

# SB 1383

Short-lived climate pollutants:  
methane emissions: dairy and  
livestock: organic waste: landfills.



- Signed into law in 2016
- Established two organic waste disposal reduction targets and one edible food recovery goal
- Regulations will take effect January 1, 2022

# SB 1383 Targets

50%

Reduction in the statewide disposal of organic waste (from the 2014 level) by 2020

75%

Reduction in the statewide disposal of organic waste (from the 2014 level) by 2025



20%

Of currently disposed edible food must be recovered for human consumption by 2025

# Edible food disposal is unnecessary and preventable

## Commercial Food Waste Los Angeles, CA

- Dumpster is emptied multiple times each day
- Everything in it is sent to a landfill



# Total Disposed Waste in California Includes landfill and transformation (Tons)



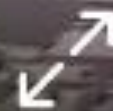
# HUNGER IN CALIFORNIA HAS DOUBLED



BFM  
TV

1.5M views

0:18 / 0:34



# SB 1383 EDIBLE FOOD RECOVERY

## POLICY OVERVIEW

- **Defining “Edible Food”**
- **Commercial Edible Food Generators**
- **Jurisdiction Edible Food Recovery Program**

# WHAT DOES “EDIBLE FOOD” MEAN?

“Edible food” means food intended for human consumption.

“Edible food” is not solid waste if it is recovered and not discarded.

Nothing in this chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

## All Food Donations Must Be in Compliance with the California Retail Food Code



# Commercial Edible Food Generators

## Tier 1

Starts 2022



**Wholesale Food Vendors**



**Food Service Providers &  
Food Distributors**



**Grocery Stores**  
Facilities  $\geq$  10,000 sq. ft.



**Supermarkets**

## Tier 2

Starts 2024



**Restaurants**  
Facilities  $\geq$  5,000 sq. ft.



**Large Venues and  
Events**



**Hotels**  
with on-site food  
facility and  $\geq$  200 rooms



**State Agencies**  
with cafeterias



**Local Education  
Agencies**  
with on-site food facility



**Health Facilities**  
with  $\geq$  100 beds and  
on-site food facility



# SB 1383 IN ACTION

## COMMERCIAL EDIBLE FOOD GENERATORS



**Recover** maximum amount of edible food that would otherwise be disposed



Arrange food recovery through a **contract or written agreement** with:



Food recovery organizations or services that will **collect** edible food for food recovery



Food recovery organizations that will accept food that the generator **self hauls**

# Model Food Recovery Agreement



# Model Food Recovery Agreement

## OBJECTIVES OF THE MODEL



- ✓ Assist commercial edible food generators with compliance
- ✓ Ensure edible food is recovered in a safe and effective manner
- ✓ Protect food recovery organizations and services from “donation dumping”
- ✓ Identify potential food recovery arrangements and cost models
- ✓ Support jurisdictions with developing food recovery programs
- ✓ Increase understanding of regulations and compliance strategies
- ✓ Provide resources and guidance to regulated entities
- ✓ Present example food recovery agreement provisions

# Jurisdiction Edible Food Recovery Program

Educate Commercial Edible Food Generators on Requirements

Increase Access to Food Recovery Organizations

Monitor Commercial Edible Food Generator Compliance

Increase Edible Food Recovery Capacity  
(if additional capacity is needed)

- ◆ A jurisdiction may fund their program through franchise fees, local assessments, or other funding mechanisms.

# SB 1383 IN ACTION

## FOOD RECOVERY EDUCATION, OUTREACH, AND RESOURCES



# JURISDICTION REQUIREMENTS

## Develop List of Food Recovery Orgs. & Services



- Maintain on website and update annually
- Include name, address, contact, collection service area, and types of food accepted for each

## Educate Commercial Edible Food Generators



Information on:

- Food recovery program
- Generator requirements
- Food recovery orgs. and services in jurisdiction
- Actions to prevent creation of food waste

## Perform Other Requirements



- Language requirements
- Maintain copies of materials
- Frequency of material distribution
- Format options

# Food Donation

Program Guide for Central Contra Costa Businesses

## Helping Your Business Help the Hungry Donating Your Food is Easy!

Every year, Central Contra Costa restaurants, grocery stores, and other businesses discard tons of edible food. Businesses can now redirect that food to the plates of hungry families.

Food donation is a safe, simple practice with meaningful benefits for local businesses and our community—helping reduce food waste while helping feed our county's food insecure residents.

Working with participating vendors, businesses can easily donate foods to local non-profit organizations.

### Why Donate?

- Support local communities
- Reduce waste
- Save money

## New Legislation

California Senate Bill 1383 mandates that by 2025 at least 20% of the edible food that is currently disposed must be recovered and donated for human consumption. Local businesses will have to comply with these new regulations. Setting up a food donation system now makes it easier to comply with future State mandates.

### Who has to comply:

- Tier One Generators (supermarkets, grocery stores, etc.)
- Tier Two Generators (restaurants, hotels, institutions with food facilities, etc.)



