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Chapter 6 - Abattoirs

6.1 Introduction

Provincially licensed and inspected animal slaughter plants (also known as abattoirs) are the primary focus of the present meat inspection and regulatory regime in Ontario.

Live animals arrive at the abattoirs where they are unloaded, assembled, stunned, slaughtered, eviscerated and dressed and the meat harvested. All of these steps are inspected by government employed and trained meat inspectors. Some abattoirs also process the meat from the carcasses after slaughter. I will address the processing of meat stage in a later Chapter.

Ontario has had a system of regulation and government inspection of abattoirs for many years and has implemented many steps to address hazards at the slaughter stage. However, there are additional measures that can be taken to ensure that Ontarians have a system capable of ensuring that any risks associated with the production of meat are negligible.

6.2 Food Safety Issues at Abattoirs

The abattoir is a critical stage in the meat production continuum as it presents some of the best opportunities for contamination. The hazards to health that can be caused by consumption of meat have been discussed earlier in this Report. Generally speaking, biological, chemical and physical contaminants can all be encountered at an abattoir. The manner in which animals are slaughtered, eviscerated, dressed¹ and stored can affect the growth of pathogens and the potential for contamination of the meat by dirt, feces or other materials from animals, equipment and premises. The lack of hygienic practices by plant workers can also contaminate the carcasses or cause cross-contamination between different carcasses.

¹ The term “dress” is used to refer to the process of cleaning and preparing the meat of the carcass for cooking or selling. The process involves different steps for different species, but can include to split, eviscerate and remove the skin, feathers or hide, head, and feet of the carcass. The term “eviscerate” is used to refer to the removal of the internal organs or entrails of an animal. Both terms are given specific definitions in the regulations under the *Meat Inspection Act* (Ontario). See O.Reg. 632/92, amended to O. Reg. 319/99, s.1.

Inspection of live animals, carcasses and meat at abattoirs, including examination and testing, can assess potential risks and, where necessary, permit steps to be taken to reduce or eliminate those risks. Testing can determine chemical residues, pathogen levels and the presence of some diseases. The examinations of the live animal prior to slaughter (*ante mortem*) and the carcass of the animal and its organs after slaughter (*post mortem*) permit the inspector to assess the health of the animal and the wholesomeness of the meat. Given the substantial number of farms having animals slaughtered at 224 federal and provincial abattoirs, inspection at this stage provides a vital opportunity to identify and address risks arising not only from slaughtering activities, but also from unhealthy animals.

6.3 History of Abattoir Inspection in Ontario

Some inspection of abattoirs has been conducted in Ontario for over a century.

6.3.1 Public Health Inspection at Abattoirs

Until 1960, public health agencies in Ontario had sole responsibility for abattoir inspection and meat safety in order to protect public health. From before 1900 until 1983, municipalities were permitted to have their Board of Health inspect the premises, animals, carcasses and meat intended for human food at both public and private abattoirs. Public health inspectors could inspect, and when required to protect public health, seize and destroy meat or animals sold for human consumption.² Public health legislation from 1957 to 1993 set out specific standards for abattoirs.³ Inspections by public health inspectors, primarily of processing and retail areas within abattoirs, continued until 1993.⁴

² *Inspection of Meat and Milk Supplies of Cities and Towns Act (Ontario), 1896, Municipal Amendment Act, 1896, 59 Vict. C. 51, s. 30; Public Health Act R.S.O. 1950, c. 306, ss. 114-115, 119-121; Public Health Act, R.S.O. 1980, c. 409, ss. 145-147 and Sch. B, ss.8, 9, and 11; Public Health Act, (1912), 2 Geo. V. c.58, Sch. B, ss. 8, 9 and 11; Public Health Act, R.S.O., 1897, c. 248, ss. 108-109.*

³ *Slaughterhouses and Meat Processing Plants, O. Reg.193/57 and O. Reg. 293/84.*

⁴ In 1993, shortly after the *MIA* regulation was revised to authorize OMAF inspectors to inspect and ensure the safety of meat processing at abattoirs, the regulation under the *HPPA* dealing with the inspection of abattoirs and meat processing plants was revoked and health units stopped conducting routine inspections of meat processing plants on the same premises as abattoirs. *Slaughterhouses and Meat Processing Plants, R.R.O. 1990, Reg. 571.*

Today, Boards of Health have the authority and responsibility to promote and protect public health. These obligations extend to all food premises, including processing and retail premises at abattoirs.⁵ I was advised during the course of this Review that public health inspectors do not regularly attend at abattoirs because they have been routinely inspected by Ministry of Agriculture and Food (OMAF) meat inspectors since 1993.

6.3.2 Ministry of Agriculture and Food Inspection at Abattoirs

In 1906, the novel *The Jungle*, by Upton Sinclair, was published. The novel graphically described the horrifying working conditions and processing practices of abattoirs in Chicago and produced a public outcry for reforms in the industry. Shortly thereafter, legislation was enacted in the United States (U.S.) extending the scope of federal meat inspection.⁶ The next year, legislation was enacted in Canada to require inspection at abattoirs processing meat for export or sale interprovincially.⁷

In 1962, there were a number of news reports about the sale of meat from dead animals and the sale of meat with abscesses in Ontario.⁸ In December 1962, the *Meat Inspection Act* (Ontario) (*MIA*) received royal assent. It required inspection at abattoirs in Ontario which processed meat for consumption in Ontario. However, mandatory inspection did not commence until April 1, 1967 and was initially only implemented in certain counties. More were added and by the end of 1969, inspection was mandatory throughout the province.⁹ The *MIA* permitted several exemptions from inspection including meat harvested from animals slaughtered on-farm for sale (“farm gate sales”) or for personal consumption or within a cooperative and poultry slaughtered to be sold as undrawn dressed poultry.

⁵ *Health Protection and Promotion Act*, R.S.O. 1990, c. H-7, s.2 and R.R.O. 1990, Reg.562, as amended and every medical officer of health and public health inspector is an inspector under the *MIA*, R.S.O. 1990, c. M-5, s.15.

⁶ *Pure Food and Drug Act* and the *Meat Inspection Act* both passed in 1906.

⁷ *The Meat and Canned Goods Act* (Canada) assented to April 27, 1907.

⁸ *The Globe and Mail*, February 2, 1962 and February 8, 1968 and I. MacLachlan, *Kill and Chill: Restructuring Canada's Beef Commodity Chain*, (Toronto: University of Toronto Press 2001).

⁹ O. Reg. 20/65, s. 3(1) and the Commencement of Mandatory Meat Inspection in Ontario Chart, Appendix H and O.Reg.106/67, 378/67, 8/68, 84/69, and 275/70.

In an effort to improve meat safety in Ontario, a number of legislative changes have ensued to remove or restrict several exemptions and many refinements of the inspection program have been introduced. The inspection of poultry by OMAF inspectors commenced in 1982. The exemptions for farm gate sales and undrawn undressed poultry were removed in 1992. In addition, the regulations under the *MIA* were amended to increase the powers of inspection to include processing of meat after slaughter (further processing) and to add standards for the conduct of slaughter and processing of meat.¹⁰ At that time, OMAF introduced a capital assistance program to help abattoirs upgrade to comply with new standards.¹¹ There have been no significant changes to the *MIA* regulations since 1992.

6.4 Ontario Legislation Affecting Abattoirs

The primary statute in Ontario governing meat production at abattoirs is the *MIA*. Its purpose is to provide for the safe production of meat for human consumption. The *MIA* applies to all meat from domestic animals and poultry sold within Ontario unless it has been inspected under the *Meat Inspection Act* (Canada).

Subject to limited exceptions, the *MIA* and its regulations require that the slaughter of any domestic animals and poultry for the production of meat for human consumption be undertaken in a prescribed, humane manner at a facility licensed for that purpose with an inspector present to conduct a *post mortem* examination. The slaughter of an animal is prohibited unless the animal was inspected and approved for slaughter immediately before the time of slaughter (*ante mortem*). There are only two exemptions from these requirements – slaughter on-farm by the producer for consumption by that producer or his or her immediate family and plants which conduct the custom slaughter of poultry.¹² The regulations under the *MIA* specify the facilities and equipment required and the rules for the operation and

¹⁰ O. Reg. 632/92, filed October 16, 1992.

¹¹ The Abattoir Capital Assistance Program in 1992 and 1993 provided up to a maximum of \$5,000 for a custom poultry slaughtering plant or \$20,000 for other abattoirs. The program was designed to assist the industry to meet the new standards.

¹² The custom plants slaughter poultry for producers and return the poultry back to producers for consumption by that producer or the producer's immediate family. The poultry cannot be sold to the public. The plant must meet all of the typical sanitation, equipment and construction standards.

maintenance of plants at which animals are slaughtered, to ensure that safe production standards are met.

No meat can be offered for sale unless it is stamped with an inspection legend and properly labelled. An inspector may refuse to provide inspection and refuse to stamp or label meat or meat products if an operator fails to comply with the *MIA* and its regulations. The *MIA* also provides that it is an offence punishable by fine, imprisonment or both to contravene any provisions of it or its regulations. The issues relating to enforcement will be dealt with in Chapter 11.

There are a number of other statutes which regulate the meat production industry and impact abattoirs, however, most of these statutes primarily deal with marketing, fraud or other industry or quality issues specifically, and, therefore, they will not be addressed in this Chapter.¹³

The *Food Safety and Quality Act, 2001*¹⁴ (*FSQA*) is intended to replace the *MIA*.

6.5 Abattoir Licensing in Ontario

Under the *MIA*, businesses operating premises where domestic animals and poultry are slaughtered are required to be licensed under the *MIA* or the *Meat Inspection Act* (Canada).¹⁵

A licence will be issued by the Director of the Food Inspection Branch of OMAF under the *MIA* where an applicant demonstrates that the premises, facilities and equipment used in the business comply with the *MIA* and its regulations and pays a licence fee of \$52.50.¹⁶ OMAF requires that plants submit or update a business plan each year at licence renewal which includes contact information and the species of animals slaughtered at the

¹³ *Farm Products Grades and Sales Act* and *Canadian Agriculture Products Act* deal with grading of beef and veal. *Beef Cattle Marketing Act*, *Livestock and Livestock Products Act*, *Farm Products Marketing Act*, and *Agricultural Products Marketing Act* deal with the marketing and sale of animals and meat products.

¹⁴ *Food Safety and Quality Act, 2001*, S.O. 2001, c. 20. See Chapter 2.

¹⁵ R.S.O. 1990, c. M.5, ss.1 & 3. In the federal system, the slaughter plants are "registered" instead of licensed and called "establishments" instead of plants or abattoirs. I will not use the federal terminology in this Report.

¹⁶ *Ibid.*, ss.4 & 5.

plant. As of April 2004, there were 191 provincially licensed abattoirs and 33 federally registered abattoirs in Ontario.

As shown in the chart below, the number of provincially licensed abattoirs has been decreasing over the last few years, which has caused concern and difficulty for producers who use their services.

