

Facility Name:	Address:	City:	CT:
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FA#:	TIER:	INSPECTION TYPE:
SB 1383 CONTACT:	EMAIL:	FACILITY SQ FT: # of SEATS: # of BEDS:

NOTICE OF VIOLATION (if box checked)
VIOLATIONS OF SB 1383 MUST BE CORRECTED AND CORRECTIONS DOCUMENTED

COMPLIANCE FACTORS	No Violation Observed	Violation Observed	Corrective Action Required (if Violation Observed)	Inspection Comments
1 Lack of Written Contract or Agreement with Food Recovery Organizations and/or Services (FROS) 14 CCR 18991.4			Provide a copy of a written agreement or contract with a FRO/S. If no surplus edible food is available, provide information about food waste prevention practices or direct donation to end recipients. This should be provided to StopWaste who will reconsider the violation.	
2 Lack of Edible Foods Donation records to FRO/s on a monthly basis (to whom, date, lbs.) 14 CCR 18991.4			Provide complete records of types of edible foods donated to FRO/S	
3 Commercial Edible Food Generators shall arrange to recover the maximum amount of edible food that would otherwise be disposed 14 CCR 18991.3			Review where there may be departments or areas within the organization for additional food to be donated	

Local jurisdictions are responsible for confirming compliance with state law SB 1383. Your local jurisdiction has partnered with ACEHD to conduct inspections for compliance with certain SB 1383 regulations, and with the Alameda County Waste Management Authority ("StopWaste") to implement enforcement and penalties related to edible food recovery.



COMPLIANCE DATE: To avoid a fine, your facility has 14 days to demonstrate you have achieved compliance for each violation marked above. To demonstrate compliance, scan the code at left or go to www.StopWaste.org/rules-submit-proof and provide proof that your facility has completed the required corrective actions. Additional information can be found at www.StopWaste.org/rules-food-recovery.

PENALTY NOTICE: No fine is being assessed at this time. However, if your facility fails to complete the required corrective actions within **60 days** of the date of this inspection report, a fine will be assessed for each violation noted above by StopWaste. Generally, fine amounts are assessed at two levels, depending on the food generator type: Tier 1 or Tier 2. Find your site's "tier" noted at the top of the inspection report. StopWaste has set a fine schedule starting at \$100 per violation for Tier 1 generators and \$50 per violation for Tier 2 generators. Fines increase up to \$500 per violation. Learn more at www.StopWaste.org/rules-citations.

Received by: _____

ENVIRONMENTAL HEALTH SPECIALIST: _____

Documenting Donation Activity

Types of surplus edible food to donate: [baked goods, bulk foods, cold prepared foods, fresh/frozen grocery requiring refrigeration or freezing, fresh produce, shelf stable/non-perishable foods, hot prepared foods, meat, milk & dairy, other]

Any unmet needs for successfully donating food: [Notes on whether site has attempted donation but unable to find partner, food is not able to be kept at proper temperatures, which types of food are not able to be accepted by FRO/S etc.]

Food Recovery Organization or Services (FRO/S) Contract/Agreement(s) (if applicable)

Choose a FRO&S 1: [drop down]

Or, new FRO&S Organization Name:

FRO&S Contact Name 1:

Contact Phone:

Frequency of Collection:

Choose a FRO&S 2: [drop down]

FRO&S Contact Name 2:

Contact Phone:

Frequency of Collection:

Choose a FRO&S 3: [drop down]

FRO&S Contact Name 3:

Contact Phone:

Frequency of Collection:

<u>Alternative Compliance Methods</u>	<u>Action Recommended</u>	<u>Inspection Comments</u>
Food waste prevention practices result in no edible food generated for donation	Prepare procedures to be followed so that the facility prevents edible food waste and submit documentation	
Site donates directly to end recipients (staff or individuals) that result in no edible food generated for donation	Provide a copy of the records of edible food donated directly to end recipients and submit documentation	
Edible food is not intentionally spoiled	Provide safe food handling procedures that ensure food is not intentionally spoiled	

