

Tier 2 Food Recovery Procedures

Introduction

Following food safety procedures is essential for a safe food recovery and distribution network. Maintaining accurate records ensures compliance, strengthens traceability and supports quality control. These procedures uphold consumer trust, meet state regulations and protect consumers from contamination and illness.

Purpose

The purpose of these standard operating procedures (SOPs) is to establish a baseline protocol that any Food Recovery Organization and Service operating in Ventura County should follow when recovering food from Tier 2 generators. The procedures are intended to enhance food safety practices and protocols for all participants of Tier 2 edible food recovery in a consistent manner across the County.

This guidance has been reviewed and approved by Food Share, Ventura County Environmental Health and Waste Free VC.

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Procedures For Food Recovery Organizations

This section provides the essential requirements and procedures that Food Recovery Organizations (FRO) must follow to safely recover and distribute excess edible food from Tier 2 generators. Including guidance on equipment, operational best practices, recordkeeping and reporting responsibilities.

Basic Requirements

1. Equipment

- Scales to accurately weigh and track recovered food, or a reliable weight estimation method.
- At least one digital thermocouple thermometer accurate to within $\pm 2^{\circ}\text{F}$, capable of measuring the internal temperature of even the thinnest food items. Recommended at least one infrared thermometer to record surface temperature.
- Refrigerators, freezers, or other insulated thermal containers to safely store and maintain proper food temperatures during recovery and distribution.
- Wash station equipped with sink, soap, and paper towels.



2. Food Safety Training

The Food Recovery Organization must comply with all applicable food safety procedures outlined in the California Retail Food Code (Cal Code).

Specifically:

- All FRO staff and volunteers handling food must undergo training on food safety procedures based on specific duties.
- All FRO staff and volunteers involved in open food handling should possess a valid food handler card from a recognized American National Standards Institute (ANSI) that meets ASTM International E2659-09 Standard Practice for Certificate Programs. New employees or volunteers will have up to 30 days from their first day to obtain a food handler card. The card is valid for up to three (3) years of issuance.





- Each FRO shall designate a Person in Charge at all times who is responsible for overseeing operations. The person in charge is to ensure that only authorized personnel involved in food operations are present in areas where food is prepared, stored, or where food and equipment are cleaned.
- FROs that repackage, prepare, or serve non-prepackaged potentially hazardous foods (i.e., open prepared foods that require refrigeration or freezing), shall have at least one designated person at each facility who has successfully passed an accredited food safety manager certification no less than (60) days from starting their position, as specified in sections 113947.2 and 113947.3 of the California Retail Food Code (“Cal Code”).
- Food facility health permit: Organization must possess a valid health permit issued by Ventura County Environmental Health or operate under Food Share's permit.

Operations

1. Tier 2 Food Safety Requirements

- The temperature for perishable food should be measured and accurately recorded at the time of collection and drop off.
- The weight of all food received must be recorded, including both food recovered that will be distributed and food diverted to waste, with each category tracked separately.
- All prepared, refrigerated or perishable food should be maintained at or below 41°F by using a refrigerated vehicle, an insulated food transport container or material (e.g. thermal blanket or cooler), refrigerators or freezers except during preparation, cooking, cooling, and transportation to or from a retail food facility for a period of less than 30 minutes.



NOTE: At any point during the collection or distribution process that a perishable food product is observed, measured or recorded within the food safety “Danger Zone” temperature range (42°F-134°F) the product should be discarded.

- FROs should conduct ongoing internal assessments of their food safety procedures to ensure compliance and improve operations.
- Throughout the donation process safe handling, storage, and transportation of food is critical to preventing contamination and protecting public health. By adhering to food safety best practices, donors can confidently contribute to reducing food waste while maintaining the highest standards of hygiene and safety.
- Any food identified as unsafe for consumption should be separated and appropriately diverted. The California Resource Recovery Association (CRRRA) identifies characteristics of food items that should not be donated. **See page 10.**

Handling and Distribution of Bulk Food Donations

When food donations are received in quantities larger than what is typically suitable for individual households, food recovery organizations may take the following steps:

- Engage with donors: If a strong relationship exists with the donor, consider reaching out to request distribution-appropriate packaging. Donors may be unaware of recipient needs and may welcome the opportunity to better support the community.
- Serve the food in larger quantities when appropriate:
 - Set up a designated area or table with bulk items and allow clients to select items they can use.
 - During check-in, ask clients if they are able to use specific bulk items and distribute accordingly.
- Repackaging donated food into smaller portions may be permitted under local health regulations. Before proceeding, consult your local environmental health agency to confirm the applicable requirements. This ensures food safety and compliance in adherence with food handling requirements.

