

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** July XX, 2019

**TO:** The Honorable Nury Martinez Chair  
The Honorable Paul Koretz, Vice-Chair  
The Honorable Paul Krekorian, Member  
The Honorable Gilbert Cedillo, Member  
The Honorable Mitch O’Farrell, Member  
Energy, Climate Change and Environmental Justice Committee

**FROM:** Enrique C. Zaldivar, Director and General Manager  
LA Sanitation and Environment

**SUBJECT: RESPONSE TO COUNCIL MOTION 18-0952: SURPLUS FOOD REPORT**

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**Recommendations for Council Action:**

In response to the Los Angeles City Council Motion 18-0952 (Motion), the City of Los Angeles Bureau of Sanitation (LASAN) is hereby recommending the Los Angeles City Council:

1. Adopt LASAN’s proposed City of Los Angeles Surplus Food Policy, which pertains to surplus food generated by City facilities and operations, by City tenants, and by events and activities held on City property;
2. Request the City Attorney to work with LASAN to develop surplus food donation clauses for inclusion in food service agreements, space and event agreements, leases, contracts, and similar documents that govern City tenants and concessionaires, and events and activities held on City property that have the potential to generate surplus food;
3. Direct LASAN to work with the City Departments that oversee operations, tenants, events and activities held on City property that have the potential to generate surplus food, to promote awareness of and mechanisms for ensuring that donation of surplus food occurs;
4. Direct LASAN to educate City employees and the general public about surplus food, food donation, equity, food waste, and climate change, which are inextricably linked;

5. Direct LASAN to develop downloadable advisory notices and signage about the City of Los Angeles' Food Policy and post the same on its website;
6. Direct LASAN to issue an annual report on the status of the City of Los Angeles' Surplus Food Policy, including pounds or tons and types of food that was rescued, donor departments/bureaus, and donated food recipients.

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## Background

On October 5, 2018, the City Council adopted a Motion (CF 18-0952) instructing LASAN to report in 90 days with regards to:

1. Implementation of a citywide Surplus Food Policy Ordinance requiring food donations for all food service contracts, food concessions on City property and food at City-sponsored and City-permitted events;
2. Development of food donation guidelines that include possible mechanisms to connect food servers with food rescue organizations, including a running contact list of regional food rescue organizations, as well as third-party organizations and emerging technologies that match donors with food rescue groups and organizations;
3. Development of food donation guidelines that ensure that procedures for food donation align with Los Angeles County and state policies;
4. Reporting on implementation of the recycLA franchise agreement provisions regarding food donations and the management of that program and other food rescue efforts within LASAN.

## Definitions

### Food-insecurity

The United States Department of Agriculture (USDA) considers a household to be food insecure if it experiences either:

1. *Low food security* – reports a reduction in the quality, variety, or desirability of diet with little to no indication of reduced food intake, or
2. *Very low food security* – reports of multiple indications of disrupted eating patterns and reduced food intake.

The Los Angeles County Public Health Department elaborates: “Families and individuals in food insecure households often have poor diets because they resort to buying less expensive foods that are high in calories but lacking in nutritional value.” And: “Food insecurity during childhood can lead to delayed development, diminished academic performance, impaired social skills, and early onset of obesity.<sup>8</sup> It is especially important for children to not skip meals and to be supported in making healthy food choices early in their development. Doing so may help them sustain healthy eating habits and maintain optimal health and well-being throughout their lifetimes.”

Food insecurity can also be expressed as anxiety over food sufficiency or food shortages.

### Food scraps

Food scraps are the trimmings that are generated during food preparation, such as apple cores, bones, etc.

### Food types

#### Perishable

Perishable food decays quickly; it has a limited shelf life if not refrigerated. This includes raw food (produce) and prepared foods.

#### Nonperishable

Food that is not subject to rapid deterioration or decay, especially prepackaged or pre-processed foods.

#### Prepared

Food that is produced for immediate consumption. “Preparing” is any act other than washing with water and may include peeling, cutting, dicing, or cooking a food item.

### Food waste (wasted food)

Food “loss” is another variation, and refers to edible food that is discarded or lost – for any number of reasons - at each stage of the food cycle, from the field to the consumer. The cycle includes production, processing, distribution, sales (wholesale and retail) and consumption.

Some produce is never even harvested, for example, because there’s an excess supply or because some doesn’t conform to prevailing aesthetic standards (so-called “ugly produce”). Some food may be discarded because it wasn’t properly stored and therefore spoiled. According to a 2014 EPA study, America throws away (wastes) more than 38 million tons of food every year.



### Green Waste (also called “Yard trimmings”)

This can be considered a subset of “organics” and typically refers to grass, leaves and branches from yards.

### Organics (Organic waste/organic material)

CalRecycle defines “organic matter” as: Material that comes from organisms that were once alive, or derived from or produced through the biological activity of a living thing.” This category also includes yard trimmings, manure, food waste, and more, such as leather and cotton. Some municipal recycling programs collect food waste and yard trimmings, while others collect only the latter. Textiles are not usually collected through curbside programs because those materials are incompatible with recycling processing equipment and have different markets from other recyclables such as plastic containers and paper.

