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.

COTTAGE FOOD OPERATIONS
INTRODUCTION

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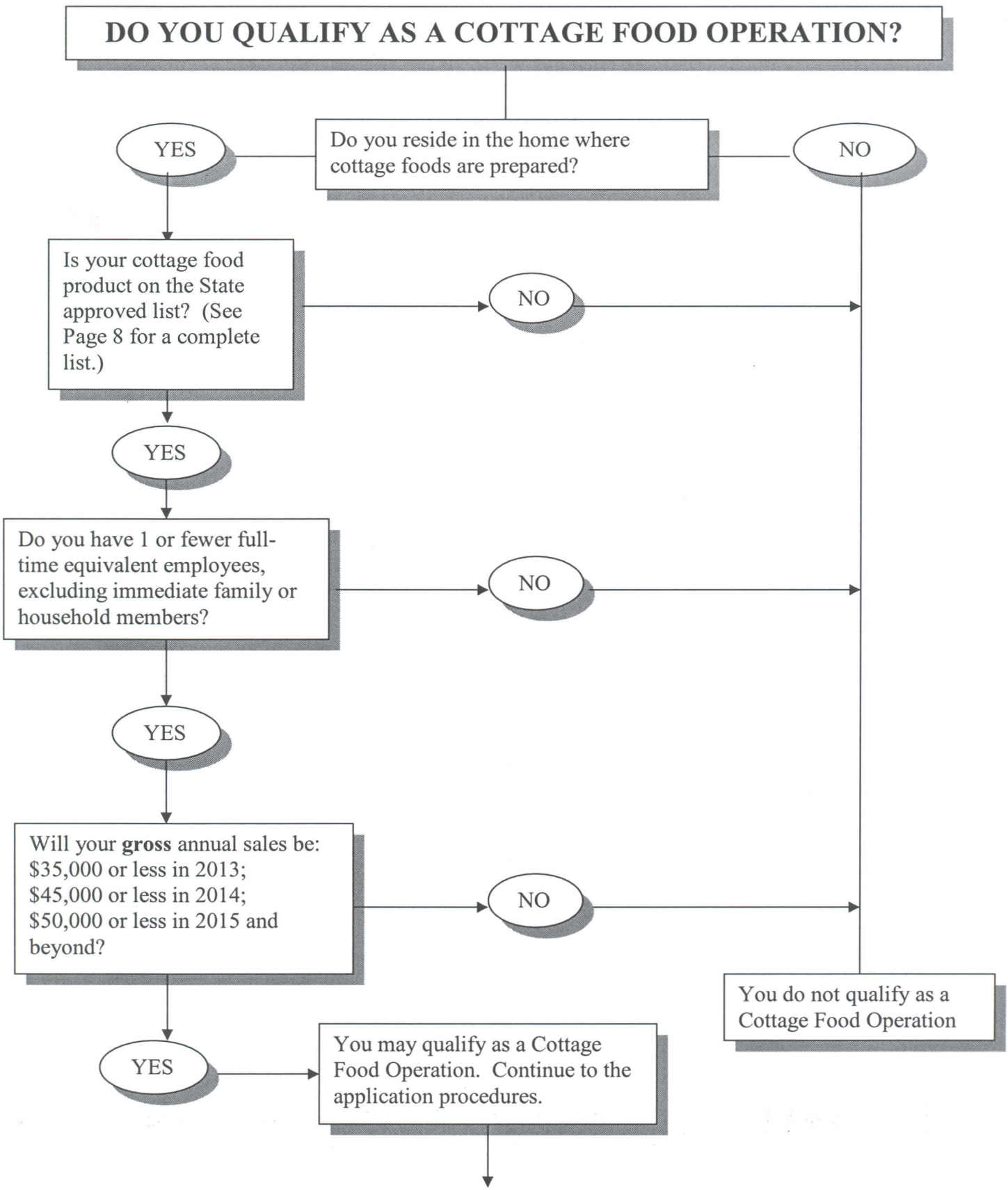
All Cottage Food Operations will be required to obtain a "Class A" registration which allows direct sales of cottage food products. If products are to be sold through indirect sales, then a "Class B" permit is required in addition to the "Class A" registration.

DO YOU QUALIFY AS A COTTAGE FOOD OPERATION?



REGISTRATION AND PERMIT REQUIREMENTS

Complete the Environmental Health registration application and return it with the self-certification check list and fees.

Will all your cottage food products be sold using only **direct sales**?

NO

Indirect sales require an additional permit, fee and inspection from Environmental Health.

Are the retail food facilities or shops for your indirect sales properly permitted by Environmental Health?