2. Tier 2 Food Distribution Requirements

- Food recovery agencies should only accept donations they can distribute within their network. Agencies should not be obligated to receive food they cannot effectively distribute.
- Perishable food should be distributed within 24 hours of collection to ensure food safety, excluding frozen items.
- Previously frozen items that have thawed should never be refrozen.
- All prepared food items should be properly labeled by the food generator.

3. Tier 2 Reporting Requirements

Food Recovery Organizations are required to track:

- Total pounds of edible food recovered per month.
- FROs are required to report the total pounds of edible food recovered to the county or designated representatives annually and upon request. Although SB1383 only requires annual reporting, it is recommended to track data monthly when working with Tier 2 generators to ensure accuracy and reduce the burden of preparing reports upon request. Technology platforms for tracking and reporting are recommended, but they are not mandatory.

Waste Free Ventura County is providing Food Recovery Organizations free access to Careit, a food donation technology platform to connect with mandated food generators, formalize agreements, accept and track available donations. Email **WasteFreeVC@VenturaCounty.gov** to receive an invitation to sign up and receive technical support.

Recordkeeping and Reporting

Recordkeeping

Food recovery organizations and services collecting and receiving mandated edible food donations should maintain detailed recovery records to meet SB 1383 compliance.

These records should include the following:

1. A copy of all contracts or written agreements with each commercial edible food generator that the food recovery organization or service collects or receives edible food from.

Food Recovery Organization Requirements

1. The name, address and contact information for each commercial edible food generator that the food recovery organization receives edible food from.
2. The quantity in pounds of edible food received from each commercial edible food generator per month.
3. The name, address and contact information for each food recovery service that the organization receives edible food for recovery.

Food Recovery Service Requirements

1. The name, address and contact information for each commercial edible food generator that the service collects edible food from.
2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
3. The name, address and contact information for each food recovery organization that the service transports edible food to for food recovery.

All required documentation should be available during site inspections to verify compliance. Technology platforms for tracking and reporting, such as **Careit.com** are recommended but not mandatory. County staff are available to assist with onboarding onto the Careit platform.

Reporting

Per SB 1383 regulations, a report stating the total pounds of edible food recovered in the previous calendar year should be submitted to the jurisdiction in which the food recovery organization's or service's primary physical location is located. It is therefore recommended to track the pounds of food recovered monthly to ensure accuracy and reduce the burden of preparing reports annually or upon request.

For more information on recordkeeping and reporting requirements, please visit CalRecycle's website: <https://calrecycle.ca.gov/organics/slcp/foodrecovery/organizations/>

Tier 2 Food Recovery Organizations Onboarding Process



This section serves as an on-boarding guide for all Food Recovery Organizations in Ventura County that are interested in recovering food from Tier 2 generators.

The following minimum criteria for participating in Tier 2 food recovery programs include:

- **Storage Capacity:** Sufficient cold and dry storage to accommodate additional food recovery.
- **Staffing:** Adequate staff and volunteer availability, with flexibility to extend hours if needed.
- **Food Safety Training:** All staff involved in food handling are properly trained. For more information, please refer to the **Food Safety Training** section on page 2.
- **Food facility health permit:** Organization must possess a valid health permit issued by Ventura County Environmental Health or operate under Food Share's permit.

