



COUNTY OF ORANGE HEALTH CARE AGENCY
ENVIRONMENTAL HEALTH
1241 E. Dyer Road Suite 120, Santa Ana, CA 92705
Telephone: (714) 433-6000 / FAX: (714) 433-6423
Website: ocfoodinfo.com

COTTAGE FOOD OPERATION PACKET

Getting Started

Thank you for your interest in applying for a Cottage Food Operation. We understand this may be your first experience with Environmental Health, so we welcome you. Our primary job is to assist you in safely delivering food products to the public.

There are two distinct levels of Cottage Food Operation you can apply for, *Class A* or *Class B*. This packet is designed to ensure you apply for the correct operation and complete the necessary documentation. By doing so, the process of registration or permitting should be straightforward, avoiding unnecessary time delays or confusion in order to get your enterprise on its way.

Which Do I Apply For?

You would seek a *Class A Registration* if you intend to sell *DIRECTLY* to the end consumer from your home or at special events such as holiday bazaars, bake sales, food swaps, certified farmer's markets or any other direct sales to the end consumer. *Class A Registration* needs to be completed annually, and when there is a change in foods produced or location after registration. There is no on-site inspection conducted by a representative from this office as part of the permitting process; however, future inspections may be conducted under certain circumstances.

You would seek a *Class B Permit* if you sell your products to a third party retailer who would sell or use your products in a sale to the end consumer. This is considered *INDIRECT* sales. A *Class B Permit* allows you to engage in both DIRECT (see Class A sales above) and INDIRECT sales. *Class B permits* must also be renewed annually. An annual on-site inspection of the permitted area of your home will be conducted by a representative of this office.

Fees

All Cottage Food Operations will be billed at an hourly rate, in 15 minutes increments. Time spent will include time needed to review the application packet, and for Class B operations, time spent on inspection activities. The hourly rate through June 30, 2013 is \$103. Under normal circumstances, we do expect the packet review time to be no more than 45 minutes and inspection and related program activities to be no more than 2 ½ hours.

Complete and Return

If you need a *Class A Registration* or a *Class B Permit*, the following is designed to assist you in completing the proper paperwork. Double check to ensure that your application is complete and contains the necessary *Attachments*:

- | | |
|--|--|
| <input type="checkbox"/> Application (Attachment 1) | <input type="checkbox"/> Sample Labels (Attachment 4) |
| <input type="checkbox"/> Self-Certification List (Attachment 2) | <input type="checkbox"/> Registered Areas List (Attachment 5) |
| <input type="checkbox"/> Food Products & Ingredients List (Attachment 3) | <input type="checkbox"/> Jams, etc. Certification (Attachment 6) |

Other Considerations

You should also check with your local city government to ensure all permit or notification requirements have been satisfied. In addition, your regular homeowner's insurance may not adequately cover liability. We recommend you check with your insurance company regarding coverage.



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Attachment 1

APPLICATION FOR REGISTRATION (CLASS A) OR PERMIT (CLASS B)

COTTAGE FOOD OPERATION

NAME OF COTTAGE FOOD OPERATION (Please print):		PHONE (INCLUDING AREA CODE):
OWNER NAME(S):		ANTICIPATED DAYS AND HOURS OF OPERATION (check all that apply): SUN <input type="checkbox"/> MON <input type="checkbox"/> TUE <input type="checkbox"/> WED <input type="checkbox"/> THU <input type="checkbox"/> FRI <input type="checkbox"/> SAT <input type="checkbox"/> TIMES _____ AM/PM to _____ AM/PM
ADDRESS OF DOMESTIC HOME KITCHEN:		ARE YOU ON A PRIVATE WATER SOURCE: YES NO
CITY:	ZIP:	TYPE OF RESIDENCE (circle): Single Family Townhome Apartment Other:
MAILING ADDRESS (IF DIFFERENT FROM ABOVE):		
WEBSITE:	EMAIL ADDRESS:	ALL PEOPLE INVOLVED HAVE COMPLETED STATE-APPROVED TRAINING COURSE? YES NO #
TYPE OF SALES (check one):		
<input type="checkbox"/> CLASS A – DIRECT SALES, FOOD IS SOLD DIRECTLY FROM HOME OR OFFSITE WHERE THE SALES TRANSACTION IS COMPLETED DIRECTLY WITH THE END CONSUMER		
<input type="checkbox"/> CLASS B – INDIRECT SALES, FOOD IS SOLD TO A THIRD-PARTY RETAILER FOR RESALE TO A CONSUMER (ALSO INCLUDES DIRECT SALES)		
<i>Selling food product anywhere offsite from the primary residence may require an additional permit for each physical location or event. Please check with the Food Protection Program for more information or additional permits.</i>		
OWNER'S STATEMENT (initial each line)		
_____ I agree to grant Orange County Environmental Health the right to enter, during normal business hours or at other reasonable times, the permitted area of the domestic residence housing the cottage food operation for the purpose of inspection or complaint investigation, including the collection of food samples, photos or other evidence.		
_____ I agree to notify Orange County Environmental Health prior to adding any new food product not listed at the time of application. All food products must be evaluated and approved for sale by a representative of Environmental Health prior to sale.		
_____ I agree to notify Orange County Environmental Health if I decide to change my type of sales from Class A to Class B or vice versa or if I decide to cease my Cottage Food Operation. I acknowledge that failing to do so may incur additional fees.		
_____ I certify my enterprise shall not have more than \$35,000 in gross sales in 2013 or \$45,000 in gross sales in 2014 or \$50,000 in gross sales in the calendar year commencing in 2015 and for each subsequent year thereafter.		
_____ I agree to label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.)		
Signature(s) of owner(s)		Date

