

# GUIDELINES FOR DONATING FOOD & HANDLING SURPLUS FOODS

## 1. Why Donate Food?

Donating surplus food makes sense and addresses many problems at once:

**Lost Resources:** In the United States, approximately [40% of food is wasted from farm to fork](#). This means that roughly 20% of U.S. cropland, fertilizer and freshwater use is wasted growing food that no one eats.

**Hungry People:** One out of eight Americans (42 million people) are food insecure, and thirteen million of those are children.

**Waste Diversion:** Organic materials, including food waste, can represent as much as 52% of materials disposed of in landfills, all of which could be utilized for higher and better uses than filling landfills.

**Climate Impact:** Uneaten food in landfills produces methane (a potent greenhouse gas); landfills are the third-largest source of human-related methane emissions in the United States, accounting for approximately 18.2 percent of these emissions in 2012.

The [Environmental Protection Agency's Food Recovery Hierarchy](#) establishes **priorities** for preventing waste and then redirecting food surplus to its highest and best use, giving preference to feeding people, then animals, then reprocessing into compost, biofuel or other industrial uses. ALL of these are preferable to landfilling.

## 2. Food Donors are Protected by Law

To [encourage companies and other organizations to donate](#) healthy food that would otherwise go to waste, Texas passed the Good Faith Donor Act over 30 years ago and in 1996 a nearly identical federal law was passed, known as the [Bill Emerson Good Samaritan Food Act](#). The federal law encourages the donation of food and grocery products to nonprofit organizations for distribution to needy individuals. It also states that a corporation, which donates apparently wholesome food to a nonprofit organization for distribution to the hungry, is not subject to civil or criminal liability that arises from the condition of the food. The National Restaurant Association has a useful [Guide for Restaurateurs](#).

## 3. Other Cities Are Donating Surplus Food

Cities such as [New York](#) and [Chicago](#) have already implemented successful food donation programs with great results. In fact, San Francisco's Food Runners moves more than 10 tons of food per week, and has been delivering donated food for 27 years with zero incidents of foodborne illness or lawsuits. Across the country, an [estimated 1.7 million tons of food](#) is donated annually.

## 4. What kinds of foods may be donated?

a. **Pre-packaged foods** that are **non-potentially hazardous** (ie. "non-perishable" cans of food, aseptic boxes of soup, boxes of cereal, baked goods, bottled water, etc.) may be collected for donation and distributed without a permit. Some restrictions apply for expired or damaged foods. See the note below for these rules.

b. **Donating Potentially Hazardous Foods.** Other foods as described below are considered *Potentially Hazardous* due to health considerations. To prepare, store or receive potentially hazardous foods requires a permit from the Tennessee Department of Health and/or Metro Nashville Public Health Department. Permits are also required for mobile food vending units from which prepackaged foods prepared in permitted kitchens are distributed for free or for sale directly to the consumer. (This is distinct from delivery drivers of food directly ordered from food establishments.)

**Note: Permits are only required for donor and recipient establishments and do not exist for or apply to food runners/delivery volunteers.**

As per **Tennessee Department of Health**, foods to be donated must meet the following criteria (for specifics, see the end of this document):

If foods that are considered *potentially hazardous* (ex. cut tomatoes or melons, dairy products, fresh shell eggs, meats, cooked foods, etc.) are served, they may be donated under the following conditions:

- Cooling process for hot food: Stored potentially hazardous food must be cooled to 71 degrees Fahrenheit within 2 hours and cooled to 41 degrees within the next 4 hours for a total of 6 hours.
- Hot food must be maintained hot at 135 degrees Fahrenheit or above prior to and during service (with the limited exception of transport as detailed below in section 5).
- Cold food must be maintained cold at 41 degrees Fahrenheit or below prior to and during service (with the limited exception of transport as detailed below in section 5).

- The donor has verified that the person receiving the food (recipient) has the proper facilities to meet all the requirements during transport, storage, and reheating the potentially hazardous food to maintain a proper temperature. (see section 5)
- Both the donor and recipient facility must be permitted by a county or state health department.
- If the donated food is transported by a third party, the transporter must meet the requirements under the hot and cold holding temperatures listed above.

#### **c. Labeling of Donated Foods:**

Requirements for labeling depend on whether the food is in its original package or has been prepared as a meal.

- Donated prepackaged food must show (unobscured) its complete original label, including name of the item/food, manufacturer information, list of ingredients, and expiration or sell-by date.
- Donated prepared food shall be labeled with the name of the food, the source of the food, and the date of preparation. (Example: Lasagne – Spaghetti Prepared 1/12/14)

#### **d. Foods that may NOT be donated:**

**Shelf Life** - The donated foods that are potentially hazardous must not be used for consumption past the shelf life **expiration date** or past 7 days after preparing and or opening from its original package.

**Damaged Foods** - Food must not be donated if it's damaged in the following ways:

- canned foods that are heavily dented on the rim or seam
- packaged foods with missing or incomplete source/manufacturer label.

**Distressed Foods** – Foods that have been exposed to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage must not be donated for consumption by a consumer. Foods exposed to the listed conditions, may be sold or donated to a licensed food salvage.

**Previous Service** - Foods previously served to consumers may not be donated.

**Home Prepared Foods** - No home-prepared potentially hazardous foods can be donated for human consumption.

### **5. Food Donation Rules and Practices for Ensuring Safe Food Delivery**

Safe delivery and service of donated food requires responsible communication among all parties handling the food (donor, delivery person and receiving facility), including monitoring and appropriately handling temperature and packaging requirements as well as limiting the time out of temperature controls.

With a basic understanding of food safety and good judgment, food donors, runners and recipients can ensure that donated food is kept safe for consumption.

#### **Controlling Temperature and Time out of Temperature Controls**

- When temperature-controlled transport is available, foods should be held below 41°F or above 135° while in transport to the venue. If temperature-controlled transport is not available, the food items should be labeled, "Process Immediately" and must not be out of temperature controls for more than a total of 4 hours (including time during cooling, storage, transport and service). Potentially hazardous food out of temperature controls for more than 4 total hours must be discarded.
- Keep prepared food above 135°F or stored at 41°F or below.
- Food from hot line-- Receive and hold at 135°F or above. Hot food out of temperature controls for any amount of time under 4 hours must be reheated to 165°F before service.
- Food from cold storage--Receive and hold at 41°F or below.
- Check temperature when receiving food using a clean and sanitized thermometer. If food is just barely inside Food Temperature Danger Zone (between 41°F and 135°F, ask a dining services representative to verify that food has not been in Danger Zone for longer than a few minutes).
- Track the temperature of the food before and after transporting, and the amount of time between locations.
- Donations consisting of whole produce, canned goods, dry foods and other similar products can be delivered anytime with no requirement for temperature controls or delivery times.