



# SAFE SURPLUS FOOD DONATION BEST MANAGEMENT PRACTICES

GUIDANCE FOR  
ENVIRONMENTAL  
HEALTH DEPARTMENTS

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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 guidance was created for use by Environmental Health Departments across California interested and committed to adopting and implementing strategies to educate food facilities about safe surplus food donation.

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 guidance is an evolving document and will be updated periodically.

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 guidance.



## Introduction



### How to integrate food waste reduction and safe food donation guidance into routine Environmental Health Department activities

In the United States 40% of food produced goes uneaten- that is 62.5 million tons of 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 address the immediate needs of millions of Americans.<sup>1</sup>

Additionally, 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>2</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 that allow us to address two critical health issues- food insecurity and climate change.<sup>3</sup>

Following the identified best management practices outlined below will support institutionalization of food waste reduction and increased food recovery and donation as top priorities in your Environmental Health Department and jurisdiction. More information and examples are included in the section below and Appendices.



### Key Strategies for the adoption, implementation, and maintenance of food waste reduction and safe food donation guidance into your Environmental Health Department (EHD)

- Familiarize yourself and your staff/colleagues with the state of food waste and food insecurity in your jurisdiction
- Understand state and federal liability protections for donors and distributors of donated foods
- Integrate knowledge of food waste reduction and safe food donation into your EH department
- Adopt an internal departmental policy that prioritizes food waste reduction and safe food donation guidance and practices
- Identify internal and external food waste reduction, safe food donation Champions
- Adopt practices to implement safe surplus food donation guidance into routine department activities
- Identify and connect with internal and external partners

## Key Strategies



Familiarize yourself and your staff/colleagues with the current state of food waste in the US, in California, and in your jurisdiction

In order to take action within your department to address food waste and local food insecurity, it is important to understand the scope of the problem. Review the information and recommended resources below to familiarize yourself with the current state of wasted food and food insecurity.

1. Review the Food Recovery Glossary ([Appendix A](#)) to familiarize yourself with the terminology used throughout these resources and in related conversations regarding wasted food and food recovery
2. Feeding America is a nationwide network of member food banks committed to ending hunger in the United States. Feeding America contends with the challenge that “food insecurity exists in every county and congressional district in the country, but not everyone struggling with hunger qualifies for federal nutrition assistance.” Safe food donation from local grocers, restaurants, and schools can help meet the need for fresh, healthy, and accessible food for individuals and families. To find jurisdiction- specific information on food insecurity, use their tool:



<http://map.feedingamerica.org/county/2014/overall/california>

3. 16% of California's waste stream is food. To learn more about the percentage of food waste that makes up the waste stream in your county, visit CalRecycle's Waste Characterization tool, which breaks down the waste stream composition by material type and stream for specified Business Group or jurisdiction:



<https://www2.calrecycle.ca.gov/WasteCharacterization/MaterialTypeStreams?lg=1001&cy=1>

4. 40% of food produced for consumption in the US ends up in the trash. From farm to the fork, at least 62.5 million tons of food is wasted- at least 52 million tons of food is sent to the landfill, and 10 million tons is discarded or left unharvested on farms.<sup>4</sup> ReFED is a collaborative of over 30 businesses, nonprofit, foundation, and government leaders committed to reducing food waste in the United States. To learn more about the landscape of wasted food and the diverse solutions across numerous sectors, see the ReFED report:



<http://www.refed.com/download>

- Globally, if food waste were a country it would be the 3<sup>rd</sup> largest GHG emitter. Wasted food is therefore a major contributor to global climate change, which in turn significantly impacts our global and local food systems.<sup>5</sup> Impacts of climate change such as drought, extreme precipitation events, and extreme weather events impact crop yields and the health of our livestock and fisheries, resulting in increased food prices and decreased access to fresh healthy food. To learn more about food waste, agriculture, climate change, and food insecurity review these resources from the Center for Climate Change and Health:



<http://climatehealthconnect.org/wp-content/uploads/2016/09/FoodSecurity.pdf>

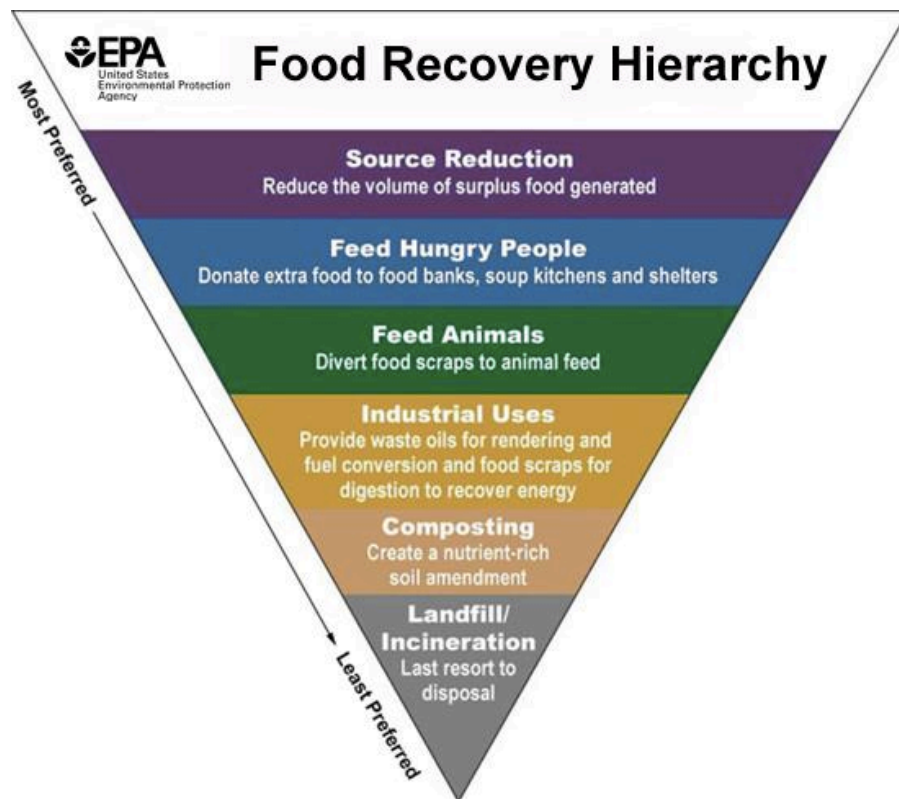


<http://climatehealthconnect.org/wp-content/uploads/2016/09/FoodAgriculture.pdf>

- In September 2015, in alignment with Sustainable Development Goals, the USDA and EPA announced the first ever domestic goal to reduce food loss and waste by 50% by 2030. The EPA's Food Recovery Hierarchy prioritizes actions organizations can take to prevent and divert wasted food:



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



7. 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.<sup>6</sup> Strategies to reach this goal include the passing of two bills in particular, AB 1826 and SB 1383.

**AB 1826- Mandatory Business Organics Recycling Law** “ requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week.” The law also requires that local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of 5 or more units. Organic waste is defined as food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste. There are exemptions for rural counties.

**SB 1383- Short-lived Climate Pollutants** sets a goal to “reduce methane emissions by 40% below 2013 levels by 2030” by reaching a 50% reduction in the level of statewide disposal of organic waste from 2014 level by 2020 and a 75% reduction by 2025. Additionally, at least 20% of currently disposed edible food must be recovered for human consumption by 2025.

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/>





## Understand state and federal liability protections for donors and distributors of donated foods

Liability concerns are one of the main barriers to surplus food donation. A 2016 survey by the Food Waste Reduction Alliance found that 25% of food retailers and wholesalers and 50% of food manufacturers cite liability concerns as one of the main barriers to donation.<sup>7</sup> Therefore, it is critical to understand liability protections for food facilities that donate surplus food. 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  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

The Federal Good Samaritan Law also provides baseline civil and criminal liability protection for food donors and the nonprofit organizations that distribute food donations to those in need free of charge. Protected donors include individuals, businesses, government entities, food recovery organizations, and gleaners.

#### FEDERAL GOOD SAMARITAN LAW<sup>8</sup>

Donors must meet the following criteria:

1. The food must be donated to a nonprofit
2. Food must meet all federal, state, and local quality and labeling requirements; if it does not, the food must be reconditioned to meet all requirements
3. The receiving nonprofit organization must distribute it to needy individuals
4. Needy individuals receiving the food may not pay for it, however, if one nonprofit donates food to another nonprofit for distribution, the Act allows the first nonprofit to charge the distributing nonprofit a nominal fee to cover handling and processing costs

As long as these criteria are met and the donor does not act with gross negligence or intentional misconduct, the Emerson Act is very protective of donors.

EXCEPTION- DIRECT DONATIONS from donor to needy individuals are not protected by the Act (e.g. if a restaurant manager gives leftover food to a needy individual, the manager is not protected from liability under the Good Samaritan Law), but they are protected under the California Good Samaritan Food Donation Act (described above).