# Food Donation **Helps Our Communities**

## Less Waste

Food Donation reduces the amount of food that goes into our landfill or compost stream.

## Healthy Environment

Less waste means lower greenhouse gas emissions and a better use of resources.

## Healthy Families

Food Donation provides nutritious meals for thousands of Contra Costa households in need.

## Case Study: Whole Foods Market Walnut Creek



Whole Foods Market Walnut Creek on Newell Avenue has been a long-standing participant in surplus food donation, working currently with White Pony Express to manage their donations. According to Program Coordinator Melody Mestemacher, donating usable food fits perfectly with one of Whole Foods Market's core values—caring for its communities and the environment. "And it just feels right," she says. The program has had an impact on the store's staff, too—they have taken tours of the White Pony Express facility for a first-hand look at the organizations it serves, and the experience has influenced other community engagement initiatives at the store. For businesses thinking about starting their own surplus food donation program, Ms. Mestemacher offers this encouraging advice:



**"It takes such little time and effort to make such a big impact on people's lives."**

## Acceptable Food Types

You can donate a wide range of food types. If you have questions, a participating vendor can help.



Shelf-stable items (canned goods, etc.)



Dairy goods



Frozen food



Produce (fruits and vegetables)



Prepared foods



Beverages



Meat, poultry, and fish / deli goods



Baked goods

# Food Donation **Helps Your Business**

## Public Recognition

Donating food demonstrates your dedication to the local community.

## Smarter Choices

Tracking the amount of food you produce helps your business become more efficient.

## Tax Incentives

Donating food that would have been discarded may qualify you for higher tax deductions.

### How it works

Food Donation is safe, simple, and easy!

- 1 Contact a participating vendor from the list on the back of this guide.
- 2 Work with them to create a program that suits your needs.
- 3 The vendor will make sure your food is delivered to those who need it.



## Enhanced Tax Savings\*

The federal tax code allows businesses to claim enhanced deductions on donated food; either:  
a) twice the basis value of the donated food, OR  
b) the basis value of the donated food plus one-half of the food's expected profit margin, whichever is smaller. Either way, this deduction is higher than claiming a loss on unused food.

\*Consult a tax professional for more information.

## Legal Protections

California's Good Samaritan Donation Act (AB 1219) helps protect donors of food from liability. Businesses are legally protected from criminal and civil liability when food is donated to non-profit or charitable organizations in good faith, using standard safe food handling procedures.



## Participating Vendors

The following organizations can help you set up and manage your food donation program:



White Pony Express  
whiteponyexpress.com



Food Bank of Contra Costa  
foodbankccs.org



Copia  
gocopia.com



Replate  
re-plate.org

ChowMatch



ChowMatch  
chowmatch.com

For more information, contact RecycleSmart

[RecycleSmart.org/food-recovery](http://RecycleSmart.org/food-recovery) | [authority@recyclesmart.org](mailto:authority@recyclesmart.org) | 925-906-1801



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## **JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL EDIBLE FOOD GENERATORS**

### **Must Have Enforcement and Inspection Program that Includes:**

- Inspections to verify:
  - Edible Food Recovery Contracts and Agreements
  - Recordkeeping
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

**Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections**



# SB 1383 Key Edible Food Recovery Dates

## 2022



Jurisdictions establish edible food recovery program



Tier 1 commercial edible food generators must be compliant



Jurisdictions begin food recovery capacity planning



Jurisdictions begin food recovery education (annually)



Jurisdictions begin inspections of Tier 1 generators and food recovery orgs/services

## 2024



Tier 2 commercial edible food generators must be compliant



Jurisdictions begin inspections of Tier 2 commercial edible food generators



Jurisdictions take enforcement action for non-compliant entities

# Model Tools

CalRecycle, in coordination with HF&H, developed four model tools to assist jurisdictions and stakeholders with implementation. All models are preliminary until the Office of Administrative Law approves the regulations. For an overview of the four model tools, here is the [PowerPoint Presentation](#) and [Recording of the Overview Webinar](#).



## Model Franchise Agreement and Exhibits

- Agreement (Word)
- Exhibits (Word)
- PowerPoint Presentation
- Recording of Webinar



## Model Mandatory Organic Waste Disposal Reduction Ordinance

- Enforcement Ordinance (Word)
- PowerPoint Presentation



## Model Procurement Policy

- Policy (Word)
- PowerPoint Presentation
- Recording of Webinar (YouTube)



## Model Edible Food Recovery Agreement

- Agreement (Word)
- PowerPoint Presentation
- Recording of Webinar (YouTube)



# CalRecycle

**STAY  
ENGAGED**

**SB 1383  
Listserv**

<https://www2.calrecycle.ca.gov/Listservs/Subscribe/152>

**SB 1383  
General  
Info**

<https://www.calrecycle.ca.gov/organics/slcp>

**SB 1383  
Model  
Tools**

<https://www.calrecycle.ca.gov/organics/slcp/education>