

NEW BRUNSWICK GUIDELINES
FOR
FOOD PREMISES AT PUBLIC MARKETS

New Brunswick Department of Health
Office of the Chief Medical Officer of Health

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1 PURPOSE

These guidelines outline licensing and process requirements for food premises at public markets. They also provide information to both food premises and public market operators on how to carry out a safe food operation. These guidelines are in alignment with the goal of the New Brunswick Department of Health's Food Premises Inspection Program, which is to eliminate/reduce/control foodborne illness and reduce the numbers of foodborne illness outbreaks.

Foodborne illness, also known as food poisoning, occurs when a person gets sick by eating food that has been contaminated with agents such as bacteria, parasites or viruses. These biological contaminants are commonly referred to as microbes or pathogens. Other agents that can contaminate food and cause injury or illness are physical and chemical contaminants, such as glass, metal, cleaning agents, etc. Foodborne illness can have serious consequences to consumers, and can even cause death in high risk groups. Groups that are more susceptible to foodborne illness and/or suffer more serious health effects are pre-school children, older adults, those with impaired immune systems and pregnant women.

2 LEGISLATION AND AUTHORITY

Food sold at public markets is regulated under the *Public Health Act*. The *Food Premises Regulation 2009-138* under the *Public Health Act* applies to food premises in New Brunswick.

Section 12(1) of the *Public Health Act* states:

"No person shall operate a food premises unless the person is the holder of a licence issued in accordance with this Act and the regulations."

Licensed food premises are subject to inspection by Health Protection within the Department of Health, Office of the Chief Medical Officer of Health. Routine inspections will be conducted on market premises only.. However, public health inspectors are mandated to investigate health hazards under Section 5 of the *Public Health Act*, which states:

"Where a medical officer of health or public health inspector has reasonable and probable grounds to believe that a health hazard may exist in or on any premises, the medical officer of health or public health inspector shall investigate or cause an investigation to be carried out to determine whether a health hazard exists."

Therefore, should Health receive a food safety complaint or become aware of a health hazard relating to a food premises or food product at the market, a public health inspector may inspect the home preparation area or other preparation area as part of their follow-up.

It is the licensee's responsibility to ensure that safe food handling and proper personal hygiene practices are undertaken when and where the food is being prepared.

3 DEFINITIONS

“Abattoir” includes slaughterhouses and any place where cattle, sheep, swine, poultry or other animals are killed for use as food.

“Class 3 food premises” means food premises where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises.

“Class 4 food premises” means a food premises where food:

- a) is prepared or processed without killing or pasteurizing or, if meat or fish is being prepared or processed, without thermal processing, and
- b) is for sale and is consumed on or off the premises, but is not distributed wholesale.

“Class 5 food premises” means a food premises where food is processed for direct sale or wholesale or where food is prepared for wholesale distribution.

“Container” means a receptacle or covering used to package, wrap, contain or cover food.

“Contamination”, with respect to food, means conditions that permit

- a) the introduction of foreign matter,
- b) the introduction or multiplication of disease-causing microorganisms or parasites, or
- c) the introduction or production of toxins.

“Equipment” means any appliance, apparatus or device that is used in the operation of a food premises, but does not include utensils.

“Fish” means any fish, including mollusks, crustaceans and echinoderms, and any of their parts, products or byproducts.

“Food” means food or drink, including milk, for human consumption and includes an ingredient of food or drink for human consumption.

“Food contact surface” means the surface of equipment or utensils with which food normally comes into contact, and includes counter surfaces.

“Food premises” means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, and includes a food vending machine and an abattoir but does not include premises exempted by the regulations.

“Handling” means subdividing and/or repackaging only of potentially hazardous food.

“Hand washing station” means a hand basin that is provided with hot and cold running potable water and that has in its immediate vicinity a dispenser for the provision of liquid or powder soap and a method of hand drying that uses paper towels in a dispenser or that uses forced air.

“Health hazard” means

- a) a condition of a premises,
- b) a substance, thing or plant or animal other than man,
- c) a solid, liquid, gas or combination of any of them, or
- d) a noise, vibration or radiation

that has or is likely to have an adverse effect on the health of a person.

“Licence” means a licence to operate a food premises.

“Licensee” means a person to whom a licence has been issued to operate a food premises.

“Milk” means milk originating from any animal other than man and intended for human consumption.

“On-site sewage disposal system” means a septic tank with subsurface disposal field and all other on-site sewage disposal systems that are not connected to a wastewater treatment facility approved by the Minister of Environment under the *Clean Water Act*.

“Part-time or seasonal public market premises” means a food premises that operates at a public market for fewer than 160 days during the period commencing April 1 of one year and ending March 31 of the following year.

“Pest” means any animal or arthropod that may contaminate food or food contact surfaces, and includes rats, mice, cockroaches and flies.

“Potable water” means water that is suitable, on the basis of health considerations, for cooking or drinking by humans.

“Potentially hazardous”, with respect to food, means a form or state that is capable of supporting the growth of pathogenic microorganisms or the production of toxins.

Examples of potentially hazardous foods include:

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

“Process” includes killing, eviscerating, thermal processing, smoking, salting, pickling, pasteurizing and processing of previously processed food.

“Public health inspector” means a public health inspector appointed under Section 62 of the *Public Health Act*.

“Public market” means a venue where a group of vendors set up on a regular basis in a common location to sell food products, and includes a farmers' market and a flea market.

“Public water supply system” means a water supply system that is owned or operated by a municipality, a rural community or the Crown in right of the Province and includes such other water supply systems owned or operated by other persons as are prescribed by the regulations.

“Sanitize” means to treat by a process that destroys most microorganisms, including all pathogens.

“Utensils” includes kitchenware, tableware, glasses, cutlery or other similar items used in the handling, preparation, processing, displaying, serving, dispensing, storing, containing or consuming of food.

“Water supply system” means a works that conveys or is able to convey water for human consumption.

4 WHAT CONSTITUTES A PUBLIC MARKET

As per the definition in Section 3, the definition of a public market is “a venue where a group of vendors set up on a regular basis in a common location to sell food products, and includes a farmers' market and a flea market.” In addition to this, please see the following points:

- a) A group of vendors is three (3) or more.
- b) Regular basis means an established and planned schedule (i.e., on a consistent and habitual basis).
- c) Vendors must be present, or designate a staff person to be present on their behalf, to sell their food products. A vendor is the licensee.

Note that c) applies only to those vendors that require a food premises licence as explained in Section 5.

5 LICENSING

Food vendors preparing food at a public market and/or holding **potentially hazardous foods** at a public market require a licence for the public market location. These vendors must be licensed as a Class 3 or Class 4 food premises.

