



Executive Summary - Food Recovery Programs

The Economic Research Service of the USDA reported in 2012 that 31 percent—or 133 billion pounds—of the 430 billion pounds of the available food supply at the retail and consumer levels in 2010 went uneaten. Retail-level losses represented 10 percent (43 billion pounds) and consumer-level losses 21 percent (90 billion pounds) of the available food supply. At the same time, 14.5% of households (more than 15 million) in the United States were food insecure.¹

Recovering consumable food and moving it to hunger relief organizations has proven to reduce these numbers and positively impact the lives of millions of people of all ages across America. Donating food instead of throwing it out serves not only to help feed hungry individuals but also conserves valuable resources used to produce that food and reduces harmful greenhouse gas emissions that contribute to climate change. In 2015, the United States set a goal of 50 percent reduction in national food waste by 2030.^{1,4} To help achieve this goal, The US Department of Agriculture (USDA) and Environmental Protection Agency (EPA) have joined efforts to address food waste in America through USDA's Food Waste Challenge and EPA's Food Recovery Challenge.⁴

Critical to any food recovery efforts is ensuring the safety of the food throughout the recovery and distribution process. The Conference for Food Protection's food recovery committee, comprised of food safety regulatory and industry experts, has been a leader in providing such guidance through its constituent groups to those involved in food recovery, distribution or service to food insecure individuals, and to ensure that food safety standards are consistently met.¹

Many potential food donors, including grocers and retailers, cite fear of liability as a primary deterrent to donating food.^{1,4} However, the federal Bill Emerson Good Samaritan Food Donation Act provides a national baseline of civil and criminal liability protection for food donors and recipient nonprofit organizations that receive and distribute food to food insecure individuals. One concern with donating food is liability for foodborne illness, allergies, and other consequences; however, the Bill Emerson Act absolves those who donate apparently wholesome food to nonprofit organizations for ultimate distribution to food insecure individuals. Unless there is gross negligence, donors and approved receivers of donated or recovered food have protection against liability that is associated with food donations.¹

References:

- 1) Comprehensive Resource for Food Recovery Programs; Conference for Food Protection's Food Recovery Committee Final Report. Oct. 2000; Updated April 2016. Accessed Aug. 2018 at: <http://www.foodprotect.org/media/guide/comprehensive-resource-for-food-recovery-2016-version.pdf>
- 2) **Executive Summary**. United States Department of Agriculture, Office of the Chief Economist, U.S. Food Waste Challenge, "FAQ's", Web. January 8, 2016. Accessed August 2018.
- 3) United States Department of Agriculture "USDA Office of the Chief Economist, Recovery/Donations," US Department of Agriculture, Web. November 22, 2015. <http://www.usda.gov/oce/foodwaste/resources/donations.htm>
- 4) Environmental Protection Agency "US-EPA Sustainable Management of Food, Food Recovery Challenge (FRC)," US Environmental Protection Agency, Web. November 22, 2015. <http://www2.epa.gov/sustainable-management-food/food-recovery-challenge-frc>



General Guidelines for Food Donation Programs

- A. "At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination".**
- Donated foods shall be transported from the donation site to feeding sites in tightly covered containers, maintained at proper temperatures and in a clean vehicle.
 - All foods should be kept up off the floor in covered, labeled containers.
 - Foods must be protected from sewer or water lines and drippings from raw meats and poultry.
- B. "The temperature of potentially hazardous foods shall be 41°F or below or 135°F or above, at all times".**
- Time and temperature controlled for safety (TCS) refers to potentially hazardous foods that require some form of temperature control, refrigeration or hot holding to maintain the integrity and safety of the food product. Because temperature abuse of potentially hazardous food is one of the leading causes of foodborne illness, food temperatures should be monitored to ensure that safe cold holding and hot holding temperatures are consistently maintained.
 - Accept foods within one day of preparation is highly recommended.
 - If potentially hazardous foods are left in the temperature danger zone of greater than 41°F and less than 135°F for over four hours accumulated time, bacteria may have a chance to grow to dangerous levels. These foods should not be used.
 - Food should be received at 41°F or less, or 135°F or above.
 - Only one reheating and/or thawing is recommended.
- C. "Food shall be in sound condition free from spoilage or contamination and shall be safe for human consumption."**
- Foods donated from food service establishments that were properly prepared, not subjected to temperature abuse and not offered to the public in salad bars, other self-service buffet lines, or previously served to customers can be accepted.
 - Domestic fowl, fish, and animals that will be processed under USDA, FDA, or Division of Wildlife inspection can be accepted.
- D. "Food shall be obtained from approved sources that comply with the applicable laws relating to food and food labeling. Food prepared in a private home shall not be used or offered for sale."**
- Receivers of donated food products need to maintain accurate records. The records should include:
 - The name and quantity of products donated as well as the name, address, and phone number of the person or donating firm.



