



School Food Recovery Program

Food Bank of Delaware • 14 Garfield Way, Newark • 1040 Mattlind Way, Milford
www.fbd.org

Food Bank of Delaware School Food Recovery Program

The Food Bank of Delaware's mission is to provide nutritious foods to Delawareans in need and facilitate long-term solutions to the problems of hunger and poverty through community education and advocacy.

The Food Bank of Delaware distributes between seven and 10 million pounds of food and grocery products each year to its network of hunger-relief program partners throughout the state and also provides thousands of meals a month for children through the After-School Feeding Program, the Summer Food Service Program and the Backpack Program. The Food Bank's hunger-relief programs directly provide for 241,600 Delawareans at risk of going without meals each year.

In an effort to feed more Delawareans and to help alleviate any food that is wasted, the Food Bank of Delaware has implemented a Food Recovery Program in partnership with schools.

The Food Rescue Program is another way for school food service programs throughout the state to help feed hungry Delawareans. Any leftover food can be packed into plastic bags and picked up by the Food Bank's local Hunger-Relief Partners.

The Good Samaritan Act states that food service programs throughout the state have the ability to pass leftover food from service to local food banks and pantries without liability:

"(1) LIABILITY OF PERSON OR GLEANER. -- A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

"(2) LIABILITY OF NONPROFIT ORGANIZATION. -- A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.

"(3) EXCEPTION. -- Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct."

A recent memo from the United States Department of Agriculture relayed to educators through the Department of Education has reinforced the idea that food service programs will not fall under legal action when donating food that has been heated or prepared (page 5). It does, however, give guidelines to reduce the possibility of bacteria growth and the outbreak of foodborne illness. The guidelines may be found in the 2011 Delaware Food Code.

As a possible school food rescue donor, here are some of the options you can consider:

- Scheduled daily/weekly/monthly pickups
- Occasional/on-call pickup for donors who have excess food less often than once a week
- One-time-only pickup for donors who have minimum storage space

How do pick-ups work?

- A representative from the Hunger-Relief Partner organization will pick up the food directly from the school to bring back to their agency. Poundage will be tracked and the school will be receipted. To identify a potential pick-up partner, please contact Angel Diaz, Fleet and Routing Coordinator at (302) 292-1305 ext 260 or adiaz@fbd.org. Partners will be determined based on proximity to the school and willingness of partner to participate. Once determined, a pick-up schedule will be coordinated between school and partner personnel.

Food Rescue Frequently Asked Questions

Q: Does the Food Bank of Delaware accept all leftovers?

A: The Food Bank of Delaware cannot accept food that has been served, or food deemed unsafe by our drivers and food safety staff. We collect good, unused, wholesome food that would otherwise be wasted from regulated food businesses such as restaurants, bakeries, supermarkets, wholesalers and local greenmarkets. We do not accept prepared food from private citizens.

Q: Does the Food Bank of Delaware accept all kinds of food?

A: Yes, we accept fresh food, refrigerated and frozen food, dried foods, food in boxes, cans, and bottles, baby food and formula. The only food that the Food Bank of Delaware cannot accept is food that has been prepared at home, served or deemed unsafe by our staff.

Q: How can I package my donation?

A: Clear, food-grade bags.

Q: I'm throwing a catered event. Will the Food Bank be able to pick up any excess food?

A: Yes, we can pick up the chilled leftovers the next day. We get many useful donations from catered events such as weddings, conferences and office parties.

Q: I'm usually very busy. Does donating take a lot of time?

A: In the time it takes to throw away excess food, you could package it for donation to the Food Bank of Delaware instead. We do all the paperwork and a receipt for your donation will be mailed to you. Donating to the Food Bank of Delaware is an easy, efficient way to be generous.

Q: I'd like to donate food, but I'm concerned about liability. Will I be held responsible if someone falls ill after eating food I donated?

A: You are protected from liability. The Federal and Delaware Good Samaritan Law limits liability for food donations. More importantly, our staff and drivers are trained in industry-standard food handling guidelines, and have the authority to refuse food that does not meet quality standards. More guidance from the USDA can be found on page 5.

Q. What food is acceptable to donate to the Food Bank of Delaware?

A: We can safely accept:

- Food from a regulated food company
- Whole fresh produce without significant decay
- Chopped fresh produce packed separately in food-grade packaging
- Prepared foods chilled to 40 degrees F that have not been served or placed on a buffet
- Chilled perishable packaged foods such as juice and cheese in their original packaging
- Frozen or fresh meat, poultry and fish
- Dairy products 40 degrees F to expiration date
- Shelled eggs
- Frozen foods in original packaging
- Baked goods (day-old bread, bagels, and other bakery items)
- Canned and packaged goods in original packaging

Q: What food is not acceptable to donate to the Food Bank of Delaware?

