

# County of Kern

## Cottage Food Operations

### Guidelines



**Kern County Public Health Services Department  
Environmental Health Division**

2700 M Street, Suite 300  
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*Revised June 2016*

## Introduction

Assembly Bill 1616, the California Homemade Food Act became effective January 1, 2013. This law allows certain low risk foods, known as Cottage Foods, to be made in a private residence and sold to the public. The operators that run these businesses will be known as Cottage Food Operators (CFOs).

This packet will provide the necessary information to anyone interested in starting a Cottage Food Operation. It will provide details on the foods allowed to be sold under these circumstances, applications requirements, registration/ permitting requirements, and general food safety information.

### What is a Cottage Food Operation?

- A cottage food operation is operated by a cottage food operator and has not more than one full time equivalent cottage food employee, which does not include a family member or household member of the cottage food operator. A cottage food operation is located within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or both direct and indirect sales to consumers.
- A cottage food operator must meet the following requirements:
  - Meet the registration or permitting requirements for either “Class A” or “Class B” cottage food operations;
  - Prepare only foods on the approved food list;
  - Meet the food preparation and sanitation requirements for cottage food operations;
  - Label cottage food products in accordance with state and federal regulations;.
  - Not exceed the gross annual sales amount.

#### **“Class A” Cottage Food Operations:**

“Class A” cottage food operations may engage only in direct sales of cottage food products from the cottage food operation, or from direct sales venues within their county. A direct sale means a transaction between a cottage food operator and a consumer, where the consumer purchased the cottage food product directly from the cottage food operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, at farm stands, at certified farmers’ markets, or through community-sponsored agriculture subscriptions, and also occurring in person at the cottage food operation location.

#### **“Class B” Cottage Food Operation:**

“Class B” cottage food operations may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from offsite events, or from a third-party retail food facility such as restaurants and markets within their county.

“Class B” operations may also engage in indirect sales in counties outside their home permitted county, if the Environmental Health Director in that outside county permits the operator to conduct indirect sales within their jurisdiction.

After initial inspection and before a “Class B” cottage food operation opens for business, they must first obtain a permit from the local environmental health agency to engage in the indirect, or direct and indirect, sale of cottage food products.

### **Registration/ Permitting and Self Certification Forms**

The following forms are required to be completed and submitted to our division:

- Registration/ Permitting form;
- Self-certification Form (for Class A only);
- Copy of the approval from your local planning department stating that you have the required approval to operate a Cottage Food Business from your home;
- If on a private well, a copy of the water analysis from the previous testing quarter (we require bacteriological, nitrate and nitrite tests);
- Copy of the proposed food product label.

For Class B operations, an inspection of the Cottage Food prep kitchen is necessary before the Environmental Health permit will be issued.

### **Fee Schedule**

Contact the Environmental Health Division for the current application and permit fees.

Fees can be paid by check, cash, or credit card. If paying by check, please make the check out to Kern County Environmental Health and put the name of the Cottage Food business on the memo line.

Completed forms and required fees can be mailed or brought to:

**Kern County Environmental Health  
2700 M St., Suite 300  
Bakersfield, CA 93301**

### **Operational Requirements for Cottage Food Operators (Class A & B):**

- No cottage food preparation, packaging, or handling may 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;
- No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products;
- Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair;
- All food contact surfaces, equipment, and utensils used for preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use;
- All food preparation and food equipment storage areas shall be maintained free of rodents and insects;
- 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 products are being prepared, packaged, stored, or handled;
- Additionally, cottage food operations shall ensure that:
  - A person with a contagious illness refrains from working in the registered area of the cottage food operation;
  - A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation;
- Water used during the preparation of cottage food products shall meet the potable drinking water standards describe in Section 113869, except that a cottage food operation shall not be required to have an indirect sewer connection. Water used during the preparation of cottage food products includes the following:
  - The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product;
  - The washing, sanitizing, and drying of hands and arms;
  - Water used as an ingredient.
- A person who prepares or packages cottage food products shall complete a food handler course to protect the public health within three months of becoming registered;
- A cottage food operation 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.) in addition to state specific labeling requirements;

