

RECEIVED

MAR 19 2018

KRIS W. KOBACH  
SECRETARY OF STATE

Proposed

**Department of Agriculture, Food Safety and Lodging Program**  
**Notice of Hearing on Proposed**  
**Administrative Regulations, Statewide**

A public hearing will be conducted at 10:00 a.m., Wednesday, May 23, 2018, in the 1<sup>st</sup> floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas 66502, or by e-mail at [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-6-3, K.A.R. 4-28-5 and K.A.R. 4-28-6. The proposed regulations seek to increase application and licensing fees for food establishments and food processing plants and fees for certificates of free sale. Additionally, K.A.R. 4-28-6 adds a new, lower fee category for very low risk food establishments that have few or no food-handling processes and systematic controls in place to further reduce the risk of a food-borne illness outbreak. Food establishment fees have not been raised since 2012. Food processing and food storage fees have not been raised since 2009. Certificate of free sale fees have not been raised since at least 2008.

The Kansas Department of Agriculture's Food Safety and Lodging Program (KDA-FSL) regulates over 15,000 businesses and facilities, including food establishments such as restaurants (13,240), food processors (619), food warehouses (364), school meal programs (1,292), and lodging establishments (857).

In 2017, KDA-FSL conducted 21,854 inspections across the various licensed facilities. Inspection times vary depending on the inspection reason, the risk category of the facility, and the size of the facility. Inspections may last as little as 15 minutes for a follow-up inspection at a small food establishment to more than 8 hours for a complex food processor. The base cost of an inspection visit, independent of the inspection type, is \$146.19.

In order to improve the stakeholder experience by increasing expertise in conducting food processing inspections, KDA-FSL reorganized inspection staff to create a group of four inspectors dedicated to conducting food processing inspections. This reorganization will result in increased travel costs associated with food processing and food warehouse inspections because of increased inspection territory size. The increase in costs will be partially offset by improved inspection efficiencies from these inspectors also conducting the inspections of food establishments operating at the food processors.

The proposed regulations are not required, but are necessary to fund the inspection and licensing duties in the Food Safety and Lodging Program. Specifically, the program is incurring increased costs in employee benefits as well as unfunded statutory obligations such as food

Proposed

transportation crashes and food activities related to temporary events. Increased costs of employee benefits for employees processing Certificates of Free Sale are also being incurred.

The new license fee category was requested by the industry to better reflect a new type of food establishment that has emerged in Kansas in the past two years. The fee was set based on an analysis of risk and projected costs of administration and inspecting at the time of licensing and once every three years thereafter.

The regulation is not mandated by Federal Law.

If adopted, the new regulations will increase revenue at KDA by \$914,813.62.

RECEIVED

MAR 19 2018

KRIS W. KOBACH  
SECRETARY OF STATE

A financial impact will be incurred upon licensed food establishments, food processing facilities, and food storage facilities because of this regulation. The license fee and application fee will increase for all license types. The specific increases for each fee range are:

Fee type	Proposed	Current	Cap	Total Increase	Amount under cap	Percent Increase
Food Establishment <5,000 SQFT RISK 1 (High)	\$250	\$225	\$250	\$25	\$0	11%
Food Establishment <5,000 SQFT RISK 1 (High) APP	\$300	\$225	\$350	\$75	\$50	33%
Food Establishment 5,000 to 10,000 SQFT RISK 1 (High)	\$300	\$295	\$300	\$5	\$0	2%
Food Establishment 5,000 to 10,000 SQFT RISK 1 (High) APP	\$325	\$300	\$350	\$25	\$25	8%
Food Establishment 10,001 to 50,000 SQFT RISK 1 (High)	\$500	\$450	\$500	\$50	\$0	11%
Food Establishment <10,001 to 50,000 SQFT RISK 1 (High) APP	\$350	\$325	\$350	\$25	\$0	8%
Food Establishment >50,000 SQFT RISK 1 (High)	\$750	\$625	\$750	\$125	\$0	20%
Food Establishment >50,000 SQFT RISK 1 (High) APP	\$350	\$350	\$350	\$0	\$0	0%
Food Establishment Any SQFT RISK 2 (Medium)	\$220	\$160	\$250	\$60	\$30	38%
Food Establishment Any SQFT RISK 2 (Medium) APP	\$325	\$200	\$350	\$125	\$25	63%
Food Establishment Any SQFT RISK 3 (Low)	\$190	\$110	\$250	\$80	\$60	73%
Food Establishment Any SQFT RISK 3 (Low) APP	\$275	\$175	\$350	\$100	\$75	57%
Food Establishment Any SQFT RISK 4 (Very Low)	\$75	\$110	\$250	-\$35	\$175	-32%
Food Establishment Any SQFT RISK 4 (Very Low) APP	\$100	\$175	\$350	-\$75	\$250	-43%
Food Processing <1,000 SQFT	\$150	\$80	\$200	\$70	\$50	88%
Food Processing <1,000 SQFT APP	\$175	\$100	\$350	\$75	\$175	75%

