

**COTTAGE FOOD OPERATIONS  
REQUIREMENTS  
FOR  
GETTING STARTED**



*EFFECTIVE January 1, 2018*

**PROVIDED BY**

**TEHAMA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT  
633 Washington Street, Room 36  
Red Bluff, CA 96080  
Phone: 530-527-8020 Fax: 530-527- 6617**

**COTTAGE FOOD OPERATIONS  
WHAT YOU WILL FIND IN THIS BOOKLET**

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## **COTTAGE FOOD OPERATIONS INTRODUCTION**

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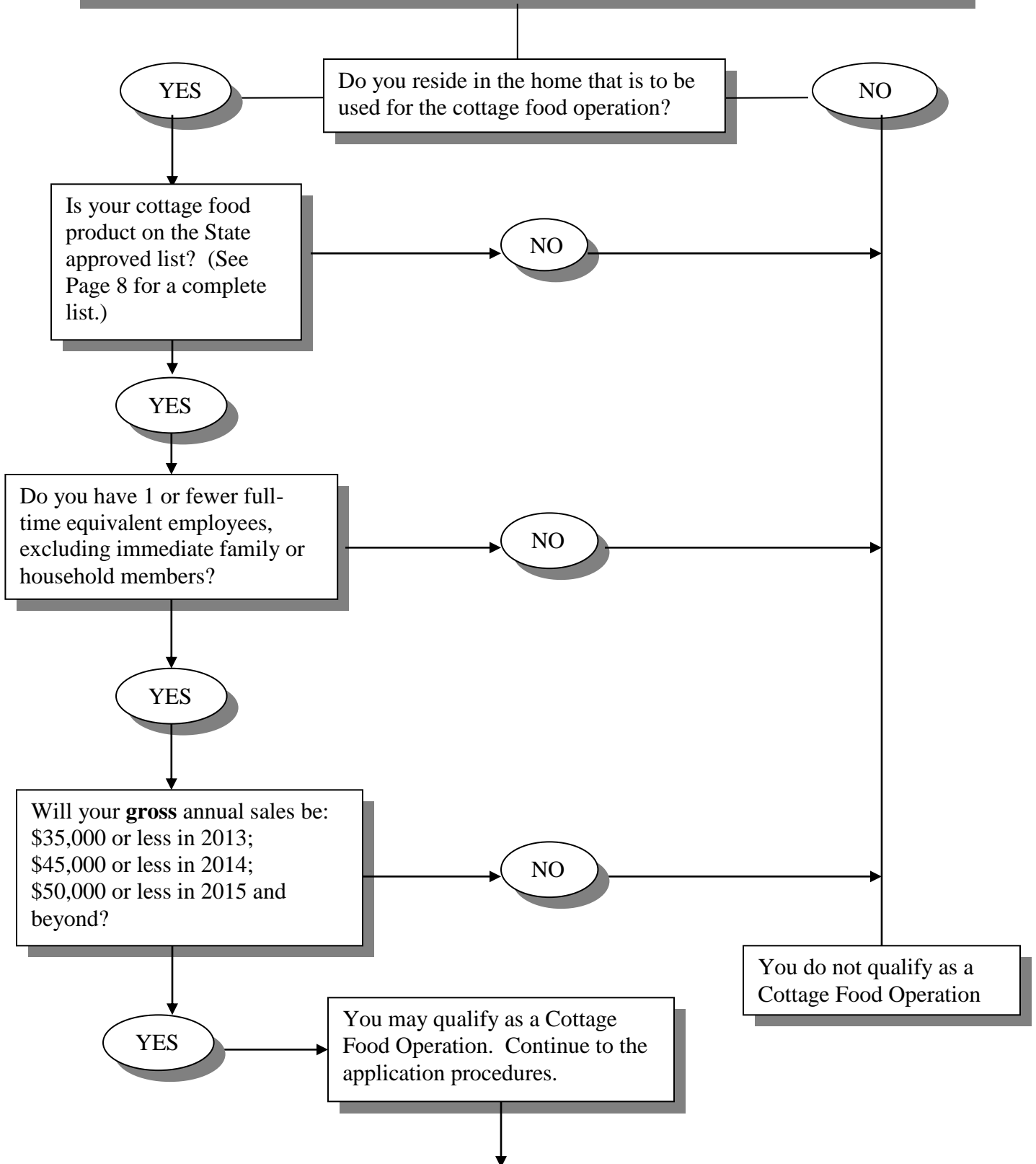
Retail food facilities in California are regulated by the California Retail Food Code (Cal Code) which prescribes both structural and operational requirements. In the past, food items produced in a private home were not considered from an ‘approved source’ and, therefore, excluded from retail sales.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

Several arguments prompted the introduction of AB 1616 including the growing movement in California to support community-based food production and provide more local healthy food choices. AB 1616 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.

