

**COTTAGE FOOD OPERATIONS
REQUIREMENTS
FOR
GETTING STARTED**



EFFECTIVE January 1, 2013

PROVIDED BY

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**COTTAGE FOOD OPERATIONS
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COTTAGE FOOD OPERATIONS INTRODUCTION

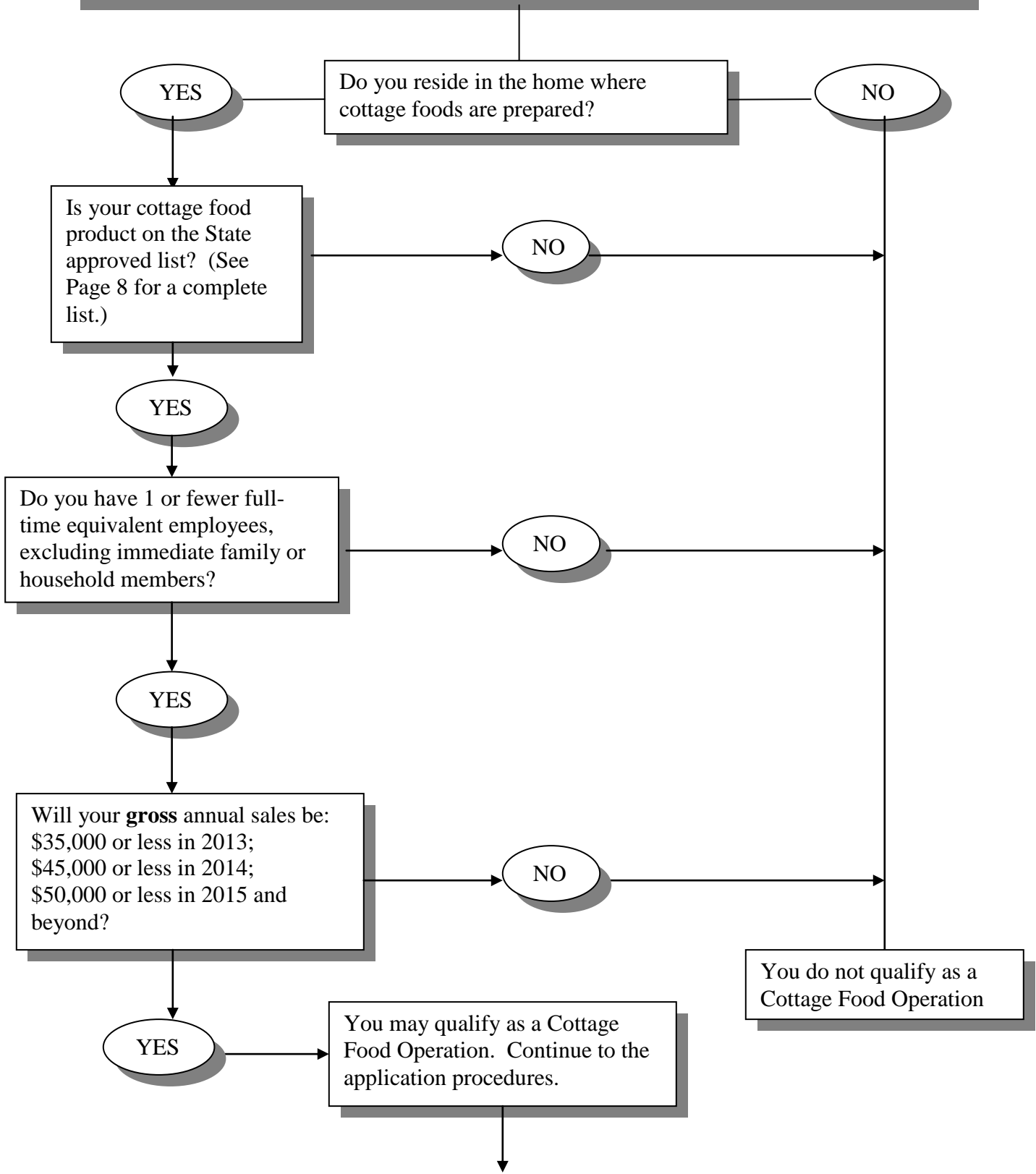
Retail food facilities in California are regulated by the California Retail Food Code (CalCode) which prescribes both structural and operational requirements. In the past, food items produced in a private home were not considered from an ‘approved source’ and, therefore, excluded from retail sales. Assembly Bill 1616-Cottage Food Operations (CFO Law) removes this exclusion for certain non-potentially hazardous foods prepared in a private home and classifies those foods as an approved source. The CFO Law becomes effective as of January 1, 2013.

