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Think Twice – Food or Trash?

Helping Address Food Insecurity in the Redwood Coast Region Through Increased Food Donation

by Melissa Jones, Esq., Health Policy Analyst

At the close of business, what happens to the salads and sides behind glass at the grocers deli counter? Or the tasty unserved leftovers from a catered lunch meeting? Despite the growing number of hungry people in the Redwood Coast region, edible food is ending up as compost or in the trash. Food is going by the ton into the waste stream, but this can be decreased if people donate rather than throw out edible food.

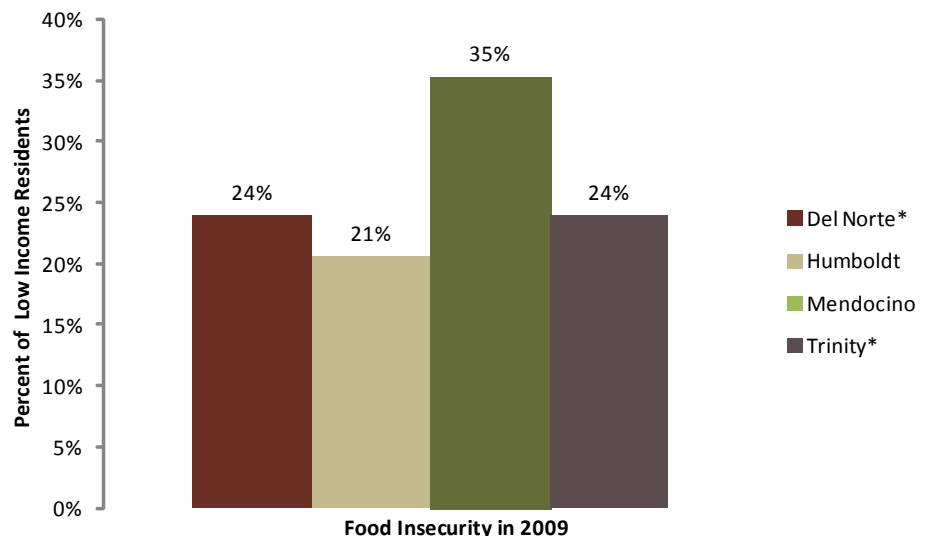
National studies show that rural areas are more likely to be at risk for food insecurity — the inability to purchase an adequate amount of food for a family.¹ What's more, poor health outcomes and food insecurity are often found together.

Those that are food insecure may also encounter obesity, diabetes, heart disease and high blood pressure.²

In California, Northern counties are more likely than Southern counties to be at risk for food insecurity.¹ In the Redwood Coast Region, Mendocino County has the highest rate – 35%, for adults with incomes under 200% of the Federal Poverty Level (FPL) – while Humboldt County has the lowest rate, at 21%.³

CCRP's local survey showed that 29% of families living in poverty² in the Redwood Coast Region reported going hungry due to not being able to afford enough food (a measure of very low food security).² Furthermore, families

Food Insecurity in the Redwood Coast Region



Data Source: California Health Interview Survey <http://www.chis.ucla.edu>

Notes:* indicates a county group including: Del Norte, Siskiyou, Lassen, Trinity, Modoc, Plumas and Sierra counties. Question asked of all adults whose income is less than 200% of the Federal Poverty Level. Food security is defined as the ability to afford enough food and is determined by asking a number of questions related to this issue.

with children were 1.6 times more likely to report going hungry than families without children.²

The economic downturn and the consequent increase in unemployment have led many families to seek help in obtaining basic sustenance for the first time ever. Increasing the ability of agencies to offer healthy food to people who are hungry can start with decreasing the amount of food that is wasted. What’s edible should be donated before it gets to the trash or compost bin.

Legal Protections for Donations

Federal and state laws protect donors from liability, and perishable or prepared foods can be donated by grocery stores and food facilities without concern about potential lawsuits. Although the law is not ambiguous, many do not fully understand the protections it offers or are fearful of negative press from a lawsuit that may damage their reputation. However, the laws have never been challenged.

Federal law, the Bill Emerson Good Samaritan Food Donation Act,⁷ protects donors from liability when the donation is made in good faith to a nonprofit organization. The Act’s only exception is for food that was donated with gross negligence or intentional misconduct. Donated food need only be wholesome and edible, which “includes products that may not be readily marketable due to age, appearance, freshness, grade, size, surplus or other conditions.”⁸

California laws are similar to the federal law, with the exception that the protected donor be specified as a “food facility.”⁹ However, some California “food rescue” programs accept prepared food from anyone,

including individuals at home, businesses and other organizations that are not food facilities.