SB 1383 and the Organics Reduction and Recycling Ordinance

Background:

When food and plant material break down in a landfill, they release methane, a harmful greenhouse gas and leading cause of climate change. To respond to the climate crisis, California passed Senate Bill 1383 to reduce the amount of food scraps and other compostable materials sent to landfills by requiring everybody in the state to compost and recycle, and requiring food-generating businesses to donate surplus edible food. 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 the Alameda County Department of Environmental Health to help sites comply and to enforce the law when needed.

Overview of the Rules

Businesses (including nonprofits and institutions) and multifamily properties (5+ units) must:

1. **Subscribe to compost (organics) and recycling collection services.**
2. Place **color-coded and labeled recycling and compost bins** next to all garbage bins (not required in restrooms).
3. **Sort materials into the proper bins.**
4. **Educate employees, contractors, and tenants about the law** at least annually and check bins periodically.

In addition to the steps above, [some businesses](#)—such as grocery stores, food distributors, and large restaurants—must donate their surplus edible food to feed people. These 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 your staff.
- **Maintain monthly records of type, frequency, and pounds of food donated** to food recovery organizations/services or distributed to staff.

Fine amounts are assessed at two levels, depending on the food generator type: Tier 1 or Tier 2. Fines start at \$100 per violation for Tier 1 generators and \$50 per violation for Tier 2 generators. Fines increase up to \$500 per violation and will continue to be issued every 60 days for non-compliance. Learn more at www.StopWaste.org/rules-citations.

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!

FREE



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

www.StopWaste.org/rules-food-recovery | (510) 891-6575

SUMMARY OF EXCERPTS FROM CORRESPONDING LAWS AND REGULATIONS FOR THE REQUIREMENTS LISTED ON THE FRONT SIDE OF THIS FORM. THE DEPARTMENT MAY CITE ADDITIONAL SECTIONS AS APPLICABLE.

Health & Safety Code § 39730.6

(a) Consistent with [Section 39730.5](#), methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and [Section 42652.5 of the Public Resources Code](#), the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

California Code of Regulations Title 14 § 18991.3

(a) Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022. Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.

(b) Commercial edible food generators shall arrange to recover the maximum amount of edible food that would otherwise be disposed. A commercial edible food generator shall comply with the requirements of this section through a contract or written agreement with any or all of the following:

(1) Food recovery organizations or services that will collect their edible food for food recovery.

(2) Food recovery organizations that will accept the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(c) A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the requirements of this section.

(d) A commercial edible food generator shall comply with the requirements of this section unless the commercial edible food generator demonstrates the existence of extraordinary circumstances beyond its control that make such compliance impracticable. If an enforcement action is commenced against a commercial edible food generator for noncompliance, the burden of proof shall be upon the commercial edible food generator to demonstrate extraordinary circumstances. For the purposes of this section extraordinary circumstances are:

(1) A failure by the jurisdiction to increase edible food recovery capacity as required in Section 18991.1.

(2) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.

(e) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

California Code of Regulations Title 14, § 18991.4

Section 18991.4 - Recordkeeping Requirements for Commercial Edible Food Generators (a) A commercial edible food generator subject to the requirements in this article shall keep a record that includes the following: (1) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under Section 18991.3(b). (2) A copy of contracts or written agreements between the commercial edible food generator and a food recovery service or organization. (3) A record of the following for each food recovery organization or service that the commercial edible food generator has a contract or written agreement with pursuant to Section 18991.3(b): (A) The name, address and contact information of the service or organization. (B) The types of food that will be collected by or self-hauled to the service or organization. (C) The established frequency that food will be collected or self-hauled. (D) The quantity of food collected or self-hauled to a service or organization for food recovery. The quantity shall be measured in pounds recovered per month.