



# School Food Recovery Program

Food Bank of Delaware • 14 Garfield Way, Newark • 1040 Mattlind Way, Milford  
[www.fbd.org](http://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 millions of 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 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 Ed Matarese, Food Sourcing Manager, at (302) 893-2622 or [ematarese@fbd.org](mailto:ematarese@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 and poultry
- Dairy products stored at 40 degrees F before 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
- Hard candy, lollipops, soda in cans and bottles, chocolate bars or pieces, gum and soft candy such as marshmallows, caramels, taffy, licorice and gummy items.



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**To schedule a pick up:**

Ed Matarese  
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ematarese@fbd.org  
(302) 893-2622

**Connect with us:**

