



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH FOOD AND HOUSING DIVISION

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California Cottage Food Law FAQs

1. When did the new law go into effect?

The new law became effective on January 1, 2013. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with its implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. Among the tasks assigned to the state agency are providing food processor training, posting approved cottage foods on their webpage, and establishing a process for adding and removing foods from the approved cottage food list.

2. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where the cottage food operator resides. It allows certain non-potentially hazardous food products to be made, packaged or repackaged at a private residence for direct and indirect sale to consumers.

3. Are there limitations on the size of a CFO's sales?

The enterprise shall not exceed fifty thousand dollars (\$50,000) in gross annual sales.

4. What types of food can a CFO prepare?

Only foods that are defined as "non-potentially hazardous" are approved for preparation by CFOs. 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 will establish and maintain 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 foods can be challenged and removed.

5. What are the two categories of CFOs?

- **Class A** CFOs are only allowed to engage in "direct sale" of cottage food.
- **Class B** CFOs may engage in both "direct sale" and "indirect sale" of cottage food.

6. What is meant by "direct sale" of cottage food?

Direct Sale means a transaction within the state of California between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO operator. 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, through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation. The CFO is an approved source for sales. **NOTE:** Providing open samples in a booth at a community event will also require a Temporary Food Facility Permit.

7. What is meant by "indirect sale" of cottage food?

Indirect Sale means an interaction between a CFO operator, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO operator from a third-party retailer that holds a valid permit issued by the Department of Environmental Health, Food and Housing Division. 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.

8. What are the fees associated with a Cottage Food Operation (CFO)?

Initial Registration for Class A CFO = \$185 (includes review of up to 10 labels).

Initial Permit for Class B CFO = \$421 (includes review of up to 10 labels and initial inspection).

NOTE: Registration/Permit is nontransferable. Registration/Permit shall be valid only for the person, location, type of food sales, and type of distribution activity specified by that Registration/Permit. Registered/Permitted CFO operators are responsible to notify DEH-FHD of any changes to their operation.

9. What are the renewal fees associated with a Cottage Food Operation (CFO)?

Cottage Food Operation (CFO) Class A = \$74

Cottage Food Operation (CFO) Class B = \$290 (includes annual inspection)

10. Do I have to submit labels for all of my products when I submit my application?

New applicants are required to submit at least one product label for each food category sold and the initial fee includes the review of up to ten (10) product labels. For those operators who wish to ensure that all of their product labels meet the Cottage Food Labeling Requirements, DEH will review product labels beyond the initial ten (10) labels upon request. The fee for this optional label review of any labels beyond the initial ten (10) labels will be assessed at our current hourly rate, available in ½ hr. increments.

11. After being approved as a Cottage Food Operation, how do I add additional items to my list of products?

Additional products may be added to a CFO's operation at any time without submitting labels for review. For those operators who wish to ensure that all of their product labels meet the Cottage Food Labeling Requirements, DEH will review product labels as new products are added throughout the year to verify product labels meet the labeling requirements. The fee for this optional label review of any labels will be assessed at our current hourly rate, available in ½ hr. increments.

12. What happens if any of my products are not properly labeled or are not approved to be sold as part of my CFO?

Cottage food operators must ensure that all of the products they are selling are on the approved food list as maintained by the California Department of Public Health, and meet the labeling requirements for all products beyond those reviewed by DEH. Additional fees will apply for investigation of valid complaints and re-inspections related to improperly labeled products or unapproved products offered for sale.

13. Does my Cottage Food Operation (CFO) Registration or Permit expire?

A Cottage Food Operation Registration or Permit is valid for one (1) year and is required to be renewed annually. A renewal notification will be mailed out at least forty five (45) days prior to the expiration date.

14. Can I apply as an LLC or INC business?

Yes, a Cottage Food operator may apply as an LLC or INC. In order for the owner to be listed as an LLC or INC, a declaration of single proprietorship will need to be provided with the submitted application. The Cottage Food registration/permit shall be valid only for the person (single proprietorship), location, type of food sales, and type of distribution activity specified in the submitted application.

15. What do I need to provide if I am renting?

The Department of Environmental Health does not have jurisdiction regarding a property lease or tenant/ landlord agreement. You will need to verify with your landlord or property manager if premises will be allowed to have Cottage Food Operation business.

16. What do I need to do if I moved?

The Cottage Food Operation (CFO) Registration/Permit is nontransferable. If you move, you will need to notify this Department about the change in the status of the business and you will be required to re-apply for a CFO registration/permit at your new primary residential address. The previously submitted labels will also need to be resubmitted with the application packet indicating the new CFO address.

