Public Health Legislation and the Local Health Unit
The Health Protection and Promotion Act (HPPA)

- The HPPA is provincial legislation
- The HPPA gives the local health unit the authority to inspect places where health hazards may exist
- The HPPA contains regulations which explain what the Act means. The Act has broad based powers. Regulations are minimum standards based on scientific research
- The HPPA also lays out the powers of the medical officer of health (MOH) and the public health inspector (PHI).

Examples of those powers include:

**Power of Entry (Sec 41, HPPA)**
The MOH or PHI may enter any place of business, during normal working hours, without a warrant, to carry out the duties under the Act. This would include routine inspections or the investigation of complaints related to a potential health hazard

**Power of Seizure (Sec 19 (1), HPPA)**
The MOH or PHI may seize anything suspected of being a health hazard for laboratory testing

**Power of Destruction (Sec 19 (4), HPPA)**
If a public health inspector determines that food is a health hazard, he/she has the power to destroy or dispose of the food immediately

**Power to make an order (Sec 13, HPPA)**
Orders are issued to eliminate a health hazard, or to lessen the effects of a health hazard. They can be either verbal (spoken) or written. Orders may also require a person or persons to stop doing something specific. In the case of food premises, this includes the power to order the premises to be closed until a health hazard is removed or fixed
The Ontario Food Premises Regulation

- The Ontario Food Premises Regulation 562 establishes minimum standards that must be followed in any premise in Ontario where food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold, or offered for sale. This does not include private residences.
- Public health inspectors enforce the Ontario Food Premises Regulation 562.
- The Food Premises Regulation addresses standards such as maintenance, equipment, food temperatures, washrooms, food handling and employee hygiene in food premises.

**Ontario Food Premise Regulation 562**
https://www.ontario.ca/laws/regulation/900562

By-laws

- By-laws are created by municipal or regional governments to deal with local issues.
- They can be different in each municipality or region.
- Examples of by-laws that may affect food premises are those related to garbage pick-up and recycling.

Food Handler Certification By-law

The Food Handler Certification By-law was passed by Niagara Regional Council in 2010 and requires the following:

(a) The commercial food premises shall have a minimum of one operator and one food handler who each have a current and valid food handler certificate;

(b) At least one certified food handler shall be present at the food premises to supervise the processing, preparation, storage, handling, display, distribution, transportation, sale, service, or offering for sale, of food at all times during operation; and

(c) On request by the MOH or a PHI, it shall produce or caused to be produced for inspection the food handler certificate for each certified food handler and each operator along with a photo identification card for each.

Role of the Public Health Inspector (PHI)

- PHIs inspect food premises to make sure food is safe to eat.
- PHIs enforce the Food Premises Regulation. PHIs are provincial offences officers and can issue orders, tickets and summons to court when necessary.
- PHIs educate food handlers on safe food handling practices.
- PHIs assist operators in the development of food safety policies.
Review questions

1. The Health Protection and Promotion Act and the regulations within it are:
   (a) Municipal legislation
   (b) Provincial legislation
   (c) Federal legislation

2. The public health inspector must:
   (a) Inspect food premises
   (b) Enforce the Food Premises Regulation
   (c) Educate food handlers
   (d) All of the above

Notes: