



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

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COTTAGE FOOD

Frequently Asked Questions

What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at private home where specific low-risk food products, which do not require refrigeration, are prepared or repackaged for sale. A cottage food operator is an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

What is meant by "private home?"

"Private home" means a dwelling, including an apartment or other leased space, where the CFO operator resides.

Can a CFO have employees?

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

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

Yes: CFO sales are limited to \$50,000 or less in gross sales per calendar year.

What types of cottage 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 may cause illness.* The California Department of Public Health (CDPH) will establish and maintain a [list of these approved foods](#) and will establish a process by which new foods can be added to the list and other foods can be challenged and removed. Please [contact the CDPH](#) for more information regarding non-potentially hazardous foods.

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.

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 permitted farm stands and certified farmers' markets, through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

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 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.

Can I deliver my orders to customers using US Mail, UPS FedEx or other indirect delivery methods?

You 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. A cottage food operator may not introduce a cottage food product into interstate commerce. Additionally, cottage food operators shall only sell their cottage food items outside of their county of residence only when the local environmental health agency of the outside county gives approval.

What are the CFO’s operational requirements?

- CFO operators are required to take a food handlers course offered by an ANSI accredited agency within 3 months of being registered or permitted. Click [here](#) for a list of California Food Handlers Card on-line courses.
- All CFOs need to submit a self-certification checklist to verify that they comply with the operational requirements of a cottage food operation.

What are the water sampling requirements for a CFO on a private, individual water supply (not connected to a public, treated water supply)?

Potable water from properly constructed on-site water well 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 |
| Fecal Coliform | Quarterly (once every 3 months)* | Absent |
| Nitrate (as nitrogen) | Annually (once every year)* | ≤ 10 mg/L |
| Nitrite (as nitrogen) | Once every 3 years* | ≤ 1.0 mg/L |
| Secondary Standards ¹ | At least once* | Variable |
| Fluoride | At least once* | ≤ 2.0 mg/L |

¹Secondary MCL Standards (General mineral/physical): bicarbonate, carbonate, hydroxide alkalinity, calcium, iron, magnesium, manganese, pH, specific conductance, sodium, and total hardness.

*Required testing frequency may vary depending on results.

There are no additional water sampling requirements for public, treated water supplies.

Does a CFO need a permit to operate?

Yes: A CFO will need a permit from the applicable City, Town or County Planning Department **and** the Department of Environmental Health as follows:

- **County Planning Department** – Includes the unincorporated areas of the county.
The Planning Department requires that you obtain a Home Business Permit, which is a ministerial administrative permit pursuant to Section L-II 3.11 of the Nevada County Land Use and Development Code, before commencing CFO business activities.
 - Applications shall be submitted to the Nevada County Planning Department and the Nevada County Environmental Health Department at the same time.
- **City or Town Planning Department**
For CFOs that are within an incorporated area of the County, including the City of Grass Valley, City of Nevada City or the Town of Truckee please contact the applicable Planning Department for those agencies.
 - City of Grass Valley (530) 274-4349
 - Nevada City (530) 265-2496
 - Town of Truckee (530) 582-2927.

Written approval from the applicable City Planning Department shall be received **prior** to applying with the Nevada County Environmental Health Department.

- **Department of Environmental Health**
 - For **Class A:** CFOs (direct sale only), annual registration with the local environmental health department is all that is required.
 - For **Class B:** CFOs (direct and indirect), an annual permit from the local environmental health department is required.
 - The registration/permit is *not* transferable between:
 - Persons
 - Locations
 - Type of food sales [i.e., direct sales (class "A") vs. indirect sales (class "B")]
 - Type of distribution
- **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.

How much will the CFO registration or permit cost?

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.

- **County Planning Department Fees** A Home Business Permit through the County Planning Department requires a minimum fee of **\$291.56**. This is only the minimum deposit and you will be billed for actual costs that exceed the minimum paid at submittal.
 - Planning Fees are billed at \$213.81/hr.
- **City or Town Planning Department Fees** Please contact the applicable Planning Department to determine their fees for permitting a Cottage Food Operation.
- **Department of Environmental Health Fees**
 - For **Class A:** **\$186.86**
 - For **Class B:** **\$467.15**

} **Renewed annually:** These fees also cover health permit fees at retail venues if you're only selling your cottage food items.

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 only inspected by the environmental health department when a consumer complaint alleging adulterated or unsafe food is being produced and is being investigated. Inspections for packaging, product handling and labeling may occur at community events.
- **Class B:** CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually thereafter, unless additional inspections are required in response to consumer complaints or concerns. Inspections for packaging, product handling and labeling may occur at community events.

What would be my food labeling requirements?

In a permitted food facility, a cottage food product needs to be identified to the customer as homemade on the menu, menu board or other easily accessible location that would reasonably inform a consumer of its homemade status. [Click here](#) for more information regarding Cottage Food Labeling from the CDPH.

Can a CFO expand their home kitchen area square footage?

Any expansion or remodeling must be consistent with a *residential home kitchen*. Contact the Building/Planning Department(s) for approval & applicable permitting requirements.

What is my legal responsibility as a cottage food operator in ensuring that my food product is safe?

Cottage food operators 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 would be subject to enforcement action taken by the local environmental health agency or the Department.

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 the Food and Drug Branch (FDB) immediately and do not distribute anymore product. You may need to notify your customers and request that they return or dispose of the products.

You can contact FDB at: (916) 650-6500 or email: FDBinfo@cdph.ca.gov.

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.

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 I would like to make another type of food product that is not on the approved food list?

Please contact the CDPH Food and Drug Branch for registration and facility requirements for food processors. Once the cottage food operation exceeds the gross sales volume established in the law, they must move their operations to a commercial processing facility and register with the California Department of Public Health under the [Processed Food Registration Program](#).

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

You can file a complaint at the Food and Drug Branch toll-free complaint line at [1-800-495-3232](tel:1-800-495-3232).

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.

I want to become a CFO - What should I do now?

Contact your local planning department in your jurisdiction to find out what is required to have a home business in a residential area. Permit and registration forms have been placed on the [Nevada County Environmental Health website](#).