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/>

SUMMARY OF LEGAL PROTECTIONS<sup>9</sup>

Reference	Applicable Text
<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 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>Title 42, Chapter 13A, Section 1791-  (c) 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>

For information on Legal Protections:



<https://archive.cdph.ca.gov/pubsforms/Documents/fdbRIgde32.pdf>





## Integrate knowledge of food waste reduction and safe food donation into your EH department

1. Include safe surplus food donation procedures as part of new staff orientation
2. Provide training related to food waste reduction, prevention, donation, and recycling that provides CEUs:
  - a. Host the *Safe Surplus Food Donation* training in your jurisdiction after attending a train-the-trainer session (2018). The training is designed to be delivered in a 3.5-hour session but can also be delivered in multiple shorter sessions. The training covers the topics below and includes prompts for discussion and recommended activities. See Appendix B for the completed CEU application and agenda.



### SAFE SURPLUS FOOD DONATION TRAINING TOPICS

- The Context: Wasted Food, Food Insecurity, and Climate Change
- The Legal Context: Liability Protections, Date Labeling, State Mandates, Tax Incentives
- Prevention of Wasted Food and Recycling of Food Scraps
- Donation of Surplus Food
- Barriers to Surplus Food Donation
- The Role of Environmental Health Specialists
- Partners for Environmental Health
- Best Management Practices for EH Departments
- Sector-specific Strategies
- Emerging Issues
- Safe Surplus Food Donation Toolkit
- Practice Scenarios

- b. Host “Safe Surplus Food Donation Lunch & Learn” programs
      - ✓ Invite a representative from your local food rescue group to speak during a lunch meeting
      - ✓ Invite a staff person from a nearby jurisdiction with an established safe food donation education program to speak during a lunch meeting
3. Adopt a departmental policy that prioritizes food waste reduction and safe food donation guidance and practices
  - a. Engage with and gain the support of departmental leadership
  - b. Work with your Board of Supervisors or City Council to pass a resolution that establishes a jurisdiction-wide food waste reduction or food recovery goal

(See [Appendix C](#) for examples from Orange County, San Diego County, and the City of South Pasadena)

4. Identify food waste reduction/safe food donation Champion(s)

- a. Identify internal and/or external champions who are committed to addressing food waste and food insecurity and promoting safe food donation in your jurisdiction
- b. Establish the role of your Champion in supporting food waste reduction and safe food donation

POTENTIAL CHAMPIONS			
HEALTH OFFICER	DEPARTMENT DIRECTOR	MID-LEVEL MANAGERS	COMMUNITY ADVOCATE
POTENTIAL ROLES			
SPEAK AT A BOARD OF SUPERVISORS MEETING	ACT AS A PUBLIC LIAISON FOR YOUR JURISDICTION	ENGAGE WITH LOCAL FOOD RECOVERY LEADERS	

5. Adopt practices to implement food donation guidance into routine department activities



Introduce BMPs for food waste reduction and safe food donation education during an all-staff meeting and use the *Safe Surplus Food Donation* training to guide the discussion



Establish the dissemination of the Safe Surplus Food Donation Toolkit and the discussion of safe surplus food donation guidance in standard practice

- ✓ During a routine inspection, the EHS should disseminate informational materials and briefly review safe food donation guidance

1. Included Informational Materials:

- ✓ Sample "Visual" 1-pager- [Appendix D](#)
- ✓ Sample 1-pager- [Appendix E](#)
- ✓ Sample Quarterly Newsletter- [Appendix F](#)
- ✓ Safe Surplus Food Donation Toolkit- [See Toolkit]
- ✓ Regional Food Recovery Contacts- [Appendix G](#)

2. Adapt the Sample Materials to include your EHD's logo, regional food recovery contacts, and other jurisdiction information

- ✓ **NOTE:** It is important to establish internal Standard Operating Procedures regarding when it is appropriate to distribute informational materials to the person-in-charge during a routine inspection. For example, it may not be appropriate to distribute materials when enforcement action is being taken.



Include tracking of materials dissemination and related education in internal inspection documentation for jurisdictional and statewide evaluation

- ✓ If your department uses Envision Software or something similar, add a service code for '*Safe Surplus Food Donation Education*' or '*Safe Surplus Food Donation Material Distribution*'



Establish contact persons within the department to serve as safe food donation liaisons to answer questions and provide guidance regarding food waste reduction and safe food donation



- Include information on safe surplus food donation on your website
- ✓ Post Safe Surplus Food Donation Toolkit as a downloadable document on EH website

6. Identify and connect with internal and external partners who are engaged in food diversion and/or food donation efforts or looking for a supportive partner

**LOCAL GOVERNMENT PARTNERS-** partnering with other departments or jurisdiction agencies can provide ample opportunity to learn more about the state of wasted food, food insecurity, and existing efforts to address these issues in the local context.