To formalize an agreement and recover from Tier 2 establishments contact Waste Free VC by emailing **WasteFreeVC@venturacounty.gov**

Support for Food Recovery Organizations

Support includes but is not limited to:

- **Training and Education:** Assist in training staff and volunteers on Tier 2 food handling, safety protocols, and donation procedures. Provide educational materials and support enrolling in relevant courses.
- **Reporting Guidance:** Help implement accurate tracking and reporting systems to document food recovery activities in compliance with SB 1383.
- **Logistical and Operational Support:** Develop efficient transportation and storage solutions, ensure proper cold storage for perishable items and improve distribution processes to maintain food safety standards.
- **Outreach:** Connect approved FROs with Tier 2 food generators to coordinate safe and efficient food donations.
- **Food Repackaging:** Support in identifying and meeting local requirements for the safe repackaging of bulk and prepared food items in smaller portions.
- **Complaints:** FROs may file a complaint regarding a generator on the following conditions:
 - Food is received at an incorrect or unsafe temperature
 - Food received is unsafe for human consumption
 - The generator fails to comply with agreed-upon pickup or distribution schedules
 - Food is improperly labeled or packaged
 - The type or quantity of food provided does not match the agreed-upon terms

Feedback Complaints & Concerns

Any member of the public may provide feedback, concerns and/ or submit questions to Waste Free Ventura County's website by accessing the following link: <https://waste-freevc.org/>

A member of Waste-Free Ventura County will be notified and will answer any questions or concerns, as well as document all feedback.

Escalation of Complaints and Concerns

Waste Free Ventura County has the authority to conduct site visits and inspections. All complaints and/or concerns will be investigated remotely or by in-person inspection on a case-by-case basis.

If a complaint requires further attention from the jurisdiction Waste-Free Ventura County will forward the complaint to the appropriate representative in writing with any supporting documentation and investigatory actions taken. Jurisdictions are required to review complaints and determine if further investigation is warranted and provide a follow-up resolution. Waste-Free Ventura County will work with the appropriate jurisdiction representatives or designee to investigate complaints, document actions taken and provide feedback about the resolution based on the nature of the complaint.

Reference Information

This section includes definitions, relevant food safety laws and regulations, as well as helpful links and resources for further guidance.

Definitions

- **Food Recovery Organization (FRO):** An entity that collects or receives surplus edible food from food generators and redistributes it to people in need. This can include food banks, food pantries, and other nonprofit organizations engaged in food recovery efforts.
- **Food Recovery Service (FRS):** A business or nonprofit that collects surplus edible food directly from food generators and transports it to a food recovery organization or directly to those in need. Unlike a FRO, an FRS does not store or distribute food itself but acts as an intermediary.
- **Perishable Food:** Food items that require refrigeration or freezing to maintain safety and quality, as they are susceptible to spoilage, bacterial growth, or deterioration if not stored properly. This includes dairy, meat, seafood, poultry, fresh fruits, vegetables, and prepared meals.
- **Major Allergens:** The primary food allergens recognized by the FDA that are responsible for most allergic reactions. Examples include milk, eggs, fish, shellfish (e.g., crab, lobster, shrimp), tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, and sesame.
- **Cal Code:** Short for the California Retail Food Code, which establishes health and safety regulations for food facilities in California. It sets standards for food handling, preparation, storage, employee hygiene, facility cleanliness, and food safety practices to protect public health.

- **Excess Edible Food:** Food that is safe for human consumption but may no longer be sellable due to reasons such as nearing its expiration date, cosmetic imperfections, or overproduction. Excess edible food is the primary target for food recovery efforts.
- **Food Generator:** A business or entity that produces, processes, distributes, or sells food and may generate surplus edible food. This includes supermarkets, grocery stores, restaurants, food distributors, wholesalers, hotels, health facilities, schools, and other institutions.
- **Food Safety Standards:** Regulations and guidelines that ensure food is handled, stored, and distributed safely to prevent contamination, spoilage, or foodborne illnesses.
- **Thermocouple Thermometer:** Temperature measuring device that measures temperature using two different types of metal wires joined at one end.

California Food Donation Legislation

SB 1383

SB 1383 (2016) is a California state law known as the Short-Lived Climate Pollutant Reduction Strategy. Under SB 1383 any commercial food generator meeting either Tier 1 and Tier 2 eligibility requirements is required to partner with a food recovery organization to donate excess edible food. The law was enacted to reduce food waste by diverting surplus edible food from landfills and decrease methane emissions. SB 1383 mandates that at least 20% of unsold, still-edible food that would otherwise be sent to landfills should be recovered and redistributed to feed individuals in need.

