healthier and safer food premises

Economic Well-Being is enhanced.  ☑ Yes  ☐ No

If adopted, the recommendations in this report could result in increased consumer confidence in local food premises leading to increased business for food premises

**Does the option you are recommending create value across all three bottom lines?**  ☑ Yes  ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**  ☑ Yes  ☐ No

An enhanced, leading edge food safety program may attract high performance inspection staff.