



Commercial Food Donations: An Overview and Introduction

October 24, 2023



AGENDA

- **Food Safety** – Food safety rules that apply for food donations
- **Know** – Liability protections and tax incentives for food donations
- **Plan** – Establishing a new food donation program
- **Connect** – Connect with food establishments to make sure food donations reach those in need.
- **Transport** – How to transport and store food
- **Discussion** - Questions and Answers

Wasted Food

- **1 in 10** households in the US do not have consistent access to food.
- **40%** of the food that is grown and imported in the US ends up in the trash.

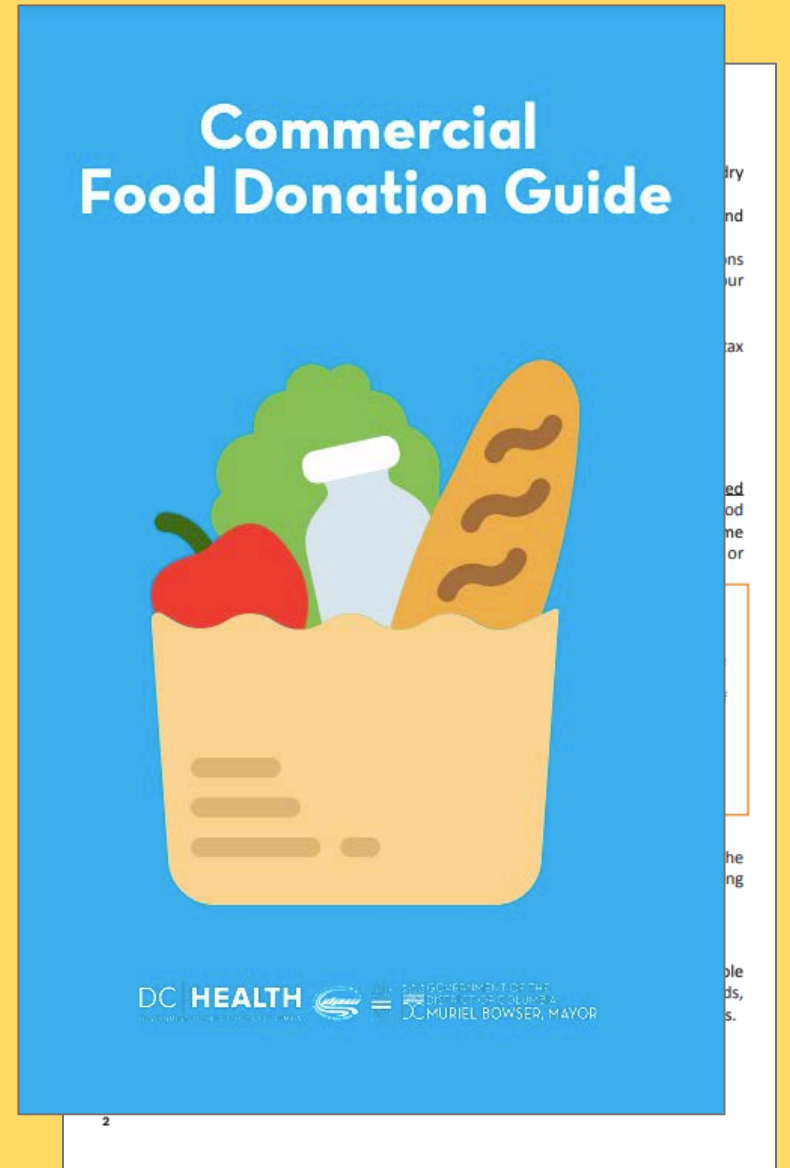


FOOD SAFETY

Food safety rules that apply for food donations

Stefan Roha, Urban Sustainability
Administration, Department of Energy and
Environment (DOEE)

Mary Beth Desrosiers, Department of Public
Works (DPW)



Donating Prepared Foods

TEMPERATURE CONTROL

41°F or below for cold foods

135°F or above for hot food

Frozen food must remain frozen solid

SHELF LIFE

With proper temperature control, seven-day shelf life from the date the food was prepared.

