



SURPLUS FOOD DONATION

A GUIDE FOR FOOD BUSINESSES IN OAKLAND

California state law SB 1383 and Oakland Municipal Code Chapter 8.28 require certain food businesses to donate their surplus edible food to feed people instead of throwing it away. This reduces waste and helps nourish people in our community.

Businesses are protected under law from liability and may see savings from reduced compost collection costs and enhanced tax deductions. This guide will help businesses set up a successful food recovery program to help the planet and its people!



Who is Required to Donate Surplus Edible Food?

The following businesses must donate surplus edible food. All Oakland businesses with surplus edible food are encouraged to donate excess food even if it is not required. Compliance dates depend on the type and size of business.

January 1, 2022 - Tier 1 sites:

- Large supermarkets (\$2M+ gross annual sales)
- Grocery stores (10,000+ sq. ft.)
- Food service providers
- Food distributors
- Wholesale food vendors

January 1, 2024 - Tier 2 sites:

- Restaurants (5,000+ sq. ft. or 250+ seats)
- Large health care facilities (100+ beds)
- Hotels (200+ rooms)
- Large venues and special events (2,000+ individuals per day)
- State agency facilities (250+ seats or 5,000+ sq. ft.)
- Public schools

Under the law, the above sites must:

- Save the maximum amount of surplus edible food that would otherwise be composted and donate it to feed people. This can be done by partnering with a food recovery organization or service, and/or giving the food to staff.

Note: Any inedible food, food scraps, and prep trimmings must be composted.

- Have written agreements with food recovery organizations or services to pick up or receive surplus edible food, if applicable.

- Maintain monthly records of type, frequency, and pounds of food donated to food recovery organization/service or distributed to staff.

www.OaklandRecycles.com/FoodRecovery



Safe Food Handling Procedures

FOR FOOD RECOVERY AND DONATION

Under federal and state law you are protected from civil and criminal liability if surplus food is donated in good faith. This means following the same safe food handling procedures for food to be donated as for any other food prepared at your facility.



Preparing foods for donation

- Donate only foods that were not served, such as hot trays that remained in the back of the house. Foods that have been previously served to a consumer cannot be donated.
- Always protect foods from potential contamination by using sanitary, food-grade containers.
- Up until pickup or drop-off, hot foods must be held at 135°F or above, cold foods at 41°F or below, and frozen foods at 0°F.

Transporting donated foods

- Always ensure that transport vehicles are clean and free of vermin to protect foods from potential contamination.
- During transport, use portable coolers, a refrigerated vehicle, or thermal blankets when possible. Do not let food go out of temperature controls for more than 30 minutes during transport.

RESOURCES for Oakland businesses

- Get details on food recovery rules for Oakland businesses:
www.OaklandRecycles.com/FoodRecovery
- Find a food recovery organization or service to partner with:
www.Resource.StopWaste.org/food-recovery-organizations
- Request in-person, phone, or virtual assistance from the Alameda County Waste Management Authority (StopWaste):
www.StopWaste.org/Request-Help