**The Number of Distinct Plant Licences Issued under the
Meat Inspection Act (Ontario) - APRIL 1998 to APRIL 2004**

| Year | Number of Abattoirs | Number of Custom Killing of Poultry Plants |
|-------------|----------------------------|---|
| 1998 – 1999 | 267 | 0 |
| 1999 – 2000 | 282 | 7 |
| 2000 – 2001 | 231 | 4 |
| 2001 – 2002 | 226 | 3 |
| 2002 – 2003 | 217 | 3 |
| 2003 – 2004 | 202 | 1 |
| 2004 – 2005 | 191 | 0 |

Failure to operate an abattoir in accordance with the provisions of the *MIA* and its regulations may result in charges or regulatory actions such as suspension, revocation of or refusal to renew the licence. Any regulatory actions can be challenged in a hearing before the Director of the Food Inspection Branch from which an appeal can be taken to the Agriculture Food and Rural Affairs Tribunal.¹⁷

The existing licence fee was implemented in the early 1990s and designed to cover the administrative costs of issuing licences. The fee has not kept pace with costs. Abattoirs are allocated a pool of inspection hours each year and are provided with inspection service for hours of slaughter and limited hours of further processing inspection without additional charge. The number of hours of slaughter inspection provided to an abattoir without charge each year is based on its production volume, its historical inspection requirements, and the efficiency of the abattoir. The abattoirs do not contribute to the cost of the inspection system apart from payment for any inspection hours requested beyond those allocated. In the federal system,

¹⁷ *Ibid.*, ss.5-8.

the federally registered abattoirs are required to pay fees that amount to approximately 14 percent of the inspection costs.¹⁸

The current licence fee is too low and does not cover the administrative costs. The meat inspection system benefits the public by ensuring the delivery of safe meat. However, the abattoirs also benefit to the extent the system assists them in producing a safe product and maintaining consumer confidence in their product. I believe that the provincial government should continue to bear the bulk of the costs of the inspection program, however, the licence fee should be increased to cover all of the administrative costs and to include some contribution by the abattoirs toward the cost of inspection. To ensure that each plant pays a proportionately fair fee, the amount should be based on production volume and take into account the relative volumes between different species.¹⁹ I would suggest a number of categories of fees, with incremental increases in the fee commencing at \$500 and going up to \$5,000.

I recommend that the licence fee for the provincially licensed abattoirs be increased substantially and be based on the production volume of the particular plant.

6.6 Abattoir Inspection and Audit

6.6.1 Delivery of Meat Inspection

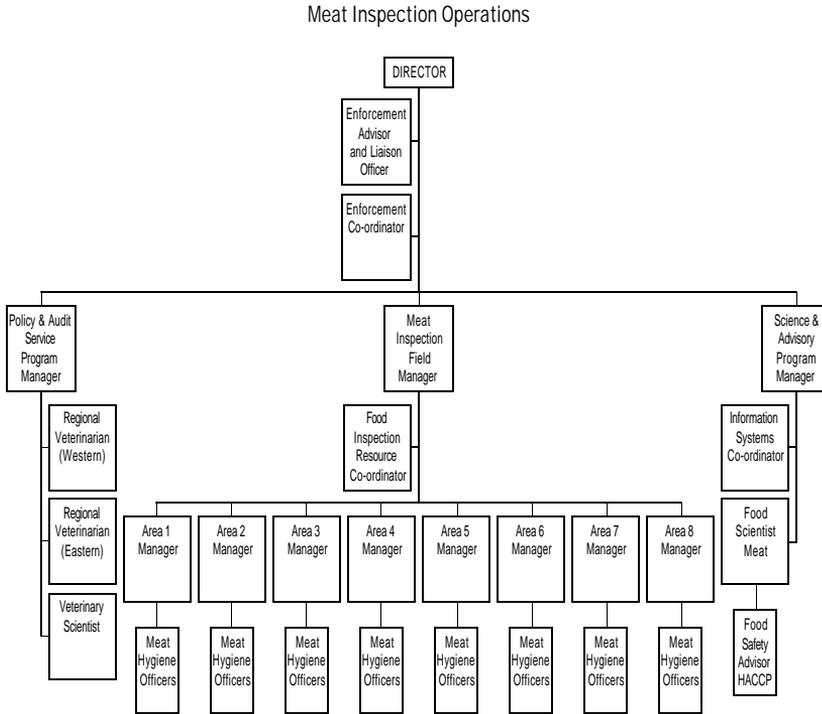
6.6.1.1 Introduction

The delivery of abattoir inspection in Ontario by OMAF involves many personnel, most of whom are Ministry staff or management. In addition to the Ministry staff or management, auditors and veterinarians are hired on a contract basis to provide professional services to the inspection program. Meat inspection operations are overseen by the Director of the Food Inspection Branch of OMAF.

¹⁸ See www.inspection.gc.ca/english/reg/appro/1998/meatriase.shtml and www.inspection.gc.ca/english/prog/comm/impacte.shtml#macro

¹⁹ For example, an abattoir that slaughters 2,000 head of cattle per year should pay about the same amount per head of cattle as a plant which slaughters only 100 cattle per year. Similarly, a poultry plant that slaughters 1,000 chickens in the time that approximately 100 cattle are slaughtered should pay an amount that relates to the inspection time required by the slaughter volume and species.

The Ministry staff and management that operate under his direction are set out in the organizational chart below:



6.6.1.2 Meat Hygiene Officers

Meat inspectors are now known as meat hygiene officers.²⁰ Their purpose is to provide *ante* and *post mortem* meat inspection services at plants licensed under the *MIA* and to ensure compliance with the provisions of that legislation and its regulations.

In conducting *ante mortem* inspections, inspectors approve normal animals for slaughter while identifying and referring abnormal animals for veterinary consultation. The inspectors supervise the slaughter of animals and the sanitary dressing of carcasses to ensure they are carried out in accordance with food safety and animal welfare legislation. Veterinary consultation is

²⁰ Although they are identified as inspectors in the *MIA* and *FSQA*. I use “meat inspectors” and “meat hygiene officers” interchangeably in this Report. The descriptions of the duties of meat hygiene officers and the other personnel of the Food Inspection Branch that follow are primarily taken from job descriptions provided by OMAF.

also sought if abnormalities are identified during *post mortem* examination. The additional duties of inspectors include:

- monitoring processing operations such as chilling, cutting and boning, packaging and labelling, storage and shipping;
- monitoring plant activities to ensure compliance with designated operational and food handling standards;
- reviewing and evaluating the operator's records relating to food safety programs in place at the plant; and,
- completing and maintaining a variety of electronic records in the Food Safety Decision Support System.²¹

Both the *ante* and *post mortem* examinations conducted by inspectors are important to meat safety. Some animal diseases can only be identified on *ante mortem* examination. Other diseases can only be confirmed by tests conducted after the animal's death.

The meat inspectors are the primary line of defence in the delivery of the meat inspection and regulatory scheme at the abattoir stage as they conduct almost all of the day-to-day monitoring to verify adherence to the regulatory standards to ensure meat safety.

²¹ The Food Safety Decision Support System is the computer system implemented in 1999 by OMAF in which records are entered by staff and stored to be referred to and analyzed for the purposes of the meat inspection program.

6.6.1.3 Area Managers

The province is divided into eight areas for the provision of meat inspection services with a manager assigned to each area. In addition to their responsibility for the supervision of meat hygiene officers, area managers are required to:

- ensure the delivery of all food inspection programs relating to primary and further processing, drug residues, water quality, deadstock and the scheduling of hours for slaughter;
- consult with other Branch professionals (e.g., regional veterinarians and veterinary scientists) to resolve technical and scientific concerns that could impact on food safety and zoonotic diseases;
- collaborate with other agencies (e.g., Canadian Food Inspection Agency (CFIA) and local health units) in containing and controlling hazardous safety situations requiring food recalls or animal quarantines;
- provide technical advice to operators and assist with co-ordination of construction, renovation and repair projects; and
- advise and educate operators and the public on food safety programs and issues.

6.6.1.4 Meat Inspection Field Manager

The area managers report to the meat inspection field manager who is responsible for developing and co-ordinating strategies for the successful delivery of meat inspection programs throughout the province. The field manager also assists with the gathering of information relating to complaints of illegal activities and initiates referral to investigative support, program staff or area managers for further action.

6.6.1.5 Appointed Veterinarians

Appointed veterinarians are local veterinarians in private practice appointed by OMAF as veterinary inspectors to consult with meat hygiene officers who require the expertise of a veterinarian to address an inspection issue with respect to an abnormal animal or carcass. As of April 2004, there were 129 veterinarians appointed under the *MIA* and the *Livestock Community*

Sales Act who were hired on a fee-for-service basis as needed in the meat inspection program.

6.6.1.6 Regional Veterinarians

The regional veterinarians provide expert advice and support in one of two regions (eastern or western) of the province to meat hygiene officers, appointed veterinarians and plant operators. The regional veterinarians control and co-ordinate the delivery of all veterinary inspection services in sales barns and abattoirs and are responsible for co-ordinating the training of all veterinary inspectors. In many respects, the regional veterinarians act as troubleshooters in that they investigate unusual or difficult problems and devise corrective plans of action.

Additional responsibilities of regional veterinarians include:

- reviewing and evaluating policies and procedures;
- evaluating plant construction, sanitation, and water quality standards and personnel hygiene standards;
- assessing site plans and approvals for plant construction.
- designing and co-ordinating surveillance and monitoring programs to assess meat safety at licensed plants; and,
- approving wild game, processing protocols, harvesting methods, and packaging and labelling policies at licensed plants.

6.6.1.7 Veterinary Scientists

Veterinary scientists provide meat inspectors, appointed veterinarians and plant operators with advice and training regarding animal disease diagnostics and meat pathology. Veterinary scientists consult with meat hygiene officers to determine if veterinary examination is required in the disposition of animals on *ante* or *post mortem* examination.

The veterinary scientists are also responsible for:

- planning testing programs and co-ordinating the delivery of residue monitoring programs throughout the province;
- acting as liaison with laboratories in tracking and reporting samples;

- monitoring current slaughter and inspection programs to ensure their efficiency and effectiveness; and,
- providing expert scientific support in the development of training programs for meat hygiene officers as well as the development and delivery of training for veterinary practitioners.

6.6.1.8 Other Support

The meat inspection program is also supported by other specialized personnel including:

- compliance and advisory officers who address regulatory breaches;
- HACCP advisors who offer advice and assistance with respect to the implementation of food safety programs;
- a food engineer who provides expert engineering advice to plants, assesses requests for approval of construction or renovation plans, and conducts studies on wastewater and deadstock;
- a deadstock animal disposal advisor who conducts inspections of licensed deadstock operators and responds to complaints regarding abattoir waste and deadstock disposal;
- a weigh and trim inspector who oversees the livestock sales barns program and weighing and trimming procedures of rail grade cattle;
- two residue officers who coordinate and provide assistance in respect of the chemical residue and water control programs within the meat inspection program;
- a further processing coordinator who coordinates the further processing inspection program and training;
- a training officer who assists with the development, delivery and coordination of training; and
- a humane standards officer who was recently hired on a temporary basis to develop humane animal treatment and welfare standards.