Pilot Program for Catered Food Recovery - CSU
BEST PRACTICES FOR OFFERING FOOD DONATIONS

Colorado State University is committed to addressing concerns of both food insecurity and food waste within our campus community by working collaboratively to re-distribute or re-purpose food items deemed safe, wholesome and nutritious to persons within the campus community. This document is intended as a resource to retail food operators that want to participate in food recovery programs and provide safe food to people experiencing food insecurity. Donation programs (such as that to be piloted by CSU Housing & Dining Services) may include shelf-stable and non-potentially hazardous food, bakery items, and perishable products such as meat, deli, dairy, frozen, prepared foods, etc., that are still within safe time and temperature standards.

CSU agrees to offer as part of its Catering Pilot Food Recovery Program, food that has been served at catered events that is in compliance with acceptable food safety standards.

The Person In Charge (PIC) will determine what food from catered events will be suitable for offering remaining open product to the campus food recovery recipients.

Recommendations include:

- a. Documentation of food temperatures that will be recorded to verify food safety.
- b. Catering staff personnel will be present during the limited time period that the food is made available to recipients and will supervise the event, which includes dispensing of food.
- c. A donation form will be completed by catering staff at each event in which food is offered. Documentation will include:

Event name, date, location, serving time, time offered for donation; listing of foods offered and estimated number of servings; estimated number of persons who received donated foods; quantity remaining at the end of the recovery time frame.
- d. Identify the containers that will be made available to consumers (i.e. disposable plates, bowls, lids, etc.) or whether recipients may bring their own container.
- e. Only food that is within safe time and temperature parameters will be provided. This includes cold foods that were placed out for self-service at 41F or below; hot foods that were placed out for self-service at 135F or above, and that all foods have been maintained under proper temperature control throughout the period of service, and is still considered safe and well within the 4 hour safety parameter for serving time and temperature controlled foods.
- f. Recipient will receive recommendations at time of picking up donated food that perishable food should be consumed within 30 minutes, or immediately stored under refrigeration.
- g. Recipient must acknowledge with a **signed electronic agreement** that they understand:
 - They are receiving this donated food in good faith and may not hold CSU accountable for any issues that might arise after the donated food leaves the premises.

- No guarantee can be made that any food is free of particular **food allergens**. Food offered directly to individuals does not follow labeling regulations as those required for agency donations.
- h. Operator (PIC) shall keep completed **Donated Food Records** which include:
 - Date, venue, time frame of event; foods offered/quantities, food temperature logs- (temperatures at time placed out for service and at time of being offered for donation); number of individuals who received donated food; quantities provided; and remaining product.
- i. The means for notification to the campus community when donated food is available should include the location, list of foods, quantity being offered, and period for pick up.



Food Liability Release

Colorado State University Housing & Dining Services is responsible for the oversight of all food and beverage service provided at the Dining Halls. As a part of the university's commitment to sustainability, Housing and Dining Services has agreed to participate in a pilot program by which rescued food from select catered events will be offered as donations to individuals who have signed an approved Food Liability Release.

A signed and approved Food Liability Release, relinquishes CSU Housing and Dining Services from any and all liability associated with food and beverage served at the approved event.

CSU Housing and Dining Services shall approve and document specifically what rescued foods following a catered event are deemed safe and in sufficient quantity to be offered to the campus community. Any donated foods will be offered in limited quantity and for a specific length of time following a catered event, so there are no guarantees as to how many recipients may be accommodated each time.

CSU makes no allergen-free claims regarding any rescued food donation. In signing this release, individuals acknowledge that any rescued food may have come into contact with, or have been produced in a facility which also produces milk, eggs, peanuts, tree nuts (walnuts, almonds, pecans, hazelnuts/filberts, pistachios, cashews, coconuts, pine nuts, macadamia nuts, and/or Brazil nuts), fish, shellfish (crab, crawfish, lobster, shrimp, mussels, and/or oysters), wheat, and / or soybeans.

Proof of this signed release of liability must be available to the event coordinator at the time when rescued food is being offered in order to receive the donated food.

Release of Liability (by checking this box)

I, _____, understand that any rescued food being offered following a CSU catered event has been approved by CSU Housing & Dining Services, who has assessed that the donated food meets food safety guidelines and at the time of donation has been deemed to be safe and wholesome for immediate consumption.

I, _____, hereby release CSU Housing and Dining Services and Colorado State University from any and all liability related to the contents, preparation or safety of foods provided for the above event.

Signature: _____

Date: _____