For more information visit CalRecycle's website: <https://calrecycle.ca.gov/organics/slcp/foodrecovery/>

Good Samaritan Law

California Good Samaritan Food Donation Act (AB 1219) encourages the donation of surplus food by providing legal protection to individuals and organizations that donate in good faith. Enacted to reduce food waste and support community well-being, this law promotes the redistribution of safe, edible food while minimizing liability for donors.

The California Good Samaritan Law broadens these protections by expanding the list of covered entities and explicitly including donations of past quality date, as the expiration date relates only to quality, not safety. It also extends liability protection to food facilities regulated for food safety that donate directly to individuals for consumption. Food deemed "fit for human consumption" is protected regardless of packaging or labeling compliance, provided no gross negligence occurs. Examples of gross negligence may include, but are not limited to:

1. Donating prepacked foods that have been opened and exposed to possible contamination hazards such as vermin (cockroaches, rodents, flies), dirt or other filth.
2. Donating bloated or severely dented canned food products that could harbor botulism.
3. Donating perishable food items that have been exposed to temperatures held in the "Danger Zone" (42°F - 134°F) for any unknown time period.

Food Safety Manager Certification

In accordance with the California Retail Food Code, any food facility that repackage, prepare, or serve non-prepackaged potentially hazardous foods must have at least one individual who holds a valid food safety manager certification. While the certified food safety manager does not need to always be on-site, they are responsible for ensuring that all food-handling staff are properly trained in food safety principles. Staff who prepare, handle, or serve non-prepackaged food must be adequately informed to carry out their responsibilities safely.

Key Requirements and Clarifications

- Certification documents must be maintained on-site and made available for inspection by Environmental Health representatives.
- A Food Handler Card does not qualify as a Food Safety Manager Certification.
- New establishments and those that lose their certified food safety manager have a 60-day grace period to become compliant.
- Food safety manager certifications are valid for five years.
- Temporary food booths at community events are exempt from this requirement.

For full details, refer to Cal Code Sections 113947.2 and 113947.3: California Retail Food Code – Effective January 2024 (PDF)

List of Acceptable and Unacceptable Food Items

Acceptable Foods for Donation

To ensure food safety compliance and meet the exemption qualifications to be protected under the California Good Samaritan Food Donation Act, only wholesome, safe-to-eat food items shall be donated.

Acceptable items include:

- Fresh produce
- Proteins (cooked or raw meat, poultry, fish)
- Dairy products (milk, cheese, yogurt)
- Baked goods
- Eggs and egg whites
- Shelf-stable, non-perishable foods
- Fully prepared, properly stored entrées and meals



Unacceptable Foods for Donation

The following foods should not be donated due to food safety concerns:

- Food that has been exposed to the food safety temperature “Danger Zone” (42°F - 134°F) for more than 2 hours.
- Self-serve food items, such as salad bars, hot food bars, or buffet-style foods open and exposed to the public.
- Returned or recalled food products or the ingredients used to produce the food.
- Foods that are partially consumed, or leftovers from customer plates.
- Any pre-packed or canned food products exposed to fire, sewage, hazardous chemicals or flooding.
- Any food products that are not maintained by temperature controls as part of a “Time as a Public Health Control” (TPHC) plan and have exceeded the maximum 4-hour limit.
- Food with signs of spoilage, including mold, odors, decay, or visible contamination.
- Damaged packaged goods, including:
 - o Torn or broken packaging
 - o Dented, bulging, or leaking cans
 - o Evidence of pests or vermin infestation



The California Resource Recovery Association (CRRRA) has stated that any food that falls under the following categories should not be donated: contaminated; emitting a bad odor; discolored; moldy; in bulging packaging; in packaging that is torn; punctured, dented, or has broken seals; not in its original packaging; missing an ingredient label and/or a date (except fruit); previously served to a consumer; or perishable and not held at safe temperatures.

The FDA practices outlined in the following link below are to be followed during the donation process:

<https://www.fda.gov/food/retail-food-industryregulatory-assistance-training/key-steps-donating-food-retail-food-establishments>