A: We are unable to accept:

- Food that is not from a regulated food company
- Home prepared food
- Stale bread or baked goods
- Foods that have been served or put on a buffet table
- Foods that have been previously reheated
- Foods that have been kept in the temperature danger zone for more than 2 hours
- Foods with damaged or compromised packaging, resulting in the loss of a sanitary barrier protection
- Produce with significant decay
- Frozen foods with freezer burn
- Sushi or any seafood intended for raw consumption
- Open, punctured, bulging or seriously damaged canned goods
- Any food containing alcohol



**United States
Department of
Agriculture**

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DATE: February 3, 2012

MEMO CODE: SP 11-2012, CACFP 05-2012, SFSP 07-2012

SUBJECT: Guidance on the Food Donation Program in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

On November 18, 2011, the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) amended the Richard B. Russell National School Lunch Act (NSLA) by adding paragraph (l), the Food Donation Program at the end of Section 9. The amendment provides clear statutory authority for current Food and Nutrition Service (FNS) food recovery and donation policy in use by schools and institutions participating in the Child Nutrition Programs, the National School Lunch and School Breakfast Programs, Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP).

Food donation has been a longstanding policy in all Child Nutrition Programs and the current amendment to the NSLA clarifies the policy through statute. Although, FNS does not believe this amendment will require change in current food recovery practices, this memorandum provides updated and consolidated guidance on this issue; therefore, the following existing memoranda relating to this issue are rescinded: SP 29-2009, SFSP 04-2009, CACFP 07-2009, Excess Summer Meals, June 26, 2009.

The statute clarifies that any program food not consumed may be donated to eligible local food banks or charitable organizations. The amendment defines the terms “eligible local food banks or charitable organizations” to mean any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)). It also extends protections against civil and criminal liability for persons or organizations when making food donations to the extent provided under the Bill Emerson Good Samaritan Food Donation Act, found in section 22 of the Child Nutrition Act.

Regional Directors
State Directors
Page 2

Food Donation Policy

FNS is committed to preventing hunger and to responsible stewardship of Federal dollars. Child Nutrition Program policy aims first to limit food waste and unnecessary costs. If a school, CACFP institution, or SFSP sponsor has leftover food on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers.

Nevertheless, because of unforeseen circumstances, occasionally there will be leftover food. All alternatives permitted by Program regulations and State and local health and sanitation codes should be exhausted before discarding food. Options may include using leftovers in subsequent meal services, offering “sharing tables,” or transferring food to other sites. (*See attached: Donation of Leftover Foods From School Cafeterias, June 11, 1996*). Where it is not feasible to reuse leftovers, excess food may be donated to a non-profit organization, such as a community food bank, homeless shelter, or other nonprofit charitable organizations.

As a result of the Department’s Food Recovery and Gleaning Initiative of 1997, a “Best Practice” manual was created which highlighted measures to provide unused food to needy organizations. In addition, the “Citizen’s Guide to Food Recovery” was developed as a resource guide on food recovery programs for businesses, community-based organizations, private citizens, and public officials and describes some of the food recovery activities taking place at that time and suggestions for new efforts. These publications can be found at: <http://www.fns.usda.gov/fdd/gleaning/besthome.htm> and <http://www.usda.gov/news/pubs/gleaning/five.htm>. FNS will review these resources and determine if they require updating or if additional materials are required to assist schools and local educational agencies in the donation of food.

FNS will continue to support food donation as outlined above. State agencies should direct any questions to their FNS Regional Office.

Original Signed

Cynthia Long
Director
Child Nutrition Division

Attachment

JUN 11 1996

SUBJECT: Donation of Leftover Food from School Cafeterias

TO: Regional Directors
Special Nutrition Programs
All Regions

We frequently receive inquiries from schools and the general public concerning the donation of extra foods prepared for the National School Lunch and School Breakfast Programs. It appears that many school food service managers believe that the program regulations prohibit them from donating leftovers to organizations which feed the needy.

As you know, schools may claim reimbursement for only one lunch served per child per day, and schools are expected to plan and prepare sufficient amounts of food to achieve this goal. When the food actually prepared exceeds the amount needed for the reimbursable meal service, schools may dispose of the extra food as they wish as long as they comply with applicable State and local health standards. Thus, schools may donate leftover foods to appropriate nonprofit institutions such as soup kitchens or homeless shelters provided this practice is not prohibited by State or local laws or regulations. The Department of Agriculture strongly encourages them to consider this option whenever it is feasible. This policy is in keeping with Secretary Glickman's active promotion of local gleaning and donation programs to feed the poor and homeless.

Please remind your States of this longstanding policy and request that they ensure that their local schools are aware of this option.


ALBERTA C. FROST
Director
Child Nutrition Division



Our mission is to provide nutritious foods to Delawareans in need and facilitate long-term solutions to the problems of hunger and poverty through community education and advocacy.

To schedule a pick up:

Angel Diaz
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adiaz@fbd.org
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Connect with us:

