STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

3800 Cornucopia Way, Suite C

Modesto, CA 95358

Tel: (209) 525-6700 Fax: (209) 525-6774

CLASS A – DIRECT SALES ONLY

COTTAGE FOOD OPERATION (CFO)

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C
Modesto, CA 95358-9494
Phone: 209.525.6700
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www.stancounty.com

COTTAGE FOOD OPERATIONS

On September 21, 2012, Governor Brown signed the California Homemade Food Act into law. This law amends the California Health and Safety Code (H&S Code) to create a new category of food operations, unlike retail food facilities, can operate from a home kitchen. The Stanislaus County Department of Environmental Resources will begin accepting applications for Cottage Food Operations (CFOs) on January 1, 2013. The application packet will help guide you in submitting the necessary information to obtain a registration or permit.

There are two classifications of CFOs: Class A and Class B. CFOs are required to obtain an annual registration or annual permit to operate. CFOs may sell directly and indirectly to the public, depending on their operational classification.

Class A CFOs may sell cottage foods directly from their residence, certified farmers' markets, bake sales, and community events. Class A operations are required to complete a 'Class A Cottage Food Operation Self-Certification Checklist' and applicable accompanying attachments to obtain an annual registration.

Class B CFOs are required to complete a 'Class B Cottage Food Operation Supplemental Application' and accompanying attachments to obtain an annual permit, and will be inspected annually. In addition to direct sales from the private residence, Class B operations are permitted to sell cottage foods indirectly from local shops, restaurants and other third party sales.

Additionally, persons involved with preparing or packaging cottage food products must complete a Food Handler Course within three months of obtaining a registration or permit. Courses are available online at: https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&status=4

Also, the scales used when packaging CFO products may require approval by Stanislaus County Department of Agriculture, Division of Weights and Measures. Contact them at (209) 525-4730 for specific requirements.

While CFOs may operate from a private residence, they may be required to meet certain zoning and planning criteria, which can include issues such as parking, noise, traffic control, density, as well as other standards. Contact your local city planning department or Stanislaus County Planning Department at (209) 525-6330 for specific zoning requirements as related to your CFO.

The California Department of Public Health has established a list of currently approved cottage food products that meet the definition of non-potentially hazardous. Additional foods may be added and removed through a 30-day review process. The list of currently approved cottage food products includes the following:

- Baked goods without cream, custard or meat fillings (i.e., bread, churros, cookies, pastries, tortillas, etc.)
- Candy, including chocolate covered nuts and dried fruit
- Dried fruit and pasta
- Dry baking mixes, granolas, cereals, and trail mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Honey, jams, jellies and fruit butters
- Nut mixes, nut butters and popcorn
- Vinegar and mustards
- Roasted coffee and dried tea
- Waffle cones and pizelles

In order to obtain a registration/permit, please complete the application and attachments and submit with your payment. Your application and attachments will be reviewed for compliance with the California Health & Safety Code. Please note: Class B CFOs are subject to inspection of their home kitchen prior to issuance of a permit. You can obtain additional information by contacting Environmental Resources at (209) 525-6700, by visiting our office at 3800 Cornucopia Way, Suite C, Modesto, CA or by visiting our website at: www.stancounty.com.

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APPLICATION FOR CLASS A COTTAGE FOOD OPERATION REGISTRATION

A Cottage Food Operation allows non-potentially hazardous food, such as baked goods, jams, jellies, preserves, fruit butters, dry herbs, dry blends or dry tea blends, to be produced in the kitchen of a person's primary domestic residence within Stanislaus County.

NAME OF COTTAGE FOOD OPERATION			PHONE (INCLUDE AREA CODE)
OWNER NAME			**CHECK APPROPRIATE BOX** ☐ **SEPTIC SYSTEM** ☐ **PUBLIC SEWER**
ADDRESS OF DOMESTIC HOME KITCHEN			**CHECK APPROPRIATE BOX** ☐ **PRIVATE WELL** ☐ **PUBLIC WATER**
CITY	STATE	ZIP CODE	
MAILING ADDRESS	CITY	STATE	ZIP CODE
WEBSITE NAME/ADDRESS	E-MAIL ADDRESS		

Food Handler Card Information

NAME OF CARDHOLDER	ID NUMBER

Type of Sales

☐ Direct Sales Only

Owner/Operator Statement

I (we) understand that a registration is issued upon investigation of the above named Cottage Food Operation when it is found to be in substantial compliance with applicable state law and county code. Fees are not prorated. The registration is valid for twelve months and shall expire at the end of this time period. If you wish to obtain a new registration, you must submit a new application, associated documents, payment of fees determined by the Board of Supervisors and submittal of a new application for registration. The registration may be suspended or revoked for good cause. The registration is not transferable upon change of ownership and is valid only for the location and type of cottage food product(s) indicated.

I (we) agree to operate in compliance with all applicable statutes, orders, quarantines, rules or regulations prescribed by state law; a state officer or department, or Stanislaus County Director of Environmental Resources.