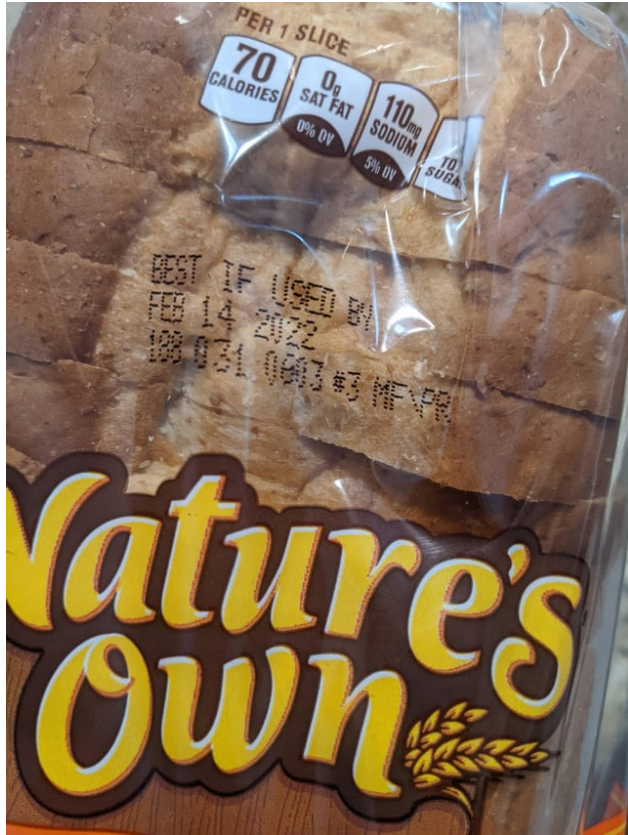
- Must only be donated by licensed food establishments.
- Do NOT donate foods that have been on a buffet, salad bar, or previously served to customers.

Donating Non-Perishable and Dry Foods

- Food establishments should NEVER donate:
 - Any foods that have packaging that is damaged or not intact
 - Dented, swollen, leaking or rusty cans
 - Dry goods that have evidence of moisture
 - Any foods showing signs of spoilage/decay like mold or bad odor



What if the food is past its “date”?



- Federal regulations do not require foods be date-marked with “**best by**,” “**use by**,” or “**sell by**” dates, with the exception of infant formula.
- Foods like bread or canned goods that may be past their “best by” or “sell by” dates are allowed to be donated unless damaged, dented, in poor condition, or leaking.

Safe storage of foods

- Prevent cross-contamination with storing and transporting.
- Separate raw meat and seafood and ready-to-eat foods during storage, preparation, holding, and display.



Allergens

- Labels donated food that contain allergens:
 - Milk
 - Eggs
 - Wheat
 - Soy
 - Fish
 - Shellfish
 - Peanuts
 - Tree nuts



KNOW

Liability protections and tax incentives for food donation

Ida Arabshahi, Urban Sustainability Administration, DOEE

Liability Protection

Good Samaritan Food Donation Act (1996)

- **Protections to the Donor:** A good faith donor is not liable unless the result of gross negligence or intentional misconduct.
- **Protections to the Receiver:** A non-profit that receives and distributes food not know to be unfit for human consumption is not liable.

Save Good Food Act (Updated 2019)

- Codifies federal liability protections for donors and recipients in DC.
- Allows for donation without charge or with a charge sufficient to cover the cost of handling and preparing food.
- Was going to provide tax benefits (credits) for donors but was not funded.

Food Donation Improvement Act (2023)

- Allows businesses and organizations to donate food and charge recipients no more than the cost of handling, administering, and distributing the food.
- Allows direct donation to hungry individuals.
- Requests increased USDA clarity on quality and labeling standards.

NRDC's Food Is Made to Be Eaten



[Food Is Made to Be Eaten | Full Video - YouTube](#)

Natural Resources Defense Council, nrdc.org

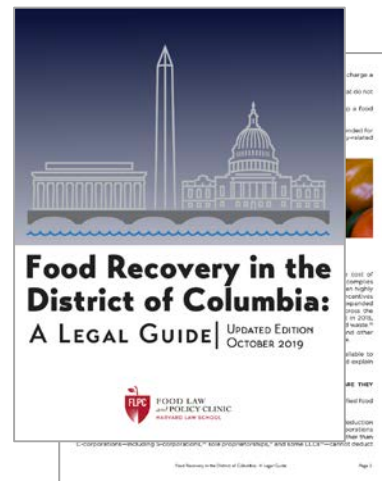
Tax Incentives

FEDERAL

Businesses may qualify for general or enhanced tax deductions.

DISTRICT

District businesses can deduct from District gross income contributions or gifts to charitable organizations.



Resource

Harvard Law School's "Food Recovery in the District of Columbia: A Legal Guide" (2019)

PLAN

Establishing a new food donation program

Jakob Esko, Executive Chef, Gaylord National Resort and Convention Center

Jakob Esko

Executive Chef



CONNECT

Partners in food donation

Regina Anderson, Executive Director, Food Recovery Network

Food Recovery Network

Start a recovery program: support your community, the environment *and* your bottom line

October 2023

We believe no one should be hungry.

