

GUIDELINES FOR DONATING AND HANDLING SURPLUS FOODS

Why Donate Food?

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

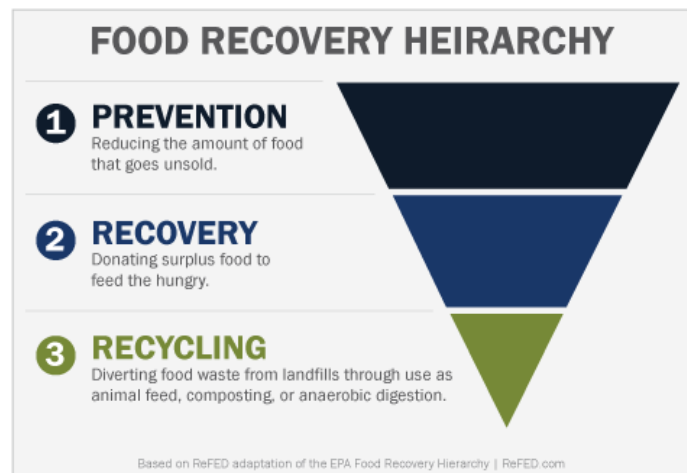
Lost Resources: In the United States, up to 40% of food never gets eaten. More than 20% of agricultural water is wasted growing food we don't eat, along with 18% of all farming fertilizer and 19% of all U.S. croplands.

Food Security: At the same time, one in eight Americans (41 million people) is food insecure, and 13 million of those are children.

Waste Diversion: Furthermore, 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 the City and County of Denver, more than 80,000 people are food insecure and may not know where their next meal is coming from. 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 Denver Department of Public Health & Environment (DDPHE) 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 DDPHE at phicommments@denvergov.org or 720-913-1311.

Food Donors are Protected by Law

To encourage companies and organizations to donate surplus food that would otherwise go to waste, a federal law was passed in 1996, 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 entities that donate apparently wholesome food to a nonprofit organization for distribution to the needy, are not subject to civil or criminal liability that arises 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.³ This includes packaged and prepared foods.

a. Foods that can be donated

- i. Hot food that was not served to a guest and kept at temperature and/or cooled properly (entrees, soups, etc.)
- ii. Cold food that was not served to a guest and kept at temperature (sandwiches, yogurt, parfaits, salads, etc.)
- iii. Produce (strawberries, lettuce, onions, tomatoes, herbs, etc.)
- iv. Beverages (juice, bottled water, lemonade, etc., etc.)
- v. Packaged items (dry pasta, canned vegetables, pudding, etc.)
- vi. Dairy products (sour cream, milk, yogurt, cheese, etc.)
- vii. Raw meat (beef, chicken, pork, etc.)

b. Foods that cannot be donated

- i. Previously served foods (including, but not limited to, foods from a buffet, foods served to a guest and returned to business, etc.)
- ii. Foods in sharply dented or rusty cans
- iii. Unwholesome food or food that has signs of spoilage
 1. Please note that a product that is partially unwholesome can still have the wholesome part donated. For example, if a basket of strawberries contains one molded berry, the unwholesome part of the product must be composted or discarded.
- iv. Foods in opened or torn containers exposing the food to potential contamination
- v. Potentially hazardous foods that are past their expiration date
- vi. Distressed foods (foods that have been exposed to fire, flooding, smoke, etc.)

How Can I Keep Food Safe?

In order to ensure donated food is kept safe, donating facilities shall adhere to all applicable sections of the [Denver Retail Food Establishment Rules and Regulations](#). 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 in the Denver Retail Food Establishment Rules and Regulations.

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.

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 (Section 3-1): 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

Hot food (Section 3-501): shall be held at a temperature of 135F or above at all times except during necessary periods of preparation or as otherwise provided in the regulations

Cold food (Section 3-501): shall be held at a temperature of 41F or below at all times except during necessary periods of preparation or as otherwise provided in the regulations

Cooling food (Section 3-603 and 3-604): hot food shall be brought from 135F to 41F or below within a total of six hours, provided the food is cooled from 135F to 70F within the first two hours. Foods prepared from an ambient air temperature (such as pico de gallo or yogurt parfaits) shall be rapidly cooled to 41F within 4 hours of preparation. While cooling is taking place, food shall be actively cooled or time controlled.

Reheating food (Section 3-504): previously cooked and cooled foods shall be reheated to 165F within two hours of starting the reheating process. All commercially processed foods that are being reheated for their first time shall be reheated to 135F within 2 hours

Time as a public health control (Section 3-605): in these situations, time is used in lieu of temperature to monitor potentially hazardous foods. The food shall be marked for time of disposal and shall not have a time that exceeds 4 hours from the time the product is removed from either hot (135°F) or

cold (41°F) holding. All items remaining after the 4 hours shall be disposed of. If items can maintain a temperature below 70°F, they may be marked for a time of disposal 6 hours after being removed from cold holding. These items shall be monitored to ensure they maintain below the 70°F.

How Should I Label and Transport the Food?

Labeling: All shall be labeled as “Donated Food-Not for Resale.”

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 the [Denver Retail Food Establishment Rules and Regulations](#).



denvergov.org/foodsafety
720-913-1311