**What is a Cottage Food Operation (CFO)**

- A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for public consumption

**What is meant by “private-home?”**

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

**Can a CFO have employees?**

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

**Are there limitations on the size of CFO’s sales?**

- \$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 subsequent years

**What types of cottage food can a CFO prepare?**

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFO’s. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The California Department of Public Health has established and maintained a list of these approved foods on their website and will establish a process by which new foods can be added to the list and other food can be challenged and removed. The list includes:

- Baked goods without cream, custard, or meat fillings such as breads, biscuits, churros, cookies, pastries, and tortillas;
- Candy, such as brittle and toffee;
- Chocolate covered nonperishable foods, such as nuts and dried fruits;
- 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 other fruit butters that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations (these should be fruit products to ensure that they are not potentially hazardous);
- Nut mixes and nut butters;
- Popcorn;
- Vinegar and mustard;
- Roasted coffee and dried tea;

- Waffle cones and pizelles;
- Cotton candy;
- Candied apples;
- Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts and hard candy, or any combination thereof;
- Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese;
- Dried or dehydrated vegetables;
- Dried vegetarian-based soup mixes;
- Vegetable and potato chips;
- Ground chocolate.

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 CDPH website and shall become effective thirty (30) days after the notice was posted.

**\* 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 consistency to 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 that are 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 in the proper controls are not used.*

### **What is meant by “direct sale” of cottage foods?**

“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 cottage food operation.

NOTE: providing food at a community food event will also require a Temporary Food Facility permit to operate.

### **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 permit issued by the local health department in their jurisdiction.

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.

### **What are the two categories of CFOs?**

- Class A: CFOs only allowed to engage in “direct sales” of cottage food.
- Class B: CFOs may engage in both “direct sale” and “indirect sale” of cottage food

### **Does a CFO need a permit to operate?**

- All CFOs need to obtain approval from their local city or county planning department.
- The Homemade Food Act gives planning department several options to consider and so planning department requirements will likely vary from county to county and city to city.

All CFOs need to obtain a business license from their local city or county (if applicable)

For **Class A** CFOs (direct sales only), **registration** with the local health department is all that is required.

For **Class B** CFOs (direct and indirect), an **annual permit** from the local health department is required.

- Registrations and permits are not transferable between:
  - Persons
  - Locations
  - Type of food sold
  - Type of distribution

### **What are the CFO’s operational requirements?**

- The CFO needs to submit self-certification checklist to verify:
  - No domestic activity in the kitchen during cottage food preparation;
  - No infants, small children, or pets in the kitchen during cottage food preparation;
  - Kitchen equipment and utensils kept clean and in good repair;
  - All food preparation and storage areas free of rodents and insects;
  - No smoking in kitchen area during preparation or processing of cottage food;
  - Person with contagious disease must refrain from work;
  - Hands and exposed portions of arms of food workers must be kept clean and washed before any food preparation and packaging.

- Water used in preparation activities must be potable. Food preparation activities are defined as:
  - Wash, rinsing, and sanitizing equipment used in food preparation;
  - Washing and sanitizing hands and arms;
  - Water used in ingredients of food.

CFO operators are required to take a cottage food operator course offered by the California Department of Public Health within 3 months of being registered or permitted.

#### **How often will a CFO be inspected?**

- **Class A:** CFO kitchens and food storage areas (referenced in the law as the “registered or permitted area” are inspected by the local health department when a consumer complaint concern is being investigated.
- **Class B:** CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually after that, unless additional inspections are required in response to consumer complaints and concerns.

#### **Can a CFO sell cottage food outside of the county of residence?**

- CFOs can only sell cottage food outside the county of residence when the local health department of the outside county allows it.

#### **What would be my food label requirements?**

- In a permitted food facility, cottage food needs to be identified to the customer as homemade on the menu, menu board, or other easily accessible location. All cottage food-labeling needs to be in accordance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et Seq.) and in addition, the label must include:
  - “Made in a Home Kitchen” in 12-point type;
  - Name commonly used for the food product;
  - Name of CFO which produced the food;
  - Registration of permit number and, for Class B (direct and indirect sale) the name of the local enforcement agency that issued the permit;
  - Product ingredients in descending order by weight.

