

## GUIDELINES FOR DONATING FOOD & HANDLING SURPLUS FOODS

### 1. Why Donate Food?

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

**Lost Resources:** In the United States, approximately [40% of food is wasted along the food chain](#). This represents 4% of our total US oil consumption and 25% of fresh water that goes into growing food that no one eats.

**Hungry People:** One out of six Americans (50 million people) are food insecure, and thirteen million of those are children. Almost 25% of children in Travis County (56,100) lack consistent access to adequate food due to lack of money and other resources.

**Waste Diversion:** Organic materials, including food waste, can represent as much as 47% of materials disposed of in landfills, all of which could be utilized for higher and better uses than filling landfills.

**Climate Impact:** Uneaten food in landfills accounts for 23% of the nation's output of methane (a potent greenhouse gas).

The [Environmental Protection Agency's Food Recovery Hierarchy](#) establishes **priorities** for preventing waste and then redirecting food surplus to its highest and best use, giving preference to feeding people, then animals, then reprocessing into compost, biofuel or other industrial uses. ALL of these are preferable to landfilling. Finding alternative uses for food waste is a key part of Austin's strategy to divert waste from landfills, care for our community, and become a Zero Waste community. When food donation is not possible, the City encourages composting of food waste or food scraps.

### 2. Food Donors are Protected by Law

To [encourage companies and organizations to donate](#) healthy food that would otherwise go to waste, Texas passed the Good Faith Donor Act over 30 years ago and in 1996 a nearly identical federal law was passed, 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 a corporation, which donates apparently wholesome food to a nonprofit organization for distribution to the hungry, is not subject to civil or criminal liability that arises from the condition of the food. The National Restaurant Association has a useful [Guide for Restaurateurs](#).

### 3. Other Cities Are Donating Surplus Food

Cities such as [New York](#) and [Chicago](#) have already implemented successful food donation programs with great results. In fact, San Francisco's Food Runners moves more than 10 tons of food per week, and has been delivering donated food for 27 years with zero incidents of foodborne illness or lawsuits.

### 4. What kinds of foods may be donated?

a. **Pre-packaged foods** that are **non-potentially hazardous** (ie. "non-perishable" cans of food, aseptic boxes of soup, boxes of cereal, baked goods, bottled water, etc.) may be collected for donation and distributed without a permit. Some restrictions apply for expired or damaged foods. See the note below for these rules.

**b. Donating Potentially Hazardous Foods.** Other foods as described below are considered *Potentially Hazardous* due to health considerations. To prepare, store or receive potentially hazardous foods requires a permit from the Austin/Travis County Health and Human Services Department. Permits are also required for mobile food vending units from which prepackaged foods prepared in permitted kitchens are distributed for free or for sale directly to the consumer. (This is distinct from delivery drivers of food directly ordered from food establishments.) The forms for food managers and food service providers can be found at this address:

<http://www.austintexas.gov/department/food-establishment-requirements>

For Potentially Hazardous food donations outside of Travis County, please consult the appropriate local health authority for rules.

**Note: permits are only required for donor and recipient establishments and do not exist for or apply to food runners/delivery volunteers.**

As per [Texas Food Establishment Rules](#), foods to be donated must meet the following criteria (for specifics, see the end of this document):

If foods that are considered *potentially hazardous* (ex. cut tomatoes or melons, dairy products, fresh shell eggs, meats, cooked foods, etc.) are served, they may be donated under the following conditions:

- Cooling process for hot food: Stored potentially hazardous food must be cooled to 71 degrees Fahrenheit within 2 hours and cooled to 41 degrees within the next 4 hours for a total of 6 hours.
- Hot food must be maintained hot at 135 degrees Fahrenheit or above prior to and during service (with the limited exception of transport as detailed below in section 5).
- Cold food must be maintained cold at 41 degrees Fahrenheit or below prior to and during service (with the limited exception of transport as detailed below in section 5).
- The donor has verified that the person receiving the food (recipient) has the proper facilities to meet all the requirements during transport, storage, and reheating the potentially hazardous food to maintain a proper temperature. (see section 5)
- Both the donor and recipient facility must be permitted by a city, county or state health department.
- If the donated food is transported by a third party, the transporter must meet the transportation requirements under the hot and cold holding temperatures stated in local/state code as described below in section 5.

