

California's Food Recovery Law

How food generators can comply

What is food recovery? What am I required to do?

What - Senate Bill 1383 (SB 1383) is a California law that requires certain businesses, who produce food, to donate the maximum amount of edible food they would otherwise throw away, to food recovery organizations.

Why? - Food recovery helps reduce food insecurity in our community and the amount of organic waste sent to landfills. Almost 1 in 4 Californians don't have enough food to eat. Additionally, as food waste decomposes in the landfill, it creates large amounts of methane gas. Methane is a greenhouse gas that traps heat in our atmosphere which negatively impacts the environment. Feeding hungry people through food recovery is the best way to help minimize these impacts.

Who is affected?

SB 1383 requires certain businesses that produce, sell, and serve food to donate excess edible food. These businesses are categorized into two tiers, defined below.

When?

Tier 1 is required to donate starting January 1, 2022, and Tier 2 is required to donate starting January 1, 2024.

Commercial Edible Food Generators

What does Tier 1 and Tier 2 mean?

Tier 1 Businesses January 1, 2022

Tier 1 businesses typically have more fresh produce and shelf-stable items to donate. Examples of Tier 1 businesses are:

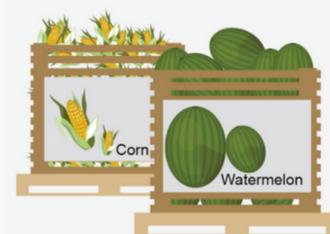
- Grocery Stores (larger than 10,000 sq. ft.)
- Super Markets
- Wholesale Vendors
- Food Service Providers
- Food Distributors



Grocery Stores & Super Markets



Food Distributors



Wholesale Food Vendors



Food Service Providers

Tier 2 Businesses January 1, 2024

Tier 2 businesses typically have more prepared foods to donate, which often require careful handling to meet food safety requirements (e.g. time and temperature controls). Examples of Tier 2 businesses are:

- Restaurants (larger than 5,000 sq. ft. or 250+ seats)
- Hotels (with onsite food facility & 200+ rooms)
- Local Education Agencies (with onsite food facility)
- State Agency Cafeterias
- Large Venue and Events
- Health Facility (with onsite food facility & 100+ beds)



Restaurants



Hotels



Schools



Health Facilities



Large Venues & Events



State Agency Cafeterias



What is a food recovery organization or service?

- Food banks
- Food pantries
- Soup kitchens
- Other non-profits that distribute food to people in need/hunger relief organizations
- Food runners
- For-profit food recovery services

How do I comply?

- Identify edible food to donate at your business
- Set up a regular food donation or collection schedule with a food recovery organization or service
- Establish a written agreement or contract with the food recovery organization
- Maintain records of food donation activities including schedules for food donation deliveries or collections, pounds of food donated per month, and types of food each organization will receive, submit to City upon request

Per SB 1383, the City or its representative may inspect the business and request records of the above.

What food recovery organizations can I donate food to?

There is a growing number of organizations – both charitable and for profit – that are working to recover edible food to provide low or no-cost meals to families in need. Connect with an organization today to support your community and comply with SB 1383. For a full list of organizations located in the City of Tustin, please visit the City's website at tustinca.org/1289/Edible-Food-Donation.

Major food donation organizations in Orange County

- **Orange County Rescue Mission** - www.rescuemission.org
- **Abound Food Care** - www.aboundfoodcare.org
- **Chefs to End Hunger** - www.chefsendhunger.org
- **Community Action Partnership of Orange County Food Bank** - www.ca poc.org
- **Food Finders** - www.foodfinders.org
- **Second Harvest** - www.feedoc.org

Good Samaritan Law

When you are giving food to food banks and other nonprofit organizations, you're protected from criminal and civil lawsuits by the Bill Emerson Good Samaritan Food Donation Act, a federal law signed by President Bill Clinton in 1996.

California Civil Code Section 1714.25 (a) states: "Except for injury resulting from negligence or a willful act in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization, or a food bank shall be liable."

For more information, please visit the CalRecycle website at www.calrecycle.ca.gov/organics/slep/foodrecovery

