

NAPA COUNTY DIVISION OF ENVIRONMENTAL HEALTH

***COTTAGE FOOD OPERATIONS
GUIDELINES***

Revised March 2, 2015

In response to the passing of the California Homemade Food Act (Assembly Bill 1616, Gatto), these guidelines were created to assist local cottage food operators in complying with the regulations set forth by the California Retail Food Code (CalCode) and to provide additional recommendations for operators interested in learning more about accepted industry standards for food facilities.

While a majority of the responsibilities for implementing the program are placed on local environmental health jurisdictions, the law also requires local planning departments/divisions and the California Department of Public Health (CDPH) to carry out certain tasks. The CDPH Cottage Food website can be found at: <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>.

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DEFINITIONS

“**Class A CFO**” is a Cottage Food Operation (CFO) that may engage only in direct sales of cottage food products.

“**Class B CFO**” is a CFO authorized to engage in both direct sales and indirect sales of cottage food products.

“**CDPH**” is the California Department of Public Health.

“**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.

“**Cottage Food Operation (CFO)**” means an enterprise which produces cottage food products only in the home kitchen of the cottage food operator’s private primary home. A CFO shall not operate as a food facility or wholesale food manufacturer. For the most part is not considered a food facility but for some sanitation purposes is considered a restricted food facility.

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

“**Cottage food products**” are non-potentially hazardous foods that are prepared in the kitchen of a CFO for direct or indirect sale.

“**Direct sales**” are transactions within the state of California 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 and community-supported agricultural subscriptions.

“**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.

A “**Potentially hazardous food**” is a food that requires time/temperature control to limit pathogenic microorganism growth or toxin formation. Non-potentially hazardous foods do not require time/temperature control.

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

“**Registered or Permitted area**” means the portion of a private home that contains the 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.

“**Vermin**” means cockroaches, mice, rats, and similar pests that carry disease.

PERMITTING/REGISTRATION

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.

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 annually with the local enforcement agency prior to engaging 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*).

Class A Inspections: "Class A" CFO's are subject to inspection as the result of a consumer complaint or if there is reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO. The CFO is responsible for the cost of this inspection.

- 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.

Class B Inspections: 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.

- c. **Planning/Zoning:** All CFO's need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.
- d. **Other Permits:** Check with your local jurisdiction for other permits/licenses you may need.

A registration or permit is nontransferable and valid for one year. A registration or permit shall be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and, unless suspended or revoked for cause, for one year from the date of issue.

COTTAGE FOOD PROVISIONS

1. A CFO can have a maximum of one full-time equivalent cottage food employee, not including a family or household member.
2. The CFO is limited to \$50,000 gross annual sales. If a CFO exceeds \$50,000 in gross annual sales, the operation no longer qualifies as a CFO and must meet the requirements of a food facility.

3. Cottage food operations can only produce nonpotentially hazardous foods that are included on the list approved by CDPH, which can be viewed at:

<http://www.cdph.ca.gov/programs/Documents/fdbCFOfoodlist.pdf>

Below is the list of foods currently on the approved list:

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruit
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and dried mole paste
- Honey and sweet sorghum syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations (These must be fruit products to assure that they are not potentially hazardous. For more information, see: <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=150>)
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizelles
- Cotton candy
- Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof
- Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese
- Dried or dehydrated vegetables
- Dried vegetarian-based soup mixes
- Vegetable and potato chips
- Ground chocolate
- Seasoning salt
- Flat icing
- Marshmallows that do not contain eggs
- Popcorn balls

Examples of foods that are **not** covered by this law and must be produced in a commercial kitchen include: beef jerky, pickles, salsas, tomato and spaghetti sauces, foccacia bread with roasted vegetables, apple cider or other beverages, polenta and cured or fermented products.

If you would like to request that a food product be added to the Cottage Food Approved Food List, complete the form at the following website and submit it to the CDPH. <http://www.cdph.ca.gov/programs/Documents/fdbCFOaddfoodrequest.pdf>

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 the state.
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 and in jurisdictions outside their locally permitted jurisdiction, if approved by the local Environmental Health Department where the sales will occur.
6. 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.

STRUCTURAL REQUIREMENTS

A cottage Food Operation (CFOs) is an enterprise at a private home where the registered or permitted operator resides and low-risk food products from the list generated by CDPH are prepared or packaged for sale to consumers.

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 inside the home in the registered or permitted area. Food storage, preparation, mixing, assembling, packaging, labeling or any other cottage food function cannot occur outside the registered/permitted area. Examples of areas that cannot be used for the CFO include, but are not limited to, backyards, sheds, garages, lean-tos, vehicles, out-buildings or any location not inside the conditioned space of the home. The CFO area must be identified during the time of registration/permitting.
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. Single-use paper towels are recommended to prevent recontaminating hands with a soiled towel.
3. Water Supply: Water used during preparation of cottage food products must meet the potable drinking water standards described in Section 113869., meaning water must come from a public water system or meet the same standard.