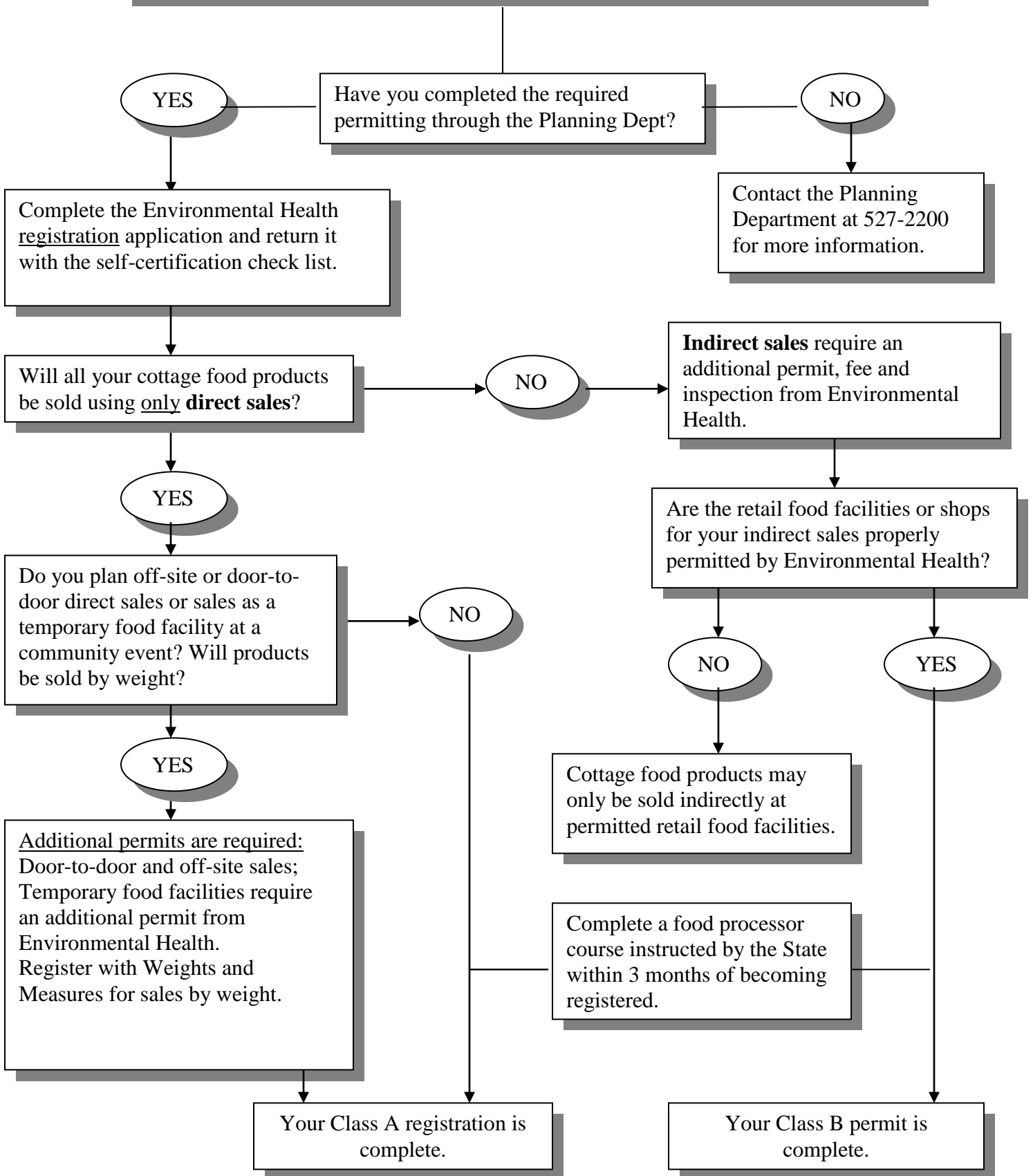
Even though the law does not require the use of commercial equipment it does require a level of sanitization and accountability beyond what is normally satisfactory in a home kitchen. This booklet outlines the permit process along with structural and operational requirements for start-up and management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



## **COTTAGE FOOD OPERATIONS DEFINITIONS**

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**These definitions are from the California Retail Food Code  
(Cal Code) Effective July 1, 2007  
And AB 1616-Cottage Food Operations  
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 a transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. 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 an interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer 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.



