



FOOD RECOVERY PROGRAM
RESOURCE PACKET



TABLE OF CONTENTS

I. Welcome and Contact Information

II. Student Food Waste Audits

- a. Student Food Waste Audit Flyer
- b. Guide to Conducting Student Food Waste Audits

III. Legal Fact Sheet for Share Tables and School Food Donation Programs

IV. Share Tables

- a. Share Table Flyer
- b. Share Table Checklist
- c. USDA Memo: The Use of Share Tables in Child Nutrition Programs
- d. Temperature Log Template

V. School Food Donation Programs

- a. School Food Donation Program Checklist
- b. USDA Memo: Guidance on the Food Donation Program in Child Nutrition Programs
- c. Sample Agreement for the Donation of Leftover Cafeteria Food to a Charitable Organization

VI. Gleaning Field Trips

- a. Gleaning Initiative Flyer
- b. Gleaning Tips and Rules

VII. Resource Library



WELCOME

Florida schools have a special role in reducing and recovering food waste, as well as educating students about the importance of food conservation and recovering wholesome excess food for donation to those in need. Schools can help fill that role by implementing a food recovery program. The primary goal of a school food recovery programs is to increase consumption and reduce food waste. This allows students to get the maximum nutritional benefits from school cafeteria meals.

According to the Environmental Protection Agency's (EPA) Food Recovery Hierarchy, the best way to tackle food waste is to make sure students consume what they take, also known as source reduction. Where it is not feasible to increase consumption, excess food may be donated to a non-profit organization, such as a community food bank, homeless shelter, or other nonprofit charitable organizations.

This packet will provide information so your school can engage in source reduction through student food waste audits, as well as variety of donation activities, such as share tables and gleaning filed trips.

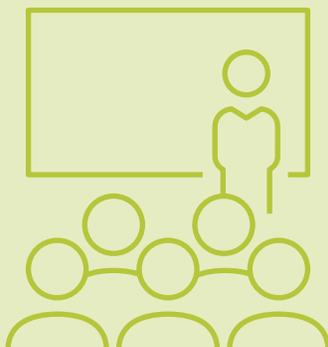
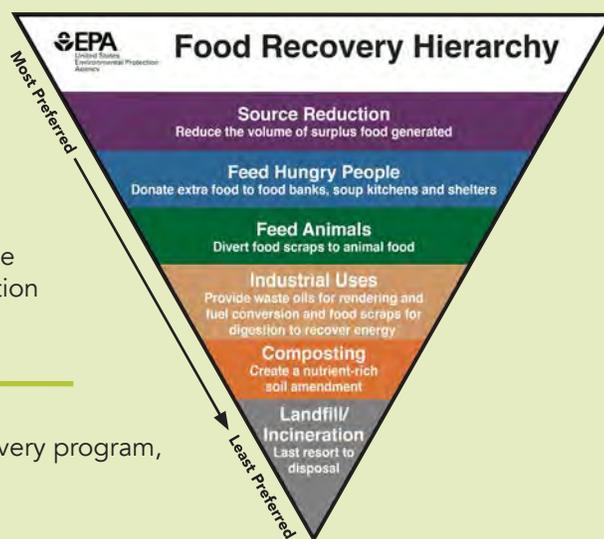
For questions or help implementing or growing your school's food recovery program, please contact:

MELANIE MASON

Food Recovery Specialist
Division of Food, Nutrition and Wellness
Florida Department of Agriculture and Consumer Services (FDACS)
Phone: (850) 617-7165
Email: Melanie.Mason@FDACS.gov

Address: The Holland Building
600 South Calhoun Street (H2)
Tallahassee, Florida 32399

Webpage: <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/Food-Recovery-Program>



STUDENT FOOD WASTE AUDITS

Student food waste audits help us to learn why students are not eating certain food items and make changes so that they eat more of what's on their tray.





STUDENT FOOD WASTE AUDITS

Student Food Waste Audits engage and bring together students, teachers and school cafeteria staff. The audits collect data on which foods go un-eaten in the school cafeteria, and why, within a given time frame.

Audits help educate students about the amount of food they waste in their school cafeteria and encourage the consumption of more nutritious foods to reduce food waste. For more information, review the **Guide to Conducting Food Waste Audits**.

Once uneaten items are identified, schools can implement food-waste reduction strategies.

TIPS TO REDUCE FOOD WASTE:

Have recess before lunch;

Extend lunch to 30 minutes;

Give food items creative names;

Slice fruit;

Create a sharing table;

Allow students to save food items for later in the day;

Use the offer vs. serve method during meal service;

Involve students through taste tests, menu planning and graphing audit results; and

*Participate in the **Harvest of the Month Program**, which increases students' exposure to locally grown produce.*

For more information about School Food Waste Audits contact us at:

InfoFNW@FDACS.gov • 1-800-504-6609

FDACS.gov/FoodRecovery



This institution is an equal opportunity provider.

Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner



Guide to Conducting Student Food Waste Audits

A Resource for Schools



Table of Contents

Background	1
Why conduct an audit?	2
Planning your audit	3-4
Items needed	5
Instructions for student volunteers	6-7
Day of audit	8-9
Data collection	10-11
Food waste prevention ideas	12-13
References	14-15
About the authors	16
Appendix – sample log sheets	i – iii

Background

On September 16, 2015, the U.S. Department of Agriculture (USDA) and U.S. Environmental Protection Agency (EPA) announced the United States' first-ever national food waste reduction goal, calling for a 50-percent reduction by 2030 ([USDA News Release No. 0257.15](#)). In our food system, there are many points at which food loss and waste are generated, including in schools and households ([Buzby and Guthrie and Buzby et al.](#)). This student food waste audit guide is intended to help educate students about the amount of food they waste in their school cafeterias and to encourage them to reduce waste and eat more of the nutritious foods provided through USDA's school meals programs or brought from home.

To begin, students must first understand the scope of the problem. How much food or beverage items do they waste (for the rest of the document, beverages are included as "food")? Which types of foods are being wasted most? Why are students not eating particular food items? Doing a student food waste audit in your school cafeteria will help answer all of those questions. After studying the audit data, students and schools can develop and implement food-waste reduction strategies that make the most sense for their particular situation. A follow-up food waste audit after the strategy has been fully implemented can reveal how successful a particular strategy or strategies were in reducing food waste. We encourage students to organize multiple food waste audits in a school year to engage each other in finding creative ways to make sure nutritious food ends up in hungry bellies and not into the trash can.

At the end of this guide, we provide a list of food-waste reduction strategies. Most of the strategies focus on preventing waste. Preventing food waste is not only the best way to make sure children eat healthy meals, but it is also the best way to reduce the damaging environmental impacts food waste has on our world ([U.S. Environmental Protection Agency](#)). Below you will see strategies for dealing with food waste.



Why conduct a student food waste audit?

1. Student food waste audits are a quick way to learn which kinds of foods go uneaten by students in a school cafeteria. The data gained from an audit can help schools develop specific strategies to reduce wasted food. Most importantly, the audits identify why the students are throwing certain foods away, which can help schools develop strategies to encourage students to eat their nutritious meals.

2. Activities performed during an audit including project planning, data collection, data analysis, and conducting interviews, can be incorporated into math and science curriculum or used towards community service hours.

3. After an audit, schools will have a better idea of how and where to reduce food waste. Reducing food waste can help schools save money by reducing the cost of garbage collection. Reducing food waste also reduces the stress we put on natural resources through production of uneaten food, while helping reduce greenhouse gas pollution ([U.S. Environmental Protection Agency](#)).



Photo by Melissa Terry, University of Arkansas

Food Waste – A National Problem



31% of food at the consumer & retail level goes uneaten
(Buzby et al.)



Only 24% of people say they are very knowledgeable about reducing food waste
(John Hopkins Bloomberg School of Public Health)



Food waste is the single largest component of waste sent for disposal, much of which ends up in landfills, where it generates methane, a powerful greenhouse gas
(U.S. Environmental Protection Agency)

Planning your audit

1. Reach out to the school district’s nutrition director or school cafeteria director. Make it clear that the main goal of the audit is to help find ways to encourage students to eat their nutritious meals and not throw them away.

