

COTTAGE FOOD OPERATION GUIDELINES

INTRODUCTION

The California Homemade Food Act was signed into law by Governor Brown on September 21, 2012 and went into effect on January 1, 2013. This new law will allow certain foods, known as Cottage Foods, to be made in private homes and sold to the public. Individuals who own and run these home-based businesses will be known as a Cottage Food Operation (CFO). This guideline provides information to anyone who is interested in starting a Cottage Food Operation (CFO).

REGISTRATION/PERMITTING FORM AND SELF-CERTIFICATION CHECKLIST

To obtain approval as a Cottage Food Operator, please submit the following documents to the Environmental Health Division:

- California Homemade Food (CFO) Registration/Permit Application
- Self-Certification Checklist (Class A Only)
- A copy of all proposed cottage food product labels
- If the potable water source is from a private well, a laboratory analysis from within the prior 3 months verifying that the water meets State water quality standards for bacteriological and primary inorganic chemicals
- Payment of the applicable fee

Class A CFO's must complete and submit a California Homemade Food (CFO) Registration/Permit Application annually.

WHAT TYPE OF APPROVAL IS REQUIRED?

1. A "Class A" CFO shall not be open for business unless it is registered with the City of Pasadena, Public Health, Environmental Health Division (EHD). "Class A" CFOs are subject to inspection on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO, or that the CFO has violated the California Retail Food Code. The EHD will assess a cost for any inspections necessary to determine compliance.

2. A "Class B" CFO shall not be open for business unless it obtains a permit from the City of Pasadena, Public Health, Environmental Health Division. A permit shall be issued after an initial inspection has been conducted to determine that the proposed "Class B" CFO and its method of operation are in compliance. "Class B" CFOs are subject to one routine inspection per year.

3. The annual fees depend on the type of Cottage Food Operation:

- Class A - Annual Registration\$100
- Class B - Annual Permit.....\$374

Note: For both types of Cottage Food Operations, the Cottage Food Operator must contact the City of Pasadena Planning & Community Development Code Compliance Section at (626)744-4663 for approval.

ADDITIONAL REQUIREMENTS

1. A registration or permit is non-transferable. 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 the time period indicated.

2. A person who prepares or packages cottage food products shall complete a food processor course by the California Department of Public Health (CDPH) within three months of becoming registered. <http://www.cdph.ca.gov/programs/Documents/fdbCFOtrain.pdf>

DEFINITIONS:

1. **"Class A CFO"** is a Cottage Food Operation (CFO) that may engage only in direct sales of cottage food products from the CFO or other direct sales venue.
2. **"Class B CFO"** is a CFO that may engage in both direct sales and indirect sales of cottage food products within the county in which the "Class B" cottage food operation is permitted.
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)"** means an enterprise, which produces cottage food products only in the home kitchen of that person's primary home. A CFO shall not operate as a food facility or wholesale food processing establishment.
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"** means those foods that are approved by the California Department of Public Health as listed on the following link: <http://www.cdph.ca.gov/programs/Documents/fdbCFOfoodlist.pdf>. To request the addition of a food item that is currently not listed, please see the attached link for instructions on how to request: <http://www.cdph.ca.gov/programs/Documents/fdbCFOaddfoodrequest.pdf>.
7. **"Direct sales"** means a transaction within the state 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.
8. **"Indirect sales"** 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 permit.
9. **"Potentially hazardous food"** means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Nonpotentially hazardous foods do not require time/temperature control.
10. **"Private home"** means 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, flies and similar pests that carry disease.

13. "Sanitizing" means the use of chemicals such as bleach to remove harmful bacteria from food contact areas such as countertops, cutting boards, pots, pans and other utensils.

WHAT ARE THE OPERATIONAL REQUIREMENTS FOR COTTAGE FOOD OPERATIONS?

Cottage Food Operations (CFOs) are single-family style homes or apartment units with a non-commercial kitchen.

1. CFO Area: Any and all equipment, utensils, food, drinks, ingredients, and items used for the 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/permited area. Examples of areas that may not 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. *No infants, small children, or pets are allowed in the registered area during CFO food handling or preparation activities.*

Registered or Permitted Area: The CFO operator is required to specify which areas will be considered the "registered/permited area" when obtaining their registration/permit from the Pasadena Public Health Department.

2. Hand Washing Facilities: A sink must be available for hand washing during food handling or preparation activities. The sink must be supplied with hand soap and warm water. It is recommended that single-use paper towels be provided in a dispenser for drying of hands.

3. Water Supply: An adequate, protected, pressurized, potable supply of warm water and cold water shall be available for cottage food operations. Water used during the preparation of cottage food products shall meet the potable drinking water standards described in California Retail Food Code Section 113869. If the CFO is serviced by a private well, the water shall be tested by an approved laboratory analysis to verify that it meets State water quality standards for bacteriological and primary inorganic chemicals. Approval to operate will be granted after submitting recent (within 3 Months) laboratory results to Environmental Health.