### Plate waste

Edible food is food that was served but not eaten or only partially eaten. Plate waste is not a form of surplus food and cannot be rescued/donated. It is suitable for composting or rendering, depending upon the constituents, especially protein.

### Share Tables

Per Los Angeles County Public Health: “Share tables are carts or tables where pupils can place unconsumed food and beverage items (i.e., prepackaged food and beverages; unopened, wrapped food and beverages; or food items with a peel) that they choose to not eat or drink. These tables provide an opportunity for other pupils to take additional helpings of food or beverages at no cost. Share tables are also referred to as “food share table” or “sharing table.”

### Surplus food

Surplus food is the food that remains above what is needed or used, that is suitable for consumption, whether by animals or humans. This valuable resource should be rescued/donated whenever possible.

## **Discussion**

Surplus food merits significant attention because of its impacts in several arenas, the most obvious of which is food insecurity/hunger. Food also literally embodies resources (water, energy), so, providing surplus food to consumers rather than disposing of it conserves such resources. (Wasted food consumes 21% of all freshwater, 19% of all fertilizer, 18% of all cropland, and 21% of all landfill volume, per ReFED – “A Roadmap to Reduce US Food Waste by 20 Percent” (2016). And surplus food that is diverted from landfills reduces the generation of the greenhouse gases carbon dioxide and methane. ReFED is a nonprofit, stakeholder organization working with businesses, governments, foundations and others to reduce food waste in the U.S.

By redirecting surplus food for beneficial uses, the City will support three principles – environment, economy, and equity – that are set forth in the 2019 Sustainability pLAn/New Green Deal.



Photo by Food Forward

In addition to surplus food, this report also touches on related topics including food waste, food waste recycling/composting and organics, and food service ware.

### Local Food Insecurity

Los Angeles County has the largest population of food-insecure people in the nation, estimated at



Photos by St. Francis

1.5 million people of all ages, including one in four children. Los Angeles has a poverty level of 19.5% (2016 data), so it should not be surprising that, per information provided by Los Angeles County, the food-insecure are found in *every* Los Angeles neighborhood.

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## L.A. has tens of thousands of homeless, hungry people. We ask Midnight Mission how it helps — and how we can

By NOELLE CARTER MAY 03, 2018 | 9:00 AM

A photograph showing a large group of people, many wearing white hairnets, working at long tables outdoors. They appear to be preparing food for a meal. The setting is outdoors with buildings in the background.

### Food Donations: A Brief History

The donation of surplus food is not new: one of the earliest examples can be traced to ancient Egypt, during a famine. In the U.S., Al Capone opened the first soup kitchen during the Depression: soup was a popular choice because it could be watered down when necessary to serve more people. The first “modern” food bank was established by John van Hengel in Phoenix in 1967; van Hengel also established the Second Harvest organization to offer food banking services nationally. Food banks in various iterations – from local grassroots groups to national organizations- came into wider existence in the 1980s and now can be found virtually everywhere. The federal government began supporting food donation through adoption of the Bill Emerson Good Samaritan Food Donation Act of 1996.

Per one study, 33 million individuals used US food pantries in 2009, and food disbursements from food banks have escalated since the late 1990s, decades prior to the most recent recession, and demand only for donations continues to grow.

### Increased Attention to Food/Food Waste

Awareness of the magnitude of surplus food – much of which unfortunately and routinely becomes food *waste* – has exploded in the past five years, as the California legislature has aggressively focused on the diversion of organic materials from landfills.

Recent State regulations mandate the diversion of organic materials and edible food from landfills to help reduce climate-change methane emissions *and* address hunger. The City of Los Angeles has been a leader in the diversion of organic materials, as LASAN never utilized “green materials” as alternative daily landfill cover (ADC), even when this practice was allowed, and has for many years collected curbside residential green material for recycling into landscape products.

### City's Surplus Food History

In 1997, a year after adoption of the federal Bill Emerson Good Samaritan Food Donation Act, California followed suit with legislation that protected good faith food donors from liability, the first state to do so.

The issue of City surplus food was first formally addressed in 2010, when the City Council approved the Surplus Food Policy (SFP), which recommended that City departments adopt policies that would require surplus food to be donated to food banks, pantries or other agencies that distribute food to the needy. Based on a report issued in response by the Chief Legislative Analyst’s office (see Appendix 1), the CLA worked with the Hunger Action LA organization and possibly the Los Angeles Convention Center (Convention Center) to develop food donation guidelines/procedures that were included in a



how-to brochure.

It is unclear whether the SFP was fully or partially implemented, but evidence (the lack of related reporting and surplus food donation clauses in City food-related contracts that were reviewed by LASAN), suggests it was not, and several factors likely played a role.

Although food donors are and were protected by Federal and State law, the City's 2010 surplus food initiative preceded development of Los Angeles County's food donation (safety/handling) guidelines, which were not published until 2013:

*Our Vision: A Healthy and Sustainable Environment for the Residents of Los Angeles County*

### **Food Facility Operators**

## **Guidelines for Safe Food Donation**

Donating surplus food from hotels, restaurants, other food facilities, and catered events can be a great way to help local missions and other charitable organizations that serve those in need. Although a special public health permit is not required, donating or receiving surplus foods must be done in a way that minimizes food safety risks. The Los Angeles County Department of Public Health Environmental Health Division has prepared the following food safety guidelines to help facilitate safe food donations.