Proposed Start Date _____ Fee Enclosed $_____

Print name _____ Signature _____ Date _____

Have you ever had a CFO registration with Stanislaus County? ☐ Yes ☐ No

---

For Office Use only

Class A CFO Registration: 213-#_____ ID# _____ District_____ REHS Approval_____ Date_____

Amount Rec'd $_____ [ ] Cash [ ] Check [ ] Credit Card Trans#_____ Date rec'd _____ By _____

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CLASS A COTTAGE FOOD OPERATION
SELF-CERTIFICATION CHECKLIST

NAME OF COTTAGE FOOD OPERATION (CFO)_____ DATE_____

NAME OF OWNER_____ PHONE_____

CFO PHYSICAL ADDRESS_____

CFO MAILING ADDRESS_____

EMAIL ADDRESS_____

Cottage Food Products (Please check the items you will prepare and offer.)

- ☐ Baked Goods (may not contain cream, custard or meat fillings), including (check all that apply to your operation)
  - ○Breads ○ Biscuits ○ Churros
  - ○Cookies ○ Pastries ○ Tortillas
  - ○ Other baked good_____
- ☐ Candy, such as brittle and toffee
- ☐ Chocolate-covered nonperishable foods, such as nuts and dried fruit
- ☐ Dried Fruit
- ☐ Dried pasta
- ☐ Dried baking mixes
- ☐ Granola, cereals, and trail mixes
- ☐ Fruit pies, fruit empanadas, and fruit tamales
- ☐ Herb Blends and dried mole paste
- ☐ Honey and sweet sorghum syrup
- ☐ Jams, jellies, preserves and fruit butter that comply with standard described in Part 150 of Title 21 of the Code of Federal Regulations (These should be fruit products to assure that they are not potentially hazardous.)
- ☐ Nut mixes and nut butters
- ☐ Popcorn
- ☐ Vinegar and mustard
- ☐ Roasted coffee and dried tea
- ☐ Waffle cones and pizzelles

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

Facility Requirements, Floor Plan and Equipment List—Attachment	YES	NO
The CFO is located in a private residence where the CFO operator currently resides.	☐	☐
CFO food preparation will take place in the private kitchen within that home.	☐	☐
Sketch of floor plan and list of utensils for food and kitchen areas provided (Attachment 1).	☐	☐
Restroom to be used with CFO available (Attachment 1).	☐	☐
Hand washing and ware washing facilities to be used with CFO available (Attachment 1).	☐	☐
Employee and Training Requirements	**YES**	**NO**
Have all persons preparing or packaging CFO products completed the approved food handler course?	☐	☐
If YES, copies of certificates are attached.	☐	☐
If NO, complete course within three months of CFO registration.	☐	☐
Does the CFO have more than 1 employee? (Immediate family/household members are not included.)	☐	☐
Food Preparation Requirements	**YES**	**NO**
Hand washing to be conducted immediately prior to handling foods and after engaging in any activity that contaminates hands, such as after using the toilet, coughing, sneezing, eating or smoking.	☐	☐
Warm water, pump soap and single use paper towels are available for hand washing.	☐	☐
All food ingredients used in CFO products are from an approved source, and are safe and wholesome.	☐	☐
Kitchen equipment and utensils used to produce CFO products are cleaned and sanitized prior to use.	☐	☐
Water Supply, Sewage Disposal, Solid Waste Disposal & Zoning—Attachment 2	**YES**	**NO**
Is your water source a private well?	☐	☐
If YES, is testing for total and fecal coliform bacteria and nitrate complete? Attach test results.	☐	☐

Is your water source a public water system or community services district?	☐	☐
If YES, Is the name of the public water system or district provided? _____	☐	☐
Is your sewage disposal system a septic/aerobic system?	☐	☐
If YES (your residence has a septic/aerobic system) **and** you are a Class A CFO, you must complete the self-certification portion of Attachment 2. Attachment 2 is submitted.	☐	☐
Information regarding trash disposal provided (Attachment 2).	☐	☐
Documentation regarding local zoning approval is provided (Attachment 2)?	☐	☐
Sales Plan—Attachment 3	**YES**	**NO**
Location(s) of direct sale cottage food products provided (Attachment 3).	☐	☐
Location(s) of indirect sale cottage food products provided (Attachment 3).	☐	☐
Food Preparation/Handling Steps and Ingredients—Attachment 4	**YES**	**NO**
Food preparation/handling steps and list of ingredients of each CFO product provided (Attachment 4).	☐	☐
Labeling and Packaging—Attachment 5	**YES**	**NO**
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, city, and zip code of the CFO	☐	☐
Registration number	☐	☐
Ingredient list in descending order of weight	☐	☐
Net quantity in English units (pounds) and metric units (grams)	☐	☐
Declaration of food allergens, such as milk, eggs, fish, etc.	☐	☐
Label legible and in English	☐	☐
If nutrient content claim or health claim made, nutrition fact panel provided	☐	☐
A sample label for **each** cottage food product is provided.	☐	☐
Description of packaging and process of packaging to be used for **each** CFO product provided.	☐	☐
Permissible Sales Requirements	**YES**	**NO**
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	☐	☐

Operational Requirements

1. No cottage food preparation, packaging, or handling may occur within the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
2. No infants, small children, or pets may be in the home kitchen during preparation, packaging or handling of any cottage food products.
3. Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
4. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed and sanitized before each use.
5. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
6. Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food are being prepared, packaged, stored, or handled.