Theoretically, anyone can donate but county Environmental Health departments across the state may interpret California law differently. EPA region 9 (which covers California) states that donors need only seek protection under the broader federal law.⁸

Encouraging Food Donation

Grocers can adopt policies and practices that would support and encourage perishable and prepared food donation to local soup kitchens, shelters and pantries.

Perhaps the most frequently cited example of such a policy can be provided by Albertson’s, the first chain to adopt a formal policy. Stores partner with a local organization and assign a trained employee to coordinate the donation process. Food is kept at a safe temperature, either by using refrigerated trucks to transport food or maintaining the proper temperature with thermal blankets.⁶

Ralph’s stores donate food that is not sellable but still edible, and takes actions to prevent food from going bad. For example, if meat is not sold by its “sell by” date, they freeze it that day for later use by a food pantry.⁶ Additionally, there is a benefit – beyond fostering goodwill – that some businesses, known as C Corporations, get for donation – a tax incentive. One figure claims that at the end of the day, the incentive “reduces the cost of...loss by 59% as an average.”¹⁰

Nonprofit food rescue programs can help coordinate, deliver or serve perishable and prepared food to the hungry. Some programs are an intermediary

Percent of Business Waste that is Food

In each county of California it is estimated that 20% of household waste is food. Counties that have done local waste stream studies may have a different percentage. Business waste does vary by county as indicated in the table below.⁵

County	Percent of Food in the Waste Stream
Del Norte	42.6
Humboldt	34.3
Mendocino	35.1
Trinity	31.6

According to statewide estimates, wasted food is up to 63% of a grocer’s waste stream.⁶

between donors and nonprofits that serve the hungry.^{11,12} A donor will notify the program when there is available food and the program will give them the information for a nearby agency that can accept the food. Transportation of the food is arranged between the donor and the receiving agency.

These types of connections can occur on an as-needed basis, where businesses donate leftovers from catered lunch meetings, or on a set schedule to collect food daily from grocers or restaurants.

Food rescue programs also could provide the transportation as well, picking up the perishable and prepared food items and taking them to the appropriate agency, which decreases the donor's involvement and retains their anonymity.¹³

To relieve donor's concerns about liability, they are given fact sheets, information regarding food safety and a contract. Receiving agencies that participate in the program may be trained in proper food handling and keep careful logs to ensure food safety guidelines are met at all stages of the process. Recently, the process of familiarizing oneself with proper food handling guidelines has recently become easier with new state laws that make it possible to become certified through an online course.¹⁴

Prepared food can be routed to nonprofits and the hungry without a formalized program. For example, Harrington House in Del Norte County receives prepared food donations from a number of businesses, both small and large. The food is brought to the kitchen and served to the women and children at the shelter. Some of the regular donors have a written agreement with Harrington House, stating that the donor is no longer responsible for the food once it leaves their premises. Harrington House also receives one-time donations from weddings and other events.

Past legislation attempted to clarify and promote food donations. SB 1443 (Oropeza) would have required catering contracts to include an option authorizing the food facility to donate any leftover food from an event and SB 35 (Oropeza) would have established a state database of nonprofits that would be interested in receiving perishable and prepared food donations and facilities that would be interested in donating perishable and prepared food items.^{15,16} Since current

Local Solution for Home Garden Donations

Donated produce can be an important local food source for soup kitchens, food banks, senior centers and other nonprofits that feed their clientele. But home gardens are not certified as an "approved source" under the California Health and Safety Code. Food served at these facilities must meet certain safety regulations.

Humboldt County's Division of Environmental Health, Public Health Branch, Department of Health and Human Services, and Dr. Ann Lindsay, Health Officer at the Public Health Branch, worked with local agencies and developed a set of guidelines based on best practices from UC Davis. If gardeners assure that the guidelines were followed, the produce is safe for the organization to take and distribute. Many of the guidelines are common sense, for example: using potable water, having clean hands or gloves when harvesting, removing dirt from the produce and using only good quality fruit and vegetables.



laws already offer sufficient protection from liability, neither bill expanded the scope of protection.

On a local level, counties do not need the legislation above to implement the same ideas. Smaller community databases that would be more practical and manageable could be created to help disburse food within the county. Additionally, local caterers, businesses, nonprofits and conference facilities that coordinate catering could insert contract language to provide a "donate leftovers" option. Conference facilities could partner with local soup kitchens or pantries and arrange for prepared food from catered events to be stored and picked up after meetings. Proper food safety guidelines and practices should be promoted by

those involved, and could also include one on site employee that is trained as a food handler.

Conclusion

More food should be donated to those who can benefit. With the legal protections already in place, the question becomes one of implementation. Organiza-

tions in the region can modify the examples given here by other food rescue agencies. Now is the perfect time to try rerouting healthy food and not leave it to rot, especially since local nonprofits that rely on government funding may be less able to provide enough food to meet increased demand, and monetary donations become rarer in a recession.

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Endnotes

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