



Presenters:

- Syd Mandelbaum, [Rock and Wrap It Up!](#) – 1-877-691-FOOD
- Nicole Civita, [University of Arkansas School of Law](#) - nmcivita@uark.edu
- Claire Cummings, [Bon Appétit Management Company Foundation](#)Claire.Cummings@BAMCO.com
- Wayne Melichar, [Feeding America](#) - wmelichar@feedingamerica.org
- Sara Gassman, [Food Recover Network](#) - sara.gassman@foodrecoverynetwork.org

Moderators:

- Elise Golan, USDA – egolan@oce.usda.gov
- Jimmy Nguyen, USDA – jimmy.nguyen@fns.usda.gov

Questions & Answers from Webinar

- **Q: Can food be donated from school cafeterias to a local food pantry? If so, is it limited to certain foods? If a student takes a milk and doesn't drink it, can it go back into the cooler?**

Jimmy Nguyen: Yes. Many schools donate wholesome uneaten food to local food pantries and soup kitchens. Kathleen Weil, founder of the Food Bus, helps schools setup food recovery programs in their cafeterias. You can contact her at kathleen.weil@gmail.com. For more information check out this blog: <http://blogs.usda.gov/2014/08/26/creative-solutions-to-ending-school-food-waste/>

The types of foods schools can donate are very diverse but depend on what the local health department advises. Typically, schools can donate milk, yogurt, fruit cups, granola bars, juice packs, fresh produce, string cheese, etc. Also, sometimes you can donate products that the local health department bans if you get a waiver signed by the food pantry or soup kitchen you work with.

- **Q: More specific question about school K-12 cafeterias. Can whole fruit that was placed on tray and not eaten be donated?**

Jimmy Nguyen: Yes, but you have to check with your local health department to see what rules they have around that. Sometimes if there are rules against donating some fresh produce, you can work around it by getting the organization you are donating to sign a waiver. I would like to add that milk is always in high demand at food pantries and food banks. Donated milk from schools would help too. You just have to make sure recovered food is refrigerated quickly and properly. But food recovery programs in schools are always great especially if they involve students. It is a great teaching

opportunity showing students how food waste impacts environment and hunger. Kathleen Weil, founder of the Food Bus, helps schools setup food recovery programs in their cafeterias. You can contact her at kathleen.weil@gmail.com. For more information check out this blog: <http://blogs.usda.gov/2014/08/26/creative-solutions-to-ending-school-food-waste/>

Wayne Melichar: Feeding America has successful school donation program. Feel free to reach out to pthukral@feedingamerica.org to learn more.

- **Q: Does the Good Samaritan Act cover food education, for example taste testing and cooking education, done with or in connection with donated food?**

Jimmy Nguyen: The Good Samaritan Act (aka Bill Emerson Act) covers recipient organizations of donated food as well as donors. But make sure good safety practices are in place when you receive the donated food.

- **Q: I own a prepared foods startup and am working to source ingredients from farmer, supermarket and food distributor surplus. Do you know if these groups are generally willing to work with businesses or are they only willing to donate to non-profits?**

Nicole Civita: From the legal perspective, note that the Bill Emerson Act (BEA) will not provide liability protection in the situation described — the BEA requires donation not sale of the surplus food item - but certain state liability protections might. (This seems unlikely, but possible).

- **Q: Does "first-use food grade packaging" include reusable containers or disposable only? Using disposable containers seems counter to sustainability efforts.**

Claire Cummings: Bon Appétit Management Company does everything we can to prevent waste from happening in the first place and one way we do this is by launching reusable to-go container programs on our campuses. Eco clamshells (as they are often referred to) are a type of reusable container that replaces the need for a single-use disposable. Food is served in a reusable to-go container, the guests take their food with them, and when they return to campus they trade in their dirty container for a new one. There are many variations to this model, including the OZZI system which incorporates a vending machine into the reusable to-go container collection system. To learn more visit: <http://www.cafebonappetit.com/wellness/sustainability/disposables>.

Wayne Melichar: Reusable containers are allowed as long as they are dishwasher safe and are properly washed, rinsed and sanitized between uses.