6.6.2 Concerns Raised by Meat Inspectors

6.6.2.1 Introduction

A competent inspectorate is essential to ensure the integrity of the system and maintain consumer confidence. The watershed year for meat inspection in Ontario appears to be 1996. Until that year, the provincial meat inspection services for 288 abattoirs were delivered by 90 full-time salaried and 85 per diem contract inspectors. The government of the day then implemented a variety of cost-cutting measures which included the creation of additional “fee-for-service” independent contract positions to carry out the duties of meat inspectors. In 1998, the total complement of meat inspectors stood at 139 with only seven being full-time salaried staff.

The Ontario Public Service Employees Union (OPSEU) subsequently argued that the work being contracted out was actually bargaining unit work which could not be assigned to anyone outside the bargaining unit. This position was advanced through a grievance that was recently settled with the creation of 61 permanent and 57 unclassified or temporary meat hygiene officer positions. Effective March 15, 2004, those positions were filled by former fee-for-service contract meat inspectors.

The chart below sets out the numbers and employment status of provincial meat inspectors from 1995 to date:

**OMAF Meat Inspection Staffing
April 1995 to March 31, 2004**

| Year | Ontario Public Service Employee Inspectors | Contract Inspectors (fee-for-service) | Total Number of Inspectors | Number of Abattoirs | Number of Animal Units Inspected ²² | Number of Inspection Hours |
|-----------|--|---------------------------------------|----------------------------|---------------------|--|----------------------------|
| 1995-1996 | 90 | 85 | 175 | 279 | 8.8 million | 177,000 |
| 1996-1997 | 42 | 112 | 154 | 274 | N/A | N/A |
| 1997-1998 | 12 | 129 | 142 | 254 | N/A | N/A |
| 1998-1999 | 7 | 132 | 139 | 235 | N/A | N/A |
| 1999-2000 | 8 | 123 | 131 | 240 | 9.9 million | N/A |
| 2000-2001 | 8 | 120 | 128 | 213 | 9.2 million | 132,000 |
| 2001-2002 | 8 | 131 | 139 | 209 | 10.2 million | 180,000 |
| 2002-2003 | 10 | 131 | 141 | ~200 | 10.1 million | 195,000 |
| 2003-2004 | 71 F/T 57 P/T | 0 | 128 | ~195 | 10.2 million | 215,000 |

Note: The marking “~” indicates that the number is approximate as plants open and close within a twelve month period. For an explanation of the term “animal units” see footnote 22.

During the course of this Review, counsel and I met with many meat inspectors who expressed their concerns about certain shortcomings in the system and offered their views on what could be done to improve it. I have also had the benefit of comprehensive written submissions from OPSEU which include 43 proposed recommendations they urged me to adopt. I have determined that some of the subject matter they address relates to labour and personnel issues that are outside the scope of this Review, however, in most respects, I found OPSEU’s submissions to be considered and helpful.

6.6.2.2 Restructuring and Focus of OMAF

In its brief, OPSEU submitted that food safety should be the first priority of OMAF and recommended an organizational restructuring to reflect that focus.

²² An animal unit is a measure of the volume of production at abattoirs. In the time it takes to slaughter and inspect a cow, for example, several chickens could be slaughtered and inspected. The animal units attempt to account for these differences by assigning units based on the length of time it takes to slaughter and inspect the species slaughtered. The chart shows that although the number of abattoirs is decreasing, the amount of inspection required is increasing. See also Appendix I, Slaughter Statistics for Provincially Inspected Abattoirs.

Although OMAF's commitment to the delivery of safe food is apparent from a review of all the safe food initiatives undertaken since the launch of the Ontario Food Safety Strategy, its traditional role as the champion of agriculture creates a potential conflict of interest. This is especially so in the Food Inspection Branch where the Director is charged with ensuring both the health of the industry and the safety of the public. In many respects, these goals are consistent, but they can conflict.

An allegation of unsafe practices can have devastating business consequences for the operator of an abattoir. There is an immediate financial loss if operations are suspended, but there may also be a long term impact on the operator's business reputation. Therefore, although a safety first response might dictate the provisional suspension of a plant licence, there is a potential for indecision on the part of the person charged with both fostering and regulating the industry.

OMAF has a well-earned reputation as the champion of agriculture in Ontario. However, during the course of the Review, it was apparent to me that there is a suspicion that public safety may not always be OMAF's primary consideration when a difficult choice has to be made between the interests of the "client", being agriculture, and the public at large.

There is no suggestion that OMAF would ever ignore a dangerous situation to protect the interests of the meat industry, but there is a concern that there may be some vacillating when the risk is less than manifest. Such hesitation could, of course, have serious public health consequences.

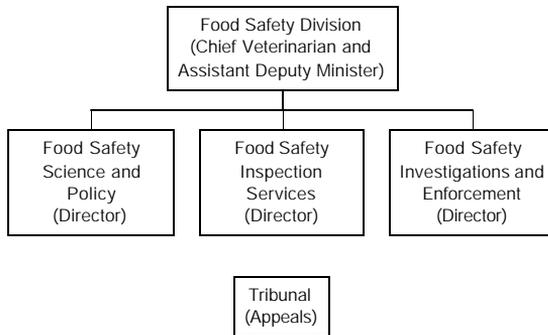
I do not contend that there is any policy of OMAF or any intention on the part of anyone at OMAF to make the safety of the public anything other than its first priority, but there is evidence of a reluctance to act decisively when the issues of public safety and client welfare collide.²³ This only fuels the perception that public safety is sometimes taking a backseat to the agricultural business. Having said that, let me quickly add that virtually every person I spoke to at OMAF and throughout the meat industry is focussed on safety. They all care about public health and realize that

²³ See Chapter 11 on Compliance and Enforcement.

consumer confidence is essential to the industry’s economic survival. They know that the only way they can gain and maintain that confidence is by implementing and maintaining safe practices and standards. Indeed, I believe, there is much in this Report that confirms this commitment to safety.

Nonetheless, it is my view that the current organizational structure of OMAF fails to reflect a “safety first” approach to agricultural management and food production. The Director of the Food Inspection Branch should not be in the position of having to promote and police the meat industry. There needs to be some separation between those two functions. Although good business practices and product safety are complementary goals, if the principle of safety first is to be embraced, it is important to establish a clear line between the promotion of the agricultural industry and meat safety.

For this reason, I am proposing the following structural reorganization that would see the creation of a Food Safety Division with its own Assistant Deputy Minister:²⁴



This structure also contemplates the creation of a new position of Chief Veterinarian of Ontario (CVO). This person, a veterinarian, would assume the lead within OMAF for all food safety issues and be OMAF’s voice for any food safety crisis. Under the direction of the CVO, the Food Safety Division would be responsible for inspection services, animal health, food safety science and policy, and enforcement. The CVO would also have responsibility for reporting any food safety issues or concerns to the Ontario

²⁴ Further reasons for this proposed restructuring that relate to issues of enforcement are explored in Chapter 11.

Food Safety Reporting Centre (OFSRC) which I have recommended be established to co-ordinate all matters relating to food safety reporting in Ontario.²⁵

I recommend that a Food Safety Division be created within the Ministry of Agriculture and Food headed by a Chief Veterinarian of Ontario with three branches: Food Safety Science and Policy; Food Safety Inspection Services; and, Food Safety Investigations and Enforcement.

6.6.2.3 Working Conditions of Meat Inspectors

In addition to advocating a “safety first” organizational focus, the meat inspectors had a number of concerns that relate to the performance of their duties.

6.6.2.3.1 Education and Training

Meat inspectors have traditionally been long-term employees. However, after the government turned to primarily fee-for-service contract inspectors in 1996-1997, it became increasingly difficult to retain inspectors. The exceptionally high turnover created challenges in education and training. Those applying for the vacated positions often had little or no experience in the meat industry and there were fewer experienced inspectors to mentor the recruits.

In recent years, OMAF has made a considerable effort to update and improve their training program although there is a continuing need for more practical training. Indeed, there is good reason to reconsider the whole training program starting with prerequisite education.²⁶ This is dictated, in part, by the move towards science-based food safety which will require the learning and application of additional skills and knowledge.

²⁵ See Chapter 3 in which I discuss and recommend an OFSRC.

²⁶ Unlike public health inspectors, both OMAF and CFIA meat inspectors are not required to have any post-secondary education, certification or relevant training in order to be hired. This appears to fall short of not only the public health sphere, but also comparable meat inspection systems across the world. In the U.S., applicants for meat inspector positions are now required to have 1 year experience in the food industry or 4 years of post-secondary education which includes 12 semester hours in biological, physical, mathematical or agricultural sciences. Australia, New Zealand and the United Kingdom each have national standardized certification requirements for meat inspectors which include national requirements for educational background, specific meat hygiene courses and competencies, and a certification examination.

OMAF and the University of Guelph, Department of Food Science have recently undertaken a special project to identify the educational and training needs of meat hygiene inspectors for the purpose of establishing, in Ontario, a common standard of training comparable to meat inspection training programs worldwide. The role of the inspector in the delivery of safe meat is critical. It is, therefore, essential that this initiative be pursued to ensure the availability of appropriate education and training for an inspectorate that is expected to fulfill an expanded role under the provisions of the *FSQA*.

I recommend that the provincial government provide appropriate funding to support the joint Ministry of Agriculture and Food and University of Guelph special project that was constituted to make recommendations for the establishment of a comprehensive training program for meat inspectors in Ontario.

6.6.2.3.2 Continuing Education and Training

Meat inspectors complained that the ongoing training for them was not sufficient. There are new and emerging issues which present a challenge to the meat inspection and regulatory system in Ontario. This challenge cannot be met unless the inspectorate is kept informed. Continuing education must be a component of any strategy to ensure ongoing competence of the meat inspectorate. Formal tracking of individual inspector's training and identified necessary competencies should be part of the continuing education program.

I recommend that the Ministry of Agriculture and Food implement a policy of continuing education and training for its meat inspectors.

6.6.2.3.3 Support from Management

According to OPSEU and many of the inspectors I interviewed, the single greatest operational challenge faced by meat inspectors is the absence of adequate support from OMAF management. Inspectors complain that too often no action is taken with respect to concerns they raise or their decisions on operational infractions are frequently overruled.²⁷ They maintain that this

²⁷ Ontario Public Service Employee's Union, Submission and Recommendations to the Review into the Meat Regulatory and Inspection Regimes in Ontario (March 2004), p. 57-67.

undermines their authority and makes it very difficult for them to effectively perform their duties.

The evidence with respect to inadequate support is mostly anecdotal and points out one of the shortcomings of the procedures in a Review of this nature. Without some mechanism to test the evidence it is difficult to assess its reliability. Nonetheless, I am satisfied from the information I have that this is an issue which does need to be addressed.