I (we) agree to grant to Stanislaus County Department of Environmental Resources the right to enter, during normal business hours or at other reasonable times, the permitted CFO area of the private residence for the purpose of inspection, including the collection of food samples. I agree to notify Stanislaus County Department of Environmental Resources prior to making changes to my food list, type of operation, and/or method of selling, distributing, or otherwise providing my CFO products to the consumer or retailers, regardless of whether or not the product is sold, consigned or given away.

_____ _____ _____

Print Name of Cottage Food Operator | Signature of Cottage Food Operator | Date

COTTAGE FOOD OPERATION (CFO)

FACILITY, FLOOR, AND EQUIPMENT PLAN

ATTACHMENT 1

The CFO application must include a floor plan showing all of the following:

- Preparation equipment
- Food contact work surfaces
- Warewashing equipment
- Restroom facility
- Handwashing
- Storage areas
- Refrigeration equipment

Sketch

List of Equipment/Utensils:

_____
_____
_____
_____
_____
_____
_____
_____
_____

COTTAGE FOOD OPERATION (CFO)

WATER SUPPLY, SEWAGE DISPOSAL, SOLID WASTE DISPOSAL, & ZONING

ATTACHMENT 2

Water Supply

If your potable water source is from a private well, you will need to have the water tested by a state certified lab. The water sample must be absent of Total and Fecal Coliform bacteria. The water sample must have no more than 45 mg/L of Nitrate (as NO_3). Submit a copy of the lab results.

_____
_____
_____
_____

Sewage Disposal – Public Sewer System

If your residence is connected to a public sewer system, provide the name of the public sewer agency:

_____
_____
_____
_____
_____

Sewage Disposal – Septic System

Class A CFO: Owner of residence to provide septic system self-certification here:

I, _____, property owner of _____
(name of property owner – please print) *(physical address of CFO – please print)*

certify that:

a) the septic system is in good working condition and all effluent is contained below the surface of the ground;
b) the septic system is not a cesspool;
c) adequate future expansion area for septic system replacement/repair is available;
d) I will notify Stanislaus County Environmental Resources should sewage effluent back-up or surface above the ground.

_____ _____
Signature *Date*

Solid Waste Disposal

Provide the name of the solid waste company that picks up your trash.

_____
_____
_____

Zoning

Provide any documentation direction you may have received from your local city or the Stanislaus County Planning Department regarding your CFO business.

_____
_____
_____
_____
_____

CLASS A COTTAGE FOOD OPERATION (CFO)

(CFO) SALES PLAN

ATTACHMENT 3

Sales Plan

List the name and address of each business where the CFO products will be sold.

Direct Sale: List the name of the business and address where 'Direct Sale' of cottage food products will take place.

'Direct Sale' means a transaction between a cottage food operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operator. Direct sales include, but are not limited to, sale from the location of the cottage food operation, transactions at community events, bake sales, farm stands, Certified Farmers' Markets and other locations provided the transaction occur in-person between the consumer and the cottage food operator.

CFO operators who sell or give away food at a Certified Farmer's Market or at a community event are required to obtain a temporary food facility permit from Environmental Resources. If you are participating in a Certified Farmer's Market or Community Event, please specify by name and location. Attach a separate sheet if necessary.

□ Certified Farmer's Market:

_____
_____
_____
_____
_____
_____
_____
_____
_____

□ Community Event:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

□ Both

COTTAGE FOOD OPERATION (CFO)

FOOD PREPARATION/HANDLING STEPS AND INGREDIENTS

ATTACHMENT 4

Food Preparation/Handling Steps and Ingredients

Submit food preparation/handling steps with a list of all ingredients used to manufacture the cottage food product(s), submitting separate information for each individual cottage food product indicated on your application. Note: All ingredients shall be from an approved source.

Example: Chocolate Chip Cookies

Ingredients:

butter
baking soda
white sugar
hot water
brown sugar
salt
eggs
semisweet chocolate chips
vanilla extract
chopped walnuts

Preparation/Handling Steps:

1. Cream together the butter, white sugar, and brown sugar until smooth.
2. Beat in the eggs one at a time, then stir in the vanilla.
3. Dissolve the baking soda in hot water. Add to batter along with salt.
4. Stir in chocolate chips and walnuts. Drop in large spoonfuls onto ungreased baking pans.

Bake for 10 minutes in the preheated oven at 350 degrees or until edges are browned

CLASS A

COTTAGE FOOD OPERATION (CFO)

LABELING AND PACKAGING

ATTACHMENT 5

Labeling

Cottage food products are required to be labeled in accordance with specific state and federal labeling regulations. The following list of labeling requirements is intended to assist CFOs in complying with basic labeling laws and regulations. Complete federal labeling requirements may be found in the Federal Food, Drug, and Cosmetic Act available at 21 U.S.C. Sec. 343 et seq. & 21 CFR Part 101 (http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150).

