

ORDER OF AN EXECUTIVE OFFICER

To: 1455878 Alberta Ltd.
1458268 Alberta Ltd.
1458128 Alberta Ltd.
Chi Lung (Kelvin) Chan
Paul Chao
Sai No (Ringo) Chan

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Urban China Restaurant, 10604 101 Street

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The referred to food facility was in apparent contravention of Executive Officer's Order previously issued on May 26, 2017.
- b. Multiple food containers were stacked in a manner that the bottom of one container was in direct contact with the food beneath – no barriers to separate it.
- c. Some foods were partially covered and/or gave access to the cockroaches or other potential sources of contamination. Food was stored in rooms not approved for food storage (ex. Furnace room).
- d. Raw meat was stored above and beside ready-to-eat foods, vegetables, and cooked foods in the cooler.
- e. The mechanical dishwasher was not capable of sanitizing dishes. The staff did not have adequate knowledge in alternative methods to wash and sanitize dishes effectively.
- f. Wet, dirty, used cleaning cloths were observed mounded on countertops. No sanitizer solution was available. Staff had to be prompted to make the sanitizer solution.
- g. Food equipment was stored on the floor.
- h. Re-useable, non-disposable, orange rubber kitchen gloves were used for both food handling and washing dirty dishes. No identifying color or type of glove was in place to prevent cross contamination.
- i. Improper storage of the ice scoop observed.
- j. Evidence of cockroach infestation was noted within the facility. Several live and dead cockroaches noted on glue boards, and a live cockroach was observed on floor of the cook line.
- k. Containers for storing foods were in poor condition and were broken in multiple places.
- l. Chi Lung (Kelvin) Chan was unable to prove or demonstrate adequate or acceptable knowledge of cross contamination control, safe food temperature control, or other general food safety practices.

- m. Though the written sanitation program was thorough and addressed all equipment and areas of the commercial food establishment, the plan was not implemented or utilized by staff. Staff were not adequately trained in the plan's usage.
- n. Though the written food safety program was created, the plan was not implemented or utilized by staff or in a format that could be utilized by staff. Staff were not adequately trained in the plan's usage.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. Violation [a] is in contravention of Section 73(1) of the Public Health Act which states, "A person who contravenes this Act, the regulations, an order under section 62 or an order of a medical officer of health or physician under Part 3 is guilty of an offence."
- b. Violation [f.] is in contravention of Section 20 of the Food Regulation, which states:
 - (1) "All articles and materials in a commercial food establishment that are not associated with or required for the operation or maintenance of the food areas must be stored separately from the food and the food areas and in a manner that contaminates neither.
 - (2) All chemicals, cleansers and other similar agents associated with or required for the operation or maintenance of the food areas must be stored
 - (a) in containers that are not intended to be used to store food and that are clearly labelled to identify their contents, and
 - (b) in such a manner as to prevent the contamination of any food or food area."
- d. Violations [f., g., and j.] are in contravention of Section 21(1) of the Food Regulation, which states: "The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests".
- e. Violations [b, c, d, e, f, g, i, h, j, and k.] are contravention of Section 23(1) of the Food Regulation, which states:
 - (1) "All food used or to be used in a commercial food establishment must be:
 - (a) protected from contamination, and
 - (b) handled in a sanitary manner.
 - (2) Subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption."
- f. Violations [b, c, d, e, f, g, i, h, j, and k.] are in contravention of Section 24 of the Food Regulation, which states: "All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat. "
- g. Violations [e, f, g, and k.] are in contravention of Section 28 of the Food Regulation, which states:
 - (1) "A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
 - (2) A commercial food establishment, all equipment and utensils in it and all surfaces

in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.

- (3) All equipment and utensils in a commercial food establishment must be kept in good working order and condition, and maintained in a manner that ensures the safe and sanitary handling of food."

h. Violation [m.] is in contravention of Section 29 of the Food Regulation, which states:

- (1) "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance"
- (2) "The procedures must include (a) the cleaning and sanitizing requirements for the food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher, and (b) a list of all cleaning and sanitizing agents used in the food establishment, including their concentrations and uses."

AND

Section 4.0 of the Food Retail and Food Services Code which states "A food establishment shall have effective systems in place to:

- i) Ensure adequate and appropriate maintenance and cleaning of the facilities and equipment;
- ii) Control pests;
- iii) Remove wastes; and
- iv) Monitor and record the effectiveness of maintenance and sanitation procedures."

i. Violation [h.] is in contravention of Section 30 of the Food Regulation, which states:

- (1) "A food handler must
 - (a) wear clean clothing and footwear,
 - (b) exhibit cleanliness and good personal hygiene,
 - (c) ensure that food is not contaminated by hair,
 - (d) wash hands as often as necessary to prevent the contamination of food or food areas,
 - (e) refrain from smoking in a food area, and
 - (f) refrain from any other conduct that could result in the contamination of food or a food area"
- (3) The operator must ensure that subsections (1) and (2) are complied with
- (4) The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied."

j. Violation [l, m, and, n.] is in contravention of Section 2 of the Nuisance and General Sanitation which states:

- (1) "No person shall create, commit or maintain a nuisance.
- (2) Without limiting the generality of subsection (1), a person who creates, commits or maintains.../any condition which is or may become injurious or dangerous to public health, or may hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that all of the staff working in this food facility complete additional food safety training and provide a certificate issued or approved by the Minister confirming their successful completion of a food sanitation and hygiene training program. This includes all new staff hires and / or transfers from other commercial food establishments.
 - b. Chi Lung (Kelvin) Chan must re-certify in a minister approved food safety course to adequately reflect knowledge of acceptable food safety practices.
 - c. Ensure all foods are adequately covered and/or protected before stacking another item on top of the food. Store all open bags of bulk food ingredients in pest – proof containers with tight fitting lids that are smooth, cleanable, and nonabsorbent at all times. Due to cockroach infestation, ensure that all other shelf stable foods are stored in pest proof containers with tight fitting lids and ensure those lids are fully seated when not in use.
 - d. Re-organize the freezers and the coolers. Always cover foods to prevent cross contamination with food grade material when not being processed. Do not store food containers in contact with food in the container underneath it. Do not store raw meat products above or next to cooked foods, vegetables, partially cooked foods, or ready to eat foods at any time. Ensure that food is stored in a manner that prevents cross contamination.
 - e. Keep wet, used, cleaning cloths in an approved sanitizer solution at the correct concentrations when not in use. Ensure that the Guidelines for the use of Wiping Cloths is followed at all times.
 - f. Ensure ice scoops are stored in a sanitary manner. Ensure that staff do not use bowls or other items that do not have handles as scoops.
 - g. Remove all broken, damaged, or otherwise unsuitable equipment, utensils, bins, and containers from the food areas. Ensure that food equipment is in good working condition.
 - h. Continue to work with a Pest Control Company to implement and maintain an Integrated Pest Management (IPM) program within the facility to eliminate the cockroach infestation. Ensure appropriate pest control devices are properly placed to facilitate the eradication and monitoring of the infestation. Store all foods in a manner that does not allow for pest contamination. Remove unnecessary equipment, boxes, debris and garbage. Do not allow garbage, food, or debris to accumulate in a manner that would facilitate the harborage or proliferation of pest or vermin.
 - i. Do not move, interfere, or tamper with any cockroach control or monitoring materials such as monitoring stations, bait, traps, or other pest management devices placed by the Pest Control Operator (PCO) unless directed or authorized to do so by the PCO and/or Executive Officer.
 - j. Maintain and utilize the previously developed written sanitation program to address the chronic and problematic issues and areas identified on previous Executive Officer's Orders and inspection reports.
 - Ensure that the program facilitates the proper cleaning of all areas of the food establishment.
 - Ensure that all staff are properly educated and trained regarding duties and requirements of the sanitation plan.
 - Maintain the sanitation program to reflect the cleaning practices in the facility.
 - Ensure that the written sanitation program is maintained and kept on site for staff to follow.

- Ensure that the sanitation program includes a list of all cleaning and sanitizing agents used in the food establishment, including their concentrations and uses.
 - Ensure that the written sanitation program is in compliance with Section 4.0 of the Food Retail and Food Services Code, 2003.
- k. Vacuum/clean up dead cockroach carcasses, dust and grease throughout the facility, including fan motors of all equipment. This activity should be reflected and recorded in the sanitation plan.
- l. Ensure that the detailed, written food safety plan is maintained and utilized regarding the criteria, monitoring, corrective actions and verification procedures and/or internal policies for temperature control of high-risk foods from purchase to service, personal hygiene, food storage, and pest control. For example, fill out and maintain the provided "Food Safety First – Daily Checklist", a written sanitation schedule, as well as the "Pest Control Checklist" on a daily basis. Ensure that these checklists are available upon request within the indicated food facility.
- Ensure that the food safety plan facilitates the proper handling and storage of food within the commercial food establishment.
 - Ensure that all staff are properly educated and trained regarding duties and requirements of the food safety plan.
 - Maintain the food safety plan to reflect safe and proper food handling practices within the commercial food establishment.
 - Ensure that the food safety plan is maintained and kept on site for staff to follow and is available upon request for inspection.
- m. Maintain and repair the dishwasher in a manner that adequately sanitizes dishes.
- Create and maintain a written sanitizer monitoring system to ensure that the dishwasher continues to adequately clean and sanitize dishes and record the results daily in a log book.
 - Ensure that the log book is maintained, utilized, and on-site or available upon request for inspection.
 - Ensure that the program includes alternative cleaning and sanitizing methods for dishes in the event that the dishwasher cannot sanitize or clean the dishes mechanically.
 - Ensure that all staff are properly educated and trained regarding duties and requirements of the dishwashing practices.

2. The work referred to in paragraph 1 shall be completed by the following deadlines:

- a. Items a,b must be completed on or before October 31, 2018
- b. Items c-m must be maintained until December 18, 2018. This date may be revised in writing by an Executive Officer of Alberta Health Services depending on compliance and adherence to the imposed conditions.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Edmonton, Alberta, September 18, 2018.

_____(Original Signed)_____

Nicole Obert, CPHI(C)
Executive Officer
Alberta Health Services

_____(Original Signed)_____

Sarah Young, CPHI(C)
Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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