#### **How much will the registration or permit cost the CFO?**

- Each local jurisdiction will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for enforcement activities. In addition, there may be a future State surcharge collected with registration and permit fees that would be provided to the California Department of Public Health to fund their activities associated with CFOs.

**If you have any questions that have not been answered or clarified by the items listed above, please feel free to contact our office at 661-862-8740**



**California Health and Safety Code**  
Division 104 – Environmental Health  
Part 7 – California Retail Food Code

**114365. Registration and permitting**

(a)

(1)

(A) A “Class A” COTTAGE FOOD OPERATION shall not be open for business unless it is registered with the local ENFORCEMENT AGENCY and has submitted a completed, self-certification checklist approved by the local ENFORCEMENT AGENCY. The self-certification checklist shall verify that the COTTAGE FOOD OPERATION conforms to this chapter, including the following requirements:

- (i) No COTTAGE FOOD PREPARATION, packaging, or handling may 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;
- (ii) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage FOOD products;
- (iii) Kitchen EQUIPMENT and UTENSILS used to produce cottage FOOD products shall be clean and maintained in a good state of repair;
- (iv) All FOOD-CONTACT SURFACES, EQUIPMENT, and UTENSILS used for preparation, packaging, or handling of any cottage FOOD products shall be washed, rinsed, and sanitized before each use;
- (v) All FOOD preparation and FOOD and EQUIPMENT storage areas shall be maintained free of rodents and insects;
- (vi) Smoking shall be prohibited in the portions 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 products are being prepared, packaged, stored, or handled.

(B)

- (i) The DEPARTMENT shall post the requirements described in subparagraph (A) on its Internet Website;
- (ii) The local ENFORCEMENT AGENCY shall issue a registration number to a “Class A” COTTAGE FOOD OPERATION that meets the requirements of subparagraph (A).

(C)

- (i) Except as provided in (ii), a “Class A” COTTAGE FOOD OPERATION shall not be subject to initial or routine inspections;
- (ii) For purposes of determining compliance with this chapter, a representative of a local ENFORCEMENT AGENCY may access, for inspection purposes, the registered area of a private home where a COTTAGE FOOD OPERATION is located, only if the representative has on the basis of a consumer complaint, reason to suspect that ADULTERATED or otherwise unsafe FOOD has been produced by the COTTAGE FOOD OPERATION or that the COTTAGE FOOD OPERATION has violated this chapter;

- (iii) Access under this subparagraph is limited to the registered area and solely for the purpose of enforcing or administering this chapter;
  - (iv) A local ENFORCEMENT AGENCY may seek recovery from a “Class A” COTTAGE FOOD OPERATION of an amount that does not exceed the local ENFORCEMENT AGENCY’s reasonable costs of inspecting the “Class A” COTTAGE FOOD OPERATION for compliance with this chapter, if the “Class A” COTTAGE FOOD OPERATION is found to be in violation of this chapter.
- (2)
  - (A) A “Class B” COTTAGE FOOD OPERATION shall not be open for business unless it obtains a PERMIT from the local ENFORCEMENT AGENCY, in a manner approved by the local ENFORCEMENT AGENCY to engage in the direct and indirect sales of cottage FOOD products.
  - (B)
    - (i) A “Class B” COTTAGE FOOD OPERATION shall comply with the requirements described in clauses (i) and (ii), inclusive, of subparagraph (A) of paragraph (1) in addition to the other requirements of this chapter;
    - (ii) The local ENFORCEMENT AGENCY shall issue a permit number after an initial inspection has determined that the proposed “Class B” COTTAGE FOOD OPERATION and its method of operation conform to this chapter.
  - (C) Except as provided in this subparagraph, a “Class B” COTTAGE FOOD OPERATION shall not be subject to more than one inspection per year by the local ENFORCEMENT AGENCY:
    - (i) For purposes of determining compliance with this chapter, a representative of a local ENFORCEMENT AGENCY, for inspection purposes, may access the permitted area of a private home where COTTAGE FOOD OPERATION is located only if the representative has, on the basis of a consumer complaint, reason to suspect that ADULTERATED or otherwise unsafe FOOD has been produced by the COTTAGE FOOD OPERATION, or that the COTTAGE FOOD OPERATION has violated this chapter;
    - (ii) Access under this subparagraph is limited to the permitted area and solely for the purpose of enforcing or administering this chapter.
  - (D)
    - (i) A “Class B” COTTAGE FOOD OPERATION shall be authorized to engage in the indirect sales of cottage FOOD products within the county in which the “Class B” COTTAGE FOOD OPERATION is permitted;
    - (ii) A county may agree to allow a “Class B” COTTAGE FOOD OPERATION Permitted in another county to engage in the indirect sales of FOOD products in the county.
  - (E) A registration or PERMIT, once issued, is nontransferable. 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.