I expect the genesis of this problem can probably be traced to the staff restructuring that occurred in the 1990s. As the level of experience and expertise in the inspectorate was eroded, so too was the level of confidence in their abilities. This led to some operators challenging operational decisions which then required the intervention of the area manager. Too often, the area managers, who each have responsibility for about 25 abattoirs spread over a substantial geographic area, did not have the time to address the issue properly and often sought a compromise which, in the view of the inspectors, usually favoured the operator.

There is also an issue with technical support. Inspectors complain they do not have ready enough access to their regional veterinarian on technical issues that arise during the course of their duties. In my view, such support is essential to reduce the potential for conflict between inspectors and operators and to ensure the safe and proper operation of provincially licensed abattoirs.

I believe the issue of lack of support can be addressed in two ways. First, with the provision of better training, the inspectorate would have better tools to deal with problems as they arise. Second, the addition of management resources would reduce the workload of the current complement of regional veterinarians and area managers so they are able to respond when required.

OMAF policy should also provide that daily decisions concerning plant operations will be made by the on-site meat inspector and any challenge to that decision by a plant operator must be made to that inspector. The inspector should be required to report the incident promptly to the area

manager who may overrule the inspector but, barring exigent circumstances, not without attending the plant to assess the problem.

I recommend that the Ministry of Agriculture and Food increase the number of regional veterinarians from two to five and the complement of area managers from eight to ten.

I recommend that the Ministry of Agriculture and Food require that all management intervention in operational decisions at provincially licensed plants be documented.

I recommend that the Ministry of Agriculture and Food establish a formal complaints process requiring industry complaints about meat inspectors to be made in writing with a copy to the inspector. The inspectors must be provided with an opportunity to respond to the complaint before a written response is provided to the complainant with a copy to the inspector.

One area of concern expressed by meat inspectors and the industry was whether the number of inspectors is currently sufficient to complete all of the inspection required to ensure compliance with the regulatory standards. Given the many changes to the system over the past few years, including the hiring process just completed this past March and the adjustments to the system that I am recommending, it is my view that inspection requirements and staffing levels should be re-examined.

I recommend that an independent audit be undertaken to determine the number of inspectors required in the abattoirs to provide proper inspection.

6.6.2.3.4 Part-Time Meat Inspectors

Currently, the inspectorate includes 57 part-time meat inspectors. Certain abattoirs do not require an inspector on a full-time basis. They are allotted a number of hours for slaughter and part-time inspectors attend for those hours. In the past, part-time meat inspectors have been paid an hourly rate for the hours of slaughter conducted by a plant during which they conduct inspection. If such inspectors identify a problem and withdraw from plants,

thereby terminating the slaughter, they are also depriving themselves of their remuneration for that day. This puts part-time inspectors in a position of inherent conflict that should not exist. Inspectors who, in good faith, withdraw from abattoirs should not be financially penalized as a result.

I recommend that the provincial government ensure that a part-time meat inspector who, acting in good faith, stops the slaughter, receives payment for the balance of the scheduled hours for that day whether or not the slaughter resumes.

6.6.2.4 Nepotism

A number of meat inspectors complained that management at OMAF have hired family and friends for certain positions when there were other more qualified candidates. This is a concern to this Review to the extent this practice could result in unqualified people making decisions that affect the delivery of safe meat. I am not, however, in a position to make any findings with respect to these allegations, but do observe that there are conflict of interest policies in place for public servants that prohibit such conduct and every effort should be made to see that there is adherence to those policies.²⁸

6.6.3 Audits of Abattoirs

In 1995, OMAF commenced annual audits to determine whether the structure, equipment, practices and operation of the abattoirs are in compliance with the regulations under the *MIA*. The audits cover three main areas – animal welfare, food safety and occupational health and safety. A standards of compliance manual lists all of the standards abattoirs are required to meet.

Veterinarians with experience in meat inspection are contracted each year to conduct the audits. Most have experience as auditors in the federal meat inspection system. These auditors, who are appointed as inspectors under the *MIA*, meet annually to discuss any new issues and interpretation of the standards with the goal to ensure consistent auditing across the province.

²⁸ Ontario, Management Board Secretariat, Conflict of Interest and Post-Service Directive (28 October 1998).

The auditors are required to record the audit and meet with the operators in a timely manner after the audit is completed to provide a summary of their observations and the overall audit rating.²⁹ If there are any items of non-compliance, a due date by which the deficiencies must be corrected is set by the auditor and abattoir operator.

The rating assigned after an audit is a letter grade from AAA to F.³⁰ This is similar to the CFIA's rating system. The rating system provides for the following audit ratings:

- AAA exceeds regulatory requirements
- AA generally exceeds regulatory requirements
- A meets regulatory requirements
- B meets minimum regulatory requirements
- C is not operating in accordance with legislative requirements;
- F is not operating in accordance with legislative requirements and cannot operate as a licensed plant.

OMAF considers the audit ratings in its licensing of plants as a tool to ensure compliance with the regulatory standards. If an abattoir is given an F rating, the Director will typically issue a provisional suspension and a hearing will be held before the Director. Plants receiving a C rating are usually subject to increased inspection and reassessed prior to renewal of their licence, typically by way of a second audit to ensure that they do not present a food safety risk. Plants receiving a B rating are normally reassessed prior to renewal of their licence. These are not written policies.

I heard some complaints from both abattoir operators and meat inspectors that the auditing lacks consistency, both as between auditors and from year to year,³¹ and that inspectors are not always informed of the deficiencies identified by auditors. Such inconsistency and lack of communication can

²⁹ The tasks for which auditors are contracted to complete include the recording of the audit on FSDSS and the post-audit meeting with the abattoir operator within timeframes set by OMAF.

³⁰ This audit rating system was implemented in 2001-2002. Prior to this system, abattoirs were told a percentage rate of compliance based on the number of deficiencies versus the number of standards complied with at each audit.

³¹ Some complained that the standards were "moving targets" such that abattoirs could build a new premises as approved and a few years later be told it did not meet the standards. Others complained that operations could be conducted in the same manner, yet receive different audit ratings in different years.

create confusion and tension between the inspector and operator at the plant. In addition, several stakeholders identified a concern that the notice given to abattoirs of the date for the audit permits operators to prepare in advance and perhaps slaughter fewer animals to ensure the “best possible performance” during the audit rather than provide a normal snapshot of that plant’s operations.

Auditing is a useful and desirable tool to measure the performance of the abattoirs and the inspection regime. It should continue. However, OMAF should strive to ensure that the process is transparent and consistent across the province. To achieve that goal, OMAF should conduct the slaughter portion of the audit unannounced, involve the inspectors primarily assigned to each plant in the audit follow-up meetings, develop a written protocol to ensure consistency in the process including second audits, and post the audit results and ratings on the OMAF website and at the abattoir.

6.6.4 Further Processing Inspections at Abattoirs

OMAF inspectors are scheduled to be present for all hours of slaughter at provincially licensed abattoirs, but not for all further processing hours.

Further processing refers to activities subsequent to the slaughter and dressing of the carcass. Some abattoirs do little or no further processing, whereas others process the meat from the slaughtered animals into a variety of meat cuts and meat products such as sausages. OMAF inspectors are scheduled to inspect further processing activities at abattoirs for a specific number of hours that are determined and allocated on the basis of risk - usually between 1.5 to 3.5 hours per week. The risk assessment takes into account food safety risk factors related to the types of meat products, plant compliance history, consumer complaints and food safety incidents.

The audit of the number of inspectors required in the system which I recommended above should specifically address the requirements and capacity for the provision of further processing inspection.³² Once

³² The number of further processing inspection hours in 2002-2003 was 27,380 and in 2003-2004 was 34,769 which may have been sufficient to meet the goal of at least 1.5 to 3.5 hours of inspection each week per abattoir, but it is difficult to determine due to seasonal operations and considerable fluctuation in volumes.

completed, OMAF could then assess the number of hours required for such inspection and assign inspectors accordingly. To assist in this process, operators should be required to advise OMAF of their scheduled further processing hours, as they are already required to do for slaughter hours.³³

6.7 Provincial Abattoir Standards

In many respects, the regulatory standards for provincial abattoirs are not dissimilar to those for the federal abattoirs. They do, however, require modernization as they are largely unchanged since 1992. The regulatory standards which primarily focus on food safety relate to: plant construction and design; waste handling and disposal; water; sanitation; equipment and maintenance; pest control; temperature control; transport; personal hygiene; product flow; manufacturing controls; packaging; labelling; and, records.

The industry expressed two key concerns with respect to the regulatory standards. First, the standards are perceived to be “moving targets”. Operators complained that the standards or the interpretation of them often changed without the operators being advised. This makes it difficult for the operators to properly plan and budget for necessary modifications. Second, much of the industry believes that their products are equivalent, or better, in terms of safety to those of federal abattoirs and think it is unfair that they are excluded from markets in other provinces.

6.7.1 Humane Treatment of Animals

The regulations under the *MIA* prohibit the handling of animals in a manner that subjects them to avoidable pain or distress and restrict the use of goads or electrical prods.³⁴ Although a number of stakeholders raised concerns about the humane treatment of animals at abattoirs, I am satisfied that the regulations and current codes of conduct, if properly enforced, provide for the proper treatment of livestock. However, this is dependent on there being

³³ Despite being permitted by regulation to designate the hours of slaughter, OMAF has not done so, but rather only required advance notice, sometimes only 1-2 weeks' notice of the plants' slaughter hours. This provides significant flexibility to seasonal plants and plants with fluctuating volume, however raises concerns for some inspectors who have conducted inspection duties during hours when it is difficult to reach support, such as 4 a.m. There should be some limitations placed on the hours of slaughter, especially those so far outside of normal business hours that it endangers the inspector's ability to obtain support. See R.R.O. 1990, 632/92, amended to O. Reg. 319/99, s.88.

³⁴ R.R.O. 1990, 632/92, amended to O. Reg. 319/99, s.54.

sufficient personnel in place to effectively monitor and enforce this aspect of the slaughter process.

In order to address the concerns of the stakeholders and the challenges of ensuring compliance, OMAF should continue the position of a humane standards officer, match the regulatory standards to current accepted standards for animal treatment, and develop a standardized safe animal handling training program for operators of abattoirs and all personnel involved in animal handling.

6.7.2 Slaughter and Dressing Procedures

Slaughter and dressing procedures can exacerbate contamination risks. The outside of the animal and certain internal organs carry considerable contamination including dirt and feces. It is important that slaughter and dressing are conducted in a manner which prevents any contamination of edible meat.

I heard, often during the course of the Review, that slaughter, dressing and meat cutting training courses are not as widely available in Canada as they are in other countries. The training of personnel is often done on the job at provincial abattoirs. At large abattoirs, only limited skills may be required since each worker is generally assigned a particular, repetitive task. However, in many small provincial abattoirs, the staff must be able to complete a wide array of tasks as there are only a handful of employees.

Meat inspectors advised that well-trained staff at abattoirs greatly assist them in completing the *post mortem* inspections effectively and efficiently, while poorly-trained staff are an impediment to the production of safe meat.

