

Ministry of Health

Food Donation Supplemental Materials

March 2020

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Acknowledgement

The Food Donation Supplemental Materials Document has been adapted from the British Columbia Centre for Disease Control *Food Safety Guidelines for Food Distribution Organizations with Grocery or Meal Programs*.¹

Preamble

The following Food Donation Supplemental Materials Document has been developed to support the Reference Document for Safe Food Donation and is not intended to be used as a standalone document.

Introduction

Across Canada, the amount of edible, inedible and other organic material that is unnecessarily wasted is staggering. While progress has been made to address the issue of food waste from a variety of sectors, approximately 3.1 billion dollars of food and organic waste is wasted annually¹. Reducing food waste has environmental, social, and economic benefits. Efforts to support food donation and rescue activities can provide an outlet for food waste, although these are not solutions to food insecurity, which is caused by insufficient income to purchase food.

Food may be donated from many sources from farm to fork, such as direct from farms, manufacturing, processing, food retail, and consumers. The type of food donated varies considerably from whole vegetables and fruit, ready-to-eat food, and prepared food that is perishable or shelf-stable.

In addition to provision of food via food banks, food charities, and food rescue organizations, there are a growing number of programs such as community kitchens, cooking demonstrations, after-school and breakfast programs, and other community meal programs. The Food Donation Supplemental Materials document provides best practices for the food donation process, reflecting the diversity of services offered and food safety topics.

This document represents summaries of principles discussed in the Reference Document for Safe Food Donation to guide the food donation process and incorporation of safe food handling evidence where possible.

Appendix A: Section summaries

Food Premises Inspections

- The activities and services of a food premises will determine whether an inspection from the local public health unit is required.
- All new food premises operators are required to provide notification to the local public health unit prior to operating and have an obligation to ensure they act in a manner that will not cause a health hazard.

Partners in the Food Donation Process

- When commencing a food donation relationship between donors and rescue organizations, consider the following:
 - Review and discuss the *Donation of Food Act, 1994*.
 - Discuss the quality and quantity of donated food, and how it will be used.
 - Share necessary contact information.
 - A memorandum of Understanding is a valuable way to decide how the donated food can be used.
- The following considerations will assist in the donation process, once a partnership is established:
 - Confirm pick up locations and schedules.
 - Volunteers and staff should be equipped with identification and appropriate safety equipment
 - Labels available to attach to food when critical information is to be recorded such as allergens, lot codes, best before dates.
- Public health inspectors are well suited to provide education and practical advice about food safety. Operators are encouraged to consult with public health inspectors early on.
- Other sectors, from individuals to farmers an organic waste processors play an important role in food donation.

Documentation

- Operators should keep track of food safety training records, with copies of certifications on-site in the event a public health inspector requests documentation.
- Operators, employees and volunteers should be trained in food safety, specifically if involved in the direct handling of or decisions involving food. This minimizes risk of distributing unsafe food.
- The Food Premises Regulation requires most food premises operators to have at least one food handler or supervisor on the premises who has completed food handler training.
- Operators should record who supplied the food, with enough information so that tracing the food is possible; and where the food was delivered to (i.e. the receiving organization).
- It is recommended to **record the following** information from food received:
 - date received;
 - food product name and description;
 - supplier or company;
 - date used by/best before date;
 - where the food was sent;
 - date delivered.

It is recommended to subscribe to the **Canadian Food Inspection Agency (CFIA) recall notification** service to ensure current and up-to-date information on recalled food that may be distributed.

Receiving Food Donations

- Food that does not meet food safety requirements should be **rejected**. This includes visibly damaged food after a flood, fire or closure; food with visible

damage or noticeable odour; and food with signs of insect and rodent damage.

- Packages will need to be assessed individually based on the extent of damage to the interior packaging and to the labels.
- **Best before dates** and durable dates are equivalent terms and anticipate the amount of time that an unopened food product, when stored appropriately, will retain its freshness, quality and taste.
- **Expiry dates** are placed onto foods that are specifically designed to meet nutritional needs. This includes baby or infant formula, nutritional supplements, meal replacements, and formulated liquid diets.
- **Food labels** are important to provide information for safety and traceability. This should include product name; ingredients with allergens; best before/expiry/use by date; source of food.
- If **repackaging** food, information provided on original packaging describing the lot or batch should be recorded. This includes allergens and best before dates.

