

# TOO GOOD TO WASTE!

Senate Bill 1383, which goes into effect on January 1, 2022, has a statewide target goal of reducing the disposal of organic waste by 75% by 2025, with an additional goal of rescuing at least 20% of edible food fit for human consumption that currently goes to waste.

## What is the role of Environmental Health in food donation/recovery?

Environmental Health Departments throughout the State implement the California Retail Food Code through regulation of retail food processing and food distribution, which includes charitable food donations and service. Environmental Health jurisdictions support food recovery efforts with a goal of getting excess food to those that are food insecure, as well as lowering the amount of food waste in the landfill and provide guidance and education on safe food handling for food waste generators, as well as food recovery agencies.

## Source Reduction First!

### Tips for restaurants, markets, and other businesses and organizations serving or selling food.

Implement strategies to reduce waste.

- Adjust your menu or sales inventory to reduce foods that are frequently wasted.
- Change food preparation methods to minimize waste, such as reducing portion sizes.
- Maximize use of the food you serve. For example, leftover bread can be made into croutons and unserved vegetables and trimmings can be made into a soup stock or sauce.
- Store food in sealed, labeled containers and at proper temperatures to reduce spoilage.
- Serve leftover or surplus food (while always following food safety guidelines!) to employees.
- Offer food items for a discount price to customers at the end of the working day.
- Put items nearing their expiration date on sale.
- Rotate perishable stock at every delivery.

## Note that the following food items are prohibited from being donated per the California Retail Food Code and must be destroyed at the end of the day:

- Hot foods held on a mobile food truck or cart must be discarded at the end of the working day.
- Hot foods or foods held between 41°F and 45°F at a temporary food event or street fair.
- Foods using the process called “time as a public health control”.
- Korean and Vietnamese rice cakes held out of temperature control for 24 hours.
- Any other foods that are suspected of becoming contaminated or is contaminated.



### FOOD SAFETY TIPS

Whether a food waste generator is delivering food, or a food recovery agency is picking up, potentially hazardous foods or perishable items must be maintained at safe temperatures. During transport cold food must not exceed 45°F and hot food must not go below 135°F. The transport time shall not exceed 30 minutes.

All donated food must be in good condition.

\*Note: for times when volunteer drivers picking up food donations are limited, it is recommended that multiple trips are scheduled to avoid long drive times where food is held out of safe temperatures in a car.



## Checklist for Safe Handling

### Temperature Control and Safe Food Handling



- Keep cold perishable foods kept at 41°F or below and hot foods at or above 135°F.
- Maintain pasteurized milk and pasteurized milk products in their original, sealed containers, stored in refrigeration at 45°F or below.
- After properly heating, cooking or hot holding of food, be sure to rapidly cool food from 135°F-70°F in the first two hours and then from 70°F-41°F within the next four hours.
- Ensure hands are thoroughly washed with warm water and soap before handling food and/or utensils, when switching from raw animal products to ready-to-eat foods, and as often as necessary to remove all contamination.
- Always examine food for any signs of decay, spoilage, mold or odors. For canned and dry packaged food, check the packaging for tears, holes, dents, bulging cans, broken seals, and vermin infestation.
- Refrain from donating food that has been previously served to a consumer.
- Donated food should be covered and protected from contamination before and during transportation. Transportation vehicles should be maintained clean and vermin free.
- Keep packaged items in their original packaging whenever possible.
- Avoid storing raw meats and/or foods containing major food allergens with, or on top of ready to eat foods. Note: Major food allergens include milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans.
- Ensure the name of food item and its date and time of preparation are clearly labeled. Food should be labeled "Process Immediately" for instances where refrigerated transport is not available.

## Protection From Liability

### California Health and Safety Code Section 114432

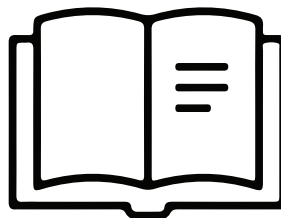
"Food facilities may donate food to a non-profit charitable organization or directly to end recipients for consumption."

### California Health and Safety Code Section 114433

"No food facility that donates food shall be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances...for a violation occurring after the time of donation."

### California Civil Code Section 1714.25

"(a) Except for injury resulting from negligence or a willful act in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was donated to a non-profit charitable organization, or a food bank shall be liable for any damage or injury resulting from the consumption of the donated food."



## 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 of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals."



For additional information,  
visit our website at  
[www.cchealth.org](http://www.cchealth.org)

Call us at (925) 608-5500

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