PUBLIC HEALTH	Source of additional information on food insecurity in your region- WIC and NEOP Directors may already be engaged in food waste prevention and consumer education efforts in your jurisdiction and can connect you to hunger relief agencies
PUBLIC WORKS	Can disseminate information about food waste diversion and meeting state mandates (e.g. AB 1826)
OFFICE OF SUSTAINABILITY	May have an established Zero Waste program that can facilitate prevention, recovery, and recycling efforts in your jurisdiction

**COMMUNITY BASED ORGANIZATIONS** are critical partners in the effort to increase edible food recovery and address food insecurity in your jurisdictions. Community partners may include social service organizations, hunger relief agencies, food recovery groups. See Appendix G for examples of potential community partners in your jurisdiction.

**FOOD FACILITIES & LOCAL BUSINESSES** can provide important insights on the existing perceived and real barriers to donating surplus food. Maintaining open communication with food facility operators and managers can help EH inspectors more effectively dispel myths, provide guidance, therefore ensuring food safety.

**OTHER PARTNERS** may include industry partners such as Safe Food Councils of Business Associations such as the National Restaurant Association or the Grocer’s Association. Partnering with these groups can help ensure that all parties are progressing in a common direction with established goals.



- Build a coalition of interested partners if one does not exist in your jurisdiction. Establishing a coalition can support effective goal setting and drive progress around waste reduction and food recovery in your jurisdiction.









# 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  ** CalCode Section 113783
Food Facility	An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level  ** 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/ Food Share Table/ Sharing 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



# CEU FORM

1. TITLE OF SESSION: Safe Surplus Food Donation
2. LENGTH OF SESSION (time allocated), day & time: 3.5 hours
3. EDUCATIONAL OBJECTIVE (short purpose of session):

Training participants will learn about the compelling nexus between food waste, food insecurity, climate change, and the essential role of the Environmental Health Specialist in increasing food waste reduction and safe surplus food donation. Participants will learn about the identified best management practices to implement practices to increase safe surplus food donation and decrease food insecurity in their jurisdiction.

4. DESCRIPTION OF SESSION (What they will learn in 400 words or less):

Recent state mandates that outline mandatory organics diversion and short-lived climate pollutant emission reduction, AB 1826 and SB 1383 respectively, and increased awareness of excessive waste of surplus edible food and high rates of food insecurity have brought to light the essential role of the Environmental Health Specialist. This training session will provide insight into the relationship between food waste, food insecurity, climate change, and public health. Following a thorough review of the nexus between the topics outlined above, the training will review current barriers to optimal surplus food diversion and donation and the best management practices for Environmental Health Departments and Specialists. During the training participants will have an opportunity to learn about the key strategies to adopt and implement successful and sustainable practices to increase safe surplus food donation and decrease food insecurity in their jurisdiction. Participants will engage in skill-building role play activity, during which they will navigate the challenges and solutions of working with diverse food facilities, partners, and other stakeholders.

5. ANTICIPATED EDUCATIONAL OUTCOMES OF SESSION:
  - a. Understand the relationship between food waste, food insecurity, climate change, and public health- and how these issues manifest at a local level.
  - b. Describe the unique and essential role of the Environmental Health Specialist in increasing food waste reduction and safe food donation, and decreasing food insecurity in local jurisdiction.
  - c. Describe the current barriers to optimal food waste reduction and donation.
  - d. Describe the key strategies to adopt and implement effective and sustainable practices to support increased food waste reduction and safe food donation.
6. QUALIFICATIONS AND RESUMES OF SPEAKERS/PRESENTERS: [INSERT INFORMATION]
7. PHOTO





# TRAINING AGENDA

\*\* Training time allocated - 200 minutes

1. **INTRODUCTIONS: (5 min)-**
  - a. Sign-in/ Welcome
  - b. Pre-training survey
  
2. **CONTEXT: (10 min)-**
  - a. Wasted food nationally and state-wide
  - b. Food Security and Insecurity
  - c. Climate change and food waste
  - d. Resource waste- natural and economic losses
  - e. EPA food recovery hierarchy/ ReFED Roadmap
  
3. **LEGAL CONTEXT: (20 min)-**
  - a. Good Samaritan Law
    - i. Federal Good Sam Law
    - ii. California Health and Safety Code
  - b. Date Labeling Regulations
  - c. AB 1826 and SB 1383
  - d. Tax incentives
    - i. Federal Tax Incentives
    - ii. State Tax Incentives
  - e. Pending legislation in California
    - i. AB1219
    - ii. SB557
    - iii. AB954
  
4. **FOOD WASTE PREVENTION AND RECYCLING OVERVIEW (10 min)-**
  - a. Prevention Overview
  - b. Recycling Overview
  
