



Starting a Cottage Food Operation in Marin County

California Assembly Bill 1616, also known as the California Homemade Food Act allows for small start-up businesses to prepare and sell Non-Potentially Hazardous Foods (see Attachment A for a list of approved cottage foods) out of their residences. Marin County Environmental Health Services is responsible for the oversight of registration and permitting of Cottage Food Operations (CFOs) within the County. CFOs are limited to the following annual sales:

- Class A: \$75,000 or less. Class B: \$150,000 or less. These limits will be adjusted annually for inflation based on the Consumer Price Index.

If you are proposing to operate a CFO within Marin County, you will need to submit an application for permit or registration to EHS along with the appropriate fee. Permits and registrations are non-transferrable and must be renewed annually.

CFOs are limited to Non-Potentially Hazardous Foods as listed in AB 1616. No bottling of juices is allowed from a cottage food facility. Mobile Food Facilities are not allowed to operate from a Cottage Food Operation. CFOs are limited to household members and one non-household member employee.

If you are proposing Direct sales only, you would apply for a Class A registration. “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 are not subject to routine inspections although they can be inspected by EHS on a complaint basis.

If you are proposing Indirect sales or a combination of direct/indirect, you would apply for a Class B permit and your facility is then subject to annual inspections by EHS staff. “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 permit issued by the local environmental health agency in their jurisdiction. Internet sales are restricted to direct delivery, pick-up and shipping within the State of California.

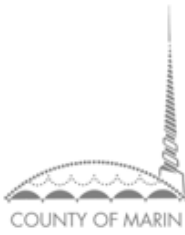
CFOs at residences utilizing private water sources and/or septic systems are subject to further requirements as noted in the Cottage Food Facility Application Packet. Additional fees are charged for review at time of application and at renewal.

CFOs are subject to local planning permits and business licenses. It is the responsibility of the CFO to contact your local Planning and Business License offices and obtain all necessary permits prior to operation. If your CFO is within the unincorporated area of Marin County you will need to complete the Home Occupation Zoning Verification form which can be obtained at our office.

As a Cottage Food Operator, you are responsible to know the requirements set forth in AB 1616. This document is available online for review. Another useful document is the California Conference of Directors of Environmental Health *California Homemade Food Act Frequently Asked Questions* available at www.marincounty.org/ehs or <https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/CottageFoodOperations.aspx>

For more specific requirements and to apply for a CFO registration or permit, please refer to the *Marin County Cottage Food Facility Application Packet* available in this office or at www.marincounty.org/ehs/food . You may also call our office at (415) 473-6907.

Revised 2023



Cottage Food Operation Application Packet

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Please submit the following with your application:

- Completed attached application and current fee.
- Signed copy of enclosed self-certification checklist: *Attachment B*
- List of ingredients for each of your Cottage Food Products: *Attachment C*
- Submit a description of the type of packaging you will use: Packaging must be food grade. *Attachment C*
- List of equipment, utensils and food contact surfaces for your products: *Attachment C*
- Sample labels for each Cottage Food product: *Attachment D*
- Sketch of floor plan of the Cottage Food Operation: *Attachment E*
- Obtain California Food Handler Card (within 90 days from issuance of permit or registration).
- If your Cottage Food Operation utilizes a private water supply, submit water test results for approval of potability.
- If your Cottage Food Operation utilizes a septic system, you may need to submit a septic system evaluation conducted by a qualified professional. EHS staff will make a determination of any required testing based on existing septic system records.



FOR OFFICE USE ONLY:
Date: _____
Fee: _____
Payment type: _____
By: _____
License #: _____

APPLICATION FOR COTTAGE FOOD OPERATION PERMIT OR REGISTRATION

Type of Cottage Food Operation:			
<input type="checkbox"/> Class A Direct Sales		<input type="checkbox"/> Class B Indirect Sales	
Name of Cottage Food Operation:		Business Telephone:	
Owner Name:		Owner Telephone:	
Address of Owner:			
City	State	Zip	Owner email:
List all Cottage Food employees; designate which are family/household members:			
Address of Cottage Food Operation:			
City	State	Zip	
Business Mailing Address			
City	State	Zip	Business email
Is this residence on a private water system? <input type="checkbox"/> YES <input type="checkbox"/> NO		Septic System? <input type="checkbox"/> YES <input type="checkbox"/> NO	
List all Cottage Food products: _____ _____			
Where will you be selling your Cottage Food product?			

