



# Feed People, Not Landfills

Benefit the local community by implementing a food donation program

At the same time that 40% of the food supply in our nation goes to waste, millions of Americans are facing food insecurity. By ensuring that unsold food gets donated rather than trashed, food professionals can play a role in fighting both food waste and hunger.



1 in 5 San Diegans are food insecure or at risk of food insecurity

## Benefits of Implementing a Food Donation Program

### Feed hungry community members

Contribute new sources of food to the emergency food distribution supply and provide dignified food access to community members.

### Comply with state law

California state law SB 1383 requires food producers including grocery stores, supermarkets, restaurants, hotels, and healthcare facilities to donate food. Fines may be issued for those in non-compliance.

### Attract new business and staff

Altruistic and sustainable practices elevate your businesses from the rest, helping attract new customers and qualified staff members.

## FAQs Before Setting Up a Food Donation Program

Is there liability for me to donate food?

Several state and federal food donation laws, listed below, protect you from liability when donating food as long as the food was handled safely before donation. Food facilities may legally donate food to any nonprofit or directly to the community.

- California Health and Safety Code, Section 114432
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- California Food and Agricultural Code, Section 58505
- California Civil Code, Section 1714.25(a)
- Bill Emerson Good Samaritan Food Donation Act, Title 42, Chapter 13A
- California Good Samaritan Laws, California Health and Safety Code, Section 1799.102

## What about food safety?

As with any form of food preparation and handling, food safety best practices must be followed for food donations.

- Food that has been in the "danger zone" for two or more hours is unsafe for donation.
- Food must be properly cooled or frozen before donating.
- Food should be labelled with the date and food type.

## Is there a tax benefit?

When donating surplus food to 501(c)(3) nonprofits, Section 170(e)(3) of the U.S. Tax Code stipulates that businesses and farms are eligible for enhanced tax deductions, up to 15% of their taxable income.

## What are the record-keeping requirements?

In order to be in compliance with state law SB 1383, food donors must maintain specific record-keeping requirements:

- Contact information for food recovery organizations
- Contract or MOU with food recovery organizations
- Schedules for food donation deliveries or collections
- Quantity and types of food donated in pounds (or alternative metric)

“Just knowing that the food we aren’t throwing away is going to someone who really needs it... Just knowing it is a big deal. We are helping out our community.”

–Tri-City Medical Center



## How to set up a donation program

### 1 Find a local partner

If you are ready to start donating food, contact a local food bank below for assistance in establishing a partnership with a Food Recovery Partner.

- Feeding San Diego | (858) 452-3663 | [infosd@feedingsandiego.org](mailto:infosd@feedingsandiego.org)
- San Diego Food Bank | (858) 863-5133 | [kthomson@sandiegofoodbank.org](mailto:kthomson@sandiegofoodbank.org)

### 2 Determine sources for food donations

Examples of food sources fit for donation include:

- Surplus food in holding: prepared food that was in holding for service but ultimately not served.
- Surplus food from the service line: excess food from a buffet or other point of service.
  - Special food safety requirements apply:
    - Cold food must be held at 41°F or below the entire time it was on the line, and hot food must be held at 135°F or higher the entire time it was on the line.
    - AND there must be a staff member attendant at the point of service or buffet to ensure food safety.
    - AND new plates are required every time for self-service establishments.
- Excess inventory: extra inventory due to an ordering error, event cancellation, etc.

## Determine sources for food donations, continued

- Dated food: Expiration dates refer to quality, not safety. Food items past the expiration date, such as items from inventory or pre-packaged food, can be donated if they still look, smell, and feel safe to eat.

### Do NOT donate:

- Any food with signs of mold or spoilage of any kind.
- Any food that was in the “danger zone” (41°F–135°F) for over two hours.
- Any food that was not handled in accordance with standard kitchen health and safety protocols.

“The fear of food poisoning and legal action has always deterred chefs from giving leftover food to the needy. Since partnering with a food recovery partner, we have confidently given over our buffet items to the less fortunate. Instead of filling trash cans we are filling hungry stomachs.” —Viejas Casino



## 3 Consult with Food Recovery Partner about food donation packaging

Most food pantries are unable to re-package foods at their organizations, as most do not have licensed kitchens. Food donors should pre-package items like soups, pastas, or other prepared foods into foil catering pans, Ziplocs, or other packaging. Food donors should consult with their partner food recovery organization to determine ideal packaging protocol.

## 4 Set aside food donation holding space

Set aside space in a fridge and/or freezer for food donations. All food must be properly cooled or frozen before donating. And, all donations must be labelled and dated.

- When should donated food be frozen? Any cooked foods that are prepared three or more days prior to a pickup should be frozen. Inventory items can also be frozen to extend shelf life.

## 5 Establish transportation logistics

Food donors have two options for getting the food to a food recovery agency: (1) directly drop off food at the agency, or (2) arrange for the agency to pick up the food onsite. For either scenario, decide on whether donations will occur on an on-call basis or regularly scheduled (e.g. every Monday & Wednesday at 2 pm).

## 6 Record-keeping

Most food recovery agencies weigh and track all food donations. Determine what type of data your partner food recovery agency collects and ensure that weights and food types will be collected. Establish a protocol for data requests.