## Approved Cottage Foods

Cottage food operations are allowed to produce certain non-potentially hazardous foods. These are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigeration temperatures. The list of approved cottage food categories and their ethnic variations, which cottage food operations are allowed to produce, are listed below. The list will be maintained and updated by the California Department of Public Health (CDPH) on its Internet website as necessary.

CDPH may add to or delete food products from the approved products list. Notice of any change, reason for the change, the authority for the change, and the nature of the change to the approved food products list will be posted on the CDPH website and shall become effective thirty (30) days after the notice is posted.

### Approved Food Products List (July 1, 2016):

- (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.
  
- (29) Dried grain mixes.
- (30) Fried or baked donuts and waffles.
- (31) Dried hot chocolate (dried powdered mixes or molded hardened cocoa pieces).
- (32) Fruit infused vinegar (*containing only high-acid fruits such as apples, cranberry, grape, huckleberry, gooseberry, loganberry, pomegranate, pineapple, raspberry, strawberry, tomatillo, youngberry, grapefruit, kumquat, lemon, lime and orange*).

\* Jams, jellies, preserves, and fruit butter: Cottage food operations which produce jams, jellies, preserves, and other related products must be sure that their products meet the legal established standards of identity requirements for those products as set forth in [21 CFR Part 150](#). The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For examples, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.



## **COTTAGE FOOD OPERATIONS REGISTRATION, PERMITS AND INSPECTIONS**

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### **A. “CLASS A” REGISTRATION:**

- 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 Tehama County.
- Submit a completed application (on Page 15) and fee to Tehama County Environmental Health Department.
- Complete the self-certification check-list (on Page 17) and submit with your application.
- Within three months of obtaining your registration, plan to complete the State approved food processor course.
- 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:**

- A “Class B” permit is required for the indirect sales of cottage food products within Tehama 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.
- For indirect sales in adjacent counties, contact those county environmental health departments directly.

## **REGISTRATION, PERMITS AND INSPECTIONS-CONT.**

### **C. GENERAL INFORMATION:**

- A registration or permit is nontransferable.
- A registration 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:**

- Planning Department approval is required for any Cottage Food Operation. Contact them at 527-2200 for more information.
- A Temporary Food Facility Permit is required for sales of cottage food products at a community event. Contact Tehama County Environmental Health at 530-527-8020 for more information. A permit application is also online at <http://co.tehama.ca.us> , under Forms and Publications.
- Registration with Weights and Measures is required for product sales by weight. Contact the Agriculture Commissioner offices at 527-4504.





## **COTTAGE FOOD OPERATIONS STRUCTURAL REQUIREMENTS**

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### **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 kitchen 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 is from a private well, testing for bacteria is required. All testing shall be through a certified lab.
- 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 serviced as needed.

## COTTAGE FOOD OPERATIONS OPERATIONAL REQUIREMENTS

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### 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 Min.) 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 completing a food processor course instructed by the State 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 a capful of unscented, bleach for every gallon of water. The chlorine concentration should be at least 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” 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.
  - ✓ Class B products for indirect sales must also list the county name.
  - ✓ 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 Tehama County Environmental Health Department for indirect sales of cottage food products.

## COTTAGE FOOD OPERATIONS SELF-CERTIFICATION CHECKLIST

NAME OF CFO _____	DATE _____
NAME OF OWNER _____	PHONE _____
PHYSICAL ADDRESS _____	
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.