Several arguments prompted the introduction of the CFO Law including the growing movement in California to support community-based food production and provide more local healthy food choices. The CFO Law also creates an opportunity for local entrepreneurs to develop microenterprises. The overall intent is to decrease regulatory barriers, while still maintaining food safety, and connect food to local communities, small businesses and environmental sustainability.

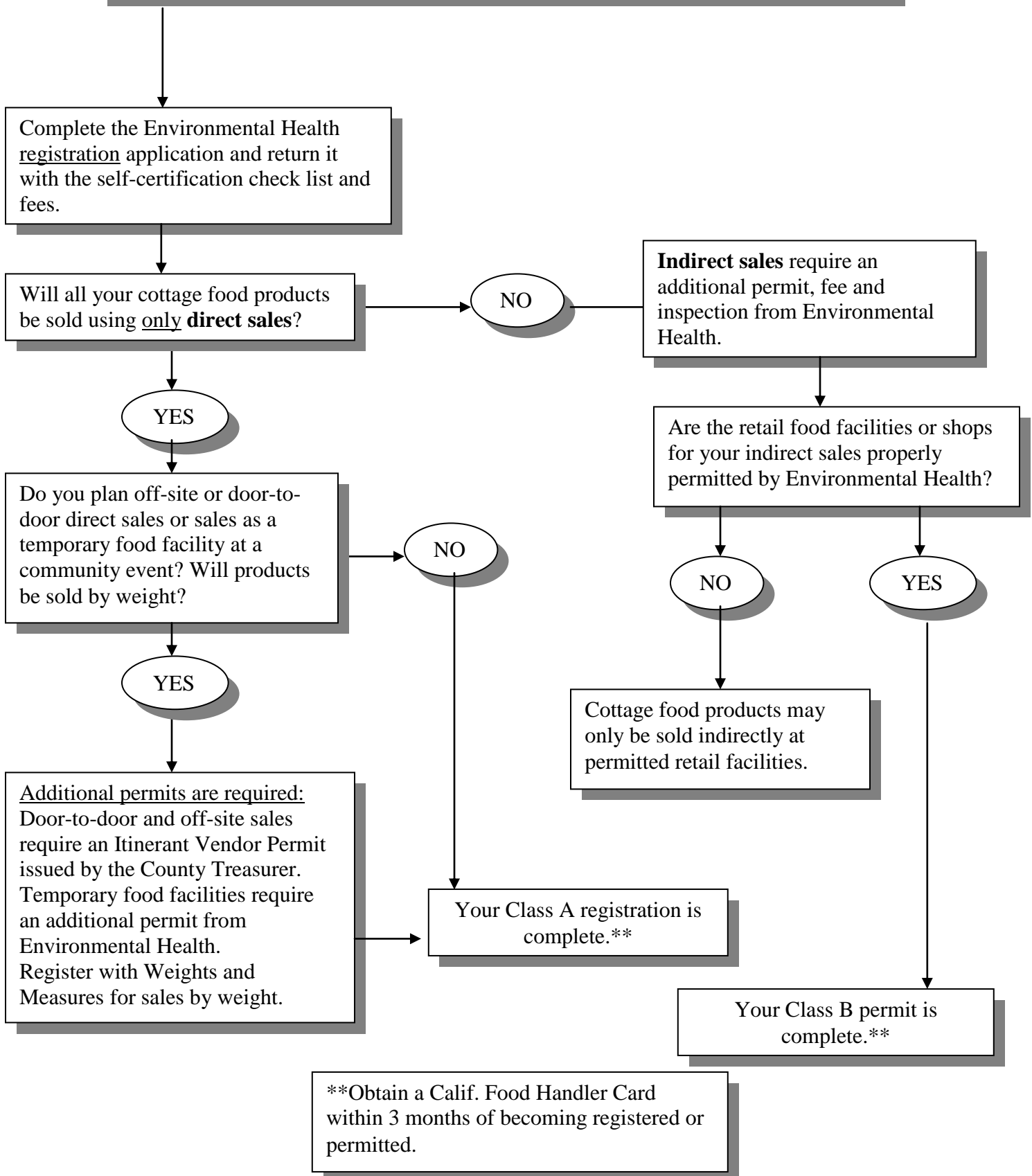
Even though the law does not require the use of commercial equipment it does require a level of sanitization and accountability beyond what is normally satisfactory in a home kitchen. This booklet outlines the permit process along with structural and operational requirements for start-up and management of a Cottage Food Operation under this new law.

