

COMMUNITY DEVELOPMENT AGENCY

ENVIRONMENTAL HEALTH SERVICES DIVISION

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:

- \$50,000 or less in gross sales

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 and pick-up; shipping is prohibited.

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 October 2020

All County publications are available in alternative formats (Braille, Large Print, or CD), upon request. Requests for accommodations may be made by calling (415) 473-4381 (Voice) 473-3232 (TDD/TTY) or by e-mail at disabilityaccess@marincounty.org. Copies of documents are available in alternative formats, upon request.

Cottage Food Operation Application Packet

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 # _____
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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 # _____

Attachment A: Approved Cottage Foods

Cottage food operations are allowed to produce certain non-potentially hazardous foods. These are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigeration temperatures. The list of approved cottage food categories and their ethnic variations, which cottage food operations are allowed to produce, are listed below. The list will be maintained and updated by the California Department of Public Health (CDPH) on its Internet website:

www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/CottageFoodOperations.aspx

If you do not see a food category listed it is **not approved**. Marin County EHS cannot approve or make exceptions.

CDPH may add to or delete food products from the approved products list. Notice of any change, reason for the change, the authority for the change, and the nature of the change to the approved food products list will be posted on the department website and shall become effective thirty (30) days after the notice is posted.

Approved Food Products List (July 1, 2020):

- (1) Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
- (2) Candy, such as brittle and toffee.
- (3) Chocolate-covered nonperishable foods, such as nuts and dried fruits.
- (4) Dried fruit.
- (5) Dried pasta.
- (6) Dry baking mixes.
- (7) Fruit pies, fruit empanadas, and fruit tamales.
- (8) Granola, cereals, and trail mixes.
- (9) Herb blends and dried mole paste.
- (10) Honey and sweet sorghum syrup.
- (11) Jams, jellies, preserves, and fruit butter that comply with the standard described in ***Part 150 of Title 21 of the Code of Federal Regulations** See Below
- (12) Nut mixes and nut butters.
- (13) Popcorn.
- (14) Vinegar and mustard.
- (15) Roasted coffee and dried tea.
- (16) Waffle cones and pizelles.
- (17) Cotton candy.
- (18) Candied apples.
- (19) Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof.
- (20) Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese.
- (21) Dried or Dehydrated vegetables.
- (22) Dried vegetarian-based soup mixes.
- (23) Vegetable and potato chips.
- (24) Ground chocolate.
- (25) Seasoning salt.
- (26) Flat icing.

***Jams, jellies, preserves, and fruit butter:** Cottage food operations which produce jams, jellies, preserves, and other related products must be sure that their products meet the legal established standards of identity requirements for those products as set forth in **21 CFR Part 150**. The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For example, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.

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.

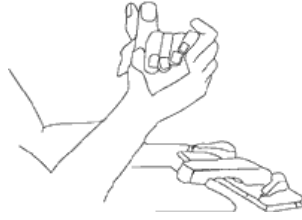


Attachment E: Floor Plan

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 the majority of the page. This box is intended for the user to sketch a floor plan of their Cottage Food Operation, as instructed in the text above. The box is currently blank.

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**

