

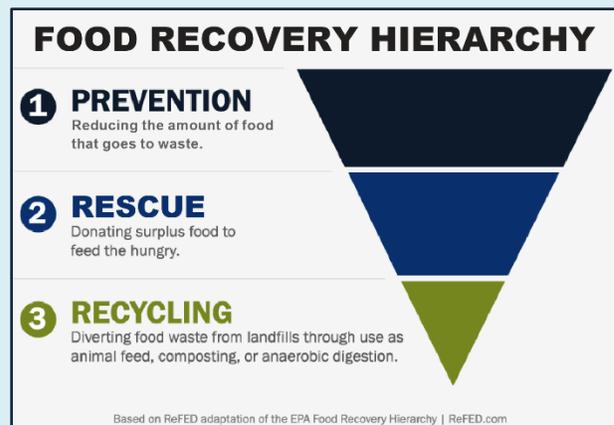
GUIDELINES FOR DONATING AND HANDLING SURPLUS FOODS

Why Donate Food?

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

- Lost resources:** In the United States, up to 40% of food never gets eaten. More than 20% of agricultural water is wasted growing food we don't eat, along with 18% of all farming fertilizer and 19% of all U.S. croplands.
- Food security:** At the same time, one in eight Americans (40 million people) is food insecure, and 13 million of those are children.
- Waste diversion:** 95% of uneaten food is either landfilled or incinerated. Wasted food is the #1 contributor to U.S. landfills, representing 22% of landfill content.
- Climate impact:** Vast amounts of greenhouse gases are released on the path from farm to fork when food is produced, processed, packaged, transported, kept cold and put into the landfill. The greenhouse gas emissions associated with wasting food are equivalent to emissions from more than 37 million cars.

The [Environmental Protection Agency's Food Recovery Hierarchy](#) establishes priorities for preventing food surpluses from happening in the first place and then, if surpluses do occur, ensuring that they are redistributed to people in need. Only thereafter should food be directed to other uses such as animal feed or recycling into compost, biofuel, or other industrial uses. These are preferable to landfilling or incineration.



In Davidson County, nearly 100,000 people are considered to be food insecure. Food donation by area businesses and institutions is vital for helping address these needs. Across the country, food donations equivalent to more than 4 billion meals are made each year. Food manufacturers, grocery stores, restaurants, hotels, colleges, hospitals, schools and others all have a role to play in donating surplus foods to help address food insecurity in the community.

This guidance from the Metro Public Health Department is designed to encourage food donation by regulated facilities and to ensure that establishments that donate know how to do so safely. If you have additional questions after reviewing this guidance, please contact us at 615-340-5620.

Food Donors are Protected by Law

Organizations that donate food are protected by the Bill Emerson Good Samaritan Food Act, which was passed into federal law in 1996. Organizations that donate food in good faith to a nonprofit organization for distribution to people in need are not subject to civil or criminal liability that may arise from the condition of the food.

What Kinds of Foods May Be Donated?

Licensed food establishments can donate food that has not been served including any raw, cooked, processed, or prepared food, ice, beverage, or ingredient used or intended for use, in whole or in part for human consumption, with the condition that the items be wholesome. This includes packaged and prepared foods.

Foods that can be donated

- a. **Pre-packaged foods** that are **non-potentially hazardous** (e.g. “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.
- 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: If foods that are considered potentially hazardous (e.g., 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).
- 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).
- 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.

Foods that cannot 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.

How Can I Keep Food Safe?

Metro and State regulations apply to all donated food. These rules and regulations are in place to maintain food safety and ultimately the public health of those that consume the food. Donated prepared foods and potentially hazardous foods must meet the temperature requirements as outlined by the Tennessee Department of Health.

The best way to ensure these temperature requirements are being met is to monitor the temperature of food with a temperature measuring device, such as a thermometer, and taking appropriate action when required. The safety of the food is the responsibility of not only the donor, but also the deliverer and the recipient of the food. All parties shall ensure, to the best of their ability, that the food being donated, delivered, and served is as safe as possible.

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.

Definitions

Potentially hazardous foods: include, but are not limited to, cut tomatoes, cut melon, dairy products, meats, poultry, seafood, most cooked foods, and cut leafy greens.

Food characteristics: Food shall be safe and unadulterated. Food shall be in sound condition, free from spoilage or contamination and shall be safe for human consumption. Food shall not contain unsafe or unapproved food or color additives. Food shall be obtained from approved sources that comply with the applicable laws relating to food and food labeling.

Temperature measuring device: means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water. These devices shall be used to monitor potentially hazardous foods.

FOOD TEMPERATURE MONITORING

- 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.

How Should I Label and Transport the Food?

Labeling: 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: Lasagna – Spaghetti Prepared 1/12/14)

Transporting: Licensed food facilities shall take all reasonable and necessary steps to maintain the integrity of the product that is being donated. If food is unable to be delivered at proper temperatures, is adulterated, or is compromised at any time, then the food must be composted or discarded. For any questions on how to maintain the integrity of the product, please refer to <https://www.nashville.gov/Health-Department/Environmental-Health/Food-Protection-Services.aspx>.