The County, as the local health agency, did not begin training its inspectors about food donation until a few years later.

It is possible that potential City surplus food generators such as tenant restaurants and concessionaires received contradictory information about donations from different sources. A former County health inspector now employed by LASAN said that he routinely directed food service establishments to dispose of "expired food" - food that was past its "best by," "use by," or "sell by" date - even though those are not in fact expiration dates and do not indicate that food is unsafe or inedible. With the exception of infant formula, food dates indicate peak freshness. And corporate (restaurant/concessionaire) policies may have limited or prohibited food donations due to liability concerns; such policies are still common today.

Now, County inspectors inform local food and beverage facilities that in California, good faith food donors are protected from liability, and the inspectors now encourage donations. And the County is spreading the word about food donations through LACFRI, the Los Angeles County Food Redistribution Initiative working group, which LASAN joined in 2015. LACFRI recently launched a government subgroup in which LASAN participates.



### Surplus Food "Hierarchy"/City Surplus Food Logistics

Generally speaking, non-perishable food (which is typically packaged) is the easiest to donate because the food handling guidelines are simpler and less restrictive than those for perishable foods. And raw produce is “easier” to donate than surplus prepared food (which is also perishable).

Many food banks/pantries accept primarily non-perishable food and some produce, but the majority of City’s surplus food was and is likely *prepared* food. The donation of prepared food is challenging for logistical and prosaic reasons. Safety guidelines establish food temperature and handling requirements; the time of day when surplus prepared food is available for distribution may not coincide when shelters and other recipients can most readily receive donations; and the lack of refrigerated trucks shortens acceptable food transit times. The existence of food rescue groups and their array of services, which can include pickup, were likely not known even in the prior to the last few years. Most importantly, no one City department was assigned to oversee the 2010 surplus food initiative on an ongoing basis.

### City’s Current Surplus Food Practices

Donation of surplus food by City employees, Departments and contracted food service providers has undoubtedly been occurring, but it is informal and unreported. An estimate of the pounds or tons donated is not available.



### recycLA and Food Rescue

The food banks and other agencies that serve the needy, such as groups sponsoring meal (“feeding”) sites, homeless shelters and transitional housing facilities, as well as pantries for students, are typically nonprofits operating without robust budgets that are heavily reliant upon volunteers. With the launch of the recycLA franchise, Los Angeles became the first City to integrate food donation into its waste management practices. This integration provides food rescue organizations with more predictable support and thereby a means for expanding their services throughout Los Angeles.

### LASAN and Food-Related Education and Outreach

Over the past four years, to complement recycLA food rescue activities, LASAN has worked to increase City family awareness about surplus food, food donation, and food waste, through employee and public outreach events. Examples of the latter include Earth Day events and LASAN Open Houses. A food donation info card (see below) was distributed to more than a thousand attendees at the Food Day event cosponsored by the Mayor's Office and St. Francis Center (December 2018) and has been distributed through recycLA outreach efforts as well.





For employees, LASAN has addressed surplus food in its citywide quarterly employee newsletter (recycLetter) and at annual composting/vermiculture (worm bin) workshops for City employees, which are identical to the residential workshops (see following section).



# RECYCLETTER



Reduce, Reuse, Recycle: the Path to Zero Waste1st Quarter 2017

**Fight Hunger: Donate Leftovers From Your Next Catered Party or Event**

- Donations of leftover prepared food are legal, protected by the Good Samaritan Law, and needed:
- An estimated 1.5 million people in Los Angeles County don't have enough money to buy sufficient food, making it home to the largest population of food insecure people in the U.S.
- And one in four LA County kids doesn't have enough food to eat

**The How-To**

1. Have your caterer pack food in lidded containers that do not need to be returned
2. Contact a shelter in advance of your event to discuss the donation and confirm the delivery address and delivery hours. (Request a list of shelters from [san.cfrp@lacity.org](mailto:san.cfrp@lacity.org)), or:
3. Contact one of these non-profit food rescue organizations in advance; they may be able to pick up and deliver your leftovers:

Food Finders:	<a href="http://www.foodfinders.org">www.foodfinders.org</a>
St. Francis Center	<a href="http://www.sfcla.org">www.sfcla.org</a>
Urban harvester	<a href="http://www.urbanharvester.org">www.urbanharvester.org</a>

### Compost Workshops

LASAN has also updated its free, monthly residential compost workshops to include food waste statistics and inform attendees that food donation is a central element of the recycLA program, and to explain how the diversion of food waste, through composting and vermiculture supports the City's Zero Waste goal and specifically helps fight climate change by diverting organics from landfills.

SRCRD oversees the monthly workshops held at Griffith Park; LASAN's Processing and Construction Division is responsible for workshops held at educational centers at Lopez Canyon, South LA Wetlands, and at the soon-to-open San Pedro facility.



The 2019 employee composting/vermiculture workshop was filmed by Channel 35 and can be viewed at these links: <https://twitter.com/LATW35/status/1030201546124881920>.