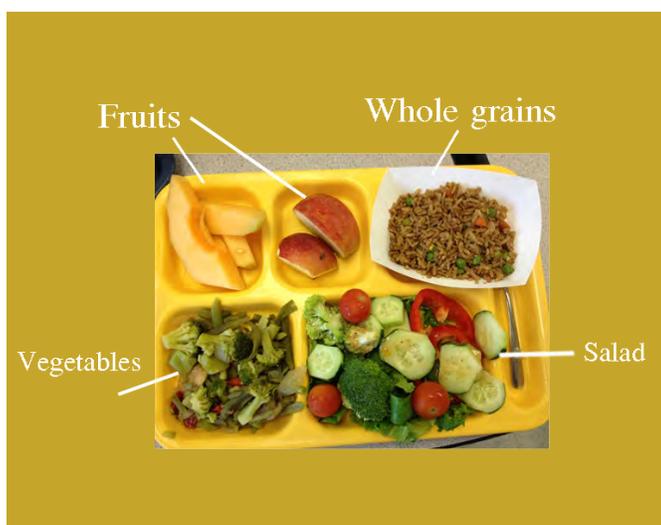
2. Put together a technical advisory team to help plan and implement the audit. Ideally, the team should include a school administrator, nutrition staff representative, one or two teachers, and a Parent Teacher Organization member. Involving teachers is important if the audit will be linked to curriculum benchmarks, such as basic math and measurement.

3. Work with the team to recruit student volunteers such as a green team, student council, or Reserve Officer’s Training Corps class. A minimum of four volunteers plus a team leader is recommended. Ideally, have 4 volunteers for every 100 students eating in the cafeteria. There should be 1 separate audit station for every 200 students.



Photo by Melissa Terry, University of Arkansas

An audit station usually consists of two tables. One table is where students drop off their trays and get interviewed by volunteers in order to get answers on why they did not finish the food items left on their tray. The second table is used for separating food items from trays into buckets after an interview. The buckets will eventually be weighed and recorded ([see sample setup on page 8](#)).



4. Arrive before lunch service on a day that will have the same menu as the planned audit day. Take photos of each item being served. Determine which items are going to be collected and weighed. For example, if green beans are being served as a side dish, a bucket could be designated for green beans on the audit day. If there is more than one vegetable being served, it may be easier to have one “vegetable” bucket. Additionally, having a bucket for unopened items can be useful to see how much leftover food you could potentially donate.

Planning your audit (continued)

5. On a day before the audit, arrive early before the lunch begins to identify where students usually enter, where they throw away their trash, and where they exit the cafeteria. This gives the team a good idea of traffic flow before, during, and at the end of lunch.

6. Identify a good spot to set up tables for the audit station. Again, 2 or more audit stations may be required depending on how many students are present during a particular lunch period.

7. Decide how to direct students to the audit station. Put extra signs in the places where students normally throw away trash with arrows directing them to the audit station.

8. Meet with cafeteria and custodial staff to discuss the purpose of the audit and plan for how it will proceed. Coordinate with them on how the trash will be emptied throughout the audit.



Photo by Melissa Terry, University of Arkansas



*Photo by Stephen Sturdivant,
U.S. Environmental Protection Agency*

9. Decide which categories/food items will be collected, weighed, and analyzed for the audit. The number of categories will vary from school to school. An audit in an elementary school may require 5 buckets, whereas a high school may require 12 or more buckets because there may be more food choices. The more categories there are, the more useful the results will be. For example, it is a good idea to have one bucket for each entree option available that day (i.e., burgers vs. burrito). Make sure all food is accounted for in the respective categories so students won't end up with an item without an assigned bucket.

10. Place pictures and names of the food items you want to collect on each bucket.

Items needed

- ❑ Two tables per audit station. One table for students to drop off their trays and get interviewed and one table to place the food buckets (see [sample setup on page 8](#)).

- ❑ Minimum of two large trash cans on wheels for emptying the food buckets into after they are weighed. A typical school cafeteria should already have these available.



Photo by Melissa Terry, University of Arkansas

- ❑ Small trash bags to line the buckets (optional). Lining the buckets make emptying out the buckets easier as food won't get stuck to the sides.

- ❑ Buckets! Five-gallon buckets at a local home improvement store sell for around 3 dollars each. Grocery store bakeries or restaurants may also be willing to donate their extra buckets. Five to 12 buckets should be sufficient for an audit station.

- ❑ Scales. Hand-held luggage scales and bathroom scales are two options. Hand-held scales with the display on top and wide handles can be purchased for as little as 8 dollars. Keep in mind that a 5-gallon bucket full of food can weigh up to 20 pounds and a half-full bucket of liquid can weigh up to 25 pounds.



Photo by Stephen Sturdivant, U.S. Environmental Protection Agency

- ❑ Good signage that directs students to food waste audit stations.
- ❑ Interview clipboards and pens.
- ❑ Weight log sheet and interview sheets (see [appendix for examples](#)).
- ❑ Gloves for handling food.
- ❑ Printed bucket labels or food photos taped to the buckets. Food waste buckets need to be clearly labeled.
- ❑ Clothes and/or paper towels for spills and cleanup.

Instructions for interviewers

1. When students walk up with their trays, say “Hello, we are taking a survey, and we would like to ask for your input. I’m going to ask you about the food items left on your tray and record what you thought about them.” Look at their tray and mark down which food items they left unfinished (drink containers too). Make sure to write

down the same name that is on the label on one of the collection buckets. If unsure, ask the audit team leader.

2. Mark each unfinished food item down on the log sheet (one item per line) ([see appendix for sample log sheets](#)). For each item, ask the student “Can you tell us why you didn’t finish your [name of food]?” and write down what they say. Only give one reason per item – his or her main reason. Try to get an answer that can help staff fix the problem. Answers like “didn’t like it” or “tasted gross” are not helpful answers. Instead, ask a more specific question like “What about the taste didn’t you like?” in order to get a more detailed answer such as “I didn’t like it because it was too cold.”

3. Thank the students and ask them to leave their tray on the table. If there are many students lining up to be interviewed, please be brief with each student in order to get a response from as many students as possible. After each interview is complete, have them leave their tray on the table.

4. If there are no other students to interview at the time, ask the student if they have any ideas on how to reduce waste and write their suggestions down on the log sheet.

The Art of the Interview



Photo by U.S. Department of Agriculture

Example 1

Interviewer: Why didn’t you finish your chicken lo mein?

Student: I didn’t like it.

Interviewer: What about it didn’t you like?

Student: It was kind of cold.

Write down “cold” for “chicken lo mein.”

Example 2

Interviewer: Why didn’t you finish your carrots?

Student: I knew I wasn’t going to like it.

Interviewer: What about them don’t you like?

Student: Really, it was my only choice.

Write down “no other choice” for “carrots.”

Example 3

Interviewer: Why didn’t you finish your cookie?

Student: I was too full.

Write down “full” for “cookie.”

Instructions for food separators

1. Food trays should not be taken directly from students. The interviewers must talk to the students first. If a student tries to hand a tray directly to the food separator volunteer, ask the student to please take it to one of the interviewer volunteers first.

2. After an interviewer is done talking with a student, take the lunch tray. Carefully put the leftover food into the corresponding bucket. If unsure about which bucket to place an item, ask the team leader right away.

3. Stack the empty trays off to the side. Trays will be counted later to record the total number of participants in the audit.

4. All non-food trash must stay out of the food buckets and be placed directly into the trash can on wheels.

5. If a food bucket or trash can is getting close to full, let the team leader know. Once the liquid buckets gets half full, let the team leader know. Liquid buckets can be difficult to handle even when half full.



Photo by Melissa Terry, University of Arkansas

Day of audit

- ❑ Set up the audit stations and restrict student access to all trash cans (set up signs that redirect them to the audit station). Be sure to also restrict student access to the audit station trash cans so only volunteers can use them. This ensures that all food waste is accounted for and that the data will be accurate (see sample setup on page 8).

- ❑ Remind the cleaning crew about the audit and tell them where the trash cans will be.
- ❑ Weigh an empty bucket and record its weight on the log sheet to subtract the weight later.
- ❑ Bring the student volunteers to the stations before lunch starts and walk them through what they will be doing. Ensure they are familiar with their roles.

- ❑ During the assessment, check on the interviewers to make sure they are writing down useful reasons for why students didn't finish their specific food items. Check that the food separators are putting items in the right buckets.



