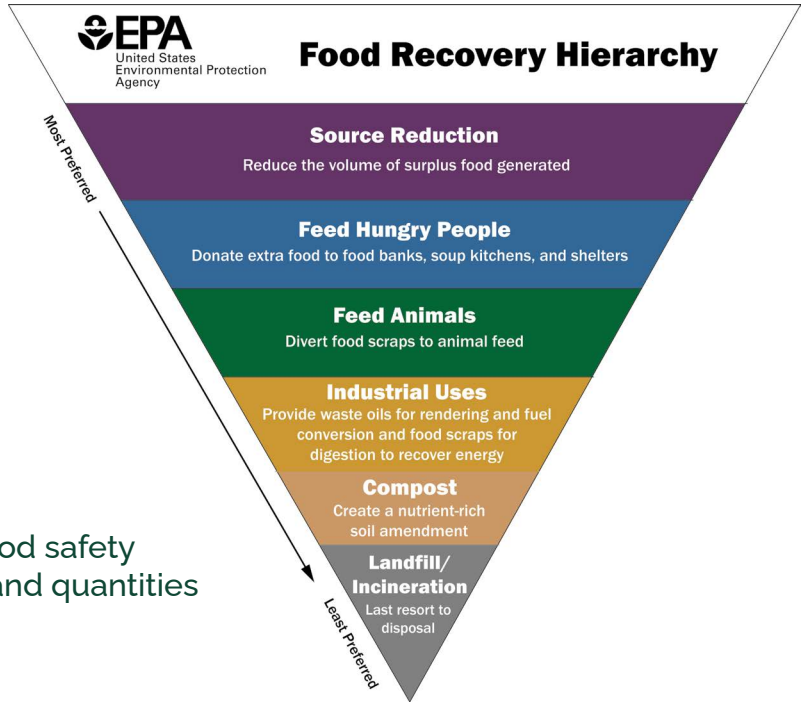
Food Donation Made Easy

This food rescue guidance document is part of a series aimed at helping commercial food service providers – e.g., restaurants, hotels, corporate cafeterias, and schools – reduce the volume of organic waste they send to landfills.

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 key 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

Businesses and institutions donate surplus food → Food banks and food rescues sort, store, and redistribute surplus food to agencies → Agencies serve meals made from surplus food items to those in need → Food insecure individuals receive nutritious, good quality food

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.

Selecting, labeling, and storing food for donation

Most categories of food can be donated, as long as the food is "apparently wholesome" or "fit for human consumption". Donated food should be properly packaged and stored to prevent contamination and spoilage. The following table provides specific guidance for packaging, storing, and labeling foods; these should look familiar as they are aligned with best practices for food handling.

Food Handling Guidelines for Donating Food

	Prepared Foods	Packaged Foods	Fresh Produce
Examples of foods and storage requirements	• Entrees (pasta, pizza, vegetables, prepared meat): Chilled at 41˚F or below or frozen at 0 ˚F or below • Baked goods: Cool and dry	• Shelf-stable (boxed, canned foods): Cool and dry • Meat (fresh), dairy, perishable: Chilled at 41˚F or below • Meat (frozen or unprocessed): Frozen at 0 ˚F or below	• Whole: Cool and dry • Chopped: Chilled at 41˚F or below
Recommended language for the label	1. The name and location of food distribution organization (pre-printed) 2. The name and location of donor 3. The food description 4. The date of donation 5. Allergen disclaimer statement (pre-printed) 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/filberts, pistachios, cashews, coconuts, pine nuts, macadamia nuts, and/or Brazil nuts), fish, shellfish (crab, crawfish, lobster, shrimp, mussels, and/or oysters), wheat, soybeans, and/or sesame seeds,	1. The common or usual name of the product 2. The name and place of business of the manufacturer, packer, or distributor 3. The net quantity of the contents 4. The common or usual name of each ingredient, listed in descending order of prominence (Packaged foods typically have sufficient labeling from the retailer)	No label required

Table adapted from: Conference for Food Protection (2016). Comprehensive Resource for Food Recovery Programs, p 15 and pp 37-38. Available at: foodprotect.org/media/guide/comprehensive-resource-for-food-recovery-2016-version.pdf

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.

Food Donation Agreement Form

Partnering with Food Rescue Organizations

Frequent communication and site visits with partner food rescue organizations can foster positive relationships, build trust, and help drive successful donation programs. It is also important to have a written agreement (see sample on right) with partner organizations so that there is shared understanding of what foods will be donated, how that food will be handled and stored, and how frequently that food will be transported.

Food Donation Laws and Liability Protection

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. Extensive legal research does not turn up a single legal case related to food donation liability.

Some states have 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 Massachusetts, Pennsylvania, North Carolina, and Tennessee. Visit the page for "Your State" to see if there is a legal fact sheet on liability protection for your state.

The federal Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. § 1791) encourages food donation by providing liability protections for businesses and schools that donate "apparently wholesome" food in "good faith" to nonprofit organizations.

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**

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/filberts, 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.

DONOR NAME AND LOCATION	
FOOD CHARITY NAME AND LOCATION	
FOOD DESCRIPTION (MENU DESCRIPTION):	
DATE OF DONATION:	

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/filberts, 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.

Food Labeling

The Harvard Food Law and Policy Clinic created documents specifically about food date labeling for some states, such as Connecticut, Michigan, 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.

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.

COMBINED AGENCY PICKUP AND DELIVERY TEMPERATURE LOG

Click to view larger

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

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 the Center for EcoTechnology at (888) 813-8552 or wastedfood@cetonline.org.

CENTER FOR ECOTECHNOLOGY

The Center for EcoTechnology (CET) helps people and businesses save energy and reduce waste. CET acts as a catalyst to accelerate the development of a vibrant marketplace to divert wasted food from the commercial and institutional sectors. We have been a leader in the wasted food reduction and diversion movement for more than 20 years, implementing some of the first wasted food composting programs in the country, and contributing to effective public policy.

We believe that better managing wasted food is critical in order to address climate change, feed more hungry people, and grow our economy. If you are a city, state or federal agency, industry group or foundation, and want to tackle the issue of wasted food, please contact us!

Phone: (888) 813-8552 | Email: wastedfood@cetonline.org
wastedfood.cetonline.org

The Center for EcoTechnology (CET) developed this original document under contract to MassDEP as part of MassDEP's RecyclingWorks program. This was developed in collaboration with health officials, food rescue organizations, food banks, and organizations with established food donation programs. Updates to the document were made possible by a Sustainable Materials Management grant from EPA Region 5.