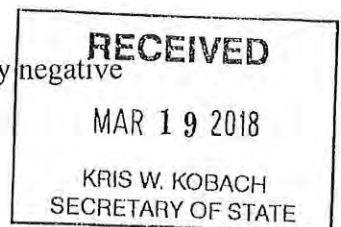
Food Processing 1,000 to 5,000 SQFT	\$200	\$135	\$200	\$65	\$0	48%
Food Processing 1,000 to 5,000 SQFT APP	\$200	\$100	\$350	\$100	\$150	100%
Food Processing 5,001 to 10,000 SQFT	\$275	\$190	\$400	\$85	\$125	45%
Food Processing 5,001 to 10,000 SQFT APP	\$250	\$100	\$350	\$150	\$100	150%
Food Processing 10,001 to 50,000 SQFT	\$325	\$245	\$400	\$80	\$75	33%
Food Processing 10,001 to 50,000 SQFT APP	\$300	\$100	\$350	\$200	\$50	200%
Food Processing > 50,000 SQFT	\$400	\$300	\$400	\$100	\$0	33%
Food Processing > 50,000 SQFT APP	\$350	\$100	\$350	\$250	\$0	250%
Food Storage < 1,000 SQFT	\$160	\$50	\$200	\$110	\$40	220%
Food Storage < 1,000 SQFT APP	\$150	\$100	\$350	\$50	\$200	50%
Food Storage 1,000 to 5,000 SQFT	\$175	\$75	\$200	\$100	\$25	133%
Food Storage 1,000 to 5,000 SQFT APP	\$200	\$100	\$350	\$100	\$150	100%
Food Storage 5,001 to 10,000 SQFT	\$250	\$105	\$400	\$145	\$150	138%
Food Storage 5,001 to 10,000 SQFT APP	\$250	\$100	\$350	\$150	\$100	150%
Food Storage 10,001 to 50,000 SQFT	\$300	\$140	\$400	\$160	\$100	114%
Food Storage 10,001 to 50,000 SQFT APP	\$300	\$100	\$350	\$200	\$50	200%
Food Storage > 50,000 SQFT	\$350	\$180	\$400	\$170	\$50	94%
Food Storage > 50,000 SQFT APP	\$350	\$100	\$350	\$250	\$0	250%
CFS	\$25	\$20	\$25	\$5	\$0	25%

The new category 4 (very low risk) food establishment category will be 32% less each year than the current category 3 (low risk) fee. This new, lower fee license category will maintain the same level of public health protection at a lower fee level that better fits the economic situation of these operations.

Performing fewer inspections was considered but was outweighed by public health concerns and ultimately led to the final decision to increase fees to cover the costs of performing inspections at our current frequencies.

Not adding a new risk category 4 and continuing to license and inspect those establishments under category 3 was considered but without an overriding negative public health impact the industry request was chosen.

Not issuing Certificates of Free Sale was considered but was outweighed by negative impact of preventing access to international markets.

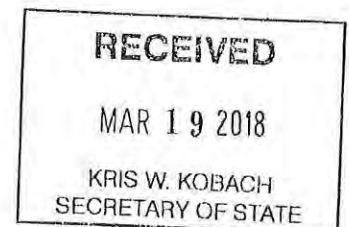


There will be no Environmental Impact based upon these regulations.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-6715 or fax (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan. The entrance to the building is also on the west side and is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's website at [agriculture.ks.gov](http://agriculture.ks.gov). Comments may also be made through our website under the proposed regulation.