Photo by Melissa Terry, University of Arkansas

- ❑ Have cloths or towels ready to wipe off surfaces and clean up spills.
- ❑ Once a bucket is getting close to full, weigh it and record the weight and type of food on the log sheet. Do not let liquid buckets get full! Weigh them when they are half full. After recording weights, empty buckets into large trash can on wheels.
- ❑ When one trash can feels heavy, have another one on wheels ready to be used next.
- ❑ Some students may not throw their food away until the bell rings in which case there will be a rush of students at the end. If, near the end, volunteers are unoccupied, have them walk up to students sitting at tables and ask if they are finished. If they are, then ask them to take their tray to the survey table. Do not interview them until you get to the actual survey table.
- ❑ At the end of the audit, count trays, weigh the buckets, and record everything.
- ❑ Thank students and staff!

Sample cafeteria setup for audit

Step 4: Team leader directs students, empties trash, and acts as a support.



Step 3: Food separators take the tray from the table over to the back table and start separating out the food.



Step 2: Interviewer notices what food was not finished and interviews the student.



Step 1: Students drop off their tray.

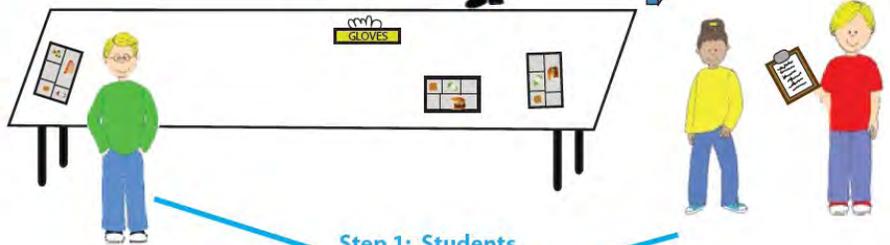


Diagram by Stephen Sturdivant, U.S. Environmental Protection Agency

Data collection

Remember that the main goal of a student food waste audit is to learn why students are not eating certain food items and to make changes so that they eat more of what's on their tray.

Students finishing their nutritious meals will in turn reduce food waste and save the school money by reducing trash-collection costs. Most importantly, well-nourished students are better able to concentrate in class and can grow into healthy adults. After implementing food-waste reduction strategies, a follow-up audit or audits should be organized on days that have the same or a similar menu as the first audit so the data can compare the same food items.

Here are some examples of data collected from actual school food waste audits.



Photo by Melissa Terry, University of Arkansas

Student volunteer totaling weights by food type.

Category	Weight (lbs)
compost	36.3
liquid	24.9
stir fry	12.15
burrito	11.15
salad	8.5
hoagie	3.05
bun sandwich	4.3
pizza	2.55
cold sandwich	1
chicken	0.5
TOTAL	104.4

Sample data from an actual audit



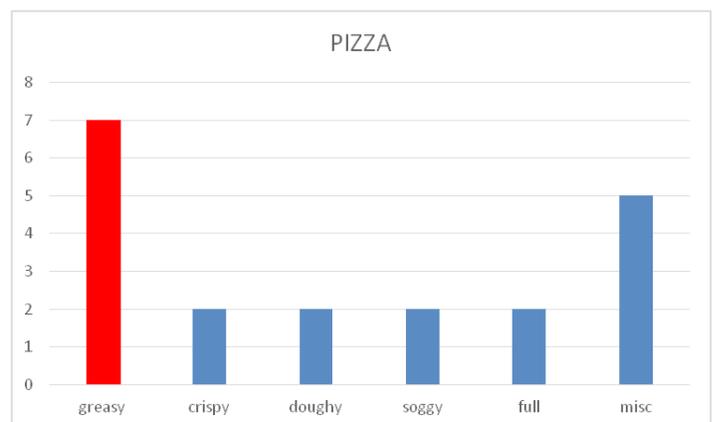
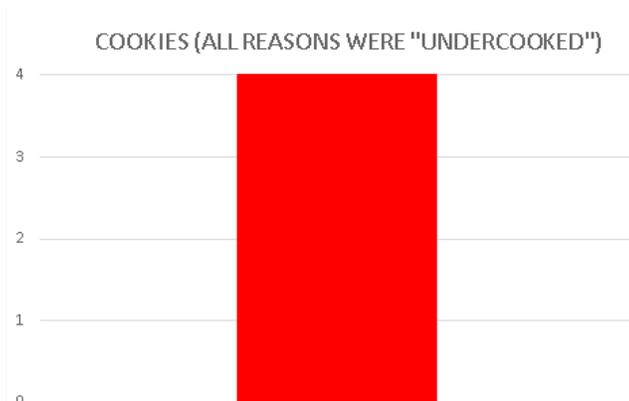
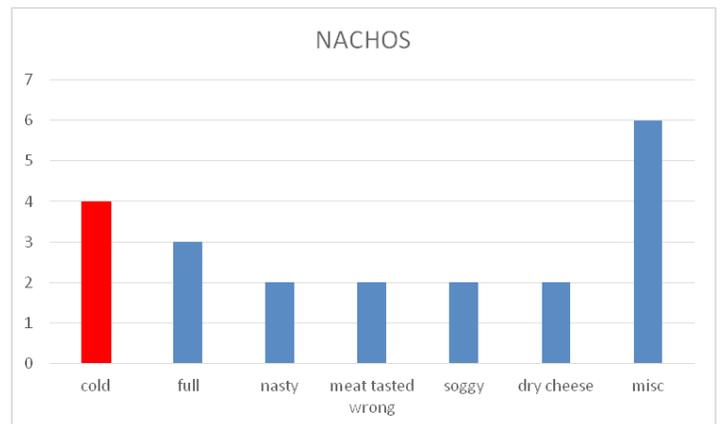
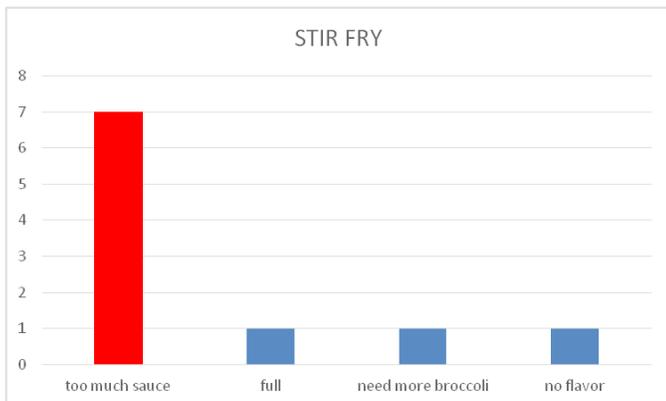
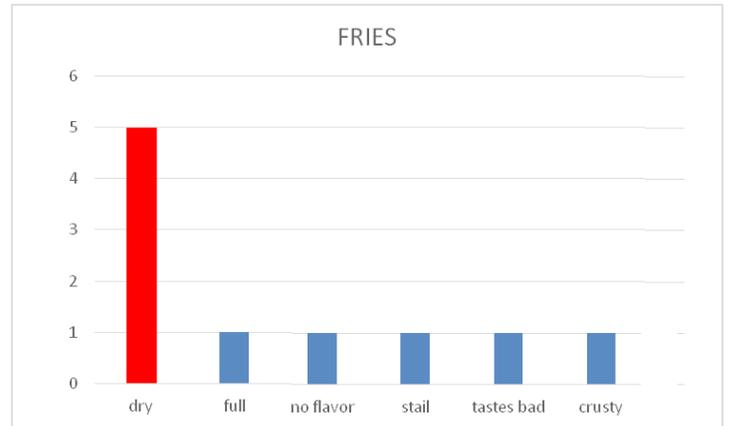
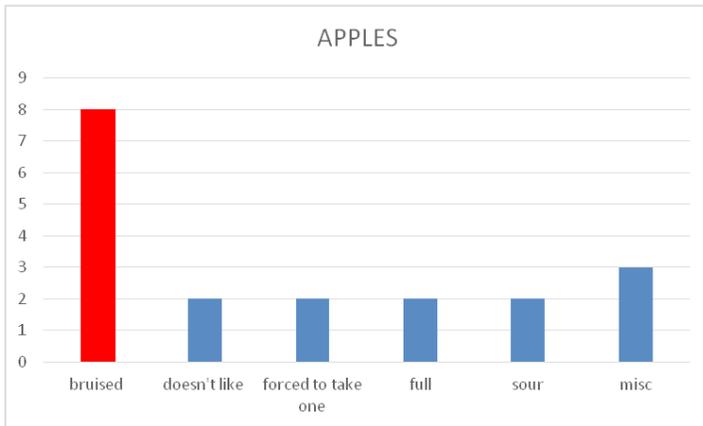
Sample pie chart from an actual audit

Chart by Stephen Sturdivant, U.S. Environmental Protection Agency

Data collection (continued)

The answers given by students for why they didn't finish certain food items is crucial in helping cafeteria staff make simple changes to the menu or their preparation methods so that students eat more of the food served.

