

**Home Preparation of Potentially Hazardous Foods
By Not-for-Profit Organizations
*Position Paper***

Issue:

The distribution of residentially prepared potentially hazardous foods in venues holding current food establishment permits. These permitted facilities can include community halls, churches, or sports venues.

The preparation of foods from home poses risks that can contribute to loss of food safety control during preparation. These actions could include improper cooking temperatures, hot/cold foods not held at proper temperatures to prevent pathogenic microbial growth, foods not cooled properly, cross contamination, and improper transportation to the facility. With various people preparing foods and often combining them together, the possibility of a large portion of the food becoming contaminated could increase. The risk is higher of an outbreak in this situation than in a commercially-designed and provincially inspected facility.

Background:

- Currently, the distribution of potentially hazardous foods prepared at home from a permitted facility is in contravention of Section 30, ***NS Food Safety Regulations***.
- Section 3(1) (e), ***NS Food Safety Regulations***, exempts not-for-profit organizations from the Regulations when serving and preparing foods for functions and gatherings (policy dictates no more than 6 times per year).
- The above Section does not exempt distribution of potentially hazardous food by these not-for-profit groups if the gathering is held as part of, or at the site of a fair, festival, or exhibition.
- In some situations, organizations are preparing and serving home-based food products in conjunction with an event, such as foods served in a hospitality room at a sporting venue.

- The Administrator has the authority under Section 3(3), ***NS Food Safety Regulations*** to exempt an operator who holds a Food Establishment permit from any provision of these regulations.
- Not-for-profit organization refers to a community organization/association, service club, multicultural association, church, school, sports team or recreational club.
- Not-for-profit organization function means an occasional function which may or may not be open to the general public where food is provided for attendees by volunteer caterers. The function is run by the not-for-profit organization for the purpose of raising funds for the operation of the not-for-profit organization, or for another social or charitable purpose.

Resolution of Issue:

1. Allow for the distribution of potentially hazardous foods prepared at home at not-for-profit organization functions. Those attending the function must be advised, by signage, that the foods have not been prepared in a permitted food establishment.
2. Not-for-profit organizations holding functions open to the general public, must prepare potentially hazardous foods within a permitted food establishment, if the function is being held as part of a fair, festival or exhibition.
3. There are no restrictions to be placed on not-for-profit organizations to distribute food which is non-potentially hazardous.
4. More restrictive control of foods than what is outlined in this position paper (potentially or non-potentially hazardous) is within the right, and upon the discretion of the facility management or permit holder for the food establishment (i.e., arena, community hall, etc.).
5. Additional limitation of potentially hazardous foods beyond what is outlined in this position paper will be upon the discretion of the Food Protection Division, Food Safety and Enforcement Section. These restrictions will be based on the Division's assessment of events which may require more restrictive control to address food safety concerns.
6. Distribute ***"Planning for Volunteer Foodservice – A Guide to Safe Food Handling for Volunteers"*** to not-for-profit associations/ organizations preparing foods for their members/ groups, and inform them of NSDA's Volunteer Food Handler Training Course program.

Applicable Legislation:

NS Health Protection Act, Section 75(c) states:

“Food establishment means any premises, including a mobile, stationary, temporary or permanent facility or location and surroundings under control of the same person, in which food is processed, manufactured, prepared, labeled, served, sold, offered for sale or distributed free of charge, dispensed, displayed, stored or distributed, but does not include a dwelling except a dwelling used for commercial food preparation”

Section 81 of the Act states:

“No person shall establish or operate a food establishment except in accordance with this Part and the regulations.”

Section 82 of the Act states:

*“(1) No person shall operate a food establishment, unless exempted by the Administrator, without first having obtained a permit from the Administrator.
(2) An application for a permit in respect of a food establishment shall be made to the Administrator in accordance with the regulations.
(3) Subject to this Part and the regulations, the Administrator shall issue a permit in respect of a food establishment to an applicant upon payment of the prescribed fee.”*

Section 86 of the Act states:

“The Administrator may designate types or classes of food establishments for which permits are issued under Section 82.”

NS Food Safety Regulations, Section 2 (o) states:

“In these regulations . . .”potentially hazardous” means having the potential to support the growth of pathogenic microorganisms or the production of toxins”

Section 3(1) (e) states:

3(1) These regulations apply to all food establishments except for all of the following:

(e) a food establishment in which food is prepared and served by a religious or not-for-profit organization for functions or gatherings, but these regulations do apply if a function or gathering is held in conjunction with and at the site of a fair, exhibition, festival or other temporary food service event;

Section 30 of the Regulations state:

“An operator must ensure that all food in their food establishment is obtained from a source that is subject to inspection or is food that is exempted by these regulations.”