

Surplus Food Donation Requirements

In Alameda County



Under state law SB 1383 **certain food-generating sites are required to recover surplus edible food and donate it** to food recovery organizations to nourish people instead of sending it to landfill or composting. This not only cuts harmful greenhouse gas emissions, but also helps alleviate food insecurity in our communities. Sites covered by the state law include:

- Restaurants (>5,000 sq. ft. or 250+ seats)
- Large supermarkets (\$2M+ gross annual sales)
- Grocery stores (>10,000 sq. ft.)
- Food service providers
- Food distributors
- Wholesale food vendors
- Large health care facilities (100+ beds)
- Large hotels (200+ rooms)
- State agency facilities
- Public schools
- Large venues & special events (2,000+ people/day)



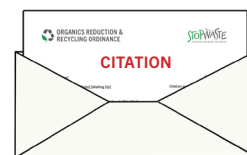
Under the law, the above sites must:

- Have written agreements** with food recovery organizations or services to pick up or receive surplus edible food.
- Save the maximum amount of surplus edible food** that would otherwise be discarded and donate it to food recovery organizations or services, and/or staff.
Note: Any inedible food, food scraps, and prep trimmings must be composted—see “Related requirements” below.
- Maintain monthly records** of type, frequency, and pounds of food donated to food recovery organizations/services or distributed to staff.

Related requirements: Under the law, all businesses, nonprofits, institutions, and multifamily properties (5+ units) must sign up for compost (organics) and recycling collection service, set up indoor bins, and sort materials properly. Visit www.StopWaste.org/rules to learn more.

Citations and fines for failure to comply

Fines up to \$500 per violation will continue to be issued every 60 days for non-compliance.



Scan for information in English, 中文 (Chinese), Tagalog (Filipino), 한국어인 (Korean), Español (Spanish), and Tiếng Việt (Vietnamese)

www.StopWaste.org/rules • (510) 891-6575

Tips & Resources to Help You Comply

Setting Up a Food Donation Program



1. **Assess your surplus edible food:** What amount, type, and frequency is currently being generated? Are there opportunities to cut down on surplus or incorporate it into your production?
2. **Find and enter into a written agreement with one or more food recovery partner(s)** that are a good fit for your needs.
3. **Donate the maximum amount of food** in accordance with the California Retail Food Code. Food must be kept within safe food handling parameters. Note: food recovery organizations have the right to decline donations.
4. **Document in writing** all donations (including to staff) and food waste prevention practices.

For more details, see the [Surplus Food Donation Guide at the Resources page link below](#).

Preparing for Inspection

Surplus food donation inspections typically happen unannounced by the Alameda County Department of Environmental Health or by a partnering enforcement agency. Be prepared to show:

- A copy of your written agreement(s) with food recovery organizations or services.
- Your monthly records of food donations.

Free Resources and Support



We're here to help you start a surplus food donation program or bring an existing one into compliance. Scan the code to download or request free resources. Many are available in multiple languages.

www.StopWaste.org/rules-resources

- Surplus Food Donation Guide
- Free virtual or on-site help from our field team
- Directory of local food recovery organizations and services
- Donation agreement template
- Sample recordkeeping document and more!



California law **SB 1383** went into effect January 2022. In Alameda County, the State law is being implemented and enforced under the Organics Reduction and Recycling Ordinance, which was passed by local government agency StopWaste. StopWaste partners with the cities of Alameda County, their solid waste service providers, and environmental health departments to help sites comply and enforce the law when needed.