I acknowledge that I have read and understand this application packet and agree to all conditions of operation. I also understand that EHS can inspect the registered area of the Cottage Food Operation 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 Chapter 11.5 of Assembly Bill AB1616.

Signature _____

Date _____

FOR EHS STAFF USE ONLY
Registration # _____



APPROVED COTTAGE FOOD LIST – DECEMBER 6, 2021

Cottage Food Operations are allowed to produce certain categories of non-potentially hazardous foods. These are foods that do not support the rapid growth of microorganisms or toxins that could make people sick when the food is held outside time and temperature control. The California Department of Public Health (CDPH) is responsible for maintaining the Approved Cottage Foods List and may add or delete food categories. Notice of any change, the reason for the change, and the nature of the change is posted on our [Cottage Food Operations](#) webpage. Changes become effective 30 days after the notice has been posted. Questions about the Approved Cottage Foods List may be submitted to FDBRetail@cdph.ca.gov.

1. BAKED GOODS WITHOUT CREAM, CUSTARD, OR MEAT FILLINGS.

Examples:

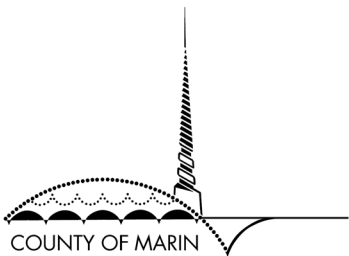
Bagels * Baklava * Biscuits * Bread * Brownies * Buns * Cake * Churros * Coconut Macaroons * Cookies * Crackers * Cupcakes * Donuts (fried or baked) * Empanadas (fruit only) * Flatbreads * Fruit, Nut, or Seed Bars * Macarons (with approved buttercream) * Muffins * Pastries * Pies (fruit only) * Pizzelles * Quick Breads * Samosas (fruit only) * Tamales (fruit only) * Tarts * Tortilla * Torts * Waffles (fried or baked) * Waffle Cones

2. CANDY AND CONFECTIONS. Examples:

Brittles * Candied Apples * Candied Popcorn (balls, caramel, chocolate) * Caramels * Cotton Candy * Chocolate-Covered Non-Perishables (including: marshmallows, nuts, candy, dried fruit, potato chips, or any combination) * Edible Dessert Sprinkles (including: sanding and crystalized sugars, non-pareils, confetti, sequins, dragees, sugar-shapes, sugar-strands (jimmies), comfits, mini-chocolates, and pralines) * Freeze-Dried Candies * Fudge * Ground Chocolate * Hard Candy * Marshmallow Bars * Marshmallows (without eggs) * Popcorn Balls * Salted Caramels * Spiced Sugar * Toffee

3. EXTRACTS CONTAINING AT LEAST 70 PROOF OR 35% FOOD-GRADE FOR HUMAN CONSUMPTION ETHANOL/ALCOHOL. Only those listed or combinations of those listed are allowed.

Apple * Apricot * Blackberry * Blueberry * Cherry * Chocolate * Clove * Cinnamon * Cranberry * Grapefruit * Lemon * Lime * Orange * Peach * Pear * Pineapple * Pomegranate * Raspberry * Strawberry * and Vanilla



4. **DRIED, DEHYDRATED, AND FREEZE-DRIED FOODS.** Examples:
Baking Mixes * Bean Soup Mixes * Cereals * Coffee (roasted or freeze-dried)
*** Fruit * Fruit Powders * Fruit Roll-Ups * Grain Mixes * Granola * Ground Chocolate * Herbs and Herb Butters * Hot Chocolate Mix * Mole Paste * Pasta * Popcorn * Potato Chips * Seasoning Salt * Spice Mix or Rubs * Tea * Trail Mixes * Vegetables * Vegetable Chips * Vegetable Soup Mixes**