All Cottage Food Operations will be required to obtain a “Class A” registration which allows direct sales of cottage food products. If products are to be sold through indirect sales, then a “Class B” permit is required in addition to the “Class A” registration.

DO YOU QUALIFY AS A COTTAGE FOOD OPERATION?



REGISTRATION AND PERMIT REQUIREMENTS



DEFINITIONS

**These definitions are from the California Retail Food Code
(Cal Code) Effective July 1, 2007
And AB 1616-Cottage Food Operations Law
Effective January 1, 2013**

1. **COTTAGE FOOD OPERATION:**

“Cottage Food Operation” means an enterprise that has not more than the amount in gross annual sales that is specified in this subdivision, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect or direct and indirect sale to consumers.

2. **PRIVATE HOME:**

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside.

3. **DIRECT SALES:**

“Direct sales” means sales where the consumer purchases the cottage food product directly from the cottage food operator. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

4. **INDIRECT SALES:**

“Indirect sales” means sales where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer (such as a grocery store or restaurant) that holds a valid permit. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

5. **CLASS A:**

A “Class A” cottage food operation may only engage in the direct sales of cottage food products.

6. **CLASS B:**

A “Class B” cottage food operation may engage in both direct and indirect sales of cottage food products.



7. **REGISTERED OR PERMITTED AREA:**

“Registered or permitted area” means the portion of a private home that contains the private home’s kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

8. **COTTAGE FOOD OPERATOR:**

“Cottage food operator” means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

9. **COTTAGE FOOD PRODUCTS:**

“Cottage food products” means non-potentially hazardous foods shown on the State approved food products list (full list on Page 8) and that are prepared for sale in the kitchen of a cottage food operation.

10. **COTTAGE FOOD EMPLOYEE:**

“Cottage food employee” means an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

11. **TEMPORARY FOOD FACILITY:**

A “temporary food facility” means a food facility permitted by Environmental Health that operates at a fixed location for the duration of a community event.

12. **COMMUNITY EVENT:**

“Community event” means an event that is of civic, political, public, or educational in nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by Environmental Health.



REGISTRATION, PERMITS AND INSPECTIONS

A. “CLASS A” REGISTRATION (Direct Sales Only):

- A “Class A” registration is required for **all** cottage food operations.
- A “Class A” registration is limited to the direct sale of cottage food products within Plumas County.
- Submit a completed application (on Page 15) and fee to Plumas County Environmental Health.
- Complete the self-certification check-list (on Page 17) and submit with your application.
- Within three months of obtaining your registration, obtain a California Food Handler Card. Anyone preparing or packaging cottage food must obtain a card.
- No initial or routine inspections of the cottage food operation are required prior to obtaining a “Class A” registration.
- Inspections, however, can be made on the basis of a consumer complaint of adulterated or unsafe food or a violation of the Cottage Food Operations regulations. Access for inspection is limited to the registered area of the Cottage Food Operation being used for food preparation and storage.
- A fee may be assessed if the cottage food operation is found to be in violation.

B. “CLASS B” PERMIT (Additional requirements for indirect sales):

- A “Class B” permit is required for the indirect sales of cottage food products within Plumas County.
- There is a “Class B” permit fee in addition to the “Class A” registration requirements.
- An initial inspection of the cottage food operation is required prior to obtaining a “Class B” permit. A maximum of one (1) routine inspection will be performed annually.
- Additional inspections can be made on the basis of a consumer complaint of adulterated or unsafe food or a violation of the Cottage Food Operations regulations. Access for inspection is limited to the registered area of the Cottage Food Operation being used for food preparation and storage.
- A fee may be assessed if the cottage food operation is found to be in violation.
- For indirect sales outside of Plumas County, contact those county environmental health departments directly.