**c. Labeling of Donated Foods:**

Requirements for labeling depend on whether the food is in its original package or has been prepared as a meal.

- Donated prepackaged food must show (unobscured) its complete original label, including name of the item/food, manufacturer information, list of ingredients, and expiration or sell-by date.
- Donated prepared food shall be labeled with the name of the food, the source of the food, and the date of preparation. (Example: Lasagne -- Spaghetti Warehouse -- Prepared 1/12/14)

**d. Foods that may NOT be donated:**

**Shelf Life.** The donated foods that are potentially hazardous must not be used for consumption past the shelf life **expiration date** or past 7 days after preparing and or opening from its original package.

**Damaged Foods**\_- Food must not be donated if it's damaged in the following ways:

- canned foods that are heavily dented on the rim or seam
- packaged foods with missing or incomplete source/manufacturer label.

**Distressed Foods**\_- Foods that have been exposed to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage must not be donated for consumption by a consumer. Foods exposed to the listed conditions, may be sold or donated to a licensed food salvage.

**Previous Service**\_- Foods previously served to consumers may not be donated.

**Home Prepared Foods**\_- No home-prepared potentially hazardous foods can be donated for human consumption. This issue is encountered frequently with churches or other non-profits providing foods for food pantries or holiday meals at shelters.

## 5. Food Donation Rules and Practices for Ensuring Safe Food Delivery

Safe delivery and service of donated food requires responsible communication among all parties handling the food (donor, delivery person and receiving facility), including monitoring and appropriately handling temperature and packaging requirements as well as limiting the time out of temperature controls.

With a basic understanding of food safety and good judgement, food donors, runners and recipients can ensure that donated food is kept safe for consumption.

### Controlling Temperature and Time out of Temperature Controls

- When temperature-controlled transport is available, foods should be held below 41°F or above 135° while in transport to the venue. If temperature-controlled transport is not available, the food items should be labeled, "Process Immediately" and must not be out of temperature controls for more than a total of 4 hours (including time during cooling, storage, transport and service). Potentially hazardous food out of temperature controls for more than 4 total hours must be discarded.
- Keep prepared food above 135°F or stored at 41°F within 2 hours of preparation.
- Food from hot line-- Receive and hold at 135°F or above. Hot food out of temperature controls for any amount of time under 4 hours must be reheated to 165°F before service.
- Food from cold storage--Receive and hold at 41°F or below.
- Check temperature when receiving food using a clean and sanitized thermometer. If food is just barely inside Food Temperature Danger Zone (between 41°F and 135°F, ask a dining services representative to verify that food has not been in Danger Zone for longer than a few minutes).
- Track the temperature of the food before and after transportation, and the amount of time between locations. Using a tracking system such as the sample **Food Donation Delivery Form** below is a best practice that can help document that proper food handling procedures were followed at every stage.
- Donations consisting of whole produce, canned goods, dry foods and other similar products can be delivered anytime with no requirement for temperature controls or delivery times.

### Transportation

- Use safe, non-absorbent, leak proof pans or reusable containers.
- Never put pans full of food on the ground.
- Use thermal bags or coolers to maintain hot or cold temperature of food; do not mix hot and cold food in the same carrier.

- Use a clean transport vehicle; food should be isolated and nowhere near cleaning supplies, other chemicals, dirty clothes, trash, etc.
- If ever in doubt about whether these procedures were followed, do not donate the food, take it to be composted.

## 6. Resources for Managing Surplus Food

EPA's Site on Food Waste Management

[http://www.epa.gov/osw/inforesources/pubs/food\\_scraps.htm](http://www.epa.gov/osw/inforesources/pubs/food_scraps.htm)

### Resources for Donating Edible, Nutritional, Excess Food to People:

**Keep Austin Fed** - a network of volunteer food runners are scheduled online to move food from donor food establishments to recipient agencies around Austin. Fill out [this form](#) or email [keepaustinfed@gmail.com](mailto:keepaustinfed@gmail.com) with the type and amount of food, the range of times it will be available for pickup and the name and address of your business. For general questions, go to <http://www.keepaustinfed.org/contact-us/>.