- **Q: I work with Rock and Wrap it Up! and we donate healthy food safely to less fortunate families. If you freeze food is there a time limit to when it can be served?**

Jimmy Nguyen: Food stored at 0 degrees Fahrenheit will always be safe. Only the quality suffers with lengthy freezer storage. Check out USDA's Food Safety and Inspection Service website for more info: http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/freezing-and-food-safety/ct_index

- **Q: I work in CA. Has anyone heard of an impending regulation limiting the amount of time food can be stored in sealed plastic bags? This could have impacts to food donation.**

Nicole Civita: This has not crossed my radar. I believe that California recently became the first state to enact a ban on single use plastic bags for grocery & convenience store checkout. "Under SB270, plastic bags will be phased out of checkout counters at large grocery stores and supermarkets such as Wal-Mart and Target starting next summer, and convenience stores and pharmacies in 2016. The law does not apply to bags used for fruits, vegetables or meats, or to shopping bags used at other retailers. It allows grocers to charge a fee of at least 10 cents for using paper bags."

http://www.huffingtonpost.com/2014/09/30/california-plastic-bag-ban_n_5904766.html

See http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270 for the complete text of the law. After a quick scan of the California Retail Food Code and agency press releases, I did not find anything else on point.

- **Q: What about fruits/vegetables grown in a school community garden. Can they be donated?**

Jimmy Nguyen Most food as long as it's properly handled and stored can be donated! Work with your local food pantry (<http://www.ampleharvest.org/find-pantry.php>) and local health department to see what they say.

- **Q: How are the foods weighed to get an accurate weight for data tracking (waste diversion and GHG reductions)? With a scale by the organization donating or by the recipient organization?**

Claire Cummings: It is not a perfect science and varies greatly from organization to organization. Some don't even weigh donations and instead measure by number of cases or number of hotel pans.

Wayne Melichar: When partnering with Feeding America, our receiving food banks and agencies weigh the product and report all donations through our reporting platform. Depending on the sophistication of the receiving party, a wide spectrum of weighing scales are used, from the highly sophisticated, commercial scales to common bathroom scales.

- **Q: What about cities who have adopted laws that it is illegal to feed the homeless?**

Nicole Civita: Criminalizing feeding of the homeless is in my opinion a terribly misguided, short-sighted trend that ought to spread no further. It is designed to obscure homelessness, push it out of sight, and "address" the problem by pretending it does not exist.

(See <http://www.motherjones.com/politics/2014/11/90-year-old-florida-veteran-arrested-feeding-homeless-bans> for excellent coverage & infographics on this topic.) That said, of the [71 \(and counting\) cities](#) with these bans in place, it seems that most merely prohibit "food sharing" on public property — these laws are mostly aimed at prohibiting or controlling feeding homeless people in impromptu and outdoor feeding events and efforts. Other cities "have imposed food safety

precautions, like requiring charities to get a food handler's permit, or mandating that they only serve hot food prepared in approved locations or in the form of pre-packaged meals." If you are in such a city, to remain within the bounds of the law & the protections of the Bill Emerson Act, it is advisable to make sure that you fully understand the law & comply with it even if you do not agree with it or are part of a group trying to challenge it.

- **Q: So if K12 schools have a "share table" of food served to students do food banks accept this food?**

Jimmy Nguyen: For people that don't know, share tables are tables setup in school cafeterias during meal service to allow students to leave food that they don't want and take foods that they do. It's a table that encourages exchange and helps to reduce food waste. To answer the question, yes, food from share tables can be donated as long as it is quickly and safely cooled according to food safety recommendations.

- **Q: So many great food recovery programs. There are several where I live in Cambridge, MA. What seems to be lacking is a good database/clearinghouse of programs, food banks, local initiatives, etc. Does anything like this exist on a national level? So important that good organizations do not unintentionally encroach on established relationships with donors, vendors, etc.**

Jimmy Nguyen: Indeed there are some places where you can find a lot of these groups in one place. AmpleHarvest.org is an innovative nationwide non-profit that links food donors (especially home and community growers with excess fresh food) to more than 7,000 food pantries across all 50 states. Instead of collecting and redistributing food, they use technology to enable the food donor to work directly with a nearby food pantry or soup kitchen on a sustainable basis.

Also, you can check on our U.S. Food Waste Challenge website for a list of food recovery organizations that can help you setup a food recovery program: <http://www.usda.gov/oce/foodwaste/resources/donations.htm>

- **Q: Is there a place we can find rules of engagement by state?**

Claire Cummings: Nope, unfortunately it is not a clean and simple easy system. Start by contacting your local Department of Health. I have also found information from the local Department of Agriculture, our health inspectors, and our nonprofit partners, who are sometimes more knowledgeable about local rules and regulations.