Here are some examples of the data collected from the interviews. How would you deal with the problem of uneaten apples?



Charts by Stephen Sturdivant, U.S. Environmental Protection Agency

Food waste prevention ideas

1. Recess before lunch. In one study by the Smarter Lunchrooms Movement, schools that scheduled recess before lunch reduced food waste by 40 percent. In addition, students ate 54 percent more fruits and vegetables ([Brigham Young University](#)).

2. Extend lunch from 20 to 30 minutes. In one study by the Harvard School of Public Health, schools that gave students more time to eat had 13 percent less entrée waste, 12 percent less vegetable waste, and 10 percent less milk waste ([Harvard School of Public Health](#)).



Photo by U.S. Department of Agriculture

3. Give food items creative names. In 1928, canned spinach was children’s third favorite food behind ice cream and turkey because of Popeye. Your school can help “market” and “nudge” students to choose and ultimately consume healthy school meals by giving food items exciting names or advertising them with eye-catching images ([The Ohio State University](#)).

4. Slicing fruits. Slicing some fruit such as oranges can increase students’ selection and consumption of fruit. This strategy can have a big impact on younger students, who may find it difficult to peel or eat large fruit. ([University of Kentucky](#))

5. Use USDA’s Offer versus Serve (OVS) provision. OVS is a concept that applies to menu planning and meal service, and allows students to decline some of the food offered in a reimbursable lunch or breakfast. The goals of OVS are to reduce food waste and to permit students to choose the foods they want to eat. USDA’s Offer versus Serve Guidance includes a section about identifying reimbursable meals when using OVS. Please note that under OVS, students are still required to take a half cup serving of fruit and/or vegetable” ([USDA Food and Nutrition Service](#)).

6. Involve students. If your school conducts taste tests, one form of student engagement is to have them create graphs of the survey results, which can then be displayed in the lunch room. In one study, sampling the day’s entrée the previous day increased the percentage of students choosing school lunch ([University of Vermont](#)).

Food waste prevention ideas (continued)

7. [Introduce salad bars into the cafeteria.](#)

Salad bars may help reduce plate waste by increasing fruit and vegetable consumption. Salad bars are a wonderful opportunity to showcase fresh, local foods. When planning a salad bar, schools should ensure portion sizes are consistent with the meal pattern requirements for each grade group ([USDA Food and Nutrition Service](#)).



Photo by Let's Move Salad Bars to Schools

8. [Create share tables.](#) Share tables are tables or stations where children may return whole food or beverage items that they choose not to consume, if in compliance with local and State health and safety codes. These food and beverage items are then available to other children who may want additional servings. Non-perishable and complete food items left on the share table may also be stored for another meal service, allowing food service staff to “recycle” food items for a later time ([USDA Food and Nutrition Service](#)).

9. [Implement Farm to School \(F2S\) programming.](#) F2S incorporates local foods into child nutrition programs, encourages healthy choices through taste tests, and harvest of the month programs. It also facilitates hands-on learning activities such as gardening, farm visits, and culinary classes, while supporting the integration of food-related education into curriculum. According to the [USDA Farm to School Census](#), schools participating in F2S programs see reductions in food waste. Local foods served at the peak of ripeness can improve meal quality and taste—encouraging consumption. Visit www.usda.gov/farmtoschool.

10. [Saving food items.](#) Students who may not have time to finish their meal during the designated lunch period may save certain meal components for later in the day. For food safety reasons, this practice should be limited to food items that do not require cooling or heating, such as whole pieces of fruit. This practice helps to ensure students receive the full nutritional benefits of all food components offered during the traditional meal service ([USDA Food and Nutrition Service](#)).

11. [Donate surplus food.](#) Where it is not feasible to reuse leftovers, surplus food may be donated to a non-profit organization, such as a community food bank, homeless shelter, or other nonprofit charitable organizations ([USDA Food and Nutrition Service](#)).

Additional Resources

Brigham Young University and Cornell University. December 2014. “Lunch, Recess and Nutrition: Responding to Time Incentives in the Cafeteria.” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2536103

Buzby, Jean C., Hodan F. Wells, and Jeffrey Hyman. “The Estimated Amount, Value, and Calories of Postharvest Food Losses at the Retail and Consumer Levels in the United States.” EIB-121, U.S. Department of Agriculture, Economic Research Service, February 2014. https://www.ers.usda.gov/webdocs/publications/eib121/43680_eib121.pdf

Buzby, Jean C. and Joanne Guthrie. “Plate Waste in School Nutrition Programs.” Final Report to Congress, U.S. Department of Agriculture, Economic Research Service, E-FAN-02-009, March 2002. <https://naldc.nal.usda.gov/download/48204/PDF>

Harvard School of Public Health and Project Bread – “Amount of Time to Eat Lunch Is Associated with Children’s Selection and Consumption of School Meal Entrée, Fruits, Vegetables, and Milk” [www.andjrn.org/article/S2212-2672\(15\)01248-4/pdf](http://www.andjrn.org/article/S2212-2672(15)01248-4/pdf)

John Hopkins Bloomberg School of Public Health – “Wasted Food: U.S. Consumers’ Reported Awareness, Attitudes, and Behaviors” <http://journals.plos.org/plosone/article/authors?id=10.1371%2Fjournal.pone.0127881>

The Ohio State University, Department of Human Nutrition. “Methods and Fidelity of Smarter Lunchrooms Program to Decrease Plate Waste in Children’s School Lunch Meal” https://kb.osu.edu/dspace/bitstream/handle/1811/68691/Paula-Thesis_PJ4_23_final-edits.pdf?sequence=4

University of Kentucky, College of Public Health, Department of Health Behavior. “Promoting consumption of fruit in elementary school cafeterias. The effects of slicing apples and oranges.” www.ncbi.nlm.nih.gov/pubmed/19635513

University of Vermont. “Sampling Tomorrow’s Lunch Today: Using Behavioral Economics to Assess the Efficacy of a Farm to School Programming Element “Taste Tests.” <http://ben.cornell.edu/projects/ongoing/sampling-tomorrow.html>

USDA Food and Nutrition Service – “Clarification of the Policy on Food Consumption Outside of Foodservice Area” <https://www.fns.usda.gov/sites/default/files/SP41-2014os.pdf>

Additional Resources (continued)

USDA Food and Nutrition Service – “Guidance on the Food Donation Program in Child Nutrition Programs” https://www.usda.gov/oce/foodwaste/FNS_Guidance.pdf

USDA Food and Nutrition Service – “Offer Versus Serve – Guidance For the National School Lunch Program and the School Breakfast Program.” https://www.fns.usda.gov/sites/default/files/cn/SP41_2015a.pdf

USDA Food and Nutrition Service – “Salad Bars in the National School Lunch Program” <https://www.fns.usda.gov/sites/default/files/SP31-2013os.pdf>

USDA Food and Nutrition Service – “The Use of Share Tables in Child Nutrition Programs” www.fns.usda.gov/sites/default/files/cn/SP41_CACFP13_SFSP15_2016os.pdf

USDA News Release No. 0257.15 (September 16, 2015) – “USDA and EPA Join with Private Sector, Charitable Organizations to Set Nation’s First Food Waste Reduction Goals” www.usda.gov/wps/portal/usda/usdahome?contentid=2015/09/0257.xml&navid=NEWS_RELEASE&navtype=RT&parentnav=LATEST_RELEASES&edeployment_action=retrievecontent

About the authors

Melissa Terry – Master of Public Administration Graduate Student in the University of Arkansas’ Political Science Department of the Fulbright College of Arts and Sciences, specializing in Food Policy applied research and asset-based community development.

Stephen Sturdivant – Environmental engineer at the U.S. Environmental Protection Agency’s Region 6 office under the Sustainable Materials Management Program.

Jimmy Nguyen – Works for the USDA Food and Nutrition Service External and Governmental Affairs, whose mission is to be the creative force that builds alliances to feed our communities. Jimmy is also an agency lead on food waste reduction efforts.



