SUBJECT: Public Access to Food Premises Inspection Information – BOH07006 (c) (City Wide)

RECOMMENDATIONS:

(a) That the current format of the Inspection Certificate ("Green Card") be retained

(b) 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:

This report provides an update to BOH07006(b), Web Posting of Food Premises Inspection Results Update, submitted at the December 10, 2007 meeting of the Board of Health. The outcome of this report was that the Board of Health directed that

1. subject to budget approval, development of a system for posting food premises inspection findings on the web ("web-based disclosure") continue.

2. in lieu of a three card system, use of the current Green Card system (i.e. posting of green inspection certificates at the entrance to food premises) continue. However, strategies be considered that would provide more detail regarding inspection findings to patrons "on-site" at premises.
3. staff report back to the Board of Health within six months after the budget process to provide an update.

These directions have been fulfilled and are discussed below.

**BACKGROUND:**

The recommendation to pursue web-based disclosure endorsed by the Board of Health in 2007 was based on the following information:

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.

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 last 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.

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 inspectors.

Provision of greater detail about inspection findings on-site was raised by Board of Health members at the December 10, 2007 meeting. The observation was made that if summary inspection findings were to be posted on the web, it was reasonable to provide similar information at the entrance to food premises where patrons had more immediate access to it. Wording on the Green Card only makes reference to the premises meeting food safety requirements.

**ANALYSIS/RATIONALE:**

Current Status of Web-based Disclosure System

Hamilton’s **FOOD SAFETY ZONE (FSZ)** web-based disclosure system is approaching final completion and is expected to go live in January, 2009. Highlights of the system include the ability for the public to

1. Search for food premises by name, type, location or compliance history
2. Access inspection summaries going back as far as two years. These summaries include the type of inspection conducted, the findings of the inspection and any action taken by inspectors.

3. View a list of food premises recently convicted of food safety violations or issued Orders under the Health Protection and Promotion Act.

FSZ meets Hamilton Information Technology’s rigorous requirements for web security. In addition, the Hedgehog\textsuperscript{©} inspection database that supports the system features direct data entry using tablet computers in the field. As indicated in the December 10\textsuperscript{th}, 2007 report, this method of data entry greatly reduces the potential for inspector error as well as errors associated with the scannable forms previously used for inspections. In addition to these features, FSZ and the database system are also subjected to regularly scheduled Quality Control audits designed to screen for data errors and omissions. While total data accuracy can not be guaranteed in any system, staff are confident that information accessed by the public through FSZ will be as complete and as accurate as possible.

On-site Provision of Inspection Findings

Staff considered two broad options for providing more detailed inspection findings for patron access on-site: 1) revisions to the Green Card that provide more information and 2) providing patron on-site access to the most recent inspection report for the premises.

1) Revisions to the Green Card

The Green Card could be modified by adding fields to identify types of infractions noted during the inspection and actions taken at the time. Possible limitations to this method are as follows:

- Limited space on the Card does not allow for sufficiently detailed information about observed violations. Due to the complexity of most food premises operations and the scope of food safety legislation, virtually all inspections identify some infractions. However, the majority are of minor significance and most are corrected at the time they are observed. Attempting to itemize and describe these infractions on the small space provided could result in confusion and may also give a false perception that a premises has serious food safety issues. (Food premises operators have repeatedly raised this latter possibility as a concern.)

- Inspection findings condensed into the four Summary Results categories on the Card produces a format that is considerably less detailed than that used on the FSZ website. As a result, members of the public accessing both sources of information might conclude that important information is lacking from the on-site posted results.
2) Access to Inspection Reports

Providing patron access to inspection reports could be achieved by requiring premises operators to either provide the report as requested, or post it with the Green Card at the entrance to the premises. This option would provide patrons with unedited information regarding inspection findings that would be more consistent with the information posted on FSZ. Potential limitations to this option include:

- The reports generated by Hedgehog © are generally clear and concise. However, patrons would need to interpret the results without benefit of the explanatory information provided on-line by FSZ.

- Reports for patron viewing would need to be modified prior to printing to exclude operator/inspector names and contact information.

**ALTERNATIVES FOR CONSIDERATION:**

Either option described above could be implemented relatively simply and with no additional program costs. However, staff recommend retaining the current process of posting the Green Card in its current format. The Green Card provides patrons with information about the premises’ last inspection date and its status at that time. Detailed information could still be accessed off-site via the FSZ website and would be less open to misinterpretation than information provided on-site.

Public consultation carried out in 2007 on food safety disclosure revealed no significant dissatisfaction with the current Green Card system. Survey respondents at that time demonstrated more interest in a web-based system than with modifications to on-site information provision.

Consultation with local food premises operators in October and November of 2008, undertaken by the McMaster Institute of Environment and Health on behalf of HPHS, demonstrated strong support for retention of the existing Green Card system. 93% of respondents were satisfied with the existing system. In responding to the survey, operators reiterated their concerns that minor infractions could be misinterpreted as major violations and that premises could be mistakenly judged as being unsafe.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As indicated in Reports BOH07006 and BOH07006(b), increases in food safety compliance resulting from the adoption of web-based disclosure 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.

**POLICIES AFFECTING PROPOSAL:**

City of Hamilton Legal Services has confirmed that no amendments to City by-laws would be required to require food premises operators to post copies of inspection reports, should the Board of Health select this disclosure strategy.

**RELEVANT CONSULTATION:**

The following groups/agencies were consulted in the preparation of this report: local food premises operators, the Canadian Restaurant and Food Service Association, and the Canadian Council of Independent Grocers.

**CITY STRATEGIC COMMITMENT:**

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

The recommendations in this report could lead to a reduction in the risk of foodborne illness. In addition, the community will have improved access to public information.

Environmental Well-Being is enhanced. □ Yes ✓ No

Economic Well-Being is enhanced. ✓ Yes □ No

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, progressive food safety program may attract/retain high performance food safety staff