

**CALIFORNIA CONFERENCE OF
DIRECTORS OF ENVIRONMENTAL HEALTH**

***COTTAGE FOOD OPERATIONS
GUIDELINES***

Revised December 21, 2012

In response to the passing of the [California Homemade Food Act](#) (Assembly Bill 1616, Gatto), California's cottage food law, these guidelines were first prepared by the Central Valley Food Technical Advisory Committee (CVFTAC) of the California Conference of Directors of Environmental Health (CCDEH) with input from the CCDEH Southern California, Northern California, and Central Valley Food Technical Advisory Committees.

BACKGROUND

Locally-grown and produced food is becoming more prevalent today, but laws that govern these operations do not allow for the sale of food prepared in a home kitchen. Setting standards that preserve public health while still allowing for economic opportunity has become a challenge for state and local officials.

SCOPE

These guidelines are intended to provide guidance to local health jurisdictions. Local environmental health agencies that regulate "Class A" and "Class B" Cottage Food Operations (CFOs) are encouraged to adopt these guidelines to promote uniform statewide interpretation and enforcement of the California Retail Food Code (CRFC).

The law requires the California Department of Public Health to carry out certain tasks associated with implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. For more information from CDPH, visit their Cottage Food website at <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>

Environmental health considerations other than food – such as water and sewage disposal systems – are briefly addressed in these guidelines. Operators of "Class A" and "Class B" CFOs should contact their local building, planning, and fire authorities, as well as their environmental health authority, for more information on these requirements.

"Cottage Food Operation" shall be abbreviated as "CFO" for the remainder of this document.

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Model Forms Available

Model CFO Self-Certification Checklist (See Separate Document)

Model CFO Registration / Permitting Form (See Separate Document)

Model CFO Flow Chart (See Separate Document)

Model CFO Inspection Form (See Separate Document)

DEFINITIONS

1. **“Class A CFO”** is a Cottage Food Operation (CFO) that may engage only in direct sales of cottage food products.
2. **“Class B CFO”** is a CFO authorized to engage in both direct sales and indirect sales of cottage food products.
3. **“Cottage food employee”** is an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for a CFO. An employee does not include an immediate family member or household member of the cottage food operator.
4. **“Cottage Food Operation (CFO)”** is an enterprise that produces cottage food products in the registered or permitted area of the private home where the cottage food operator resides. A CFO shall not operate as a food facility or wholesale food manufacturer.
5. **“Cottage food operator”** is an individual who operates a CFO in his or her private home and is the owner of the CFO.

6. **"Cottage food products"** are non-potentially hazardous foods that are prepared in the kitchen of a CFO for direct or indirect sale.
7. **"Direct sales"** are transactions between a CFO and a consumer, where the consumer purchases the cottage food product directly from the CFO. Examples include, but are not limited to, holiday bazaars, temporary events, bake sales, food swaps, certified farmers markets, community-supported agricultural subscriptions, and transactions occurring in person in the cottage food operation
8. **"Indirect sales"** are interactions between a CFO, a third party retailer, and a consumer; where the consumer purchases cottage food products made by the CFO from a third party retailer that holds a valid permit.
9. **"Potentially hazardous food"** is a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Non-potentially hazardous foods do not require time/temperature control.
10. **"Private home"** is a dwelling, including an apartment or other leased space, where individuals reside.
11. **"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.
12. **"Vermin"** means cockroaches, mice, rats, and similar pests that carry disease.

STRUCTURAL GUIDELINES

Structural Requirements:

Cottage Food Operations (CFOs) are homes or apartments with noncommercial kitchens. Local building, planning and fire authorities should be consulted for construction and zoning requirements.

1. **CFO Area:** All equipment, utensils, food, drinks, ingredients, and items used for the preparation of food at a CFO must be stored and used within the home. No cottage food functions including storage, preparation, mixing, assembling, packaging, and/or labeling may occur in any location outside the registered or permitted area. Some examples of areas that cannot be used include, but are not limited to, backyards, sheds, garages, lean-tos, vehicles, out-buildings or any other structure or location that is not inside the living space of the home.
 - a. **Registered or Permitted Area:** The CFO may be required to specify which locations will be considered the "Registered or Permitted Area" when obtaining their registration/permit from the local enforcement agency.

- b. Non-CFO Operators:** No infants, small children (it is recommended to consider children under 12 to be “small children”), or pets are allowed in the registered area during CFO food handling or preparation activities.
- 2. Handwashing Facilities:** A sink must be available for handwashing during food handling or preparation activities. The sink must be supplied with hand soap, warm water, and clean towels. It is recommended that single-use paper towels be provided in a dispenser for drying of hands.
- 3. Water Supply & Wastewater:** Water used during the preparation of cottage food products shall meet the potable drinking water standards for a transient noncommunity water system described in CalCode Section 113869, except that a CFO shall not be required to have an indirect sewer connection.

