



# SAFE SURPLUS FOOD DONATION TOOLKIT

GUIDANCE FOR FOOD  
FACILITIES

JANUARY 2018



Center for  
**Climate Change & Health**

This Best Management Practices Guidance was designed by staff at the Public Health Alliance of Southern California, the California Conference of the Directors of Environmental Health, and the Center for Climate Change and Health, made possible by the generous support of The California Endowment.

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## Purpose

This toolkit was created for use and distribution by Environmental Health Departments across California to educate food facilities about safe surplus food donation, including information on liability protections, state mandates, and safe surplus food donation practices.

The Executive Team encourages Environmental Health Departments to adopt these materials and include local branding, contact information, and jurisdiction specific information as appropriate.

Please note that this is the second version of the Safe Surplus Food Donation Toolkit, January 2018.

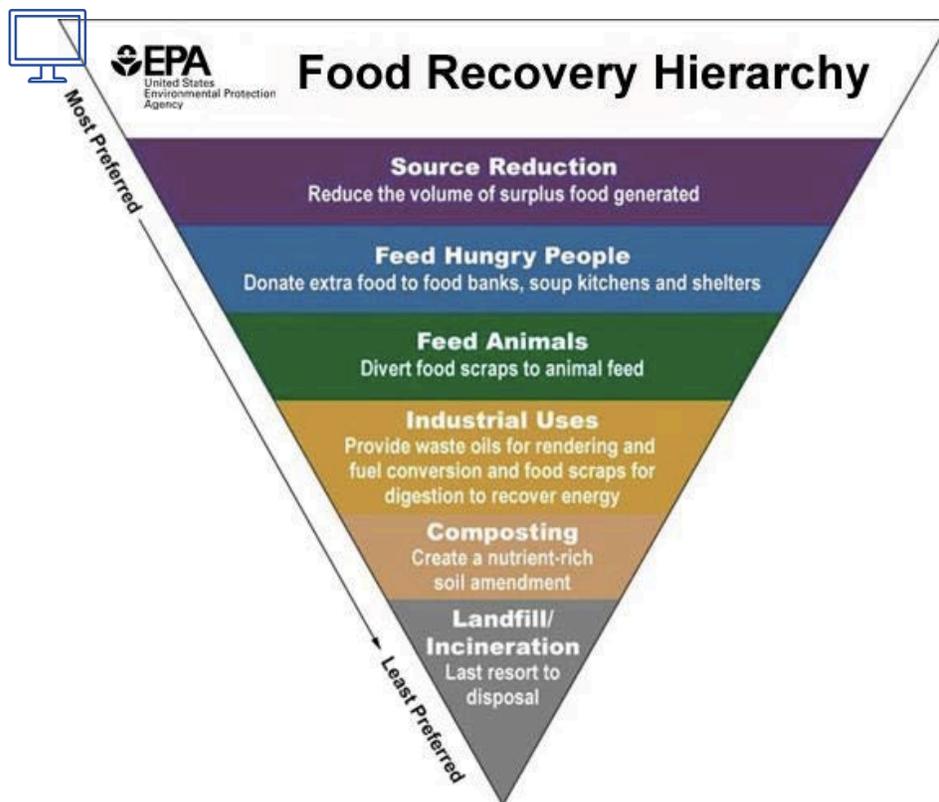
Please contact Savannah North, [savannah.north@phi.org](mailto:savannah.north@phi.org) with any questions or comments regarding the content or use of this toolkit.



## The Problem: Wasted Food

In the United States 40% of food produced goes uneaten- that is 62.5 million tons of wasted food every year. Meanwhile, there were 42.2 million people, including 13.1 million children, who did not have enough food to lead a healthy, active lifestyle in 2015. While reducing hunger in the US will require addressing the root causes of poverty, donations of wholesome, fresh food can be an important strategy to addressing the immediate needs of millions of Americans.<sup>i</sup>

Fortunately the Federal Environmental Protection Agency (EPA) and the State of California have set bold goals to increase food recovery and diversion of organic waste from landfills. In 2015, the EPA announces the first ever domestic goal to reduce food waste by 50% by 2030. In order to guide this effort the EPA established the Food Recovery Hierarchy, which prioritizes actions organizations and businesses can take to prevent and divert wasted food.



<https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy>

The California State Legislature and Governor Brown set an ambitious goal of 75% recycling, composting or source reduction of solid waste by 2020- calling for a statewide approach to decreasing California’s reliance on landfills. Strategies to reach this goal include the passing of two bills in particular, AB 1826 and SB 1383.

| Bill   | Description   |
|--|---|
| AB 1826- Mandatory Business Organics Recycling Law | Requires businesses that generate specified amounts of organic waste to arrange for organic waste recycling services.   |
| SB 1383- Short-lived Climate Pollutants            | <ul style="list-style-type: none"> <li>• 50% reduction in statewide disposal of organic waste by 2020</li> <li>• 75% reduction in statewide disposal of organic waste by 2025</li> <li>• Goal that no less than 20% of edible food must be recovered for human consumption by 2025</li> </ul> |



To learn more about AB 1826 visit:  
<http://www.calrecycle.ca.gov/recycle/commercial/organics/>



To learn more about SB 1383 visit:  
<http://www.calrecycle.ca.gov/Climate/SLCP/>