C. GENERAL INFORMATION:

- The registration and/or permit are nontransferable.
- The registration and/or permit shall be valid only for the person, location, type of food sales, and distribution activity specified on the registration or permit.
- Registrations and permits are generally valid for one year.
- An annual fee is required for renewal.

D. OTHER REQUIRED PERMITS:

- An Itinerant Vendor Permit is required for any direct door-to-door sales. Contact the Plumas County Treasurer’s Offices at 283-6260 for more information. A permit application is also online at <http://plumascounty.us> .
- A Temporary Food Facility Permit is required for sales of cottage food products at a community event. Contact Plumas County Environmental Health at 530-283-6355 for more information. A permit application is also online at <http://plumascounty.us>.
- Registration with Weights and Measures is required for product sales by weight. Contact the Agriculture Commissioner offices at 283-6365.

COTTAGE FOOD STRUCTURAL REQUIREMENTS

A. KITCHEN/STORAGE CONSTRUCTION:

- All food contact surfaces should be smooth, non-absorbent and easily cleanable.
- Food products, ingredients and equipment may be stored in attached rooms within the home. These rooms must be used exclusively for storage.
- The kitchen or storage room should be free of vermin. Tight fitting doors and screened windows will minimize the entrance of insects, animals, birds and vermin.
- No sleeping quarters are allowed in the food preparation or storage areas.

B. WATER AND WASTE WATER:

- Hot water must be at least 110°F.
- Potable water must be used for all aspects of the food operation including the washing and sanitizing of equipment, hand washing and water as an ingredient.
- If your water is from a permitted public water system, no water testing is required.
- If your water supply is **not** from a public water system, additional testing may be required. Contact Environmental Health for additional information.
- Liquid waste must be disposed of into an approved sewage disposal system.

C. GARBAGE

- Garbage and refuse must be stored in leak proof and insect proof containers with tight-fitting lids and removed for disposal a minimum of once per week.

OPERATIONAL REQUIREMENTS

A. GENERAL FOOD SOURCE AND STORAGE:

- All food ingredients must be from an approved source and prepared in the registered or permitted home kitchen.
- All food and food contact items are stored in a manner to prevent contamination (such as a minimum of 6 inches off the floor and covered containers).
- All personal belongings and non-food items (such as chemical cleaners) are stored away from food and food contact surfaces.

B. HAND WASHING:

- Thoroughly washing hands is one of the most important actions to ensure safe food handling. Wash hands before starting food preparation, after using the toilet, coughing, smoking, sneezing and eating or drinking.
- Wash hands vigorously using warm water (100°F) and a pump liquid hand soap. Dry hands with single-use paper towels. Multi-use cloth towels can spread germs and should be avoided.
- Use of hand sanitizers cannot be substituted for approved hand washing.
- The use of gloves is encouraged to prevent bare hand contact of food. Gloves must be single use and approved for food handling. Hands must still be washed before using gloves.

C. FOOD HANDLING AND PREPARATION:

- Cottage food operations may only take place in the **private** kitchen of the cottage food operator. Community kitchens or kitchens such as at a church or private club would not qualify as a cottage food operation.
- Demonstrate adequate knowledge of food safety as it pertains to the specific food operation. This includes obtaining a California Food Handler Card within 3 months of obtaining your registration or permit.
- During the preparation of cottage foods:
 - ✓ Pets, infants and small children are excluded from the kitchen.
 - ✓ Other domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment are not allowed.
 - ✓ Smoking is prohibited.
 - ✓ Persons with a contagious illness shall be excluded from the permitted areas of the cottage food operation.
- Clean and sanitize food preparation surfaces and equipment before each use to prevent cross-contamination. (See Equipment and Utensil Washing)
- Hand washing should occur at regular intervals.
- Jams, jellies, preserves and fruit butter must comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.

