



City of
Los Banos
At the Crossroads of California

Community & Economic
Development Department
520 J St.
Los Banos, CA 93635
Phone: (209) 827-7000 ext. 2431
www.losbanos.org

COTTAGE FOOD OPERATION (CFO) PERMIT PROCESS SHEET

I. What is the purpose of a CFO Permit?

- a. It's an enterprise at a private home where specific low-risk food products that do not require refrigeration are prepared or packaged for sale to consumers, subject to the requirements of the State of California with criteria and conditions related to spacing/concentration, parking, traffic and noise control to maintain the residential nature of the neighborhoods.

II. Review Process

- a. A complete application is submitted to the Community & Economic Development Department.
- b. Community & Economic Development Department determines completeness of application within ten (10) business days.
- c. If there are no outstanding issues, the public hearing is scheduled for next available Planning Commission meeting.
- d. Public hearing noticed ten (10) days prior to the meeting
 - i. Newspaper
 - ii. Mailed to property owner's within 300' radius of subject property
- e. Planning Commission, by resolution, may grant approval of the CFO Permit subject to conditions or can deny the CFO Permit.
- f. If denied, the applicant may file a written notice with the Community & Economic Development Department or with the City Clerk no later than 5:00 p.m. ten (10) days after the decision was made (Los Banos Municipal Code Section 9-3.2330).

Page is intentionally left blank



City of
Los Banos
At the Crossroads of California

Community & Economic
Development Department
520 J St.

Los Banos, CA 93635
Phone: (209) 827-7000 ext. 2431
www.losbanos.org

COTTAGE FOOD OPERATION (CFO) PERMIT SUBMITTAL REQUIREMENTS

- ☐ Completed Application
 - If the applicant is not the property owner(s), the property owner(s) shall designate the applicant as the authorized agent to act on his or her behalf by way of a signed, dated, and notarized statement and both (or all) shall sign the application.
- ☐ Application fee
- ☐ Project description fully explaining intended use
- ☐ Floor Plan, labeled clearly and identifying areas to be utilized for the cottage food operation
- ☐ Site Plan, including sufficient parking for the employee and customers
- ☐ Site photos showing site and surrounding properties (labeled clearly)
- ☐ Two (2) pictures of the front exterior of the home, showing the driveway and off street parking locations
- ☐ Two (2) pictures of the home kitchen, preparation and storage area for the cottage food operation
- ☐ All person who prepare or package cottage food products shall provide a copy of the Merced County Environmental Health Permit upon receipt
- ☐ All persons who prepare or package cottage food products shall complete a food processor course instructed by the California Department of Public Health within three (3) months of receipt of CFO Permit.
- ☐ Electronic copy of full submittal on USB drive

Note: Staff may deem additional submittal information necessary such as a noise study, biological assessment, parking study, drainage report, arborist report, sight line analysis, infrastructure calculations, or master plans to adequately analyze the project, complete environmental review, or make recommendations to Elected or Appointed Officials.

Page is intentionally left blank



City of
Los Banos
At the Crossroads of California

Community & Economic
Development Department
520 J Street
Los Banos, CA 93635
Phone: (209) 827-7000
www.losbanos.org

Uniform Application

In order for Applications to be deemed complete under California Government Code Section 65943, the following items must be provided:

1. Completed Uniform Application
2. Development Plans as required by Submittal Requirements
3. Appropriate Filing Fee

GENERAL REQUIREMENTS (Print Clearly or Type)

Property Owner's Name:		(staff use only)
Address:		File No.:
Home/Cell No.:	Work No.:	Related Files:
E-mail Address:	Fax No.:	
Applicant's Name:		Date Rec'd:
Address:		Rec'd by:
Home/Cell No.:	Work No.:	Fees Paid:
E-mail Address:	Fax No.:	Receipt No.:
Representative's Name:		Approved by:
Address:		Date Approved:
Home/Cell No.:	Work No.:	Resolution No(s).:
E-mail Address:	Fax No.:	

Please Note: If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

TYPE OF APPLICATION (check all that apply)