5. **DONATION OF WASTED FOOD OVERVIEW (20 min)-**
  - a. Nationally campaigns
    - i. Save the Food
    - ii. EPA Food Waste Challenge
  - b. **Who** is engaging in donation efforts?
  - c. **What** is being donated?
    - i. **Activity:** "Questionable" food items: Can they be donated?
  - d. **How** are different stakeholders diverting and donating excess food?
  - e. **Why** are food facilities donating?
    - i. Tax incentives
    - ii. Community investment and support
    - iii. Strategy to meet state mandates
    - iv. Reduce costs associated with overbuying/overproduction

6. BARRIERS (10 min)-
  - a. General barriers and barriers associated with EH
  - b. Review results of survey and interviews
  
7. UNIQUE ROLE OF EH SPECIALISTS (10 min)-
  - a. Food facility inspections- consistent interaction with diverse food facilities
  - b. Food safety experts- trusted voice
  - c. "Food donation referees"
  - d. Consistency for businesses within and between jurisdictions- Business Friendly
  
8. EH PARTNERS (15 min)-
  - a. Internal partners in your department (look across WIC, NEOP)
  - b. Food facilities/ local businesses
  - c. Other agencies- public works, public health, sustainability office (Zero Waste)
  - d. Non-profits, other food rescue groups

BREAK (10 min)

9. BMPs FOR EH (20 min)-
  - a. Internal practices
  - b. External practices
  
10. SECTOR-SPECIFIC EFFORTS/STRATEGIES: (15 min)-
  - a. Education- school districts
  - b. Institutions- Colleges, Healthcare, Corporate Headquarters
  - c. Grocers
  - d. Restaurants
  
11. EMERGING/CHALLENGING ISSUES (10 min)-
  - a. Charitable Feeding Guidance
  - b. Re-serve definition/clarification/guidance
  
12. FAQs (10 min)-
  - a. Review FAQs and responses
  
13. REVIEW TOOLKIT/PACKET (15 min)-
  - a. Safe food donation guidelines, liability clarification, tracking sheets, BOH information sheets, one-pagers for different types of food facilities, etc.
  
14. PRACTICE SCENARIOS (20 min)-
  - a. Activity: Engage in role-play scenarios
  - b. Work through different challenges
  - c. The soft skills- when to share this information?
  
15. WRAP-UP/OVERVIEW/NEXT STEPS (10 min)-
  - a. Questions
  - b. Post- training brief survey
  - c. Other resources



# Sample Language

B O A R D O F  
S U P E R V I S O R S

Contact your Board of Supervisors to start a dialogue about reducing food waste and increasing safe surplus food donation in your jurisdiction. Support from local government officials can provide additional visibility and support for waste reduction and food recovery.

## ORANGE COUNTY

"Direct Health care Agency to inform food facilities and operators within the County regarding safe donation of excess food to food banks and nonprofit organizations; approve distribution of written brochure, "The Facts to Know When Donating Food"; and direct HCA to report back to the Board within six months- All Districts"

To view the full agenda- [http://cams.ocgov.com/Web\\_Publisher/agenda05\\_10\\_2016.htm](http://cams.ocgov.com/Web_Publisher/agenda05_10_2016.htm)

## CITY OF SOUTH PASADENA

"Recommendation: It is recommended that the City Council adopt a resolution supporting food waste prevention and recovery in the City of South Pasadena.  
Fiscal Impact: There will be no fiscal impact with the adoption of a food waste prevention and recovery resolution.

Community Review and Recommendation: This matter was reviewed by the Natural Resources and Environmental Commission (NREC). The NREC supports and recommends food waste prevention and recovery in the City as expressed in the resolution.

Background: As requested by the City Council and Urban Harvester, a local food recovery organization, and in keeping with the City Council's Strategic Plan goal of identifying opportunities to enhance energy efficiency and sustainability of the City, a resolution encouraging businesses to prevent wasting food that has been prepared.

Analysis: The resolution is non-binding but is intended to be a statement of support by the City Council for food-related businesses to encourage food waste prevention and recovery in an effort to feed those in need, and to reduce materials being landfilled.

Now, therefore, the City Council of the City of South Pasadena does hereby ordain as follows: The City supports food recovery and redistribution of food for consumption whenever possible to encourage upcycling and not wasting food. The City encourages stores, markets, restaurants, catering events and other large food generators to donate food on a voluntary basis whenever possible. "

To view the full resolution-  
<http://opengov.southpasadenaca.gov/WebLink/DocView.aspx?dbid=0&id=23009&page=3&cr=1>

## SAN DIEGO COUNTY

"On June 21, 2016 (27), at the recommendation of Chairman Ron Roberts and Supervisor Greg Cox, the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to develop and implement the "Live Well San Diego Food System Initiative" (Food System Initiative), allowing the County to take on a greater role throughout the region in the advancement of a safe, healthy, and robust food system. The Food System Initiative also included the development of nutrition practices to expand healthy and sustainable options for food and beverages purchased and offered at County facilities and through County-sponsored programs. The Board also directed the CAO to return to the Board within 180 days with a framework for the Food System Initiative, including proposed food nutrition practices and an implementation plan.

