

## **Chronology of Events relating to the investigation of a notification of listeriosis**

On 31 January 2019, Council was contacted by the Communicable Disease Prevention and Control Unit at the DHHS. The Department was investigating the case of the 86 year old person already mentioned.

Officer Kim Rogerson was previously the Officer for the area in which I Cook Foods premises were located and was very familiar with the premises (she had inspected it many times over the years). Upon notification, a check of immediately available staff meant that Officer Rogerson was assigned the task of conducting an inspection of I Cook Foods premises and undertaking the necessary food sampling requested by the DHHS.

Some of these samples taken by Officer Rogerson came to show the presence of listeria. In the end, these samples were not relied upon because it was discovered that Officer Rogerson had not properly maintained chain of custody.

On 1 February 2019, Officer Rogerson visited the premises and took food samples and surface swabs for analysis.

On 18 February 2019, the Food Safety Unit of DHHS contacted Council to advise that some of the food samples obtained on 1 February 2019 had tested positive for *Listeria monocytogenes*. The presence of *Listeria monocytogenes* in a food business at any level is a serious concern and requires immediate action to remove the presence and the serious risk it presents.

Officer Garlick, being the Environmental Health Officer responsible for this area, then attended the site. At this time Officer Rogerson was on leave.

On her return, Officer Garlick reported that during her inspection poor food handling and cleaning practices had been observed. They included:

- Aerosols created from using high pressure hoses to wash down food preparation areas while food handling activities were still occurring
- Dirty food handling equipment that had not cleaned properly
- A hand washing basin not in operation
- Staff not demonstrating the skills and knowledge to handle food safely
- A slug found on the floor of a food preparation area, that would come to my attention in the coming days.

As a result of Officer Garlick's report, I formed the opinion that the premises were not being maintained to the required food safety standards and directed that 2 Food Act Orders (formal legal directions but not to be confused with a Closure Order) be issued. Those orders directed the company to put the premises into a state of good repair, ensure that food prepared, sold or otherwise handled is safe and suitable and all food handlers complete food safety training.

On 19 February 2019 the Food Safety Unit at DHHS again contacted Council. It requested Council to obtain specific information from I Cook Foods for the purposes of the listeriosis investigation, and require the business to conduct a specific clean up for *Listeria monocytogenes*.

Officer Garlick and [REDACTED] attended I Cook Foods to conduct an inspection later that day, instructing I Cook Foods to conduct a clean up and serving the Food Act Orders that had been issued.

Over the course of the week Council liaised with DHHS about the Listeriosis investigation.

On 20 February 2019 Officer Garlick inspected I Cook Foods premises to verify that the clean up had been adequately carried out. She informed me that she was not satisfied that the cleaning had been conducted to a satisfactory standard.

On the same day, I attended I Cook Foods premises together with Officer Garlick. We spoke with Mr Ben Cook and Mr Michael Cook.

I told Mr Ben Cook that Council had concerns with the quality of cleaning that had been conducted. I said that, given that I Cook Foods had been the subject of complaint about listeria, the business needed to ensure that it cleaned the premises thoroughly.

At the time of the inspection, the business had already completed food operations for the day and in theory should have completed the majority of the daily cleaning. The inspection of the premises was conducted with Mr Michael Cook, the Food Safety Supervisor for I Cook Foods. Throughout the inspection significant food safety non-compliances were identified including:

- Ovens located outside the kitchen (in any area open to the outside and located through a cleaning area) being used to cook meat
- Hand wash basin in the sandwich preparation room not working
- Potential contaminated large plastic bread crates used for transporting sandwiches. When asked where are the crates washed, Mr Michael Cook led me outside the building to the driveway to the bin wash area and said that the crates are washed there
- Food residue on the blades of food equipment that had not been cleaned properly
- Dishwashing sinks in close proximity to food equipment, allowing for splashing on to the equipment and thus the risk of cross contamination
- Water pooling between the stainless bench and conveyor belt where the sandwiches are made
- Water pooling on the floor in food preparation areas
- Flooring in disrepair that would prevent the surface from being able to be effectively cleaned and sanitised
- A brown slime in water that had built up on the drain board under bread crates at the dishwasher
- Food residue found on the meat slicer when it was taken apart

From the inspection, it was evident that food safety was compromised by significant cross contamination risks, due to food processes not being segregated from clean up processes, poor hygiene practices and a lack of skills and knowledge with key staff.

I therefore recommended to I Cook Foods that it engage a food safety consultant and conduct a full risk assessment. This recommendation was followed up in an email that day to Mr Ben Cook.

I then notified DHHS of the non-compliances identified at the inspection.

On 21 February 2019 I discussed with the DHHS Food Safety Unit the food safety concerns identified. It was agreed that I Cook Food's food safety practices needed to change immediately. This included its cleaning practices and training of food handlers.

Later on 21 February 2019, I visited I Cook Foods premises with Officer Garlick to conduct an inspection. The purpose of the inspection was to follow up on the full clean that was scheduled the night before and take new food samples (to check the efficacy of cleaning measures and food safety practices).