Food Safety

Food categories

- **Low risk food** is food that is not potentially hazardous (i.e., does not require time and temperature control).
- **Potentially hazardous food** includes food that supports the growth of micro-organisms, which requires time and temperature control to limit such growth.
- **Ready-to-eat food** is food that is packaged at a premise other than the premises at which it is offered for sale and does not require further preparation before eating. It is prepared so that it can be consumed as is, without additional cooking.
- Food not suitable for donation includes food not sourced from an inspected food premises. This includes private home canned food and preserves; unpasteurized juices and dairy products; private household food from refrigerator or freezer.

partially consumed food; food that has been served to the public including hot or cold buffets; and food or drinks with alcohol, cannabis or medical ingredients.

Personal Hygiene

- Personal hygiene is an important factor in preventing the spread of harmful microorganisms. This includes having clean clothing, frequent handwashing, and avoiding food handling while using tobacco and/or cannabis.
- Foodborne illnesses can be transmitted to food even after symptoms resolve if the food handler does not practice adequate personal hygiene and handwashing.
- Proper handwashing includes vigorously rubbing together the surfaces of the lathered hands and exposed arms for at least 20 seconds followed by rinsing with clean water.

Temperature and time control for food safety

- The **danger zone** is between 4°C and 60°C.
- Use a sanitized thermometer to check the internal temperature of food.
- Methods to **rapidly cool** large portions of food include a frozen ice wand and using shallow containers.
- Frozen food should be held in a frozen state. A build-up of ice crystals inside a package indicates likely temperature abuse.

Cleaning and Sanitation for Equipment, Food Contact Surfaces and Utensils

- All equipment and surfaces that come into contact with food should be made of non-toxic, non-corrosive materials and should be easily cleanable.
- To properly clean equipment and dishware follow this basic procedure:
 - scrape off excess food;
 - pre-rinse;

- wash in hot water and detergent;
- rinse;
- sanitize; and
- air dry.

Building Premises Construction, Maintenance and Safety

- New operators must notify the local public health unit of operation with contact information.
- Food premises must be designed with and contain, but not limited to:
 - Potable hot/cold running water
 - Adequate space and maintenance of wastes
 - Adequate storage for operation size
 - Adequate number of hand washing sinks with liquid soap and paper towel
 - Sanitary floors, walls and ceilings
 - Adequate lighting with shielding to protect food against broken glass.
 - Proper ventilation
 - Sanitary facilities (washrooms) that are maintained at all times
- Rodents, insects and other animals must be prevented from entering a food premises. When required, pest control companies can assist in prevention and control. All records of pest control measures must be kept for one year.

Food Transportation and Vehicles

- Potentially hazardous food must be refrigerated during transportation. It must also be protected from chemicals.
- Food in vehicles should be covered at all times to protect from dust, insects and other sources of contamination.
- Ensure vehicle and loading areas are properly sanitized with adequate pest control.
- Employees transporting food should follow adequate loading and unloading procedures and be trained in this process.

Appendix B: Regulatory exemptions

The following are examples of food premises and events that may be exempt from either the entire Food Premises Regulation or sections of the Food Premises Regulation.

Organizations and Clubs Exemption

Under certain conditions, food premises owned, operated or leased by religious organizations, service clubs or fraternal organizations where the religious organization, service club or fraternal organization prepares and serves meals for special events or conducts bake sales are exempt from having to comply with the requirements of the Food Premises Regulation. Those conditions are that if a religious organization, service club or fraternal organization prepares and serves a meal for a special event to which the public is invited:

1. Patrons attending the special event are notified in writing as to whether the food premise has been inspected in accordance with the regulation and a notice is posted in a conspicuous place at the entrance to the food premise at which the special event meal is held; and
2. The operator keeps a list of all persons who donate potentially hazardous food for the special event meal and provides a copy of that list to a public health inspector on request. The list should contain each donor's name, address and telephone number, in full.

Operators should contact the local public health unit to determine all food safety requirements prior to opening. For questions about whether a food premise should be inspected, contact the local public health unit at

(<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>).

