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**PURPOSE:** Pursuant to [6 CCR 1010-21](#), CDPHE requires that anyone “holding” a product AND wholesaling to another retail food establishment hold a state-issued manufactured food (MF) license, and anyone that stores, prepares, or packages food for human consumption hold a retail food (RF) license. This enables oversight for assessing risk, traceability, and ensuring that inspections are done at regular intervals.

**POLICY:** This policy and procedure for Delta County Health Department (DCHD) applies in such circumstances where the posed risk is low and the oversight obligation is met through a combination of either USDA/MF inspections or USDA/RF inspections; DCHD will not *require* both types of licenses for the same operator. The intention of this policy is to prevent redundancies in regulatory oversight where food safety inspection mechanisms are conducted by multiple parties.

**PROCEDURE:**

- Licensing in Delta County will exclude ranches that hold an MF license from RF licensing provided that the product is processed in a USDA inspected facility and kept frozen until private sale to other businesses. *Due to the low risk, traceability, and inspection by state MF staff*, no additional licensing will be required for the RF portion of sales in Delta County<sup>1</sup>. They will need MF licensing, NOT BOTH.
- Where the ranch doesn't hold a MF license and sells retail directly to customers in Delta County, they will need to then obtain a RF license. This will ensure that benchmarks for *food safety, traceability, and RF inspections* are met prior to sale to the public.
- Ranches that opt for MF licensing that meet these criteria will be refunded their RF fee (if fee was already paid), minus the \$43 portion of the fee already paid to the State of CO. A letter to ranches explaining this policy and how to get a MF license will be available on our Food Safety page on DCHD's website:  
<https://www.deltacountyco.gov/786/RestaurantRetail-Food-Licensing>.
- DCHD will continue to notify and inspect for foodborne illness "complaints" when someone suspects they were ill from a product provided by an establishment, as is public health's responsibility, and as requested by and in coordination with CDPHE's MF & RF programs.

As stated in CDPHE's *Interpretive Memo #19-01 Licensing Requirements*:

*Local public health agencies have licensing discretion authority over operations that meet the definition of a retail food establishment as long as such decisions are justified based on the risk of the operation and the resources of the agency.*

**ASSOCIATED REFERENCES/DOCUMENTATION:**

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<sup>1</sup> Ranches making retail sales of product outside the county are not covered by this policy and may be requested to purchase an RF license by said county (i.e. making sales to individuals in Gunnison County.)

- 21 CFR Sec. 117.95 Holding and distribution of human food by-products for use as animal food, US Food and Drug Administration (FDA);  
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=117.95>
- 6 CCR 1010-2 COLORADO RETAIL FOOD ESTABLISHMENT RULES AND REGULATIONS;  
<https://drive.google.com/file/d/18-uo0wlxj9xvOoT6Ai4x6ZMYliuu2v1G/view>
- 6 CCR 1010-21, adopted by the Board of Health on February 17, 2021; effective April 14, 2021. <https://drive.google.com/file/d/15kEVNcFFdP07OFaalZ8D5OG4KEStUxce/view>
- Colorado Retail Food Establishment Rules and Regulations, January 1, 2019 INTERPRETIVE MEMO NO.: 19-01, Licensing Requirements;  
<https://drive.google.com/file/d/1YEIVeRI9VTew89dg3wsLdxcen-eeMcTA/view?usp=sharing>

#### REFERENCES/LEGAL AUTHORITY:

- [25-4-1601 C.R.S.](#) provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*.
- [25-5-426 C.R.S.](#) Wholesale food manufacturing and storage - definitions - legislative declaration, registration, fees, cash fund, rules