Packaged, processed food labels usually have two distinct areas: the principal display panel (also known as the primary display panel) and the information panel. The principal display panel information is part of the label the consumer will see first and is usually located on the front of the package. This panel lists the product name and net quantity of contents.

The information panel is usually located to the immediate right of the principle display panel, and contains the nutrition facts statement. Computer generated labels affixed to cottage food products may list all required information on the principle display panel, provided that the information is displayed in a size and manner that will allow the information to be read by the average consumer.

In addition, whenever a Class B cottage food product is served without packaging or labeling in a permitted retail food facility or is used as an ingredient in the preparation of a food in a retail food facility, the retail customer must be notified that the food product or the ingredient in the food was processed in a CFO home kitchen.

Copies of labels for each cottage food product you are proposing to manufacture must be included with your application.

Labels shall include:

1. Home kitchen identification. The words **"Made in a Home Kitchen" in 12-point type** must appear on the principal display panel.
2. Common or descriptive name. The common or descriptive name of the CFO food product must be located on the principal display panel.
3. CFO identification. The name, city, and zip code of the CFO operation which produced the cottage food product must be included on the label. 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 the CFO.)
4. Registration or permit number. The label must include the registration or permit number of the Class A or Class B CFO which produced the cottage food product. Class B CFOs must indicate their County of Stanislaus health permit number on their label.
5. Ingredients. The label must include the ingredients of the cottage food product in descending order of predominance by weight, if the product contains two or more ingredients.
6. Net quantity. The net quantity (count, weight, or volume) of the food product in both English (pound) units and metric units (grams).

7. Allergens. 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 statement immediately following or adjacent to the ingredient list, or b) within the ingredient list
8. English language. The label must be legible and in English (accurately translated information in another language is optional).

Example of Class A CFO Label:

MADE IN A HOME KITCHEN

Registration # 1234 **Issued in Stanislaus County**

Chocolate Chip Cookies

Fred Smith, 123 Somewhere St., Hickman CA 95323
Stanislaus County

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)

9. Nutrient content claim. 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. The Federal Food and Drug Administration has set conditions for the use of these terms. For example, the term 'sodium free' means that the food contains less than 5 milligrams of sodium per serving of the food.
10. Health claim. 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 (i.e., sodium and hypertension, calcium and osteoporosis). Health claims, if used, must conform to the requirements established in 21 CFR 101.14 and 101.70 et. seq. http://www.cdph.ca.gov/programs/Documents/fdbCFOlabel.pdf
11. Nutrition fact panel. Nutrition fact panels will generally not be required for CFOs. If the food label makes any nutrient content or health claims then a nutrition facts panel is required to be incorporated into the label. Nutrition information must be declared in a 'Nutrition Facts' statement as indicated in the example below. The categories that are required to be on the nutrition facts panel include: calories, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugar, protein, vitamin A, vitamin C, calcium and iron. The amount of trans fat must be declared on the nutrition facts panel unless the total fat in the food is less than 0.5 gram (or ½ gram) per serving and no claims are made about fat, fatty acid, or cholesterol content. If it is not listed, a footnote must be added stating the food is 'Not a significant source of trans fat.' See example below.

Example of 'Nutrition Facts' panel:

Nutrition Facts

Serving Size 1 cup (228g)
Servings Per Container about 2

Amount Per Serving

Calories 250	Calories from Fat 110
	% Daily Value*
Total Fat 12g	**18%**
Saturated Fat 3g	**15%**
Trans Fat 3g	
Cholesterol 30mg	**10%**
Sodium 470mg	**20%**
Total Carbohydrate 31g	**10%**
Dietary Fiber 0g	**0%**
Sugars 5g	
Proteins 5g	
Vitamin A	4%
Vitamin C	2%
Calcium	20%
Iron	4%

* Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Saturated Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

For educational purposes only. This label does not meet the labeling requirements described in 21 CFR 101.9.

Packaging

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 foodgrade (safe for food contact) and not contaminate the food. Provide a description of all the types of packaging you are proposing to use, and the process by which you will package the cottage food product. Labels must be affixed to the packaging.

Example Packaging:

Packaging consists of 6 ½" X 5 ½" clear, fold top plastic sandwich bags with plastic twist ties. Two chocolate chip cookies will be placed in each bag and the bag will be sealed closed. A computer generated self-stick label will be placed on each bag.

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COTTAGE FOOD OPERATION (CFO)
PROPERTY OWNER AGREEMENT

A Cottage Food Operation (CFO) allows non-potentially hazardous food, such as baked goods, jams, jellies, preserves, fruit butters, dry herbs, dry blends or dry tea blends, to be produced in the kitchen of a person's primary domestic residence within Stanislaus County.

NAME OF COTTAGE FOOD OPERATION			PHONE (INCLUDE AREA CODE)
COTTAGE FOOD OPERATOR NAME			APN
ADDRESS OF DOMESTIC HOME KITCHEN	CITY	STATE	ZIP CODE

I have read and understand the following documents, which are available online at the California Department of Public Health http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx and at the Stanislaus County office listed above.