Jackie McClaskey  
Secretary  
Kansas Department of Agriculture





**Proposed**

**K.A.R. 4-6-3. Certificate of free sale; fees.** (a) Each person requesting a certificate of free sale shall pay a ~~\$20.00~~ \$25.00 fee for processing and a ~~\$1.00~~ \$3.00 fee for each duplicate certificate.

(b) No additional fee shall be charged if the certificate of free sale is sent by first-class U.S. mail to an address in the continental United States. The person requesting the certificate of free sale shall pay the actual costs for delivery of the certificate in any other manner or to any other address.

(c) Except as specified in subsection (d), all fees and costs shall be due upon issuance of the certificate of free sale.

(d) Issuance of a certificate of free sale may be refused by the secretary until payment of all fees and costs is received.

(e) ~~This regulation shall be effective on and after January 1, 2009.~~ (Authorized by and implementing ~~L. 2008, Ch. 48, §1~~ K.S.A. 2017 Supp. 74-5,100; effective Jan. 1, 2009; amended P-\_\_\_\_\_.)

**RECEIVED**

**MAR 19 2018**

**KRIS W. KOBACH  
SECRETARY OF STATE**

**APPROVED**

**JAN 18 2018**

**DEPT. OF ADMINISTRATION**

**APPROVED**

**JAN 30 2018**

**ATTORNEY GENERAL**

**K.A.R. 4-28-5. Fees; food processing plant.** Each food processing plant shall be licensed by the secretary.

(a) Each person operating or intending to operate a food processing plant shall submit an application on a form supplied by the department with the following fees:

(1) ~~An application fee of \$100; and~~

(2) one of the following pairs of application fees and license fees based on the size and type of the plant, as applicable:

(A) (1) For each food processing plant that only stores food, one of the following fees:

(i) (A) Less than 1,000 square feet: ~~\$50~~ \$150 application fee and \$160 license fee;

(ii) (B) 1,000 square feet through 5,000 square feet: ~~\$75~~ \$200 application fee and \$175  
license fee;

(iii) (C) 5,001 square feet through 10,000 square feet: ~~\$105~~ \$250 application fee and \$250  
license fee;

(iv) (D) 10,001 square feet through 50,000 square feet: ~~\$140~~ \$300 application fee and \$300  
license fee; or

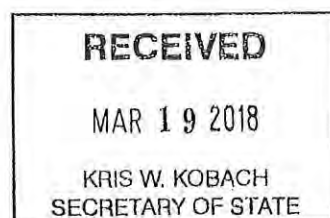
(v) (E) more than 50,000 square feet: ~~\$180~~ \$350 application fee and \$350 license fee; and

(B) (2) for each food processing plant not specified in paragraph (a)(2)(A)(a)(1), one of the following fees:

(i) (A) Less than 1,000 square feet: ~~\$80~~ \$150 application fee and \$175 license fee;

(ii) (B) 1,000 square feet through 5,000 square feet: ~~\$135~~ \$200 application fee and \$200  
license fee;

(iii) (C) 5,001 square feet through 10,000 square feet: ~~\$190~~ \$250 application fee and \$275  
license fee;



APPROVED  
FEB 26 2018  
ATTORNEY GENERAL

APPROVED  
JAN 18 2018  
DEPT. OF ADMINISTRATION

(iv) ~~(D)~~ 10,001 square feet through 50,000 square feet: ~~\$245~~ \$300 application fee and \$325

license fee; or

(v) ~~(E)~~ more than 50,000 square feet: ~~\$300~~ \$350 application fee and \$400 license fee.

(b) For the purpose of this regulation, a facility that only stores food shall include any premises, establishment, building, room, area, facility, or place where food is stored, kept, or held for distribution, whether or not the food is temperature-controlled.

(c) For the purpose of this regulation, “food processing plant” shall not include either of the following:

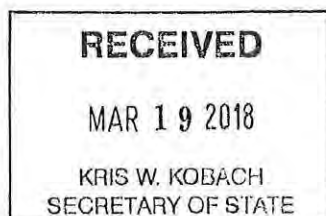
(1) A facility in which fresh fruits and vegetables are harvested and washed, if the fruits and vegetables are not otherwise processed at the facility; or

(2) a storage facility used solely for the storage of grain or other raw agricultural commodities.