The Food System Initiative builds on the work of the Live Well San Diego Food System Working Group (Working Group), a collaborative team that came together with the goal of integrating food system efforts across County departments. Early successes from the Working Group include connecting gleaners, who collect leftover crops from farmers' fields after they have been commercially harvested or on a field where it is not economically profitable to harvest, with opportunities to collect food from an orchard in Los Peñasquitos Park, as well as the creation of the "Too Good to Waste" food donation guide for organizations to safely donate food items....

The priority actions for the Food System Initiative include the implementation of the Eat Well Practices (Practices), which are a guide for expanding healthy and sustainable food and beverage options offered by the County. The Practices are based on the latest dietary science, food systems research, governmental and institutional food service best practices, environmental sustainability practices, and broad stakeholder input.

Today's request is to receive the Food System Initiative's framework and implementation plan, and the Eat Well Practices, as well as authorize County departments to apply for and accept grant funding to support food system-related activities."

To view the full proposal-

<http://bosagenda.sdcountry.ca.gov/agendadocs/doc?id=0901127e804f16c4>





# FOOD DONATION

E I G H T S T E P S

YOUR LOGO HERE

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. By donating surplus wholesome food instead of throwing it in the trash you can feed hungry people, save space in local landfills, and prevent the emission of harmful greenhouse gases that contribute to climate change.

See the **Safe Surplus Food Donation Toolkit** here [\[INSERT EH SITE PAGE WITH TOOLKIT\]](#) for more information and tools.

**QUESTIONS?-** Contact [\[INSERT EH Contact information here\]](#) with questions.



## 1. YOU CAN DONATE

- You're protected by the California Good Samaritan Food Donation Act and federal law
- It's OK with the Health Department



## 2. FIGURE OUT WHAT YOU'VE BEEN THROWING AWAY

- Weigh and track your surplus food: <https://www.epa.gov/sustainable-management-food/food-recovery-challenge-frc>

**FOOD DONATION ASSESSMENT FORM**

**DONOR AND RECIPIENT INFORMATION**

Donor Name: \_\_\_\_\_ Recipient Name: \_\_\_\_\_  
 Donor Address: \_\_\_\_\_ Recipient Address: \_\_\_\_\_  
 Donor Phone: \_\_\_\_\_ Recipient Phone: \_\_\_\_\_

**DONATE FOOD PRODUCT INFORMATION**

FOOD PRODUCT	PACKAGING	STORAGE CONDITIONS	USDA FSIS	USDA FSIS RESIDUES
Prepared Foods	Original packaging OR food-grade packaging	Chilled to 41°F or below OR Frozen at 0°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Child Nutrition Programs/Hot Foods	Original packaging OR food-grade packaging	Chilled to 41°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Meat, poultry, fish	Original packaging OR food-grade packaging	Chilled to 41°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Dairy	Original packaging OR food-grade packaging	Frozen at 0°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Meat, poultry, fish	Original packaging OR food-grade packaging	Chilled to 41°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Dairy	Original packaging OR food-grade packaging	Chilled to 41°F or below	<input type="checkbox"/>	<input type="checkbox"/>
Other	Original packaging		<input type="checkbox"/>	<input type="checkbox"/>

## 3. PARTNER WITH A LOCAL NON-PROFIT

- Talk with them in advance
- Determine the logistics
- **START DONATING!**



#### 4. SAFELY PACKAGE FOOD

- Package food in appropriate food safe containers, free of contamination



#### 5. MAINTAIN FOOD AT PROPER TEMPERATURES

- Cool foods at 41°F or below
  - Frozen foods at 0°F or below
  - Hot foods at 135° or higher & *Process Immediately*
- \*\*Whole produce, canned goods, and dry foods have no time and temperature controls**

**FOOD DONATION DELIVERY FORM**

**DONOR AND RECIPIENT INFORMATION**

PERISHABLE FOOD ITEM	QUANTITY	DONOR TIME AT RECEIPT	RECIPIENT TIME AT RECEIPT	TIME TAKEN	ACCEPTED
					YES or NO
					YES or NO
					YES or NO
					YES or NO

