

FOOD DONATION BY CONNECTICUT SCHOOLS Guidelines & Resources

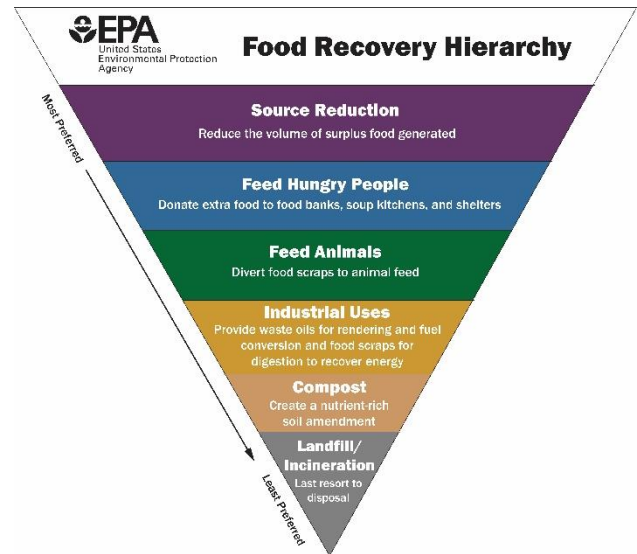
The US EPA's Food Recovery Hierarchy ranks feeding hungry people as a top strategy for reducing wasted food. Schools should consider how each strategy on the EPA Hierarchy can contribute to a comprehensive food waste reduction plan. The Center for EcoTechnology (CET) has worked with stakeholders including the Connecticut Department of Energy and Environmental Protection, Connecticut Department of Public Health, Connecticut State Department of Education, Connecticut Department of Agriculture, food rescue organizations, food banks, and local health officials to develop this guidance document.

This document, produced in 2019, is intended to provide guidance for Connecticut schools on opportunities to donate food internally and externally. The document consolidates federal and state regulations, including information on liability protection, health codes, and more.

Food Donation Laws and Liability Protection

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. [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.

Connecticut has also passed [state legislation](#) to provide additional liability protection for donors. These laws protect donors that donate food to nonprofits for distribution by that nonprofit or to nonprofits that distribute it to other nonprofits, unless the donor "knew or had reasonable grounds to believe" that the food was not fit for human consumption.



SHARE TABLES IN CONNECTICUT – INTERNAL DONATION

"Share tables" are tables or stations, some of which include small refrigerators with glass doors, where children may return whole food or beverage items they choose not to eat. These items are then available for other children who may want additional servings.

The US Department of Agriculture (USDA) and the Connecticut State Department of Education support the use of share tables when the school food authority (SFA) implements measures to prevent foods and beverages from being leftover, and complies with all local and state health and food safety codes. It is important to remember that the intent of the school nutrition programs is to serve healthy meals to students, and SFAs must take steps to minimize excess food. If a SFA continually has excessive quantities of leftover foods, the food service program must review and adjust food service items, menus, production practices and customer acceptance to ensure the maximum consumption of meals and snacks by students during the school day.

What Foods Can Be Shared?

The Connecticut Department of Public Health requires SFAs comply with all health and food safety codes when donating food via share tables. The Connecticut State Department of Education released a [memorandum](#) in 2017 stating that these codes require schools to limit their use of share tables to foods that do not require temperature control. Refer to the table below for a more comprehensive list of foods that may and may not be donated.