	YES	NO
<b>Facility Requirements</b>		
The CFO is located in a private dwelling where the CFO operator currently resides. ....	<input type="checkbox"/>	<input type="checkbox"/>
CFO food preparation will take place in the private kitchen within that home. ....	<input type="checkbox"/>	<input type="checkbox"/>
Additional storage used for the CFO will be within the home. ....	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is the room used exclusively for storage? .....	<input type="checkbox"/>	<input type="checkbox"/>
No sleeping quarters are within areas used for CFO food preparation or storage. ....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Employee and Training Requirements</b>		
Have all persons preparing or packaging CFO products completed the CDPH food processor course? .....	<input type="checkbox"/>	<input type="checkbox"/>
If YES, copies of certificates are attached. ....	<input type="checkbox"/>	<input type="checkbox"/>
If NO, complete course within 3 months of CFO registration. ....	<input type="checkbox"/>	<input type="checkbox"/>
Does the CFO have more than 1 employee? (Immediate family or household members are not included.) .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sanitation Requirements</b>		
Kitchen equipment and utensils used to produce CFO products shall be clean and maintained in a good state of repair. ....	<input type="checkbox"/>	<input type="checkbox"/>
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. ....	<input type="checkbox"/>	<input type="checkbox"/>
All food preparation and food and equipment storage areas shall be maintained free of rodents and insects. ....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Food Preparation Requirements (includes packaging and handling)</b>		
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. ....	<input type="checkbox"/>	<input type="checkbox"/>
Warm water, pump soap and single use paper towels are available for hand washing. ....	<input type="checkbox"/>	<input type="checkbox"/>
All food ingredients used in the CFO products are from an approved source. ....	<input type="checkbox"/>	<input type="checkbox"/>
Potable water shall be used for hand washing, ware washing and as an ingredient. ....	<input type="checkbox"/>	<input type="checkbox"/>
Is your water source a private well? .....	<input type="checkbox"/>	<input type="checkbox"/>
If YES, have you completed testing for bacteria and nitrate? Attach test results. ....	<input type="checkbox"/>	<input type="checkbox"/>
Is your water source a public water system or community services district? .....	<input type="checkbox"/>	<input type="checkbox"/>
If YES, what is the name of the system or district? _____	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

<b>COTTAGE FOOD OPERATIONS (CFO) SELF-CERTIFICATION CHECK LIST-cont.</b>			
<b>Food Preparation Requirements (includes packaging and handling)-cont.</b>		<b>YES</b>	<b>NO</b>
During the preparation, packaging or handling of CFO products:			
There will be no other domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning or guest entertainment in the home kitchen. ....			
No infants, small children, or pets will be allowed in the kitchen. ....			
No smoking will be allowed. ....			
Any person with a contagious illness shall refrain from work in the CFO. ....			
<b>Labeling Requirements</b>			
All CFO products are labeled in compliance with the Federal Food, Drug and Cosmetic Act. ....			
The label also includes:			
The words "Made in a Home Kitchen" in 12-point type. ....			
Common name of product or a descriptive name. ....			
Name of the Cottage Food Operation. ....			
Registration or permit number and county issuing permit. ....			
Ingredients list in descending order of weight. ....			
A sample label is attached. ....			
<b>Permissible Sales Requirements</b>			
CFO products will be sold via direct sales. ....			
CFO products will be sold via indirect sales. ....			
Gross sales of CFO products will be less than:			
\$35,000 for 2013. ....			
\$45,000 for 2014. ....			
\$50,000 for 2015 and beyond. ....			
<b>Registration/Permit Requirements</b>			
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. ....			
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. ....			
The CFO registration or permit is non-transferable and valid only for the person, location, type of food sales and distribution activity specified. ....			
<b>Zoning Requirements</b>			
I have complied with the applicable zoning requirements for the CFO. ....			

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





# DEPARTMENT OF ENVIRONMENTAL HEALTH

633 WASHINGTON STREET, ROOM 36

RED BLUFF, CA 96080

Phone (530) 527-8020 Fax (530) 527-6617

Tia Branton, REHS

Director

## 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: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

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-All CFOs shall be registered) **\$105.00**
- Class B Cottage Food Operation**  
(Indirect Sales-Additional fee required) **\$105.00 (Annual Permit Fee)**

**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: \_\_\_\_\_

<b>Menu Items</b>	<b>Ingredients</b>
See attached list of approved non-potentially hazardous foods.	All ingredients must be from an approved source. Use additional pages if needed.
<b>Direct Sale Venues</b>	<b>Indirect Sale Venues</b>
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.
<b>Some events may require additional permits.</b>	<b>All third-party retailers must be permitted.</b>