<https://www.youtube.com/watch?v=5MppXT5ArgA>

### Save the Food Campaign

The Ad Council and National Resources Defense Council (NRDC) partnered to create the “Save the Food” food waste awareness campaign (see [www.SavetheFood.com](http://www.SavetheFood.com)). LASAN is in negotiations with these entities; if successful, the following ads will appear on LASAN trucks:



### “Walking the Talk:” LASAN Donation of Surplus Food

To “walk the talk” as Mayor Garcetti wrote in the Introduction to the 2019 Sustainable City pLAn, LASAN’s Solid Resources and Citywide Recycling Division (SRCRD) began donating surplus food from its internal meetings and employee events more than four years ago, as well as recycling the post-consumer plate waste. SRCRD now has four desktop worm bins in its office for food waste (produce, coffee grounds and tea bags). These “novelty” items have generated interest and may be feasible for many City facilities.

### Identification of City Surplus Food Generators

LASAN reviewed Council-controlled operations and facilities, whether managed directly by City Departments or by third-party entities, to identify those with the potential to generate surplus food. LASAN then requested copies of food-related contracts, including those for: Conventions (Los Angeles Convention Center); entertainment venues (such as the Greek Theatre); meeting spaces (LAPD's Police Administration Building, LASAN's Environmental Learning Center, Central Library); tenant restaurants/vendors/concessionaires (Olvera Street, LA Mall, City Hall, LA Zoo, Griffith Park); public events such as farmers markets and block parties (via the "Streets LA" portal (accessible via [specialevents.lacity.org/home](http://specialevents.lacity.org/home)); parades are considered "first amendment events" and the Los Angeles Police Department has oversight; catered events (including those held in the Tom Bradley Tower and Van Nuys City Hall, which are reserved through GSD space agreements); the LA Zoo, the site of many large catered events; and Departmental-sponsored/coordinated student meal and snack programs (offered by the Department of Aging and Recreation and Parks).

Not all Departments responded to LASAN's request for copies of food-related contracts, but none of the documents that were received contain mandates (clauses) for the donation of surplus food.

#### Proprietary Departments

At the proprietary departments, potential surplus food generators include employee cafeteria contractors/operators (the Harbor Department); "pop up" employee cafeteria meal service providers (LADWP); restaurants/concessionaires and vendors (LAWA), and public and private events held on their respective properties.



Please see Appendix 3 for all City department responses and additional details.

#### Other Sources

Additional but less likely sources of surplus food suitable for donation also include street vendors (regulated through the Economic Workforce Development Office) and farmers markets (The City has a portal - [specialevents.lacity.org](http://specialevents.lacity.org) for making arrangements for public space events, which includes farmers markets but excludes parades). Please see Appendix 3.

#### Food Map

A partial map of Los Angeles farmers markets, community gardens and farms locations was compiled and is now being updated. When completed, it will include all markets and may also include community composting hubs; please see Appendix 2. Research determined that most market vendors participate in multiple markets each week, and so retain unsold food for sale at markets held later in the week. Although LASAN did not speak with any street vendors, they likely follow similar procedures. (A list of all farmers markets operating in Los Angeles is also being updated.)

As to internal City Department meetings and employee-sponsored functions, surplus food typically is offered to employees and/or saved for later consumption.

The potential volume of surplus food from the City cannot be estimated without detailed contract information from the various food-providers described above, but could be significant.

### Current/Voluntary Surplus Food Donation and Waste Prevention

Some Departments and City-affiliated entities routinely donate surplus food and have policies intended to reduce waste. The following are highlights; full details about food services at all relevant City departments are provided in Appendix 3.

#### Department of Aging

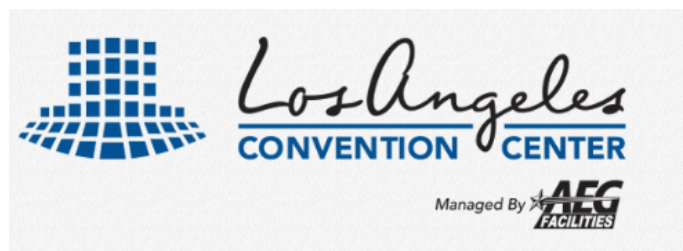
The meals for congregate (group) senior lunch programs and delivered meals are obtained through a competitive contract process. This department relies on volunteers to assist with its congregate programs offered at nearly 100 sites five days a week. About two dozen of these sites are City-owned Recreation or Senior centers. Any surplus meals are given to the volunteers, and the Department reports that surplus food is very rare.



#### Los Angeles Convention Center/AEG

The Center is managed by AEG. The City's contract with AEG's does not require food donation, but AEG has its own policies:

- It created an ordering procedure that "tightens up" purchasing amounts, thereby cutting back on waste.
- Leftover food is to be utilized in daily meal area.
- Leftovers are donated to shelters and/or a food rescue group.
- Pre-consumer kitchen scrap is composted, as is post-consumer food waste when feasible.



### LAWA

Los Angeles International Airport (LAX) has dozens of tenant restaurants/kiosks/stands that sell prepared food and beverages, as well as vendors selling packaged food. LAWA staff reports that some of its tenants may participate in the LAX Harvest Food Donation program (HFDP). As of February 2018, HFDP collected over 51,000 pounds of food. Some tenants may also work with the national food rescue group Food Donation Connection.