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.

CFOs using on-site wells must submit copies of total and fecal coliform bacteria, nitrate and nitrite results from a sample taken within the last three months. Annual coliform sample results showing an absence of coliform -in the well(s) must be submitted with the permit renewal for class B CFOs.

4. On-site Sewage Disposal Systems: Owners of cottage food operations that do not have access to a municipal wastewater disposal system should take the time to evaluate the condition of their septic systems prior to increasing wastewater flows. Overtaxing systems that were not designed to handle additional waste flows may lead to early failure and considerable costs. Review the “Homeowner Septic Evaluation Handout” water evaluation included with this document, and contact the Napa County Division of Environmental Health to review records on file when planning to use an on-site wastewater system.
5. Equipment: 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 can be used as long as it is in good working condition.
6. 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.
7. Janitorial: A CFO is not required to have a mop sink, however all liquid wastes must be disposed through an approved sewage plumbing system and shall discharge into the public sewer system or into an approved private sewage disposal system.

OPERATIONAL GUIDELINES

1. **Training:** A person who prepares or packages cottage food products shall complete a food processor course (See [Cottage Food Operator Training](#)) approved by the California Department of Public Health (CDPH) and posted on the department’s Internet Web site 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.
2. **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. **Home-canned** fruits and vegetables **cannot** be used as ingredients in cottage foods. However, fresh or frozen homegrown fruits and vegetables can be used in cottage foods as an ingredient if that produce is from a garden registered in Napa County.

To register your garden, see: <http://www.countyofnapa.org/DEM/GardenApplication/>.

3. **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 and foods should be stored at least 6 inches above the floor.

- 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 the growth of dangerous bacteria.
4. **Storage of Chemicals:** Chemicals, medicines and other sources of contamination should be stored and handled to prevent injury and contamination of food, which includes:
 - Using only insecticides, rodenticides and other pesticides specifically approved for use in a food facility,
 - Storing and using all chemical compounds in a manner consistent with the manufacturer's recommendations,
 - Storing all poisonous substances, detergents, bleaches, cleaning compounds, and other injurious or poisonous materials in containers clearly labeled as to contents, hazard, and use,
 - Ideally storing chemicals completely separate from food, equipment and utensils,
 - And remembering to label and store medicine and first aid supplies to prevent contamination.
 5. **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.
 6. **Handwashing:** A person involved in the preparation or packaging of cottage food products must keep his/her hands and exposed portions of arms clean, and hands must be washed **immediately** prior to food preparation or packaging activities. Single-use paper towels are recommended for drying hands.

Using gloves and/or hand sanitizers is not an acceptable substitute for hand washing.

7. **Wounds/Illness and bandages:** A person with a contagious illness shall refrain from work in the cottage food operation. 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.
8. **Tobacco use:** A person involved in the preparation or packaging of cottage food products shall not smoke in the permitted area of the CFO.
9. **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: 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.

10. **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.

- 11. Non-CFO Operators:** No infants or small children (The California Conference of Local Health Officers considers children under 12 to be “small”) are allowed in the registered area during CFO food handling or preparation activities.
- 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, including, but not limited to, rodents, flies and cockroaches.
- 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.

FOOD PRODUCT LABELING & ADVERTISING

Labeling foods properly is important. Improperly labeled foods can increase the risk of a person with a food allergy unknowingly eating a food with that allergen. Allergic reactions can be serious, resulting in itching, hives, abdominal pain, vomiting, diarrhea, difficulty breathing and even death.

<http://www.cdph.ca.gov/pubsforms/Guidelines/Documents/fdb%20Allerg.pdf>

Cottage Food Product Labeling

A CFO shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:

- The words “Made in a Home Kitchen” or “Repackaged in a Home Kitchen,” as applicable, in 12-point or larger type on the cottage food product’s primary display panel.
- The common or descriptive name of the CFO food product located on the primary (principal) display panel.
- The name, city, and zip code of the CFO operation which produced the cottage food product. If the CFO is not listed in a current telephone directory, then a street address must also be included on the label. (A contact phone number or email address is optional but may be helpful for contact in case a consumer wishes to contact you.
- The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The registration or permit number of the “Class A” or “Class B” CFO which produced the cottage food product and the name of the county of the local enforcement agency that issued the permit or registration number.
- The ingredients of the cottage 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. Food product, 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 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:
 - a) in a separate summary statement immediately following or adjacent to the ingredient list, or
 - b) within the ingredient list.