Photo by Melissa Terry, University of Arkansas

Example interview & log sheets

Food Separator Weight Log

Weight of empty bucket: _____

Number of trays: _____

	Food Type	Weight (Include weight of bucket)
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____
21.	_____	_____

LEGAL FACT SHEET

for Share Tables and School Food Donation Programs





Legal Fact Sheet: The Bill Emerson Good Samaritan Food Donation Act

Businesses and nonprofits that provide or receive donated food are generally well-protected by laws designed to provide immunity from liability related to food donations. The Bill Emerson Good Samaritan Food Donation Act (the Emerson Act) provides a federal baseline of protection for food donors.ⁱ The Emerson Act covers individuals, businesses, nonprofit organizations, the officers of businesses and nonprofit organizations, and gleaners—individuals that harvest donated agricultural crops for a nonprofit organization that distributes the food to the needy.ⁱⁱ

The Emerson Act protections apply so long as the following criteria are met:

- 1) **Donation Recipient:** The donor must donate to a nonprofit organization that distributes the donated food to needy populations.ⁱⁱⁱ Direct donations from the donor to needy individuals are not protected by the Act.^{iv}
- 2) **Good Faith:** The donations must be made in good faith.^v
- 3) **Qualifying Foods:** The donor must donate qualifying foods, unless specific reconditioning steps have been taken.^{vi} Qualifying foods are those that meet “all quality and labeling standards imposed by Federal, State, and local laws and regulations,” even if they are not “readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.”^{vii} State and local quality and labeling laws vary, and donors should be aware of requirements specific to their state or locality since the Emerson Act does not protect donations that are not in compliance with those laws.^{viii}
 - **Exception for Non-Qualifying Food:** If a food does not meet all applicable federal, state, and local standards, the donor can still be protected by the Emerson Act as long as (s)he follows all of the Act’s reconditioning procedures,^{ix} which include:
 - The donor informs the nonprofit of the nonconforming nature of the product;^x
 - The nonprofit agrees to recondition the item so that it is compliant;^{xi} and
 - The nonprofit knows the standards for reconditioning the item.^{xii}
- 4) **No Charge for Food:** The ultimate recipients cannot pay anything of monetary value for the donated food.^{xiii} However, if one nonprofit donates food to another nonprofit for distribution, the Act allows the first nonprofit to charge the distributing nonprofit a nominal fee to cover handling and processing costs.^{xiv}

What Types of Donations are not Covered by the Emerson Act: So long as the above criteria are met, the Emerson Act is quite protective of donors, and does not hold a donor liable unless the donor acts with gross negligence or intentional misconduct.^{xv}

- **Gross Negligence** involves “voluntary and conscious conduct (including a failure to act)” by a person or organization that knew when the donation was made that the donated food was likely to have harmful health impacts.^{xvi}
- **Intentional Misconduct** is when a person or organization donates “with knowledge . . . that the conduct is harmful to the health or well-being of another person.”^{xvii}

In other words, one should not donate or facilitate the distribution of donated food that one knows is likely to be harmful or dangerous. Unfortunately, the Act gives little guidance on what activities qualify as gross negligence or intentional misconduct. The House of Representatives Report associated with the Emerson Act has indicated that each case must be analyzed individually.^{xviii} The lack of court cases interpreting the Emerson Act suggests how protective the Act is of donors; research does not turn up a single case related to food donation liability.^{xix}

In addition to federal liability protections, states are free to enact state level liability protections that are more protective of food donors than the federal Emerson Act.

ⁱ 42 U.S.C.A. § 1791 (West 2016).

ⁱⁱ *Id.* § 1791(b)(5).

ⁱⁱⁱ *Id.* § 1791(c)(1).

^{iv} *Id.*

^v *Id.* § 1791(c)(1).

^{vi} *Id.* § 1791(c)(1), (e).

^{vii} There is an exception for mislabeled food products that are “not readily marketable,” which can also be protected so long as the donor explains the mislabeling to the donee, and the donee has sufficient knowledge to and does recondition the product to meet applicable standards. *Id.* §1791(b)(1-2).

^{viii} *Id.*

^{ix} *Legal Guide to Food Recovery*, U. ARK. L.L.M. DEP’T OF AGRIC. & FOOD LAW 10 (2013), <https://law.uark.edu/service-outreach/food-recovery-project/Legal-Guide-To-Food-Recovery.pdf>.

^x 42 U.S.C.A. § 1791(e)(1).

^{xi} *Id.* § 1791(e)(2).

^{xii} *Id.* § 1791(e)(3).

^{xiii} *Id.* § 1791(b)(3).

^{xiv} *Id.*

^{xv} *Id.* § 1791(c)(3).

^{xvi} *Id.* § 1791(b)(7).

^{xvii} *Id.* § 1791(b)(8).

^{xviii} *Legal Guide to Food Recovery*, *supra* note 9, at 10.

^{xix} *Id.*

SHARE TABLES

A share table is a place where students can place unopened food and drinks that they choose not to eat or drink. This provides an opportunity for other students to take additional helpings of food or beverages from the share table at no cost to them.



SHARE TABLES

An easy and efficient way to reduce food waste in K-12 school food service programs and encourage student food preservation

Share Tables are designated areas within schools where students can place or return whole or unopened food and drinks they don't want. Children who may want additional food are welcome to the donated items to enjoy during or after the meal service at no cost to them.

Schools participating in the National School Lunch Program, the School Breakfast Program, the at-risk after-school component of the Child and Adult Care Food Program and/or the Summer Food Service Program are encouraged by the USDA Food & Nutrition Service (FNS) to participate in food redistribution given the following guidelines:

- Students can take a free item from the share table to eat immediately or save for later.
- Perishable food and drink items left on the share table are able to be served and claimed by schools for reimbursement during another meal service such as during an after-school program.
- Leftover items can be donated to food banks, homeless shelters and other non-profit organizations.



For more information about Share Tables, please refer to the [Use of Share Tables in Child Nutrition Programs](#) memo from USDA.



This institution is an equal opportunity provider.

Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner

SHARING *makes sense*

FOOD SAFETY

Enabling share tables in schools to serve excess food quickly and safely addresses potential gaps in child nutrition while reducing food waste. Safety guidelines for Child Nutrition Program (CNP) operators ensure that all products are properly handled and stored until reservice outlined in 7 CFR 210.13, 220.7, 226.20(l) & 225.16(a). They are also responsible for following their local educational agency's Hazard Analysis & Critical Control Point (HACCP) plan, state food and health safety codes and FDA Food Code 3-306.14 to provide the safest saving and sharing practices of repurposed food and beverage items. State agencies are encouraged by the USDA FNS to support CNP operators in their share table efforts.

SOURCE REDUCTION

A CNP priority should be to reduce unnecessary food waste and increase consumption by implementing the following strategies:

- Have recess before lunch;
- Extend lunch to 30 minutes;
- Give food items creative names serving a variety of visually pleasing meals;
- Allow students to save food items for later in the day;
- Use the offer vs. serve method during meal service;
- Involve students through taste tests, menu planning and graphing waste audit results;
- And participate in the Harvest of the Month Program, which increases students' exposure to locally grown produce.

REIMBURSEMENT

Food given to and redistributed from the share table is eligible for a second reimbursement. Federal reimbursement is provided for each meal that meets predetermined meal pattern requirements instead of purchases for new food items. Reimbursement requests must include detailed information to justify the claims. CNPs should keep a log of daily use of purchased milk and food items that are reused.

CNPs should also operate by clear guidelines for items that may or may not be reused as part of a later reimbursable meal.

DONATION

Surplus food should always be shared with students and their families before being donated. If there are still additional resources, outside donation is permitted and protected from liability under the Bill Emerson Good Samaritan Food Donation Act. Utilizing well-connected 501(c)(3) Parent Teacher Associations (PTAs), schools can donate excess food more easily into their communities.

This publication is for information only; it does not contain legal advice. It is not intended to create, and receipt of it does not constitute, a lawyer-client relationship. Please consult an attorney licensed in your jurisdiction for advice regarding this subject matter.

October 2019

SHARE TABLE BEST PRACTICES

MEASURE

- Conduct a student food waste audit
- Identify patterns and opportunities for conservation

PLAN & EDUCATE

- Offer clear and eye-catching signage
- Provide water cups
- Ensure an adult is monitoring the share table to for proper conduct
- Please contact the Florida Department of Agriculture and Consumer Services' Food Recovery Specialist for information on rules and regulations regarding share tables.