Potentially hazardous: a form or state that is capable of supporting the growth of pathogenic microorganisms or the production of toxins

Examples of potentially hazardous foods (PHFs):

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

Class 5 food premises operations (refer to the definition in Section 3) including abattoirs and dairy plants are not permitted in a home kitchen or at a market location.

The Public Market Food Premises Licence Flow Chart in Appendix 12.1 will assist you in determining the class of food premises licence you require. Descriptions of Class 3 and Class 4 food premises are provided in Sections 5.1 and 5.2.

Food premises licensed at a public market are not permitted to cater to events, deliver food to customers, have customers pick up orders at their home, or accept orders other than at the licensed public market location. Customers may submit and pick up orders at the licensed public market location. Food premises must ensure that they are able to properly hold potentially hazardous food at proper hot and cold holding temperatures until picked up, unless other arrangements are made with the customer (i.e., advise customers to pick up their orders as soon as the public market opens).

5.1 Class 3

A Class 3 food premises is where potentially hazardous food is stored, handled, displayed, distributed, sold or offered for sale without any processing or preparing on the premises.

Handling is defined as, and is limited to, subdividing and/or repackaging potentially hazardous food.

Class 3 food premises at a public market are not permitted to cook or prepare food on-site at the market. They are permitted to prepare foods at an approved home kitchen and transport to the market for the purpose of the Class 3 definition given directly above. However, they may only prepare foods at an approved home kitchen if operating three (3) or less cumulative days/week as is indicated in Section 5.3.

Licensing requirements for Class 3 food premises depend on whether there is “**handling**” of the food product. Licensing requirements are defined in Section 8.

5.2 Class 4

A Class 4 food premises is where food is prepared or processed without any killing, pasteurizing, or, if meat or fish, without thermal processing (canning), for sale or consumption on or off the premises, but is not distributed wholesale.

Class 4 food premises at a public market may prepare potentially hazardous foods in their home kitchen if operating three (3) or less cumulative days/week (see Section 5.3). However, they are also permitted to cook and/or prepare food at the market.

A food premises at a public market that has a Class 4 or 5 licensed premises outside of the market premises is permitted to do the following at the market location under the same licence:

- Transport food
- Hold foods hot or cold
- Re-heat previously cooked foods (i.e., lasagna, soups, stews, meat pies, etc.)
- Divide food into portions for the purpose of serving
- Dishwashing
- Any Class 3 type of activity, for example, a Class 4 licensee who peddles fish to the market or a Class 5 cheese-making plant that brings blocks of cheese and subdivides into smaller portions for sale at the market

However, if the same Class 4 or 5 licensee wants to cook, mix food or food ingredients, cut and/or chop at the market location, the Class 4 or 5 licensee will require an additional Class 4 licence for the market location.

5.3 Terms and Conditions of Licence

5.3.1 Private Kitchens Approved for Food Sale at Public Markets Less than 3 Days Per Week

Some licensees may operate more than one food premises and at more than one public market. A licensee that cumulatively operates one or more Class 3 and/or 4 food premises at one or more public markets for 3 days or less per week, is permitted to prepare potentially hazardous food at the licensee's home kitchen for sale at a public market only. Therefore, if your home kitchen is approved for preparing foods for only one location, you can operate up to a maximum of 3 days in that location. If you operate in multiple locations your total cumulative operation cannot exceed 3 days per week.

However, **this requires a special review process.** To ensure that food is able to be prepared safely, a regional medical officer of health must review submitted information before approving the source (i.e., home kitchen). This will be part of the licence application and review process.

Once the home kitchen is approved for food preparation, a term and condition will be attached to the Class 3 or Class 4 licence(s). The condition will state that the given Class 3 or 4 food premises, at the given public market that operates 3 days or less per week, may use the licensee's home kitchen at a given address to prepare a specific list of potentially hazardous foods for sale from the given public market location only.

The terms and conditions sheet must be posted along with the licence in an area where it is easily visible to the public.

Should a licensee wish to prepare and sell potentially hazardous foods that are not listed on the terms and conditions sheet, the licensee must first obtain approval from the Department. To obtain approval, a request must be submitted to the public health inspector. The public health inspector and regional director will then conduct an assessment. Before any new potentially hazardous foods can be prepared in a home kitchen and sold from a public market, the licensee must first be issued a new terms and conditions sheet that includes the new food items. A request must be submitted at least 7 days in advance of the expected date of preparation of any new food products.

5.3.2 Operating More Than 3 Days Per Week

A licensee cumulatively operating one or more Class 3 and/or 4 food premises at one or more public markets for more than 3 days per week, is **not permitted** to use their home kitchen to prepare potentially hazardous food for sale from a public market or any other location. They must use their public market location or another licensed premises combined with their licensed market location to carry out all food premises operations. This will be a consideration during the review and approval process.

5.4 Exempt From Licensing

The preparation or processing of non-potentially hazardous foods in a private residence for sale only at a public market do not require a food premises licence.

Examples of non-potentially hazardous foods include:

- Honey
- Jams and jellies
- Breads and rolls
- Pastries - 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 to be non-potentially hazardous

As well, farmers selling shell eggs that are not from an establishment registered with the Canadian Food Inspection Agency (CFIA) are exempt from licensing at this time. Note: These eggs are not considered an approved source and cannot be used by licensed food premises.

5.5 Foods Not Permitted at a Public Market

The following foods are not permitted:

- All milk and milk products made with raw milk unless they are from a provincially licensed Class 5 Dairy Plant or federally registered establishment
- Low acid canned/bottled food not produced in a licensed facility
- Bottled meat, canned fish, smoked fish, shellfish and seafood products not produced in a licensed facility
- Meat and poultry or meat and poultry products from animals that have not been slaughtered at a provincially licensed or federally registered establishment
- Wild foraged mushrooms
- Any food product that requires Class 5 operations/processes at the market

The Food and Drug Regulations define low-acid canned food as “a food other than an alcoholic beverage, where any component of the food has a pH greater than 4.6 and a water activity greater than 0.85.” If food is not properly canned or heat processed, the food products can be contaminated with *Clostridium botulinum*. Examples include asparagus, beets, corn, garlic, green beans, mushroom, peppers, chicken and chicken livers, ham, liver pate, sausage, smoked, salted and fermented fish products, chicken or beef stew, and bottled fish or shellfish (bar clams, oysters, clam fricot, lobster). (Source: CFIA)

Clostridium botulinum bacteria produce a toxin that causes extremely serious and potentially fatal illness (Botulism) in people. The bacteria are heat-resistant and need very little oxygen to survive. Therefore, a low-acid canned food that has not been properly canned or heat processed can provide a perfect environment for *C.botulinum* to survive and multiply.