## 114365.2 Operational Requirements

A COTTAGE FOOD OPERATION that is registered or has a PERMIT issued pursuant to Section 114365 shall be considered a REGISTERED FOOD SERVICE FACILITY for purposes of, and subject to, Sections 113953.3, 114259.5, 114285, and 114286. A COTTAGE FOOD OPERATION that is registered or has a PERMIT also shall be subject to Sections 113967, 113973, 113980, 114259.5, 114405, 114407, 114409, 114411, and 114413 and to all of the following requirements:

- (a) A person with a contagious illness shall refrain from work in the registered or permitted area of the COTTAGE FOOD OPERATION;
- (b) A person involved in the preparation or packaging of cottage FOOD products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any FOOD preparation or packaging activity in a COTTAGE FOOD OPERATION;
- (c) Water used during the preparation of cottage FOOD products shall meet the POTABLE drinking water standards described in Section 113869, except that a COTTAGE FOOD OPERATION shall not be required to have an indirect sewer connection. Water used during preparation of cottage FOOD products includes all of the following:
  - (1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage FOOD product;
  - (2) The washing, sanitizing, and drying of hands and arms;
  - (3) Water used as an ingredient.
- (d) A person who prepares or packages cottage FOOD products shall complete a FOOD processor course instructed by the DEPARTMENT, to protect the public health within three months of becoming registered. The course shall not exceed four hours in length. The DEPARTMENT shall work with the local ENFORCEMENT AGENCY to ensure that cottage FOOD operators are properly notified of the location, date, and time of the classes offered;
- (e) A COTTAGE FOOD OPERATION 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, label shall include, but is not limited to, all of the following:
  - (1) The words "Made in a Home Kitchen" in 12-point type on the COTTAGE FOOD Product's primary display label;
  - (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 of 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.

#### **114365.5 Cottage food product list**

- (a) The DEPARTMENT shall adopt and post on its Internet Web site a list of not POTENTIALLY HAZARDOUS FOODs and their ethnic variations that are approved for the sale by a COTTAGE FOOD OPERATION. A cottage FOOD product shall not be POTENTIALLY HAZARDOUS FOOD, as defined in Section 113871.
- (b) This list of non-POTENTIALLY HAZARDOUS FOODs shall include, but not limited to, all of the following:
  - (1) Baked foods without cream, custard, or meat fillings, such as breads; biscuits, churros, cookies, pastries, and tortillas;
  - (2) Candy, such as brittle or toffee;
  - (3) Chocolate covered nonperishable foods, such as nuts and dried fruit;
  - (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;
  - (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) Ground Chocolate;
  - (20) Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof;
  - (21) Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese;
  - (22) Dried or dehydrated vegetables;

- (23) Dried vegetarian-based soups;
  - (24) Vegetable and potato chips.
- (c) The State Public Health Officer may add or delete FOOD products to or from the list described in subdivision (b), which shall be known as the APPROVED FOOD products list. Notice of any change to the APPROVED FOOD products list shall be posted on the DEPARTMENT's cottage FOOD programs Internet Web site for purposes of this chapter. Any change to the APPROVED FOOD products list shall become effective 30 days after the notice is posted. The notice shall state the reason for the change, the authority for the change, and the nature of the change. The notice will provide an opportunity for written comment by indicating the address to which to submit the comment and the deadline by which the comment is to be received by the DEPARTMENT. The address to which the comment is to be submitted may be an electronic site. The notice shall allow at least 20 calendar days for comments to be submitted. The DEPARTMENT shall consider all comments submitted before the due date. The DEPARTMENT may withdraw the proposed change at any time by notification on the program Internet Web site or through notification through other electronic means. The approved food products list described in subdivision (b) and any updates to the list, shall not be subject to the administrative rule making requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- (d) The State Public Health Officer shall not remove any items from the approved FOOD products list unless the State Public Health Officer also posts information on the program Internet Web site explaining the basis upon which the removed FOOD item has been determined to be potentially hazardous.