For Official Use

Registration/Permit to Operate Approved by:		Approved as: <input type="checkbox"/> Class A <input type="checkbox"/> Class B	Date:
Inspection Conducted By:			Date:
Type of Establishment/PE:	Registration/Permit Number/PR:	Facility Number/FA:	Owner Number/OW:
			HSO Receipt Number:



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Attachment 2

SELF-CERTIFICATION CHECKLIST

Owner's Name (Please print):	CFO Name:
Address:	City/Zip:
Phone:	Email:

As the legal owner of the above Cottage Food Operation, I hereby certify that the operation conforms to the following requirements:

1. No cottage food preparation, packaging, or handling will occur in the home kitchen concurrent with any other domestic activities, such as meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
2. No infants, small children, or pets will be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
3. Kitchen equipment and utensils used to produce cottage food products will be clean and maintained in a good state of repair.
4. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products will be washed, rinsed, and sanitized before each use.
5. All food preparation and food and equipment storage areas will be maintained free of rodents and insects.
6. No smoking will occur in the portion of the 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.
7. Any person with a contagious illness will refrain from work in the registered or permitted area of the cottage food operation.
8. Any person involved in the preparation or packaging of cottage food products will maintain their hands and exposed portions of arms clean and will wash hands before any food preparation or packaging activity.
9. All cottage food products will be properly labeled.
10. Water used during the preparation of cottage food products will meet potable drinking water standards.
11. Access to the registered or permitted areas in the home will be granted for the purpose of investigating a consumer complaint or reason to suspect that adulterated or otherwise unsafe food has been produced, or that the cottage food operation has violated sections of the law pertaining to cottage food operations.

Signature(s) of owner(s)

Date



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Attachment 4

SAMPLE LABELS

Appropriate labeling is required on all commercially produced or cottage food made **pre-packaged** food products. A pre-packaged product would mean a food item that you individually wrap, bag or box. The labels affixed to each unit of food product are required by law because they relay vital information to the consumer. Consumers have a right-to-know who made the product, where the product was made, the net weight of the product and most importantly for those consumers with food allergies, what ingredients can be found in the product.

Specifically, for cottage food products, the label must also reasonably inform a consumer of its homemade status. For this reason, cottage food labels must also include:

- 1) The words, "Made in a Home Kitchen" in 12-point type
- 2) The common name of the food product
- 3) The name of the cottage food operation which produced the food product
- 4) The registration or permit number. For Class B operations, the name of the enforcement agency must also be included (e.g., "Orange County")
- 5) The ingredients, in descending order of predominance by weight, if the food product contains two or more ingredients.

An example of an approved label is shown below:

<p>MADE IN A HOME KITCHEN</p> <p>Chocolate Chip Cookie</p> <p>Betty's Kitchen 123 Dough Street Anytown, California 9XXXX County of Orange Registration/Permit Number: PR# <u>XXXXXXXX</u></p> <p><i>Ingredients:</i> Enriched flour, brown sugar, granulated sugar, butter, eggs, chocolate chips (cocoa, sugar, milk), vanilla extract, salt, baking powder.</p> <p>Net Wt. 7 ounces</p>

Please attach to this page a sample of the actual labels you will be affixing to your pre-packaged food products. A separate label is required for each pre-packaged food product you intend to produce.

***NOTE:** A cottage food product that is served in a retail food facility without packaging or labeling shall be identified to the consumer as Made in a Home Kitchen on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status.*



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Attachment 5

REGISTERED or PERMITTED AREAS LIST

Environmental Health Specialists normally do not conduct inspections inside private homes. The Cottage Food Operation law specifically calls for inspections or complaint investigations inside a private home if a cottage food operation is present and under certain conditions. The law goes on to specify delineated areas within the home that could be used to produce and store cottage food products. To avoid confusion and misunderstanding in the event that an onsite inspection or investigation is made, we ask you to identify the “registered” or “permitted” areas inside your home that will be subject to inspection or investigation. A **“Registered or permitted area”** is defined as *“the portion of a private home that contains the private home’s kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.”* Registered or permitted areas do not include detached structures from the main residence or other areas outside. As a reminder any approved area must be rodent and insect proof.