6 APPLICATION PROCESS

6.1 Completing the Application

You may obtain a copy of the Application for Food Premises Licence at any Service New Brunswick (SNB) office, online at www.snb.ca (more specifically <https://www.pxw1.snb.ca/snb7001/b/1000/CSS-FOL-35-1762B.pdf>)

For applications where there is a \$0 fee (see Section 6.2), applicants must submit their applications and corresponding documentation by email, mail, or fax to the Gaming, Liquor and Security Licensing Branch listed in Appendix 12.2 of this guideline.

For applications where there is a fee (see Section 6.2), applicants must submit the completed applications and all applicable attachments, with the appropriate payment, to the nearest SNB office by one of the following methods:

- visiting the website at www.snb.ca
- calling SNB's TeleService toll free line at 1-888-762-8600
- mailing to: Department of Justice and Public Safety
Gaming, Liquor and Security Licensing Branch

P.O. Box 6000
20 McGloin Street, 3rd floor
Fredericton, NB E3A 5T8

Note: If paying online, please complete the online application form and forward the remaining information required for your application to the Gaming, Liquor and Security Licensing Branch. Please see Appendix 12.2 Gaming, Liquor and Security Licensing Branch Contact Information. **Your file will not be complete until all of the mandatory attachments (as outlined below) have been submitted.**

You may contact the Gaming, Liquor and Security Licensing Branch and speak with a public health inspector to obtain additional information.

Food premises licences are non-transferable. When there is a change of operator, a new application must be submitted with all of the above attachments for the file.

6.2 Licence Fees

Food premises licences are valid from April 1st to March 31st and must be renewed annually to continue operation.

Food premises at public market	Class 3	Class 4
Operating less than 160 days/yr	\$0	\$0
Operating 160 or more days/yr	\$50	\$265

For the purposes of fees only, days of operation applies to each market location separately and are not cumulative.

6.3 Mandatory Attachments

In addition to all items listed below, if you are claiming that a potentially hazardous food is shelf-stable, you may be requested to provide documentation that your food product is safe for sale. This could involve providing your process and/or product to a food analysis laboratory for testing and analysis. This will depend on the food product in question and is at the discretion of the public health inspector.

Class 4 licensees must also demonstrate that they can safely prepare the proposed foods at their market space. They must show that they can safely handle all of their food products so as to not pose a risk to public health.

6.3.1 Class 3 (No Handling)

If applying for a Class 3 licence and do not 'handle' food, the following must be submitted:

- a) If a not-for-profit organization, evidence to support that status (i.e., appropriate registration number, paperwork, etc.).
- b) A detailed floor plan of the food premises (market location) showing location of equipment. Please note that Class 3 premises without handling are **exempt** from requirements listed in Section 17(d-j) of *Food Premises Regulation 2009-138*.
- c) The dates, times and locations(s) of intended operation of the food premises.
- d) Copies of menus to be used (if applicable).
- e) Documentation detailing how the premises and equipment will be kept clean and sanitary, including details on disposal of waste products. A cleaning schedule must be submitted and should include such details as frequency (daily/monthly/yearly), methods, cleaning agent to be used, and individuals responsible to complete the tasks.
- f) Information Form for Food Premises at a Public Market (please refer to Appendix 12.3).

- g) Equipment Checklist for Food Premises at a Public Market (please refer to Appendix 12.4).
- h) Any other information the Minister of Health requires to assess the application, such as demonstrating knowledge in food safety practices.

6.3.2 Class 3 (*With Handling*) and Class 4

If applying for a Class 3 licence and are handling food or Class 4 licence, the following must be submitted:

- a) If a not-for-profit organization, evidence to support that status (i.e., appropriate registration number, paperwork, etc.).
- b) A detailed floor plan of the food premises showing location of equipment and process flow patterns.
- c) The dates, times and location(s) of intended operation of the food premises.
- d) Copies of menus to be used (if applicable).
- e) Statement of the applicant's experience in operating a food premises or other documentation indicating that the applicant has sufficient knowledge or training to operate the food premises in a safe manner. Submit a statement of your experience and any documentation of food safety training attended.
- f) If the premises is serviced by a private water supply, Class 3 with handling must submit a satisfactory bacteriological water sample result once per year. Inorganic sampling is not required for Class 3 with handling; however, circumstances may arise where some inorganic sampling may be warranted. Also, please refer to Section 8.
- g) If the premises is serviced by a private water supply, Class 4 must have a written water sampling plan. The type and frequency of testing required will be determined based on risk. The water sampling plan will be issued by the public health inspector.
- h) Details of staff training that has been or will be obtained. Provide information on any food safety training that staff have attended. Certificates of staff food safety training should be available at the food premises upon request.
- i) Details of hygienic practices and procedures to be followed by persons working in the food premises and a copy of the applicant's health policy for staff. For example: details of hand washing expectations of staff (who, what, when, where, how and why), working with cuts, working while ill, when to exclude yourself from work, reporting of illness, etc.

- j) Documentation detailing how the premises, equipment and utensils will be kept clean and sanitary, including disposal of waste products. Sanitizing procedures must be described in detail. A cleaning schedule must be submitted and should include such details as frequency (daily/monthly/yearly), methods and individuals responsible to complete the tasks.
- k) If the premises is serviced by a private sewage disposal system, please refer to Section 8 for more information.
- l) For Class 4 only, documentation on food handling procedures used by the applicant for potentially hazardous food. This should include thawing methods (where applicable), cooking and holding temperatures, cooling methods, etc. Sufficient information must be provided to allow for a risk assessment of the process to be conducted by the public health inspector.
- m) For Class 4 only, proof of food handler training and certification is required to satisfy the following: at least one person present at all times in the area of a food premises where food is being prepared **and** the manager of the food premises must hold a certificate confirming their successful completion of a food handling program as per Section 39(1)(2) of the *Food Premises Regulation*.
- **Note: It is acceptable, for Class 4 at the market only, that one person on site have training and certification. This person may or may not be the manager. When the manager is not on-site, the person who is on-site will be considered the manager for the purposes of applying this section and shall have the training and certification.**
 - For more information on approved food safety training and certification courses in New Brunswick, please visit:
http://www2.gnb.ca/content/gnb/en/departments/ocmoh/healthy_environments/content/food_safety_training.html
- n) Class 4 meat cut-up operations are not permitted to sell wild game as this is not considered an approved source. All meat must be from an approved source (i.e., a Class 5 provincially licensed or federally registered abattoir).
- o) Information Form for Food Premises at a Public Market (please refer to Appendix 12.3).
- p) Equipment Checklist for Food Premises at a Public Market (please refer to Appendix 12.4).
- q) Any other information the Minister of Health requires to assess the application.
- i. Additional information requested by an inspector will depend on the extent of food handling. Such additional information may include:
 - i. how the food will be transported;
 - ii. source of food (with receipts);

- iii. what state (frozen/fresh/pre-cooked) the food is being purchased in; and/or
- iv. how and when each food item is being prepared.