### Recreation and Parks (RAP)

RAP provides sites for three types of meal programs: Summer Youth (student) Lunches (at nearly 100 sites); after-school meal programs at recreation and teen centers; and lunches that are provided as part of its camps programs.

Note: LAUSD is RAP's food vendor and it has its own summer lunch program. Per RAP, LAUSD has a policy that meal waste not exceed 3%. To reduce food waste, second helpings are served, a "share table" is offered, and RAP donates surplus food when possible.



### Greek Theatre/SMG Premier Catering

SMG's contract with the City (RAP) does not require food donation, but SMG employs these practices: The Food and Beverage Director reviewed food waste generated during events and modified the menu and individual food items to significantly reduce waste; he also increased recycling by eliminating individual, non-recyclable beverage cups. SMG was contacted by a food rescue group several years ago, but reported that it generates virtually no surplus food.



### recycLA Contract Clauses

Two clauses in the recycLA agreements are revolutionizing local food donation practices in the local *private (commercial) sector*, in that food rescue (and reuse) are becoming supported and therefore institutionalized. The recycLA franchise has influenced other municipalities to consider similar policies:



#### ***5.7 UTILIZATION AND FUNDING OF REUSE ORGANIZATIONS ("Before the Bin")***

*The CONTRACTOR shall invest in reuse organizations to increase activities in this sector;*

*through direct funding and in-kind services. Funding shall be provided that is equal to at least \$1,000 per 100 CUSTOMER accounts annually. Reuse organizations may include food rescue, as applicable. Funding shall be provided to non-profit and/or charitable organizations that provide these services. CONTRACTOR shall provide a list of organizations to the CITY PROJECT MANAGER for review and approval before funding is provided. The CONTRACTOR shall promote reuse programs to CUSTOMERS through its outreach and educational campaigns. Acceptable materials include reusable goods and materials, which may be either new or used. Reusable materials include manufacturing overages, discontinued or surplus items, or other gently used items. The CONTRACTOR shall submit to the CITY an annual report of financial support including receipts, tonnage estimates, and other documentation of in-kind services and/or cash donations.*

## **5.8 COOPERATION WITH FOOD RESCUE**

*The CITY believes that the highest and best use for edible food is to feed people. The CONTRACTOR shall not impede the implementation or expansion of edible food placement networks in the City of Los Angeles. The CONTRACTOR shall partner with an appropriate local non-profit for the redistribution of edible food “Before the Bin.” Collection services for foods that are safe for human consumption shall be offered to all CUSTOMERS in coordination with a CITY directed food rescue program. Tonnage estimates from this material stream shall be reported in the CONTRACTOR’S monthly diversion report.*

## **SPECIFICS OF MOTION 18-0952: SURPLUS FOOD**

### **1. Implementation of a citywide Surplus Food Policy Ordinance requiring food donations for all food-service contracts, food concessions on City property and food at City-sponsored and City-permitted events.**

Based on research into the 2010 Surplus Food Policy and a review of City operations, LASAN is confident that there are two *essential* mechanisms for “institutionalizing” the donation of City surplus food. The first of these is the use of standardized clauses in all food-related contracts that are directly managed by the City, and in the City’s agreements with third-party entities, such as AEG, that manage City facilities/operations on behalf of the City.

These clauses will make clear that the City supports the donation of surplus food - because that activity supports the goals of its Sustainability pLAN. The clauses will eliminate confusion for food suppliers/generators doing business with or on City property; they could also prompt the re-examination of corporate policies that now prohibit food donations.

The second and equally important mechanism is education. That is why LASAN’s draft contract clauses include a mandate for public-area signage for the City’s facility managers/vendors/concessionaires, indicating a) that the food provider is donating surplus food, b) noting local hunger statistics and c) explaining the linkage between food waste and climate change.

Such signage will help raise awareness about these intertwined topics, particularly when employed in high-traffic/high-visibility areas such as employee cafeterias open to the public and in Los Angeles International Airport restaurants/food courts. This critically is important because, per the National Resources Defense Council (NRDC): “.....consumers are by far the largest source of food waste—tossing more than grocery stores and restaurants combined. So small steps we take in our daily lives can add up to a big impact.”



LASAN has drafted surplus food donation contract clauses and related waste prevention clauses as well. Please see Appendix 4.

### Barriers to Implementation of Surplus Food Donation Clauses

As we have learned from the previous Surplus Food Policy, the City’s expanded polystyrene (EPS) ban, and the City’s Environmentally Preferable Purchasing (EPP) Policy, *adoption* of a policy does not guarantee its implementation or continued success. A single point of oversight is critical for both, but the Department that is assigned oversight must also be sufficiently *empowered* to both request and *receive* information.

Case in point: Most of LASAN’s initial requests to Departments for food-related contracts did not generate responses, and two additional contacts were required to produce the documents that were received. In addition, there is no obvious City mechanism that can ensure that surplus food donation clauses will be incorporated into *all* applicable RFPs/RFQs and into the resulting contracts.

