

SB 1383-Short-lived Climate Pollutants - What Food Businesses in Nevada County Need to Know About Edible Food Donation Requirements

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 and 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 diverting excess food that would otherwise go to waste to those who are food insecure, as well as reducing the amount of food waste in the landfill. Environmental Health also provides guidance and education on safe food handling for food waste generators as well as food recovery agencies.


FOOD SAFETY TIP:

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.

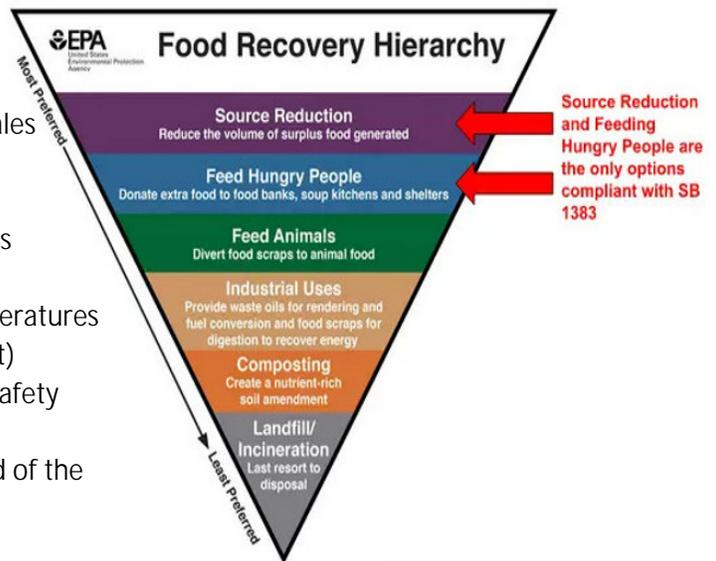
During transport, cold food must not exceed 41°F and hot food must not go below 135°F. The transport time shall not exceed 30 minutes unless if transported by a refrigerated truck.

Ensure the transport vehicle is clean.

Source Reduction First!

Implement strategies to reduce food waste at your food business:

- Adjust menu, food preparation methods, portions sizes or sales inventory to reduce foods that are frequently wasted.
- Maximize use of the food you serve. For example, leftover bread can be made into croutons, 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. Rotate food upon delivery (First in, first out)
 - 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 or put items nearing their expiration date on sale.
 - Clarify date labeling and date encoding to reduce confusion. For example, work with your supply chain to clearly label or define the difference between safety based vs. quality-based dates including “sell by”, “freeze by”, and “best before”. A food item past its quality date, may still be “fit for consumption”, thus donatable.



What Foods Cannot be Donated per the California Retail Food Code (CRFC)?

- Foods previously served on a buffet line or self-service line. (This is due to exposure to the general public while out on the buffet line for an extended period of time.)
- Foods that have already been cooked, cooled, and reheated.
- Hot held foods from a food truck, cart (MFF, CMFO) or temporary food facility.
- Any foods using the process of “time as a public health control.”
- Korean and Vietnamese rice cakes held out of temperature control for 24 hours.
- Foods that have been previous served to a customer
- Any foods that have been temperature abused
- Any foods that have been contaminated, spoiled or suspected of being contaminated.



Best Management Practices to Ensure Food Donation Safety:

- Keep cold perishable foods at 41°F or below and hot foods at or above 135°F.
- After properly cooking to the required internal temperature (Such as 165°F for poultry), be sure to rapidly cool 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.
- Keep packaged items in their original packaging whenever possible.
- If a facility is donating in-house prepared foods, it must be properly packaged and labeled with the following information: the name of the food item, its date and time of preparation, donation date, the statement: “Process Immediately”, the name and location of the donor facility, and an allergen statement. It is recommended that the donor use pre-printed labels with blanks for the dates.
- Donatable food must be properly stored prior to transportation.
- Food must be stored in a clean, temperature-controlled space, elevated off the floor and kept free from contamination such as spills, mop heads, and cleaning products.
- Segregate donatable food and label area where food is stored for donation.
- Donated food must be covered and protected from contamination during transportation.



- 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.
- Both donors and recovery organizations must maintain temperature logs to show food was held and received at proper temperatures.

Protection from Liability

- 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.”
- 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.”



For additional information, visit our website at [Edible Food Recovery | Nevada County, CA \(nevadacountyca.gov\)](https://www.ediblefoodrecovery.org/)

To learn more about SB1383 visit:

[CalRecycle’s Webpage for Donors](#)

[CalRecycle’s Webpage for Recovery Organizations](#)

[Safe Surplus Toolkit- Guidance for Food Facilities](#)