

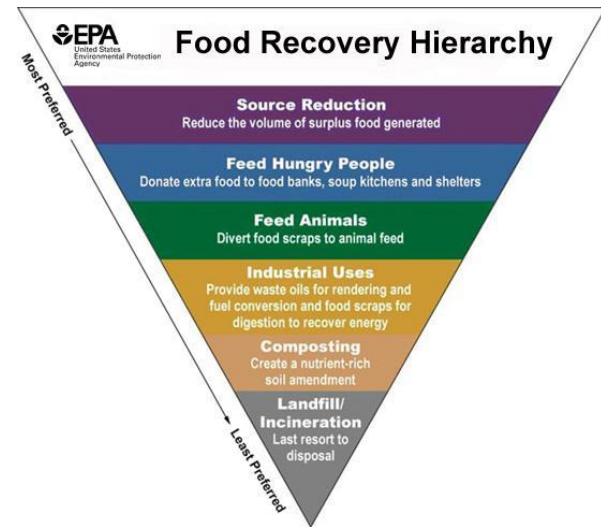
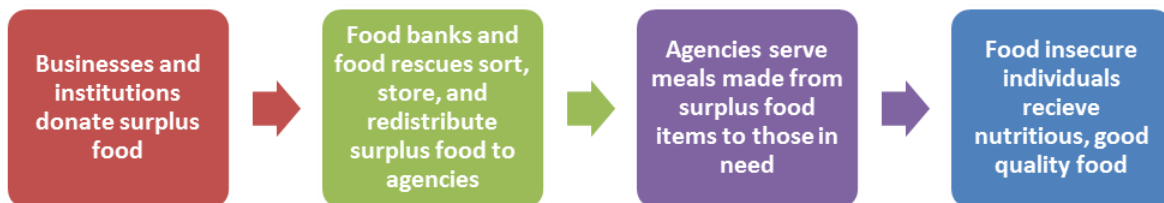
Food Donation Guidance Document

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 567B 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,

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.

This material is based upon work supported under a grant by the Rural Utilities Service,
United States Department of Agriculture.

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