5. **FROSTINGS, ICINGS, FONDANTS, AND GUM PASTES THAT DO NOT CONTAIN EGGS, CREAM, OR CREAM CHEESE.** Examples:
Buttercream (traditional, vegan and chocolate) * **Fondant** (regular and chocolate) * **Flat Icing * Gum Paste** (pasteurized eggs only) * **Edible Images * Sugar Glazes * Vegan Gum Paste**
†**Frostings and Icings** made with meringue powder, powdered eggs, or pasteurized eggs are allowed

6. **HONEY AND SORGHUM SYRUPS.** only pure no additional ingredients are allowed

7. **FRUIT BUTTERS, JAMES, JELLIES THAT COMPLY WITH [PART 150 OF TITLE 21 OF THE CODE OF FEDERAL REGULATIONS](#)** (only those fruits listed in the CFR are allowed. Additional fruits or vegetables will not be approved)

8. **NUTS, NUT MIXES, AND NUT BUTTERS.**

9. **POWDERED DRINK MIXES MADE FROM MANUFACTURED INGREDIENTS.**(drink mixes cannot be labeled with “protein” because the amount cannot be determined)

10. **VINEGARS AND MUSTARDS.** Examples:
 11. **Mustards** (plain without eggs) * **Vinegars * Fruit-Infused Vinegars** (only high-acid fruits such as: apple, blackberry, blueberry, cherry, crabapple, cranberry, grape, gooseberry, grapefruit, huckleberry, kumquat, lemon, lime, loganberry, nectarine, orange, peach, plum, pineapple, pomegranate, quince, raspberry, strawberry, tomatillo, youngberry)

Attachment B: Self-Certification Checklist

After reading each of the statements, initial each statement and sign indicating that you have read and understand these practices and will implement them in your Cottage Food operation.

- _____ 1. No cottage food preparation, packaging, or handling will occur in 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 the preparation, packaging, or handling of any cottage food products.
- _____ 3. Kitchen equipment and utensils used to produce cottage food products shall be cleaned 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 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.
- _____ 7. A person with a contagious illness shall refrain from work in the registered or permitted area of the cottage food operation.
- _____ 8. All Cottage Food workers shall keep his or her hands, and exposed portions of their arms, clean and shall wash their hands before any food preparation or packaging activity. *See Attachment F*
- _____ 9. All food ingredients shall be obtained from an approved source, e.g., grocery store, farmer’s market, certified farm, or licensed wholesaler. Potentially hazardous ingredients (eggs, dairy) should be stored at 41 degrees Fahrenheit or below before they are cooked.
- _____ 10. Gloves shall be worn during food preparation if the employee has cuts, sores, rashes, artificial nails, nail polish, or rings.
- _____ 11. Water used during the preparation of cottage food products, including water used as an ingredient, and for equipment and hand washing, must be potable.
- _____ 12. I have complied with the applicable zoning and business license requirements for the CFO from my city’s Planning Department and Business License Office.

I hereby acknowledge that I have read and understand this document and agree to implement and adhere to these practices and pertinent sections of the California Retail Food Code.