I recommend that the Ministry of Agriculture and Food develop standardized training programs for all personnel at abattoirs on humane animal handling, slaughter and dressing. OMAF should develop the training programs in collaboration with industry and require the delivery of the program either through industry groups or in a college program. The training programs will also provide an opportunity to communicate the regulatory standards to the industry.

6.7.3 Equipment and Construction

For food safety reasons, the layout and design of an abattoir must provide for the prevention of cross-contamination³⁵ and adequate separation of incompatible activities.³⁶ The construction of the building and the equipment used in abattoirs must permit proper slaughter and processing, allow for ease of cleansing and sanitation, and be properly maintained.

On the first application for a licence under the *MIA*, an abattoir must submit plans and specifications for the plant which have been approved by the regional veterinarian.³⁷ However, there is no regulatory requirement for prior approval of construction or renovation by existing licensees.

I was advised several times throughout the Review that one of the fundamental differences between the federal and provincial systems is construction standards. To obtain federal registration, the operator must develop a design and plan for construction approved by the CFIA and the plant must be fully operational and meeting all of the standards for construction, equipment and processes. If the CFIA refuses to register a plant or revokes its registration, the CFIA has no further involvement with the plant. If the plant continues to operate, it falls within provincial jurisdiction – either by continuing to process meat with public health inspection or continuing to slaughter with OMAF inspection and a licence under the *MIA*.

In the provincial inspection system, each time mandatory inspection has been imposed, first in the 1960s and later in 1982 and 1992 as exemptions were eliminated, a number of plants came into the system which had been built when there were no standards for construction. This has presented a challenge to the meat inspection and regulatory system in Ontario.

³⁵ To prevent cross-contamination, usually a one-way flow process is required which involves no backtracking of workers, products and packaging materials at any stage of production. The flow starts from the arrival of the raw material through to the packaging and shipping. From “dirty” to “clean”.

³⁶ Physical separation or separation by procedures designed to prevent contamination during one activity from hazards associated with another activity.

³⁷ R.R.O. 1990, Reg. 632/92, amended to O. Reg. 319/99, s.4(1)(a)

Both OMAF and industry have expended considerable effort and resources to improve the equipment and construction of abattoirs or, in the alternative, ensure processes are in place to reduce risks. Many provincial abattoirs would have to destroy their existing structures and build an entirely new plant to meet the construction and design standards of the federal system. However, that is not the only option to ensure safe meat production. Processes can eliminate the risks associated with buildings that were not designed to provide for segregation and prevention of cross-contamination. For example, if a plant does not have separate rooms for each step from slaughter to shipping a meat product, processes can be implemented to conduct each step in turn, with sanitation of the area between each step. These processes, embodied in a written and approved protocol, with proper monitoring and enforcement, should be permitted to allow plants to continue with existing buildings, so long as meat safety is not compromised.

The regulations under the *MIA* now include specific standards for equipment, construction and maintenance and, according to OMAF policy, construction or changes to processes at licensed abattoirs are only allowed with written approval from the regional veterinarian. Published guidelines provide that equipment, construction material and construction methods may be approved if they are accepted or certified by other specified food safety organizations.³⁸ The authority of OMAF to enforce standards for new construction, equipment or renovation and to approve, monitor and enforce protocols to ensure meat safety without substantial capital costs, should be reinforced in the regulations. Since any construction, renovation, new equipment or changes in processes by any abattoir should be subject to provincial approval, OMAF must be sufficiently resourced to respond in a timely manner to all approval requests.

³⁸ CFIA approved, USDA – FSIS accepted, National Sanitation Foundation International certified, 3-A Sanitary Standards of International Association of Milk, Food and Environmental Sanitarians, U.S. Public Health Service certified, USDA – Agriculture Marketing Service certified, or certified by the Fleischerei-Berufsgenossenschaft.

6.7.4 The Role of Veterinarians

In federally registered abattoirs, there is at least one veterinarian assigned to be present at the plant during slaughter hours.³⁹ The veterinarian is contacted by meat inspectors who identify abnormal behaviour or signs of illness in livestock. The veterinarian determines whether any steps can be taken to eliminate any contamination and whether the livestock or meat should be condemned.

There are no provincially licensed abattoirs which have a veterinarian in attendance during all slaughter hours. Instead, the meat inspectors have access to veterinarians for consultation. If a meat inspector identifies an abnormality on *ante* or *post mortem* examination, the inspector contacts a veterinary scientist at OMAF head office in Guelph by telephone during regular office hours or a regional veterinarian during off hours to obtain advice and direction. The veterinary scientist or regional veterinarian may direct the disposition of the livestock, give advice for further inspection, or advise the inspector to arrange for an appointed veterinarian to examine the livestock.

Appointed veterinarians are veterinarians licensed by the College of Veterinarians of Ontario and contracted by OMAF to attend at abattoirs or sales barns to examine livestock when requested or scheduled. The College is a self-governing professional body which regulates veterinary practice in Ontario to ensure competency and professionalism. The appointed veterinarians are paid an hourly rate and are appointed under the *MIA* or *LCSA* as veterinary inspectors under those statutes.

³⁹ There may be occasions at federally registered abattoirs when a veterinarian may not be present and on those unusual occasions, the plant may be permitted to continue to operate provided that the inspectors working at the plant have access to a veterinarian at another plant who can provide advice to them over the telephone or come to the plant to examine suspect animals at the request of the inspectors.

The number of appointed veterinarians utilized by OMAF in the last few years is set out in the following table:

| Year | The Number of Appointed Veterinarians |
|-------------|--|
| 1999 | 146 |
| 2000 | 152 |
| 2001 | 152 |
| 2002 | 158 |
| 2003 | 146 |
| 2004 | 129 |

Appointed veterinarians are trained either by accompanying an experienced appointed veterinarian on calls before they attend OMAF training or only by attending OMAF training for around two hours (sales barns calls) to five days (*MIA* abattoirs calls). OMAF also provides some updated training to appointed veterinarians from time to time.⁴⁰ There is no written training plan or policy for these veterinarians.

During the course of the Review, I heard concerns expressed that some appointed veterinarians lack sufficient training and experience. In addition, some concern was expressed about an inherent conflict of interest when an appointed veterinarian is hired by OMAF to examine an animal which was previously under their care or owned by one of their private practice clients.

These are legitimate concerns, however, to the extent that any veterinarian acts in a manner which is contrary to the ethics and standards of the veterinary profession, the existing regulatory system for the profession provides a complaint process which can be utilized. Further, my earlier recommendation for the appointment of additional regional veterinarians will give the regional veterinarians additional capacity to monitor the training and activities of the appointed veterinarians. In any event, to the extent appointed veterinarians are expected to provide expert assistance to the meat inspectorate, they must be properly trained.

⁴⁰ The last such training was in November 2002 for three hours and covered pathology of beef and hog inspection with disposition options and challenging case scenarios, BSE, laboratory submissions, emergency and billing protocols.

I recommend that the Ministry of Agriculture and Food develop and implement a plan for the initial and continuing education and training of appointed veterinarians.

6.7.5 Exemptions

There are a number of circumstances in which abattoirs are permitted to deviate from typical regulatory standards. Some are exemptions from otherwise prescribed procedures set out in the *MIA* regulations and others arise from powers given to OMAF under the regulations to approve and permit “atypical” procedures.⁴¹

These exemptions for and approvals of atypical procedures provide flexibility to the system, which is desirable if it does not jeopardize meat safety or involve additional costs to the public. The concern expressed most often about these exemptions and approvals relates to the absence of any formal system for recording them. Too often, meat inspectors or area managers who were not present at the time of the approval are not informed of them. There is no system that provides for a review of the approvals. A written policy communicated to all meat inspection personnel and the industry requiring that records be kept of such approvals and atypical procedures together with regular review of the approvals, would assist in ensuring safety standards are being maintained.

I recommend that the Ministry of Agriculture and Food implement a system to require all exemptions and approvals of special procedures be recorded and accessible to all meat inspection delivery staff. The system should include a regular review of the exemptions and approvals on a fixed schedule and upon change of abattoir ownership or management.

6.7.6 HACCP

HACCP programs are not mandatory at provincially inspected abattoirs. A voluntary HACCP program, HACCP Advantage, has been developed by

⁴¹ For example, harvesting and preparation of non-traditional or specialty meat products; alternative methods for disposal of waste; processing of wild game carcasses; time and day separation with backwards flow of carcasses; transfer of carcasses between plants before specified risk materials are removed; and animals ritually slaughtered in accordance with religious practice. See R.R.O., Reg. 632/92, amended to O. Reg. 319/99, ss. 4 & 74 and OMAF, *Meat Inspection Policy and Procedure Manual* (Revised, 1 June 2003).

OMAF. This program and my recommendations regarding the implementation of mandatory HACCP-based programs at abattoirs are discussed in full in Chapter 3. I have recommended mandatory HACCP-based programs at abattoirs, but with a phase-in period of three to five years. The industry should be informed well in advance of all regulatory changes, including the timeline for mandatory HACCP to permit ample opportunity for compliance.

OMAF should provide HACCP training for all meat inspectors and abattoir operators and ensure that the HACCP food safety program is completely integrated with the inspection program. Consideration will also have to be given to cost-sharing between industry and the provincial government in the areas of training and auditing.

6.7.7 Traceability, Biosecurity and Disease Surveillance

There is no requirement for a full traceability system or biosecurity plans at provincially licensed abattoirs. Earlier in this Report, I recommended the development of a full traceability system and biosecurity plans throughout the food continuum. At present, abattoir operators must keep records of all animals slaughtered and to meet sanitation requirements within the plant, but are not expected to have a system that permits the tracing of each product back to the particular slaughtered animal or a biosecurity plan for things entering or leaving the abattoir property.

Slaughter provides an opportunity for access to carcasses for testing purposes - both to determine the presence of disease or high pathogen levels in livestock populations and also to establish whether a particular animal is affected if it presents with apparent health problems. The issues regarding surveillance and my recommendations to strengthen this area of the food safety system are discussed in Chapter 3.

6.7.8 Disposal of Meat Production Waste

The slaughter, dressing and further processing of meat at abattoirs produces substantial quantities of waste each year. The issues relating to the disposal of this waste will be addressed in Chapter 7.

6.7.9 Non-Ambulatory Animals (Downers)⁴²

Dead animals (those that have died from any cause other than slaughter) are prohibited from being processed for human food because they present an elevated health risk to humans.⁴³ Likewise, fallen animals that are disabled by disease or other condition that is likely to cause death must be euthanized⁴⁴ and cannot be sold or processed as food for human consumption. A non-ambulatory animal or downer is one that is “unable to stand without assistance or to move without being dragged or carried” but, if capable of passing inspection, may still be slaughtered for meat.⁴⁵

Non-ambulatory animals, in particular cattle, have been a food safety and animal welfare concern for a number of years. Recent events, however, have focussed attention on the issue of downer cows in Ontario. Aylmer Meat Packers Inc., the subject of much publicity in the summer of 2003 as a result of a product recall, was a facility that processed a large number of downer cows. Also, bovine spongiform encephalopathy (BSE), also known as mad cow disease, was discovered in downer cows in Alberta and in Washington State, U.S. in 2003. The U.S. Department of Agriculture temporarily banned the slaughter of downers in U.S. slaughterhouses as of December 20, 2003, and the CFIA has recently advised federally inspected Canadian establishments that if they wish to access U.S. markets, they will also have to stop processing downers. This is likely to greatly increase the pressure on provincially inspected abattoirs to handle these animals.