INITIALS	DOCUMENT NAME
	Cottage Food Operations
	California Homemade Food Act: Frequently Asked Questions, AB1616 (Gatto) - Cottage Food Operations
	California Department of Public Health CFO website

Owner Statement

I , the undersigned, understand the following:

- the residential home listed above is will be used by the resident(s) of the home to store ingredients and make food items that will be sold directly and indirectly to the public.
- only the foods listed under AB1616 may be prepared in a CFO, and the resident(s) has (have) informed me of which foods will be prepared in the CFO.
- the registration Class A/permit Class B may be suspended or revoked for good cause.
- the registration Class A/permit Class B is not transferable upon change of ownership and is valid only for the location and type of cottage food product(s) indicated.

Please provide the following information for all owners of this property. Attach an additional sheet if necessary.

Property Owner Name (please print) _____

Mailing Address _____

Phone Number _____ Alternate Number _____

E-Mail address _____

Property Owner Signature _____ Date _____

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COTTAGE FOOD OPERATION (CFO)
INCOME AFFIDAVIT

A Cottage Food Operation (CFO) allows non-potentially hazardous food, such as baked goods, jams, jellies, preserves, fruit butters, dry herbs, dry blends or dry tea blends, to be produced in the kitchen of a person's primary domestic residence within Stanislaus County.

NAME OF COTTAGE FOOD OPERATION			PHONE (INCLUDE AREA CODE)
COTTAGE FOOD OPERATOR NAME			APN
ADDRESS OF DOMESTIC HOME KITCHEN	CITY	STATE	ZIP CODE

I have read and understand the following documents, which are available online at the California Department of Public Health http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx and at the Stanislaus County office listed above.

INITIALS	DOCUMENT NAME
	Cottage Food Operations
	California Homemade Food Act: Frequently Asked Questions, AB1616 (Gatto) - Cottage Food Operations
	California Department of Public Health CFO website

Operator Statement

I am providing this affidavit to verify that my income shall not exceed the gross sales limit as specified in the text of the California Homemade Food Act – AB1616 (Gatto) and briefly listed below:

- $35,000 or less gross sales in 2013
- $45,000 or less gross sales in 2014
- $50,000 or less gross sales in 2015 and beyond

I understand that this information is subject to verification by the State of California.

I declare, under perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Print name _____ Signature _____ Date _____

COTTAGE FOOD OPERATION (CFO)
HANDWASHING

HANDWASHING PREVENTS FOOD CONTAMINATION

Keeping hands clean is easy to do and is one of the best ways to prevent the spread of illness and infection in all settings. Clean hands can stop germs from spreading from one person to another and throughout an entire community. Food handlers may contaminate food by touching a source of bacteria with their hands and then touching food that they prepare or serve. The Center for Disease Control estimates that poor personal hygiene accounts for the contamination in 25% of all documented food illness outbreaks.

WHERE CAN BACTERIA BE FOUND?

- On several food products including fruits and vegetables.
- In feces from humans, insects, and rodents.
- On contaminated equipment, food contact surfaces such as cutting boards and countertops, and filthy cloths.
- In infected cuts on the worker's hands. (Workers with cuts should always use clean bandages and sterile gloves or finger covers. Note: Gloves only protect food from bacteria located on the hands. Gloves can also become contaminated. Change gloves often and between tasks.)
- In the pus of pimples.
- In the mucus of the nose.

HANDWASHING STEPS

- Wet your hands with warm, clean, running water and apply soap.
- Rub your hands together to make a lather and scrub them well; be sure to scrub the backs of your hands, between your fingers, and under your nails.
- **Continue rubbing your hands for at least 20 seconds. Need a timer? Hum the "Happy Birthday" song from beginning to end twice.**
- Rinse your hands well under running water.
- Dry your hands using a clean towel or air dry.
- Turn of the taps with a towel.

WHEN IS IT IMPORTANT FOR FOODHANDLERS TO WASH THEIR HANDS?

- Before beginning work
- Before and after smoking or eating
- Before and after preparing food
- Before and after caring for someone who is sick
- Before and after treating a cut or wound
- After using the toilet
- After blowing your nose, coughing, or sneezing
- After touching an animal, animal feed, or animal waste
- After touching garbage
- After touching one's face, nose, and/or hair
- After cleaning
- After handling money
- After changing diapers or cleaning up a child who has used the toilet

Hand sanitizers can quickly reduce the number of germs on hands in some situations, but sanitizers do **not** eliminate all types of germs.

Hand sanitizers are **not** effective when hands are visibly greasy.

DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9494
Phone: 209.525.6700
Fax: 209.525.6774
www.stancounty.com

COTTAGE FOOD OPERATION (CFO)
FOOD HANDLER CARD PROGRAM PROVIDERS

All persons preparing or packaging CFO products are required to successfully complete an approved food handler course within 3 months of registration (California Retail Food Code §114365.2 (d)). Below is a list of approved course providers.

