What is Food Recovery?

Food recovery, also known as food donation, is the act of saving edible surplus food and providing it to local nonprofit organizations, such as food pantries, soup kitchens, and food banks.

Food that can be donated:

- Surplus food fit for human consumption, e.g. excess food in holding, extra inventory, or dated food.
- *Examples: unserved cooked rice, packaged salads past the date label but still edible, excess produce from inventory*

Food that cannot be donated:

- 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 as outlined in the CA Retail Food Code.
- Moldy, discolored, rotting, or spoiled food.

Who to contact:

Feeding San Diego

https://feedingsandiego.org
fooddonation@feedingsandiego.org
(619) 654-8385

San Diego Food Bank

https://sandiegofoodbank.org
donatefood@sandiegofoodbank.org
(858) 863-5133

For a full list of other organizations, visit https://tinyurl.com/SDFoodRecovery

Food Recovery Benefits Include:

SAVE MONEY
Reduce waste hauling costs

REDUCE TAXES
Claim tax deductions for food donation

FEED THE LOCAL COMMUNITY
1 in 3 San Diegans is food insecure

HELP THE LOCAL ENVIRONMENT
Keep food out of landfills

AVOID FINES
Cities and the County can fine non-compliant businesses

LIABILITY PROTECTION
State and federal laws protect businesses from liability

COUNTY OF SAN DIEGO

Senate Bill 1383 Food Recovery Compliance Guide

For more information:

https://tinyurl.com/SDFoodRecovery
Recycle@sdcounty.ca.gov
(858) 694-2456

Senate Bill 1383 & Food Recovery

A new state law, California Senate Bill 1383, has established mandates to reduce the amount of food waste sent to landfills. In addition to implementing food scrap recycling, SB 1383 requires select businesses to start food recovery programs. The food recovery requirements apply to specific food service industries only, which are broken down into a Tier system.

Tier 1 Generators* = supermarkets, grocery stores, food service providers, food service distributors, wholesale vendors
Must comply by Jan. 1, 2022

Tier 2 Generators* = restaurants, hotels, health facilities, large venues, state agencies, local education agencies
Must comply by Jan. 1, 2024

***Size restrictions limit eligibility. Contact a County Recycling Specialist to confirm Tier 1 or Tier 2 status.**

Liability Protections

Federal and California State laws protect food donors from liability:

- United State Code, Bill Emerson Good Samaritan Food Donation Act
- California Health and Safety Code, Section 114432
- California Health and Safety Code, Section 114433
- California Food and Agricultural Code, Section 58505
- California Civil Code, Section 1714.25(a)

Tax Savings

According to the Federal Tax Code, eligible businesses can deduct the lesser of either (a) twice the cost of acquiring the donated food or (b) the cost of acquiring the donated food, plus ½ of the food's expected profit margin, if it were sold at fair market value. Contact your tax professional to determine its application to your business.

"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 nonprofit organization for ultimate distribution to needy individuals."
– Bill Emerson Good Samaritan Food Donation Act, Title 42, Chapter 13A, Section 1791 – (c)(1)

SB 1383 Food Recovery Compliance Checklist

Tier 1 Generators must meet these requirements by Jan. 1, 2022
Tier 2 Generators must meet these requirements by Jan. 1, 2024

Complete?	Requirement
☐	Donate the maximum amount of edible food that would otherwise be disposed to a food recovery organization or service.
☐	Establish a contract/ written agreement with the food recovery organization or service. Keep a copy of the agreement on-site.
☐	Keep ongoing records: • Name, address, and contact info for each food recovery organization or service. • Types of food donated. • Established frequency that food is collected or taken to the recovery agency. • Quantity of food collected or self-hauled, measured in pounds recovered per month.