Connecticut Requirements for Foods and Beverages on Share Tables in Child Nutrition Programs (CNPs) Complying with Connecticut Public Health Code 19-13-B42	
Allowed	Not Allowed
<ul style="list-style-type: none"> Whole pieces of fruit with a peel that is removed by the consumer before eating, e.g., bananas and oranges. 	<ul style="list-style-type: none"> Whole pieces of fruit without a peel, e.g., apples, peaches, grapes and plums
<ul style="list-style-type: none"> Commercially packaged unopened intact fruits and vegetables, such as cans and plastic-type containers where the consumer pulls the lid or covering off, e.g., individual containers of fruit cup, peaches, and applesauce. 	<ul style="list-style-type: none"> Fruits and vegetables that have been prepared and packaged by the CNP's food service staff, e.g., apples wrapped in plastic, and canned fruit portioned into plastic cups with lids.
<ul style="list-style-type: none"> Bags of commercially packaged pre-cut fruits and vegetables, such as bags of baby carrots or sliced apples, except for commercially packaged cut melons, cut tomatoes, or cut leafy greens. 	<ul style="list-style-type: none"> Bags of fruits and vegetables packaged by the CNP's food service staff, e.g., bags of baby carrots or sliced apples. Commercially packaged cut melons, cut tomatoes, or cut leafy greens.
<ul style="list-style-type: none"> Commercially packaged unopened intact grain items such as crackers, croutons, and cookies. 	<ul style="list-style-type: none"> Grain items packaged by the CNP's food service staff, e.g., rolls wrapped in plastic or cookies in plastic bags.
<ul style="list-style-type: none"> Bags of commercially packaged nuts and seeds, such as peanuts, sunflower seeds, or trail mix. 	<ul style="list-style-type: none"> Nuts and seeds packaged by the CNP's food service staff in bags or plastic cups with lids, e.g., peanuts, sunflower seeds, and trail mix.
<ul style="list-style-type: none"> Commercially packaged unopened intact condiments such as portion control packages of ketchup, mustard, mayonnaise, relish, and salad dressing. 	<ul style="list-style-type: none"> Condiments packaged by the CNP's food service staff, such as ketchup, mustard, mayonnaise, relish, and salad dressing packaged into plastic cups with lids.
<ul style="list-style-type: none"> Air-cooled hard-boiled egg with shell intact. 	<ul style="list-style-type: none"> Meat/meat alternate items, such as poultry (e.g., chicken and turkey), meat, cheese, fish, eggs (including water-cooled hard-boiled egg with shell intact).
<ul style="list-style-type: none"> Unopened shelf-stable aseptically packaged juice Note: Shelf-stable aseptically packaged juice does not require refrigeration until after opening. 	<ul style="list-style-type: none"> Opened shelf-stable aseptically packaged juice Opened or unopened frozen or refrigerated juice that is not shelf stable aseptically packaged
	<ul style="list-style-type: none"> Unopened or opened containers of milk

EXTERNAL DONATION

What Foods Can Be Donated Externally?

The intent of the school nutrition programs is to serve healthy meals to students and SFAs must take steps to minimize the production of excess food. The Connecticut State Department of Education supports external donation when the school food authority (SFA) implements measures to prevent foods and beverages from being leftover, and complies with all local and state health and food safety codes. If a SFA continually has excessive quantities of unsold food items, the food service program must review and adjust practices to reduce overproduction as indicated above.

The [US Department of Agriculture](#) and the [Connecticut State Department of Education](#) support donation to eligible food banks or charitable organizations of **any program food** that is not consumed, including federally subsidized meals. Schools are encouraged, however, to consult and collaborate with their local board of health to ensure there are no local restrictions on donation items. Schools should also consult with recipient organizations to confirm which food items they will accept, as some may only accept items that are dry-stored or frozen.

It is important to remember that the externally donated food is for human consumption and needs to be handled accordingly. Donated food must be protected by storing at proper temperatures in packages, covered containers, or wrappings. For more information on required storage conditions, 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.

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, proper temperatures, and labeling requirements to ensure food safety; and
4. Determine how food will be transported, including temperature controls, pick up frequency, and quantities.

For information on building a donation program, finding partner food rescue organizations, or building relationships with partner food rescue organizations, consult [CET's Food Donation Guidance](#).



Food Labeling for External Donations

Foods must comply with state and federal labeling requirements in order to be donated. The Harvard Food Law and Policy Clinic created documents specifically for Connecticut regulations. Connecticut requires date labels only for dairy products, although the law does not explicitly restrict the [donation of dairy products](#) after the last sale date. Food rescue organizations will accept unopened dairy products as long as they are within the safe shelf life window. If a non-dairy product has a “sell by” or “best if used by” date, there are no restrictions on the donation of these items after the date has passed, as long as they meet physical and nutritional quality standards.

For foods that may contain allergens, a warning label must 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. 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, and more information on top allergens are available on Page 21. Contact the Connecticut Department of Consumer Protection for guidance on how food should be labeled.

What if Foods Cannot Be Donated for Human Consumption?

If food is unappealing for human consumption, consider other alternatives to disposal in line with the EPA Food Recovery Hierarchy, such as working with an animal feed operation. If the food is no longer edible, look to composting to create a soil amendment, or anaerobic digestion to create energy! For more information or assistance with implementing a program, contact the [Center for EcoTechnology](#) at (888) 813-8552 or wastedfood@cetonline.org.

Additional Resources

- The Harvard Food Law and Policy Clinic has additional donation fact sheets on [tax incentives for businesses](#), and [feeding food scraps to animals](#).
- The [MEANS database](#) is a national app that allows organizations to donate leftover edible food to participating non-profits.
- [Food Rescue US](#) is an app with multiple hubs in Connecticut that connects locations with leftover edible food to non-profits and other food rescue organizations.
- The [Food Recovery Network](#) is a national nonprofit with chapters at colleges & universities to fight food waste by recovering perishable food from campus dining halls.
- [Feeding America](#) provides an interactive map for organizations to find their local food bank.

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