6.3.3 Preparing potentially hazardous foods in a home kitchen

As part of the special review process referred to in Section 5.3.1, Classes 3 and 4 food premises licensees that prepare potentially hazardous food in a home kitchen must submit additional information.

The following information must be submitted as it applies to the home kitchen operation:

- A detailed floor plan of the home kitchen/food preparation area showing location of equipment and process flow patterns.
- The dates, times and location(s) of intended operation of the food premises.
- Statement of the applicant's experience in operating a food premises or other documentation indicating that the applicant has sufficient knowledge or training to operate the food premises in a safe manner. Submit a statement of your experience and any documentation of food safety training attended.
- If the premises is serviced by a private water supply, Class 4 must have a written water sampling plan. The type and frequency of testing required will be determined based on risk. The water sampling plan will be issued by the public health inspector.
- Details of staff training that has been or will be obtained. Provide information on any food safety training that staff have attended for Class 3 food premises, proof of completion of an ABC's of Food Safety seminar provided by Health Protection. Note: Class 4 food premises are required to have food safety training and certification training as stated in Section 6.3.2 Certificates of staff food safety training should be available at the food premises upon request.
- Details of hygienic practices and procedures to be followed by persons working in the food premises and a copy of the applicant's health policy for staff, for example, details of hand washing expectations of staff (who, what, when, where, how and why), working with cuts, working while ill, when to exclude yourself from work, reporting of illness, etc.
- Documentation detailing how the premises, equipment and utensils will be kept clean and sanitary, including disposal of waste products. Sanitizing procedures must be described in detail. A cleaning schedule must be submitted and should include such details as frequency (daily/monthly/yearly), methods and individuals responsible to complete the tasks.

- If the premises is serviced by a private sewage disposal system, please refer to Section 8 for more information.
- Documentation on food handling procedures used by the applicant for potentially hazardous food. This should include thawing methods (where applicable), cooking and holding temperatures, cooling methods, etc. Sufficient information must be provided to allow for a risk assessment of the process to be conducted by the public health inspector.
- Equipment Checklist for Food Premises at a Public Market (please refer to Appendix 12.4).
- Additional information may be requested by a public health inspector regarding food handling. Such additional information may include:
 - i. how the food will be transported;
 - ii. source of food (with receipts);
 - iii. what state (frozen/fresh/pre-cooked) the food is being purchased in; and/or
 - iv. how and when each food item is being prepared.
- Any other information the Minister of Health requires to assess the application.

Also, refer to Section 8.3 for additional information on other items that will apply to the home preparation area.

7 PUBLIC HEALTH INSPECTION

Licensed food premises at a public market will be routinely inspected by a public health inspector. A routine inspection is an unannounced inspection and is a full assessment of a premises and its facilities where any infractions (items found to not be in compliance) are noted. A routine inspection also provides an opportunity for education on food handling and safety issues.

In addition to routine inspections, the following inspections may be carried out as warranted.

1. Re-inspection
2. Inspection as a result of a complaint
3. New facility inspection
4. Communicable disease follow-up inspection

8 ITEMS ASSESSED DURING PUBLIC HEALTH INSPECTIONS

Please refer to the Public Health Inspector Guide to Food Premises Inspections online at:

<http://www2.gnb.ca/content/dam/gnb/Departments/h-s/pdf/en/CDC/HealthProfessionals/FoodPremisesInspections.pdf>.

8.1 Class 3 (*No Handling*)

The following items will be assessed by a public health inspector on-site at the market:

- Approved food sources
 - Note: All eggs used must be from a CFIA registered establishment and must be kept refrigerated during storage.
- Food grade containers and proper labeling
- Safe hot and cold (including refrigerated and frozen) holding of foods
- Thermometer available for verifying proper holding temperatures
- Maintenance of temperature logs for recording hot and cold (refrigerated) temperatures
 - hot holding temperature(s) monitored every 4 hours
 - cold holding temperature(s) monitored twice per market day
 - holding shall be at appropriate temperatures and documented prior to the sale of any food on each market day
- Maintenance of hot and cold storage and display spaces
- Display methods, i.e., foods are displayed at proper temperature and protected from contamination
- Advance preparation, i.e., sufficient space for proper storage of all food
- Staff knowledge of safe food handling practices
- Posting of valid licence and any attached terms and conditions so as to be visible to the public
- Displaying the most recent inspection report so that customers can easily see it
- Compliance with *Smoke-free Places Act*
- No live animals in any licensed area, with the exception of service animals specifically trained to provide assistance to persons with disabilities (a licensed area includes any enclosed or defined (licensed) food premises area, as well as areas that contain dishwashing facilities and hand washing stations, but does not include common areas accessible by the general public)

The public health inspector may discuss other items from the sections noted above that he/she cannot observe on-site.

IMPORTANT: The public health inspector will not be able to observe all practices/processes since a Class 3 food premises that does not 'handle' at the market is not permitted to prepare or handle food at the market. It is the Licensee's responsibility to ensure that safe food handling and proper personal hygiene practices are undertaken when and where the food is being

prepared, as well as during transport. Public health inspectors may ask questions to conduct a health risk assessment of food product being offered for sale.

8.2 Class 3 (*With Handling*) and Class 4

The following inspection items are applicable on-site at the market:

- Approved food sources
 - Note: All eggs used must be from a CFIA-registered establishment and must be kept refrigerated during storage.
- Food grade containers and proper labeling
- Food storage, including proper storage methods, maintenance of all storage spaces, safe hot and cold (including refrigerated and frozen) holding of foods
- Thermometer available for verifying proper hot and cold holding temperatures
- Records of temperature log recordings for hot and cold (refrigerated) temperatures
 - hot holding temperature(s) monitored every 4 hours
 - cold holding temperature(s) monitored twice per market day
 - holding shall be at appropriate temperatures and documented prior to the sale of any food on each market day
- For Class 3 with handling, on-site food “handling” methods (as defined in Section 5)
- For Class 4, food preparation and handling methods, including thawing, cooking, holding, cooling, re-heating and handling
- Display methods, i.e., food is protected from contamination at all times, food is displayed at proper temperature
- Advance preparation, i.e., sufficient space for proper storage of all food
- Staff knowledge of safe food handling practices
- Employee health, i.e., exclusion of employees from handling or preparing food while ill
- Personal hygiene practices, i.e., employing practices that protect food from contamination, such as properly washing hands at all necessary times, wearing hair restraint, exhibiting cleanliness, not eating while handling or preparing food, etc.
- Food equipment and utensils, i.e., design, construction, installation and maintenance
- Food contact surfaces, i.e., design, construction, installation and maintenance
- Single service (i.e., single use) articles, eating utensils and dishes are recommended; however, where reusable utensils/articles are used, proper dishwashing must be employed at designated dishwashing stations. Please refer to Section 9.4. The use of drying towels is not permitted.
- Cleaning and sanitizing methods, including having test papers available on-site for verifying sanitizer strength, and chemical use and storage
- Access to a washroom equipped with a hand wash sink, toilet paper on a dispenser and a garbage receptacle
- Convenient access to a properly equipped hand wash station (does not include hand wash sink in washroom)
 - Class 3 premises that ‘handle’ are equipped with a supply of disposable gloves and hand sanitizer. At times where the use of disposable gloves and hand

sanitizer is not sufficient, Class 3 premises must have access to a hand washing station within the market.