- | | |
|---|---|
| ☐ Administrative Permit (AP) | ☐ Mobile Food Vendor Permit (MFVP) |
| ☐ Annexation (ANX) | ☐ Planned Development Reclassification (PDR) |
| ☐ Appeal | ☐ Pre-zone |
| ☐ Area Plan | ☐ Rezone (ZC) |
| ☐ Block Party Permit | ☐ Sign Review (SR) |
| ☐ Conditional Use Permit (CUP) | ☐ Site Plan Review (SPR) |
| ☐ Cottage Food Operations (CFO) Permit | ☐ Special Events Permit (SEP) |
| ☐ Donation/Collection Bins Permit | ☐ Temporary Uses Permit (TUP) |
| ☐ Farmers' Market Permit | ☐ Tentative Parcel Map (TPM) |
| ☐ Final Development Plan (FDP) | ☐ Tentative Tract/Subdivision Map (TTM) |
| ☐ General Plan Amendment (GPA) | ☐ Vesting Tentative Tract/Subdivision Map (VTTM) |
| ☐ Initial Environmental Assessment | ☐ Variance |
| ☐ Master Development Plan | ☐ Other: _____ |

PROJECT DESCRIPTION (attach additional sheets if necessary)

Description and purpose of proposal:

Address and Location of Property:

Assessor's Parcel Number(s):

Current Zoning:

Proposed Zoning (if applicable):

Current General Plan (GP) Designation:

Proposed GP Designation (if applicable):

Existing Use of Property:

Description of Surrounding Uses:

NON-RESIDENTIAL PROJECTS OFFICE/ RETAIL/ INDUSTRIAL/ INSTITUTIONAL PROJECT SUMMARY TABLE

SITE AREA DISTRIBUTION

Site Area: Gross acres: _____ Net acres: _____

Proposed Phasing: _____

Building Area: Existing Structures: _____ sq ft New Structures: _____ sq ft

Existing Floor Area Ratio (FAR): _____ Proposed Floor Area Ratio (FAR): _____

Height: _____ sq ft

Number of Floors: _____

For **Commercial** Developments:

Market/Service Area: ☐ Neighborhood ☐ City ☐ Regional

Square Footage: _____

For **Industrial** Developments:

Use: ☐ Warehouse/Distribution ☐ Manufacturing ☐ Multi-tenant ☐ Other

Square Footage: _____ Estimated Employees Per Shift: _____

For **Institutional** Developments:

Use/Function: _____

Estimated Employees Per Shift: _____

Estimated Number of Occupants: _____

BUILDING INFORMATION

Occupancy Classification: _____

Occupancy Code: _____

Type of Construction: _____

Roof Materials: _____

AREA DISTRIBUTION (based on net area)

Acres/Sq Ft

% of Net Area

Building Coverage: _____

Vehicular (Paved) Coverage: _____

Landscape Coverage: _____

PARKING

Type of Use	Parking Ratio	# of Spaces Required	# of Spaces Provided
TOTALS			

Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.

RESIDENTIAL PROJECT SUMMARY TABLE (if applicable)

PROJECT AREA

Site Area: Gross acres: _____ Net acres: _____

No. of Phases: _____

DWELLING UNITS (based on net acres)		Number	Net Density
Single Family Detached			
Single Family Attached			
Multi-Family/Condominium			
	Studio		
	One Bedroom		
	Two Bedroom		
	Three Bedroom		
	Four or More Bedrooms		
	TOTAL		

AREA DISTRIBUTION (based on net area)		Acres/Sq Ft	% of Net Area
Building Coverage			
Landscape Coverage			
Vehicular (Paved) Coverage			
Common Open Space			
Private Open Space (per unit)			N/A

PARKING	Parking Ratio	# of Units	Spaces Req'd	Spaces Provided
Single-Family Detached				
Single-Family Attached				
Multi-Family/Condominium				
TOTAL				

Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.

PROJECT LOCATION LETTER OF AUTHORIZATION

PROJECT LOCATION

General Location/Address of Project:

Assessor's Parcel No(s):

Precise Legal Description (Attach. Required for the following : Rezoning, Annexation, Street or Alley Abandonment):

AFFIDAVIT

If property owner is a trust, partnership, LLC, then the signature shall be a corporate officer. Attach additional sheets if necessary.

I, _____, hereby certify that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge.