In addition, certain stakeholders believe the transport of downer animals is inhumane and there is an understandable reaction from consumers that meat from these animals is unwholesome. However, many downer animals have injuries or other problems that on close examination have little or no relationship to food safety or wholesomeness. Those in the industry therefore, maintain it would be wasteful not to use the meat from these animals provided it conforms to meat inspection standards. Furthermore,

⁴² In this section, I rely greatly on the *Report of the Expert Advisory Panel, The Scientific and Regulatory Basis of Meat Inspection in Ontario* (May 2004) [hereinafter *Expert Advisory Panel Report*].

⁴³ *Dead Animal Disposal Act*, R.S.O. 1990, c. D.3, s. 4(4).

⁴⁴ *Ibid.*, s. 3(2).

⁴⁵ *Livestock and Livestock Products Act*, R.S.O., c. L.20; O.Reg. 732/94, s. 1.

banning these animals from the food chain could encourage illegal slaughter and the sale of uninspected meat processed under unhygienic conditions.

Any solutions to the downer cow problem must address this complex array of food safety, animal welfare, economic and consumer confidence issues.

6.7.9.1 Food Safety and Consumer Confidence

Non-ambulatory cattle are known to be at increased risk of certain food safety hazards, in particular diseased tissue, veterinary medicine residues, and BSE, although the absolute risk of BSE in Ontario cattle is currently thought to be very small. Diseased tissue is effectively identified and removed through proper routine *ante* and *post mortem* inspection. Residues of veterinary medicines are more of a concern in downers than other groups of cattle because downers are more likely to have been recently treated, perhaps without observance of the necessary pre-slaughter treatment withdrawal times. Ontario has made a significant contribution to alleviate this problem through its requirement for veterinary certification prior to transport and slaughter and through the routine testing of downers.⁴⁶ Veterinarians are asked to describe recent health and treatment information on their certificate. If proper withdrawal times have not been observed, then the meat inspector can judge the animal as unfit for human consumption. In addition, tissues from downers are routinely tested for veterinary medicine residues and the carcasses are held until the test results are returned. I am satisfied based on the advice I have received that the foregoing measures, if followed, adequately address food safety concerns that relate to diseased tissue and residues from veterinary medicines.

With the discovery of indigenous BSE in North America, we now have to confront the food safety and consumer confidence issues posed by the risk of BSE in downer cattle. The advice I have received leads me to conclude that there is very little, but nevertheless greater than zero, risk of BSE in cattle in Canada. While all cattle are theoretically at some risk, evidence shows that the risk is greater in older animals, especially those born before

⁴⁶ *Ibid.*, s. 5; see also OMAF, *Practitioner's Manual for Handling Non-Ambulatory Animals*, (revised 4 January 2002).

the meat and bone meal feeding ban of 1997⁴⁷ and in cattle that are downed, disabled, diseased or distressed.

Several measures are available to address BSE food safety and consumer confidence issues. Current scientific information indicates that the most critical and widely applicable food safety measures for BSE are effective *ante mortem* inspection and effective Specified Risk Material (SRM) removal from carcasses. British authorities report that SRM removal eliminates greater than 99% of infectivity in an infected animal.⁴⁸

An *ante mortem* inspection will remove from the human food chain those animals showing clinical signs of neurological disease. Laboratory testing for BSE is another control option, and some countries (eg. U.K. and Japan) use such testing for inspection purposes.⁴⁹ At this time, there is no such testing for inspection purposes in North America. Data from the U.K. shows that testing identifies at least some clinically normal but BSE-positive animals that would not be identified on *ante mortem* inspection. However, laboratory testing is not perfect because it is believed that only animals in the late stages of disease are likely to test positive.⁵⁰ This application of laboratory testing must be distinguished from random surveillance testing that is intended to determine if BSE exists in a population of cattle and at what level. Such surveillance testing provides critical information to assess risk but serves no direct food safety purpose.

Will implementation of some or all of these measures provide 100% assurance of safety? The short answer is no, because BSE risk cannot be absolutely eliminated unless beef is banned. We do not know all the facts about BSE and its risks to humans as the science in this field is continuing to

⁴⁷ *Health of Animals Regulations*, C.R.C., c. 296, ss. 162, 163 and 164.

⁴⁸ Effective SRM removal includes removal of the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia or cattle over 30 months of age and the distal ileum from cattle of all ages. United Kingdom, Department for Environment, Food and Rural Affairs, *BSE: Public Health: Over Thirty Month Cattle* (4 December 2003), available from <http://www.defra.gov.uk/animalh/bse/public-health/otms.html> [accessed 21 June 2004].

⁴⁹ Testing for inspection purposes involves holding the carcass pending receipt of the test results.

⁵⁰ USDA, FSIS, *Current Thinking on Measures that Could be Implemented to Minimize Human Exposure to Materials that Could Potentially Contain the Bovine Spongiform Encephalopathy Agent* (15 January 2002) available from http://www.fsis.usda.gov/OA/topics/BSE_thinking.htm [accessed 21 June 2004].

evolve. In addition to the small but real limitations in *ante mortem* inspection, SRM removal and laboratory testing as described above, there is also a chance that SRM will contaminate some meat even with high quality inspection, and HACCP-based food safety programs in place. Nevertheless, I am advised that the available scientific evidence suggests that sound, strictly enforced inspection and SRM removal programs provide a very high degree of public health protection, and that these measures are proportional to the very small BSE risk posed by all groups of cattle, including downers in Ontario.

In Ontario in 2001/02, there were approximately 3,400 cattle with non-ambulatory transport certificates and 190 (about 6%) were ultimately condemned as being unfit for the human food supply. In 2002/03, non-ambulatory transport certificates were issued for about 4,500 cattle with 400 (about 11%) of those animals being condemned. The total number of cattle slaughtered in provincially licensed abattoirs during each of these periods was approximately 92,000.⁵¹

6.7.9.2 Animal Welfare Concerns

Transport of downer animals is particularly problematic and there are significant doubts as to whether it is possible to move these animals in an acceptable and humane fashion. In a recent article published in the Canadian Veterinary Journal, the following opinion is expressed:

*The marketing of livestock compromised by disease or injury degrades the welfare of the animal; it is an economic burden to the producer, the transporter and the processor; damages the prestige of the livestock production industry; and potentially endangers public health. The veterinary profession and the agricultural industry nationwide should arrive at the same conclusion regarding the transportation of non-ambulatory animals. It is simply impossible to move mature non-ambulatory livestock humanely, no matter how close the slaughter plant.*⁵²

⁵¹ Information provided by OMAF from its FSDSS.

⁵² G. Doonan et al., *Nonambulatory livestock transport: The need for consensus*, Canadian Veterinary Journal, No. 44(8), p. 667-672 (August 2003).

If veterinary treatment and nursing care are insufficient to restore these animals to an ambulatory state in a timely and humane fashion, the only practical alternative would appear to be on-farm euthanasia or on-farm slaughter.⁵³ On-farm slaughter has the advantage of salvaging meat that would otherwise be wasted, and if properly conducted, inspected and regulated, could provide market access for the product.

6.7.9.3 Proposed Protocol for Non-Ambulatory Animals

Cattle become non-ambulatory at all ages and for a variety of reasons. However, most downer animals are dairy cows that are at the end of their productive lives and are being sent for slaughter to salvage what little value remains. The quality of their meat is usually low and although it cannot be said that this meat is unsafe, there is a heightened risk. Since it is the producer who benefits most from permitting these higher risk animals into the system, it is the producer who should bear the cost of any additional vigilance that is required to ensure the safety of that meat.

The producer currently bears the expense of having a veterinarian examine the animal for the purpose of issuing a certificate for direct transport to slaughter.⁵⁴ Although not currently specified, the regulations should also require the veterinarian to record the diagnosis on the certificate and no non-ambulatory animal should be admitted to an abattoir unless accompanied by a certificate for direct transport. A mandatory histopathological examination of the brain and spinal cord should be conducted for every non-ambulatory animal approved for slaughter, in addition to routine drug residue tests and BSE testing. Although there is little scientific evidence to support the testing of all non-ambulatory cattle for BSE, there is sufficient public concern about BSE and the elevated risk associated with downers that I am satisfied such a measure is warranted to maintain consumer confidence in the meat supply in Ontario at this time. The cost of all testing of non-ambulatory animals should be charged back to the operator of the abattoir

⁵³ Mobile slaughter units are licensed in Alberta and permitted by regulation to slaughter livestock on a producer's land. The meat cannot be sold and can only be consumed by the producer and his/her immediate family.

⁵⁴ O. Reg. 734/94, s. 5; see Appendix G where the standard form Certificate for Direct Transport to Slaughter is reproduced.

who is in the best position to ensure that such costs are ultimately borne by the animal owner.

I recommend that the regulations relating to *ante* and *post mortem* inspection and specified risk materials removal be closely monitored and strictly enforced. The HACCP programs at abattoirs should include training of personnel on the proper removal of SRM. The provincial government should assist the industry to develop a standardized SRM removal training program.

I recommend that non-ambulatory animals be prohibited from entering an abattoir unless accompanied by a veterinarian's certificate for direct transport that provides a veterinarian's diagnosis of the condition or disease that has rendered the animal non-ambulatory and that drug residue testing, histopathological testing of the brain and spinal cord and BSE testing of every non-ambulatory animal be conducted, with the carcass and inedibles being held pending evaluation of the test results. The cost of such tests should be charged to the abattoir operator, but ultimately borne by the owner of the animal.

Since the public will benefit from the BSE testing in that it will contribute to the provincial government's BSE surveillance program, consideration should be given to OMAF subsidizing some portion of the cost of that testing.

I recommend that research be urgently carried out into the feasibility of regulated on-farm slaughter of non-ambulatory animals in Ontario. In the absence of regulated on-farm slaughter, I recommend the transport of downer animals be prohibited except by a licensed transporter who has the necessary equipment and expertise to transport such animals humanely.

6.8 Abattoir Standards in Other Jurisdictions

6.8.1 Standards in Other Provinces

The standards for provincial abattoirs and inspection of those abattoirs varies across the country. In some cases, the province has contracted with

the CFIA to conduct the inspection at provincial abattoirs.⁵⁵ In others, the provincial governments conduct mandatory inspection to provincial regulatory standards similar to Ontario⁵⁶ and some do not yet have mandatory inspection of abattoirs.⁵⁷ The system in Ontario is obviously better than non-mandatory regimes and appears to be equivalent or superior to other provinces.