- Class 4 premises must have convenient access to a hand wash station
- Hand washing stations (including hand sinks in washrooms) are provided with running hot and cold potable water and have in their immediate vicinity a dispenser(s) for the provision of liquid or powder soap and a method of hand drying that uses paper towels in a dispenser or forced air
 - Note: Alternative equipment to plumbed-in sinks may be used. Water needs to be running, warm and from a known potable source.
- Sufficient lighting and proper ventilation, where applicable
- Posting of valid licence and attached terms and conditions, where applicable, so as to be easily visible to the public
- Displaying the most recent inspection report so that customers can easily see it
- Compliance with *Smoke-free Places Act*
- No live animals in any licensed area, with the exception of service animals specifically trained to provide assistance to persons with disabilities (a licensed area includes any enclosed or defined (licensed) food premises area, as well as areas that contain dishwashing facilities and hand washing stations, but does not include common areas accessible by the general public)

The public health inspector may discuss other items from the sections noted above that he/she cannot observe on-site.

IMPORTANT: The public health inspector will not be able to observe all practices/processes of Classes 3 and 4 food premises at the market. It is the licensee's responsibility to ensure that safe food handling and proper personal hygiene practices are undertaken when and where the food is being prepared, as well as during transport. Public health inspectors may ask questions to conduct a health risk assessment of food product being offered for sale.

8.3 Preparing potentially hazardous foods in a home kitchen

Home kitchens will not be subject to routine public health inspections. However, licensees preparing potentially hazardous foods in a home kitchen are expected to operate to the similar standards as other licensed food premises conducting similar operations.

The following items apply to the home kitchen and you may be asked upon inspection at the market location for verification of these items.

- Approved food sources
 - Note: All eggs used must be from a CFIA-registered establishment and must be kept refrigerated during storage.
- Food grade containers and proper labeling
- Food storage, including proper storage methods, maintenance of all storage spaces, safe hot and cold (including refrigerated and frozen) holding of foods

- Thermometer available for verifying proper hot and cold holding temperatures
- Records of temperature log recordings for hot and cold (refrigerated) temperatures
 - hot holding temperature(s) monitored every 4 hours
 - cold holding temperature(s) monitored twice per market day
 - cold holding temperature before and after transport
 - holding shall be at appropriate temperatures and documented prior to the sale of any food on each market day
- Food preparation and handling methods, including thawing, cooking, holding, cooling, re-heating and handling
- Advance preparation, i.e., sufficient space for proper storage of all food
- Staff knowledge of safe food handling practices
- Employee health, i.e., exclusion of employees from handling or preparing food while ill
- Personal hygiene practices, i.e., employing practices that protect food from contamination, such as properly washing hands at all necessary times, wearing hair restraint, exhibiting cleanliness, not eating while handling or preparing food, etc.
- Food equipment and utensils, i.e., design, construction, installation and maintenance
- Food contact surfaces, i.e., design, construction, installation and maintenance
- Cleaning and sanitizing methods, including having test papers available for verifying sanitizer strength, and chemical use and storage
- Access to a washroom equipped with a hand wash sink, toilet paper on a dispenser and a garbage receptacle
- Convenient access to a properly equipped hand wash station (does not include hand wash sink in washroom)
- Hand washing stations (including hand sinks in washrooms) are provided with running hot and cold potable water and have in their immediate vicinity a dispenser(s) for the provision of liquid or powder soap and a method of hand drying that uses paper towels in a dispenser or forced air
- Sufficient lighting and proper ventilation, where applicable
- Compliance with *Smoke-free Places Act*
- No live animals in any area used for the food operation, with the exception of service animals specifically trained to provide assistance to persons with disabilities

9 PUBLIC MARKET PREMISES

As has been outlined in previous sections, food premises at the market are required to meet various requirements for licensing. Some of these requirements are common to all licensed Class 3 and 4 food premises and may not necessarily be within the control of individual licensees. As such, it is recommended that market operators assist Class 3 and 4 market food premises in meeting such requirements.

The following sections describe various requirements that are applicable to all market food premises.

9.1 Site and Floor Plan

Detailed market site and floor plans are required to properly assess whether certain aspects of the site can meet the requirements for licensed food vendors at the market. Plans should be prepared and submitted by the market operator.

The market site and floor plan should include the following (where applicable):

- a) spatial layout or sketch of the existing or proposed location
- b) location and type of potable water supply, including any treatment and/or disinfection equipment in use
- c) location / numbers / type of sanitary facilities and hand washing stations
- d) location and numbers of utensil and dishwashing facilities
- e) location / numbers / type of solid waste disposal receptacles
- f) location and list of Classes 3 and 4 food premises, approximate size and dimensions of booths and any applicable on-site infrastructure
- g) locations of all buildings, structures, activities, live animals, etc.
- h) any additional information deemed necessary by the public health inspector

9.2 Sanitary Facilities

Sanitary facilities must be conveniently located and easily accessible to Class 3 with handling and Class 4 food premises. If portable washroom facilities are used, they must be located so as to facilitate cleaning and maintenance. Washrooms must be equipped with a hand wash sink, toilet paper on a dispenser and a garbage receptacle. Washrooms must not open directly into an area where food is prepared or stored. Washrooms must be provided in sufficient number to conveniently accommodate the number of food premises.

Hand washing stations (including those in washrooms) must be provided with running hot and cold potable water and have in their immediate vicinity a dispenser(s) for the provision of liquid or powder soap and a method of hand drying that uses paper towels in a dispenser or forced air. A hand washing station shall have an approved method of holding and disposing of grey water.

Hand wash stations must be available and located to facilitate convenient access by Class 3 with handling and Class 4 food premises. Note that these do not include washroom hand basins. As well, hand wash stations must be designated for hand washing only and are not to be used for any other purpose.

