

FEES FOR RETAIL FOOD ESTABLISHMENTS:  
NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation (DEC), Division of Environmental Health (EH), proposes to adopt regulation changes in 18 AAC 31 (Alaska Food Code) of the Alaska Administrative Code, dealing with fees for retail food establishments, including the following:

- (1) Amend 18 AAC 31.050(a) to increase the amount of annual permit fees for each separate type of food establishment.
- (2) Amend 18 AAC 31.050(c) to increase the amount of plan review fees for each separate type of food establishment.
- (3) Amend 18 AAC 31.050(d) to eliminate the discount for plan review fees for three or more operations within a single establishment.
- (4) Amend 18 AAC 31.050(e) to eliminate the discount for annual permit fees for a facility that serves food and includes a beverage-dispensing portion of a bar or tavern that are located within the same establishment.
- (5) Amend 18 AAC 31.050(f) to eliminate the discount for annual permit fees for facilities that only sell hot beverages, nonpotentially hazardous beverages, and prepackaged, nonpotentially hazardous food.
- (6) Amend 18 AAC 31.050(i) to eliminate the discount for annual permit fees when there is a change in operator.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Christina Carpenter, Director, Division of Environmental Health, at 555 Cordova Street, Anchorage, AK 99501. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 269-7510 and by electronic mail at [DEC.EHfeeregulations@alaska.gov](mailto:DEC.EHfeeregulations@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on Friday, August 26, 2016.

You may submit written questions relevant to the proposed action to Christina Carpenter, Division Director, by email at [DEC.EHfeeregulations@alaska.gov](mailto:DEC.EHfeeregulations@alaska.gov) or at 555 Cordova Street, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at [www.dec.alaska.gov/eh/fss/index.htm](http://www.dec.alaska.gov/eh/fss/index.htm).

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at [natalie.wolfe@alaska.gov](mailto:natalie.wolfe@alaska.gov) or (907) 269-0291 not

later than Friday, August 12, 2016 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Dorothy Melambianakis, Program Coordinator, by email at [dorothy.melambianakis@alaska.gov](mailto:dorothy.melambianakis@alaska.gov) or by phone at (907) 269-6066.

After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 17.20.005; AS 44.46.020; AS 44.46.025; AS 17.20.180

**Statutes being implemented, interpreted, or made specific:** AS 44.46.025

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date:

July 21<sup>st</sup> 2016



Larry Hartig  
Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Fees for Retail Food Establishments
3. Citation of regulation (may be grouped): 18 AAC 31
4. Department of Law file number, if any: JU2015200976
  
5. Reason for the proposed action:
  - ( ) Compliance with federal law or action (identify): \_\_\_\_\_
  - ( ) Compliance with new or changed state statute
  - ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
  - ( ) Development of program standards
  - (x) Other (identify): Align program receipts with actual program costs.
  
6. Appropriation/Allocation: Environmental Health/Food Safety and Sanitation Program
  
7. Estimated annual cost to comply with the proposed action: The Department of Environmental Conservation, Division of Environmental Health, Food Safety and Sanitation program's fees for retail food establishments are being increased to cover the direct costs of permitting, technical assistance, inspections, compliance enforcement, and plan review activities. Affected parties should review the proposed regulation revisions to find the relevant permit fee/s pertaining to their food establishment operation/s.
  - a.) A private person: Persons that operate retail food establishments, including food services, markets, and food processors, will be affected. Retail food establishments will experience a cost increase for each permit renewal ranging from \$25-\$155 depending on the type of permit (average increase is \$76 per year per permit). For new retail food establishments, and those with significant changes to their operations, there is also an increase in plan review fees ranging from \$15-\$430 depending on the type of operation (average increase is \$190 per plan review). Additional costs will also be imposed on establishments that currently receive discounts set forth in 18 AAC 31.050(d), 18 AAC 31.050(e), 18 AAC 31.050(f), and 18 AAC 31.050(i), as these discounts are proposed to be repealed.
  - b.) Another state agency: Limited cost impact. There will be additional costs to state agencies that pay annual permit fees for contracted food establishment services, including: Dept. of Corrections, Dept. of Transportation and Public Facilities (Alaska Marine Highway System), Alaska Railroad Corporation, Dept. of Health and Social Services, Dept. of Labor and Workforce Development, Dept. of Natural Resources, and

the Alaska Legislature. The increase for annual permit renewal fees for state agencies range from \$40-\$105 per permit depending on the type of permit.

c.) A municipality: Limited cost impacts. Municipalities and local governments that purchase permits for retail food establishments will be affected. See part a.) above for the range of potential fee increases.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

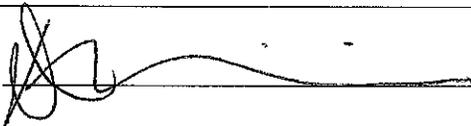
	Initial Year FY 2017	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Christina Carpenter  
Title: Division Director  
Address: 555 Cordova Street, Anchorage, AK 99501  
Telephone: (907) 269-7501  
E-mail address: christina.carptenter@alaska.gov

10. The origin of the proposed action:

Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
 Other (identify): \_\_\_\_\_

11. Date: 7/21/16 Prepared by: 

Name: Dorothy Melambianakis  
Title: Program Coordinator II  
Telephone: (907) 269-6066