6.8.2 International Standards

International standards for meat inspection systems at abattoirs have been and continue to be developed by the Codex Alimentarius Commission. These standards are established through a consultation process that ensures the standards are amended to match current science, technology and risks. The 1995 Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade formally recognized the Codex Alimentarius (Codex), amongst other international standards, guidelines and recommendations, as reference points for facilitating international trade and resolving trade disputes in international law. The Codex includes a code for *ante* and *post mortem* inspection and draft hygienic codes of practice for meat and poultry slaughter and processing which address the standards applicable to abattoirs.⁵⁸

The federal system in Canada strives to match these international standards for trade and meat safety purposes. Ontario should do so as well.

⁵⁵ For example, British Columbia, Saskatchewan and Manitoba have each contracted with the CFIA to provide inspection. The CFIA conducts the same *ante* and *post mortem* inspection as would be conducted in federal plants, but otherwise inspects to provincial regulatory standards. The provinces pay the CFIA for the inspection services. An estimated cost to hire the CFIA to conduct inspection at provincial abattoirs in Ontario was about three times higher than the current cost of the inspection services.

⁵⁶ For example, Alberta has its own inspection legislation, regulations and inspection program.

⁵⁷ For example, Newfoundland and Labrador, Saskatchewan, British Columbia.

⁵⁸ Codex Alimentarius Commission, *Recommended International Code For Ante-Mortem And Post-Mortem Inspection Of Slaughter Animals And For Ante-Mortem And Post-Mortem Judgement Of Slaughter Animals And Meat*, CAC/RCP 41-1993; *Recommended Code Of Hygienic Practice For Poultry Processing*, CAC/RCP 14-1976); *Recommended International Code Of Practice - General Principles Of Food Hygiene*, CAC/RCP 1-1969, Rev. 3 (1997), Amd. (1999); *General Principles of Meat Hygiene*, CAC/GL 52-2003; and *Report of the Tenth Session of the Codex Committee on Meat Hygiene*, Alinorm 04/27/16, Appendix II, Draft Code of Hygienic Practice for Meat (20 February 2004).

6.8.3 National Meat and Poultry Regulation and Code

In 1994, the federal and provincial agriculture ministers endorsed a blueprint for a Canadian Food Inspection System (CFIS) as part of work started in 1993 to move toward an integrated Canadian food inspection system responsive to both consumers and industry. The blueprint was subsequently agreed to by the health ministers and the CFIS Implementation Group (CFISIG) was set up in or about 1994 with membership from each province and territory and the federal government. In order to implement the blueprint, it was determined that three goals needed to be met: harmonized standards; integrated inspection delivery systems; and, an inter-jurisdictional forum for harmonizing standards, procedures and methods for food inspection.

Harmonized standards, in the CFIS context, refer to those that are jointly developed and agreed upon by federal, provincial, and territorial governments based, where possible, on international standards including the Codex. The systems of food inspection in Canada deal with issues of food safety, market access, and protection against fraud. One goal of the CFISIG is to consolidate standards for both food safety and trade⁵⁹ to permit trade between provinces once the federal and provincial standards are harmonized.

The CFISIG has acted as the forum for harmonization since its creation. Within the CFISIG, eight committees were formed to develop model regulations and codes with the aim to achieve the national harmonization and integration objectives. One of these committees developed the National Meat and Poultry Regulations and Code (NMPRC). The NMPRC was approved in October 2000 by the CFISIG and a written amendment process was developed. The regulations set out requirements and the code is designed as an interpretive guideline to describe how to implement the regulatory requirements.

The Ontario delegation has put forward a number of proposed amendments to the CFISIG to ensure that the NMPRC remains current and consistent

⁵⁹ Trade standards refer primarily to those quality elements that identify, characterize, and market a product.

with the federal and international standards. Food safety is not a stagnant area, but rather one that is continually evolving, to address new and emerging science, technology and risks. The provincial government has an obligation to keep pace and ensure that its food safety system and personnel remain current.

Attempts to implement the NMPRC in order to give provincial abattoirs potential access to other provincial markets have met more obstacles than have national codes relating to other areas of food inspection. The primary obstacle is that, unlike other commodities, such as dairy, meat production is the subject of both federal and provincial legislation and current federal legislation prohibits interprovincial trade unless the slaughter was conducted at a federal plant. None of the provinces have yet adopted or implemented standards which match those of the NMPRC although several are working towards this goal.

In my view, the regulations under a proclaimed *FSQA* should adhere to the NMPRC. From a review of the work undertaken to date, I believe that the provincial government is well-positioned to implement such standards.

6.9 Provincial Abattoir Services

The provincial abattoirs offer custom slaughter capacity, dressing and processing services for wild game and a wide variety of specialty or niche products, not all of which are available in federal abattoirs.

6.9.1 Wild Game

Hunters kill a variety of species of wild game each year in Ontario. Some hunters take the wild game carcasses to meat processing plants and provincially licensed abattoirs to be processed. The meat is packaged and returned to the hunter for personal and family consumption. The sale of wild game meat to the public is not generally permitted.⁶⁰

Since wild game is not inspected before it is killed, permitting such game into abattoirs and processing plants is an exception to the prohibition against uninspected meat in such plants. The purpose for a prohibition against

⁶⁰ Several of the wild game species such as deer and elk are raised on farms. As farmed animals, they can be slaughtered pursuant to the *MIA* and their meat sold to the public.

uninspected meat in premises where inspected meat is present is to prevent cross-contamination and ensure food safety. In order to determine whether the limited exemption for wild game is justified, it is necessary to consider the potential risks and the apparent benefits.

6.9.1.1 Food Safety Risks Associated with Wild Game

Wild game can carry disease, pathogens and unknown chemical residues which can be transmitted or cause harm to humans by contact or consumption. Two known diseases are chronic wasting disease (elk and deer) and bovine tuberculosis (bison and deer).

Chronic wasting disease (CWD) is similar to BSE and affects elk, mule deer, and red tailed deer. It has been diagnosed in wild deer and elk in parts of the U.S., but not in Ontario.⁶¹ There is also no evidence yet that CWD can infect humans. Nonetheless, the World Health Organization recommends that humans avoid eating any part of an infected animal.⁶²

Bovine tuberculosis (bovine TB) is an infectious disease caused by bacteria and can be transmitted between wild game populations, farm animals and humans. Cattle are the most common host for the bacteria, but bison and all of the deer species can be infected. Bovine TB is not a naturally occurring disease in wild animals and is believed to be uncommon in wild animals in Canada. Bovine TB was confirmed in an Ontario dairy herd in April 2002, but this was the first case since 1992.⁶³

There are other diseases, such as foot and mouth disease and diseases caused by the West Nile virus, which could be present or develop in the wild game

⁶¹ Ontario Ministry of Agriculture and Food, *Chronic Wasting Disease Update* (7 July 2003), available from http://www.gov.on.ca/OMAFRA/english/livestock/alternat/facts/info_chronic_wasting_update.htm [accessed 5 May 2004].

⁶² World Health Organization, *WHO Consultation on Public Health and Animal Transmissible Spongiform Encephalopathies: Epidemiology, Risk and Research Requirements*, (Geneva: World Health Organization, 1999).

⁶³ Ontario Ministry of Agriculture and Food, *Bovine Tuberculosis in an Ontario Herd Practitioners Alert* (July 2002), available from http://www.gov.on.ca/OMAFRA/english/livestock/vet/facts/info_bovine_tuberculosis_practitioners_alert.htm [accessed 29 April 2004].

population, but again there is no evidence that those diseases can be transmitted from the meat of wild game to humans.

Improper handling and dressing of wild game prior to the carcasses being delivered to meat plants increases the risk of cross-contamination and the potential for the transmission of disease and pathogens. For example, the hunted wild game may have been partially dressed in unsanitary conditions in the bush, carried through the woods, transported in the back of a truck, or perhaps stored for some period before reaching the meat plant.

The most significant benefit of wild game carcasses being permitted into provincial abattoirs is the likelihood of the meat being processed under proper sanitary conditions. The availability of some inspection and the opportunity to conduct surveillance testing of the meat product to identify disease or pathogens in the particular animal and the wild game population are also benefits.

6.9.1.2 Ontario Legislation Addressing Wild Game

The *Fish and Wildlife Conservation Act, 1997 (FWCA)* administered by the Ministry of Natural Resources (MNR) is one of the key pieces of legislation governing hunting in Ontario.⁶⁴ The *FWCA* has a number of provisions which impact food safety:

- a prohibition on hunters abandoning wild game carcasses;⁶⁵
- a requirement that harvested animals be identified as hunted meat;⁶⁶
and
- a prohibition on the purchase or sale of game unless specifically authorized by the MNR.⁶⁷

Although the *MIA* does not apply to the processing of hunted wild game,⁶⁸ its regulations require the operators of abattoirs to maintain their premises and equipment in a sanitary condition which necessitates the implementation

⁶⁴ *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c. 41.

⁶⁵ *Ibid.*, s. 36.

⁶⁶ O.Reg. 665/98, s. 17.

⁶⁷ O.Reg. 666/98, s. 20.

⁶⁸ *MIA*, *supra* note 15, s. 1.

of sanitation and cross-contamination measures for the processing of wild game in those plants.⁶⁹

The *Food Premises* regulation under the *Health Protection and Promotion Act (HPPA)* has been amended to prohibit uninspected meat in food premises as of September 1, 2004, unless obtained through hunting.⁷⁰ Such meat will still be permitted at food processing plants for the purpose of custom-cutting, wrapping and freezing for its owner.

6.9.1.3 Current Regime in Ontario for Wild Game Meat Processing

In Ontario, hunters who have not obtained a licence in the past are now required to complete a hunter's training course which includes some information on the handling of carcasses. The Ontario Federation of Anglers and Hunters (OFAH), the MNR and other agencies including public health units have produced educational materials on good practices for the handling of hunted wild game.⁷¹

Several provincially inspected abattoirs process wild game carcasses for their customers. OMAF has a policy with respect to the hanging and processing of game meat at these abattoirs.⁷² The policy is limited to deer, moose, elk and bear carcasses killed by gunshot or arrow. The policy requires that plant operators develop a written program for handling wild game, obtain written approval of the program from OMAF and advise OMAF staff in advance of accepting any wild game. The purpose of the policy is to ensure that abattoirs follow the practices and procedures that are designed to reduce the risk of the premises or inspected meat on the premises being contaminated by the hunted wild game. Operators are required to keep records to demonstrate compliance with their programs.

All wild game meat must be kept separate from inspected meat and when the processing of the wild game is complete, all processing rooms and

⁶⁹ O.Reg. 632/92, amended to O.Reg. 319/99, s.19.

⁷⁰ R.R.O. 1990, Reg.562, as amended to O.Reg.74/04, s.40.

⁷¹ Muskoka-Parry Sound Health Unit, *The Safe Handling of Wild Game* (April 1996).

