

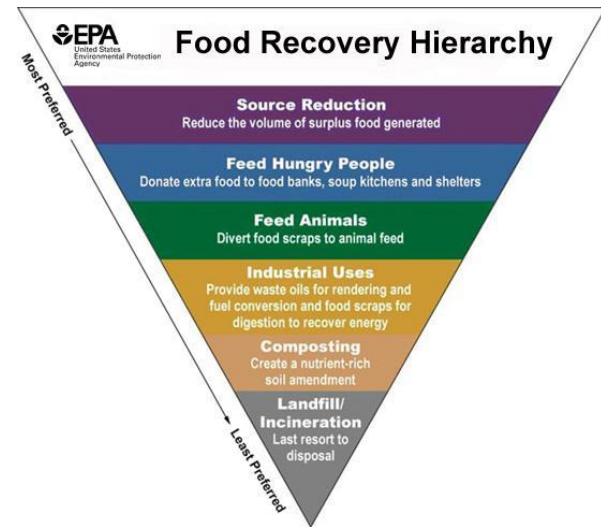
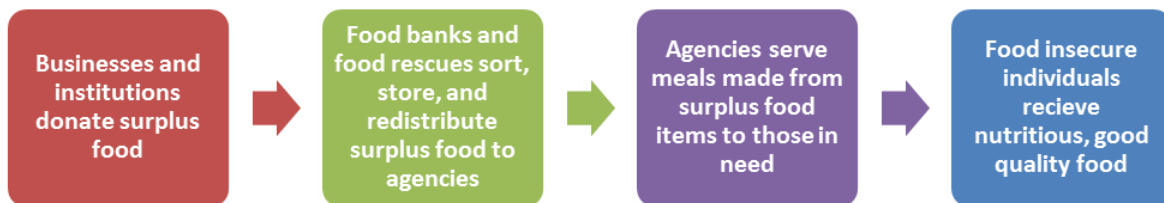
Food Donation Guidance Document

The Center for EcoTechnology (CET) developed this original document under contract to MassDEP as part of MassDEP's RecyclingWorks in Massachusetts program. This was developed in collaboration with health officials, food rescue organizations, food banks, and organizations with established food donation programs.

The US EPA's Food Recovery Hierarchy ranks feeding hungry people near the top of its priorities as a strategy to reduce wasted food. Businesses should consider how each strategy on the EPA Hierarchy can contribute to a comprehensive food waste reduction plan.

This document is intended to provide guidance to organizations interested in establishing Food Donation programs by offering a broad overview of how successful food donation programs should be structured. In order to have a successful food donation program there are four major steps that must be taken:

1. Identify the types and amounts of food to be donated
2. Identify partner organizations in your area with which to work
3. Determine packaging, storage, and labeling requirements to ensure food safety
4. Determine how food will be transported as well as pick-up frequency and quantities



Why should my business donate surplus food?

Every day, businesses throw away thousands of pounds of food. Much of this food could instead feed hungry people, while at the same time reduce waste disposal costs and provide tax benefits for businesses donating food. However, diverting food for donation is only one example of reducing food waste.

What foods can be donated?

Most categories of food can be donated. The law provides protection from liability for the donation of food that is 'apparently wholesome' without visible quality issues. When donating food, it is important to remember that the donation is for human consumption and needs to be handled accordingly. If food looks or smells bad – compost it! All donated food should be protected to prevent food contamination by storage in packages, covered containers, or wrappings. For more information see the chart below,

which summarizes storage requirements and unacceptable conditions for donated food by category. For more comprehensive information see pages 37-38 of the [Comprehensive Guidelines for Food Recovery Programs](#). If you have any questions about food safety contact your local board of health.

Food Donation Laws and Liability Protection

[Extensive legal research](#) does not turn up a single legal case related to food donation liability. There are several laws pertaining to food donation at the federal and state level. The Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. § 1791) encourages food donations by providing liability protections for businesses that donate ‘apparently wholesome’ food in ‘good faith’ to nonprofit organizations. 42 U.S.C. § 1758(l) explicitly states that schools participating in the national lunch program that donate excess food receive liability protection under the Bill Emerson Good Samaritan Food Donation Act.

