

BALTIMORE CITY HEALTH DEPARTMENT

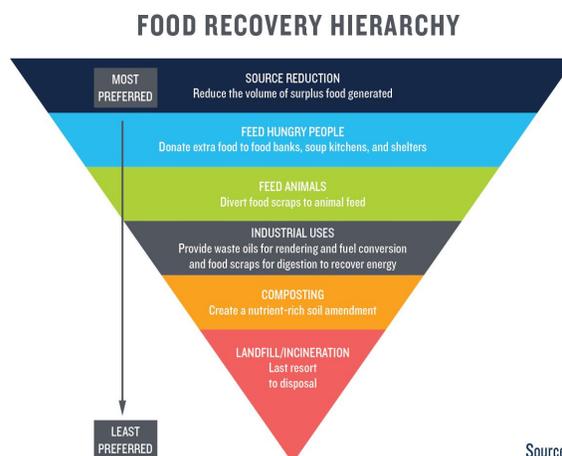
GUIDELINES FOR DONATING AND HANDLING SURPLUS FOODS

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 (40 million people) is food insecure, and 13 million of those are children.
- Waste Diversion:** 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 Baltimore City, nearly 150,000 people live in neighborhoods with few sources of healthy food, high rates of poverty, and limited access to vehicles, which create multiple challenges to accessing food. 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 Baltimore City Health Department 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 us at 410-396-4424 or www.health.baltimorecity.gov.

Food Donors Are Protected by Law

Organizations that donate food are protected by the Bill Emerson Good Samaritan Food Act, which was passed into federal law in 1996. Organizations that donate food in good faith to a nonprofit organization for distribution to people in need are not subject to civil or criminal liability that may arise 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. 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.)
- 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, only 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?

The Code of Maryland Regulations (COMAR) and Baltimore City Health Code apply to all donated food. 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 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 (COMAR 10.15.03.04): 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 (COMAR 10.15.03.06) shall be held at a temperature of 135 °F or above at all times except during necessary periods of preparation or as otherwise provided in the regulations.

Cold food (COMAR 10.15.03.06) shall be held at a temperature of 41 °F or below at all times except during necessary periods of preparation or as otherwise provided in the regulations.

Cooling food (COMAR 10.15.03.11): Hot food shall be brought from 135 °F to 41 °F or below within a total of 6 hours, provided the food is cooled from 135 °F to 70 °F within the first 2 hours. Foods prepared from an ambient air temperature (such as pico de gallo or yogurt parfaits) shall be rapidly cooled to 41 °F within 4 hours of preparation. While cooling is taking place, food shall be actively cooled or time controlled.

Reheating food (COMAR 10.15.03.11): Previously cooked and cooled foods shall be reheated to 165 °F within 2 hours of starting the reheating process. All commercially processed foods that are being reheated for their first time shall be reheated to 135 °F within 2 hours.

Time as a public health control (COMAR 10.15.03.08): 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 70 °F.



How Should I Label and Transport the Food?

Labeling: All food shall be labeled as “Donated Food—Not for Resale” and list all major allergens on the label.

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 www.health.baltimorecity.gov.