An onsite meeting was held with Mr Ben Cook where photographs from the previous day's inspection had been provided and the following was discussed:

- Poor food safety practices identified the previous day including the cross contamination risks and poor hygiene practices
- Staff needing training so that they have the knowledge and skills in how to handle food safely
- Concerns that Michael Cook was not suitable to be I Cook Foods nominated Food Safety Supervisor as had demonstrated that he did not have the necessary skills or knowledge to identify or alleviate food safety hazards
- That the Department has discussed with Council the option of closing, and if this was the case production would cease that day. As the decision had not yet been made to close the premises however I needed to be satisfied that the staff know how to clean, sanitise and understand food safety risk.
- Council recommended that I Cook Foods engage a food safety consultant today or tomorrow to conduct a full risk assessment

The actions that I Cook Foods had completed included:

- 3 large pieces of food equipment has been taken out of operation including the meat slicer
- Blades from food equipment that had not been properly cleaned had now been replaced
- Conveyor belt had been removed from the sandwich preparation bench
- The head chef had trained staff on how to correctly wash and clean their hands

During the meeting it was established that:

- I Cook Foods did not have a food safety supervisor that had completed HACCP training, it would be expected for a large manufacturer who was HACCP accredited to be trained in it. Hazard Analysis and Critical Control Point (HACCP) is the process for identifying food safety issues and for putting in place controls to remove those dangers.
- Mr Ben Cook had completed a Bachelor of Business in Hotel Management and Tourism and Commercial Cookery and had completed the food safety supervisor's course
- Mr Michael Cook was the food safety supervisor
- Mr Ben Cook was responsible for updating and maintaining the food safety program
- All food handlers had completed a 2 day theory based food safety course onsite

During the meeting, I received phone calls from [REDACTED], of the DHHS Food Safety Unit, asking for additional information from I Cook Foods for the listeriosis investigation it was undertaking.

An inspection of the premises was conducted and further non-compliances were identified:

- Staff washing vegetables and equipment in the same double bowl sink unit
- No food grade sanitiser at the sink to allow staff to adequately sanitise the sink after use
- hand wash basin obstructed where cooked foods were being minced
- hand wash basin at the sandwich preparation area not operational
- damaged equipment
- a hose sitting in a hand wash basin was used for both filling pans with water for cooking and washing floors
- food processes not segregated from clean up practices allowing ample opportunity for cross contamination to occur

- trays that had been cleaned still with food residue on them
- scullery area overflowing with dirty equipment to be cleaned including a metal tray being used as a makeshift dishwashing sink

I received a phone call from [REDACTED] telling me that the Chief Health Officer was wanting I Cook Foods to cease production immediately and close. I contacted my Manager, [REDACTED] immediately to inform him. I then spoke to Mr Ben Cook and Mr Alex Rosenlis telling them that DHHS had advised me that I Cook Foods was to cease production and close.

At approximately 3pm Officer Garlick and I returned to I Cook Foods premises to meet with Mr Ben Cook, [REDACTED] and [REDACTED]. During the meeting the photographs of that day's inspection were tabled and the poor food safety practices observed were discussed. During the meeting it was established that:

- I Cook Foods did not have a rigorous sampling regime to test foods for listeria and that samples were taken randomly each fortnight
- The company had engaged a food scientist and a leading auditor to attend the site in the coming week to conduct a risk assessment
- I Cook Foods had scheduled a 3<sup>rd</sup> party audit for the following Monday
- I Cook Foods suggested that improvements could be made by having different staff supervising different areas, conducting ad-hoc inspections and to rotate the people who are conducting the inspections

During the meeting, I Cook Foods provided sampling records for 2019 that were later reviewed. The records showed that the foods tested were of cooked meals, not sandwiches. Of those records a sample of 'roast pork' dated 3 January 2019 had tested positive for the presence of Listeria

I then received a phone call from [REDACTED] Senior Manager of Food Safety & Regulation at the DHHS. She informed me that the premises would be closed under the Food Act and that the directions would include I Cook Foods to:

- Validate that the cleaning conducted was effective
- Develop an action plan for listeria management
- Listeria management and monitoring to be built into the Food Safety Program
- Engage a 3<sup>rd</sup> party auditor to undertake a comprehensive review.

I returned to the meeting and relayed this message to I Cook Foods.

The site visit was followed up with discussions between DHHS and me. During these discussions, I was notified that the elderly lady had predominantly consumed sandwiches at Knox Private Hospital and that I Cook Foods food safety program had now been reviewed and was inadequate.

At approximately 10pm, the DHHS issued the Closure Order for I Cook Foods.

On 22 February 2019 at approximately 4am I served the Closure Order on I Cook Foods.

Because this matter related to the presence of Listeria monocytogenes, which had been confirmed, precautionary advice was provided by DHHS to I Cook Foods customers, that food supplied by I Cook Foods should be discarded. When following up this advice, the City of Whitehorse undertook independent sampling and this sampling resulted in positive identification of listeria monocytogenes supplied by I Cook Foods.

To put this in a risk context, post closure, it was discovered that I Cook Foods was distributing around 7,000 meals a week - mostly to the aged and immunocompromised.

The Closure Order was revoked by DHHS on 28 March 2019.