D. EQUIPMENT AND UTENSIL WASHING:

- Cleaning and sanitizing equipment and utensils is a four step process: warm water wash, clear water rinse, sanitizing rinse and air dry.
- Water shall have a minimum temperature 100°F for utensil washing.
- Sink compartments should be large enough to accommodate the largest pot or utensil used in the food operation
- A sanitizing rinse can be easily prepared by using 1 tablespoon of unscented, bleach for every gallon of water. The chlorine concentration should be between 50 and 100 ppm and can be confirmed with easy-to-use test strips.

E. LABELING AND SALES:

- Cottage food products shall be labeled in compliance with the Federal Food, Drug, and Cosmetic Act. Please refer to the CCDEH guide on page 13.
- Cottage food products that are sold indirectly through a retail food facility must be identified to the customer as homemade on the menu, menu board or other location that would reasonably inform a consumer of its homemade status.
- The retail food facility must have a valid permit to operate from Plumas County Environmental Health for indirect sales of cottage food products.

CCDEH PRODUCT LABELING GUIDELINES:

For a detailed description, see the California Department of Public Health document “[Labeling Requirements for Cottage Food Products](#)” at www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx . All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.) The label must include:

- The words “Made in a Home Kitchen” in 12-point type
- The name commonly used to describe the food product
- The name city, state and zip code of the cottage food operation which produced the cottage food product. If the firm is not listed in the current telephone directory then a street address must also be declared. (A contact phone number or email address is optional but may be helpful for consumers to contact your business.
- The registration or permit number of the cottage food operation which produced the cottage food product and in the case of “Class B” CFOs, the name of the county where the permit was issued.
- The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The net quantity (count, weight, or volume) of the food product. It must be stated in both English (pound) units and metric units (grams).
- A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.
- If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrition Facts” statement on the information panel.
 - The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific requirements have been established for the use of these terms. Please refer to the [Cottage Food Labeling Guideline](#) for more details.
 - A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Please refer to the [Cottage Food Labeling Guideline](#) for more details.
- Labels must be legible and in English (accurately translated information in another language may accompany it).
- Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.

EXAMPLE

<p>MADE IN A HOME KITCHEN Permit #: 12345 Issued in county: County name</p> <p>Chocolate Chip Cookies With Walnuts Sally Baker 123 Cottage Food Lane Anywhere, CA 90XXX</p> <p>Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.</p> <p>Contains: Wheat, eggs, milk, soy, walnuts</p> <p>Net Wt. 3 oz. (85.049g)</p>
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Note: For the “Issued in County” Identify the jurisdiction (city/county) where you are obtaining approval.

State Approved List of Non-Potentially Hazardous Cottage Foods (January 2, 2015)

1. Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
2. Candy, such as brittle and toffee.
3. Chocolate-covered nonperishable foods, such as nuts and dried fruits.
4. Dried fruit.
5. Dried pasta.
6. Dry baking mixes.
7. Fruit pies, fruit empanadas, and fruit tamales.
8. Granola, cereals, and trail mixes.
9. Herb blends and dried mole paste.
10. Honey and sweet sorghum syrup.
11. Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations. * See Below
12. Nut mixes and nut butters.
13. Popcorn.
14. Vinegar and mustard.
15. Roasted coffee and dried tea.
16. Waffle cones and pizelles.
17. Cotton candy.
18. Candied apples.
19. Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof.
20. Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese.
21. Dried or Dehydrated vegetables.
22. Dried vegetarian-based soup mixes.
23. Vegetable and potato chips.
24. Ground chocolate.
25. Seasoning salt.
26. Flat icing.
27. Marshmallows that do not contain eggs.
28. Popcorn balls.



PROHIBITED FOODS:

Foods containing cream, custard, or meat fillings are potentially hazardous and are not allowed. Potentially hazardous foods also include those foods that require refrigeration to keep them safe from bacterial growth that could be a cause of food-borne illness.