- Class 3 premises with handling must be equipped with a supply of disposable gloves and hand sanitizer, and when their use is not sufficient, must have access to a hand washing station within the market.
- Class 4 premises must have convenient access to a hand wash station.

Waste that is not discharged into a sewerage system is to be disposed of in such a manner so as to not create a health hazard and as approved by the public health inspector. A plan for

management of grey water should be submitted prior to operation. All liquid waste disposal methods and locations, whether for black or grey waste water, must be by approved methods.

Mop water and other waste water may be disposed in a flush or other receptacle that is connected to a sanitary sewer. This water is not to be disposed of in a storm sewer or in any sink used by licensees. It is recommended that a mop sink be installed for janitorial purposes somewhere on the market site.

9.3 Potable Water Supply

9.3.1 Water Availability

An adequate supply of running hot and cold potable water must be available at all times during market operation.

Licensed Class 3 with handling and Class 4 food premises are required to demonstrate that sufficient water of an acceptable quality can be provided and maintained at all times during market operation.

9.3.2 Water Testing

If the market is supplied by a municipal water supply or other regulated water source, water testing is not required.

If the market is supplied by a private well, it is recommended that the market operator institute a water sampling plan for the market as a whole to verify that the water provided to market food premises is safe. Sampling requirements may differ slightly among markets due to various factors. Please consult your nearest Health Protection regional office for additional water sampling information.

Please refer to Section 6.3.2 for more information on food premises requirements with respect to the use of potable water.

Health Protection may collect confirmatory samples at any point during operation if deemed necessary.

9.3.3 Temporary Water Lines (if applicable)

If temporary water lines are necessary, standards for materials that come in contact with potable water must be met. Water samples may be required to be collected and analyzed before operation to verify the potability of the water. Please contact your regional Health Protection office for more information.

9.4 Dishwashing

Licensed food premises at the market may require access to appropriate dishwashing facilities. Dishwashing facilities may be shared among licensed food premises; however, they must be in sufficient quantity and conveniently located so that they are easily accessible by all required licensees. Dishwashing facilities may be manual or mechanical and proper dishwashing procedures must be followed by everyone.

If dishwashing is manual, one dishwashing station must consist of at least a 3-compartment sink of a size to accommodate all dishes, utensils and food equipment. Vendors performing dishwashing must have an area for air drying dishes. The use of drying towels is not permitted. The area must be protected in a way so that clean and sanitized dishes and utensils do not become contaminated.

If dishwashing is mechanical, it must be a high temperature dishwasher or have a chemical feed. If high temperature is used, the sanitizing water temperature must reach at least 82°C (180°F). Dishwashing facilities must be maintained in proper working order. Premises that operate 3 or less days per week also have the option to wash dishes at home provided they can adhere to the proper method and bring sufficient back-up supplies to the market.

For more information on manual and mechanical dishwashing, please refer to the “Public Health Inspector Guide to Food Premises Inspections” online at: <http://www2.gnb.ca/content/dam/gnb/Departments/h-s/pdf/en/CDC/HealthProfessionals/FoodPremisesInspections.pdf>.

9.5 Power Supply

The public market will likely require a power supply. This may be electrical, gas, generator, etc. It is also recommended that there be a back-up power supply to prevent food loss in the event of a power outage.

Refrigerators and other hot and cold holding units that require power must be connected to a power supply in sufficient time before market operation. This will ensure that units are brought to proper hot and cold holding temperature before using.

9.6 Lighting

The market operator must be capable of providing lighting of sufficient intensity to meet the needs of operation. Lighting directly over licensed food premises shall be provided with shatterproof covers.

9.7 Ventilation

The market operator must be capable of providing proper ventilation for activities undertaken by Class 4 food premises. Consultation with the Fire Marshall may be necessary.

9.8 Solid Waste Disposal

Solid waste containers shall be conveniently located and in sufficient number to meet the needs of the food premises.

Garbage and rubbish shall be kept in water-tight, non-absorbent, washable containers with tight-fitting covers or other approved water-tight receptacles. Garbage shall be removed as often as is necessary.

9.9 Pest Control

Pests must be kept under control on the market premises. Measures should be taken inside and outside to discourage pests and prevent their harbourage. Such measures include keeping the premises clean and tidy, not leaving food out, keeping the outside of the premises clean and free of debris and rubbish, maintaining garbage disposal in a clean and sanitary manner, etc. You may wish to consult a licensed pest control operator for advice where necessary.

9.10 Overall Market Site

Floors, walls and ceilings shall be maintained in such a way that they are in a clean and sanitary condition, as well as in a good state of repair. Floors shall be kept free of litter.

You may wish to give consideration to the layout and location of food premises. Access to all sanitary facilities must be convenient for licensees. It is important to consider any live animals and/or birds when locating food premises. These must be kept sufficient distance from food so as to not create a health hazard. It is strongly recommended that there is a public hand wash sink near animals to enable the public to wash their hands after petting or handling animals.

10 ADDITIONAL FOOD SAFETY RULES FOR CLASSES 3 AND 4

- a) If you are selling unpasteurized juice or cider, it must be labelled as "UNPASTEURIZED."
- b) Home bottling must be done using safe and tested practices. When bottling jams, jellies and pickled products, heavy-duty jars that are made specifically for home canning must be used. For example, "mason" jars with self-sealing lids are designed for this purpose. The re-use of commercial food jars is not acceptable as they are often not strong enough to withstand the temperature required for safe bottling of food products.
 - i. Jars may be re-used as long as the sealing rim is not compromised and is smooth with no cracks or chips.
 - ii. One-part screw-on and two-part lids may be used.
 - i. One-part lids may not be re-used.
 - ii. Two-part lids with a sealing lid and a screw band are recommended. The sealing lid may not be re-used. Screw bands may be re-used as long as they are in good condition (i.e., not bent, no rust or other wear).
 - iii. Use of wax seals are not permitted for food safety reasons.
 - iv. Jars with wire bails and glass caps, and any lids using rubber rings for sealing are not permitted.
- c) Eggs must be clean, free of cracks and stored at 4°C (40°F) or colder.
- d) All food, utensils and any other equipment that comes into contact with food must be stored off of the floor.
- e) Ensure cold foods are transported at 4°C (40°F) or below and hot foods are transported at 60°C (140°F) or above.
- f) Freezers must be maintained at -18°C (0°F) or below.
- g) All food must be protected from contamination at all times.
- h) Using single service and single use utensils are much easier and less labor intensive.
- i) If you are providing food samples, be sure to use toothpicks or another single service article to dispense the samples. Do not allow customers to 'double-dip'. As with all other foods, ensure food samples are protected from contamination at all times.
- j) Self-serve condiments must be pre-packaged for individual portions or dispensed from a squeeze bottle or pump container. Ensure containers are acceptable for food storage.
- k) Hands must be properly washed at all necessary times (i.e., after using the washroom, before handling food, before putting on gloves, after handling raw meats or money, and at any other time where your hands may become contaminated).
- l) Walls, floors and ceilings should be kept in a clean and sanitary condition at all times.
- m) Scooping and serving utensils must not be stored in food.
- n) Sanitizer solution containers must be labelled. Spray bottles are best.
- o) Mix a new sanitizer solution for each market day. Be sure to test the strength of the sanitizer solution periodically using test strips. Sanitizer will lose strength over time; this depends on the type of sanitizer used and amount of use. If the sanitizer solution is less than the required strength, mix a new solution.
- p) Do not mix sanitizer solution to a concentration stronger than what is required to be effective.