Diverting food waste from landfills not only conserves limited landfill space, but also reduces greenhouse gas emissions. In landfills, organic materials, like food scraps and yard trimmings, are broken down by bacteria to produce methane. Methane, a potent greenhouse gas, is shown to have a warming potential of 21 times that of carbon dioxide, significantly contributing to global climate change.<sup>ii</sup> Many experts see climate change as the greatest health challenge of this century, and one strategy to combat it is the reduction of methane and other greenhouse gas emissions. In this way, food waste reduction and safe food donation are key strategies to address two critical health issues- food insecurity and climate change.<sup>iii</sup>

Donating surplus food from hotels, restaurants, catered events, and other food facilities can be a sustainable and simple way to help local non-profit and charitable organizations serve those in need in your community. Although a special public health permit is not required, donating, receiving, and distributing surplus foods must be done safely in order to minimize food safety risks.

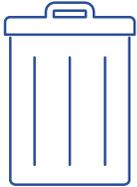


To learn more about food waste visit:  
<https://furtherwithfood.org/understand-the-issue/>

## WHY donate?



**HUNGER RELIEF:** Nearly 5 million people in California, including individuals, families, and children, struggle with food insecurity. Not all of these families are eligible for federal assistance, or this assistance doesn't meet their needs- YOU can help fill this gap by donating your surplus wholesome food to local nonprofit or charitable hunger relief groups.



a

**MANDATORY ORGANICS RECYCLING LAW (AB 1826):** Beginning January 2016, businesses that generate a certain amount of waste per week must recycle their organic waste (which includes food waste). Donating surplus wholesome food is strategy to reduce the amount of organic waste that ends up in your waste bin. To learn more about AB 1826, visit:



<http://www.calrecycle.ca.gov/recycle/commercial/organics/>



**ENHANCED TAX DEDUCTION:** if you meet the following criteria, you may be eligible for the federal enhanced tax deduction which allows you to deduct the smaller of the following two: (a) twice the basis value of the donated food or (b) the basis value of the donated food plus one-half of the food's expected profit margin.

\*\*Please contact a tax preparer for questions and guidance

### TAX DEDUCTION CRITERIA

1. The recipient food recovery organization or donee must be an IRC 501(c)(3) organization and a public charity or a private operating foundation
2. The donee must give the donated food solely to the ill, the needy, or infants
3. The donee may not use or transfer the food in exchange for money, other property, or services
4. The donee must provide a written statement to donor stating that all requirements of IRC 170 (e)(3) have been met
5. The donated food must be in compliance with the Food, Drug, and Cosmetic Act (FDCA) and California Health and Safety Code (CHSC)

See the next page for an example deduction calculation.

## EXAMPLE TAX DEDUCTION CALCULATION

A grocery store donated potatoes with a fair market value of \$100. The basis value of these potatoes was \$30. The expected profit margin is the fair market value minus the basis value (\$100-\$30), which is \$70. Under the enhanced deduction, the grocery store is eligible to deduct the smaller of:

1. Basis value x 2 = \$30 x 2 = \$60 OR
2. Basis value + (expected profit margin/2) = \$30 + (70/2) = \$65

The enhanced deduction would be \$60. The enhanced deduction is substantially higher than the general deduction, which is limited to the basis value of \$30

For more information on the Enhanced Tax Deduction:



<http://www.chlpi.org/wp-content/uploads/2013/12/Food-Donation-Fed-Tax-Guide-for-Pub-2.pdf>



\*\*\* In the State of California, businesses that are engaged in the processing, distribution or selling of agricultural products can earn a tax credit on 50% of their transportation costs. Find out more information:



[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=RTC&sectionNum=17053.12](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=RTC&sectionNum=17053.12)

## YOU can donate surplus food!



Permitted food facilities such as restaurants, hotels, grocery stores, food processing facilities, food distributors, and caterers can donate prepared foods and meals (e.g. hot trays that remained back-of-house) to non-profit charitable organizations or individuals directly. Foods that have been previously served to a consumer cannot be donated.



Individuals can donate uncooked, pre-packaged food products (e.g. canned food items) that can be prepared on site by approved food handlers.

## THE TRUTH ABOUT DATE LABELS

Most of the date labels we see every day, like “sell by,” “use by”, or “best if used by” **DO NOT** indicate food safety – they indicate freshness or quality. <sup>iv</sup>

In California, with the exception of infant formula, baby food, and Reduced Oxygen Packaging (ROP) products, there is **NO RESTRICTION** on the sale or donation of food items past the date indicated on any date label. However, regardless of the date on the label, it is important that the donated food is apparently wholesome.

For more information about a specific product’s shelf life or expiration check the FoodKeeper app:



<https://www.foodsafety.gov/keep/foodkeeperapp/index.html>

To learn more about date labels visit:



<https://www.nrdc.org/sites/default/files/dating-game-IB.pdf>

**NOTE:** California recently passed AB 954, which requires the California Department of Food and Agriculture to promote the use of statewide-standardized phrases for date label language on food products. The **voluntary** standard phrases are “BEST if Used by” or “BEST if Used of Frozen by” to indicate freshness date labels, and “USE by” or “USE or Freeze by” to indicate safety date labels.