17. What do I need to do if I am no longer operating my Cottage Food business?

The CFO operator is responsible to notify DEH-FHD of any changes to the status of their permit/registration. Once notified, DEH-FHD will inactivate the permit/registration.

18. Can a CFO sell cottage food outside the county of residence?

CFOs can only sell cottage food products outside of the County of residence when approved by the local health department of the county they wish to sell in. Additional permits may be required when selling a cottage food product in a county different from the one it was produced in.

19. Can I sell edible or recreational cannabis (marijuana) using my CFO Registration or Permit?

No. Cannabis (marijuana) is not an approved CFO ingredient.

20. How do I apply for a Class A or Class B CFO?

Cottage Food Operation (CFO) applicants can submit their completed application packet in-person, via mail, via email or via fax. For in-person submittals, our main office is located at 5500 Overland Avenue Ste 170 San Diego CA 92123. Mailed applications should be sent to P.O. BOX 129261, San Diego, CA 92112-9261. Emailed applications should be sent to fhdcottagefood@sdcounty.ca.gov. Faxed applications should be sent to 858-505-6998.

21. What does a CFO applicant need to submit to obtain a permit or registration to operate?

- A completed Class A or Class B application packet. The application packet is available in our office, or online at <http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/cottagefood.html>.
- Planning/Zoning Approval: All CFOs need to obtain approval from their local city or county planning department.
- Label sample(s) for proposed Cottage Food Operation product(s) that wish to be sold. New applicants are required to submit up to ten (10) product labels with at least one product label for each food category sold. These label samples must look like the final label layout to be used on the prepackaged product.

22. How long does the application process take for a Class A or Class B CFO?

Once all required documents are received, the application will be reviewed within 10 business days. Our department will contact the CFO applicant if there are going to be delays in the review process due to a high volume of submittals, or upon completion of review to provide an update on the status of application. If documents are mailed to our office, review will commence from the date when the documents were received by our department.

23. What happens if there are corrections needed on my application, or if information is missing?

If any information is missing or if corrections are needed on any part of your application, a correction notice will be emailed to the prospective CFO applicant indicating what information or revision needs to be provided or updated. If no email information was provided on the application, the correction notice will be mailed to the home of the CFO applicant. All indicated corrections must be resubmitted to this department for final review prior to the issuance of a permit or registration.

Note: Submitted CFO applications waiting on information to be re-submitted by the CFO operator will be held in a “pending” status. Should any submitted application be in the “pending” status for more than 60 days, the application will be deemed inactivated and the CFO applicant will be required to re-apply.

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

A person who prepares or packages cottage food products must complete a food handler training course or a food processor course. Food handler training must be completed within three (3) months of being registered or permitted. This requirement can be met by completing a food processor training course approved by CDPH, a San Diego County Food Handler Training course or a Food Safety Certification course. You can access a list of CDPH approved food processor training courses at the website noted below:

<https://www.ansi.org/Accreditation/credentialing/certificate-issuers/AllDirectoryListing?prgID=228,238&statusID=4>

25. What is meant by “private home?”

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside. The cottage food operation must be conducted within the primary residence. Second homes, vacation homes, or motor homes DO NOT qualify for a CFO.

26. Can a CFO have employees?

A CFO can have one full time equivalent employee who is an individual employed by the CFO (not counting household family members).

27. How often will a CFO be inspected?

- Class A CFO kitchens are not subject to initial or routine inspections but are subject to inspections as a result of a consumer complaint.
- Class B CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually after permit renewal.

28. What are the CFO’s operational requirements?

The CFO must comply with the following:

- No domestic activity in the kitchen during cottage food preparation.
- No infants, small children, or pets are allowed in the kitchen during cottage food preparation.
- Kitchen equipment and utensils must be kept clean and in good repair.
- All food contact surfaces, equipment and utensils must be washed, rinsed, and sanitized before and after each use.
- All food preparation and food storage areas shall be free of rodents and insects.
- No smoking in the kitchen area during the preparation or processing of cottage food.
- A person with a contagious illness shall refrain from working.
- Hands and exposed portions of the arms of food workers must be kept clean and washed before any food preparation or packaging.
- Water used for cottage food preparation activities shall meet the potable drinking water standards described in Section 113869 of the California Health and Safety Code, or be in accordance with the local regulatory water authority.

29. Can I utilize commercial type equipment such as large rotary mixers in my cottage food operation?

No. Typically a private home is not equipped with sinks required to effectively wash, rinse, and sanitize large commercial equipment and commercial equipment may have power needs that are not found in residences.

30. Does my equipment, stove and/or refrigerator need be commercial grade?

No. As a Cottage Food operator, you are not required to meet NSF/ANSI standards for your equipment used to manufacture Cottage Food products.