(d) Each license issued shall expire on March 31 each year.

(e) Each license shall require annual renewal by the licensee’s submission of an online application for renewal available on the department’s web site, ~~on a form supplied by the department~~, and the payment of the applicable license fee specified in subsection (a).

(Authorized by ~~K.S.A. 2011 Supp. 74-581 and K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; and implementing K.S.A. 2011~~ 2017 Supp. 65-688, ~~as amended by L. 2012, ch. 145, sec. 23; effective Feb. 18, 2005; amended Dec. 5, 2008; amended Feb. 8, 2013; amended P-\_\_\_\_\_.)~~



APPROVED  
FEB 26 2018  
ATTORNEY GENERAL

APPROVED  
FEB 19 2018  
DEPT. OF ADMINISTRATION

**Proposed**

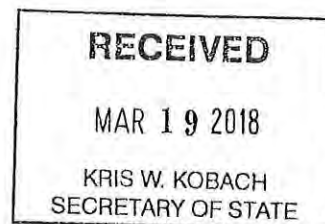
**K.A.R. 4-28-6. Fees; risk levels; food establishment.** (a) Each food establishment required to be licensed shall be assessed by the secretary for classification by risk level according to this regulation. The following classifications shall be used to determine licensing fees and inspection frequency at food establishments:

(1) A "category I facility" shall mean a food establishment that presents a high relative risk of causing food-borne illness based upon the usage of food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category I facility shall include whether the food establishment meets any of the following conditions:

- (A) Cooks, cools, or reheats food that requires time and temperature control for safety;
- (B) uses freezing as a means to achieve parasite destruction;
- (C) handles raw, in-shell molluscan shellfish ingredients;
- (D) uses specialized processing;
- (E) has a required hazard analysis critical control point plan; or
- (F) offers for consumption without further preparation any food containing raw or undercooked eggs, meat, poultry, fish, or shellfish.

(2) A "category II facility" shall mean a food establishment that presents a moderate relative risk of causing food-borne illness based upon the usage of a limited number of food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category II facility shall include whether the food establishment meets any of the following conditions:

- (A) Prepares baked products;



APPROVED

FEB 26 2018

ATTORNEY GENERAL

APPROVED

DEC 05 2017

DEPT. OF ADMINISTRATION



(B) repackages foods from a licensed food processor in smaller quantities for distribution;

(C) heats only foods from a licensed food processor; or

(D) handles, cuts, grinds, or slices only raw animal foods or ready-to-eat meats and cheeses.

(3) A "category III facility" shall mean a food establishment that presents a low relative risk of causing food-borne illness based upon the usage of few or no food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category III facility shall include whether the food establishment meets any of the following conditions:

(A) Offers self-service beverages;

(B) offers prepackaged food and beverages, including those prepackaged foods and beverages that are required to be held at a temperature of 41°F or below for food safety; or

(C) offers unpackaged food that does not require time and temperature control for safety, including mixed drinks.

(4) A "category IV facility" shall mean a food establishment that presents a very low relative risk of causing food-borne illness based upon the usage of few or no food-handling processes associated with food-borne illness outbreaks. The food establishment shall have systematic controls in place to further reduce the risk of a food-borne illness outbreak. Factors considered in classifying a food establishment as a category IV facility shall include whether the food establishment meets the following conditions:

(A)(i) Offers prepackaged food and beverages, including those prepackaged foods and beverages that are required to be held at a temperature of 41°F or below for food safety;

(ii) offers unpackaged food that does not require time and temperature control for safety; or

RECEIVED

MAR 19 2018

KRIS W. KOBACH  
SECRETARY OF STATE

APPROVED

FEB 26 2018

ATTORNEY GENERAL

APPROVED

FEB 21 2018

DEPT. OF ADMINISTRATION

(iii) offers prepackaged food and beverages, including those prepackaged foods and beverages that are required to be held at a temperature of 41°F or below for food safety, and unpackaged food that does not require time and temperature control for safety; and

