



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

AB 1616 Chaptered Law:

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

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

1. What is a CFO?

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

2. When does the new law go into effect?

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

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

3. What is meant by “private home”?

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

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

Yes. The dollar amount a CFO is limited to in a calendar year is \$50,000 or less in gross.

5. Can a CFO have employees?

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

6. What are the two classifications of CFOs?

There are two classifications or types of Cottage Food Operations:

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

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

“Direct sale” means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the CFO. **NOTE:** A CFO operator may sell cottage food products at a permitted community event provided the CFO operator has a valid temporary food facility permit. Cottage food products offered by a registered or permitted CFO are classified as being from an approved source.

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

“Indirect sale” means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid retail food facility permit issued by the County of Sonoma Department of Health Services Environmental Health and Safety Section (EHS). Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

9. What types of cottage food can be prepared by a CFO?

Only foods that are defined as “nonpotentially hazardous” are approved for preparation by a CFO. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The CDPH will establish and maintain a list of approved cottage foods on their website. Visit [CDPH Cottage Foods webpage for the list of approved foods](#).

Continued on next page (Note: list of approved foods removed because it was out of date).

10. What if the food I want to make is not an approved cottage food product?

The CDPH Food and Drug Branch has established a protocol for individuals who wish to request that a food product category be added to the approved CFO food product list published on the CDPH website. Requests are to be submitted to fdbinfo@cdph.ca.gov

The request should include the name of the product, as well as a brief description of the ingredients and/or the processing method.

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

Yes. A person who prepares or packages cottage food products must complete a food processor course instructed by the CDPH within three months of being registered or permitted.

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

CDPH is responsible for providing cottage food workers with the food processor course and they are continuing to work on this component of the new law. CDPH hopes to have additional training program information posted on their website by mid-January 2013.

CFOs that wish to broaden their food safety knowledge might wish to avail themselves of the low cost on-line food-handler courses that are available for California retail food facility employees. For CFOs that have a minimal training in food safety practices, sanitation principles, or basic food microbiology, these courses provide an excellent background of information that will help the operator understand key food safety principles.

You can access a list of available food-handler training courses at [this website](#) and [Napa/Sonoma Small Business Development Center](#).

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

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

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

- **Planning/Zoning Agency**

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

Quick Reference for Planning/Zoning Department Contacts	
City of Cloverdale – Planning/Community Development Department	(707) 894-1726
City of Cotati – Community Development Department	(707) 665-3637
City of Healdsburg – Planning & Building Department	(707) 431-3348
City of Petaluma – Community Development Department	(707) 778-4301
City of Rohnert Park – Development Services Department	(707) 588-2236
City of Santa Rosa – Community Development Department	(707) 543-3200
City of Sebastopol – Planning Department	(707) 823-6167
City of Sonoma – Planning Department	(707) 938-3681
Town of Windsor – Planning & Building Department	(707) 838-1021
PRMD Well & Septic Section	(707) 565-2849

- **Department of Health Services, Environmental Health & Safety**

Class A CFOs (direct sale only) must submit a completed Application for Registration packet and the Registration fee to EHS for approval prior to commencing operations.

Class B CFOs (direct and indirect sales) must submit a completed Application for Permit packet and the application fee to EHS for approval prior to commencing operations.

Note: Registrations and permits are nontransferable between:

- 1) Persons
- 2) Locations
- 3) Type of food sales, i.e., direct sales vs. indirect sales
- 4) Type of distribution

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

Yes. Only potable water from a properly constructed on-site water well or approved municipal water system can be used. If a well is used, the well water must be tested for the following constituents at the testing frequency listed:

CONSTITUENT	TESTING FREQUENCY	EXPECTED RESULT
Total Coliform Bacteria	Quarterly (once every 3 months)	Absent
<i>E. coli</i>	Quarterly (once every 3 months)	Absent
Nitrate (as NO ₃)	Annually (once every year)	≤ 45 mg/L
Nitrite (as nitrogen)	Once every 3 years	≤ 1.0 mg/L

List of Certified Laboratories for Bacteriological and/or Chemical Analysis

Sonoma County Public Health Regional Laboratory
 3313 Chanate Road
 Santa Rosa, CA 95404
 Telephone (707) 565-4711
 (bacteriological testing)

Caltest Analytical Laboratory
 1885 North Kelly Road
 Napa, CA 94558
 Telephone (707) 258-4000
 (bacteriological and chemical testing)

Brelje and Race Laboratories, Inc
 425 South E Street
 Santa Rosa, CA 95404
 Telephone (707) 544-8807
 (bacteriological and chemical testing)

Far West Laboratories Inc.
 P O Box 355
 Riverbank, CA 95367
 Telephone (800) 750-9260
 (209) 869-9260
 (bacteriological and chemical testing)

Scott Laboratories
 2220 Pine View Way
 P O Box 4559
 Petaluma, CA 94955-4559
 Telephone (707) 765-6674
 (bacteriological and chemical testing)

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

15. If I have a water sample for my well that was taken prior to my application submittal for a CFO, is the sample valid to allow me to start operation?