Food Premises Preparing Low Risk Food and/or Serving Pre-packaged Ready-to-Eat Food

Amendments to the Food Premises Regulation (Ontario Regulation 493/17) made under the *Health Protection and Promotion Act* (HPPA) relating to this matter came into effect January 1, 2020. This document has been prepared for public health units, food premises operators and food industry stakeholders to raise awareness of the amendments and assist with consistent implementation.

Background

These recent amendments respond to the needs of community meal programs and certain other food premises serving lower risk food, while balancing public health and safety. The amendments align with the government's commitment to reduce burden and increase flexibility for small businesses.

Regulatory exception

The regulatory exception applies to food premises that:

1. do not prepare food and that distribute only low-risk food items, pre-packaged food items, or a combination of low-risk food items and pre-packaged food items;
2. prepare only low-risk food items and serve only,
 - low-risk food items,
 - pre-packaged, ready-to-eat food items, or
 - a combination of low-risk food items and pre-packaged, ready-to-eat food items.

Applicable regulatory requirements under the Food Premises Regulation

Clause 7 (3) (c) Handwashing stations

Applicable food premises are no longer required to have the specified handwashing stations in a food premises. However, there is still a regulatory requirement for food premises operators to ensure that food handlers wash their hands as often as necessary to prevent the contamination of food or food areas.

S. 18 Dishwashing equipment

Applicable premises are no longer required to provide the structural number of a two- or three-compartment sink and/or a commercial mechanical dishwasher. However, any utensils used to prepare food must be cleaned and sanitized in accordance with current regulatory requirements (e.g., sections 19 – 23).

S. 32 Food handler training

Applicable premises are no longer required to ensure there is at least one food handler or supervisor on the premises who has completed food handler training.

Low-risk food means food that is not potentially hazardous (i.e., does not require time and temperature control). Examples include whole fruits and vegetables, bread and most baked goods (with no custard).

Ready-to-eat food is food with no additional processing steps prior to consumption. Examples include pre-packaged yogurt, cheese, cured meats and delivered take-out foods (e.g., pizza).

Pre-packaged food is food that is packaged at a premise other than the premises at which it is offered for sale (e.g., packaged grocery items, includes raw frozen meats).

Best Practices

While some structural requirements may not be required under the Food Premises regulation, there are best practices to ensure food continues to be prepared safely.

Hand washing

Handwashing is required prior to handling any food item. Hand washing may be conducted by using a handwash sink that is available to the food handler such as a washroom or other available sink that is supplied with liquid soap and paper towel or an air dryer.

Dishwashing equipment

Clean and sanitize utensils after use. This may be conducted using a domestic dishwasher or by using a two-sink or three-sink method. If an adequate number of

sinks are not available, it is recommended to wash and rinse utensils in a separate sink from handwashing or ensure the sink is thoroughly cleaned and sanitized prior to dishwashing. The sanitizing step should be conducted in a second or third sink. However, if not readily available, substituting the second or third sink with a dishwash container or bin may be used to complete the sanitizing step.

Food handler training

The food handler training required by the Food Premises regulation may not be required however, it is important to understand safe food handling practices while handling food. The food premises operator may consider implementing internal food safety training or the development of procedures to ensure staff and volunteers are provided with food safety knowledge.

Donation of Food Act

Donation of Food Act (1994)

Available from: <https://www.ontario.ca/laws/statute/94d19>

Liability of donor

(1) A person who donates food or who distributes donated food to another person is not liable for damages resulting from injuries or death caused by the consumption of the food unless,

- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
- (b) in donating or distributing the food, the person intended to injure or to cause the death of the recipient of the food or acted with reckless disregard for the safety of others. 1994, c. 19, s. 1 (1).

Liability of director, agent, etc.

(2) The director, agent, employee or volunteer of a corporation that donates food or that distributes donated food is not personally liable for any damages resulting from injuries or death caused by the consumption of the food unless,

- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
- (b) in donating or distributing the food, the director, agent, employee or volunteer,
 - (i) did not act in good faith,
 - (ii) acted beyond the scope of his or her role as director, agent, employee or volunteer, and
 - (iii) intended to injure or to cause the death of the recipient of the food or acted with reckless disregard for the safety of others. 1994, c. 19, s. 1 (2).

Non-application

2. This Act does not apply to a person who distributes donated food for profit.

Donor concerns about the potential for liability if illness or death were to result from the consumption of donated food can negatively affect food donations. The *Donation of Food Act, 1994* was passed to provide protection to food donors and those distributing donated food, from liability for damages from injuries or death caused by consuming donated food².