**The Capital Area Food Bank** receives a variety of food and grocery donations, including fresh produce, refrigerated items, frozen items, and non-perishable, shelf-stable items. CAFB can receive both small and large donations, from one case to truckload quantities. Please contact 512-282-2111 or [click here](#) to fill out a donation form.

### Resources for Donating Distressed Foods for Human Consumption:

Foods that have been exposed to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage **must not be directly donated** for consumption by a consumer. Such foods **may be sold or donated to a licensed food salvage establishment** if permitted under the provisions of the Health and Safety Code, Chapter 432.

### Resources for Donating Edible Excess Food to Animals:

Another option for donating food, especially food that is still edible but perhaps not presentable, is to donate to food to farms.

#### EPA Guidelines for Donating Food to Animals

<http://www.epa.gov/foodrecovery/fd-animals.htm>

#### Resources for Recipient Locations

Urban Patchwork: [info@urbanpatchwork.com](mailto:info@urbanpatchwork.com)

Joseph's Place: [josephmdeleon@gmail.com](mailto:josephmdeleon@gmail.com)

Compost Coalition Sponsors: use this [Drop Location Map](#)

Article about donating [bones to animal shelters](#).

### Resources for Composting Excess Food

Any food that has not been maintained in the safe temperature zone or is questionable for any reason should be redirected to one of the following compost operators:

#### Texas Disposal Systems

800-375-8375 or [solutions@texasdisposal.com](mailto:solutions@texasdisposal.com)

Eco Depot Convenience Center (for compost drop-off)

4001 Ranch Road 620 South (near Hwy 71)

Bee Cave, TX 78738

Office (512) 263-5265

**Organics by Gosh**

<http://www.organicsbygosh.com/>

(512) 276-1211

**Green Thumb Compost**

<https://www.greenthumbcompost.com/>

512-369-0998 or [Info@GreenThumbCompost.com](mailto:Info@GreenThumbCompost.com)

**Break It Down Austin**

<http://breakitdownaustin.org/>

512.497.3477

Compost Coalition Sponsors: use this [Drop Location Map](#)

**Resources for Recycling Waste Oil:**

There are two different kinds of waste oil - yellow grease and brown grease. Yellow grease is used cooking oil. Brown grease is liquid waste from a grease trap or other commercial kitchen that must be disposed of using a permitted liquid waste hauler that transports it to a facility permitted by the TCEQ.

**For Yellow Grease:**

[Diesel Green Fuels](#)

[Griffin Industries/DarPro](#)

[Darling International](#)

[Liquid Environmental Solutions](#)

[H&H Oil](#)

[Centex Grease Recovery](#)

**For Brown Grease:**

[Refer to the following list of TCEQ Permitted Kitchen Grease Waste Disposal Sites.](#)

## RELEVANT EXCERPTS FROM TEXAS FOOD ESTABLISHMENT RULES

<https://ehsd.tamu.edu/Safety/foodsafety/Food%20Safety%20Documents/Texas%20Food%20Establishment%20Rules.pdf>

### §229.164(v)

(v) Donation of foods.

- (1) Previous service. Foods which have been previously served to a consumer may not be donated.
- (2) Potentially hazardous foods. A potentially hazardous food may be donated if:
  - (A) the food has been kept at or above 57 degrees Celsius (135 degree Fahrenheit) during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements under subsection (o)(4) and (5) of this section;
  - (B) the donor can substantiate that the food recipient has the facilities to meet the transportation, storage, and reheating requirements of these rules;
  - (C) the temperature of the food is at or below 5 degrees Celsius (41 degrees Fahrenheit) at the time of donation, and is protected from contamination; and
  - (D) if the food is to be transported by the recipient directly to a consumer, the recipient need meet only the transportation requirements, including holding temperatures, under these rules.
- (3) Labeling. Donated foods shall be labeled with the name of the food, the source of the food, and the date of preparation.
- (4) Shelf life. Donated potentially hazardous foods may not exceed the shelf life for leftover foods outlined in these rules.
- (5) Damaged foods. Heavily rim or seam-dented canned foods, or packaged foods without the manufacturer's complete labeling, shall not be donated.
- (6) Distressed foods. Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be directly donated for consumption by the consumer. Such foods may be sold or donated to a licensed food salvage establishment if permitted under the provisions of the Health and Safety Code, Chapter 432.

