



Methods to Comply with Edible Food Recovery Requirements *for Prepared Food Generators*

This document has been shared because your site has been identified as being in violation of one or more Edible Food Recovery Requirements under state law SB 1383. Below are some options for actions that you can take to demonstrate compliance and avoid a fine. Refer to your SB 1383 Edible Food Recovery Inspection Report for full details on your site’s compliance date and deadlines.

| | |
|--|---|
| <p>To avoid being fined for non-compliance, you must submit documentation of compliance to StopWaste at:</p> <p>www.StopWaste.org/rules-submit-proof</p> <ol style="list-style-type: none"> 1. Select “Edible food donation requirements”. 2. Fill in the requested information. 3. Upload files and submit form. | <p>Under the law, food generating sites must:</p> <p>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. Prevention methods may be considered upon review and approval.</p> <p>Monthly records must be maintained to include the types, frequency, and pounds of food donated.</p> |
|--|---|

If you require further assistance, complete the form at www.StopWaste.org/request-help to get free phone, email, virtual, or in-person support to set up a surplus edible food donation program in accordance with the law.

The full requirements of the law can be found at www.StopWaste.org/rules-food-recovery

Your Compliance Options:

Prevent Surplus Edible Food

- Sites that prevent surplus edible food from being generated may not have food to donate and could be considered compliant after a review of documentation that demonstrates this scenario.
- Document (in writing) the procedures and practices that your operation follows to limit the generation of surplus edible food. Here are some questions to help you consider what to include on documentation:
 - Do you have standard operating procedures that promote prevention, such as utilizing older ingredients first, or cooking meals to order?
 - Do you have food rotation practices or incorporate surpluses into food production? (e.g. leftover beans are incorporated into the following day’s soup special).
 - Do you sell surplus items past their peak quality at a discount?
 - Do you conduct regular employee trainings, knife skills refreshers, or regularly solicit creative ideas from your chefs on how to maximize product?

Sell Surplus at a Discount

- Start a practice where surplus food is discounted towards the end of service or the business day. The purpose of SB 1383 is to minimize the amount of edible food going to waste. If surplus foods are edible and handled safely according to food safety procedures, they can be sold for a discounted rate instead of being donated.

- There are several apps that facilitate the sale of discounted meals or groceries directly to consumers, with the potential to bring new customers to your business. [TooGoodTooGo.com](https://www.toogoodtogo.com) is one example*.

Start an Employee Donation Program

- Allowing staff/employees to take surplus food home is a simple way to ensure that there is little to no surplus edible food left to be donated.
- Document (in writing) an employee donation policy and a description or log of donations. Use one of the donation log templates on [this webpage](#), or create your own: <https://www.stopwaste.org/resource/printable-food-donation-log>
- For any surplus foods that are not taken by employees, those items must be donated to a food recovery organization or directly to individuals.

For Recurring Donations, Find a Food Recovery Organization or Service

- Recurring donations are best handled by forming a relationship with one or more organizations/services.
- Find an organization that can take the types and quantities of donations you have to offer by visiting this website: <https://resource.stopwaste.org/food-recovery-organizations>.
- Enter into a written agreement with at least one organization or service. Maintain donation records in total pounds, per month. See [this page for donation log](#) templates.
- Your site must make a reasonable attempt to make any surplus edible food items available for donation, and document any attempts to donate that are unsuccessful, including the reason why the donation was declined (if known). You can use either of the [templates on this webpage](#) to document.

For Occasional Donations, Use a Food Recovery Platform

- A food recovery platform can allow your site to post a potential donation to a network of organizations, eliminating the need to reach out to individual organizations when your site has occasional food to donate.
- [Careit.com](https://www.careit.com) and [FoodRecovery.org](https://www.foodrecovery.org) are two apps that allow businesses to post donations on-demand and be matched with a recipient organization*. Both services are free and can help with satisfying the recordkeeping requirements of SB 1383. [Replate.org](https://www.replate.org) is another service that may require a fee*.
- Note: Posting edible food to a food recovery platform may not always result in the food being picked up. Be sure to document any attempts to donate that are unsuccessful, including the reason why the donation was declined (if known). You can use either of the [templates on this webpage](#) to document.

**Our description of these platforms or services is for convenience and not to be considered an endorsement.*

Common Questions & Answers About Food Donation

“We rarely have donatable food. What if we don’t have enough to donate?”

Sites covered under the law must produce documentation to demonstrate that any edible surplus generated, however rarely, is made available for donation. Donations can be made to staff/employees, directly to individuals, or to organizations/services. There are other reasons to have a donation partner lined up: power outages, shelter-in-place-orders and other emergencies could create a situation where your kitchen may need to consider donating food. Prepare for these uncommon scenarios by [finding a food recovery organization or service](#) today.

“Our corporate policy prevents us from donating any food. What should we do?”

SB 1383 requires certain food generators to donate the maximum amount of surplus edible food in California. Corporate policies do not supersede state law.

There are also laws in place that protect donors from liability, including:

- [Food Donation Improvement Act](#) (Federal, 2022)
- [California Good Samaritan Food Donation Act](#) (State, 2017)
- [Bill Emerson Good Samaritan Food Donation Act](#) (Federal, 1996)