- q) Never mix soap or detergent with sanitizer.
- r) Food packaging materials must be new and food grade.
- s) Potentially hazardous foods that are packaged for sale must be properly labeled with the date of preparation. Visit the Canadian Food Inspection Agency's website at www.inspection.gc.ca for federal labeling requirements.
- t) All food equipment, food contact surfaces, utensils and any other equipment that may come in contact with food must be constructed so that they can be easily cleaned, sanitized and maintained in a good state of repair.
- u) Never re-heat food in a hot holding unit such as crock pot. Food must be rapidly re-heated to proper temperature, for example on a stove, before being placed into a hot holding unit.
- v) Anyone experiencing vomiting, diarrhea or jaundice shall not engage in food handling.

11 REFERENCES

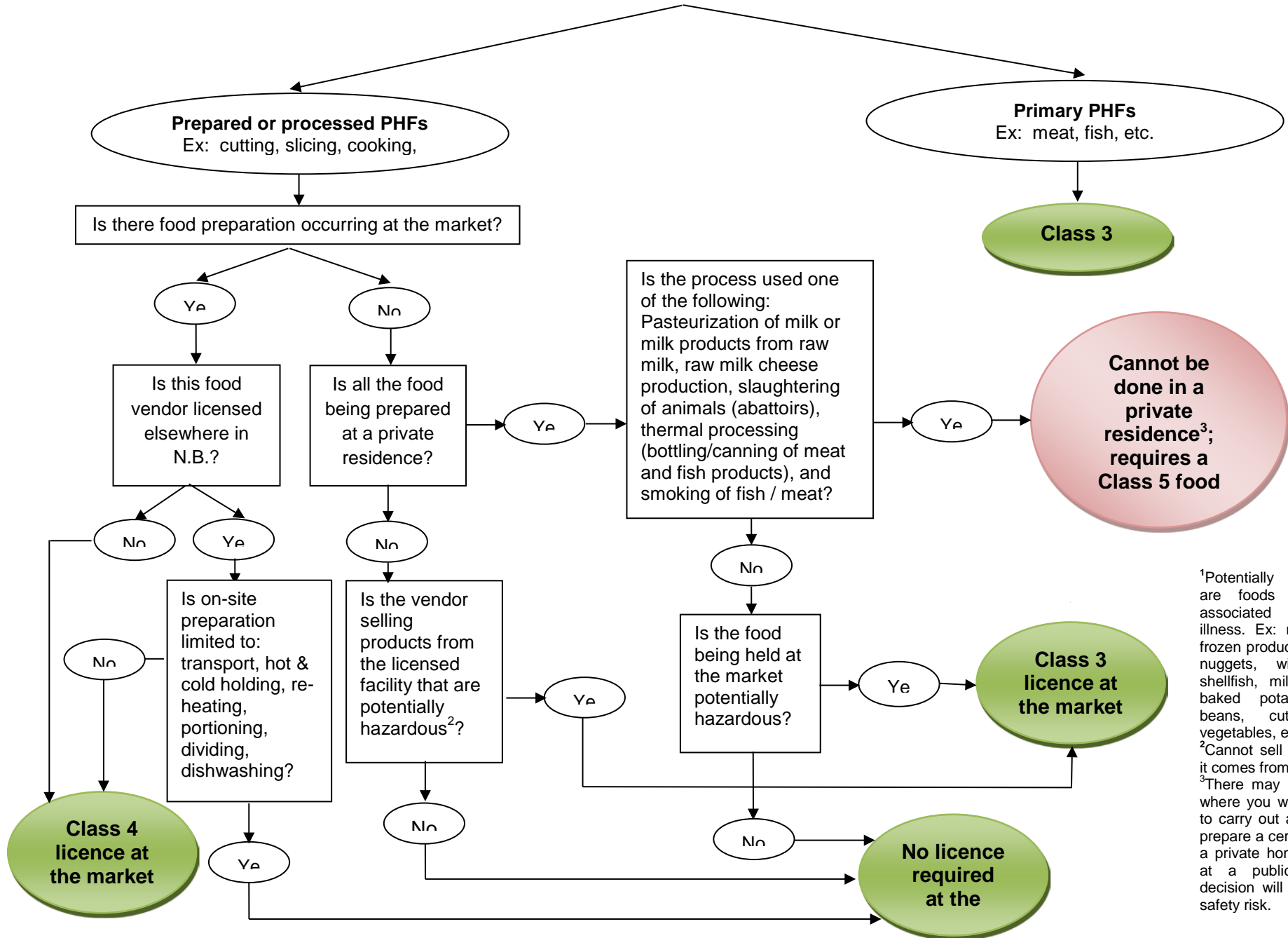
New Brunswick Department of Health. *Food Premises Regulation 2009-138*, November 2009.
<http://www.gnb.ca/0062/PDF-regs/2009-138.pdf>

New Brunswick Department of Health. *Public Health Inspector Guide to Food Premises Inspections*, May 2010.
<http://www2.gnb.ca/content/dam/gnb/Departments/hs/pdf/en/CDC/HealthProfessionals/FoodPremisesInspections.pdf>

12 APPENDICES

12.1 Public Market Food Premises Licence Flow Chart

Type of potentially hazardous food¹ (PHF)



¹Potentially Hazardous Foods are foods that have been associated with food borne illness. Ex: meat (including raw frozen products such as chicken nuggets, wings, etc.), fish, shellfish, milk, dairy products, baked potatoes, egg, rice, beans, cut-up fruits and vegetables, etc.

²Cannot sell the product unless it comes from a licensed facility.

³There may be other instances where you will not be permitted to carry out a certain activity or prepare a certain food product in a private home kitchen for sale at a public market. This decision will be based on food safety risk.

12.2 Gaming, Liquor and Security Licensing Branch Contact Information

Applications and corresponding documentation may be submitted by email, mail or fax to the Gaming, Liquor and Security Licensing Branch listed below.