A CFO that has a private water supply and/or is served by an individual onsite wastewater disposal system (septic system) should contact their local Environmental Health Agency for requirements regarding the water used in preparation of cottage food products. See Registration/Permitting form for requirements.

Water used during the preparation of cottage food products includes all of the following:

- Washing and sanitizing of equipment used in the preparation of a cottage food product.
- Washing and sanitizing of hands and arms.
- Water used as an ingredient.

Structural Recommendations

Cottage Food Operations are not Food Facilities and thus do not have the same facility requirements. The intent of this section is to provide recommendations for a CFO to maintain the highest level of food safety possible in a private home setting.

- 1. Equipment Standards:** Food service equipment need not be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program for commercial grade equipment. Residential equipment that is in good working condition is allowed.
- 2. Domestic Dishwasher:** Although an automatic dishwasher is not required, a domestic dishwasher may be used. It is recommended that the domestic dishwasher be capable of providing heat of at least 160°F on the surface of utensils.
- 3. Janitorial:** A CFO is not required to have a mop sink, however all liquid wastes shall be disposed of through an approved sewage plumbing system and shall discharge into the public sewer system or into an approved private sewage disposal system.

OPERATIONAL GUIDELINES

Sections of the California Retail Food Code that are applicable to CFO's can be found in the CDPH document, "[Statutory Provisions Related to Sanitary and Preparation Requirements for Cottage Food Operation](#)." The following guidelines are intended as a summary of the applicable sections.

1. **Registration/Permitting:** A registration or permit is nontransferable and is only valid for the persons, location, type of food sales [i.e., direct sales (Class A) vs. indirect sales (ClassB)], distribution activity specified by that registration or permit, and, unless suspended or revoked for cause, for the time period indicated.
 - a. **"Class A"** CFO's must register with the local enforcement agency to engage in the direct sale of cottage food products. Registration requires a completed self-certification checklist approved by the local enforcement agency (*a sample checklist is attached to these guidelines*).
 - **Inspection:** "Class A" CFO's are subject to inspection on the basis of a consumer complaint or if there is reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO, or that the CFO has violated this chapter.
 - b. **"Class B"** CFO's must obtain a permit from the local enforcement agency to engage in the direct and indirect sale of cottage food products.
 - **Inspection:** "Class B" CFO's are subject to an initial inspection prior to issuance of a permit, and one routine inspection per year once the permit is issued. The local enforcement agency shall issue a permit after the inspection has determined that the proposed "Class B" CFO and its method of operation are in compliance with California's cottage food law.
 - Each county can decide to allow or disallow the "indirect" sale of cottage food products by a "Class B" CFO permitted in another county within its jurisdiction.
 - c. **Other Permits** may be necessary depending on your local area. A CFO may need to comply with other applicable county, city and municipal laws, including zoning ordinances that apply to conducting a business from a private home.
2. **Training:** A person who prepares or packages cottage food products shall complete a food processor course (See [Cottage Food Operator Training](#)) offered by the California Department of Public Health (CDPH) within three months of registering with or receiving a permit from their local Environmental Health Agency or commencing work for a CFO. CDPH will work with the local enforcement agency to ensure that CFOs are properly notified of the location, date, and time of the classes offered.

- 3. Food Sources:** All foods or ingredients used in a Cottage Food Operation shall come from an approved source and shall be obtained from sources that comply with all applicable laws. Approved sources include an acceptable producer, manufacturer, distributor, or a permitted food facility.
- 4. Food Storage:** All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage. All food shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination. Adequate and suitable space shall be provided for the storage of food and ingredients.

 - CFO product ingredients that are potentially hazardous, such as milk, eggs and butter, should be kept in a refrigerator at 41°F or below to prevent spoilage.
 - It is recommended that all food be stored at least 6 inches above the floor or under other conditions that are approved by the local enforcement agency. Pressurized containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture.
- 5. Nonfood Storage:** Nonfood items should be stored in an area separate from food. It is recommended that only those insecticides, rodenticides, and other pesticides that are specifically approved for use in a food establishment be used. The label will state if it is food establishment approved. All poisonous substances, detergents, bleaches, cleaning compounds, and other injurious or poisonous materials shall be used and stored in containers specifically and plainly labeled as to contents, hazard, and use. They should also be stored and used only in a manner that is not likely to cause contamination or adulteration of food, food contact surfaces, utensils, or packaging materials. It is recommended that these items be stored below food and related utensils or equipment. Medicines that are in the CFO for use should be labeled and stored so as to prevent the contamination of food, equipment, utensils. First aid supplies should be stored in a labeled kit that is located to prevent the contamination of food and food-related items.
- 6. Food Handlers:** Actions by food handlers in a CFO shall not result in the contamination or adulteration of food, food contact surfaces, or utensils. It is recommended that food handlers keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable.
- 7. Handwashing:** A person involved in the preparation or packaging of cottage food products shall keep their hands and exposed portions of their arms clean and shall wash their hands immediately prior to food preparation or packaging activities. It is recommended that the cottage food operator dry their hands with a single-use paper towel. All food handlers in a CFO shall thoroughly wash their hands and any exposed areas of the arms before commencing work, immediately after using the toilet facilities, and as frequently as necessary to prevent contamination of food or related equipment. Hand sanitizers are not an acceptable substitute for hand washing.