## WHO to donate to

Many missions and nonprofit or charitable organizations that store or hold food on-site and receive donated foods operate under a public health permit and are familiar with safe food handling requirements. If an organized event or charitable organization does not operate under a public health permit, the donated foods must be immediately served and consumed. Make sure to talk with your nonprofit partner about their procedures to maintain food safety. See [Appendix J](#) for resources to identify potential partners in your region.

# You are PROTECTED

## CALIFORNIA GOOD SAMARITAN FOOD DONATION ACT

California recently passed the [California Good Samaritan Food Donation Act \(AB 1219\)](#), which provides liability protections for entities that make good faith donations of surplus food. AB 1219 clarifies and expands liability protections for donated surplus food by:

- Creating a more comprehensive list of entities covered by law
- Explicitly states that donation of past-date food is subject to liability protection
- Expands liability protection to donations made by food facilities, which are subject to food safety regulations and inspections, directly to individuals for consumption (direct donation).

|   |   |
|---|---|
| Type of Protection                                  | Civil & Criminal  |
| When protection will NOT apply:                     | For the original donor, there is no protection for gross negligence or intentional misconduct; for the ultimate distributor, there is no protection for gross negligence, or intentional misconduct |
| Who it protects:                                    | DONOR: Any person, gleaner, or food facility as permitted by Section 114432<br><br>DISTRIBUTOR: Nonprofit/charitable organization or food bank  |
| Standards for Donated Food:                         | Fit for human consumption – provides protection regardless of compliance with packaging and labeling laws   |
| Protections Apply When End Recipient Pays for Food: | No  |
| Protections Apply to Direct Donations:              | Yes   |

## FEDERAL GOOD SAMARITAN FOOD DONATION ACT

Donors are also protected under the Federal Bill Emerson Good Samaritan Food Donation Act: “a person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition or apparently wholesome food or an apparently fit grocery product that the person or gleaner donated in good faith to a nonprofit organization for ultimate distribution to needy individuals.”

For more information on Legal Protections see [Appendix A](#)

For more information on the California Good Samaritan Food Donation Act (AB 1219):



[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1219](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219)

For more information on the Federal Good Samaritan Law:



<http://media.law.uark.edu/arklawnotes/2013/08/08/the-legal-guide-to-the-bill-emerson-good-samaritan-food-donation-act/>

## START a food donation program

In order to start a successful food donation program in your food facility, we suggest following these four steps:✓

1. **WEIGH AND TRACK YOUR SURPLUS FOOD FIRST** set a surplus food reduction goal and plan accordingly! See **Appendix B and C** for Food Waste Prevention Tips from the EPA and visit the EPA Food Recovery Challenge page to sign up for a free tracking tool and access to more resources:



<https://www.epa.gov/sustainable-management-food/food-recovery-challenge-frc>

2. **DEVELOP A PARTNERSHIP** with a local nonprofit organization that can accept your food and serve it to people who need it most.
  - a. Call and meet with the organization in advance. Generally, it is best to start
  - b. small and gradually improve and expand the process to fit your needs and the needs of the recipient organization.
  - c. Determine the logistics
    - i. What food is accepted? (not all nonprofits can accept all foods)
    - ii. How much can they accept?
    - iii. How often can they accept food?
    - iv. When are the best times for them to receive food?
    - v. Can they pick up the surplus food or am I willing to deliver?
  - d. To find places that might accept your food visit:



<http://sustainableamerica.org/foodrescue/>



<http://www.feedingamerica.org/find-your-local-foodbank/?referrer>



<http://ampleharvest.org/find-pantry/>

3. **UNDERSTAND AND ESTABLISH PROTOCOLS TO ENSURE FOOD SAFETY** (Note: many of these will already be known and in place if you are a permitted food facility)
  - a. Determine safe packaging, storage, and labeling requirements
  - b. Establish consistent pick-up/drop-off and transportation schedule
  - c. See **Appendix D, E, and F** for donation forms and tools
4. **IF YOU CANNOT DONATE IT, CONSIDER ANIMAL FEED OR COMPOSTING** If donating to a local food recovery group isn't possible in your jurisdiction see **Appendix G** on Rural Strategies for Waste Reduction and Diversion



## HOW to donate safely

### TIME AND TEMPERATURE CONTROL

#### Prior to Transport:

COLD FOODS: Must always remain at 41°F or below

FROZEN FOODS: Must always remain at 0°F or below

HOT FOODS: Must always remain at 135°F or above

\*\*Donations of whole produce, canned goods, dry foods and other similar products can be delivered anytime with no requirement for temperature controls or delivery times\*\*

#### During Transport:

1. When available use portable coolers or a refrigerated vehicle to transport foods at 41°F or below
2. If refrigerated transport is not available, the food items should be transported in thermal blankets
3. If neither refrigerated transport nor thermal blankets are available, food should be labeled "Process Immediately" and must not be out of temperature controls for more than 30 minutes during transportation

#### After Transport:

The food donor must check to ensure proper temperatures at the time of the transfer to the receiving facility or food transporter. The person-in-charge at the receiving venue should also check the temperature of the food upon receipt and note the time that the food is received. (see Appendix D- Food Donation Delivery Form).

### PROTECTING FOOD FROM CONTAMINATION

Food must be protected from potential contamination at all times through the use of sanitary, food-grade containers, and by ensuring that transport vehicles are clean and free of vermin.