Appendix C – Common questions related to food premises inspections

The below scenarios provide additional information to address common questions related to inspections.

Scenario 1: A church hosts a drop-in meal program twice a week that serves homemade soup or chili with a hot dinner. The church receives donated vegetables from a food rescue organization and the meat is purchased from a grocery store using donated funds.

Does the church require an inspection?

Yes, an inspection of the food premises by the local public health unit is required. The church is running a regularly scheduled meal program that serves potentially hazardous food to patrons. The church, in this scenario is not applicable to the exemption to the Food Premises regulation for religious organizations, service clubs, or fraternal organizations. The exemption only relates to preparing and serving meals for special events or for conducting bake sales. Once notified, the public health unit will conduct a risk assessment to determine the inspection frequency.

Is the church required to comply with all of the requirements under the Food Premises Regulation?

Yes, the church is required to comply with all of the applicable requirements under the Food Premises regulation. The requirements are in place to reduce the risk of foodborne illness when preparing and serving potentially hazardous food.

What if the church prepared only low risk food and/or serves pre-packaged ready-to-eat food?

If the church prepares only low risk food and/or serves pre-packaged ready-to-eat food, it may be exempt from certain structural requirements and the requirement to ensure a trained food handler is present at all times.

Scenario 2: A residential building offers an emergency food bank and occasionally provides fresh whole fruit (i.e., apples and bananas) in a bowl for patrons. The food storage space is unsupervised.

Does the residential emergency food bank require an inspection?

Yes, the emergency food bank is considered a food premise under the HPPA since food is stored, handled, and distributed to the public. Once notified, the public health unit will conduct a risk assessment to determine the inspection frequency.

Is the emergency food bank required to comply with all of the requirements under the Food Premises regulation?

The emergency food bank is required to comply with the applicable requirements in the Food Premises regulation. The emergency food bank may be exempt from certain structural requirements and the requirement to ensure a trained food handler is present at all times.

Scenario 3: A religious organization hosts events in a reception hall located on the premises twice a month. Volunteers (including certified safe food handlers) for the religious organization prepare a variety of sandwiches, platters of

vegetables, fruit and desserts for each event. The inspection requirements are similar to scenario one.

Can the left-over sandwiches be donated to a food rescue organization?

Yes, the remaining sandwiches that have been prepared, stored in a refrigerator, and **not** served to patrons can be donated to a food rescue organization.

Sandwiches that have been offered, displayed, or served to patrons should not be donated due to potential contamination or temperature abuse.

Scenario 4: A school that grows their own food in a school garden wants to harvest and use the produce in the Student Nutrition Program (SNP)

Are fruits, vegetables, herbs, etc. regulated?

Ontario Regulation 119/11- Produce, Honey and Maple Products under the *Food Safety & Quality Act*, 2001 regulates the sale, packaging, labelling, transporting and advertising for sale of produce, honey and maple products in Ontario. The regulation defines “produce” as fruits and vegetables, sprouts, culinary herbs, nuts and edible fungi that are grown or harvested for commercial purposes.

In the context of school gardens, if staff and students are growing the produce and harvesting it solely for their own households (e.g. taking the produce home to their families), then O. Reg. 119/11 does not apply. If the staff/students are growing the produce, harvesting and providing it on-site for consumption by other students, selling or donating it, then the requirements under O. Reg. 119/11 will apply.

Produce Food Safety

[Section 4](#)(1) prohibits the sale, packing or transportation of produce, honey or maple product that is contaminated.

The Ministry of Agriculture, Food and Rural Affairs administers a Food Safety Monitoring (FSM) program that involves the random collection of produce, honey and maple products from points of sale across the province. These samples are tested for contaminants which may include agricultural pesticide residues or the

presence of microbial contamination. The specific commodities collected and the corresponding tests are determined using a risk based sampling plan.

Retail Display Signs for Produce

If the staff/students choose to sell their produce (including farmers' markets, roadside stands, fundraisers, etc.) then they must include a retail display sign on or over the display of produce being offered for sale. [Section 24](#) describes the requirements for these retail display signs. (Note that these requirements apply to any produce that can be commercially grown in Canada, regardless of whether it is domestic or imported).