This speaks to the need to designate a single entity (Department) or multi-departmental committee that will, in cooperation with other Departments, develop a review process to ensure that RFPs/RFQs/bids include surplus food donation clauses, in the same way that contracts are routinely reviewed for living wage and MBE/WBE compliance, etc. Should LASAN be designated as the responsible agency for this task, additional staffing would be required.

### Staggered Implementation of Surplus Food Donation Contract Clauses

Because the expiration dates of existing City food-related contracts cannot be determined unless/until LASAN receives copies of the all relevant contracts, it is not possible to determine *when* surplus food donation clauses can be inserted into subsequent (new) bids and contracts, and when mandated surplus food donation will commence.

### Interim Options: Contract Amendments / Voluntary Donations

In the interim, the City could consider amending existing food contracts to incorporate surplus food clauses, but this would be a lengthy undertaking, and the contracting departments and the City Attorney would have to determine both the feasibility and cost-benefit of this strategy.

It should be noted that food donation programs may result in slightly increased costs to food vendors, for the purchase of additional “to-go” food packaging necessary to facilitate donations, and possibly for additional staff time for packing the food and record-keeping, etc.

A more feasible option than contract amendments is for LASAN to work with Departments and their food providers to encourage *voluntary* donations until such time that *mandated* donations begin. Toward this end, the first step would entail meetings for all affected Departments at which the Surplus Food Policy –and an implementation program – would be introduced.

A public awards/recognition program, similar to the recycLA Stars awards program, is one possible incentive for food service establishments to donate food on a voluntary basis. See [www.recycLA.com](http://www.recycLA.com) and then select the “recycLA Stars” link.

**2. Development of food donation guidelines that include possible mechanisms to connect food servers with food rescue organizations, including a running contact list of regional food rescue organizations, as well as third-party organizations and emerging technologies that match donors with food rescue groups and organizations.**

Food donations under the auspices of recycLA began in late 2017, with a few of the recycLA service providers (RSPs) partnering with the larger food rescue groups (FRGs). Currently, number of participating FRGs has increased to almost two dozen and *all* RSPs have partnered with FRGs.

Rather than creating a *new* surplus food system, LASAN recommends that the City utilize the existing recycLA “network” of food rescue groups (including additional FRGs that join recycLA in the future), in a manner that equitably utilizes the FRGs, maximizes donations, and minimizes vehicle miles traveled.

This will require surveying the FRGs about their capabilities and services: what types of food they can rescue (perishable, nonperishable, prepared); their hours of operation and geographic areas served; whether they have refrigerated trucks and/or refrigerated storage hubs; and whether they can provide the records the City needs (primarily for the City’s AB 939, AB 1826, and SB 1381 reporting. Please see the “State Organics/Food Legislation” Section on Page 27 for more information about organics and related legislation.

LASAN will develop a standardized reporting form that expands upon that used by recycLA. (A more detailed reporting requirement than that currently used by most RSPs represents an opportunity to develop a robust food-related database that can help target initiatives addressing hunger, and help identify areas where “excess” surplus food is not being rescued through recycLA.)

Rather receiving hard copy, scanned or emailed food donation reports from City Departments and/or the FRGs, and then re-entering the data into a database, LASAN will meet with ITA to determine the



feasibility of an online reporting system (for use by donating Departments and/or the FRGs) and its report-generating capabilities.

Certain caveats are recommended before the City begins working with any FRGs. In order to preserve the protections offered by California's Good Samaritan Food Donation Act, LASAN advises partnering *only* with FRGs that donate the surplus food they rescue, and not with any FRGs that *sell* it; there is at least one FRG that was selling rescued food.

To ensure that employees are familiar with the Surplus Food initiative, and understand it as a waste prevention/climate change measure, LASAN recommends annual training for all Departments and that related waste prevention training be incorporated into employee training modules.

LASAN further advises consulting with the City Attorney to determine if there one unit within its office responsible for reviewing all contracts prior to execution, that could assume responsibilities for confirming that surplus food donation clauses are in place.

LASAN staff already maintains an updated list of FRGs and is familiar other area organizations working in food rescue and related areas, such as the Los Angeles Food Policy Council (LAFPC) and Los Angeles County's Food Redistribution Initiative (LACFRI).

Although the City does not have jurisdiction over schools, LASAN recommends that, in partnership with LAUSD, LAFPC and LACRI, LASAN encourage the use of share tables in all Los Angeles schools to reduce food waste.

### Technology

There are a variety of applications (apps) pertaining to food, food waste prevention, and food donations.

LASAN has been in contact with two organizations offering food donation apps, both of which were designed for restaurant use and involve a financial transaction. With the first (Food for All: <https://foodforall.com/>), restaurants sell their surplus food – typically prepared food - at a significant discount shortly before closing; food is picked up at the restaurant by the customer and the app developer receives a percentage of the sale price.

The second app – replate - charges the donating restaurant for a surplus food pickup by a driver who has received food handling/safety training: <https://www.re-plate.org/>



It is possible that these apps could be adapted for use by the City, or an entirely new app developed.