If you have ANY questions about surplus food donation contact  
County of Marin, Environmental Health Services 415-473-6907



# Legal Protections



| REFERENCE   | DESCRIPTION   |
|---|---|
| <p>California Good Samaritan Food Donation Act (AB 1219)</p>        | <p><u>California Good Samaritan Food Donation Act (AB 1219)</u> provides liability protections for entities that make good faith donations of surplus food. AB 1219 clarifies and expands liability protections for donated surplus food by:</p> <ul style="list-style-type: none"> <li>• Creating a more comprehensive list of entities covered by law</li> <li>• Explicitly states that donation of past-date food is subject to liability protection</li> <li>• Expands liability protection to donations made by food facilities, which are subject to food safety regulations and inspections, directly to individuals for consumption (direct donation).</li> </ul>   |
| <p>California Health and Safety Code (amended under AB 1219)</p>    | <p><u>Section 114433-</u> A person, gleaner, or food facility that donates food as permitted by Section 114432 shall not be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation. The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.</p> |
| <p>California Civil Code (amended under AB 1219)</p>                | <p><u>Section 1714.25 (a)-</u> Except for injury resulting from gross negligence or intentional misconduct in the preparation or handling of donated food, no person, gleaner, or food facility that donates food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank shall be liable for any damage or injury resulting from the consumption of the donated food, Food facilities may donate food directly to end recipients for consumption.</p>   |
| <p>California Food and Agriculture Code (amended under AB 1219)</p> | <p><u>Section 58502-</u> A person or gleaner engaged in the business of processing, distributing, or selling an agricultural product may donate, free of charge, a product that is in a condition that it may be used as food for human consumption to a nonprofit charitable organization within the state. Food facilities may donate food directly to end recipients for consumption. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of</p>  |



|  |   |
|--|---|
|  | <p>perishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributed the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.</p>   |
| <p>California Food and Agriculture Code</p>                              | <p><u>Section 58505</u>- Except for injury resulting from gross negligence or willful act, no county or agency of a county established pursuant to this chapter and no person who donates any agricultural product shall be liable for any injury, including, but not limited to, injury resulting from the ingesting of such agricultural product, as a result of any act, or the omission of any act, in connection with any product pursuant to this chapter.</p>              |
| <p>United States Code, Bill Emerson Good Samaritan Food Donation Act</p> | <p><u>Title 42, Chapter 13A, Section 1791- (c)</u> Liability for damages from donated food and grocery products (1) Liability of person or gleaner: A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.</p> |

Adapted from CDPH- <https://archive.cdph.ca.gov/pubsforms/Documents/fdbRlgde32.pdf>.

FOR MORE INFORMATION: County of Marin, Environmental Health Services 415-473-6907



The EPA created this list of ideas and activities that grocery stores can implement to prevent food loss and waste.

- Perform a food waste audit:** Pick a day and monitor waste bins with volunteers, recording the following:
  - What is being thrown out
  - Weight or number of items
  - The reason the food is being disposed
  - The expiration date of the product when applicable
  - Whether the food was still wholesome/edible before being thrown out
  - Identify the most wasted to least wasted items
- Clarify date labeling and date encoding to reduce confusion to customers:** Work with your supply chain to clearly label or define the difference between safety-based and quality-based dates. Some options might include:
  - Make "sell by" dates invisible to the consumer
  - Use more "freeze by" dates where applicable so customer knows they have that option
  - Remove "best before" or other quality dates from shelf-stable, non-perishable foods for which safety is not a concern
  - Make sure printed dates on products have descriptive language
- Call a meeting to brainstorm and discuss food waste prevention**
- Share practices** with other businesses to improve waste reduction industry-wide

## PURCHASING TIPS

- Take an accurate inventory** first and base orders on what you currently have
- Buy surplus or odd shaped produce** from farms or wholesalers that would otherwise be wasted and sell them at a discount
- Send order estimates more frequently** to suppliers to better align production planning with order timings
- Start or increase regular communication with suppliers**
- Revise your supply contracts** to require that suppliers have a food waste reduction or food donation program
- Change contracts** to include methods to prevent food loss (e.g., use innovative packaging such as vacuum sealed meat)
- Make food waste reduction a key performance indicator** in operations, supply chain and employee performance

## PREP AND STORAGE TIPS

- Use **leftovers from the day before**: Steak can be used for beef stew the next day
- Train staff on **knife skills** to make more efficient knife cuts to prevent waste
- Use as much of the food as possible: Cook up carrot greens and don't peel cucumbers or potatoes
- Reconstitute **stalky vegetables** that have wilted by immersing them in warm water (100 °F) for 15 minutes
- Marinate **meats** to extend their shelf life for a few more days
- Refresh staff on **storage techniques for different foods** (e.g., don't store tomatoes and lettuce in the same container or near each other)
- Use **see-through storage containers**: Easily see what is available and fresh
- Cook, freeze, juice, or otherwise **process foods** that are approaching the end of their peak freshness to prolong their useful life