Course Providers	
AboveTraining/StateFoodSafety.com 801-494-1879 Bryan Chapman - bchapman@abovetraining.com 507 East Technology Avenue, Building C, Orem, UT 84097, USA http://www.statefoodsafety.com	**National Restaurant Association Solutions, LLC** 312-715-1010, 312-261-5348 Kathleen Piche - kpiche@restaurant.org 175 W Jackson Blvd, Suite 1500, Chicago, IL 60604, USA http://www.foodhandlerusa.com/
Environmental Health Testing, LLC 407-352-3830 Jeff Belmont - jbelmont@envhealthtesting.com Lawrence Lynch - llynch@nrfsp.com 7680 Universal Blvd., Suite 550, Orlando, FL 32819, USA http://www.envhealthtesting.com/foodhandler.aspx	**Premier Food Safety** 714-451-0075 x 203 Korey Chong - korey@premierfoodsafety.com 1532 W. Commonwealth Ave, Suite A , Fullerton, CA 92833, USA http://www.premierfoodsafety.com/
MindLeaders, Inc. Janiece Attal - janiece.attal@360training.com Bill Vear - bvear@mindleaders.com 5500 Glendon Court, Suite 200, Dublin , OH 43016, USA http://www.mindleaders.com/ca-food-card/	**Safeway Certifications, LLC** Jeffry Lambert - jeff@safewayclasses.com 8411 Cambria Dr Austin, TX 78717, USA http://www.safewayclasses.com/
National Environmental Health Association 303-756-9090 Rance Baker - rbaker@neha.org Christine Hollenbeck - CHollenbeck@neha.org 720 S Colorado Blvd, Suite 1000N, CO, Denver 80246, USA http://www.neha.org	**TAP Series** George Rougham - gr@tapseries.com 5655 Lindero Canyon Rd. Suite 501, Westlake Village, CA 91362, USA http://www.tapseries.com

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NOTE: The information in this FAQ is intended to provide a response to questions posed and will be updated as needed. This information should not be construed as a legal interpretation.

AB 1616 Chaptered Law:
http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1616_bill_20120921_chaptered.pdf

California Homemade Food Act
Cottage Food Operations (CFO)
Frequently Asked Questions

1. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise operating from a private home where low-risk food products are prepared or packaged for sale to consumers.

2. When does the new law go into effect?

The new law becomes effective January 1, 2013 and imposes certain responsibilities on local planning and environmental health jurisdictions. The California Department of Public Health (CDPH) has been tasked with providing food processor training and posting an approved list of foods allowed to be prepared by a CFO on their website. The CDPH is also responsible for establishing a process to update the list of approved cottage foods. To obtain the most current information concerning cottage food products, go to the CDPH cottage food webpage at:
http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx

3. What is meant by "private home"?

"Private home" means a dwelling, including an apartment or other leased space, where individuals reside. The CFO must be conducted from the primary residence and is not allowed to be conducted from other dwellings such as a second home, vacation home, motor home, etc.

4. Are there limitations on the size of a CFO's sales?

Yes. The dollar amount a CFO is limited to in a calendar year is as follows:

- $35,000 or less in gross sales in 2013
- $45,000 or less in gross sales in 2014
- $50,000 or less in gross sales in 2015 and beyond

5. Can a CFO have employees?

Yes. A CFO can have one full-time equivalent employee (not counting family members or household members).

6. What are the two classifications of CFOs?

There are two classifications or types of Cottage Food Operations:

a) Class A CFO – An enterprise that only engages in the direct sale of cottage food products.
b) Class B CFO – An enterprise that engages in both direct and indirect sales of cottage food products.

7. What is meant by "direct sale" of cottage food?

"Direct sale" means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. 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 CFO.

NOTE – The information in this FAQ is intended to provide a response to questions posed and will be updated as needed. This information should not be construed as a legal interpretation. AB 1616 Chaptered Law: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1616_bill_20120921_chaptered.pdf

NOTE -- A CFO operator may sell cottage food products at a permitted community event provided the CFO operator has a valid temporary food facility permit. Cottage food products offered by a registered or permitted CFO are classified as being from an approved source.

8. What is meant by "indirect sale" of cottage food?

"Indirect sale" means an interaction 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 retail food facility permit issued by the Stanislaus County Department Environmental Resources. 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. What types of cottage food can be prepared by a CFO?

Only foods that are defined as "non-potentially hazardous" are approved for preparation by a CFO. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The CDPH will establish and maintain a list of approved cottage foods on their website and will establish a process by which new foods can be added to the list and other foods can be Challenged and removed. The current list of approved cottage foods includes:

- Baked goods without cream, custard, or meat fillings (i.e., breads, biscuits, churros, cookies, pastries, and tortillas)
- Candy (i.e., brittle and toffee)
- Chocolate-covered non-perishable foods (i.e., 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)
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizzelles

10. Do I need any special training or certification to prepare cottage foods?

Yes. A person who prepares or packages cottage food products must complete a food handler course instructed available on-line from accredited food handler course providers within three months of being registered or permitted.

11. Where do I go to obtain this special training/certification?

CFOs may obtain their training and certification in food safety knowledge through on-line food-handler courses that are available for California retail food facility employees. For CFOs that have a minimal training in food safety practices, sanitation principles, or basic food microbiology, these courses provide an excellent background of information that will help the operator understand key food safety principles.