Produce Labelling & Packaging

[Section 16](#), [Section 19](#) and [Section 20](#) provide the requirements for the packaging and labelling of produce. For more information related to food safety and other regulatory requirements for foods of plant origin, please refer to the [Ministry of Agriculture Food and Rural Affairs online resources](#).

Scenario 5: A student nutrition program offers a variety of snacks to students during the school day. The volunteer is wondering what types of food can be served to meet the exemption for preparing only low risk food and/or serving pre-packaged ready to eat food.

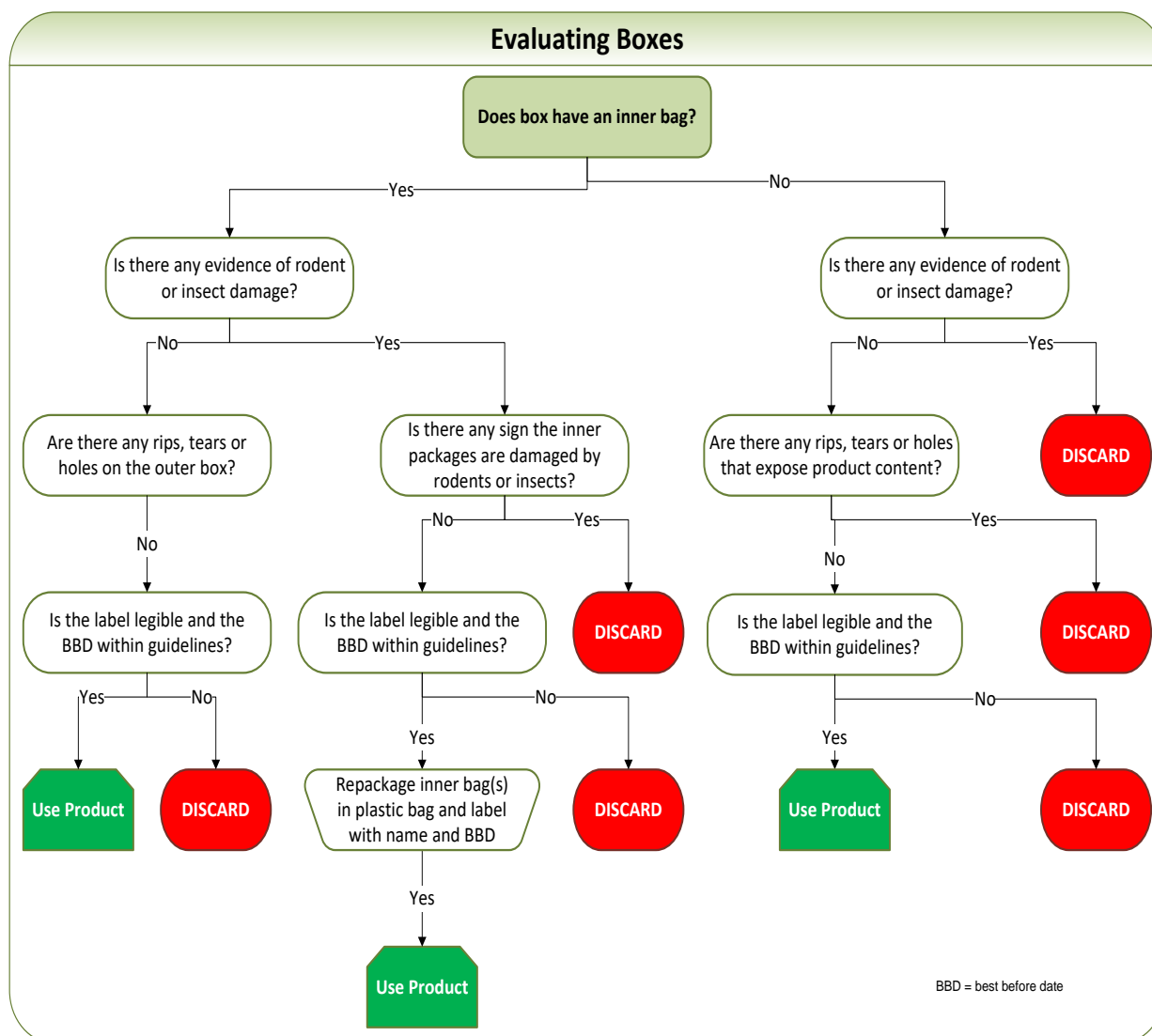
What are examples of snack or breakfast program food items utilizing a combination of low risk and ready-to-eat pre-packaged food? ³