Department of Justice and Public Safety
Gaming, Liquor and Security Licensing Branch
P.O. Box 6000
20 McGloin Street, 3rd floor
Fredericton, NB E3A 5T8
Telephone: (506) 453-7472
Fax: (506) 453-3044
Email: foodlicencenb.licencealimentsairenb@gnb.ca

Email Addresses:	
Central / centrale	FoodLicenceCentral.LicenceAlimentsCentrale@gnb.ca
East / est	FoodLicenceEast.LicenceAlimentsEst@gnb.ca
North / nord	FoodLicenceNorth.LicenceAlimentsNord@gnb.ca
South / sud	FoodLicenceSouth.LicenceAlimentsSud@gnb.ca

12.3 Information Form for Food Premises at a Public Market

INFORMATION FORM FOR FOOD PREMISES AT A PUBLIC MARKET

Please complete one Information Form for each market location.

A. VENDOR INFORMATION	
Market Name:	
Market Location:	
Dates and Times of Operation:	
Do you currently prepare foods in your kitchen for sale at other public market locations? If yes, what location? How many days at each location?	
Name of Vendor:	
Name of Booth (if different):	
Phone No.:	Alternate Phone No.:
Do you operate at other public markets? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please list the name of booth, corresponding public market location and number of days of operation for each.	
1.	
2.	
3.	
4.	
5.	

B. FOOD MENU ITEMS		
Menu Item	Raw	Cooked

C. FACILITY AND OPERATIONS INFORMATION
<p>Where will foods be prepared?</p> <p>At home <input type="checkbox"/> At the market <input type="checkbox"/> Part at home, part at the market <input type="checkbox"/> At a licenced food premises <input type="checkbox"/></p> <p>Other <input type="checkbox"/> <u>Explain:</u></p>
<p>Describe (be specific) how frozen, cold and hot foods will be transported to the market.</p>
<p>Method used for temperature control on-site:</p> <p>Ice <input type="checkbox"/> Refrigeration <input type="checkbox"/> Electric warmer <input type="checkbox"/> Steam table <input type="checkbox"/> None <input type="checkbox"/></p> <p>Other <input type="checkbox"/> <u>Explain:</u></p>
<p>How will food temperatures be monitored?</p>

Where and how do you wash your hands when stationed at your booth (*describe the method and equipment used*)?

Identify the source of the water supply. Describe how water will be supplied. Has it been tested?

Describe how electricity will be provided. Will it be provided 24 hours a day?

How will food be protected during display/service from insects, dust, customers, etc.?

Describe how and where utensil washing will take place.

List the type and strength of sanitizer you will use at the market (test strips are required to test sanitizer strength).

Describe how and where wastewater from utensil and hand washing at the booth will be collected, stored and disposed of.

How will cleaners and other chemicals be stored in relation to food supplies and utensils at the market?

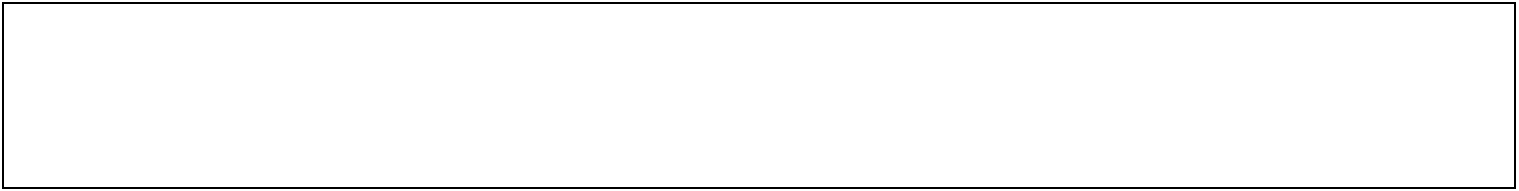
Toilet Facilities:

Flush Portable

Where are these located in relation to your vendor booth? What type of hand washing is provided for these facilities?

Describe the number, location and type of garbage disposal containers.

List the number of staff who will be involved in the food vending operation of your booth. What is their level of experience in food preparation? Indicate any food safety training/courses they have attended.



D. MARKET BOOTH FLOORPLAN

Provide a floor plan drawing of the booth at the market. Identify and describe all equipment (including cooking and cold/hot holding equipment), hand washing facilities, work tables, dishwashing facilities (if applicable), food and single-service item storage, garbage containers, equipment for customer self-service and dispensing of condiments.

A large, empty rectangular box with a thin black border, occupying the middle and lower portions of the page. It is intended for a drawing or notes related to the booth floorplan.

E. FOOD PREPARATION – CLASS 3 (WITH HANDLING) AND CLASS 4 ONLY

List all foods and provide details on food preparation and handling at the market. Make additional copies if more space is needed.

Food and Food Sources <i>Describe the food and where it was purchased.</i>	Food Preparation and Handling <i>For each food listed, describe how the food will be handled and prepared at the market.</i>

F. OTHER REQUIRED ATTACHMENTS

- Certified safe food handling certificate (*Class 4 only*)
- Health policy
- Cleaning and sanitizing schedule

APPLICANT SIGNATURE: _____ DATE: _____

12.4 Equipment Checklist for Food Premises at a Public Market

All food premises:

- Food probe thermometer(s) available to check the internal temperature of hot and/or cold potentially hazardous foods
- Thermometers for each hot or cold holding unit
- Temperature logs for hot and cold holding temperature monitoring and recording
- Hot potentially hazardous foods must be transported, stored and displayed at a temperature of 60°C (140°F) or above
- Cold potentially hazardous foods must be transported, stored and displayed at a temperature of 4°C (40°F) or below
- Platforms/shelves for elevating food off of the ground
- Clean food grade container(s) for food storage/packaging
- No smoking or any other practice that may compromise food safety is allowed in any licensed food premises
- No eating or drinking that may compromise food safety is allowed in any food preparation area

Class 3 (with handling) and Class 4 only:

- Roll of plastic wrap, aluminum foil, or other acceptable method for protecting food
- Serving spoons, spatulas, tongs, etc. and wrapped back-up supplies of utensils
- Adequate number of tables with washable surfaces
- Wiping cloths/sponges for cleaning and sanitizing surfaces
- Adequate supply of potable hot and cold running water for hand washing, food preparation and equipment cleaning (if not already provided)
- Detergent, sanitizer and spray bottle
- Sanitizer test strips
- Liquid soap in a dispenser for hand washing and paper towel for drying hands (if not already provided)
- Clean clothing, and aprons where warranted, must be worn at all times in the food preparation area
- Hair nets, caps or other hair restraint must be worn at all times while handling and/or dispensing food