Signature of Owner/Operator

Date

Printed Name of Owner/Operator

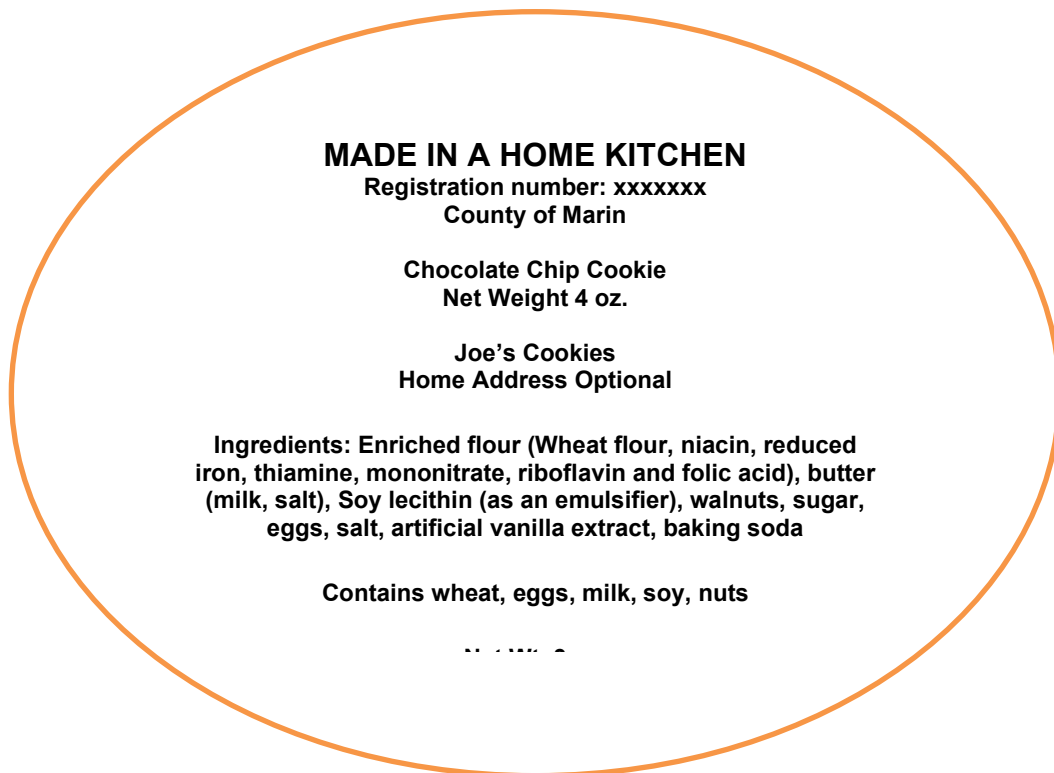
Attachment D: Labeling

Provide a sample label for each cottage food product or use the back of this page. Include the following:

- (1) The words "Made in a Home Kitchen" in 12-point type on the cottage food product's primary display panel.
- (2) The name commonly used for the food product or an adequately descriptive name.
- (3) The name of the cottage food operation which produced the cottage food product.
- (4) The registration or permit number of the "Class A" or "Class B" cottage food operation, respectively, which produced the cottage food product and, in the case of a "Class B" cottage food operation, the name of the county or the local enforcement agency that issued the permit number.
- (5) The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- (6) The name and place of business of the manufacturer, packer, or distributor per the Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec 343).
- (7) An accurate statement of the quantity of the ingredients in terms of weight, measure, or numerical count.
- (8) Allergen labeling as specified in the Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec 343)
- (9) Compliance with the Food, Drug and Cosmetic Act (21 U.S.C. Sec. 343 et seq.)

If your label lists calories or nutrients or makes health claims, the label shall include nutritional information as required by the Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec 343 et seq.). Verification of third-party testing will be required.

Here is an example of a label.

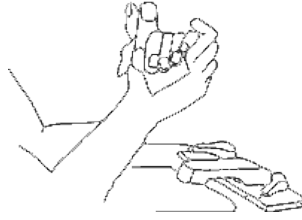


Attachment E: Floor Plan

Sketch a floor plan of your Cottage Food Operation which includes the following: Food production, processing and storage areas, restroom, and hand washing area in kitchen.

A large, empty rectangular box with a thin orange border, occupying most of the page. It is intended for the user to sketch a floor plan of their Cottage Food Operation, including areas for food production, processing, storage, a restroom, and a hand washing area in the kitchen.

Attachment F: HANDWASHING



HANDWASHING PREVENTS FOOD CONTAMINATION

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 raw meat, poultry, and seafood. (Poultry, beef, and pork can be contaminated by disease-causing bacteria from internal organs during slaughtering, and seafood from polluted water.)
- In feces from humans, insects, and rodents.
- On contaminated equipment, food contact surfaces such as cutting boards and countertops, and filthy cloths.
- In the pus of pimples.
- In the mucus of the nose.
- 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.)

WHEN IS IT IMPORTANT FOR FOODHANDLERS TO WASH THEIR HANDS?

- **After handling raw meat, poultry, and seafood**
- **After visiting the restroom**
- **After sneezing and coughing**
- **After touching one's face, nose, and hair**
- **After smoking or eating**
- **After cleaning**
- **After handling money**
- **Before beginning work**