COTTAGE FOOD OPERATIONS ADDITIONAL RESOURCES

The Plumas County Environmental Health website has additional information and links at <http://plumascounty.us> :

- Questions and Answers about the Cottage Food Operation Law
- Cottage Food Operations-Requirements for Getting Started (this booklet)
- Cottage Food Operations Registration/Permit Application
- Cottage Food Operator Training
- California Retail Food Code (CalCode)
- Cottage Food Operations Law (AB 1616)
- California Department of Public Health
- Code of Federal Regulations (CFR) Title 21 Part 150 (related to jams, jellies, preserves and fruit butters)
- Temporary Food Facility-Structural and Operational Requirements



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COTTAGE FOOD OPERATIONS (CFO) SELF-CERTIFICATION CHECKLIST

NAME OF CFO: _____ DATE _____

OWNER NAME: _____ PHONE () _____

CFO PHYSICAL ADDRESS _____

CFO MAILING ADDRESS _____

EMAIL ADDRESS _____

The following requirements are outlined in the Cottage Food Operations (CFO) regulations and are provided as minimum standards of health and safety for the preparation of approved cottage foods in the home.

Facility Requirements

- The CFO is located in a private dwelling where the CFO operator currently resides. Yes No
- CFO food preparation will take place in the private kitchen within that home. Yes No
- Additional storage used for the CFO will be within the home. Yes No
- If YES, is the room used exclusively for storage? Yes No
- Sleeping quarters are excluded from areas used for CFO food preparation or storage. Yes No

Employee and Training Requirements

- Have all persons preparing or packaging CFO products completed the CDPH approved training? Yes No
- If YES, copies of certificates are attached? Yes No
- If NO, complete course within 3 months of CFO registration. Yes No
- The CFO has no more than 1 full-time equivalent employee? (Immediate family or household members are not included.) Yes No

Sanitation Requirements

- Kitchen equipment and utensils used to produce CFO products are clean and maintained in a good state of repair. Yes No
- All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any CFO products shall be washed, rinsed, and sanitized before each use. Yes No
- All food preparation and food equipment storage areas shall be maintained free of rodents and insects. Yes No

Food Preparation Requirements (includes packaging and handling)

- Hand washing is required immediately prior to handling foods and after engaging in any activity that contaminates the hands such as after using the toilet, coughing or sneezing, eating or smoking. Yes No
- Warm water, pump soap and single use paper towels are available for hand washing. Yes No
- All food ingredients used in the CFO products are from an approved source. Yes No
- Potable water shall be used for hand washing, ware washing and as an ingredient. Yes No
- Is your water source a public water system or community services district? Yes No
- If YES, what is the name of the system or district? _____
- If NO, contact Environmental Health for additional requirements for a private water supply.

COTTAGE FOOD OPERATIONS (CFO) SELF-CERTIFICATION CHECK LIST-cont.

Food Preparation Requirements (includes packaging and handling)-cont.

During the preparation, packaging or handling of CFO products:

- Domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning or guest entertainment are excluded from the kitchen. Yes No
- Infants, small children, or pets are excluded from the kitchen. Yes No
- Smoking is excluded. Yes No
- Any person with a contagious illness shall refrain from work in the CFO. Yes No

Labeling Requirements

All CFO products are labeled in compliance with the Federal Food, Drug and Cosmetic Act. Yes No

The label also includes:

- The words "Made in a Home Kitchen" in 12-point type. Yes No
- Common name of product or a descriptive name. Yes No
- Name of the Cottage Food Operation. Yes No
- Registration or permit number and county issuing permit. Yes No
- Ingredients list in descending order of weight. Yes No

A sample label **for each product** is attached. Yes No

Permissible Sales Requirements

CFO products will be sold via direct sales. Yes No

CFO products will be sold via indirect sales. Yes No

Gross sales of CFO products will be less than:

- \$35,000 for 2013 Yes No
- \$45,000 for 2014 Yes No
- \$50,000 for 2015 and beyond Yes No

Registration/Permit Requirements

A CFO with a 'Class A' Registration may be inspected on the basis of a consumer complaint. A charge may be assessed if the CFO is found to be out of compliance. Yes No

A CFO with a 'Class B' Permit will be inspected prior to the issuance of a permit and then annually.

Additional inspections may occur on the basis of a consumer complaint. Yes No

The CFO registration or permit is non-transferable and valid only for the person, location, type of food sales and distribution activity specified. Yes No

Signature of Cottage Food Operator

Date

Additional Comments _____