#### **114365.6 Training**

- (a) The State Public Health Officer shall provide technical assistance, and develop, maintain, and deliver commodity-specific training related to the safe processing and packaging of cottage FOOD products to local ENFORCEMENT AGENCIES.
- (b) Local ENFORCEMENT AGENCIES may collect a surcharge fee in addition to any PERMIT fees collected for "Class B" COTTAGE FOOD OPERATIONS. The surcharge fee shall not exceed the reasonable costs that the DEPARTMENT incurs through the administration of the training described in subdivision (a) to protect the public health. The surcharge fees collected shall be transmitted to the DEPARTMENT in a manner established by the DEPARTMENT to be deposited in the Food Safety Fund. The DEPARTMENT shall use the surcharge fees only to develop and deliver the training described in subdivision (a) to local ENFORCEMENT AGENCY personnel on an ongoing basis.

**CALIFORNIA HOMEMADE FOOD ACT AB 1616 (GATTO)  
REGISTRATION / PERMITTING FORM**

CFO Business Name:		Date:
CFO Address:	CFO City:	CFO ZIP:
Owner Name:	Owner Phone:	Owner Cell:
Mailing Address (if different):	Mailing City:	Mailing ZIP:
Email Address:	Website:	
Contact Person Name:	Contact Person Phone:	

**1. Categories:**

- Class A (Direct Sales Only)       Class B ( Direct & Indirect Sales)

**2. Prohibited Items:      Initial if you agree to abide by the following: \_\_\_\_\_**

Foods containing **cream, custard, or meat fillings** are **potentially hazardous** and are **NOT ALLOWED**. Only foods that are defined as “non-potentially hazardous” are approved for preparation by a Cottage Food Operation (CFO). These foods are food items that do not require refrigeration to keep them safe from bacterial growth that could be a cause of food-borne illness.

**3. “Class A” Self-Certification Checklist:**

- Checklist completed

**4. Products:**

*Please check ALL of the items you will be preparing and/or selling.*

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Baked Goods                            | <input type="checkbox"/> Cotton Candy                     | <input type="checkbox"/> Fudge                    | <input type="checkbox"/> Pizelles                    |
| <input type="checkbox"/> Buttercream Frosting, Icing or Fondant | <input type="checkbox"/> Dried Fruit                      | <input type="checkbox"/> Granola/Cereals          | <input type="checkbox"/> Popcorn                     |
| <input type="checkbox"/> Candied Apples                         | <input type="checkbox"/> Dried Mole Paste                 | <input type="checkbox"/> Ground Chocolate         | <input type="checkbox"/> Roasted Coffee              |
| <input type="checkbox"/> Candy, hard                            | <input type="checkbox"/> Dried Pasta                      | <input type="checkbox"/> Herb/Spice Blends        | <input type="checkbox"/> Soups, Dry vegetarian based |
| <input type="checkbox"/> Candy, with nuts and/or marshmallows   | <input type="checkbox"/> Dried Vegetables                 | <input type="checkbox"/> Honey                    | <input type="checkbox"/> Sweet Sorghum Syrup         |
| <input type="checkbox"/> Caramels                               | <input type="checkbox"/> Dried Tea                        | <input type="checkbox"/> Jams/Jellies/Preserves** | <input type="checkbox"/> Tortillas                   |
| <input type="checkbox"/> Churros                                | <input type="checkbox"/> Dry Baking Mixes                 | <input type="checkbox"/> Mustard                  | <input type="checkbox"/> Trail Mix                   |
| <input type="checkbox"/> Chips, potato or vegetable             | <input type="checkbox"/> Fruit Butters**                  | <input type="checkbox"/> Nut Butters              | <input type="checkbox"/> Vinegar                     |
| <input type="checkbox"/> Chocolate Covered non-perishable foods | <input type="checkbox"/> Fruit Empanadas, Pies or Tamales | <input type="checkbox"/> Nuts/Nut Mixes           | <input type="checkbox"/> Waffle Cones                |
| <input type="checkbox"/> Other (be specific): _____             |   |   |  |

\*\*These items must comply with standards described in Part 150 of Title 21 of the Code of Federal Regulations.