**DONATED FROM:**

Name of Donor: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

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

Name of Transporter: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

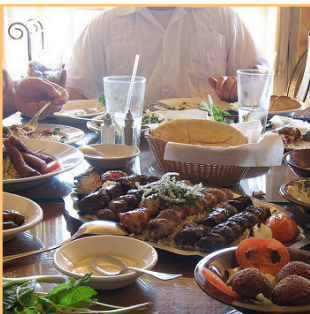
#### 6. TRACK DONATED ITEMS

- Fill out the Food Donation Delivery Form
- Make sure your nonprofit partner fills out and signs their sections as well



#### 7. TRANSPORT DONATED FOOD SAFELY

- Use refrigerated transport when available
- Use thermal blankets for hot food
- CalCode only allows for 30 min of transportation without temperature control



#### 8. KEEP UP THE GOOD WORK!

- Contact your local Environmental Health Department with any concerns: **[INSERT CONTACT INFO HERE]**
- Review the Safe Surplus Food Donation Toolkit: **[INSERT EH SITE]**

7/31/17 v1.0



# FOOD DONATION

## F A S T F A C T S

YOUR LOGO HERE

### 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. By donating surplus wholesome food instead of throwing it in the trash you can feed hungry people, save space in local landfills, and prevent the emission of harmful greenhouse gases that contribute to climate change.

### YOU CAN DONATE SURPLUS FOOD!

State law and your local environmental health department allow the donation of surplus foods that are still fit for human consumption: [\[INSERT EHD CONTACT INFO HERE\]](#)

**Permitted food facilities such as restaurants, hotels, grocers, food processing facilities, food distributors, and caterers can donate prepared foods** (e.g. hot trays that remained back-of-house). Foods previously served to a consumer generally 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.

### YOU ARE PROTECTED!

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. The law clarifies and expands liability protections for donated surplus food by:

- Creating a more comprehensive list of entities covered by the 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 regular inspections, directly to individuals for consumption (direct donation).

Donors are also protected under the [Federal Bill Emerson Good Samaritan Food Donation Act](#).

## WHY DONATE?

You can help relieve hunger in your community: Nearly 5 million people in California, struggle with food insecurity - YOU can help fill this gap by donating your surplus wholesome food to local nonprofit or charitable hunger relief groups.

You may be able to earn an Enhanced Tax Deduction: The Internal Revenue Code Section 170 allows C corporations to earn an enhanced tax deduction for donating surplus food. This 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<sup>10</sup>

You can help meet state solid waste diversion goals: through the recent passage of SB 1383 and AB 1826, California has established solid waste diversion goals, including a 20% food waste diversion goal, in order to decrease waste sent to the landfill and greenhouse gas emissions. Donating wholesome surplus food to local organizations can help meet state solid waste diversion goals and combat local food insecurity.

\*\*Please contact a tax professional for questions and more specific guidance

## GET STARTED!

In order to start a successful food donation program in your food facility, we suggest following these four steps.<sup>11</sup>

- 1. Weigh and track your surplus food first**, set a surplus food reduction goal and plan accordingly! Visit the US Environmental Protection Agency's Food Recovery Challenge page and sign up for a free tracking tool and more resources <https://www.epa.gov/sustainable-management-food/food-recovery-challenge-frc>
- 2. If you still have surplus food to donate**, develop a partnership with a nearby nonprofit organization or for-profit company that can accept your food and serve it to people who need it most.
  - a. Call and meet with the organization or company in advance.
  - b. Determine the logistics (e.g. frequency of donation, pick-up/drop-off)
  - c. To find places that might accept your food visit:
    - i. <http://sustainableamerica.org/foodrescue/>
    - ii. <http://www.feedingamerica.org/find-your-local-foodbank/?referrer>
    - iii. <http://ampleharvest.org/find-pantry/>
    - iv. Perform an internet search in your area for "turnkey" food recovery companies. An example of such a private company is<sup>12</sup>: <https://www.gocopia.com/>
- 3. Understand and establish protocols to ensure food safety** (Note: many of these will already be known and in 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
- 4. If you can't donate, consider animal feed or composting. You may also contact your local garbage company and ask about food waste recycling programs.**

Ready to get started? Check out the Safe Surplus Food Donation Toolkit here [\[INSERT LINK TO TOOLKIT ON EH WEBSITE\]](#) for more guidance and tools.