HELPFUL MESSAGING

- Take what you need, eat what you take
- Feed each other, not the garbage can
- Milk is a healthy option, not a requirement

SHARE

- Encourage hungry students to take what they need from the share table without judgment
- Place the share table in an easily-accessible location near refrigeration
- Re-serve perishable items as soon as possible for afternoon snacks or the following meal service
- Donate items that are not likely to be re-served

ECONOMIZE

- Get reimbursed as part of another meal for re-serving surplus food/ beverage items

Share Tables may be used in the National School Lunch Program, School Breakfast Program, the at-risk after-school component of the Child and Adult Care Food Program and the Summer Food Service Program.

CITATIONS & HYPERLINKED RESOURCES

FNS Instruction 786-6, Reimbursement for Recycled Milk and Other Meal Components SP 41-2016, CACFP 13-2016, SFSP 15-2016, The Use of Share Tables in Child Nutrition Programs, 6-22-2016

SP 41-2014, Clarification of the Policy on Food Consumption Outside of Foodservice Area, and the Whole Grain-Rich Requirement, 4-23-2014

SP 11-2012, CACFP 05-2012, SFSP 07-2012, Guidance on the Food Donation Program in Child Nutrition Programs, 2-3-2012

M. Terry, et al., Guide to Conducting Student Food Waste Audits, 4-4-2017



CHECKLIST FOR IMPLEMENTING A

SUCCESSFUL SHARE TABLE PROGRAM

- Review pertinent Food Recovery Policy:
 - County Health Department *Guidelines on Share Tables* (contact the Florida Department of Agriculture and Consumer Services' Food Recovery Specialists at 850-617-7165 for assistance)
 - Legal Fact Sheet: *Bill Emerson Good Samaritan Food Donation Act* (**Attachment 1**)
 - United States Department of Agriculture's Memo, *The Use of Share Tables in Child Nutrition Programs* (**Attachment 2**)
- Meet with administration, cafeteria manager, volunteers and those interested in starting the program to review logistics and plan.
- Ensure you have proper supplies for your share table. Each school may require different supplies depending on their county's guidelines and/or implementation plan.
 - Refrigerator
 - Ice cart/tub with drainage to hold milk and perishable items
 - Temperature log (**Attachment 3**)
 - Adult to monitor share table
- Send out a program letter to inform parents, students, faculty and staff on share tables and their benefits. (**Attachment 4**)
- Teach students and staff about your share table program with an assembly or morning announcement discussing:
 - What is Offer vs. Serve
 - How food recovery reduces greenhouse gases while feeding those in need
 - The results of your school's Student Food Waste Audit
 - Share table procedures – when to place items in cart, how to visit share table, etc.
- Launch Food Rescue – Volunteers maintain notebook to track food items shared/donated, temperature chart.
- Utilize the *foodrescue.net* tracking tool to measure impact and share results with your school and community. Track data for a minimum of one week to get an accurate idea of impact.
- (Optional) Arrange for a food pantry to receive donations (i.e. items left on the share table). Complete the Donation Agreement Form (**Attachment 5**). For more information on food donations, please see the *School Food Donation Checklist*.
- (Optional) Conduct a student food waste audit – *Guide to Conducting Student Waste Audit* (**Attachment 6**). Alternatively, collect all unopened and unpeeled food items that typically end up in the trash each day, tally and enter data into *foodrescue.net* tracking tool, thus providing baseline data to share impact.

For assistance in completing any of these steps, please contact the Florida Department of Agriculture and Consumer Services' Food Recovery Specialists at 850-617-7165.



This institution is an equal opportunity provider.

Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

DATE: June 22, 2016

MEMO CODE: SP 41-2016, CACFP 13-2016, SFSP 15-2016

SUBJECT: The Use of Share Tables in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Using “share tables” is an innovative strategy to encourage the consumption of nutritious foods and reduce food waste in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP). This memorandum provides a reminder of the opportunities presented by share tables, extends the use of share tables to the at-risk afterschool component of the CACFP, and gives an overview of the food safety requirements Child Nutrition Program (CNP) operators must follow when choosing to include share tables in their meal service. CNP operators include school food authorities, local educational agencies (LEAs), CACFP institutions, and SFSP sponsors.

The Food and Nutrition Service (FNS) encourages State agencies to support CNP operators in their efforts to increase consumption of nutritious foods and minimize food waste in their programs. As a reminder, all CNP operators must plan, prepare, and order food with the goal of providing one meal per child at each meal service. If a school, CACFP institution, or SFSP sponsor has leftover or unusable foods on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers or unusable foods.

Share Table Overview

FNS regulations require participating schools, CACFP institutions, and SFSP sponsors to provide reimbursable meals that meet specific meal pattern requirements outlined in 7 CFR 210.10, 220.8, 226.20, and 225.16, respectively. However, FNS recognizes that, for various reasons, children may not always want to consume certain food or beverage items included in their meal. “Share tables” are tables or stations where children may return whole food or beverage items they choose not to eat, if it is in compliance with local and State health and food safety codes. These food and beverage items are then available to other children who may want additional servings.

Share tables allow food or beverage items to be reused in a number of ways, depending on the Program's preference:

- Children may take an additional helping of a food or beverage item from the share table at no cost;
- Food or beverage items left on the share table may be served and claimed for reimbursement during another meal service (i.e., during an afterschool program when leftover from a school lunch); and/or
- Food or beverage items may be donated to a non-profit organization, such as a community food bank, homeless shelter or other non-profit charitable organization (see SP 11-2012, CACFP 05-2012, SFSP 07-2012, *Guidance on the Food Donation Program in Child Nutrition Programs*, http://www.fns.usda.gov/sites/default/files/SP11_CACFP05_SFSP07-2012os.pdf).

FNS Instruction 786-6 provides FNS the authority to allow the use of share tables and the recycling of food and beverage items in CNPs. The Instruction allows milk (when the milk carton is unopened and the proper temperature is maintained) and other meal components that are served to be retrieved for re-service if such a practice is permitted under local and State health and food safety codes. The Instruction also states that food or beverage items should only be reused in situations where it is necessary to prevent food waste. It is important to note that when using a share table, CNP operators are able to claim the reimbursable meal at the point of service even if a child then puts one or more of the meal components on the share table. When food items are left on the share table at the end of the meal service, that food can be used in later meals that are claimed for reimbursement.

As always, CNP operators should take steps to encourage consumption of the meal, including preparing appealing meals and serving them in a convenient manner. For example, CNP operators are encouraged to promote meal consumption by including an option of cut up whole fruit to make it easier to eat, and engaging children through taste tests, student advisory committees, and nutrition education. These practices help ensure children get the most out of the food assistance programs.

Food Safety Requirements for Share Tables

As with all foods and beverages prepared for the NSLP, SBP, CACFP, and SFSP, CNP operators choosing to use share tables must follow the food safety requirements outlined in 7 CFR 210.13, 220.7, 226.20(l), and 225.16(a), respectively. In addition, CNP operators must be aware of all applicable local and State health and food safety codes to ensure their use of share tables does not violate any of those codes. It is important to keep in mind that local and State health and food safety codes may be more restrictive than the FNS requirements, or may place specific limitations on which food or beverage items may be reused. To ensure compliance with food safety requirements, CNP operators should discuss plans for a share table with their local health department and State agency prior to implementation. Further, schools must ensure that their policies for saving and sharing food or beverage items are consistent with the LEA's Hazard Analysis and Critical Control Point (HACCP) plan.

Regional Directors

State Directors

Page 3

Please see section 3-306.14 of the 2013 the Food and Drug Administration (FDA) Food Code for more information about food safety considerations when re-serving food (available at: <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/>). In addition, see the attachment for a list of food safety requirements and other best practices to consider when establishing a share table.

Other Strategies to Reduce Food Waste

FNS has additional resources available to Program operators interested in reducing food waste in the CNPs:

- Creative Solutions to Ending School Food Waste: <http://www.fns.usda.gov/school-meals/creative-solutions-ending-school-food-waste>
- Join the Food Waste Challenge: <http://www.usda.gov/oc/foodwaste/join.htm>
- The Smarter Lunchroom Movement: <http://smarterlunchrooms.org/>
- SP 41-2014, *Clarification of the Policy on Food Consumption Outside of Foodservice Area*, <http://www.fns.usda.gov/sites/default/files/SP41-2014os.pdf>

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate FNS Regional Office.