- **Q: Do programs generally accept food that has been served out to children but not consumed from schools?**

Jimmy Nguyen: Yes, many schools donate wholesome uneaten food to local food pantries and soup kitchens. Kathleen Weil, founder of the Food Bus, helps schools setup food recovery programs in their cafeterias. You can contact her at kathleen.weil@gmail.com. For more information check out this blog: <http://blogs.usda.gov/2014/08/26/creative-solutions-to-ending-school-food-waste/>.

You can also find local food pantries using [Ample Harvest's food pantry finder](#). One issue that schools may have to deal with is possible rules that prevent food that leaves the kitchen from reentering the

kitchen, which includes refrigerators and freezers back there. Schools will have to find a way to have a dedicated refrigerator for food donation in the cafeteria area or area outside of the official kitchen area.

- **Q: Do you have protocols for companies to track food donations?**

Wayne Melichar: Feeding America uses a very sophisticated tracking system to allow for all donations to any of Feeding America's 200 food banks and 60,000 agencies to be tracked nationwide, which then get compiled into 1 national tax receipt for our donors. We also provide each donor with a monthly report that track all donations made to us through all their locations nationwide. Along with the assurance of maintaining the highest food safety standards, getting that 1 national receipt is another advantage to partnering with Feeding America. We also offer guidance to our donors on what metrics they can use internally to measure the impact of their food rescue programs they set up with us.

Syd Mandelbaum: Yes we use Rock and Wrap It Up! spreadsheets, which are formula-embedded to record pounds of food which is converted in to USDA meal equivalents and GHG emission reduction stats.

- **Q: Where do we find more information on the Bill Emerson Act (aka Good Samaritan Act)?**

Here is a good summary of the Bill Emerson Act:

<http://media.law.uark.edu/arklawnotes/2013/08/08/the-legal-guide-to-the-bill-emerson-good-samaritan-food-donation-act/>

Also, Nicole Civita's presentation provides a good overview:

<https://prezi.com/uh-ddvay0ag/food-recovery-the-law/>

- **Q: Do any states offer tax benefits beyond the federal tax benefits for donations?**

Nicole Civita: Yes, many do. Some historically did, but have repealed these beneficial incentives in recent years. Off the top of my head, I know that Missouri (<http://dor.mo.gov/taxcredit/fpt.php>), California (<http://www.gleanslo.org/documents/AB%20152%20Food%20Bank%20Fact%20Sheet.pdf>), Colorado

(<http://yourhub.denverpost.com/blog/2014/06/new-state-tax-credit-to-boost-fresh-food-donations-increase-access-for-struggling-coloradans/45552/>) and Oregon

(<http://www.statesmanjournal.com/story/news/politics/2014/04/24/governor-signs-crop-donation-tax-credit/8124925/>) all have some form of state-level tax incentive related to food donation. These vary widely in what types of donations qualify. This is another area ripe for a 50 state survey to reveal the lay of the land and provide detailed information on how to claim the deduction. The Food Recovery Project welcomes project partners and support to complete this work, as well.

- **Q: How would you recommend getting local sustainability plans to include food recovery?**

Claire Cummings: Not sure what “local sustainability plans” is in reference to but if they are referring to a college or corporate campus then the first thing should be having food recovery written into the food service provider’s contract with the college or corporation.

Wayne Melichar: Feeding America often works with national donors in this capacity. Please feel free to reach out to Parul Thukral, Director of Product Sourcing Innovation at Feeding America (pthukral@feedingamerica.org) to learn more. We also have food rescue operations in college campuses as well as in schools. Feel free to contact Parul if you’d like to learn more.

- **Q: I understand that the Bill Emerson Good Samaritan Act (BEA) unified states’ laws so that organizations operating in more than one state could establish org/company-wide policy and procedure regarding food donation/recovery. Is this true?**

Claire Cummings: Sort of...it unifies the protections but doesn’t unify the “how” piece of food recovery. As Nicole Civita mentioned in her presentation, each state has different rules and policies around what they think it means to “safely” donate food so despite the BEA protections, donors will still need to abide by local rules and regulations for safe food donation, which unfortunately vary from place to place.

Wayne Melichar: Many of Feeding America’s donors have set up company-wide policies to donating food. We also work with their internal teams and provide supporting material to develop such programs and the internal communication they might need to help guide them through the process as well. . Please feel free to reach out to Parul Thukral, director of Product Sourcing Innovation at Feeding America (pthukral@feedingamerica.org) to learn more.