Some states have specific laws that provide additional protections for food donation. For example, Massachusetts has a law that protects donated food, even food that is past date, as long as that food is handled in accordance with state food safety regulations. The Harvard Food Law and Policy Clinic created documents specifically about liability for some states, such as [Connecticut](#), [Massachusetts](#), [Rhode Island](#), and [Vermont](#). Visit the page for “[Your State](#)” to see if there is a legal fact sheet on liability protection for your state.

Food Labeling

Foods must comply with state and federal labeling requirements in order to be donated. This means that all foods must have labels with allergen warnings. For foods that may contain allergens, a warning label should be put on the package stating that the food may contain allergens and that people who may have an allergic reaction should not consume it. Some states may have other specific labelling requirements. For instance, Massachusetts requires that perishable and semi-perishable foods must also bear a date label, and food sold or donated past that date label must be safe for human consumption, segregated from other foods, and clearly marked as being past date. The 2016 revision of the Comprehensive Guidance for Food Recovery Programs provides a template for donated food labeling on Page 49, which includes a generic allergen warning. Contact your local board of health for guidance on how food should be labeled. The Harvard Food Law and Policy Clinic created documents specifically about food date labeling for some states, such as [Connecticut](#), [Massachusetts](#), [Rhode Island](#), and [Vermont](#). Visit the page for “[Your State](#)” to see if there is a legal fact sheet on date labeling for your state.

DONOR NAME AND LOCATION	Ex: ABC Restaurant 1234 main St, Dallas, TX
FOOD-CHARITY NAME AND LOCATION	Ex: XYZ Shelter 5678 Main St, Dallas, TX
FOOD DESCRIPTION (MENU DESCRIPTION)	Ex: Black Bean Burger
DATE OF DONATION	Ex: 11/02/2015
<p>WARNING: This container holds rescued food! This food may contain, have come into contact with, or have been produced in a facility which also produces milk, eggs, peanuts, tree nuts (walnuts, almonds, pecans, hazelnuts/hiberns, pistachios, cashews, coconuts, pine nuts, macadamia nuts, and/or Brazil nuts), fish, shellfish (crab, crawfish, lobster, shrimp, mussels, and/or oysters), wheat, and/or soybeans.</p>	
DONOR NAME AND LOCATION	
FOOD-CHARITY NAME AND LOCATION	
FOOD DESCRIPTION (MENU DESCRIPTION)	
DATE OF DONATION	
<p>WARNING: This container holds rescued food! This food may contain, have come into contact with, or have been produced in a facility which also produces milk, eggs, peanuts, tree nuts (walnuts, almonds, pecans, hazelnuts/hiberns, pistachios, cashews, coconuts, pine nuts, macadamia nuts, and/or Brazil nuts), fish, shellfish (crab, crawfish, lobster, shrimp, mussels, and/or oysters), wheat, and/or soybeans.</p>	

Building a Donation Program

Food donations are an important strategy for feeding vulnerable populations in need and providing access to safe, healthy food. When setting up a food donation program it is important to establish procedures that protect the safety of donated foods. For prepared foods, temperature logs should be kept showing that proper temperature has been maintained. Write down standard operating procedures (SOPs) on how you will handle food for donation, where you will store it, and what types of food you will be donating. Make sure to train all staff about your food donation program – hold staff meetings,

create signage and create checklists. Share your SOPs with the organizations you partner with so everyone involved is on the same page.

Finding Partner Food Rescue Organizations

There are many organizations that accept and distribute food for donation. It is important to build a network of partners that can accept your surplus food, so seek out the organizations in your area that distribute food to those in need. If you are having trouble locating organizations in your area, speak with other local businesses that have food donation programs. You can also look for non-profits that work in waste diversion.

Contact the Center for EcoTechnology at 888-813-8552 or e-mail wastedfood@cetonline.org for more information.

