

December 1st, 2009

Luc Erjavec, Vice President
Canadian Restaurant and Foodservice Association
5121 Sackville Street, Suite 201
Halifax, N.S.
B3J 1K1

Re: New Public Health Act

Mr. Erjavec:


This letter is to follow-up on our discussion November 20, 2009 regarding the *Public Health Act* and its *Regulations*. These are now effective and replace the *Health Act* and *Regulation 88-200* under which eating establishments have been licensed in New Brunswick.

The following will soon be available online:

- The *Public Health Act* and *Regulations* <http://www.gnb.ca/health>.
- The revised *Public Health Inspector Guide to Food Service Establishment Inspections* http://www.gnb.ca/0053/public_health/pdf/appendix_A-e.pdf

Please find attached a fact sheet regarding the *Food Premises Regulation*. This fact sheet will also be mailed out to our current licence holders. If you have any questions, it would be my pleasure to discuss further with you. You may contact me at (506) 453-2427.

Sincerely,



Nina van der Pluijm
Senior Program and Policy Advisor
Office of the Chief Medical Officer of Health

cc: Scott MacLean- Executive Director

How will the new *Public Health Act* relate to Eating Establishments that are currently licensed?

The new *Food Premises Regulation* came into effect November 20, 2009. This regulation provides requirements for premises where food is processed, prepared, stored, handled, displayed, transported, sold and/or offered for sale. The new regulation is less prescriptive on construction requirements and more outcome-focused emphasizing food safety.

What is new?

- Under the new regulation, establishments that sell food will be categorized into different classes. The type of foods prepared and the type of preparation or processing activities will determine the class of license for an establishment. For example, a restaurant with 0-25 seats will now be a Class 4, and a restaurant that wholesales their products will be a Class 5.
- Some food service establishments that are currently licensed will experience a decrease in licence fee where others will experience an increase. This will depend on which licence class an establishment is categorized. For example, a fish peddler will become a Class 3 and the fee will decrease from \$225 to \$50. A bakery that wholesales goods to other premises for sale will become a Class 5 and the fee will increase from \$225 to \$450.
- Licensing will be required for various food premises which are not currently licensed. These include but are not limited to the following: market vendors, non-profit organizations, catering clubs, meat cut-up shops, etc..
- The regulation provides dates for which licensing requirements come into effect. This will allow the Department of Health to communicate with various stakeholders who may not have been licensed under the *Health Act*.
- Those involved in preparing or processing foods for the purpose of wholesale will now be required to maintain records for recall purposes for a minimum of one year from distribution of the products.
- Many inspection items previously required by the Department of Health that may have been based on best industry practice or policy are now legislated requirements. For example, the practice of recording hot and cold holding temperatures is now required under the regulation.
- By April 2012, many licensed at all times during operation.

Why are these changes being made?

- To protect the health and safety of the public.
- To give roles and responsibilities to industry in controlling the safety and quality of food products.
- To give responsibilities to operators to meet outcomes for food safety.

Food premises are categorized into one of five classes as defined under Section 4 of the *Food Premises Regulation*:

Class 1

Food premises:

- a) Operated by a non-profit organization conducting 12 or less food service events per year at the food premises.
- b) Operated by individuals who prepare or process **non-potentially hazardous** foods in a private residence for sale only at a Public Market.

Note: There is no fee for a Class 1 licence.

Examples of non-potentially hazardous foods include:

- Honey
- Jams and jellies
- Breads and rolls
- Pastries such as: cakes, muffins, cookies, fruit pies and tarts, but excluding cream-filled pastries and pies and meat-filled pies
- Hard candy and fudge
- Pickles and relish
- Maple products
- Apple sauce
- Any other foods a Public Health Inspector deems non-potentially hazardous

Class 2

Food premises located in a kitchen in a private residence where **potentially hazardous** food is prepared or processed without any killing or pasteurizing, or if meat or fish is being prepared or processed, without any thermal processing, and for **retail sale only**, at designated Public Markets. There is no food preparation at the market.

Note: The fee for a Class 2 licence is \$25.00.

Examples of potentially hazardous foods include:

- Meat and meat products
- Fish, shellfish and seafood products
- Poultry
- Eggs
- Cream-filled pastries and pies

Class 3

Food premises where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises.

Note: The fee for a Class 3 licence is \$50.00.

Examples of Class 3 food premises include:

- Bulk milk tank truck
- Food warehouses, cold and frozen storage facilities
- Some convenience stores
- Some grocery stores
- Fish truck peddlers
- Meat truck peddlers
- Some temporary event food booths at fairs, festivals and other events

Class 4

Food premises where food is prepared or processed without any killing, pasteurizing, or if meat or fish is being prepared or processed, without thermal processing, for sale or consumption on or off the premises, but is not distributed wholesale.

Note: The fee for a Class 4 licence is \$225.00, with the exception of non-profit organizations who will pay a \$1.00 fee and Class 4 temporary event vendors who will pay \$50.00.

Examples of Class 4 food premises include:

- Eating establishments (restaurants/take-outs)
- Some grocery stores
- Bakeries with only over-the-counter sales
- Some convenience stores
- Catering kitchens
- Mobile canteens
- Institutional food services
- Industrial worksite food services
- Dairy bars (milkshakes, soft ice cream, etc.)
- Butcher shops
- Fish markets
- Public Market vendors that cook and serve potentially hazardous foods on-site at a Public Market
- Soup kitchens
- Lunch trucks
- Hard ice- cream stands
- Some non-profit groups (conducting more than 12 events per year)
- Some Inns
- Some temporary event food booths at fairs, festivals and other events

Class 5

Food premises where food is processed for direct sale or wholesale distribution or where food is prepared for wholesale distribution, including an abattoir.

Note: The fee for a Class 5 licence is \$450, with the exception of Maple Syrup producers who will pay \$50.00.

Examples of Class 5 food premises include:

- Abattoirs
- Dairy plants
- Bakeries with distribution networks
- Restaurants with distribution networks (i.e. prepare foods such as sandwiches, burgers, etc. for wholesale in other premises)
- Canneries
- Cheese making facilities
- Fish processing facilities
- Some beverage bottling plants

What are the responsibilities of currently licensed establishments under the *Public Health Act*?

- Generally, the inspection requirements will remain very similar to those you were previously following.
- Currently licensed establishments may be asked by a Public Health Inspector to update their files and provide documentation on specific processes such as cleaning and sanitizing, staff health, etc..

FOR ANY FURTHER INQUIRIES, PLEASE CONTACT:

YOUR LOCAL HEALTH PROTECTION BRANCH OFFICE:		
VOTRE BUREAU LOCAL DE LA DIRECTION DE LA PROTECTION DE LA SANTÉ :		
Bathurst 165 St-Andrew Street (506) 549-5550	Grand Falls 131 Pleasant Street (506) 737-4400	Shippagan 239, boulevard J.D. Gauthier (506) 336-3061
Campbellton 6 Arran Street, 1 st Floor (506) 789-2549	Miramichi 1780 Water Street (506) 778-6765	St. Stephen 41 King Street (506) 466-7615
Caraquet 295, boulevard St-Pierre Ouest (506) 726-2025	Moncton 81 Albert Street (506) 856-2814	Sussex 30 Moffett Avenue (506) 432-2104
Edmundston 121 Church Street (506) 737-4400	Perth-Andover 35 F Tribe Rd. (506) 273-4715	Tracadie-Sheila 3520, rue Principale (506) 394-3888
Fredericton 300 St. Mary's Street (506) 453-2830	Saint John 55 Union Street (506) 658-3022	Woodstock 200 King Street (506) 325-4408