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Chapter 1 - Introduction

1.1 The Mandate

On January 9, 2004, I was authorized to review the meat¹ regulatory and inspection regimes in Ontario. The mandate I was given required a review of existing regulatory standards and the roles of various ministries that are responsible for overseeing adherence to those standards. The stated purpose for the review is to strengthen public health and safety and business confidence. To this end, I have been asked to make recommendations on approaches that can be undertaken by the government of Ontario to improve the current system, including strategies for accelerating harmonization with the federal government.

This review comes at a time when there are elevated concerns for public health arising out of the findings of the Walkerton Inquiry and more recently the several reports which have addressed the systemic problems exposed by the SARS crisis in 2003. Thankfully, there is no equivalent precipitating event for this review, but certain events of the past year, including the discovery of bovine spongiform encephalopathy in Canada and allegations of illegal activities at certain provincial abattoirs, have focussed the attention of the media and the public on the issue of meat safety in Ontario.

1.2 Bovine Spongiform Encephalopathy (BSE)

BSE, also known as “mad cow disease” was first diagnosed in the United Kingdom (U.K.) in 1986 and has since then been diagnosed in 21 other countries. It is believed that all cases are linked to the original epidemic in the U.K., and that the disease spread to other countries through international trade in contaminated meat and bone meal and in live cattle.

In May 2003, a cow sent for slaughter to a provincial abattoir in Alberta was diagnosed with BSE. That animal was condemned prior to slaughter and, therefore, was never processed for human consumption. Another case was discovered in December 2003 in the State of Washington, U.S. Later investigations demonstrated that this animal was born in Alberta and is

¹ Whenever “meat” is referred to in this Report, it means meat from a domestic animal which is intended for human consumption and includes “poultry” which means chickens, turkeys, ducks, geese and other birds.

believed to have contracted the disease in Canada. Both of these affected animals were born prior to the 1997 national ban on feeding ruminant-derived protein to ruminants (cattle, sheep, deer, *etc.*), and, therefore, may have consumed BSE contaminated feed. Intensive trace back and trace forward investigations have led to the slaughter and testing of approximately 2,000 animals with no additional cases being found. Nevertheless, it is possible that additional cases will be found in Canada, given the widespread movement of cattle and cattle feed in Canada. It is possible, although highly unlikely, that future cases could be found in any region, including Ontario.

1.3 Aylmer Meat Packers Inc.

Until the provisional suspension of its licence on August 21, 2003, Aylmer Meat Packers Inc. (AMP) was a busy abattoir which slaughtered cattle and hogs and processed their meat for sale to the public. AMP was known as a plant which specialized in non-ambulatory livestock described in the trade as “downers.” The day before the provisional licence suspension, a number of search warrants were issued for AMP premises on the basis of allegations that AMP had caused meat from uninspected animals to enter the human food chain. The material filed in support of the warrants alleged that dead animals were being taken into the abattoir for processing after hours. While little is known about the search and any resulting seizure,² shortly after the execution of the search warrants, food products distributed by AMP became the subject of health hazard alerts and a mandatory food recall order. These actions and the nature of the allegations relating to AMP created a storm of publicity, concern and criticism of the provincial government’s delivery of its oversight function. The alerts and recall order were widely distributed and created an apprehension that the health of a large number of Ontarians was at risk.

1.4 Wallace Beef Inc.

Wallace Beef Inc. is a provincially licensed slaughter plant located on premises at Pittsburgh Institution which is a minimum security correctional

² The terms of reference for this Review directed me to perform my duties without interfering in any investigations or criminal or other proceedings and to this end to defer interviews “with potential witnesses in order to maintain the integrity of those processes.” See also Appendix B for a history of events at Aylmer Meat Packers Inc.

facility approximately twenty kilometres northeast of Kingston. This facility was designed to manage a small herd of beef cattle and an abattoir to produce meat for other correctional facilities in the area. Certain inmates apprenticed in the plant as part of a rehabilitation program operated by the Correctional Service of Canada. The abattoir conducted custom slaughter for local farmers, sold meat to the public from a retail counter on the premises and also sold its meat to local butchers, institutions and restaurants.

On October 7, 2003, the Director of the Food Inspection Branch of the Ministry of Agriculture and Food (OMAF) provisionally suspended the licence of Wallace Beef Inc. The suspension followed a report that an unidentified inmate had made allegations of questionable practices at the abattoir. The media reported that the plant was alleged to have sold ground meat containing meat from dead animals, sold uninspected meat and had labelled meat as *halal* which had not been slaughtered according to Islamic custom.