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

*Describe the products that you will be preparing and/or selling:*

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**5. Product Labeling: Initial if you agree to abide by the following: \_\_\_\_\_**

For a detailed description, see the CDPH document "[Labeling Requirements for Cottage Food Products](#)." All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.) The label must include:

- The words "Made in a Home Kitchen" in 12-point type;

- The name commonly used to describe the food product;
- The name 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 cottage food operation which produced the cottage food product and in the case of “Class B” CFOs, the name of the county where the permit was issued;
- 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;
- If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrition Facts” statement on the information panel.
  - 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. Please refer to the Cottage Food Labeling Guideline for more details.
  - 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.
- Labels must be legible and 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 packaging must be food-grade (safe for food contact) and not contaminate the food.



**Example:**

<p><b>MADE IN A HOME KITCHEN</b> Permit #: 12345 Issued in county: County name</p> <p>Chocolate Chip Cookies With Walnuts Sally Baker 123 Cottage Food Lane Anywhere, CA 90XXX</p> <p><b>Ingredients:</b> 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), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.</p> <p><b>Contains:</b> Wheat, eggs, milk, soy, walnuts</p> <p>Net Wt. 3 oz. (85.049g)</p>
--

*Note: For the “Issued in County” – Identify the jurisdiction (city/county) where you are obtaining approval*

**6. Water Source:**

*Please identify the water source to be used in Cottage Food Facility (Check one box)*

<input type="checkbox"/> Name of Public Water System or Community Services District:
<input type="checkbox"/> If you use a <u>Private Water Supply</u> ** , identify the source (well, spring, surface, etc.):
<p><b><u>Private Water Supply: Initial Water Quality Results</u></b></p> <ul style="list-style-type: none"><li>• Check boxes below if initial water testing has been completed.</li><li>• All testing must be done at a State Certified Laboratory.</li><li>• Attach lab results or provide name of lab, date, &amp; results in space provided next to type of test.</li></ul> <p><i>* (Testing Frequencies for Transient Non-Community Water Systems after initial testing)</i></p>
<input type="checkbox"/> Bacteriological Test ( <i>quarterly</i> *):
<input type="checkbox"/> Nitrate Test ( <i>yearly</i> *):
<input type="checkbox"/> Nitrite ( <i>every 3 years</i> *):

\*\*Additional information may be required if food is prepared from a home with a private water supply – Check with local jurisdiction.

**7. Disposal of Waste:**

*Please check what type of treatment is used to dispose of waste.*

- Public Sewer Service
- Private Septic System

In the event of septic system failure or plumbing problem, you are required to notify the Kern County Environmental Health Division immediately.

**8. Food Processor Course: Initial if you agree to abide by the following: \_\_\_\_\_**

**Within 3 months** of being approved to operate by the Environmental Health Division, please provide proof of completion of the required California Department of Public Health (CDPH) food processor course\*. Proof of completion may be faxed to our Division at (661) 862-8701.

\* See CDPH Website for more information:

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

**9. Employee: Initial if you agree to abide by the following: \_\_\_\_\_**

I understand that I may not have more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operation, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers.

**10. Gross Annual Sales: Initial if you agree to abide by the following: \_\_\_\_\_**

I understand that I will lose my CFO status and will need to become permitted in a commercial facility if my CFO business exceeds the following gross annual sales figures for the calendar years indicated in the following table:

Calendar Year	Gross Annual Sales
In 2013 .....	\$35,000
In 2014 .....	\$45,000
In 2015 and in subsequent years.....	\$50,000

**11. Delivery Limitations: Initial if you agree to abide by the following: \_\_\_\_\_**

I understand that I may accept orders and payments via the internet, mail, or phone. However, all "Class A" & "Class B" CFO products must be delivered 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, as this is regulated/subject to CDPH registration and state and federal requirements.