For QUESTIONS and MORE INFORMATION: [\[INSERT LOCAL EHD CONTACT INFORMATION\]](#)

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    - iv. Perform an internet search in your area for "turnkey" food recovery companies. An example of such a private company is \*\*: <https://www.gocopia.com/>

\*\* We do not specifically recommend any particular company or non-profit

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## HOLD FOR IMAGE

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# DONATING SURPLUS FOOD

## GUIDANCE FOR CALIFORNIA

## THE PROBLEM: WASTED FOOD

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**5.6 MILLION**  
TONS OF FOOD ARE  
SENT TO THE LANDFILL  
EVERY YEAR IN  
CALIFORNIA

**4.8 MILLION**  
CALIFORNIANS ARE  
FOOD INSECURE

## YOU CAN DONATE SURPLUS FOOD!

State law and your local environmental health department allows the donation of surplus foods that are still fit for human consumption: [\[INSERT EHD CONTACT INFO HERE\]](#)

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**HOLD FOR IMAGE**

YOUR LOGO HERE

# Surplus Food Donation

Use this template to send food waste prevention and surplus food donation tips to your members and affiliates

Date



## Important Local Partners

List contact information for local organizations and environmental health contacts that your affiliates may need.

## Donating Surplus Food

Recovering consumable food and moving it to hunger relief organizations has proven to reduce these numbers and positively impact the lives of millions of people across America. Numerous organizations, both governmental and private, are involved in this vital work.

The safety of food throughout this recovery process is of critical importance. The population served by hunger relief organizations has a higher percentage of vulnerable individuals. Compounding this concern is the diversity of organizations and agencies acting to ensure food safety standards are consistently met.

### READY TO DONATE?

Great! Contact us at **INSERT NUMBER** or **INSERT SITE** for more information on who needs your help, where you can donate, and how we can help.

**Donating food is easier than you think!**



### Food Loss Prevention Tip:

**When you notice a vegetable or fruit nearing the end of its shelf life, throw it in the freezer to use later in smoothies, soups, or other recipes!**



## Frequently Asked Questions

The following is a list of Frequently Asked Questions that may assist you in deciding to get involved and help end food insecurity!

**Q:** What foods can be donated?

**A:** Almost anything you serve or sell can be donated. There are a few exceptions: baby food and formula that has exceeded its expiration date cannot be donated.

**Q:** Who can I contact if I have questions about donation?

**A:** If you have any questions related to the safe donation of food, please contact Environmental Health at **INSERT NUMBER**

**Q:** How do we ensure the food is safe for distribution?

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

**Q:** Can I be held liable for donating food?

**A:** The California Good Samaritan Food Donation Act and federal law offer protection.

**Q:** What are organizations that can I can donate food to?

**A:** A growing number of organizations are working to recover wholesome surplus food to provide meals to families in need. To find food rescue groups in your area visit <http://sustainableamerica.org/foodrescue/>.

### For More Information

Provide Information about your organization and relevant contact details

Photo of your organization

YOUR LOGO HERE





YOUR LOGO HERE

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## References

- <sup>1</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>2</sup> EPA, "Turning Food Waste into Energy," 2016, <https://www3.epa.gov/region9/waste/features/foodtoenergy/>.
- <sup>3</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>4</sup> Dana Gunders, "Wasted: How America Is Losing Up to 40 Percent of Its Food from Farm to Fork to Landfill" (Natural Resources Defense Council, August 2012), <https://www.nrdc.org/sites/default/files/wasted-food-IP.pdf>.
- <sup>5</sup> Food and Agriculture Organization of the United Nations, "Food Wastage Footprint & Climate Change," 2015, [http://www.fao.org/fileadmin/templates/nr/sustainability\\_pathways/docs/FWF\\_and\\_climate\\_change.pdf](http://www.fao.org/fileadmin/templates/nr/sustainability_pathways/docs/FWF_and_climate_change.pdf).
- <sup>6</sup> <http://www.calrecycle.ca.gov/75percent/>
- <sup>7</sup> Food Waste Reduction Alliance, "Analysis of U.S. Food Waste Among Food Manufacturers, Retailers, and Restaurants," 2016, [http://www.foodwastealliance.org/wp-content/uploads/2013/05/FWRA-Food-Waste-Survey-2016-Report\\_Final.pdf](http://www.foodwastealliance.org/wp-content/uploads/2013/05/FWRA-Food-Waste-Survey-2016-Report_Final.pdf).
- <sup>8</sup> James Haley, "The Legal Guide to the Bill Emerson Good Samaritan Food Donation Act" (University of Arkansas School of Law, August 8, 2013), <http://media.law.uark.edu/arklawnotes/2013/08/08/the-legal-guide-to-the-bill-emerson-good-samaritan-food-donation-act/>.
- <sup>9</sup> California Department of Public Health, "Information Regarding the Donation of Food to Nonprofit Organizations," September 2014, <https://archive.cdph.ca.gov/pubsforms/Documents/fdbRIgde32.pdf>.
- <sup>10</sup> I.R.C. § 170 (2016)
- <sup>11</sup> LACFRI Working Group- <http://publichealth.lacounty.gov/eh/misc/LACFRI.htm>