Applicant (signature)

Applicant (print name)

I, _____, hereby certify that I am the owner (if other than the applicant) of real property involved in this application, do hereby consent to the filing of this application. Attach separate sheets if multiple property owners.

Owner (signature)

Owner (print name)

City of Los Banos
Community and Economic Development
Planning Entitlements/Projects Fee Schedule

License/Permit/Entitlement Type	Basic Fee	State Fee	Additional Fee	Notes	Total Fee
Mobile/Sidewalk Vendor Permits					
Mobile Vendor Permit Initial	\$ 625.83				\$ 625.83
Mobile Vendor Permit Renewal	\$ 97.62				\$ 97.62
Sidewalk Vendor Permit Initial	\$ 450.00				\$ 450.00
Sidewalk Vendor Permit Renewal	\$ 450.00				\$ 450.00
Cottage Food Operator Permit					
Cottage Food Operator Permit (one time)	\$ 455.43				\$ 455.43
Planning Permits					
Administrative Permit - other	\$ 720.98			Deposit/ Cost Recovery Contract Required	\$ 720.98
Special Events Permit - minor event	\$ 109.33				\$ 109.33
Special Events Permit - major event	\$ 311.14				\$ 311.14
Special Events Permit - major event: Religious Processions (1.25 miles one way max)	\$ 311.14		\$ 444.22		\$ 755.36
Special Events Permit - major event: Street Closures (3 blocks or less)	\$ 311.14		\$ 229.60		\$ 540.74
Special Events Permit - major event: Parades (standard May Day Parade route)	\$ 311.14		\$ 1,517.64		\$ 1,828.78
Residential Neighborhood Block Party Permit	\$ 203.90				\$ 203.90
Farmers' Market Permit	\$ 230.42				\$ 230.42
Temporary Use Permit - minor use	\$ 230.42				\$ 230.42
Temporary Use Permit - major use	\$ 311.14				\$ 311.14
Miscellaneous					
Donation Collection Bin Initial	\$ 432.81			Non-refundable	\$ 432.81
Donation Collection Bin Renewal	\$ 163.24			Non-refundable	\$ 163.24
Signage					
Master Sign Plan	\$ 1,681.41				\$ 1,681.41
Sign Review	\$ 82.00				\$ 82.00
Temporary Sign Review	\$ 82.00			Per occurrence	\$ 82.00
Planning Project Entitlements					
Annexation	\$ 23,731.72			Deposit/ Cost Recovery Contract Required	\$ 23,731.72
General Plan Amendment	\$ 8,034.82			Deposit/ Cost Recovery Contract Required	\$ 8,034.82
Zone Change/Pre-Zone	\$ 7,489.10			Deposit/ Cost Recovery Contract Required	\$ 7,489.10
Conditional Use Permit	\$ 1,940.24			Deposit/ Cost Recovery Contract Required	\$ 1,940.24
Site Plan Review	\$ 3,133.79			Deposit/ Cost Recovery Contract Required	\$ 3,133.79
Variance	\$ 1,594.30			Deposit/ Cost Recovery Contract Required	\$ 1,594.30
Tentative Subdivision Map - up to 100 lots	\$ 9,259.06			Deposit/ Cost Recovery Contract Required	\$ 9,259.06
Tentative Subdivision Map - 101+ lots	\$ 12,101.86			Deposit/ Cost Recovery Contract Required	\$ 12,101.86
Revised Tentative Map	\$ 4,575.05			Deposit/ Cost Recovery Contract Required	\$ 4,575.05
Planned Development	\$ 4,554.77			Deposit/ Cost Recovery Contract Required	\$ 4,554.77
Development Agreement	\$ 3,500.00			Deposit/ Cost Recovery Contract Required	\$ 3,500.00
Final Development Plan	\$ 2,000.00			Deposit/ Cost Recovery Contract Required	\$ 2,000.00
Environmental Review/Categorical Exemption	\$ 197.75			Deposit/ Cost Recovery Contract Required	\$ 197.75
Negative Declaration/Initial Study	See Notes			Actual Cost + 20%/Deposit/Cost Recovery Contract	\$ -
Environmental Impact Report	See Notes			Actual Cost	\$ -
Minor Subdivision/Parcel Map	\$ 1,024.15			Deposit/ Cost Recovery Contract Required	\$ 1,024.15
Lot Line Adjustment/Parcel Merger	\$ 415.16				\$ 415.16
Reimbursement Agreement	\$ 3,500.00			Deposit/ Cost Recovery Contract Required	\$ 3,500.00
Appeal	\$ 2,587.84				\$ 2,587.84
Time Extension	\$ 2,404.91				\$ 2,404.91