The licence of Wallace Beef Inc. was subsequently reinstated on November 9, 2003.³

1.5 Meat Inspectors

Following these events, the media raised questions about the effectiveness of the current regulatory system and meat safety became an issue during the election campaign in the fall of 2003. Although the focus was on the allegations relating to Aylmer Meat Packers Inc. and Wallace Beef Inc., the debate reached back to 1996 when most of the full-time classified meat inspectors were laid off and replaced by fee-for-service contractors. This was a cost-cutting measure implemented following a study by KPMG⁴ that concluded there was inefficient utilization of full-time unionized meat inspectors. Although many of the contract jobs were taken up initially by former full-time inspectors, it became increasingly difficult to staff the

³ The *Meat Inspection Act* (Ontario), R.S.O. 1990, c. M.5, permits the provisional suspension of an abattoir licence when it is necessary to do so in order to protect the safety or health of any person or animal. The Director is required to give reasons for the suspension in the notice of suspension and thereafter must hold a hearing to determine whether the licence should be suspended further or revoked. See Appendix C for further information on the Wallace Beef Inc. events.

⁴ KPMG Project Report, *Study and Recommendations for Improving Meat Inspection Services in Ontario Provincially Inspected Abattoirs* (7 September 1995).

inspectorate with qualified personnel because of lost job security and a reduction in income from reduced hours. In the end, many moved on to other careers, leaving a shallow pool of experience to assist in the training and monitoring of new recruits. Earlier cut-backs in management had resulted in the number of area managers being reduced to eight from ten and the number of regional veterinarians from five to two. This restructuring fostered resentment within the inspectorate, weakened the system and left it vulnerable.

1.6 Meat Production In Ontario⁵

Although the scale and intensity of farming has increased over the years, there is still a wide range of farm sizes and types in Ontario. They range from large feed and grow operations involving hundreds or even thousands of animals to small farms with only a few animals raised for local markets or personal consumption.

1.6.1 Beef

The cattle population in Ontario has remained fairly stable over the past few years at between 2 and 2.3 million head. Cattle for slaughter come from two streams. The source of the larger stream is 16,000 beef farms with about 1.6 million cattle. Heifers (females) and steers (castrated male calves) are raised on pasture and after being weaned are shipped to backgrounder farms and feedlots for finishing on high energy rations. These cattle are usually slaughtered at 14 to 24 months. Culled cows from both beef and dairy herds constitute the second stream. These are cows that are no longer productive as breeding or milking stock. Provincially licensed abattoirs process approximately 15 percent of all cattle that are slaughtered in Ontario.

1.6.2 Veal

Bull calves culled shortly after birth from dairy herds are used to produce red (grain-fed) or white (milk-fed) veal. There are approximately 100,000 veal calves produced in Ontario annually, which represents forty percent of veal production in Canada. Seventy percent of Ontario's veal is slaughtered in provincially inspected slaughter plants.

⁵ All figures used in this section are courtesy of the *Report of the Expert Advisory Panel, the Scientific and Regulatory Basis of Meat Inspection in Ontario* (May 2004), Ch. 3.

1.6.3 Swine

There are approximately 4,900 swine operations in Ontario. Many farmers practice “all-in-all-out” management, where all livestock in a barn are sent to market and the barn is emptied, cleaned and prepared for the next group of animals. Many barns are capable of housing more than 1,000 head. Pigs are sold through a marketing system in Ontario at between 105 and 115 kilograms. There is also a significant local market in smaller animals (32 to 50 kilograms) that are referred to as “barbecue” pigs. Approximately 11 percent of the 3.5 million market hogs produced in Ontario are slaughtered in provincially inspected abattoirs.

1.6.4 Poultry

The 1,200 commercial poultry producers in Ontario sell their product under licence on a quota system. Chickens and turkeys are usually housed in confinement using all-in-all-out management. They are typically raised in barns containing several thousand birds. Chickens are marketed at approximately 5 to 8 weeks of age and the majority weigh approximately 1.7 to 2.2 kilograms. Turkeys are marketed at 11 to 18 weeks at weights ranging from 5 to 14 kilograms. Approximately 7.5 percent of the 43 million chickens and turkeys produced in Ontario each year are slaughtered under provincial inspection. There is also an important specialty poultry market in Ontario (eg., quail, pheasants, *etc.*) that is serviced almost exclusively by provincially licensed abattoirs.

1.6.5 Sheep and Goats

Ontario is Canada’s largest sheep producing province with about 30 percent of the national breeding flock. There were 264,287 sheep and lambs slaughtered in Ontario in 2003 and about 30,000 goats. Almost all of this slaughter was undertaken in provincially licensed abattoirs.

1.6.6 Aquaculture

In 2003, there were approximately 190 private fish production facilities in Ontario. Rainbow trout is the principal species of fish raised commercially in Ontario with approximately 4,000 tonnes produced annually. There are also small quantities of other species of fish produced, including talapia, arctic char, brook trout, bass and walleye.