⁷² Ontario Ministry of Agriculture and Food, *Meat Inspection Policy and Procedure Manual* (Revised 4 January 2002), Policy Section 10.01.

equipment must be thoroughly washed and sanitized before the processing of any inspected meat is undertaken.

Although meat inspectors must be present for any slaughter at a provincial abattoir, they may not be there for the processing of wild game since that is usually undertaken outside of the hours designated for slaughter. If they are present, the inspection of such processing involves determining whether the policy, procedure and standards are being met. In addition, the wild game policy of each plant is reviewed during the annual audit to ensure it conforms with prescribed standards for processing game meat.

6.9.1.4 International Standards on Wild Game Meat Processing

In some jurisdictions, game meat may be sold to the public. Where this is permitted, the Codex Alimentarius Commission (CAC),⁷³ recommends the following practices to limit food safety risks:

- the plant should be dedicated to the processing of game meat;
- hunters must provide information on the health status of the animal prior to death, the location and time of death, and any information relevant to potential chemical residues;
- hunters should be taught good practices in the manner of the kill, hygiene, timeliness of bleeding and evisceration, and post-harvest handling;
- certain organs should be left with the carcass to be brought with it to the plant;
- the carcasses should be cooled as soon as possible to between 4 to 7° C and transported in a clean vehicle, to avoid contamination, within 24 hours of the kill; and
- wild game should be examined for contamination prior to entry into the plant and then if acceptable for entry, undergo an examination with its organs in the plant prior to processing.

⁷³ Codex Alimentarius Commission, *Report of the Tenth Session of the Codex Committee on Meat Hygiene*, Alinorm 04/27/16, Appendix II, Draft Code of Hygienic Practice for Meat (at Step 6); *Recommended International Code of Hygienic Practice for Game*, CAC/RCP 29-1983, Rev. 1 (1993).

6.9.1.5 The Consumption of Wild Game in Ontario

The consumption of wild game meat by anyone other than the hunter and his or her family is prohibited, although the MNR may authorize the serving of wild game at a specified function.⁷⁴ I am advised that the public consumes wild game meat with the authorization of the MNR at certain wildlife fundraising dinners and through the donation of wild game meat to food banks. This meat usually comes from animals hunted under licence or from pre-planned culls, but it may also come from confiscated carcasses. I understand that certain protocols have been established through discussions among the MNR, the Ministry of Health and Long-Term Care (MOHLTC) and OMAF for the safe handling and processing of such meat. These protocols are in many respects similar to those recommended by the CAC and, although followed on at least a few occasions, for culls of deer at provincial parks, are not always adhered to.

The MNR also has a policy for its field staff to follow in authorizing fish and wildlife fundraising dinners.⁷⁵ Under this policy, such dinners are only approved for non-profit and charitable groups. Wild game served at such dinners must be harvested legally and donated. Those attending the dinner must also be advised that the meat was not inspected under the *MIA* by notices on the tickets and on a sign posted at the entrance to the dinner.⁷⁶ Although permitting the serving of wild game at fundraising dinners and allowing its distribution through food banks may be desirable, there are food safety concerns that must be addressed.

I recommend that the *Food Safety and Quality Act, 2001* and its regulations prohibit the consumption of wild game meat by anyone other than the hunter and his or her immediate family unless the harvesting, processing and distribution of the meat was done in full compliance with prescribed practices and procedures. The regulatory

⁷⁴ *FWCA*, *supra* note 62, s. 52.

⁷⁵ Ontario Ministry of Natural Resources, *Authorization of fish and wildlife fundraising dinners*, Policy: WilPp. 5.3.2 (9 March 1999).

⁷⁶ It is noted that the preparation of wild game meat at food premises contravenes the regulations under the *HPPA*, R.S.O. 1990, c. H-7.

standards should meet or exceed those set out in the Recommended International Code of Hygienic Practice for Game of the CAC.

The goal should be to ensure that any consumption of wild game other than by the hunter and his or her immediate family is subject to strict controls and measures to prevent harm to human health and limit the food safety risks associated with wild game meat.

To permit wild game dinners to continue, the prohibition against the preparation of wild game at food premises that is contained in the *Food Premises* regulation under the *HPPA* will have to be addressed.

6.9.1.6 Future of Wild Game Processing

Permitting wild game to enter provincially inspected abattoirs pits the risk of wild game contaminating inspected meat in the plants against the risks associated with poor and unsanitary processing of hunted wild game. On balance, I am content that the risk in permitting wild game into provincial abattoirs is acceptable so long as there is legislation and appropriate enforcement to require adherence to processes and procedures that ensure that the wild game is properly segregated from inspected meat.

The current legislation does not deal directly with the issue of wild game and, therefore, the only controls are by policy. If we continue to permit the processing of wild game meat in provincial abattoirs, then procedures and processes designed to limit the risks such as those set out in the current policy should be incorporated into the legislation or regulations to permit monitoring of the risk control measures and enforcement.

I recommend that the regulations under the *Food Safety and Quality Act, 2001* include a requirement that provincially licensed plants obtain permission to process wild game meat and that any processing adhere to standards similar to those in the current policy.

If wild game continues to be permitted into provincial abattoirs, I recommend that hunters be required by regulation to take training in the collection of pertinent information, safe dressing and transport procedures. This training could be added to the existing training required

to obtain a hunting licence to hunt deer, moose, elk, and bear, or be provided by the hunter associations.

6.9.2 Ritual Slaughter

There are two general exceptions to standards required by the *MIA* and its regulations applicable to ritual slaughter performed in accordance with religious practice. First, the animals need not be rendered unconscious by a method set out in the regulations. Instead, it must be adequately restrained and slaughtered by means of a cut resulting in rapid, simultaneous and complete severance of blood vessels in a manner such that the animal loses consciousness immediately.⁷⁷ Second, the carcasses need not be refrigerated immediately after being dressed nor kept refrigerated until they leave the plant.⁷⁸ Ritual slaughter is performed in accordance with Islamic (*halal*) and Jewish (*shechita*) religious practices at several provincial abattoirs in Ontario.

Halal slaughter is more common than *shechita* slaughter in the provincial system. In order for meat to be *halal* (permissible for consumption under Islamic law), the slaughter of the animal from which the meat is taken must be conducted in a specific manner that involves:

- the name of Allah or the phrase “Bismallah” (in the name of Allah) being recited before the animal is slaughtered;
- the person conducting the slaughter must be a Muslim;
- the animals being slaughtered with compassion and mercy; and
- the instrument of slaughter (knife/blade) being sharp.

Shechita is the permitted method of animal slaughter according to Jewish law to produce meat for human consumption. *Shechita* is performed by a *shochet* who is trained in the laws of *shechita*, anatomy and pathology. The slaughter consists of an incision to swiftly sever the major structures and

⁷⁷ R.R.O. 1990, Reg.632/92 as amended to O.Reg.319/99, s.63. An almost identical exemption exists in the federal meat inspection legislation. *Meat Inspection Regulations*, 1990, SOR/90-288, s.77.

⁷⁸ R.R.O. 1990, Reg.632/92 as amended to O.Reg.319/99, s.25.

vessels at the neck which results in the animal losing consciousness and the ability to feel pain very quickly.

The information provided to the Review was that both Islamic and Jewish law require that animals be spared suffering in the slaughter process and be treated with respect and consideration. Jewish law also requires that an animal intended for food be healthy and uninjured at the time of slaughter. Due to this requirement, stunning by common methods which cause injury render an animal forbidden for food under Jewish law. An animal welfare expert in the U.S. does not argue against religious slaughter, but does advocate methods of such slaughter which provide for the most humane treatment of the animals.⁷⁹

The food safety issues relating to religious slaughter are the same as with non-religious slaughter: proper training of staff and ensuring compliance with the standards. I believe the recommendations in this Report with respect to training of abattoir personnel and enforcement of standards address any concerns which arise with respect to such issues in this context.

6.9.3 Custom Slaughter

In Ontario, many small and medium-sized farms sell meat from their animals to local customers. The farmers take the animals to local provincially licensed abattoirs and pay for the animal to be slaughtered, and in some cases, processed into meat cuts, and then returned to the farmer for sale or personal consumption. Certain producers sell to small or specialized markets and must be able to guarantee that the product they take away from the abattoir is from the animal they delivered for slaughter.⁸⁰ This is called “custom slaughter” and is not a service provided by most federal abattoirs.

Several farmers and farm organizations advised that they rely on the existing geographically diverse network of small and medium-sized provincial

⁷⁹ Dr. Temple Grandin, an animal welfare expert, proposes that a method of restraint of the animal be used while *shechting* that is easier, faster, causes less problems with blood flow and is a far more humane way to *shecht* than the shackling and hoisting method used by many. See <http://www.grandin.com/ritual/kosher.slaugh.html>.

⁸⁰ For example, if a farmer sells the meat on the basis that the animal was fed certain types of feed or was raised “organically”, then the farmer must receive the meat from the animal delivered to the abattoir to be able to give that assurance.

abattoirs to provide the services they require for the direct marketing of their meat to the public. They asked that any changes to the system or standards not endanger smaller abattoirs. In my view, this can be accomplished without jeopardizing the primary goal of meat safety.

6.9.4 Specialty Products

There are a number of specialty products which are permitted to be produced in provincial abattoirs due to flexibility in the inspection regime or slaughter and processing processes.

One example of such specialty products is undrawn dressed poultry (UDP).⁸¹ Over the years, the public has preferred different types of poultry starting with live poultry, then UDP and presently, ready-to-cook poultry. Although most of the market now prefers ready-to-cook poultry, there is still some demand for UDP. UDP was exempt from mandatory inspection until amendments were made to the *MIA* regulations in 1992.⁸² Individual poultry carcass inspection of all internal organs cannot be conducted on UDP. An inspection protocol was designed by OMAF to ensure safety, yet permit the poultry to remain undrawn. It is believed that there is no additional public health risk from UDP provided the birds are healthy and originate from healthy flocks. The protocol is based on a review of production data to ensure healthy flocks, *ante mortem* and external *post mortem* findings, and internal inspection of random birds from the flocks.

Other examples of specialty products which are prepared at provincial abattoirs in Ontario include rabbits, hide-on calves, paschal lambs and goats, singed goats, BBQ pigs, and by-product harvest.⁸³ Not all of these specialty products can be processed at federal abattoirs.

6.9.5 Conclusion of Abattoir Services

The provincially licensed abattoirs in Ontario provide services to producers which would not otherwise be available to them. The flexibility of the

⁸¹ This product is also referred to as New York dressed poultry. Such poultry are not eviscerated in that the body cavity is not opened as with ready to cook poultry.

⁸² O. Reg. 632/92.

⁸³ By-product harvest is the harvest of portions of the carcasses which are normally treated as inedible.

system, the geographical diversity of the plants and the ability to conduct custom work all differentiate the provincial abattoirs from their federal counterparts. There is also a potential for more illegal slaughter if access is not permitted for specialty products, ritual slaughter or custom slaughter. Therefore, the provincial abattoirs not only provide market access for these products, but also likely eliminate health risks associated with uninspected slaughter.