Notes:

State established \$1.00 fee for Business Licenses as mandated by Senate Bill 1186 effective January 1, 2013. State Fee increased to \$4.00 as mandated by Assembly Bill 1379 effective January 1, 2018 thru December 31, 2023.

Fees adopted by City Council Resolution No. 6131 on 9/18/19; fees effective 12/1/19

Commercial Business License renewal basic fee subsidized/reduced by City Council Resolution No. 6158; adopted 11/20/19; fee effective 12/1/19

Page is intentionally left blank

Approved Cottage Foods

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

1. Baked Goods Without Cream, Custard, or Meat Fillings

Examples but not limited to:

- | | | | |
|------------|----------------------|-----------------|------------------|
| • Bagels | • Cookies | • Macarons | • Samosas |
| • Baklava | • Crackers | (with approved | (fruit only) |
| • Biscuits | • Cupcakes | fillings or | • Scones |
| • Bread | • Donuts | buttercream) | • Tamales |
| • Brownies | (fried or baked) | • Muffins | (fruit only) |
| • Buns | • Empanadas | • Pastries | • Tarts |
| • Cake | (fruit only) | • Pies | • Tortillas |
| • Churros | • Flatbreads | (fruit only, no | • Torts |
| • Coconut | • Fruit, nut or seed | pumpkin) | • Waffles |
| macaroons | bars | • Pizzelles | (fried or baked) |
| | | • Quick breads | • Waffle cones |

2. Candy and Confections

Examples but not limited to:

- | | | | |
|-------------------|---------------------|------------------|--------------------|
| • Bonbons | • Chocolate-covered | • Fudge | • Ground chocolate |
| • Brittles | nonperishables | • Edible dessert | • Hard candy |
| • Candied apples | (including | sprinkles | • Marshmallow bars |
| • Candied popcorn | marshmallows, | (Sugar based, | • Marshmallows |
| (balls, caramel, | nuts, candy, | Chocolate | (without eggs) |
| chocolate) | dried fruit, potato | based, | • Popcorn balls |
| • Caramels | chips, or any | Pralines, | • Salted caramels |
| • Cotton candy | combination) | Confetti, | • Spiced sugar |
| • Chocolate | • Freeze-dried | Nonpareils, | • Toffee |
| | candies | Sequins etc.) | |

3. Extracts Containing at Least 70 Proof or 35% Food-Grade for Human Consumption Ethanol/Alcohol

Only those listed or combinations of those listed are allowed.

- | | | | |
|--------------|--------------|-------------|---------------|
| • Apple | • Cinnamon | • Lime | • Pomegranate |
| • Apricot | • Clove | • Orange | • Raspberry |
| • Blackberry | • Cranberry | • Peach | • Strawberry |
| • Blueberry | • Grapefruit | • Pear | • Tangerine |
| • Cherry | • Kiwi | • Pineapple | • Vanilla |
| • Chocolate | • Lemon | | |

4. Dried, Dehydrated, and Freeze-Dried Foods

Examples but not limited to:

- | | | | |
|--|-----------------------|---------------------|---------------------------|
| • Baking mixes | • Fruit powders | • Hot chocolate mix | • Tea |
| • Bean soup mixes | • Fruit roll-ups | • Pasta | • Trail mixes |
| • Cereals | • Grain mixes | • Popcorn | • Vegetables |
| • Coffee
(roasted or
freeze-dried) | • Granola | • Potato chips | • Vegetable chips |
| | • Ground chocolate | • Seasoning salt | • Vegetable soup
mixes |
| • Fruit | • Herbs & herb blends | • Spice mix or rubs | |

5. Frostings, Icings, Fondants, and Gum Pastes that Do Not Contain Eggs†, Cream, or Cream Cheese

Examples:

- | | | | |
|---|--|--|---|
| • Buttercream made with butter
(traditional, vegan, and chocolate) | • Fondant
(regular and chocolate) | • Gum paste
(pasteurized eggs only) | <i>†Frostings and icings made with meringue powder, powdered eggs, or pasteurized eggs are allowed.</i> |
| • Flat icing | • Frosting with commercially manufactured balsamic vinegar | • Edible images | |
| | | • Sugar glazes | |
| | | • Vegan gum paste | |

6. Honey and Sorghum Syrups

Only pure; no additional ingredients are allowed.