1.6.7 Other Species

Other livestock commodities, including farmed deer, buffalo, elk, wild boar, rabbits and a variety of birds, including ostriches, emus, ducks, geese and partridges, are also raised and slaughtered in Ontario, mainly under provincial inspection.

1.7 Free Standing Meat Processors

A “free standing” meat processor is an operation involved in the further processing of meat that is not a licensed abattoir. They cut, grind, cook, repackage, smoke, cure, ferment and can meat for distribution through wholesale or retail outlets. In 2002, OMAF conducted a survey and determined that there were 681 such processors in Ontario. There are no provincial registration or licensing requirements for these operations and currently, any inspection of these premises is carried out by public health inspectors under the auspices of Boards of Health.

1.8 Two Systems of Meat Inspection

The federal and provincial governments both regulate the production of meat in Ontario. Federal involvement arises from its constitutional responsibility for interprovincial and international trade. Therefore, any abattoir or meat processing facility in Ontario that wishes to trade beyond provincial borders must be registered in the federal system and conduct its business in accordance with federal regulations.

Provincially licensed abattoirs are restricted to producing meat for sale and consumption in Ontario and must comply with provincial regulations.

The current structure of both regulatory systems is addressed in more detail in Chapter 2, however, the operation of these parallel systems in Ontario does beg the question of whether the meat produced in one is as wholesome and safe as that produced in the other.

1.9 A Science-Based Approach to Meat Safety

Although food scientists and consumer advocates in the United States had been advocating reform in meat inspection for many years, it was the death of several toddlers from eating *E. coli* tainted hamburgers in 1993 that

eventually motivated the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture to modernize its “poke and sniff” inspection system.⁶ The FSIS has since moved towards a science-based approach to meat inspection where available scientific information and technology is used to identify and characterize food safety risks and the options for reducing those risks.

In Canada, federal and provincial agriculture ministers began work in 1993 on developing a more integrated science-based approach to food inspection. This work culminated in the development of a blueprint for the Canadian Food Inspection System (CFIS), which identified the need and desire for an integrated system that would be responsive to the needs of industry and consumers.⁷ In an effort to move the blueprint forward, the CFIS Implementation Group (CFISIG) was created. CFISIG is composed of representatives of agriculture, health and fisheries departments from federal, provincial and territorial governments.

In 1997, CFISIG brought forward recommendations on how to achieve an integrated food inspection system. Eight working committees were formed to develop model regulations and codes to further the objectives of harmonization and integration as set out in the blueprint. CFISIG’s members meet twice a year to develop these codes and regulations by consensus. One of the committees was charged with developing the National Meat and Poultry Regulations and Code (NMPRC).

The NMPRC was first approved in October 2000.⁸ It serves as a guide for each participating jurisdiction and was drafted following extensive public

⁶ This system of “organoleptic” examination relies on a meat inspector’s senses of sight, smell and touch to detect any abnormalities or contaminants. This is the system that has been in place from the inception of regulated meat inspection. It is effective in detecting diseases such as tuberculosis and brucellosis that are now extremely rare, but ineffective in detecting deadly microscopic pathogens such as *E. coli* 0157:H7 and *Salmonella*.

⁷ Canadian Food Inspection System, *About CFIS*, available from http://www.cfis.agr.ca/english/contcomm/aboutus_e.shtml [accessed 29 April 2004].

⁸ Canadian Food Inspection System, *National Meat and Poultry Regulations and Code*, available from http://www.cfis.agr.ca/English/regcode/codes_tbl_e.shtml [accessed 29 April 2004].

consultation with reference to current food safety legislation and international codes of practice.⁹

The Codex Alimentarius Commission (CAC) is an international body which works to develop international guidelines and food standards and to ensure fair practices with respect to trade in food products. CAC originated in 1963 following the passage of joint resolutions by the United Nations' Food and Agriculture Organization (FAO) and the World Health Organization (WHO).¹⁰ The principal objective of CAC is to protect the health of consumers and facilitate the trade of food by setting international standards which are then recommended for acceptance by national governments. Currently, CAC is comprised of 169 member countries, including Canada.¹¹ Health Canada is responsible for the coordination of Canada's involvement in CAC.

As part of this process, CAC has developed science-based guidelines, principles and standards for the production and processing of meat. The Codex Alimentarius is a living document that is regularly reviewed and updated by experts in food safety from around the world.