Original Signed

Angela Kline

Director, Policy and Program Development Division

Child Nutrition Programs

Attachment

Attachment: Share Tables Food Safety Requirements and Other Best Practices

This resource provides a list of food safety requirements and other best practices to consider when establishing a share table.

Step 1 (REQUIRED): Follow Federal, State, and local health and food safety requirements:	
<ul style="list-style-type: none"> • Comply with FNS food safety requirements outlined in 7 CFR 210.13, 226.20(l), and 225.16(a). • Comply with all local and State health and food safety codes, including storage of reused items. • <u>Schools only</u>: Ensure policies for saving and sharing food or beverage items are consistent with the local educational agency’s Hazard Analysis and Critical Control Point (HACCP) plan. 	
Step 2: Establish clear guidelines for food components that may and may not be shared or reused as part of a later reimbursable meal:	
<ul style="list-style-type: none"> • <i>Food components FNS recommends sharing:</i> <ul style="list-style-type: none"> ○ Unopened pre-packaged items, such as a bag of baby carrots or sliced apples stored in a cooling bin. ○ Whole pieces of fruit, such as apples or bananas. ○ Unopened milk, if immediately stored in a cooling bin maintained at 41°F or below. 	<ul style="list-style-type: none"> • <i>Food components FNS does not recommend sharing:</i> <ul style="list-style-type: none"> ○ Unpackaged items, such as a salad bowl without a lid. ○ Packaged items that can be opened and resealed. ○ Open items, such as an opened bag of baby carrots or sliced apples. ○ Perishable foods, when a temperature control mechanism is not in place.
Step 3: If sharing items that require cooling is permissible under local and State laws, establish strict food safety guidelines to prevent the risk of foodborne illness:	
<ul style="list-style-type: none"> • Maintain proper temperature (and temperature logs) (<i>41 degrees Fahrenheit or colder</i>) by storing food components in a temperature controlled storage bin, such as an ice tub or cooler. • Make note of expiration dates on packaged foods, and do not intermix reused items with items that have not yet been prepared and served yet. • Decide how many times a food item can be re-used (recommended just once). 	
Step 4: Supervise the share table at all times to ensure compliance with food safety requirements:	
<ul style="list-style-type: none"> • Ask supervisors to make sure packaging of items placed on the share table is not open, punctured, or otherwise compromised. • If cooling bins are used, have supervisors monitor the bin to ensure that time and temperature control requirements are met. • Invite children to participate as “share table helpers,” or assistant monitors, teaching them about the importance of food safety and recycling. 	
Step 5: Promote the share table to children and families:	
<ul style="list-style-type: none"> • Provide children and families with information about share table guidelines. • Ask for input from parents and guardians, and make sure families are comfortable with their children participating in the share table option. • Explain the share table concept to children, taking care to emphasize the importance of healthy eating and trying new foods whenever possible. • Display signage outlining share table “rules” and encouraging recycling. 	

SCHOOL FOOD DONATION PROGRAMS

Where it is not feasible to reuse leftovers in child nutrition programs, excess food may be donated to a non-profit organization, such as a community food bank, homeless shelter, or other nonprofit charitable organizations.





CHECKLIST FOR IMPLEMENTING A SUCCESSFUL SCHOOL FOOD DONATION PROGRAM

- Review pertinent Food Recovery Policy and Resources
 - County Health Department *Guidelines on Food Donations* (contact the Florida Department of Agriculture and Consumer Services' Food Recovery Specialists at 850-617-7165 for assistance)
 - Legal Fact Sheet: *Bill Emerson Good Samaritan Food Donation Act* (**Attachment 1**)
 - United States Department of Agriculture's Memo allowing for the donation of USDA foods (regardless of program) to non-profit agencies (i.e. food pantries and soup kitchens). (**Attachment 2**)
 - *Why Reduce Food Waste in Schools?* (**Attachment 3**)
- Contact your Food Service Director and discuss your plans for developing a food waste diversion program together. (**Attachment 4**). Bring copies of the USDA memo as well as a copy of *Why Reduce Food Waste in Schools?*
- Arrange a meeting between the school and a non-profit food pantry to discuss logistics, such as scheduling regular pick-ups that are convenient to the school cafeteria staff. The school district and/or health department may also want you to have an agreement with the non-profit you wish to work with. (**Attachment 5**)
- Bring your plan to the school district. They can then make food donations from your school (or all schools) a district policy.
- Utilize the *foodrescue.net* tracking tool to measure impact and share results with your school and community. Track data for a minimum of one week to get an accurate idea of impact.
- For assistance in completing any of the above steps, please contact the Florida Department of Agriculture and Consumer Services' Food Recovery Specialists at 850-617-7165.



This institution is an equal opportunity provider.



Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner



**United States
Department of
Agriculture**

Food and
Nutrition
Service
3101 Park
Center Drive
Alexandria, VA
22302-1500

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.

AN EQUAL OPPORTUNITY

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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

Sample Agreement for the Donation of Leftover Cafeteria Food to a Charitable Organization**

Agreement

THIS AGREEMENT, entered into this _____ day of _____, 20____, between the Insert Name of County School Board with offices at Physical or Mailing Address of County School Board, hereinafter known as the School Board; and Name of Charitable Organization, a nonprofit Florida corporation, Physical or Mailing Address of Charitable Organization, hereinafter known as the Name of the Charitable Organization.

WHEREAS, the School Board operates a food service program and from time to time has leftover food, and

WHEREAS, Name of Charitable Organization transports leftover food to certain distribution sites for human consumption and has requested that the School Board make available its leftover food for this purpose, and the School Board is willing to do so, subject to the provisions of this agreement.

NOW THEREFORE, the parties agree to the following:

1. At any of the School Board's facilities designated by the Superintendent or Food Service Director, leftover foods that are not needed in the school food service program will be set aside for Name of Charitable Organization on a schedule mutually agreed to by the parties. Volunteers of the Name of Charitable Organization shall go to the school within 24 hours of being notified that such food has been set aside for donation.
2. If Name of Charitable Organization accepts the donation, it shall provide appropriate containers for the food and will then transport the food immediately to recipient agencies with no stopovers.
3. At the time of pickup, the School Board's Food Service Manager shall complete a 'Donation of Leftover Food Record' that will be signed by both the Food Service Manager and the Name of Charitable Organization volunteer. The Name of Charitable Organization volunteer shall retain a copy. The form shown as Exhibit A to this agreement shall be used.
4. The parties shall follow the food protection guidelines enumerated in Exhibit B to this agreement. Changes or additions to the guidelines may be made if mutually agreed to by the School Board's Director and Name of Charitable Organization Chairman.
5. Name of Charitable Organization agrees to hold the School Board harmless and to indemnify the School Board for any civil damages including, but not limited to, attorney's fees, claims, suits and judgements of any kind arising from the use of food donated by the school board.
6. Name of Charitable Organization must obtain a hold harmless agreement from each recipient agency prior to delivery of any food donated by the School Board. This agreement shall be prepared in triplicate in the form illustrated in Exhibit B. Name of Charitable Organization shall provide a signed copy to the school board.

7. The parties appoint the following persons to implement and coordinate this agreement:

<u>School Board</u>	<u>Name of Charitable Organization</u>
<i>Food Service Director Name</i>	<i>Name of Org. Representative</i>
<i>Title</i>	<i>Title</i>
<i>Physical/Mailing Address</i>	<i>Physical/Mailing Address</i>
<i>City, State Zip Code</i>	<i>City, State Zip Code</i>
<i>Tel:</i>	<i>Tel:</i>

8. This agreement is effective upon execution and shall continue in effect until _____.
The agreement may be terminated at any time by either party, with or without cause, by 10 days advanced written notice.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized offices, on the day and year first written above.