7. Fruit Butters, Preserves, Jams, and Jellies that Comply with [Part 150 of Title 21 of The Code of Federal Regulations \(CFR\)](#)

Only those fruits listed in this CFR are allowed. Additional fruits or vegetables will not be approved.

8. Nuts, Nut Mixes, and Nut Butters

Only roasted/pasteurized nuts are allowed.

9. Powdered Drink Mixes Made from Manufactured Ingredients

Drink mixes cannot be labeled with “protein” because the amount cannot be determined.

10. Vinegars and Mustards

Examples:

- | | | | |
|---|----------------------|-----------------------|-----------------------|
| • Mustards (<i>plain, without eggs</i>) | ○ <i>blackberry</i> | ○ <i>huckleberry,</i> | ○ <i>plum,</i> |
| • Vinegars | ○ <i>blueberry</i> | ○ <i>kumquat,</i> | ○ <i>pineapple,</i> |
| • Fruit-infused vinegars (<i>only high-acid fruits such as</i> | ○ <i>cherry</i> | ○ <i>lemon,</i> | ○ <i>pomegranate,</i> |
| ○ <i>apple,</i> | ○ <i>crabapple,</i> | ○ <i>lime,</i> | ○ <i>quince,</i> |
| | ○ <i>cranberry,</i> | ○ <i>loganberry,</i> | ○ <i>raspberry,</i> |
| | ○ <i>grape,</i> | ○ <i>nectarine,</i> | ○ <i>strawberry,</i> |
| | ○ <i>gooseberry,</i> | ○ <i>orange,</i> | ○ <i>tomatillo,</i> |
| | ○ <i>grapefruit,</i> | ○ <i>peach,</i> | ○ <i>youngberry)</i> |



California Homemade Food Act

Frequently Asked Questions

AB 1616 (Gatto) - Cottage Food Operations and AB 1252 Amendments

When does the new Cottage Food Law go into effect? The new law became effective January 1, 2013. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. Further information regarding the status of implementation can be obtained from your local environmental health agency.

- 1. What is a cottage food operation (CFO)?** A CFO is an enterprise at a private home where specific low-risk food products that do not require refrigeration are made or repackaged for sale to consumers.
- 2. What is meant by a private home?** "Private home" means a dwelling, including an apartment or other rented space, where the CFO operator resides.
- 3. Are there limitations on the size of CFO sales?**
 - \$35,000 or less in gross sales annually in 2013
 - \$45,000 or less in gross sales annually in 2014
 - \$50,000 or less in gross sales annually in 2015 and beyond
- 4. Can a CFO have employees?** A CFO can have one full-time equivalent employee (not counting family members or household members).
- 5. What cottage foods are CFOs permitted to produce?** Only specific 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.

CDPH will establish and maintain a list of approved cottage food categories on their website. The list included in the new law 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 fruit
- 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 fruit butter that comply with the standard described in [Part 150 of Title 21 of the Code of Federal Regulations](#).
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizzelles
- 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
- Seasoning salt
- Flat icing
- Marshmallows that do not contain eggs
- Popcorn balls
- Dried grain mixes
- Fried or baked donuts and waffles

6. What are the two classifications of CFO's?

"Class A" CFOs are only allowed to engage in **"direct sales"** of cottage food.

"Class B" CFO's may engage in both **"direct sales"** and **"indirect sales"** of cottage food.