**12. Owner's Statement:**

I, \_\_\_\_\_, agree to grant access to the **Kern County Environmental Health Division** to conduct an inspection of my cottage food operation's (mark one)

- Class A:** In the event of a consumer complaint or reported foodborne illness.       **Class B:** For initial and annual inspections, and in the event of a consumer complaint or foodborne illness.

I, \_\_\_\_\_, agree to notify **the Kern County Environmental Health Division** 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.

**Signature of Owner:**

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
*Signature*      *Print Name*      *Date*

<b>FOR OFFICIAL USE ONLY</b>			
Program ID	PE	Date Mailed	Facility ID
Previous Owner ID	New Owner ID	Map #	Service Request #
Total Fees Paid	Received By	Date Paid	Accounting ID



**MATTHEW CONSTANTINE**  
DIRECTOR

2700 M STREET, SUITE 300 BAKERSFIELD, CALIFORNIA 93301-2370 VOICE: 661-862-8740 FAX: 661-862-8701 WWW.CO.KERN.CA.US/PH

### COTTAGE FOOD OPERATIONS (CFOs) SELF CERTIFICATION CHECKLIST

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

CFO Business Name:		CFO Owner Name:		
CFO Address:		CFO City:	CFO ZIP:	
Phone:	FA	PR	PE	

For office use only.

Facility Requirements:	Yes	No
1. The CFO is located in a private dwelling where the CFO operator currently resides.	<input type="checkbox"/>	<input type="checkbox"/>
2. All CFO food preparation will take place in the private kitchen within that home.	<input type="checkbox"/>	<input type="checkbox"/>
3. Additional storage used for the CFO will be within the home.	<input type="checkbox"/>	<input type="checkbox"/>
a. If YES, is the room used only for storage?	<input type="checkbox"/>	<input type="checkbox"/>
b. Specify the room(s) that will be used for storage:		
4. Sleeping quarters are excluded from areas used for CFO food preparation or storage.	<input type="checkbox"/>	<input type="checkbox"/>

Zoning Requirements:	Yes	No
5. I have complied with the applicable city or county zoning requirements for the CFO.	<input type="checkbox"/>	<input type="checkbox"/>
6. I have attached documentation from the zoning office.	<input type="checkbox"/>	<input type="checkbox"/>

Employee and Training Requirements:	Yes	No
7. Have all persons preparing or packaging CFO products completed the California Department of Public Health (CDPH) food processor course?	<input type="checkbox"/>	<input type="checkbox"/>
a. If YES, are copies of the certificates attached?	<input type="checkbox"/>	<input type="checkbox"/>
b. If NO, will you complete the course within 3 months of CFO registration?	<input type="checkbox"/>	<input type="checkbox"/>
8. The CFO has no more than 1 full-time equivalent employee. (Immediate family or household members are not included.)	<input type="checkbox"/>	<input type="checkbox"/>

<b>Sanitation Requirements:</b>	<b>Yes</b>	<b>No</b>
9. Kitchen equipment and utensils used to produce CFO products are clean and maintained in a good state of repair.	<input type="checkbox"/>	<input type="checkbox"/>
10. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any CFO products are washed, rinsed, and sanitized before each use.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Food Preparation Requirements (includes packaging and handling):</b>	<b>Yes</b>	<b>No</b>
11. Hand-washing occurs immediately before handling foods and after engaging in any activity that contaminates the hands such as after using the toilet, coughing or sneezing, eating, or smoking.	<input type="checkbox"/>	<input type="checkbox"/>
12. Warm water, hand soap, and single use paper towels are available for hand-washing.	<input type="checkbox"/>	<input type="checkbox"/>
13. All food ingredients used in the CFO products are from an approved source.	<input type="checkbox"/>	<input type="checkbox"/>
14. Potable water (water safe for drinking) is used for hand-washing, ware-washing and as an ingredient.	<input type="checkbox"/>	<input type="checkbox"/>
15. Is your water source a private well or other source that is not a public water system? a. If YES, have you sampled the well water and submitted results from a certified lab to this office testing for total coliform bacteria (fecal coliform & E.coli, initially & every quarter), nitrate as NO <sub>3</sub> (initially & annually) and nitrite (initially & every three years)? <i>*Please attach initial test results that verify the water is potable. See "Important Note" (page 3) for more details.</i>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is your water source a public water system or community services district? b. If YES, what is the name of the system or district? _____	<input type="checkbox"/>	<input type="checkbox"/>
17. All food preparation and food and equipment storage areas are maintained free of rodents and insects.	<input type="checkbox"/>	<input type="checkbox"/>