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 of hands and arms.
- Water used as an ingredient.

4. Food Sources: All foods or ingredients used in a CFO 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.

5. 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.

- It is recommended that all food be stored at least 6 inches above the floor or under other conditions that are approved by EHD. 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.
- Potentially hazardous foods (such as eggs and milk) used to make non-potentially hazardous products for the cottage food operations are required to be held at 41°F or below.

6. Chemicals and Personal Item Storage: Chemical and personal items should be stored in an area separate from food. It is recommended to use pesticides and other cleaning chemicals that are safe to use in food areas. Follow the manufacturer's product label on how to use the product safely.

7. 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.

8. Hand Washing: All food handlers in a CFO shall thoroughly wash their hands and any exposed areas of the arms before starting work, immediately after using the bathroom, and as needed to prevent contamination of food or related equipment. Hand sanitizers are not acceptable substitute for hand washing.

9. Wounds/Illness and Bandages: A person with a contagious illness such as tuberculosis or hepatitis A **shall not** work in the cottage food operation. It is recommended that a person with cuts, blisters, or burns cover their hands, wrist and arms with a dry, durable bandage and wear a single-use glove before doing any food preparation or packaging.

10. Tobacco Use: A person involved in the preparation or packaging of cottage food products shall not smoke in the registered/permited area of the CFO.

11. Washing and Sanitizing: Kitchen equipment, utensils, and food contact surfaces used to produce cottage food products shall be clean and maintained in a good repair and shall be washed, rinsed, and sanitized prior to conducting food preparation or packaging.

- Recommended sanitizing solution: 100 parts per million (ppm) for bleach (commonly used sanitizer). Other approved chemicals that can be used are: 200 ppm quaternary ammonium or 25 ppm iodine.
- To make a 100ppm bleach sanitizer solution use unscented household bleach (1 tablespoon per 1 gallon of water).
- The use of sponges when cleaning and/or sanitizing food-contact surfaces is not recommended.
- Other sanitizers may be used if they are safe to use on surfaces that come in contact with food. **Refer to products labels for proper usage.**

12. General Sanitation: No cottage food preparation, packaging, or handling may occur in the home kitchen/permited area at the same time with any other domestic activities, such as family meal preparation, dishwashing, clothes washing, or guest entertainment. The sinks used for food preparation must be washed and sanitized before use. It is recommended that dirty mop water be disposed of in a toilet and not in the kitchen sink.

13. Animals: Animals/pets are not allowed in the registered/permited areas of the cottage food operation at all times while preparing, packaging, or handling of cottage food products.

14. Vermin: All food preparation and food storage areas shall be maintained free of vermin.

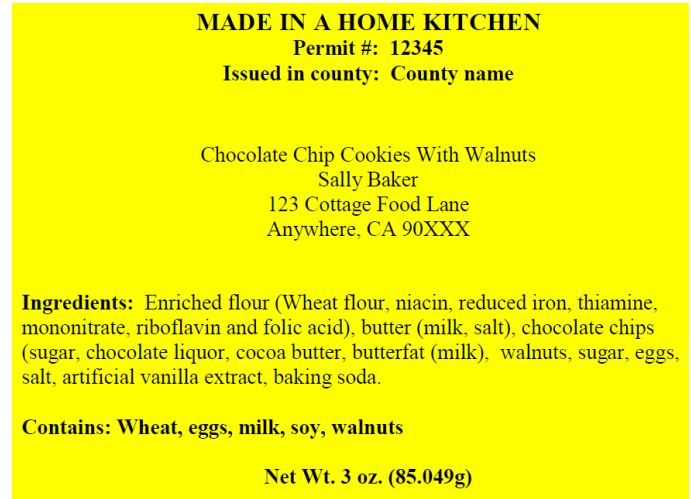
15. Garbage: The premises of each cottage food operation shall be kept clean and free of litter, garbage, and vermin.

16. Sewer: A CFO using an onsite wastewater system may need to have the system reviewed to ensure it is adequate for their proposed operation.

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” in 12-point type on the cottage food product’s primary display panel.
- The registration or permit number of the Class A or Class B CFO, respectively, which produced the cottage food product and, in the case of a Class B CFO, the name of the county of the local enforcement agency that issued the permit number.
- The name commonly used for the food product or an adequately descriptive name.
- The name of the CFO which produced the cottage food product and the address for its location.
- 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, 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: 1) In a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.



Nutrition Facts 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. Refer to the following link for additional information: <http://www.cdph.ca.gov/programs/Documents/fdbCFOlabel.pdf>

Food Facility Advertising

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 amounts in gross annual sales by calendar year:
 - 2013 - \$35,000
 - 2014 - \$45,000
 - 2015 and in subsequent years \$50,000
3. You may accept orders and payment on-line for the cottage food products, however, the cottage food products must be delivered directly to the buyer by the CFO.

If you have additional questions or need further assistance, please contact the Environmental Health Division at (626)744-6004.