- 7. 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. 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 at the cottage food operation.
- 8. What is meant by “indirect sale” of cottage food?** “Indirect sale” means an interaction within the state of California 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. Indirect sales include, but are not limited to, sales made to retail food facilities including markets, restaurants, bakeries, and delis, where food may be immediately consumed on the premises.
- 9. What are limitations on Internet sales and delivery of cottage food products?** A cottage food operator may advertise as well as accept orders and payments via Internet or phone. However, a CFO must deliver (in person) to the customer. A CFO 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. Additionally, CFO’s can only sell cottage foods outside their county of residence only when the local environmental health agency of the outside county allows it.
- 10. What are limitations on advertising of CFO products?** It is unlawful for any person to disseminate any false advertising of any food. An advertisement is false if it is false or misleading in any particular. A cottage food product that is found to be falsely advertised would be subject to enforcement action.
- 11. Do I need any special training or certification to make cottage foods?** A person who prepares or packages cottage food products must complete a food processor course approved by CDPH within three months of being registered or permitted and every three years during operation.

12. Does a CFO need a permit to operate?

Planning and zoning: All CFO’s need to obtain approval from their local city or

county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.

Environmental Health: For “**Class A**” CFO’s (direct sale only), must complete an annual **registration** with the local enforcement agency and submit a fully completed “self-certification checklist” approved by the local environmental health agency. For “**Class B**” CFO’s (either direct and indirect or indirect only), must obtain an annual **permit** from the local environmental health agency.

Other requirements: Check on other state or local requirements that may be applicable, such as Sellers Permits through the Board of Equalization, or Business Licenses through your city or county.

Registrations and permits are nontransferable between:

- 1) Persons
- 2) Locations
- 3) Type of food sales [i.e., direct sales (“Class A”) vs. indirect sales (“Class B”)]
- 4) Type of distribution

13. How much will the permit or registration 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 inspection and/or enforcement activities if the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

14. Will my CFO registration/permit allow me to sell at other retail venues? There may be health permits required to sell at other locations, such as Certified Farmers’ Markets, Swap Meets or community events. Please check with your local environmental health department for additional permit requirements.

15. 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 not subject to initial or routine inspections.

“**Class B**” CFO kitchens and food storage areas are inspected initially prior to permit issuance and not more than once per year.

“**Class A or B (complaint inspections)**” - The local environmental health agency may access, for inspection purposes, the registered or permitted area where a cottage food operation is located 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 California food safety laws.

16. What are CFO operational requirements? 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 preparing or packaging cottage food products
- Proper hand-washing 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 of cottage food.

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

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” or “Repackaged 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 CFO is not listed in a 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 “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.
- 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.
- If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrition Facts” statement on the information panel.
- Labels must be legible and in English (accurately translated information in another language may also be included on the label). 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.

In a permitted retail food facility (such as a restaurant, market, or deli), cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food or an ingredient in the food has been made in a private home.

18. What is my legal responsibility as a cottage food operator in ensuring that my food product is safe? Cottage food operators and/or their employees shall not commit any act that may cause contamination or adulteration of food.

This would include making foods that are not on the approved food list and or making foods under unsanitary conditions or with spoiled or rancid ingredients.

A cottage food operation that is not in compliance with the requirements of AB



1616 and AB 1252 would be subject to enforcement action taken by the local environmental health agency and/or the California Department of Public Health.

- 19. What if I find out an ingredient I used has been recalled because it can make people sick or has been identified as the cause of food borne illness?** You should notify your local environmental health agency or CDPH immediately and do not distribute anymore product. You may need to notify your customers and request that they return or dispose of the products. For specific food recall information, you can contact CDPH at: (916) 650-6500 or email: FDBinfo@cdph.ca.gov.
- 20. What is my liability as a cottage food business operating out of my home?** You should check with your homeowner insurance company or your landlord if you are operating out of a rental property. Many homeowner insurance policies will not extend liability coverage to liabilities arising out of home-based businesses.
- 21. What other educational resources and guidelines are available to assist me in ensuring I am making a safe food product?** Please see the CDPH website or contact your local environmental health agency for guidance and resource documents or web links.
- 22. What can I do to ensure I am still meeting legal requirements if my cottage food operation grows to exceed the gross annual sales limit and/or I decide want to make another type of food product that is not on the approved food list?** Please contact CDPH for registration and facility requirements for food processors.
- 23. Where can I file a complaint about a cottage food operation or cottage food product?** You can file a complaint at the CDPH toll-free complaint line – **1-800-495-3232**.