### §229.164(o)

(4) Cooling.

- (A) Cooked potentially hazardous food shall be cooled:
  - (i) within two hours, from 57 degrees Celsius (135 degrees Fahrenheit) to 21 degrees C (70 degrees Fahrenheit); and

(ii) within a total of six hours, from 57 degrees Celsius (135 degrees Fahrenheit) to 5 degrees Celsius (41 degrees Fahrenheit) or less as specified in paragraph (6)(B)(i) of this subsection, or to 7 degrees Celsius (45 degrees Fahrenheit) or less as specified in paragraph (6)(B)(ii) of this subsection.

(B) Potentially hazardous food shall be cooled within four hours to 5 degrees Celsius (41 degrees Fahrenheit) or less, or to 7 degrees Celsius (45 degrees Fahrenheit) or less as specified in paragraph (6)(B) of this subsection if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(C) Except as specified in subparagraph (D) of this paragraph, a potentially hazardous food received in compliance with laws allowing a temperature above 5 degrees Celsius (41 degrees Fahrenheit) during shipment from the supplier as specified in subsection (c)(1)(B) of this section, shall be cooled within four hours to 5 degrees Celsius (41 degrees Fahrenheit) or less, or to 7 degrees Celsius (45 degrees Fahrenheit) or less as specified in paragraph (6)(B) of this subsection.

(D) Raw shell eggs shall be received as specified under subsection (c)(1)(C) of this section and immediately placed in refrigerated equipment that maintains an ambient air temperature of 7 degrees Celsius (45 degrees Fahrenheit) or less.

(5) Cooling methods.

(A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under paragraph (4) of this subsection by using one or more of the following methods based on the type of food being cooled:

- (i) placing the food in shallow pans;
- (ii) separating the food into smaller or thinner portions;
- (iii) using rapid cooling equipment;
- (iv) stirring the food in a container placed in an ice water bath;
- (v) using containers that facilitate heat transfer;
- (vi) adding ice as an ingredient; or
- (vii) other effective methods.

(B) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

- (i) arranged in the equipment to provide maximum heat transfer through the container walls; and
- (ii) loosely covered, or uncovered if protected from overhead contamination as specified under subsection (i)(1)(A)(ii) of this section, during the cooling period to facilitate heat transfer from the surface of the food.

*These guidelines were produced as a joint effort among Austin Resource Recovery, the City of Austin Office of Sustainability, the Austin/Travis County Health and Human Services Department, and Austin EcoNetwork. For more information, contact Vincent Delisi, Assistant Division Manager, Environmental Health Services, Austin/Travis County Health and Human Services Department, at 512-978-0319.*

# Food Donation Delivery Form

Perishable Food Item(s) Donated (continue on back if needed)	Quantity (lbs)	Temperature at Time of Pick-Up	Temperature at Time of Delivery	Accepted
				YES or NO
				YES or NO
				YES or NO
				YES or NO

**Food Donated By:**

Name of Facility or Event:	Permit #:
Address:	Phone #:
Donated by (print name):	Delivery Start Time:

**Food Transported By (if other than by donor or recipient):**

Name of Delivery Organization:	Permit # (if applicable):
Address:	Phone #:
Delivered by (print name):	Maintained proper temperature? YES or NO

**Donated Food Received By:**

Name of Facility:	Permit # (if applicable):
Address:	Phone #:
Received by (print name):	Delivery End Time:

I acknowledge that the food item(s) listed above meet the temperature holding requirements for potentially hazardous food as defined in Section §229.164(v) and §229.164(o) of the Texas Food Establishment Rules.

Donor Signature: \_\_\_\_\_

Recipient Signature: \_\_\_\_\_