The City's purpose vis-à-vis technology must be defined. Is the intent to facilitate donations by City departments, or to increase awareness of donation opportunities throughout the wider community, or both? There are dozens of other apps that could be promoted by the City to the residential sector, including those focusing on *waste prevention*. These could be promoted on LASAN's new "Curb Your Food Waste" webpage that was developed to support the residential curbside food waste pilot that launched in May of this year.

format isn't consistent; text after the item number is indented in some but not all places

The guiding principles for the Surplus Food policy will be ease of use, efficiency, and accurate and detailed reporting.

### 3. Development of food donation guidelines that ensure that procedures for food donation align with Los Angeles County and state policies.

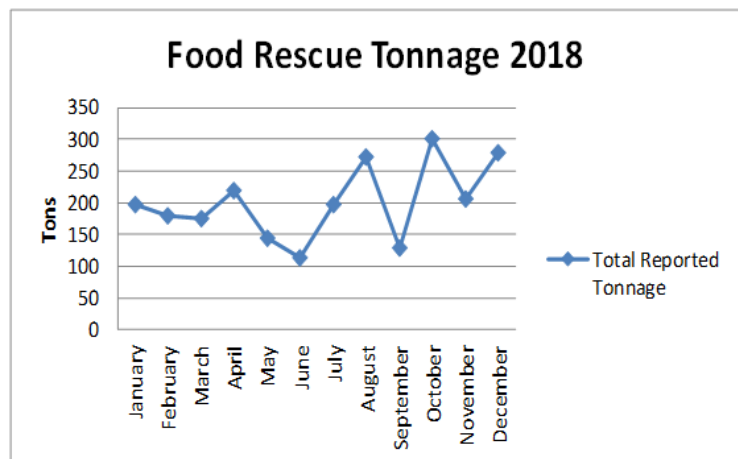
As the local health agency, County of Los Angeles is responsible for developing health and safety policies and guidelines that conform with state law. LASAN recommends that the City adopt Los Angeles County's Food Donation Guidelines in their entirety. The Guidelines are found in Appendix 5.



### 4. Reporting on implementation of the recycLA franchise agreement provisions regarding food donations and the management of that program and other food rescue efforts within LASAN.

Surplus food suitable for rescue and subsequent donation falls into these broad categories, listed in the order from easiest to most difficult to rescue, based on food-safety and operational concerns: non-perishable (typically-packaged) food; perishable, with raw produce a subset of that; and prepared food.

Food rescue through the recycLA franchise commenced in late 2017; 2018 was the first full year and the total tonnage of rescue food increased, as shown here.



	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Tonnage	197.26	178.78	174.73	219.37	145.06	112.48	198.10	272.51	127.89	301.13	206.76	278.96	2413.03

The 2019 rescue trend is positive:

	Jan	Feb	March	April
Tonnage	268.33	248.78	219.14	232.53
Increase from 2018 (lbs.)	71.07	70	44.41	13.16
% increase	36%	39%	25%	0.6%

recycLA Food Rescue partners as of April 2019



recycLA Services Providers (RSPs) and their Food Rescue Group (FRG) partners

	Athens Services	CalMe t	NASA Services	Republic Services	Universal Waste	WARE	Waste Management
Beacon House	X						
Central City Community Outreach			X				

Community Outreach Center				X			
Dream Center					X		
Food Finders	X	X		X	X		
Food Forward	X		X	X	X	X	
Heart of Compassion			X				
LA Compost				X	X		
LA Conservation Corps				X			
LA Food Policy Council	X						
LA Kitchen (closed in early 2019)					X		
LA Regional Food Bank				X			X
MEND				X			
One Generation							X
Pacoima Beautiful				X			
Salvation Army	X						
St. Francis	X			X		X	
San Fernando Valley Food							X
UCLA Foundation	X						
Waste Not Want Not (now Foodcycle LA)	X						
West Valley Food Pantry							X
World Harvest				X			

## Reporting

The FRGs submit records for the food they rescued to the RSPs. The weight may be estimated for several reasons: not all FRGs have scales (such as pallet jacks with scales), and food *donors* may use the metric of cases or pallets rather than tons or pounds. Some donations are comprised of a mixture of items. The FRGs report directly to the RSPs, not to LASAN. This information is required in the RSPs' monthly food rescue reports to LASAN:

### Monthly Food Rescue Tonnage Reporting

Name of Non-Profit Organization	Type of Organization	Human Consumption Diverted Tonnage Est.	Animal Consumption Diverted Tonnage Est.	Subcontract Expenditures	Other Cash Payments*	In-Kind Services**	Facility***

\* Other Cash Payments - Please supply LASAN all back up for this payment (i.e., receipt for a cash payment, copy of a donation check, etc.)

\*\* In-Kind Services - Please provide LASAN with backup for In-Kind Services provided. This must include a line item accounting of the service and its equivalent dollar amount. Please also include the calculations for the numbers being reported.

\*\*\*Facility - If your In-Kind Service involves hauling, report the facility that the material was hauled to and attach the weight tickets.

Some of the food that rescued by an FRG may not be suitable for consumption and must be disposed. For example, FRG may pick up multiple pallets of raw produce and, despite best efforts, may not be able to determine at the time of pickup that some of the produce was spoiled. For that reason, some RSPs offer refuse collection as an in-kind service to the FRGs.