## STORE SET UP AND DISPLAY TIPS

- Set up a **discount shelf for ripe, near-to-expire, discontinued, or slightly damaged food**: Provide clear communication about this reduced price section
- Redesign **product displays with less excess**: Instead of using a pile of produce, have a back support that makes it look like a pile to keep produce fresher
- Allow **prepared foods to run out near store closing**: Track these items and only make as much as you can sell

## ENGAGING WITH CUSTOMERS

- Provide **taste samples**: Train staff to remind customers that they can try a sample to see if they like a product before they buy it
- Have **best storage practices information available** including how long food should last when stored properly
- Offer **various options to your customers on produce** (e.g., whole, sliced, and mixed fruit). This will assist them in eliminating food loss in their own homes

FOR MORE INFORMATION: County of Marin, Environmental Health Services 415-473-6907



# RESTAURANT FOOD LOSS

## P R E V E N T I O N   T I P S



The EPA created this list of ideas and activities for restaurants to implement to help prevent food loss and waste.

- Perform a food waste audit
  - Monitor waste bins and record what is being thrown out, how much is being discarded, and the reason the food is being disposed
  - In the kitchen, have only one food waste trash can and provide each staff member a small container to fill with food waste at their station. Before they empty their container, have staff weigh it and record the amount, type, and reason the waste is being discarded on a log sheet
  - Use this information to adjust menus, purchasing, and portion size
- Call a meeting to brainstorm and discuss food waste prevention

### PREP AND STORAGE TIPS

- Reduce batch sizes: Prepare meals ahead of time and store them for future use
- Use cook-to-order instead of bulk-cooking all day or toward the end of the day
- Incorporate leftovers: Steak can be used for beef stew the next day
- Train staff on knife skills to make more efficient knife cuts to prevent waste
- Use as much of the food as possible: Cook up carrot greens and don't peel cucumbers or potatoes
- Reconstitute stalky vegetables that have wilted by immersing them in warm water (100 °F) for 15 minutes
- Freeze surplus and fresh fruits and veggies near the end of peak freshness for later use instead of throwing them away
- Marinate meats to extend their shelf life for a few more days
- Finish preparation at the line: Do not finish the food item until it's ready to go on the line so you can more easily use leftover ingredients in different recipes later
- Refresh staff on storage techniques for different foods (e.g., don't store tomatoes and lettuce in the same container or near each other)
- Use see-through storage containers to allow staff to see what is available and to keep an eye on freshness
- Eliminate garnishes that typically don't get eaten

## PURCHASING TIPS

- Use reusable bottles instead of single use condiment packets
- Buy bruised or odd shaped/sized produce at a discount
- Ask for your suppliers' policies for food waste: Simply inquiring will show suppliers it's a priority
- Reach out to other businesses to exchange ideas for source reduction methods
- Do regular inventory checks or increase their frequency to reduce spoilage
- Buy local foods to minimize environmental impacts through reduced storage time and transportation

## SERVING TIPS

- If you're a buffet restaurant
  - Go trayless: This will limit customers to take only what can fit on a plate and to make a conscious decision to go back for more
  - Consider a "pay-per-item" system instead of "all-you-can-eat" system
- Use smaller plates, bowls and serving scoops to discourage over-plating
- Offer different meal sizes and portions: Don't limit small portions to just children
- Don't automatically put bread or chips and salsa on the table Ask them if they would like these items
- Ask if a customer wants a side item, instead of automatically providing sides

## ENGAGING WITH CUSTOMERS

- Provide taste samples: Allow customers to try foods before they buy them
- Educate customers on how to minimize food waste and why they should care
- Encourage customers to take home their leftover food

FOR MORE INFORMATION: County of Marin, Environmental Health Services 415-473-6907

## DONOR AND RECIPIENT INFORMATION

|                                       |       |   |       |
|---------------------------------------|-------|---|-------|
| Food DONOR Facility/Organization Name |       | Food RECIPIENT Facility/Organization Name |       |
| DONOR Representative Name             |       | RECIPIENT Representative Name             |       |
| Business Address                      |       | Business Address                          |       |
| Phone                                 | Email | Phone                                     | Email |

## DONATED FOOD PRODUCT INFORMATION

| FOOD PRODUCT                         | PACKAGING                                  | STORAGE CONDITIONS                                | CHECK ALL THAT APPLY     | QUANTITY & FREQUENCY |
|--------------------------------------|--|---|--------------------------|----------------------|
| Prepared Foods                       | Food-grade packaging                       | Chilled to 41F or below, or frozen at 0F or below | <input type="checkbox"/> |                      |
| Chilled Perishable Prepackages Foods | Original packaging OR food-grade packaging | Chilled to 41F or below                           | <input type="checkbox"/> |                      |
| Meat, poultry, fish (fresh)          | Original packaging OR food-grade packaging | Chilled to 41F or below                           | <input type="checkbox"/> |                      |
| Meat, poultry, fish (frozen)         | Original packaging OR food-grade packaging | Frozen at 0F or below                             | <input type="checkbox"/> |                      |
| Dairy Products                       | Original packaging OR food-grade packaging | Chilled to 41F or below                           | <input type="checkbox"/> |                      |
| Shelf stable foods                   | Original packaging                         |   | <input type="checkbox"/> |                      |
| Other                                |  |   | <input type="checkbox"/> |                      |