You can access a list of available food-handler training courses at the following website:
http://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuD=212&prgID=228&status=4

For information concerning the food processor course go to the CDPH cottage food webpage at:
http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx

12. Does a CFO need a registration or permit to operate?

Yes. A CFO must contact the following agencies to obtain approval for their operation:

- *Department of Environmental Resources*
  a) Class A CFOs (direct sale only) must submit a completed Application for Registration packet and the Registration fee to this Department for approval **prior** to commencing operations.
  b) Class B CFOs (direct and indirect sales) must submit a completed Application for Permit packet and the application fee to this Department for approval **prior** to commencing operations.

NOTE – Registrations and permits are non-transferable between persons (owners), locations, type of food sales (i.e., direct sales vs. indirect sales), and type of distribution.

- *Planning/Zoning Agency*

Depending on where the private home is located within Stanislaus County, a CFO must obtain approval from the Stanislaus County Planning Department or their local city planning department. Most planning departments will require a home occupation permit and a business license be obtained for both Class A and Class B CFOs. As planning department requirements may vary between jurisdictions, potential CFO operators should check with the jurisdiction where the CFO will be located for specific requirements.

- *Department of Agriculture, Division of Weights and Measures*

The scales used when packaging CFO products may require approval by Stanislaus County Department of Agriculture, Division of Weights and Measures. Check with this agency for specific requirements.

Quick Reference for Associated Agency Contacts	
Stanislaus County Planning Department	(209) 525-6330
City of Ceres Planning Department	(209) 538-5774
City Of Hughson Planning Department	(209) 883-4055
City Of Modesto Planning Department	(209) 577-5267
City Of Newman Planning Department	(209) 862-3725
City Of Oakdale Planning Department	(209) 845-3626
City Of Patterson Planning Department	(209) 895-8020
City Of Riverbank Planning Department	(209) 863-7120
City Of Turlock Planning Department	(209) 668-5640
City Of Waterford Planning Department	(209) 874-2328
Stanislaus County Agriculture Department, Division of Weights and Measures	(209) 525-4730

13. Are there any requirements regarding an on-site water well serving the private home where a CFO will operate?

Yes. Only potable water from a properly constructed on-site water well or approved municipal water system can be used. If a well is used, the well water must be tested for coliform bacteria and nitrate at least annually. The water sample must be absent of Total and Fecal Coliform bacteria. The water sample must have no more than 45 mg/L of Nitrate (as NO_3).

List of Certified Laboratories for Bacteriological and/or Chemical Analysis

A & L Western Agricultural Laboratories, Inc. 1311 Woodland Ave. #1 CA Modesto, CA 95351 PH: (209) 529-4080 FAX: (209) 539-4736 rbutterfield@al-labs-west.com	**Geo Analytical Laboratories** 2300 Maryann Dr. Turlock, CA 95380 PH: (209) 669-0100 FAX: (209) 668-8516 lab.geo@att.net
Aqua Lab PO Box 1624 Twain Harte, CA 95383 PH: (209) 586-3400 FAX: (209) 869-1492	**J & L Analytical Services** 217 Primo Way Modesto, CA 95358 PH: (209) 538-8111 FAX: (209) 538-3966 charlene@jlanalytical.com
BSK Associates 1414 Stanislaus Fresno, CA 93706 PH: (800) 877-8310 FAX: (559) 497-6935	**Moore Twining Laboratories** 5253 Jerusalem Ct., Suite E Modesto, CA 95356 PH: (209) 342-2061
Dellavalle Laboratory, Inc. 1910 W. McKinley Ave., Suite #110 Fresno, CA 93728 PH: (800) 228-9896 www.dellavallelab.com	**Stanislaus County Public Health Laboratory (Bacteriological ONLY)** 820 Scenic Drive Modesto, CA 95350 PH: (209) 558-7356
FGL Environmental 2500 Stagecoach Rd. Stockton, CA 945215 PH: (209) 942-0181	**Argon Laboratories (Inorganics)** 2905 Railroad Ave. Ceres, CA 95307 PH: (209) 581-9280 FAX: (209) 581-9282 www.argonlabs.com
Far West Laboratories Inc. P O Box 355 Riverbank, CA 95367 Telephone (800) 750-9260 (209) 869-9260	**California Laboratory Services** 3249 Fitzgerald Rd. Rancho Cordova, Ca. 95742 800-638-7301 916-638-4510 scottf@californialab.com

Disclaimer: The Stanislaus County Department of Environmental Resources makes no assumption of quality and makes no warranties regarding providers appearing in this resource guide. This resource guide is simply a public listing provided for consumer convenience, and is not a recommendation or endorsement by the Department.

14. If my private home is on a septic system, how do I obtain a clearance for my CFO?

Class A CFOs can certify the septic system is functioning properly, provided the following requirements are met:

1) the septic system cannot be a cesspool
2) the septic system must be operating effectively
3) the septic system must have a reserve area for replacement if the existing septic system fails.

Self-certification can be accomplished by completing Attachment 2 of the application.

NOTE – This Department reserves the right that in the future all Class B CFOs may be required to obtain a septic system clearance from the Stanislaus County Department of Environmental Resources, located at 3800 Cornucopia Way, Suite C in Modesto.