SCHOOL BOARD NAME

NAME OF CHERITABLE ORGANIZATION

By: _____

By: _____

Attest: _____

Attest: _____

EXHIBIT A
FOOD PROTECTION GUIDELINES

1. Food shall be handled in accordance with Florida Department of Health Rule 64E-11 003 F.A.C. Food Hygiene Standards.
2. All foods picked up must be in clean (washed, rinsed and sanitized) containers with a tight-fitting lid or in good grade plastic bags sealed by twisting, tying, etc.
3. Prepared food stored overnight and served the following day as a choice, may, at the discretion of the food service manager, be set aside for donation to a non-profit agency. The food may be immediately refrozen and donated in a frozen state.
4. Food that is not potentially hazardous or is in its original container (e.g., crackers, cookies, etc.) may be donated with no further preparation.
5. Tossed vegetable salads, without dressing, may be packaged in clean unused plastic bags.
6. Potentially hazardous foods *are not* to be donated (e.g., meat salads, milk/egg prepared dishes, custards, etc.).
7. It is the responsibility of (name of recipient agency) to transport foods safely and at the proper temperatures:
 - Hot food must be kept at 140°F or higher
 - Cold Food must be kept at 45°F or lower
 - Frozen food must be kept at 0°F or lower

EXHIBIT B
RELEASE, INDEMNITY AND HOLD HARMLESS AGREEMENT

This **RELEASE, INDEMNITY AND HOLD HARMLESS AGREEMENT** executed as of ____ day of ____, 20__, by _____ (Recipient) in favor of *Name of Charitable Organizations*, a Florida non-profit corporation (*Name of Charitable Organization*), and the School Board of *Name of County*, Florida (School Board).

WHEREAS, Recipient operates a facility that functions, in part, to feed hungry persons who might not otherwise have readily available food; and

WHEREAS, *Name of Charitable Organization* operates to locate and deliver or arrange for the delivery of food that might otherwise be discarded, to facilities such as that operated by the Recipient; and

WHEREAS, *Name of Charitable Organization* has agreed to arrange for the donation and delivery, from time to time, of certain food items (Food) that will be donated by the School Board to Recipient; and

WHEREAS, as an inducement to *Name of Charitable Organization* to arrange for the donation and delivery of Food from *Name of County School Board*, Recipient has agreed to execute this Release in the form hereinafter set forth;

NOW THEREFORE, for and in consideration of having the Food donated by the School Board and/or upon point of pickup of said Food by *Name of Charitable Organization*, Recipient on behalf of itself and its successors, subsidiaries, principals, agents, representatives, employees, members, assigns, guests, clients, customers and invitees (all hereinafter collectively referred to as the Releasing Party) does hereby release, discharge, and forever relinquish *Name of Charitable Organization*, and the School Board and their subsidiaries, principals, agents, representatives, partners, and officers past and present, employees, agents, members, and directors, all persons for whom they could be vicariously liable, and their successors and assigns (all hereinafter collectively referred to as the Release Party), and agrees to assume responsibility for, and to indemnify, defend and hold harmless the Released Parties from and against any and all liability, loss, costs, and expenses, including, but not limited to attorney's fees, claims, suites and judgments of every kind and natures, including third party claims for indemnity, contribution, and other causes of action, whether in connection with any injury to, or death of, any person or persons or loss of or damage to any party resulting from or in any way whatsoever connected with the Releasing Party's or anyone else's consumption of the Food or carrying out any activities in connection with the donation and delivery of Food, whether or not such injury, death, loss or damage results from the partial or sole negligence for the Released Party.

Signed this ____ day of _____, 20 ____

Name of Recipient Agency _____

Type of Operation: _____

Authorized Signatory: By: _____

Title: _____

**EXHIBIT C
DONATION OF LEFTOVER FOOD RECORD**

**SCHOOL BOARD OF NAME OF COUNTY
DONATION OF LEFT OVER FOOD RECORD**

TO: Name of Charitable Organization

DATE: _____

FROM: _____
(Name of School)

QUALITY	DESCRIPTION

The food is accepted under the following conditions:

- A. It is the responsibility of the nonprofit agency to safely transport the food received at the following temperatures:
 - 140 °F or higher for hot food
 - 45 °F or lower for cold foods
 - 0 °F or lower for frozen foods

- B. Florida Good Samaritan Law, Section 768.136, Florida Statutes: a good donor, contribution food both canned and perishable, shall not be subject to criminal penalty or civil damages arising from the food unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor.

****Sample Agreement provided by the School Board of Alachua County.**

GLEANNING FIELD TRIPS

Gleaning is the act of collecting excess fresh food from farms, gardens, farmers markets, orchards, or any other agricultural sources in order to provide it to those in need.



GLEANNING INITIATIVE

The Florida Department of Agriculture and Consumer Services (FDACS) is offering food recovery assistance, in the State of Florida, via The Food Recovery Program's Gleaning Initiative. This initiative is a coordinated effort with Florida farmers, civic organizations and other food relief agencies to identify and receive recovered, wholesome food and distribute it to those in need. The primary goal is to reduce food waste, through field gleaning (i.e. gathering leftover crops from fields after they have been commercially harvested) while increasing farmer profit margins through tax incentives. Trained volunteers are available for field gleaning, post-harvest produce pick-up, as well as produce transportation. FDACS will ensure that donors are provided with the proper documentation for a potential **tax deduction** based on the number of pounds donated.

THE FDACS GLEANNING PROCESS

1 When fields have been commercially harvested, but still contain wholesome produce, farmers can contact established gleaning organizations or utilize FDACS resources to organize a gleaning event.



2 FDACS, in partnership with gleaning organizations, handles the logistics of scheduling a gleaning event, arranging for produce transportation to a food pantry, and providing donors with the documentation necessary for a potential tax deduction.



6 Nutritious, Florida produce is distributed to families in need in your community.

Let FDACS organize your food donations.

We'll handle all the logistics to make it a simple and quick process!



3 Volunteers visit farms and glean produce from the field or pick-up harvested produce no longer viable for marketing.

5 The produce is sorted and stored until it can be distributed.



4 The produce is then transported to a food distribution agency committed to the food recovery process.



This institution is an equal opportunity provider.

Gleaning

Tips & Rules

FIELD GLEANING: The collection of crops from farmers' fields that have been harvested or that are on fields where it is not economically profitable to harvest.

GLEANNING TIPS

- Dress in layers.
- Wear sturdy shoes. Closed toe shoes are often better, sandals can lead to injuries.
- Long sleeves and pants are needed in corn fields and orchards to protect against sharp corn stalks and poison ivy.
- Hats and gloves are recommended.
- Most fields do not have restroom facilities, so it is important to go to a restroom before arriving.
- Bring water with you to stay hydrated.
- Have a first aid kit handy in case of injuries.
- Sunscreen is recommended.
- A three to five-gallon pail with a handle is recommended to collect the produce.

GLEANNING RULES

- Safety is the number one rule. If you feel unsafe, notify the field supervisor.
- When gleaning, you are a guest on someone else's property, treat it as if it was your own.
- Follow all instructions and directions of the field supervisor.
- Glean and park only in the areas designated by the farmer or field supervisor.
- Every gleaner must fill out the medical/liability waiver. All gleaners under the age of 18 must have the waiver signed by a parent or guardian.
- Children and youth must be closely supervised by responsible adults.
- Check the area where your group has gleaned to make sure you have left nothing behind.
- The field supervisor can cancel a gleaning at any time if he/she feels these rules are not being followed.



This institution is an equal opportunity provider.

Florida Department of
Agriculture and Consumer Services

RESOURCE LIBRARY

HELPFUL WEBPAGES

Florida Department of Agriculture and Consumer Services (FDACS) Food Recovery Program

Florida Department of Agriculture and Consumer Services (FDACS) Harvest of the Month Program

EPA: Sustainable Management of Food

USDA: Food Waste FAQs

Florida Food Waste Prevention Week

Save The Food

STUDENT FOOD WASTE AUDITS

Guide to Conducting Food Waste Audits

SHARE TABLES

Legal Fact Sheet: The Bill Emerson Good Samaritan Food Donation Act

USDA Memo: Use of Share Tables in Child Nutrition Programs

Temperature Log Template

Sample Parent Letter

Sample Donation Agreement Form

SCHOOL FOOD DONATION PROGRAMS

Legal Fact Sheet: The Bill Emerson Good Samaritan Food Donation Act

USDA Memo: Guidance on the Food Donation Program in Child Nutrition Programs

Why Reduce Food Waste in Schools? A flyer

Sample Letter to School Administrators

Sample Donation Agreement

COMPOSTING IN SCHOOLS

Composting in Schools: A Quick Guide

ADDITIONAL RESOURCES

Free Food Recovery Tracking Tool for Schools: Food Rescue

Food Waste Reduction Tool Kit with Free Lesson Plans

What You Can Do To Help Prevent Wasted Food? A USDA Booklet

Expiration Dates Explained

Food Recovery Resource Guide





In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: program.intake@usda.gov.

This institution is an equal opportunity provider.