- Serve washed whole fruit or vegetables, or sliced if served immediately
- Provide cereal and pasteurised milk
- Assemble yogurt and berries to make a parfait
- Serve sliced pita bread and portioned hummus
- Bake muffins
- Heat canned soup and serve
- Pre-packaged cheese, yogurt, cottage cheese
- Pre-packaged deli meats

- Pre-packaged sliced or chopped vegetables, fruit or salad mix

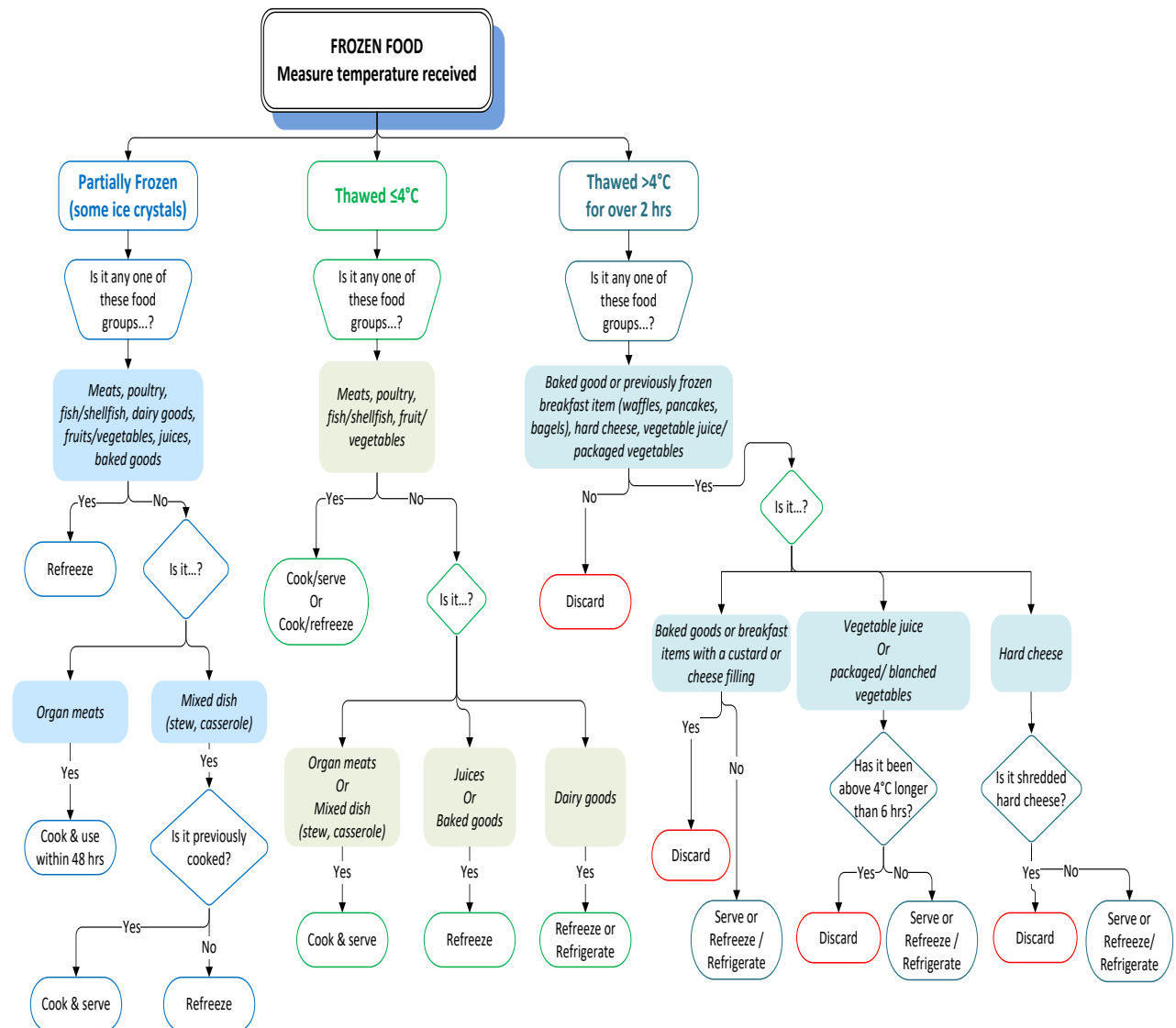
Depending on the food served, some premises that prepare only low risk food and/or serve pre-packaged ready-to-eat food or distribute only low risk food and/or pre-packaged food may be exempt from certain structural requirements (additional hand wash and dishwashing sinks or mechanical dishwasher) under the Food Premises regulation.

Appendix D – Decision Trees



Flow chart to evaluate box packaging¹

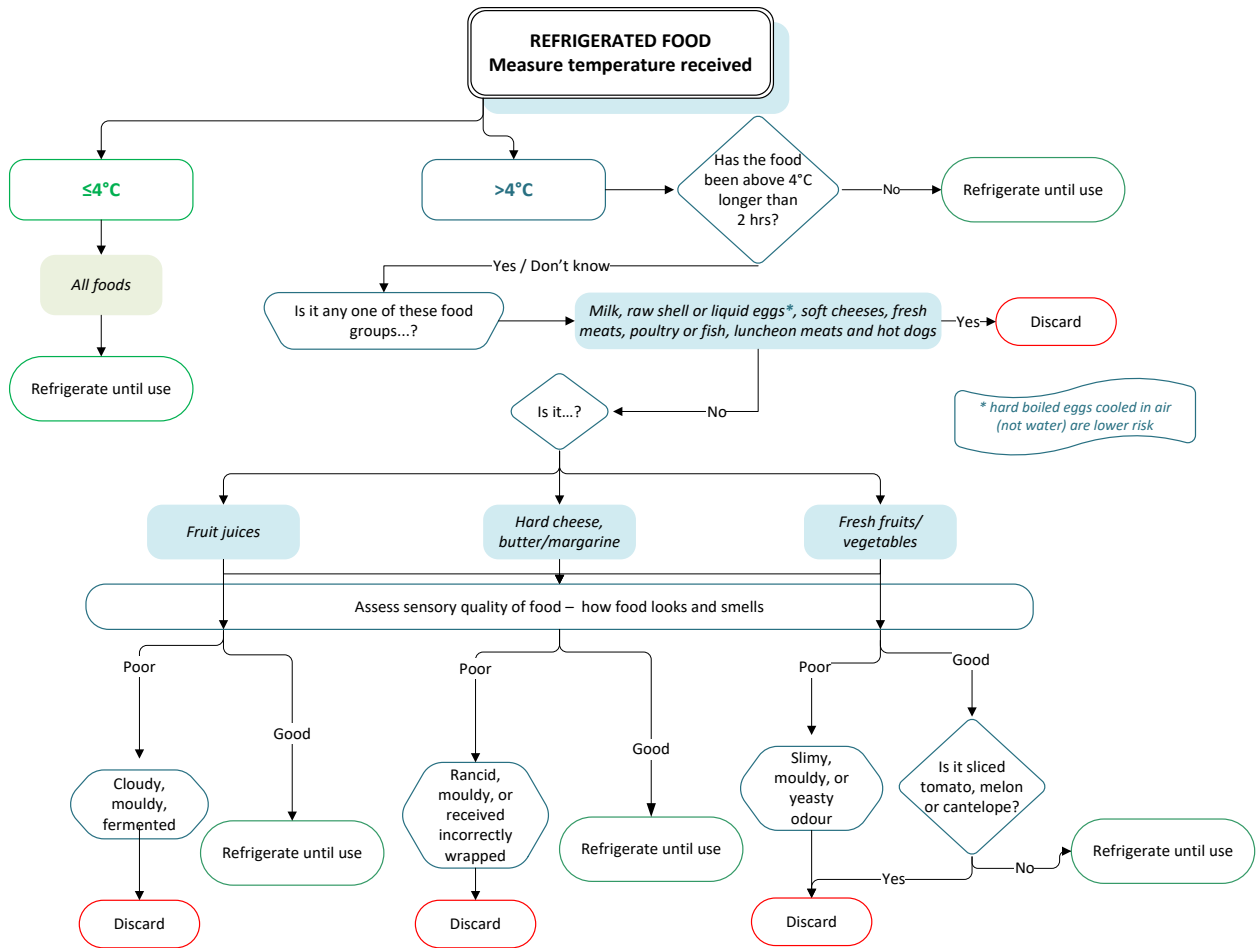
Frozen Perishable Food Decision Tree



Frozen perishable food decision tree⁴

*Note: refer to the requirements under the Food Premises regulation with regard to time and temperature control.