31. Can I bake bread in a wood-fired oven?

Yes, as long as that oven is within your home kitchen.

32. Can I press and sell apple cider?

No. There are no beverages included in the list of food products allowed to be produced in CFOs, so pressing apples to make and sell apple cider is not allowed under your CFO registration or permit.

33. The farmer's market where I want to sell my products says I need a food permit, even though I am a Cottage Food business. Can the market require a permit?

No. A separate Temporary Food Facility Permit is not required to solely sell your prepackaged and labeled Cottage Food Product. However, if any food preparation, sampling, or sales of your cottage food products will be conducted inside the booth, then a separate Temporary Food Facility Permit will be required. The Cottage Food Operation registration or permit (or a legible copy of the original) must be retained by the operator onsite at the time of either direct or indirect cottage food sales.

34. Are there any special requirements regarding my home on-site well?

Yes. Only potable water from a properly constructed on-site well or municipal water system can be used. If a well is used, the well water shall be initially tested for coliform bacteria and nitrates, then, at least annually tested for coliforms. Contact the Land & Water Quality Division of DEH (858) 694-2949 for more information.

35. Can I make and sell sweet breads, muffins or other baked goods made with fresh fruits and vegetables like zucchini, pumpkin, and strawberries?

Yes, as long as the fruits or vegetables are incorporated into the batter and properly baked, and the final product is labeled and packaged. The baked goods may not be decorated or garnished with fresh fruits or vegetables.

36. Can I use homegrown fruits and vegetables in CFO products?

Yes, homegrown produce may be used as an ingredient as long as the grower adheres to Section **114376** of the California Retail Food Code regarding Community Food Production. All ingredients used in the cottage food products must be from an approved source, and the CFO operator should take care to thoroughly wash the homegrown produce. All produce utilized in the production of a Cottage Food Product must adhere to the product allowances as defined by the California Department of Public Health (CDPH). The final CFO products may not be decorated or garnished with fresh fruits or vegetables.

37. Can I freeze homegrown produce and use it for making baked goods, like sweet breads, at a later date?

Yes, as long as the frozen fruits or vegetables are incorporated into the batter and properly baked with the final product labeled and packaged. The baked goods may not be decorated or garnished with fresh or frozen fruits or vegetables.

38. Can I sell my Cottage Foods over the Internet?

A cottage food operator may advertise, as well as accept orders and payments via the Internet or over the phone. However, a CFO owner must deliver (in person) to the customer. A CFO owner may NOT deliver any CFO products via US Mail, UPS, FedEx or using any other third-party delivery service. A cottage food operator may not introduce a CFO product into interstate commerce.

39. Can I serve free samples of my Cottage Food Products?

Yes. As long as your product meets the requirements of the Cottage Food Law and is a non-potentially hazardous food, sampling is allowed. Samples must be pre-packaged in your home kitchen and affixed with your approved label. Your product cannot be cooked or prepared in a way that makes it a potentially hazardous food (e.g. you can't add a dried dip mix to sour cream or serve anything that can't be kept safely at room temperature - this example would require a food facility permit). If you intend to provide open samples during an event, you are required to obtain a Temporary Event Vendor permit. Contact (858) 505-6809 for permit information.

40. What are the labeling requirements for cottage food?

All cottage food must be labeled in accordance with the [Federal Food, Drug, and Cosmetic Act \(Title 21 of the U.S. Code; Sect. 343 et seq.\)](#)

The cottage food label shall include the following:

1. The words “**Made in a Home Kitchen**” OR “**Repackaged in a Home Kitchen**” printed in at least **12-point type** on product’s principal display panel
2. The common name of the product
3. The name of Cottage Food Operation which produced the cottage food
4. The physical address of the Cottage Food Operation
5. The registration number (Class A) or permit number (Class B) and the name of the local enforcement agency that issued the permit (Issued by San Diego County)
6. The product ingredients in descending order by weight
7. A declaration if the product contains any of the major food allergens allowed to be used as ingredients in cottage food products
8. The net weight of the product listed in grams and ounces

****Note:** Pursuant to Title 21 of the Code of Federal Regulations, Section 101.2, the letters and/or numbers on the label must not be less than one-sixteenth inch in height based on the lower case letter “o”.*

In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or other easily accessible location.

To request that additional foods be added to the CDPH approved food list, contact the Food and Drug Branch of CDPH at fdbinfo@cdph.ca.gov.

For additional information, visit CDPH’s Cottage Food webpage at:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/CottageFoodOperations.aspx>

OR

The County of San Diego’s webpage at:

<http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/cottagefood.html>

If you have any questions that have not been answered or clarified by the items listed above, please feel free to contact our Information Specialist at (858) 505-6900.