

Commercial Food Donation Guide



Food Donation Steps



1. **Learn:** Read about which prepared, non-perishable, and dry foods can be donated by food establishments.
2. **Plan:** Think about the excess food your business creates and how to incorporate donation into your operations.
3. **Connect:** Contact organizations that accept food donations directly or utilize a service that can connect and transport your donations for you.
4. **Safety:** Remember to follow all food safety handling rules.
5. **Know:** Donating food includes liability protection and tax breaks.

STEP 1. LEARN

Donating Prepared Foods

Prepared foods and meals must **ONLY** be donated by licensed and inspected food establishments such as restaurants, delicatessens, catering operations, food manufacturers, hotel kitchens, and food distributors. Food prepared in a private home may not be donated. Do not donate foods that have been on a buffet, salad bar, or previously served to a customer.

Temperature Control

Time Temperature Control for Safety (TCS) foods must always be kept at **41°F or below for cold foods** or **135°F or above for hot foods**. When food is held at an improper temperature, pathogens can multiply, which can make food unsafe to eat. Donated frozen foods must be maintained frozen solid. Learn more at dchealth.dc.gov/service/food-safety-and-hygiene-inspection-services-division.

BE IN THE KNOW

Time Temperature for Control Safety (TCS) Food requires time-temperature control to prevent the growth of microorganisms and the production of toxins.

Pathogens are bacteria, viruses, or other microorganisms that can cause disease.

Shelf Life

Prepared foods that require temperature control have a seven-day shelf life, starting the date the foods were prepared. Donated foods must be marked with a date indicating when the prepared foods must be consumed and cannot exceed seven days.

Donating Non-Perishable and Dry Foods

Licensed and inspected food establishments can donate dry goods and non-perishable items that are in good condition. Examples include commercially processed canned goods, jarred sauces, shelf-stable milk, pasta, packaged rice and grains, bread, and dried beans.

Food establishments should **NEVER** donate the following:

- Dented, swollen, leaking, or rusty cans
- Dry goods that have evidence of moisture
- Any foods that have packaging that is damaged or not intact
- Any foods showing signs of spoilage/decay, such as mold or a bad odor
- Unpasteurized foods

What if the food is past its “best by”, “sell by” or “use by” date?

Federal regulations do not require foods to be date-marked with “best by” or “sell by” dates, with the exception of infant formula. Food manufacturers include dates to help consumers and retailers determine when food is of the best quality. According to the United States Department of Agriculture, dates on food packages, except infant formula, are not an indicator of food safety.

Foods like bread or canned goods that may be past their “best by” or “sell by” dates are allowed to be donated unless the packages are damaged, dented, in poor condition, or are leaking.

STEP 2. PLAN

Before you start donating food, your business should make a plan. Below are some helpful steps to get you started.

1. Get buy-in from your team.
2. Understand your surplus inventory and how it’s created.
3. Identify food to donate.

STEP 3. CONNECT

Many organizations in the DC area accept donated food directly.

- DC Food Recovery Working Group__Greater DC Area Food Donation Map
 - dcfoodrecovery.wordpress.com/donate-rescue/
 - Remember to contact individual organizations directly before dropping off food.

There are other organizations that can help connect your food establishment to an organization in need.

- Food Rescue US: foodrescue.us
- MEANS Database: meansdatabase.com
- Feeding America’s MealConnect: capitalareafoodbank.org/mealconnect

STEP 4. SAFETY

Protect Food from Contamination

Food should be stored and transported in a manner that prevents cross contamination. Remember to separate raw meat/seafood and ready-to-eat foods during storage, preparation, holding, and display.

During refrigeration, store food items top to bottom in the following order:

- Ready-to-Eat Foods
- Unwashed Produce
- Raw Seafood/Raw Meat
- Raw Ground Meat
- Raw Poultry



Canned goods, dry foods, and whole produce must be stored in a clean and dry location, off the floor, and not exposed to splashes, dust, or other contamination.

Allergens

Certain foods may contain allergens, which can pose harm to individuals who are allergic. Label foods that contain the following:

- Milk
- Eggs
- Wheat
- Soy
- Fish (e.g., bass, flounder, cod)
- Crustacean Shellfish (e.g., crab, shrimp, lobster)
- Peanuts
- Tree Nuts (e.g., almonds, walnuts, pecans)

BE IN THE KNOW

Allergens mean a substance that causes an allergic reaction.

Always Remember

- Wash hands thoroughly for at least 20 seconds with warm, soapy water.
- Keep hot foods hot and cold foods cold.
- Avoid cross-contamination by separating foods.
- Store items to be donated in a designated area that is safe and protected.
- Work with the recipients to ensure food is transported safely.

STEP 5. KNOW

Liability Protection

Food donors and the receiving organizations are protected from liability for food donations under federal law and the District's Save Good Food Act.

The Save Good Food Act of 2018 expanded liability:

Protections to the Donor:

A good faith donor who donates food to a bona fide charitable or nonprofit organization or directly to an individual for consumption is not liable unless the result of gross negligence or intentional misconduct.

Protections to the Receiver:

A bona fide charitable or not-for-profit organization that receives and distributes food not known or believed to be unfit for human consumption, without charge or at a charge sufficient to cover the cost of handling and preparing such food, is not liable unless the result of gross negligence or intentional misconduct.

See DC Official Code § 48-301(a-b) for complete liability protection language.

For more information on federal liability protection, see Harvard Law School's Food Law and Policy Clinics' "Food Recovery in the District of Columbia: A Legal Guide."

- [Chlpj.org/wp-content/uploads/2013/12/FOOD-RECOVERY_D.C._2019.pdf](https://chlpj.org/wp-content/uploads/2013/12/FOOD-RECOVERY_D.C._2019.pdf)

Tax Incentives

- **Federal**
 - Businesses may qualify for general or enhanced tax deductions. For more details on how to qualify, please refer to the resources below or speak to a tax advisor.
 - chlpj.org/wp-content/uploads/2013/12/FOOD-RECOVERY_D.C._2019.pdf
 - nrdc.org/sites/default/files/food-donation-federal-tax-deduction-guide-201803.pdf
- **District**
 - District businesses can deduct from District gross income contributions or gifts to charitable organizations. See D.C. Code Ann. §47-1803.03(a)(8) for more information.

Questions?

To help with coronavirus (COVID-19) containment efforts and to protect the health and safety of our residents and staff, we strongly encourage emailing your questions to:

DC Health: food.safety@dc.gov

DPW: zero.waste@dc.gov

The District of Columbia Department of Health's Food Safety and Hygiene Inspection Services Division and the Department of Public Works' Office of Waste Diversion collaborated in preparation of this guide to encourage food donation while ensuring foods are donated in a safe manner.



Language
Assistance

Si necesita ayuda en Español, por favor llame al (202) 671-0080 para proporcionarle un intérprete **de manera gratuita**.
Nếu quý vị cần giúp đỡ về tiếng Việt, xin gọi (202) 671-0080 để chúng tôi thu xếp có thông dịch viên đến giúp quý vị **miễn phí**.
Si vous avez besoin d'aide en Français appelez-le (202) 671-0080 et l'assistance d'un interprète vous sera **fournie gratuitement**.
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한국어로 언어 지원이 필요하신 경우 (202) 671-0080 로 연락을 주시면 **무료로** 통역이 제공됩니다.
如果您需要用 (中文)接受幫助，請電洽(202) 671-0080 將**免費**向您提供口譯員服務。