



Colorado Director's of Environmental Health

April 11, 2025

Attn: Senator Cathy Kipp, Chair
Colorado Senate Finance Committee

Dear Ms. Kipp:

The Colorado Directors of Environmental Health (CDEH) would like to take the opportunity to comment on SB 25-285, revisions to the Food Protection Act, to be heard at the Senate Finance Committee on April 15, 2025. The mission of CDEH is to consistently enhance environmental health programs statewide; and influence policies and regulations that result in the enhancement of environmental health conditions in Colorado. One of the biggest roles of environmental health agencies is to minimize the risk of foodborne illness and to investigate and control foodborne illness outbreaks when they occur.

CDEH supports updating the Food Protection Act as proposed for the following reasons to protect public health:

- Food safety inspections of retail food establishments are critical for preventing foodborne illness
- Currently, fees charged to the establishments only fund 40% of the workload, resulting in growing inspection backlogs
- The bill revisions were developed in partnership with the retail food industry and county governments, with the agreed upon intent to adjust retail food fees to meet modern needs.
- The proposed changes empower local public health agencies to prioritize proactive inspections and educational efforts over enforcement actions and reactive responses to complaints and outbreaks. This strategic shift enhances consumer confidence and safeguards the local food industry by emphasizing preventative measures, which have proven to be more effective and cost-efficient in the long term.
- CDEH would also like to acknowledge the significant stakeholder engagement throughout this process, which has resulted in a well-considered and supported proposal.
- This proposed fee increase over the next three years is a balanced approach, with both retail food establishments and local governments funding the program.
- The reorganization of the fee structures and definitions clarifies what has previously been a point of confusion for stakeholders.

On behalf of the Colorado Directors of Environmental Health, we appreciate this opportunity to support SB25-285 as the additional funding will support critical food safety services that

protect consumers across Colorado, help businesses comply with state and federal law, and avoid the risk of closures and loss of customers. Should you have questions, please do not hesitate to contact me via phone at (970) 665-6373 or email at jwhitcomb@garfieldcountyco.gov.

Respectfully,

A handwritten signature in black ink that reads "Jannette Whitcomb". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jannette Whitcomb, REHS

President of the Colorado Director's of Environmental Health

CC: Jeff Lawrence, CDPHE DEHS

Senate Finance

04/15/2025 02:00 PM

SB25-285 Updating Food Establishment Inspection Fees

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Jeany Rush Against themselves	<p>TO: SENATE FINANCE COMMITTEE</p> <p>RE: SB25-285 UPDATING FOOD ESTABLISHMENT INSPECTION FEES</p> <p>SPONSOR: ROBERTS, LUKENS</p> <p>FROM: JEANY RUSH, COLORADO SPRINGS CONSTITUENT</p> <p>VOTE: NO 4-15-25</p> <p>Here we are asking to update fee schedules annually on retail food establishments! Food establishments have a very high rate of cost of goods. Further, they also have a high rate of failure. When you add crime, street thugs encouraged to stay in cities like Denver, and add illegal migrants, well you have quite a recipe for an "UPSET STOMACH" rather than success.</p> <p>Now lets suppose we take all of you, measure your square footage of space taken up, measure your potential methane exposure, and then give you a fee for what potential harm you might make; which by the way, in the real world of science, and real emissions truths, is nothing.</p> <p>Now, lets whip that horse to death, with more and more definitions for FREE Enterprise establishments, barely making it in our over-extended tax world, fee world (fees are just another word for taxes), and levy them on everyone that breathes! Now lets increase these fees every year even more, because well, we figure the real workers of the world don't need to own anything, and well they could just feed us "BUGS " as Klaus Schwab of the World Economic Forum wants to feed us and has said so publicly. WOW, have we really gone this far off the rails of sanity? Do you all really want any businesses left in Colorado, or do you just want Brother State to run it all?</p> <p>You have heard of the song "Take this Job and Shove It" and think about what you are doing with yours. The amount of waste, extra management, and outright unnecessary paperwork, computer management, government workers, and others you create with your over 650 bills is enough to fill the trash heaps of America! It is time for you all to be nice Boys and Girls, and go home, and play some "Corn Hole" or "Baseball" or something, and leave us all alone. We do not need this endless "NANNY STATE" you are creating. Worse, the small and medium business cannot sustain this much Assault! ENOUGH!</p>

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SUPPORT SB25-285



COLORADO
Department of Public
Health & Environment

Updating Food Establishment Inspection Fees

Sponsors: Senator Roberts and Representatives Lukens and Soper

PURPOSE

Food safety inspections of retail food establishments are critical for preventing foodborne illness. Yet, fees charged to the establishments only fund 40% of the workload and inspection backlogs are growing. This proposal, developed in partnership with the retail food industry and county governments, would adjust retail food fees to meet modern needs.

BACKGROUND

The Colorado Department of Public Health and Environment's Retail Food Program provides food safety education and oversight to restaurants, grocery stores, convenience stores, catering operations, food trucks, and push-carts in Colorado to prevent foodborne illness. The program is carried out by both CDPHE and local public health agencies. Most counties license and inspect in their jurisdictions, while the department performs these functions in Clear Creek, Dolores, Moffat, Ouray, Park, Pitkin (except Aspen), Rio Blanco, and San Juan. State and local regulatory functions are funded by fees paid by food establishments, with current fees ranging from \$170 to \$715 based on business type.

The retail food program is currently only funded to approximately 40% of need. Without adequate fee revenue, state and county general funds must subsidize the costs, reducing funding for other critical public health programs. Additionally, inspections become backlogged. There are 24,210 retail food establishments in Colorado, which require food safety inspections each year. Currently, every Colorado county has some magnitude of inspection backlog. Statewide, over 4,800 retail food inspections are past due, at an average of 173 days beyond the inspection deadline.

The delay in food safety education provided during inspections increases the likelihood of retail food operators engaging in unsafe practices like improper food storage, undercooking food, or improper handwashing. In addition to increased food safety violations, the lack of technical assistance can also result in business closures. The regulation of food safety prevents illness and avoids negative economic impacts due to industry disruption. Foodborne illnesses cost the U.S. over \$50 billion annually and preventing a single fatal case of *E. coli* O157 could save an estimated \$7 million.

SOLUTION

Section 25-4-1607.5, C.R.S. requires CDPHE to convene stakeholders every three years to review the Retail Food Program, including adjustments to retail food establishment license fees and the retail food inspection process. The most recent triennial review concluded in November 2024, with unanimous support from stakeholders for a compromise proposal to increase license fees over a three-year period: 25% in 2026, 20% in 2027, and 20% in 2028. This increase is a balanced approach, with both retail food establishments and county governments funding the program. The additional funding from SB25-285 will support critical food safety services that protect consumers across Colorado, help businesses comply with state and federal law, and avoid the risk of closures and loss of customers.