Refrigerated Perishable Food Decision Tree



Refrigerated perishable food decision tree⁴

Appendix E – Example Tools

Food rescue records

See the below example of record keeping for food rescue pick up:

Name of Food Rescue

Date: _____

Time: _____

Donor name: _____

Food product name and description:

Item: _____

Best before/Expiry/Use by date: _____

Allergens (list applicable):

Item allergen(s): _____

Potentially hazardous food (yes/no): ____

Temperature of food item at pick up: ____

Delivery time: _____

Recipient: _____

Food temperature at drop off: _____

Any packaging defects? _____

Food Labels:

Name of product (lot number): _____

Best before date/ expiry date: _____

Allergens declared: _____

Appendix F – Wild Game Events or Dinners

Food Donations to Wild Game Events or Dinners

In accordance with Section 135.1 of Ontario Regulation 665/98 (Hunting), made under the *Fish and Wildlife Conservation Act*, 1997 a person may list game wildlife or fish on a menu, and charge for serving it, if all of the following conditions are met:

Wild Game Dinner or Event

The game wildlife or fish is,

- lawfully obtained under a valid hunting, trapping or fishing licence, and
- donated for use at an event hosted by the person for a charitable purpose and all profits from the event are used for that charitable purpose.

Requirements

- 1) At least five days before the event is held, the person gives notice of the event in writing to the medical officer of health for the health unit in which the event is held and the notice includes,
 - i. the name of the person holding the event, and
 - ii. the date and location of the event.
- 2) For a period of one year after the event is held, the person who hosted the event shall maintain records of,
 - (i) all expenditures and revenues of the event, and
 - (ii) the manner in which the profits were used for the charitable purpose; and(b) within seven days of receiving a request from a conservation officer, provide copies of any records maintained to the conservation officer.
- 3) The meat is handled, prepared and stored so that it does not come into contact with other food before the other food is served.
- 4) Utensils, equipment and food contact surfaces that have been in contact with uninspected meat shall be cleaned and sanitized before being used in connection with any other food.

5) Patrons and staff are notified in writing each time before they are served the meat that it has not been inspected in accordance with either Ontario Regulation 31/05 (Meat) made under the Food Safety and Quality Act, 2001 or the regulations made under the Meat Inspection Act (Canada). The notice must be posted in a conspicuous place at the entrance to the venue at which the wild game dinner or wild game event is held.

6) The operator must keep a list of all patrons who attend the wild game dinner or wild game event and must provide a copy of the list to a public health inspector upon request. The list must contain each patron's name, address and telephone number, in full.

7) The operator must keep a list of all persons who donate hunted game animal meat for a wild game dinner or wild game event and must provide a copy of the list to a public health inspector upon request. The list must contain,

- i. each donor's name, address and telephone number, in full, and
- ii. with respect to each donor, the name of the species from which the donated meat was obtained.

"charitable purpose" means a conservation or other efforts to protect or conserve wildlife, fish or their habitats, or any other purpose beneficial to the community.

The legislation surrounding the restriction of using uninspected wild game in a food premises or for public events is not intended to infringe upon Aboriginal and/or Treaty rights.

References

¹ Value Chain Management International (2014). Food waste in Canada- \$27 Billion revisited: the cost of Canada's annual food waste. Available from: <https://vcm-international.com/food-waste/food-waste-publications/>

² National Zero Waste Council (2018). Food donation and civil liability in Canada. National Zero Waste Council. Available at nzwc.ca.

³ Student Nutrition Ontario. Recipes for Student Nutrition Programs. Available from: <https://studentnutritionontario.ca/resources/>

⁴ Foodsafety.gov. Frozen food and power outages: when to save and when to throw out. 2019 [cited 2019 Oct 10]; Available from: http://www.foodsafety.gov/keep/charts/frozen_food.html