Maybe. Assuming water sample results reflect passing levels for potability, depending on how far in advance the water sample was taken prior to the application for a CFO would determine whether or not the sample result(s) is/are valid to allow the CFO to start operating. The time in advance the water sample was taken should not exceed the testing frequency intervals specified above in question # 14.

Example: The CFO application is dated January 1, 2013. Total coliform bacteria, *E. coli*, nitrate and nitrite were sampled on June 1, 2012 and are passing for potability standards. Are the sample results valid to allow the CFO to start operating? No, although the nitrate and nitrite results are within the testing frequency timeframe (1 year for nitrate, and 3 years for nitrite) prior to the CFO application date, the total coliform bacteria and *E.coli* results are not within the testing frequency timeframe (3 months) prior to the application date. Therefore, the total coliform bacteria and *E. coli* must be re-sampled prior to approval of the CFO application.

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

***NEW* as of April 2021:** If on septic, the system to be utilized will need to be self-certified by the applicant. See: [Requirements for Cottage Food Operations Using Septic Systems](#).

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

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

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

18. Can my wastewater be disposed of in a graywater system?

No. The California Plumbing Code Chapter 16A excludes kitchen wastewater from the definition of graywater. Graywater is defined as “untreated wastewater that has not been contaminated by any toilet discharge. Graywater includes wastewater from bathtubs, showers, bathroom sinks, clothes washing machines and laundry sinks. It does not include wastewater from kitchen sinks, dishwashers, photo lab sinks or laundry water from soiled diapers.”

Food processing wastewater, like wastewater from kitchen sinks, is considered “black” water and cannot be routed to a graywater disposal system.

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

Please see our fee schedule for the current annual fee for a CFO A or B. Additional fees may be charged for inspection and/or enforcement activities if the CFO is found to be in violation of California food safety laws.

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

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

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

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

22. Can a CFO located outside of Sonoma County sell their cottage food products within Sonoma County?

Yes. CFOs located outside of Sonoma County with proper registration or permit from another county in California may sell their cottage food products in Sonoma County. **NOTE:** A CFO operator may sell cottage food products at a permitted community event provided the CFO operator has a valid temporary food facility permit. See question #19 for further information.

23. How often will a CFO be inspected?

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

24. What are the operational requirements for a CFO?

All CFOs must comply with the following:

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

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

You can file a complaint by contacting Department of Health Services, Environmental Health and Safety (707) 565-6565.

26. Are “Internet” sales and “Mail-Order” sales permitted?

A Cottage Food Operator may accept orders and payments via the internet, mail or phone. However, the CFO must deliver their CFO products directly (in person) to the customer. The CFO products may not be delivered via US Mail, UPS, FedEx or using any other indirect delivery method. This includes both “direct” and “indirect” sales. Sales involving these indirect delivery methods are regulated/subject to CDPH registration and state and federal requirements.

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

- All cottage food products must be labeled in compliance with the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. Sec. 343 et seq.](#)). The label must include the following:
 - The words “**Made in a Home Kitchen**” in 12-point type
 - The name commonly used for the food product
 - The name of the CFO and the city, state and zip code of the cottage food operation which produced the cottage food product. If the firm is not listed in the current telephone directory then a street address must also be declared. A contact phone number or email address is optional but may be helpful for consumers to contact your business.
 - The registration or permit number of the CFO which produced the cottage food product, and in the case of a Class B CFO, the name of the county where the permit was issued. For example, “**County of Sonoma**”
 - The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more ingredients.
 - The net quantity (count, weight, or volume) of the food product. It must be stated in both English (pound) units and metric units (grams).
 - A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.
 - The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific requirements have been established for the use of these terms.
 - A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Please refer to the Cottage Food Labeling Guideline for more details.
 - If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrient Facts” statement on the information panel.
 - Labels must be in English (accurately translated information in another language may accompany it).
 - Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the package must be food-grade (safe for food contact) and not contaminate the food.
- In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the consumer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food has been made in a private home.

28. What cottage foods are not allowed?

- Fresh or dried meat or meat products including jerky
- Fresh or dried poultry or poultry products
- Canned fruits, vegetables, vegetable butters, salsas, etc.
- Fish or shellfish products
- Canned pickled products such as corn relish, pickles, sauerkraut
- Raw seed sprouts
- Bakery goods with fillings such as cream, custard or meringue pies and cakes or pastries with cream or cream cheese fillings, fresh fruit fillings or garnishes, glazes or frostings with eggs
- Tempered or molded chocolate or chocolate type products
- Milk and dairy products including hard, soft and cottage cheeses and yogurt
- Cut fresh fruits or vegetables
- Food products made from cut fresh fruits or vegetables
- Food products made with cooked vegetable products
- Garlic in oil mixtures
- Juices made from fresh fruits or vegetables
- Ice or ice products
- Barbeque sauces and ketchups
- Focaccia-style breads with vegetables or cheeses
- Wine preserves
- Ganache
- Cream cheese frosting
- Chutney
- Vegetable butter
- Food products that require refrigeration