

Task 2 Update Survey

Task 2 has been working to modify the proposed language developed for the last CFP meeting. During this work, some questions have been raised by our group that we want to propose to the broader committee. This survey is organized into two parts - the first with a series of questions that will help inform the direction of our remaining work; the second with two versions of model language for the Food Code for you to identify a preference between them and provide feedback.

Should you have any questions or comments you do not want to share in this survey, please reach out to Lester Schonberger (hlschon@vt.edu), Emily Hovis (emily.hovis@doh.wa.gov), and Scott Jeansonne (scott.jeansonne@phs.hctx.net). Thanks!

Remaining Questions

Below are a series of questions that will be useful in continuing the work of Task 2.

1. **Do you think that food for donation should be held to the same food safety standards as food available for retail sale?**

Mark only one oval.

- Yes, I think it should be held to the same food safety standards
- No, I think it should be held to lower food safety standards
- No, I think it should be held to higher food safety standards

2. **Do you think that foods put out for customer self-service (as described in 3-306.13) should be allowed to be donated or returned to the kitchen for reuse?**

Mark only one oval.

- Yes
- No

3. **Do you think additional clarification is needed regarding best practices for employee monitoring at customer self-service buffets?**

Mark only one oval.

- Yes
- No

4. **Under what conditions would you be comfortable with donation of food from customer self-service buffets?**
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5. **Do you think that foods that require date marking (as described in 3-501.17) should be allowed to be donated?**

Mark only one oval.

- Yes
- No

6. Under what conditions would you be comfortable with donation of foods that require date marking?

7. Do you think that the CFP Comprehensive Resource for Food Recovery should be updated to include information/best practices regarding donation of foods that require date marking and foods from self-service buffets?

Mark only one oval.

- Yes
- No

8. Are there other items that you think should be addressed in the CFP Comprehensive Resource for Food Recovery?

Model Food Code Language

Below you will find what was proposed at the last 2018 CFP meeting, and two new versions of language developed for inclusion in the Model Food Code related to the lawful practice of donating food. Please review both versions, identify which of the two you prefer, and provide any feedback about your preferred version.

Previously Proposed Language

3-901.11 Lawful Food Donation

(A) The practice of donating surplus food to another party, for ultimate distribution to needy individuals, is a lawful practice for a FOOD ESTABLISHMENT.

(B) The following categories of FOOD shall not be donated:

(1) FOOD that is unsafe, adulterated or otherwise required to be discarded

as specified under § 3-701.11;

(2) FOOD that has not been protected from contamination as specified under §§ 3-301 – 3-307;

(3) FOOD that is not from an approved source as specified under § 3- 201.11;

(4) FOOD that does not comply with the standards for food donation as specified under § 3-902.

3-902.21 Previous Service

(A) Except as specified in ¶ (B) of this section, exposed FOOD which has been previously served to a CONSUMER may not be donated.

(B) FOOD that has been offered for CONSUMER self-service may be donated if the food establishment can verify that the food has been protected from contamination in accordance with subparts 3-305, 3-306 and 3-307.

3-902.22 Time/temperature Control for Safety Foods

(A) A TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been heated, cooked, or hot held in a FOOD ESTABLISHMENT may be donated if:

(1) the FOOD has been maintained at or above 57 degrees Celsius (135 degree Fahrenheit) up until the time of donation; or

(2) the FOOD

(a) has been kept at or above 57 degrees Celsius (135 degree Fahrenheit) during hot holding and service, and subsequently cooled in accordance with time and temperature requirements under 3-501.14 and 3-501.15; and

(b) the temperature of the FOOD is at or below 5 degrees Celsius (41 degrees Fahrenheit) at the time of donation.

(B) FOOD transported by a FOOD ESTABLISHMENT for donation shall be maintained and delivered at or below 5 degrees Celsius (41 degrees Fahrenheit) for cold FOODS or above 57 degrees Celsius (135 degrees Fahrenheit) for hot FOODS.

(1) FOODS received at a temperature between 5 and 57 degrees Celsius (41 and 135 degrees Fahrenheit) that have been within that range for less than four hours must be immediately served.

FOODS received at a temperature between 5 and 57 degrees Celsius (41 and 135 degrees Fahrenheit) that have been within that range for more than four hours may not be donated.

3-902.23 Labeling

(A) Except as specified in ¶(B) of this section, donated packaged FOODS shall be labeled consistent with federal law and with § 3-302.11.

(B) The following information shall not be required on donated packaged FOODS

(1) Nutrition labeling is not required on donated FOODS pursuant to 21 CFR 101.9.

(C) Donated prepared foods should be labeled consistent with federal law. Labels on donated prepared FOODS need only include the following information:

(1) The name and location of the donor and of the recipient organization;

(2) A description of the FOOD;

(3) The date the FOOD was donated;

(4) A disclaimer that the food may contain or have come into contact with a MAJOR FOOD ALLERGEN.

(D) Donated fresh produce does not require any labeling.

3-902.24 Past-date food products

(A) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may not be donated after the passage of the manufacturer's "best by" or "use by" date unless it was frozen prior to that date and has remained in a frozen state.

(B) FOODS that are not READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be donated after the passage of the manufacturer's "best by," "use by," or other such labeled date.

Updated Proposed Language

3-901.11 Lawful Donation of Food

(A) The practice of donating food to another party, for ultimate distribution to individuals at no cost, is a lawful practice for a FOOD ESTABLISHMENT

(B) Foods that are unfit for sale or service on the basis that they have been stored, held, prepared or displayed in a manner that is not in accordance with the requirements contained in Chapter 3 shall not be donated for human consumption. Except as stated in (B)-9) through (B)-11) below, foods that are unfit for donation include:

1) Foods that are unsafe or adulterated or are otherwise required to be discarded as specified in 3-701.11

2) Food that is not from an approved source as specified in 3-201.11

3) Foods that have not been protected from contamination after receiving in accordance in 3-3.

4) Exposed foods that have been served or sold and in the possession of a consumer.

5) TCS foods that have not been maintained in accordance with temperature requirements specified in 3-501.16

6) TCS foods that have been held or displayed for sale or service using time alone without temperature control as

specified in 3-501.19

7) Food packaged in a food establishment that are not labelled in accordance with 3-602.11.

8) Foods packaged for consumer sale or service that exhibit damage that may compromise the durability or integrity of its packaging.

9) Exposed foods that have been on display to consumers or that have been offered customer self-service unless it can

be verified that such foods have been protected from sources of contamination as specified in 3-305, 3-306 and 3-307.

10) Refrigerated, ready-to-eat TCS foods that are subject to the date marking requirements in 3-501.17(A) or (B), unless:

a) the food is frozen prior to donation; or

b) it can be verified that the food will be frozen within 24 hours of receipt by the receiving organization;

c) it can be verified that the food is to be served or discarded within 24 hours of receipt by the receiving organization

11) TCS foods that have been cooked or heated in the food establishment unless:

a) the food has been maintained at or above 135F until the time of donation; or

b) the food has been cooled to a temperature of 41F or less prior to donation using appropriate cooling

methods as specified in 3-501.15.

9. Please provide any feedback you have on the updated version.

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