Building a Relationship with Partner Food Rescue Organizations

Donating food can have a positive impact on many people, from your employees to the broader community. Building relationships with your partner organizations is important to the success of your food donation programs. Frequent communication and site visits with partner organizations can foster positive relationships and build trust. To build a trust-based relationship it is important to have a written agreement with partner organizations that states what foods will be donated, how that food will be handled and stored, and how frequently that food will be transported. The image to the right is a template for an agreement between organizations. Click on the image to see a form that can be used as a template to help develop a written agreement between a donating organization and a done organization.



The image shows a 'Food Donation Agreement Form' template. It includes a logo for 'COMPREHENSIVE GUIDELINES' and a title 'Food Donation Agreement Form'. The form is divided into two main sections: 'Food Donor Organization' and 'Food Distribution Organization', each with fields for Representative, Address, Phone, and Email. Below this is a table with columns for 'Food Product', 'Packaging', 'Storage Conditions', 'Hold Time', and 'Quantity and Frequency'. The table lists various food categories such as Prepared Foods, Canned Non-perishable, Prepared Vegetables, Meat, poultry, fish (fresh), Meat, poultry, fish (frozen), Dairy Products, and Shelf-stable foods. For each category, it specifies the packaging (e.g., Original packaging or food grade packaging), storage conditions (e.g., Chilled to 42°F or below, Frozen at 0°F or below), and hold times (e.g., 24 hours, 30 days). At the bottom, there is a section for 'Description how food will be transported' and contact information for 'Recycling Partners in Massachusetts'.

Food Transportation

Different types of food have different transportation needs. Canned and shelf-stable foods have different transportation needs than temperature-controlled foods. Speak with your local health board and food rescue organizations to ensure that food is being transported appropriately. Keep transportation logs to ensure that food is arriving at the donation location in the same condition it left your facility. The form to the right is an example of a transportation log that can be used to ensure that food is transported safely and appropriately. For more information on transporting food for donation, see pages 28-30 of the [Comprehensive Guidelines for Food Recovery Programs](#).



The image shows a 'COMBINED AGENCY PICKUP AND DELIVERY TEMPERATURE LOG' form. It includes a header for 'Donor name and location' and 'Date'. The main part of the form is a table with columns for 'PRODUCT At Pick-up at: Donor (Take refrigerated product temperatures only)', 'Temp. @ pickup (°C/F)', 'Temp. @ delivery (°C/F)', 'Temp. Taken by', and 'PRODUCTS NOT PICKED UP'. The 'PRODUCTS NOT PICKED UP' column has a list of reasons: a) Temperature over 42°F, b) No label, ingredient list, allergen declaration, c) Packaging damaged, d) Product did not look or smell good, e) Other (Explain). Below the table are instructions: 1) Take product temperatures at random, not all products need to have their temperature taken; 2) Use an infrared thermometer or place a digital thermometer probe between 2 packages; 3) Do not insert the thermometer probe into the product; 4) 'Temp. Taken by' use the initials of the person taking the temperatures; 5) Use codes a, b, c, if for products you do not accept; if using e then give an explanation; 6) Agency needs to relay all product conditions back to the donor; not the 'Out of temperature' concern as that is an Agency transportation issue; 7) Separate sheet should be used for each donor; 8) Keep these records for 1 year.

Resources

There are many resources and organizations available to find further information and assistance with setting up a food donation program in your area. Below is a list of national food donation organizations and resources. In addition, view [‘Your State Page’](#) to find state specific information regarding food rescue and donation.

Food Donation Organizations

- [Feeding America](#)
- [Food Donation Connection](#)
- [Food Recovery Network](#)

Searchable list of smaller agencies (soup kitchens and food pantries)

- [Find a Food Pantry](#)

Documents and Laws

- Harvard Food Law and Policy Clinic Fact Sheets
 - [Connecticut Legal Fact Sheets](#)
 - [Massachusetts Legal Fact Sheets](#)
 - [Rhode Island Legal Fact Sheets](#)
 - [Vermont Legal Fact Sheets](#)
- [Comprehensive Guidelines for Food Recovery Programs](#)
- [FDA Food Code 2013](#)
- [Food Recovery: a legal guide](#)
- [ServSafe Food Safety Training](#)

If you are a business/institution interested in hearing more about starting a food recovery program, contact [Center for EcoTechnology](#) at (888) 813-8552 or wastedfood@cetonline.org.

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