(B) has the following controls in place in a structure that has limited or controlled access, including an office building with keyed entrances or security guards:

(i) Continuous electronic monitoring of all food items that require temperature control for safety;

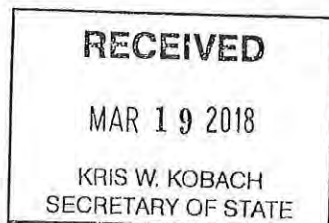
(ii) a means to prevent lawful purchase of a food that has been held outside of the time and temperature combinations specified in the Kansas food code by physical lockout, transaction lockout, or other equivalent method; and

(iii) remote monitoring and recording of video surveillance covering all areas of the food establishment.

(b) Each food establishment with operations in multiple categories shall be placed in the highest risk-level category. A history of a food establishment's noncompliance with applicable statutes and regulations may be considered and may warrant placement of the food establishment in a higher risk-level category. The risk level assigned to a food establishment may be changed if the secretary determines that the change is warranted based upon the degree of risk of a health hazard and protection of the public health and safety.

(c) Each person operating or intending to operate a food establishment shall submit an application on a form prescribed by the secretary with the following fees, as applicable:

(1) Category I facilities.



APPROVED  
FEB 26 2018  
ATTORNEY GENERAL

APPROVED  
FEB 21 2018  
DEPT. OF ADMINISTRATION

(A) Application fee. Each person shall submit a onetime application fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: ~~\$225~~ \$300;
- (ii) 5,000 through 10,000 square feet: ~~\$300~~ \$325;
- (iii) 10,001 through 50,000 square feet: ~~\$325~~ \$350; and
- (iv) more than 50,000 square feet: \$350.

(B) License fee. Each person shall submit a license fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: ~~\$225~~ \$250;
- (ii) 5,000 through 10,000 square feet: ~~\$295~~ \$300;
- (iii) 10,001 through 50,000 square feet: ~~\$450~~ \$500; and
- (iv) more than 50,000 square feet: ~~\$625~~ \$750.

(2) Category II facilities.

(A) Application fee. Each person shall submit a onetime application fee of ~~\$200~~ \$325.

(B) License fee. Each person shall submit a license fee of ~~\$160~~ \$220.

(3) Category III facilities.

(A) Application fee. Each person shall submit a onetime application fee of ~~\$175~~ \$275.

(B) License fee. Each person shall submit a license fee of ~~\$110~~ \$190.

(4) Category IV facilities.

(A) Application fee. Each person shall submit a onetime application fee of \$100.

(B) License fee. Each person shall submit a license fee of \$75.

(d)(1) Each category I facility shall be inspected at least once every 12 months.

RECEIVED

MAR 19 2018

KRIS W. KOBACH  
SECRETARY OF STATE

APPROVED

FEB 26 2018

ATTORNEY GENERAL

APPROVED

FEB 21 2018

DEPT. OF ADMINISTRATION

(2) Each category II facility shall be inspected at least once every 15 months.

(3) Each category III facility shall be inspected at least once every 18 months.

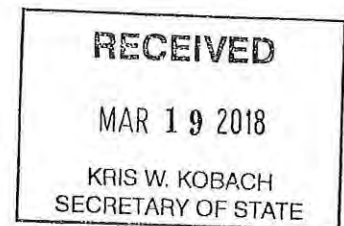
(4) Each category IV facility shall be inspected at least once every 36 months.

(e) Each license shall expire on the first March 31 following the date of issuance.

(f) Each license shall require annual renewal by the licensee's submission of an online application for renewal available on the department's web site, ~~on a form prescribed by the~~ secretary, and payment of the applicable license fee specified in subsection (c).

(g) For the purpose of this regulation, "mixed drink" shall mean any beverage combining two or more liquids, including any combination of alcoholic or nonalcoholic liquids. (Authorized by and implementing K.S.A. 2012 2017 Supp. 65-688; effective Feb. 18, 2005; amended, T-4-6-28-12, July 1, 2012; amended Oct. 26, 2012; amended May 31, 2013; amended P-

\_\_\_\_\_.)