Example:

MADE IN A HOME KITCHEN
Permit # 1234
Issued in county: County name

Chocolate Chip Cookies With Walnuts

Jane Smith
 123 Main St.
 Sunny CA, 12345

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), soy lecithin, walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

Contains: Wheat, eggs, milk, soy, walnuts
Net Wt. 3 oz. (85.049g)

For more information on Cottage Food Labeling Requirements, please see:

<http://www.cdph.ca.gov/programs/Documents/fdbCFOlabel.pdf>

Whenever a cottage food product is served without packaging or labeling in a permitted retail food facility or is used as an ingredient in a preparation of a food in a retail food facility including restaurants, bakeries, or delis, the retail customer must be notified that the food product or the ingredient in the food was processed in a CFO home kitchen.

Cottage Food Products Served or Sold in Retail 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.

HOMEOWNER ON-SITE SEPTIC EVALUATION HANDOUT

Background:

Without proper care and maintenance, on-site, private sewage disposal systems can become a nuisance to homeowners, resulting in costly repairs or replacements and expose family, friends and pets to pathogenic organisms that could result in illness. A healthy septic system allows for the disposal and breakdown of septic waste. Homeowners often take the functioning of their septic systems for granted, but with proper care and maintenance, homeowners can lengthen the lives of their systems, reduce the long term cost of the system and protect their families from sewage exposure.

The following is a basic checklist to assist homeowners in assessing the condition of their sewage disposal system. It is highly recommended that you hire a licensed sewage contractor to evaluate the condition and function of your septic system prior to increasing waste flows to the system. Adding waste flows to a system that is already struggling could result in system failure. At minimum, the septic tank should be pumped and the homeowner should obtain an accurate plot plan of the system (via county records or contractor inspection).

General Information:

- Are you familiar with the location and operation of your sewage disposal system? YES NO
- Have there been any plumbing issues/sewage back-ups in the past year? YES NO
- Has the septic tank been pumped within the past 5 years? YES NO
- Has the septic system been inspected by a sewage contractor in the past 5 years? YES NO

If your septic system is maintained and monitored by a Service Provider or is part of the Monitoring Program, please attach a monitoring report completed within the past six months in lieu of answering the following questions. Any deficiencies noted on the report shall be corrected prior to approval of your Cottage Food application.

Septic Tank Inspection:

- Is the septic tank location known? YES NO
- Are there any sewage odors detected near the septic tank or home? YES NO
- Are the septic tank lids accessible? YES NO

Leachfield Inspection:

- Is the leachfield location known? (if NO, answer the following the best you can) YES NO
- Are there any sewage odors detected near the leachfield or on the property? YES NO
- Are the leachlines easily visible due to lush surface vegetation? YES NO
- Is the ground overly moist or wet in the vicinity of the leachfield? YES NO
- Is there surfacing or ponding water in the vicinity of the leachfield? YES NO

Control Panel/Pumps/Alarms Inspection: (N/A if you do not have a sump/pump)

- Is the control panel accessible and functional? YES NO
- Are there any visual/audible alarms at this time? YES NO
- Are the alarm floats and visible/audible alarms functional? YES NO
- Are the pump floats and pumps operational? YES NO

The information regarding inspection and maintenance contained in this document is intended to assist the homeowner in assessing the condition of the on-site sewage disposal system and is not recommended in lieu of a septic inspection by a licensed septic contractor. The Division of Environmental Health does not recommend increasing the waste water flows to a sewage disposal system until the condition and sizing of the system is assessed and all deficiencies have been corrected.

Recommendations for increasing the life of the system:

- Minimize the disposal of organic, non-degradeable solid waste, and chemicals down drains.
- **Do not** drive over or allow heavy equipment in the area of the leach field.
- **Do not** pave or cover the leach field area, preventing the evaporation of water and healthy vegetation.
- **Do not** heavily irrigate in the area of the leach field.
- **Do** plant vegetation with shallow root systems that assist in the evaporation of water. A list is available from this Department.
- Divert all surface drainages away for the septic tanks and leachfield.

If you have any questions about your sewage disposal system contact the Environmental Health Land Use Team at (707) 253-4419. Additional information regarding the function of onsite sewage disposal systems can also be found at: <http://water.epa.gov/infrastructure/septic/septicsmart.cfm>

COTTAGE FOOD INTERNET RESOURCES

Napa County Cottage Food Page:

<http://www.countyofnapa.org/pbes/cottagefood/>

California Department of Public Health, Food and Drug Branch:

<http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>

Code of Federal Regulations, regarding fruit butters, jellies preserves and related products:

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=150>

Cottage Food Law:

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1616_bill_20120921_chaptered.pdf

Culinary Garden Approved Source Application

<http://www.countyofnapa.org/DEM/GardenApplication/>