- 8. Wounds/Illness and bandages:** A person with a contagious illness shall refrain from work in the cottage food operation. It is recommended that a person with a lesion or a wound that is open and draining on the hands, wrists, exposed portions of the arms, or other parts of the body that cannot be controlled by an impermeable dry, durable, tight-fitting bandage or covering shall cease from working in the permitted area of the cottage food operation. When finger cuts occur apply an impermeable dry, durable, tight-fitting bandage and cover it with a glove before continuing food preparation or packaging activities.
- 9. Tobacco use:** A person involved in the preparation or packaging of cottage food products shall not smoke in the permitted area of the CFO.
- 10. Washing and sanitizing:** Kitchen equipment , utensils, and food contact surfaces used to produce cottage food products shall be clean and maintained in a good state of repair and shall be washed, rinsed, and sanitized prior to conducting food preparation or packaging.

Recommended sanitizing solutions: 25 ppm available iodine, or 100 ppm available chlorine, or 200 ppm quaternary ammonium. To make a 100ppm chlorine sanitizer solution use unscented household bleach 1 tablespoon per 1 gallon of water. For best results the chlorine should be used in warm water (100°F - 110°F).

- The use of sponges when cleaning and/or sanitizing food-contact surfaces is not recommended.
- 11. General Sanitation:** No cottage food preparation, packaging, or handling may occur in the home kitchen/permitted area concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing, or guest entertainment. The sinks used for food preparation should not be used to discharge wastewater from janitorial activities, such as washing floors. If a non-food preparation sink is not available, discharging wastewater to plumbing fixtures such as a toilet, laundry sink or janitorial sink is recommended.
 - 12. Animals:** Animals/pets are not allowed in the permitted areas of the cottage food operation during the preparation, packaging, or handling of cottage food products.
 - 13. Vermin:** All food preparation and food storage areas shall be maintained free of vermin.
 - 14. Garbage:** The premises of each cottage food operation shall be kept clean and free of litter, garbage, and vermin.
 - 15. Water and Sewer:** An adequate, protected, pressurized potable supply of warm water and cold water shall be available for cottage food operations. The CFO may need to have their sewer connection and/or their onsite wastewater system reviewed to ensure it is adequate for their proposed operations.

COTTAGE FOOD PRODUCT LABELING

For a detailed description, see the CDPH document "[Labeling Requirements for Cottage Food Products](#)." 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.

Cottage Food Products Sold in Food Facilities

A cottage food product that is served by a food facility such as restaurant, without packaging or labeling, shall be identified to the consumer as homemade on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status. For the purpose of this document, "Homemade" means food made at a CFO.

LIMITATIONS

1. A CFO can have only one full-time equivalent cottage food employee, not including a family or household member.
2. The CFO is limited to the following amount of gross annual sales:
 - In 2013 \$35,000
 - In 2014 \$45,000
 - In 2015 and in subsequent years \$50,000
3. A cottage food product shall not be potentially hazardous food. CDPH is responsible for maintaining the list of [Approved Cottage Foods](#) on its website and may add or delete cottage food products from the list. Any change to the list shall become effective 30 days after it is added or removed from the list.
4. “Class A” cottage food operations may engage only in “direct” sales of cottage food products from the cottage food operation, or from direct sales venues within their jurisdiction.
5. “Class B” cottage food operations may engage in both “direct” sales and “indirect sales” of cottage food products from the cottage food operation, from offsite events, or from a third-party retail food facility such as restaurants and markets within their jurisdiction.
6. “Class B” operations may also engage in “indirect” sales in jurisdictions outside their home permitted jurisdiction, if the Environmental Health Director in that outside jurisdiction permits the operator to conduct indirect sales within their jurisdiction. Only “indirect” sales are allowed under this provision of the code. CDPH has interpreted the code as not to allow “direct” sales outside the jurisdiction where the product was made.
7. A Cottage Food Operator may accept orders and payments via the internet, mail or phone. However, the CFO must deliver their CFO products directly (in person) to the customer. The CFO products may not be delivered via US Mail, UPS, FedEx or using any other indirect delivery method. This includes both “direct” and “indirect” sales. Sales involving these indirect delivery methods are regulated/subject to CDPH registration and state and federal requirements.