You may list all kitchen areas or attached rooms below where you will be producing, packaging and storing your cottage food products. If there are changes that occur to this original list, it is your responsibility to notify Environmental Health of the changes. This will avoid confusion or misunderstanding during an inspection or an investigation. If you believe that a drawing, marking or mapping the registered or permitted areas would be of further assistance, we certainly would welcome it. Please attach drawings to this page.

Registered or Permitted Area Name	Further Description (if necessary)



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Attachment 6

HOME CANNING AND JARRING

“STOP!: If you do not plan to offer any canned or jarred food items for sale you may skip this page completely!”

If you are planning on producing jams, jellies, preserves, or fruit butters in accordance with the Cottage Food law, please read the information from the CDC below carefully (<http://www.cdc.gov/features/homecanning/>).

Botulism, rare but deadly

Botulism is a rare, but serious illness caused by a germ called *Clostridium botulinum*. The germ is found in soil and can survive, grow, and produce toxin in a sealed jar of food. This toxin can affect your nerves, paralyze you, and even cause death. Even taking a small taste of food containing this toxin can be deadly.

Use proper canning techniques

Make sure your food preservation information is always current with up-to-date, scientifically tested guidelines. Don't use outdated publications or cookbooks, even if they were handed down to you from trusted family cooks.

You can find in-depth, step-by-step directions from the following sources:

- [The National Center for Home Food Preservation](#)
- [USDA Complete Guide to Home Canning](#)
- The [state and county extension services](#) of your state university

Use the right equipment for the kind of foods that you are canning.

- Use a pressure canner or cooker.
- Be sure the gauge of the pressure canner or cooker is accurate.
- Use up-to-date process times and pressures for the kind of food, size of jar, and the method of packing food in the jar.

Use a pressure canner or cooker. The germ bacterium that causes botulism is destroyed when these foods are processed at the correct time and pressure in pressure canners or cookers. Do not use boiling water canners because they will not protect against botulism poisoning.

Although most outbreaks of foodborne botulism from canned/jarred food involve vegetables; jams, jellies, preserves, and fruit butters may also pose a risk if not prepared correctly.

I (we), _____, understand the risks involved with canning or jarring my (our) homemade jams, jellies, preserves and/or fruit butters. I certify that my final product follows all requirements as set forth 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>.

Signature(s) of owner(s)

Date



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COTTAGE FOOD OPERATION FACTS

Thank you for taking the time to complete the Cottage Food Operation Packet. Whether you applied for a Class A registration, where our contact with you may be limited, or a Class B permit, where we will be inspecting your cottage food operation annually, we are available any time to answer questions you may have in the course of your operation. Besides being profitable, the ultimate success of your enterprise will hinge on producing safe and delicious food products that will keep your customers returning.

We anticipate there will be some common questions you may have concerning the new Cottage Food Operation law. Below are some answers we hope you find useful:

1. Q: What foods can I produce as a Cottage Food Operation?
A: *The list of foods is very specific and maintained by the State of California at www.cdph.ca.gov. Only foods found on this list are permitted to be cottage food products. All cottage food products must be "non-potentially hazardous", meaning a food that does not require time or temperature control to limit pathogenic micro-organism growth or toxin formation. If you are in doubt, please contact Environmental Health prior to producing and selling the product.*

2. Q: Do I need any further health permits to sell my products?
A: *Yes, you may. If you intend to sell your products outside your home at special events, such as holiday bazaars, certified farmer's markets, bake sales or swap meets, you may be required to obtain an additional health permit. If you only intend to sell directly from your home or if you sell directly to a third-party retailer, such as a restaurant or market, who in turn will sell your products, no, you will not need an additional health permit.*

3. Q: Can I sell my cottage foods in other counties or jurisdictions?
A: *You must check with each county or jurisdiction outside of Orange County. Some counties allow sales of cottage foods produced outside their county while others do not.*

4. Q: Do I need to take my food processors course prior to obtaining my registration or permit?
A: *No. You have up to 90 days after receiving your registration or permit to complete the course.*

5. Q: Who offers the 4 hour food processors course?
A: *Visit <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>.*

For additional facts regarding cottage food operations, please visit: www.ccdeh.com

If you have any further questions or if we can be of further assistance please do not hesitate to contact us by email at: www.ocfoodinfo.com or by phone during normal business hours at (714) 433-6000.