APPROVED

APPROVED

FEB 21 2018

FEB 26 2018

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

**KANSAS DEPARTMENT OF AGRICULTURE  
IMPACT STATEMENT  
Proposed Regulations K.A.R. 4-6-3, K.A.R. 4-28-5 and K.A.R. 4-28-6.  
Food Safety and Lodging**

**I. Summary of Proposed Regulation, Including Its Purpose.**

The proposed regulations seek to increase application and licensing fees for food establishments and food processing plants and fees for certificates of free sale. Additionally, K.A.R. 4-28-6 adds a new, lower fee category for very low risk food establishments that have few or no food-handling processes and systematic controls in place to further reduce the risk of a food-borne illness outbreak. Food establishment fees have not been raised since 2012. Food processing and food storage fees have not been raised since 2009. Certificate of free sale fees have not been raised since at least 2008.

**II. Reason or Reasons the Proposed Regulation Is Required, Including Whether Or Not The Regulation Is Mandated By Federal Law.**

The Kansas Department of Agriculture's Food Safety and Lodging Program (KDA-FSL) regulates over 15,000 businesses and facilities, including food establishments such as restaurants (13,240), food processors (619), food warehouses (364), school meal programs (1,292), and lodging establishments (857).

In 2017, KDA-FSL conducted 21,854 inspections across the various licensed facilities. Inspection times vary depending on the inspection reason, the risk category of the facility, and the size of the facility. Inspections may last as little as 15 minutes for a follow-up inspection at a small food establishment to more than 8 hours for a complex food processor. The base cost of an inspection visit, independent of the inspection type, is \$146.19.

In order to improve the stakeholder experience by increasing expertise in conducting food processing inspections, KDA-FSL reorganized inspection staff to create a group of four inspectors dedicated to conducting food processing inspections. This reorganization will result in increased travel costs associated with food processing and food warehouse inspections because of increased inspection territory size. The increase in costs will be partially offset by improved inspection efficiencies from these inspectors also conducting the inspections of food establishments operating at the food processors.

The proposed regulations are not required, but are necessary to fund the inspection and licensing duties in the Food Safety and Lodging Program. Specifically, the program is incurring increased costs in employee benefits as well as unfunded statutory obligations such as food transportation crashes and food activities related to temporary events. Increased costs of employee benefits for employees processing Certificates of Free Sale are also being incurred.

The new license fee category was requested by the industry to better reflect a new type of food establishment that has emerged in Kansas in the past two years. The fee was set based on an analysis of risk and projected costs of administration and inspecting at the time of licensing and once every three years thereafter.

The regulation is not mandated by Federal Law.





Proposed

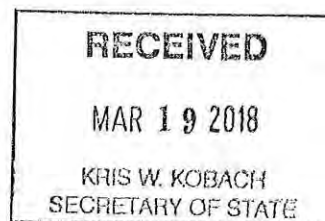
### III. Anticipated Economic Impact Upon the Kansas Department of Agriculture.

If adopted, the new regulations will increase revenue at KDA by \$914,813.62.

### IV. Anticipated Financial Impact Upon Other Governmental Agencies and Upon Private Business Or Individuals.

A financial impact will be incurred upon licensed food establishments, food processing facilities, and food storage facilities because of this regulation. The license fee and application fee will increase for all license types. The specific increases for each fee range are:

Fee type	Proposed	Current	Cap	Total Increase	Amount under cap	Percent Increase
Food Establishment <5,000 SQFT RISK 1 (High)	\$250	\$225	\$250	\$25	\$0	11%
Food Establishment <5,000 SQFT RISK 1 (High) APP	\$300	\$225	\$350	\$75	\$50	33%
Food Establishment 5,000 to 10,000 SQFT RISK 1 (High)	\$300	\$295	\$300	\$5	\$0	2%
Food Establishment 5,000 to 10,000 SQFT RISK 1 (High) APP	\$325	\$300	\$350	\$25	\$25	8%
Food Establishment 10,001 to 50,000 SQFT RISK 1 (High)	\$500	\$450	\$500	\$50	\$0	11%
Food Establishment <10,001 to 50,000 SQFT RISK 1 (High) APP	\$350	\$325	\$350	\$25	\$0	8%
Food Establishment >50,000 SQFT RISK 1 (High)	\$750	\$625	\$750	\$125	\$0	20%
Food Establishment >50,000 SQFT RISK 1 (High) APP	\$350	\$350	\$350	\$0	\$0	0%
Food Establishment Any SQFT RISK 2 (Medium)	\$220	\$160	\$250	\$60	\$30	38%
Food Establishment Any SQFT RISK 2 (Medium) APP	\$325	\$200	\$350	\$125	\$25	63%
Food Establishment Any SQFT RISK 3 (Low)	\$190	\$110	\$250	\$80	\$60	73%
Food Establishment Any SQFT RISK 3 (Low) APP	\$275	\$175	\$350	\$100	\$75	57%
Food Establishment Any SQFT RISK 4 (Very Low)	\$75	\$110	\$250	-\$35	\$175	-32%
Food Establishment Any SQFT RISK 4 (Very Low) APP	\$100	\$175	\$350	-\$75	\$250	-43%
Food Processing <1,000 SQFT	\$150	\$80	\$200	\$70	\$50	88%

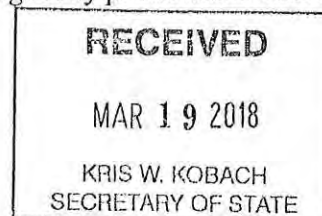


Food Processing <1,000 SQFT APP	\$175	\$100	\$350	\$75	\$175	75%
Food Processing 1,000 to 5,000 SQFT	\$200	\$135	\$200	\$65	\$0	48%
Food Processing 1,000 to 5,000 SQFT APP	\$200	\$100	\$350	\$100	\$150	100%
Food Processing 5,001 to 10,000 SQFT	\$275	\$190	\$400	\$85	\$125	45%
Food Processing 5,001 to 10,000 SQFT APP	\$250	\$100	\$350	\$150	\$100	150%
Food Processing 10,001 to 50,000 SQFT	\$325	\$245	\$400	\$80	\$75	33%
Food Processing 10,001 to 50,000 SQFT APP	\$300	\$100	\$350	\$200	\$50	200%
Food Processing > 50,000 SQFT	\$400	\$300	\$400	\$100	\$0	33%
Food Processing > 50,000 SQFT APP	\$350	\$100	\$350	\$250	\$0	250%
Food Storage < 1,000 SQFT	\$160	\$50	\$200	\$110	\$40	220%
Food Storage < 1,000 SQFT APP	\$150	\$100	\$350	\$50	\$200	50%
Food Storage 1,000 to 5,000 SQFT	\$175	\$75	\$200	\$100	\$25	133%
Food Storage 1,000 to 5,000 SQFT APP	\$200	\$100	\$350	\$100	\$150	100%
Food Storage 5,001 to 10,000 SQFT	\$250	\$105	\$400	\$145	\$150	138%
Food Storage 5,001 to 10,000 SQFT APP	\$250	\$100	\$350	\$150	\$100	150%
Food Storage 10,001 to 50,000 SQFT	\$300	\$140	\$400	\$160	\$100	114%
Food Storage 10,001 to 50,000 SQFT APP	\$300	\$100	\$350	\$200	\$50	200%
Food Storage > 50,000 SQFT	\$350	\$180	\$400	\$170	\$50	94%
Food Storage > 50,000 SQFT APP	\$350	\$100	\$350	\$250	\$0	250%
CFS	\$25	\$20	\$25	\$5	\$0	25%

The new category 4 (very low risk) food establishment category will be 32% less each year than the current category 3 (low risk) fee. This new, lower fee license category will maintain the same level of public health protection at a lower fee level that better fits the economic situation of these operations.

**V. Less Costly or Intrusive Methods That Were Considered, But Rejected, And The Reason For Rejection.**

Performing fewer inspections was considered but was outweighed by public health concerns and



ultimately led to the final decision to increase fees to cover the costs of performing inspections at our current frequencies.

Not adding a new risk category 4 and continuing to license and inspect those establishments under category 3 was considered but without an overriding negative public health impact the industry request was chosen.

Not issuing Certificates of Free Sale was considered but was outweighed by negative impact of preventing access to international markets.

#### **VI. Environmental Impact**

There will be no Environmental Impact based upon these regulations.