<b>During the preparation, packaging or handling of CFO products:</b>	<b>YES</b>	<b>NO</b>
18. Domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment are excluded from the kitchen.	<input type="checkbox"/>	<input type="checkbox"/>
19. Infants, small children, and pets are excluded from the kitchen.	<input type="checkbox"/>	<input type="checkbox"/>
20. Smoking is excluded.	<input type="checkbox"/>	<input type="checkbox"/>
21. Any person with a contagious illness shall refrain from work in the CFO.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Labeling Requirements:</b>	<b>Yes</b>	<b>No</b>
22. A sample copy of the CFO label is attached for review and approval.	<input type="checkbox"/>	<input type="checkbox"/>

By signing below, I am certifying that I meet the requirements of the California Homemade Food Act, AB 1616 (Gatto) as it pertains to a Cottage Food Operations. Prior to making any changes, I acknowledge that I must notify Kern County Environmental Health Division of any intended changes to the Cottage Food Operation.

Cottage Food Operator Checklist completed and submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**Important Note**

***Water Sampling Information***

<b>Name of Test</b>	<b>Testing Frequency</b>
Total Coliform Bacteria (Fecal Coliform & E. coli)	Initially and quarterly
Nitrate as NO <sub>3</sub>	Initially and annually
Nitrite	Initially and every three years

Obtain a State-certified laboratory to perform water sampling, analysis, and reporting services. Approved laboratories within Kern County are listed below.

More approved laboratories can be found at the following California Department of Public Health link: <http://www.cdph.ca.gov/certlic/labs/Documents/ELAPLablist.xls> (File must be downloaded onto your computer to view)

**LABORATORIES AND SAMPLING SERVICES FOR WATER ANALYSIS**

**Sampling Services**

- Bear Mountain Waterworks.....(661) 203-3685
- BSK Analytical Laboratories .....(661) 327-0671
- FGL Environmental.....(559) 734-9473
- Golden Empire Water ..... (661) 805-7648
- McMor Chlorination.....(661) 323-9400
- Midway Laboratories.....(661) 765-2364
- Piute Pump.....(760) 379-4422
- Seaco Technologies .....(661) 326-1522
- Steve’s SkOO’kum H<sub>2</sub>O Sampling Service.....(661) 822-4185
- Zalco Laboratories, Inc. ....(661) 395-0539

**LABORATORIES CERTIFIED FOR ANALYSIS** – Use only containers provided by laboratory unless directed otherwise by the laboratory.

B C Laboratories  
4100 Atlas Court  
Bakersfield, CA 93308  
(661) 327-4911

BSK Analytical Laboratories  
117 "V" Street  
Bakersfield, CA 93304  
(661) 327-0671; (800) 366-0671

Dellavalle Laboratory, Inc.  
1910 W McKinley, Suite 110  
Fresno, CA 93728  
(559) 233-6129 or (800) 228-9896

FGL Environmental  
9415 W. Goshen Avenue  
Visalia, CA 93291  
(559) 734-9473

Kern County Public Health Laboratory  
1800 Mt. Vernon Avenue  
Bakersfield, CA 93306-3302  
(661) 868-0505 - performs bacterial analyses only

McRay Laboratory  
3123 - 19<sup>th</sup> Street  
Bakersfield, CA 93301  
(661) 322-1548

Midway Laboratory  
315 Main Street  
P. O. Box 1151  
Taft, CA 93268  
(661) 765-2364

Zalco Laboratories, Inc.  
4309 Armour Avenue  
Bakersfield, CA 93308  
(661) 395-0539