15. Can the liquid waste from my CFO impact the septic system?

Yes. A residential septic system is designed to accept waste flows from occupants conducting normal day-to-day activities. A cottage food operation may increase the volume and/or strength of the waste if higher amounts of sugars, fats, oils or grease wash down the drain as a result of cooking, baking or cleaning associated with the operation. Increased flows and higher strength waste can cause the septic system to perform poorly, or fail, leading to costly repairs.

Minimize the amount of sugars, fats, oils, or grease entering your septic system by scraping and wiping utensils and surfaces prior to washing, and avoid washing food scraps down the drain. Also, have your septic tank pumped at the recommended frequency of once every 3-5 years.

16. Can my wastewater be disposed of in a gray water system?

No. The California Plumbing Code Chapter 16A excludes kitchen wastewater from the definition of gray water. Gray water is defined as "untreated wastewater that has not been contaminated by any toilet discharge. Gray water includes wastewater from bathtubs, showers, bathroom sinks, clothes washing machines and laundry sinks. It does not include wastewater from kitchen sinks, dishwashers, photo lab sinks or laundry water from soiled diapers." Food processing wastewater, like wastewater from kitchen sinks, is considered "black" water and cannot be routed to a gray water disposal system.

17. How much will the CFO registration or permit cost?

At this time, the annual fees have not been set. The annual fees for the Class A and Class B CFO will be set by the Stanislaus County Board of Supervisors in July 2013.

NOTE – Additional fees may be charged for inspection and/or enforcement activities if the CFO is found to be in violation of California food safety laws.

18. Will my CFO registration/permit allow me to sell at other retail venues?

Class A CFOs are limited to direct sales of cottage food products. In addition to the 'direct sale' of cottage food products, Class B CFOs may also engage in 'indirect sales,' CFOs may operate at approved venues such as Community Events, provided they obtain a valid Temporary Food Facility Permit from Department of Environmental Resources. Cottage food products sold from Registered Class A and Permitted Class B CFOs are considered to be from an approved source.

19. Do I need a Temporary Food Facility Permit to operate at a Certified Farmers' Market even though I am a Registered or Permitted CFO?

Yes. Cottage food products offered by Registered Class A and Permitted Class B CFOs may be sold at Certified Farmers' Markets provided the CFO has a valid Temporary Food Facility Permit.

20. Can a CFO located outside of Stanislaus County sell their cottage food products within Stanislaus County?

No. Only CFOs located within Stanislaus County are permitted to sell cottage food products only within Stanislaus County.

21. How often will a CFO be inspected?

- Class A CFOs are not subject to initial or routine inspections. For purposes of determining compliance, the registered area of the CFO may be inspected under the following conditions: consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced or that the CFO has violated Chapter 11.5 of the California Retail Food Code.
- Class B CFOs are required to have an initial inspection to determine compliance with Chapter 11.5 of the California Retail Food Code. Once permitted, Class B CFOs will be inspected no more than once per year. For purposes of determining compliance, the registered area of the CFO may be inspected under the following conditions: consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced or that the CFO has violated Chapter 11.5 of the California Retail Food Code.
- Class A and Class B CFOs (Other Inspections): Environmental Resources may access, for inspection purposes, the registered or permitted area where a CFO is located if, on the basis of a consumer complaint, Environmental Resources has reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO or that the CFO is found to be in violation of California food safety laws.

NOTE – A CFO found to be in violation will be subject to fees for the inspection and any enforcement activities.

22. What are the operational requirements for a CFO?

All CFOs must comply with the following:

- No domestic activity in kitchen during cottage food preparation
- No infants, small children, or pets in kitchen during cottage food preparation
- Kitchen equipment and utensils kept clean and in good repair
- All food contact surfaces and utensils washed, rinsed, and sanitized before each use
- All food preparation and storage areas free of rodents and insects
- No smoking in kitchen area during preparation or processing of cottage food
- A person with a contagious illness shall refrain from working
- Proper handwashing shall be completed prior to any food preparation or packaging
- Water used in the preparation of cottage food products must be potable. Cottage food preparation activities include:
  - Washing, rinsing, and sanitizing of any equipment used in food preparation
  - Washing and sanitizing hands and arms
  - Water used as an ingredient in a cottage food product

23. Where can I file a complaint about a cottage food operation or cottage food product?

You can file a complaint by contacting Department of Environmental Resources at (209) 525-6700 or by filing a complaint online at http://www.stancounty.com/customercenter/index.shtm.

24. Are "Internet" sales and "Mail-Order" sales permitted?

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.

25. What has to be on my cottage food label?

- All cottage food products must be labeled in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). The label must include the following:
  - The words "Made in a Home Kitchen" in 12-point type

- The name commonly used for the food product
- The name of the CFO and the 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 CFO which produced the cottage food product, and in the case of a Class B CFO, the name of the county where the permit was issued. For example, "Stanislaus County"
- 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.
- 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.
- 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.
- If the label makes approved nutrient content claims or health claims, the label must contain a "Nutrient Facts" statement on the information panel.
- Labels must be 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 package must be food-grade (safe for food contact) and not contaminate the food.

- In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the consumer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food has been made in a private home.