

# TOO GOOD TO WASTE!

**Senate Bill 1383, which went into effect on January 1, 2022, has a statewide target goal of a 75% reduction in the disposal of organic waste by 2025, with an additional goal of rescuing at least 20% of edible food fit for human consumption that currently goes to waste. Certain businesses that generate food shall arrange to recover or donate the maximum amount of edible food that would otherwise be thrown out. They must have agreements with food recovery organizations and keep records of the pounds per month donated.**

## **What is the role of Environmental Health in food donation/recovery?**

Environmental Health Departments throughout the State implement the California Retail Food Code through regulation of retail food processing and food distribution, which includes charitable food donations and service. Environmental Health jurisdictions support food recovery efforts with a goal of getting excess food to those that are food insecure, as well as lowering the amount of food waste in the landfill, and will provide guidance and education on safe food handling for food waste generators as well as food recovery agencies.

## **Source Reduction First!**

### **Tips for restaurants, markets, and other businesses and organizations serving or selling food.**

Implement strategies to reduce waste.

- Adjust your menu or sales inventory to reduce foods that are frequently wasted.
- Change food preparation methods to minimize waste, such as reducing portion sizes.
- Maximize use of the food you serve. For example, leftover bread can be made into croutons and unserved vegetables and trimmings can be made into a soup stock or sauce.
- Store food in sealed, labeled containers and at proper temperatures to reduce spoilage.
- Serve leftover or surplus food (while always following food safety guidelines!) to employees.
- Offer food items for a discount price to customers at the end of the working day.
- Put items nearing their expiration date on sale.
- Rotate perishable stock at every delivery (First In, First Out).

### **Note that the following food items are prohibited from being donated per the California Retail Food Code and must be destroyed and recycled in the Organics Waste Bin at the end of the day if available:**

- Hot foods held on a mobile food truck or cart.
- Hot foods or foods held between 41°F and 45°F at a temporary food event or street fair.
- Foods using the process called “time as a public health control”.
- Korean and Vietnamese rice cakes held out of temperature control for 24 hours.
- Any other foods that are suspected of becoming contaminated or have been contaminated.



## **FOOD SAFETY TIPS**

Whether a food waste generator is delivering food, or a food recovery agency is picking up, potentially hazardous foods or perishable items must be maintained at safe temperatures. During transport cold food must not exceed 45°F and hot food must not go below 135°F. The transport time shall not exceed 30 minutes unless if transported by a refrigerated truck.

*\*Note:* for times when volunteer drivers picking up food donations are difficult to come by, it is recommended that multiple trips are scheduled to avoid long drive times where food is held out of safe temperatures in a car.

For those operations that are not allowed to bag food waste to aid in prevention of vermin, odors, etc. the following tips can be used:

“Wrap the Scrap!” wrap or discard food waste in any non-wax paper such as newspaper or paper towels.

Ensure outdoor trash/green waste bins have a tight-fitting lid that is maintained closed. Contact your local waste provider if a lid needs replacement. For more information please visit <https://wastefreesd.org/> and type in “Bin Cleaning” under the “Find an Item.”

Keep doors leading to trash/green waste bins and dumpsters closed to prevent vermin entry into the food facility.

Seal and cracks, holes, crevices, or possible entry points in your food facility to prevent vermin entry and harborage.

## Checklist for Safe Handling



### Temperature Control and Safe Food Handling

- Keep cold perishable foods at 41°F or below and hot foods at or above 135°F.
- Maintain pasteurized milk and pasteurized milk products in their original, sealed containers under refrigeration at 45°F or below.
- After properly heating, cooking, or hot holding of food, be sure to rapidly cool it from 135°F-70°F in the first two hours and then from 70°F-41°F within the next four hours.
- Ensure hands are thoroughly washed with warm water and soap before handling food and/or utensils and when switching from raw animal products to ready-to-eat foods and as often as necessary to remove all contamination.
- Always examine food for any signs of decay, spoilage, mold, or odors. For canned and dry packaged food, check the packaging for tears, holes, dents, bulging cans, broken seals, and vermin infestation.
- Refrain from donating food that has been previously served to a consumer.
- Donated food should be covered and protected from contamination before and during transportation. Transportation vehicles should be maintained clean and vermin free.
- Keep packaged items in their original packaging whenever possible.
- Avoid storing raw meats and/or foods containing major food allergens with, or on top of, ready to eat foods. Note: Major food allergens include milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans.
- Ensure the name of the food item and its date and time of preparation are clearly labeled. Food should be labeled "Process Immediately" for instances where refrigerated transport is not available.
- Per SB 1383, Section 18991.3. (e) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

## Protection From Liability

### California Health and Safety Code Section 114432

"Food facilities may donate food to a non-profit charitable organization or directly to end recipients for consumption."

### California Health and Safety Code Section 114433

"No food facility that donates food shall be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances...for a violation occurring after the time of donation."



### California Civil Code Section 1714.25

"(a) Except for injury resulting from negligence or a willful act in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was donated to a non-profit charitable organization, or a food bank shall be liable for any damage or injury resulting from the consumption of the donated food."



## Bill Emerson Good Samaritan Food Donation Act

"A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a non-profit organization for ultimate distribution to needy individuals."



For additional information,  
visit our website at  
[www.sdcdehq.org](http://www.sdcdehq.org)

Call us at (858) 505-6900.

To learn more about SB 1383:  
[SB 1383 Overview for Hunger-Relief  
Nonprofits](#)

CalRecycle's [web page for food donors](#)

CalRecycle's [web page for food  
recovery organizations](#)