## TRANSPORTATION

Describe how food will be transported. Include pickup frequencies and how food will be packaged for transport (e.g. in coolers, in refrigerated truck), and time and temperature tracking protocol. (See sample Food Donation Delivery Form included.)

| TOPIC   | FOOD DONOR ORGANIZATION | FOOD RECIPIENT ORGANIZATION |
|---|-------------------------|-----------------------------|
| Food training and experience of food manager or person-in-charge (e.g. ServSafe training) |                         |                             |
| Allergen and cross-contamination awareness and training                                   |                         |                             |
| Best time and methods for communicating   |                         |                             |

USE THIS SPACE FOR ANY ADDITIONAL CONSIDERATIONS

*We agree to abide by the agreements we have made, provide appropriate management and supervision to ensure safe food handling and donation, and to promptly communicate unsatisfactory conditions. We agree to handle food in accordance with the California Retail Food Code, to ensure that every effort is taken to provide apparently wholesome food to those in need.*

---

Signature of Food DONOR Representative

Date

---

Printed Name of Food DONOR Representative

---

Signature of Food RECIPIENT Representative

Date

---

Printed Name of Food RECIPIENT Representative

**FOR MORE INFORMATION:** County of Marin, Environmental Health Services 415-473-6907



FRONT PLATE

These products are NOT RECOMMENDED for consumers with food allergies since they are prepared on shared equipment. Please inform the donor if any person receiving or consuming this product has a food allergy.

Date:

Donor:

Weight  
(lbs)/Count:

Item:

**USE FOR FOOD DONATIONS ONLY**

If contents are frozen, see reheat standards on back.

Donation Questions: Call EHD NUMBER?

More Donation Information: INSERT EHD website

BACK PLATE

These products are NOT RECOMMENDED for consumers with food allergies since they are prepared on shared equipment. Please inform the donor if any person receiving or consuming this product has a food allergy.

IF CONTENTS ARE FROZEN FOOD - PROPERLY THAW & REHEAT FOOD BEFORE SERVING  
Store Food at the Proper Temperature

THAW PROPERLY PRIOR TO REHEATING:

- Keep food at or below 40F during thawing process
- Reheat food within 24hrs after thawing

REHEATING TEMPERATURE STANDARDS:

- Rapidly heat food to an internal product temperature of 165F for at least 15 seconds
- Discard food if these temperature standards are not reached within 2hrs

**USE FOR FOOD DONATIONS ONLY**

Last updated: 2/8/2018, v1.0  
Adapted from FDG

## DONOR AND RECIPIENT INFORMATION

| PERISHABLE FOOD ITEM(S) | QUANTITY (LBS) | DONOR TEMP AT HOLDING | TIME TAKEN | RECIEVER TEMP AT RECEIPT | TIME TAKEN | ACCEPTED  |
|-------------------------|----------------|-----------------------|------------|--------------------------|------------|-----------|
|                         |                |                       |            |                          |            | YES or NO |
|                         |                |                       |            |                          |            | YES or NO |
|                         |                |                       |            |                          |            | YES or NO |

\*\*Flip for additional rows

### DONATED FROM:

|                                       |                        |
|---------------------------------------|------------------------|
| Name of Facility or Event             | Public Health Permit # |
| Address<br>Delivered by (print name): | Phone #                |

### TRANSPORTED BY (IF OTHER THAN DONOR OR RECIPIENT):

|                                       |  |
|---------------------------------------|--|
| Name of Delivery Organization:        | Public Health Permit # (if applicable) |
| Address<br>Delivered by (print name): | Phone #                                |

### DONATED TO:

|                                      |  |
|--------------------------------------|--|
| Name of Facility or Organization     | Public Health Permit # (if applicable) |
| Address<br>Received by (print name): | Phone #                                |

*I acknowledge that the food item(s) listed above meet the temperature holding requirements for potentially hazardous foods, as defined in Section 113871 of the California Retail Food Code.*

|                     |      |
|---------------------|------|
| Donor Signature     | Date |
| Recipient Signature | Date |



In rural areas it can be more challenging to find active food rescue groups able to pick-up surplus food and get it to people in need, however there are still numerous strategies for food facilities in rural jurisdictions to reduce wasted food and divert food waste from the landfill.

As with food facilities in urban or suburban areas it is key to start with preventing surplus food to begin with.

1. **WEIGH AND TRACK YOUR SURPLUS FOOD**, set a surplus food reduction goal, and plan accordingly! Visit the EPA Food Recovery Challenge page to sign up for a free tracking tool and access to more resources. Here are a few tips for preventing wasted food. See [Appendixes B and C](#) for Food Waste Prevention Tips from the EPA
  - a. Compare purchasing inventory with customer ordering
  - b. Examine production and handling techniques to prevent and reduce preparation waste
  - c. Ensure proper storage techniques
  - d. See more tips in [Appendix B](#)



<https://www.epa.gov/sustainable-management-food/food-recovery-challenge-frc>



<http://www.leanpath.com/free-resources/>

2. **Reach out** to a local high school, community college, or university in your area to see if they already have, or would like to establish a community kitchen. Schools, colleges, and universities often have commercial kitchens that sit unused in the evenings and weekends. To learn more about strategies to partner with local schools, colleges, or universities see information from the Campus Kitchens Project below.