NO

Cottage food products may only be sold indirectly at permitted retail facilities.

YES

Your Class B permit is complete.**

YES

Do you plan off-site or door-to-door direct sales or sales as a temporary food facility at a community event? Will products be sold by weight?

NO

YES

Additional permits are required:
Door-to-door and off-site sales require an Itinerant Vendor Permit issued by the County Treasurer.
Temporary food facilities require an additional permit from Environmental Health.
Register with Weights and Measures for sales by weight.

Your Class A registration is complete.**

**Obtain a Calif. Food Handler Card within 3 months of becoming registered or permitted. The card is valid for 3 years.

COTTAGE FOOD OPERATIONS
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. **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.

4. **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.

5. **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.

6. **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.

DEFINITIONS-CONT.

7. **DIRECT SALES:**

"Direct sales" means sales within the State 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.

8. **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.

9. **CLASS A :**

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

10. **CLASS B:**

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

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.

STATE APPROVED LIST OF NON-POTENTIALLY HAZARDOUS COTTAGE FOODS

(Updates can be viewed at http://www.cdph.ca.gov)

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 fruit.
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 (CFR).
12. Nut mixes and nut butters.
13. Popcorn.
14. Vinegar and mustard.
15. Roasted coffee and dried tea.
16. Waffle cones and pizellas.

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
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. The card must be renewed every 3 years.
- 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.

REGISTRATION, PERMITS AND INSPECTIONS-CONT.

C. GENERAL INFORMATION:

- A copy of the permit or registration must be kept on-site.
- 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 OPERATIONS
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.

COTTAGE FOOD OPERATIONS
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.
- Bare hand contact of ready-to-eat or foods requiring no further cooking is prohibited.
- The use of gloves is one method 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.

OPERATIONAL REQUIREMENTS-CONT.

- 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 and include the following information:
  - ✓ The words "Made in a Home Kitchen" or "Repackaged in a Home Kitchen" in 12-point type on the product's primary display panel.
  - ✓ The name commonly used for the food product or an adequately descriptive name.
  - ✓ The name of the cottage food operation which produced the product.
  - ✓ The "Class A" registration number and/or the "Class B" permit number.
  - ✓ List the county name where the permit or registration was issued.
  - ✓ An ingredients list in descending order of predominance by weight, if the product contains 2 or more ingredients.
- 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.

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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270 County Hospital Road, Courthouse Annex, Room 127, Quincy, CA 95971
Phone (530) 283-6355 Fax (530) 283-6241
http://www/plumascounty.us

Cottage Food Operations (CFO)
Application for Registration or Permit To Operate

BUSINESS INFORMATION

Name of CFO:_____

Name of Owner:_____

Physical Address of CFO: _____

Mailing Address:_____

City, State, Zip: _____

Telephone No. of Owner Contact: (_____)_____

☐ Check if Veteran's Fee Exempt and Attach Appropriate Documentation (Copy of DD214)

TYPE OF COTTAGE FOOD OPERATION

☐	**Class A Cottage Food Operation (Direct Sales ONLY)**	**$25.00 (Annual Registration)**
☐	**Class B Cottage Food Operation (Direct and Indirect Sales-Includes registration fee)**	**$113.00 (Annual Permit)**

PERMIT FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE

CDPH Food Processor Course completed on _____ (Provide copy of certificate)

Also complete page 2 of this application listing menu, ingredients and sales and the Self-Certification Checklist.

I HEREBY MAKE APPLICATION FOR A PERMIT TO OPERATE THE ABOVE FACILITY IN ACCORDANCE WITH THE STATE HEALTH LAWS AND LOCAL ORDINANCES AND REGULATIONS.

Date:_____ Signed:_____

FOR OFFICE USE ONLY

Date Payment Received:_____ Amount: _____ Receipt No:_____ Rec'd By:_____

Date Inspected:_____ Approved By:_____

List all Menu Items	**List all Ingredients**
See attached list of approved non-potentially hazardous foods.	All ingredients must be from an approved source. Use additional pages if needed. Or attach a sample label for each menu item.
List all Direct Sale Venues	**List all Indirect Sale Venues**
Direct sales include purchases directly at CFO, sales at temporary events, farm stands, certified farmers markets, or community-supported agriculture.	Indirect sales include sales through a third-party retailer such as a restaurant or other retail food facility.
Some events may require additional permits.	**All third-party retailers must be permitted.**

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COTTAGE FOOD OPERATIONS (CFO) SELF-CERTIFICATION CHECKLIST

NAME OF CFO_____ DATE_____

NAME OF OWNER_____ 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" or "Repackaged 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_____