Our Mission: Fight Food Waste. Feed People.

Our network of 6,000 college students, business leaders, and dining providers, recover surplus food from across the supply chain, deliver it local community nonprofits that then serve individuals and families experiencing hunger.



Nationwide Impact Over The Past Decade

14.6 MILLION

Pounds Recovered

12.1 MILLION

Meals Donated

6,436

Metric Tons CO2
Emissions Prevented

4,000+

Students, Food
Business Partners,
and Community
Supporters

175

Student-Led Chapters
in 46 States and D.C.

330

Hunger-Fighting
Nonprofits

85

Food Recovery
Verified food
business partners

FRN seeks to recover food to feed everyone who is hungry in the U.S.



The Need and Opportunity



U.S. businesses waste
18 MILLION TONS
of food each year



Food waste is the
#1 CONTRIBUTOR
to U.S. landfills



Meanwhile
34 MILLION PEOPLE
nationwide are hungry

The Meal Gap

Every year **26M tons** of food is wasted in commercial and educational settings.

Meanwhile, **34M people** in the U.S. are experiencing hunger.

The majority of whom are people of color.



Food Recovery Verified (FRV)



Food Recovery Verified (FRV) is a program of FRN that is designed to **support to food businesses and event planners** that seek to establish a food recovery program.

FRN Services based on sliding scale



- Logistics support for specific aspects of the recovery
- Provide training to staff
- Provide supplies
- Arrange transportation
- Find partner agency to donate the food
- Offer liability protection
- Market your commitment to sustainability
- Other needs? We're here!

Liability Protection

Donating surplus food to hunger-fighting partners is legal and highly encouraged at the federal *and* state level! 2023 Food Donation Improvement Act & 1996 Bill Emerson Good Samaritan Act



Photo Credit: Ellen Friedlander



**PRESIDENT BIDEN
HAS SIGNED THE
FOOD DONATION
IMPROVEMENT ACT**

A win for the food recovery movement!

Examples of Our Work

Washington, DC

THE GAYLORD
CONVENTION
CENTER
2023



THE GAYLORD



FOOD RECOVERY
NETWORK

13,499
POUNDS
RECOVERED
TO DATE



CENTRAL UNION MISSION



Glendale



BULLSEYE EVENT GROUP

SUPER
BOWL
RECOVERY
2/12/23



Air-Ride Equipped

FOOD RECOVERY
NETWORK

2,907
POUNDS
RECOVERED



PHOENIX RESCUE MISSION



National Events

FOUR
YEARS OF
FOOD
RECOVERY
2019-2023

9,210
POUNDS
RECOVERED



FOOD
RECOVERY
NETWORK

NATIONAL ASSOCIATION
OF REALTORS

7,675
MEALS
SERVED



FOOD RECOVERY
NETWORK

ACROSS
THE
COUNTRY



Together, we have an Opportunity to Create Real Change

Food Recovery Network endeavors to change the paradigm from food waste to *food recovery* and we've built deep partnerships that have become a beacon of leadership for other companies to do the right thing. We have an opportunity right now, together.

FRN would value the opportunity to partner with your business to mitigate climate change and end hunger in the U.S.



QUESTIONS?

I hope you come away from this conversation with tangible steps to begin a recovery program today.

If you have questions or would like to discuss further, please contact regina.anderson@foodrecoverynetwork.org

TRANSPORT

How to transport and store food

Kate Urbank, Site Director, Food Rescue US, Washington, DC



FOOD RESCUE US[®]

Washington, DC

How We Rescue



Resources

- [Harvard Law School’s “Food Recovery in the District of Columbia: A Legal Guide” \(2019\)](#)
- [DC Health and DPW’s Commercial Food Donation Guide](#)
- [DC Health’s Food Safety Regulations](#)

- Food Rescue Organizations
 - [Food Recovery Network](#)
 - [Food Rescue US](#)
 - [MEANS Database](#)

- Tax Incentives
 - [DC Code §47-1803.03\(a\)\(8\) – Gross income – Deductions](#)
 - [NRDC Food Donation Federal Tax Deduction Guide](#)
 - [ReFed Federal Tax Incentives](#)
 - [Food Donation Connection](#)

- NRDC’s [Save the Food](#) and [Food is Made to be Eaten](#) campaigns

- District Agency Contact
 - Department of Energy and Environment (DOEE) Donation and Reuse Team- reuse@dc.gov
 - Department of Public Works (DPW) Office of Waste Diversion- zero.waste@dc.gov
 - DC Health- food.safety@dc.gov

Speakers

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DISCUSSION

Questions and Answers