<http://www.campuskitchens.org/resources/>

3. **FEED ANIMALS** If you still have excess food and can't easily donate surplus food to a nonprofit charitable organization. This strategy can benefit the food facility by reducing disposal costs and benefit the farmer by reducing feed costs. If you want to donate your food scraps to animals:
- a. Contact your local solid waste, county agricultural extension office or public health agency for more information about local regulations
  - b. Determine what types, how often, and the amount of food scraps you can provide
  - c. Connect and partner with a local farmer or rancher



<https://www.epa.gov/sites/production/files/2015-08/documents/rutgers.pdf>



<https://www.epa.gov/sustainable-management-food/reduce-wasted-food-feeding-animals#success>

4. **GENERATE ENERGY** with your food scraps if you can't feed animals. Energy generation via anaerobic digestion works like this; microorganisms break down organic materials, such as food scraps, yard waste, manure, and sewage sludge producing biogas and a soil amendment, two valuable products! To learn more, contact your local waste hauler or utility district.



<https://www.epa.gov/sustainable-management-food/industrial-uses-wasted-food>

5. **COMPOST YOUR FOOD SCRAPS** if you can't feed animals or send them for use in energy generation or other industrial uses. Composting food scraps creates a product that can be used to help improve soils, grow the next generation of crops, and improve water quality.

Yard waste and small quantities of food scraps can be composted onsite by food facilities. Animal products and large quantities of food scraps cannot be composted onsite. Use the following resources to learn how to start a small scale composting operation onsite or find a composting facility near your facility.



<https://www.epa.gov/recycle/composting-home>



<http://www.findacomposter.com/>

**FOR MORE INFORMATION:** County of Marin, Environmental Health Services 415-473-6907

Given the fluctuation in the number of students served and student preferences and appetites, it can be challenging to purchase for, plan, and produce just the right amount of food for a school on any given day. This variability can result in a lot of wasted edible food. Fortunately, there are several easy strategies to prevent excess food, recover unwanted unopened food, and recycle food scraps.

As with any other food facility, school kitchens should start with preventing food loss first.

1. **WEIGH AND TRACK YOUR SURPLUS FOOD** by conducting a student waste audit, set a surplus food reduction goal, and plan accordingly! Visit the EPA Food Recovery Challenge page to sign up for a free tracking tool Here are a few tips for preventing food loss
  - a. Compare purchasing inventory with student preferences
  - b. Examine production and handling techniques to prevent and reduce preparation waste
  - c. Ensure proper storage techniques
  - d. See more prevention tips from the EPA and USDA below



[https://www.epa.gov/sites/production/files/2016-08/documents/food\\_loss\\_prevention\\_options\\_grade\\_schools\\_august\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/food_loss_prevention_options_grade_schools_august_2016.pdf)



[https://www.usda.gov/oce/foodwaste/resources/K12\\_schools.html](https://www.usda.gov/oce/foodwaste/resources/K12_schools.html)



[https://www.usda.gov/oce/foodwaste/Student\\_Food\\_Waste\\_Audit\\_FINAL\\_4-6-2017.pdf](https://www.usda.gov/oce/foodwaste/Student_Food_Waste_Audit_FINAL_4-6-2017.pdf)

2. **FEED STUDENTS AND DONATE SURPLUS FOOD** if there is still excess wholesome food after implementing prevention strategies.

### SHARE TABLES

Schools are unique in that there is the opportunity to set-up a share tables. A *share table* is a table in the student common eating area where students can leave their unwanted, unbitten, unopened food and beverage items for other students to take if they would like more food than what was provided. Share tables can help reduce wasted food and provide students with additional food options.

See this great resource created by Stop Waste on Best Practices for Share Tables.



[www.recyclingrulesac.org/docs/Schools\\_FoodShareTable\\_Guide.pdf](http://www.recyclingrulesac.org/docs/Schools_FoodShareTable_Guide.pdf)

**NOTE:** California recently passed SB 557 (October 2017), which states that a local educational agency may:

- Provide share tables where food service staff, pupils, and faculty may return appropriate food items and make those food items available to pupils during the course of a regular school meal time AND
- Allow the food placed on the sharing tables that is not taken by a pupil during the course of a regular meal time to be donated to a food bank or any other nonprofit charitable organization
- Learn more:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB557](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB557)

**REMEMBER, DONORS ARE PROTECTED FROM LIABILITY** by the California Good Samaritan Food Donation Act when donating surplus food to a nonprofit charitable organization.

Contact your health inspectors at the Environmental Health Department if you have any questions about share tables, school food donation, and surplus food donation.

County of Marin, Environmental Health Services 415-473-6907

3. **FEED ANIMALS** if after setting up a share table and donating surplus food the school kitchen is still generating food scraps. This strategy can benefit the school by reducing disposal costs and benefit the farmer by reducing feed costs. If you want to donate your food scraps to animals;
  - a. Contact your local solid waste, county agricultural extension office or public health agency for more information amount local regulations
  - b. Determine what types, how often, and the amount of food scraps you can provide
  - c. Connect and partner with a local farmer or rancher



<https://www.epa.gov/sustainable-management-food/reduce-wasted-food-feeding-animals>

4. **COMPOST FOOD SCRAPS** from the school kitchen if there are no animals to feed nearby. Compost onsite to support an interactive educational program or school garden OR send to a composter to divert food scraps from the landfill. Composting organic waste onsite can be a great learning opportunity for students, teachers, and staff. Find out more about composting onsite from the resources below.