1.10 HACCP

The Hazard Analysis and Critical Control Point (HACCP) system is the risk management tool that has been utilized to bring science to meat production and processing. This system applies a preventative approach as a means of ensuring food safety. HACCP is a system that is designed to identify, evaluate and control food safety hazards. Rather than inspecting products after they are produced, the system identifies critical points of risk in the production process and puts controls at these points in order to prevent the

⁹ Canadian Food Inspection System, *Canadian Food Inspection System Progress Report*. July, 2000, available from <http://www.cfis.agr.ca/English/prograp/progress-e.shtml> [accessed 29 April 2004].

¹⁰ Codex Alimentarius, available from <http://www.codexalimentarius.net/> [accessed 29 April 2004].

¹¹ Health Canada, *Codex Alimentarius in Canada*, available from http://www.hc-sc.gc.ca/food-aliment/friia-raai/ippi/codex/e_index.html [accessed 29 April 2004]. In Canada, Codex is managed by the interdepartmental committee on the Codex Alimentarius, which is comprised of representatives from Health Canada, the CFIA, the Department of Foreign Affairs and International Trade, and Agriculture and Agri-Food Canada.

hazards. HACCP has been adopted by the CAC as an international standard for food safety.

The adoption of this system for the management of risks associated with meat production does not eliminate the need for meat inspectors, but does require a cultural adjustment from the traditional “command and control” model to an auditing model where an inspector’s function is to monitor the HACCP plan to ensure it is being properly executed.

1.11 Ontario

In 1998, a review of Ontario’s food safety system was initiated when it was perceived that Ontario was lagging in moving towards national and international inspection standards. In 2000, the Ontario Food Safety Strategy was devised to modernize the province’s food safety system. The result, after much consultation, was the *Food Safety and Quality Act, 2001 (FSQA)*¹² which was passed by the Legislature on December 5, 2001, but has not yet been proclaimed. The stated purposes of the *FSQA* are to provide for the quality and safety of food and the management of food safety risks in Ontario.¹³

1.12 Farm to Fork

I was not long into this Review when I realized that “farm to fork” was the mantra of modern food safety. Potential hazards lurk along the entire route from production to consumption. Effective food safety requires consistent, coordinated vigilance from beginning to end. Very little is accomplished if food safety risks are addressed at the abattoir, but ignored in the home. A sophisticated risk management program at a poultry plant will not save the consumer who fails to cook his or her chicken properly. In writing this Report, I have adopted the farm to fork model and will attempt to identify and address the meat safety issues that arise as the product proceeds along the continuum.

¹² *Food Safety and Quality Act, 2001*, S.O. 2001, c. 20.

¹³ *Ibid.*, s. 2.

1.13 Principles and Priorities

The *Interim Report of the SARS Commission* was released this past April. In his report, Justice Archie Campbell addressed the tension in public health between infectious disease control and long-term population health promotion. At page 199, he lists five reasons why protection against infectious disease should be the first priority:

The first is that the threat from infectious disease is direct and immediate. The second is that an outbreak of infectious disease, if not controlled, can bring the province to its knees within days or weeks, a threat not posed by lifestyle diseases. The third is that infectious disease catches the direct attention and immediate concern of the public in a way that long-term health promotion does not. It is essential in an infectious disease outbreak that the public be satisfied that they are getting solid information from the government and that everything possible is being done to contain the disease. The fourth is that infectious disease prevention requires an immediate overall response because it moves rapidly in the group and spreads quickly from one municipality to another and from province to province and country to country, thus engaging an international interest. The fifth is that health promotion depends largely on partnerships outside the health system between public health and local community agencies like schools and advocacy groups, allies and resources not available to infectious disease control which must stand largely on its own.

For these five reasons safe water, safe food, and protection against infectious disease should be the first priorities of Ontario's public health system.¹⁴

¹⁴ Ontario, *The SARS Commission Interim Report SARS and Public Health In Ontario*, (15 April 2004).

In Part Two of the *Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water*, Associate Chief Justice Dennis O'Connor sets out the general principles he adhered to in his report:

While it is not possible to utterly remove all risk from a water system, the recommendations' overall goal is to ensure that Ontario's drinking water systems deliver water with a level of risk so negligible that a reasonable and informed person would feel safe drinking the water.

The risks of unsafe drinking water can be reduced to a negligible level by simultaneously introducing a number of measures: by placing multiple barriers aimed at preventing contaminants from reaching consumers, by adopting a cautious approach to making decisions that affect drinking water safety, by ensuring that water providers apply sound quality management and operating systems, and by providing for effective provincial government regulation and oversight.¹⁵

By substituting meat for drinking water, one has a template for the delivery of safe meat. The goal of the recommendations in this Report is the same – to ensure that meat produced in provincially licensed facilities is delivered with a level of risk so negligible that a reasonable and informed person will feel safe eating it.

¹⁵ Ontario, *Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water*, (Toronto: Queens Printer for Ontario, 2002), Part 2, p.5.