<http://www.lifelab.org/composting/school-composting/>



<http://www.stopwaste.org/preventing-waste/composting-onsite>



<http://www.findacomposter.com/>



# GLOSSARY

## FOOD RECOVERY

| TERM          | DEFINITION   |
|---------------|--|
| Diversion     | The process of diverting food waste from landfills or farmland tillage for a higher value and more productive purpose, like prevention, recovery, animal feed, or composting   |
| Food Bank     | A surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purposes of reducing hunger and supplying nutritional needs<br><br>** CalCode Section 113783 |
| Food Facility | An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level<br><br>** For the full list see- CalCode Section 113789  |
| Food Loss     | Generally refers to unintended loss of food during harvesting, post-harvest handling, processing, and distribution   |
| Food Pantry   | Directly serve local residents who suffer from hunger and food insecurity (e.g. provide hot meals or provide regular grocery products)   |
| Food Recovery | The collection of edible food for distribution to food insecure individuals. Food recovery takes several forms: gleaning, perishable food rescue/salvage, non-perishable food collection, and rescue of prepared food  |
| Food Rescue   | Practice of collecting edible food that would otherwise go to waste from places such as restaurants, grocery stores, produce markets, or dining facilities and distributing it to local hunger relief agencies   |
| Food Scraps   | Generally used to refer to food that is no longer fit for human consumption  |
| Food Waste    | Food grown and produced for human consumption but not eaten. This includes food still safe to eat — surplus, damaged, or expired — as well as unavoidable waste, such as bones or rinds  |

|  |  |
|--|--|
| Gleaner  | A person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner  |
| Gleaning   | The act of collecting excess fresh produce from farms, gardens, farmers markets, grocers, restaurants, state/county fairs, or any other sources in order to provide it to those in need  |
| Nonprofit Charitable Organization                        | <p>(a) A corporation incorporated pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501(c) of the Internal Revenue Code [FN1] and Section 23701d of the Revenue and Taxation Code.</p> <p>(b) An organization that was organized and is in operation for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.</p> <p>** CalCode Section 113841</p> |
| Share Table/<br>Food Share<br>Table/<br>Sharing<br>Table | Tables in the student common eating area where students can leave their unwanted, unbitten, unopened food and beverage items for other students to take if they would like more food than what was provided.   |
| Surplus Food   | Excess edible food   |
| Value-Added Processing                                   | Extending the usable life of donated foods through processing methods such as making soups, sauces, or other value-added products  |

## 1. What foods can be donated?

Almost anything you serve or sell can be donated, including meats and dairy even if they are close to their expiration date. There are a few exceptions such as, "homemade foods" (without a valid health permit), baby food and infant formula that has exceeded its expiration date or specially processed foods (e.g. Reduced Oxygen Packaged), but you can learn more about these items from Environmental Health.

## 2. Can I be held liable for donating food?

The California Good Samaritan Food Donation Act (state) and the Bill Emerson Good Samaritan Food Donation Act (National) offers protection as long as the foods being donated are handled in a safe and sanitary manner.

## 3. How do we ensure the food is safe for distribution?

It is important to maintain the foods that will be donated in the same safe and reasonable manner which you hold other foods intended to be sold. A toolkit for donation is available at



<https://www.marincounty.org/depts/cd/divisions/environmental-health-services>

for detailed information on how to handle foods to be donated safely. You can always contact your health inspector if you have any questions regarding safe food handling measures.

## 4. Are there other organizations that can I can donate food to?

A growing number of organizations – both charitable and for profit – are working to recover wholesome excess food to provide low or no-cost meals to families in need. There are thousands of organizations helping to feed the hungry. For a list visit



[www.usda.gov/oce/foodwaste/resources/donations.htm](http://www.usda.gov/oce/foodwaste/resources/donations.htm)

If you have any other questions, please contact your health inspector at the Environmental Health Department: County of Marin, Environmental Health Services 415-473-6907



# LOCAL RESOURCES



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Center for  
**Climate Change & Health**

## References

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<sup>i</sup> Emily Broad Leib et al., “Don’t Waste, Donate: Enhancing Food Donations Through Federal Policy” (Harvard Food Law and Policy Clinic, NRDC, March 2017), <https://www.nrdc.org/sites/default/files/dont-waste-donate-report.pdf>.

<sup>ii</sup> EPA, “Turning Food Waste into Energy,” 2016, <https://www3.epa.gov/region9/waste/features/foodtoenergy/>.

<sup>iii</sup> Linda Rudolph and Catherine Harrison, “A Physician’s Guide to Climate Change, Health and Equity” (Center for Climate Change and Health, Public Health Institute, 2016), <http://climatehealthconnect.org/wp-content/uploads/2016/09/FullGuideTEMP.pdf>.

<sup>iv</sup> Emily Broad Leib and Dana Gunders, “The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America” (Harvard Food Law and Policy Clinic, NRDC, n.d.), <https://www.nrdc.org/sites/default/files/dating-game-report.pdf>.

<sup>v</sup> LACFRI Working Group- <http://publichealth.lacounty.gov/eh/misc/LACFRI.htm>