The following is an example of a very detailed (partial) food rescue report from one FRG:

Grower Name	Commodity Name	Product Weight	Ship Date	Customer Name
M & M Distributors	Cucumber (50 lbs)	2679	4/1/2019	Dream Center
M & M Distributors	Cucumber - English/Hothouse Cucumber (30 lbs)	0	4/1/2019	Dream Center
M & M Distributors	Broccoli (25 lbs)	0	4/1/2019	Dream Center
M & M Distributors	Squash - Italian Squash (25 lbs)	0	4/1/2019	Dream Center
M & M Distributors	Squash - Yellow Squash (25 lbs)	0	4/1/2019	Dream Center
M & M Distributors	Bean - Green Bean (25 lbs)	1412	4/1/2019	Dream Center
M & M Distributors	Squash - Italian Squash (25 lbs)	1500	4/25/2019	Children's Hunger Fund
M & M Distributors	Pepper - Chile Pepper (50 lbs)	5521	4/24/2019	Mend
M & M Distributors	Pea - Snap Pea (20 lbs)	5520	4/29/2019	Monte Sion Center
M & M Distributors	Squash - Mexican Squash (25 lbs)	1925	4/29/2019	Monte Sion Center
M & M Distributors	Cucumber - Persian Cucumber (25 lbs)	1550	4/29/2019	Church of the Resurrection
M & M Distributors	Cucumber - English/Hothouse Cucumber (15 lbs)	1785	4/29/2019	Monte Sion Center
M & M Distributors	Cucumber (50 lbs)	700	4/29/2019	Monte Sion Center
M & M Distributors	Squash - Yellow Squash (45 lbs)	515	4/29/2019	Monte Sion Center
M & M Distributors	Cucumber - Pickling Cucumber (25 lbs)	200	4/29/2019	Monte Sion Center
M & M Distributors	Pepper - Bell Pepper (50 lbs)	1470	4/29/2019	Monte Sion Center
M & M Distributors	Cucumber - Persian Cucumber (25 lbs)	2750	4/29/2019	Monte Sion Center
		55,855.00	Total Lbs.	

**VERIFY WITH MICHELLE/GERRY: However, most of the monthly reports from the RSPs do not list the individual food donors, the type of food rescued (non-perishable, produce, or prepared, for example), or the recipient organizations, as shown above.** The level of detail provided for a monthly report varies with each food rescue group preparing the report.

Food rescue via recycLA was mandated to address the ongoing need of hunger. This policy also confers environmental (avoided greenhouse gas emissions) as well as financial benefits: Donors can benefit from tax deductions and reduced disposal costs, while food recipients can divert funds formerly used to purchase food to other services. In addition, diversion of materials from landfills can extend the landfills' lives and postpone disposal rate increases that would affect LASAN's customers.

The food rescue reporting requirements for the RPSs were intended to capture data – primarily weight – the metric that is necessary for determining the RSPs' and City's diversion rates, and to ensure the RSPs are meeting their contractual obligations to support reuse, including food rescue. The requirements were not designed to capture details that could be utilized for development of a citywide food database.

However, there is a clear need for a database that could integrate food-related data within Los Angeles, so needs and resources can be more easily matched. Layered mapping that includes Los Angeles County hunger information, current and potential food donors and recipients (identified from recycLA records and NAICS codes), could be used to analyze rescue/delivery routes for efficiency, and to identify sites for refrigerated food-storage depots that could eliminate the need to rush deliveries of temperature-sensitive foods.

#### **OPTIONAL SECTION:**

##### **recycLA Zones With “Excess” Surplus Food**

As specified in the recycLA agreements, each RPS is required to support reuse, which includes food rescue, through direct cash contributions and/or in-kind support, at the equivalent of \$1,000 per 100 customers in each recycLA zone, on an annual basis. While this is an equitable *policy*, some zones may generate more surplus food than others, and the cash and/or in-kind support may be insufficient to divert most of the food in that particular zone. The RSPs are not required to exceed the \$1,000 expenditure, and have no incentive to do so, unless/until increased food rescue is necessary to achieve their contractually-mandated diversion rates.

LASAN has addressed this “shortfall” by collecting some of the “excess” surplus food from the wholesale produce mart that is not rescued for donation, for a mulching pilot program. (LASAN's is now pursuing a permit to process food waste at its mulching facilities.) But a robust database could identify zones with “excess” surplus food and focus resources there.

##### **Other Food Related Work Within LASAN: Food Waste**

To meet the requirements of AB 341, AB 1826, and SB 1383 (discussed later in this document), LASAN launched several food waste through its collection programs. The first and largest is at LAX, which was followed by HomeBoy Diner in City Hall. Additional programs are planned for the restaurants in LA Mall and the weekly Farmers Market at City Hall. All food waste collected through these programs is taken to LASAN's transfer station (CLARTS), where it is mixed with residential green waste and then delivered to an anaerobic digester.

Food waste prevention education is a significant component of the large-scale residential food waste pilot program that launched in May 2019. And waste prevention in general will become more critical now that the City can rely less upon diversion achieved through “traditional” blue bin recycling.

#### **OPTIONAL SECTION:**

##### **Food Service Ware**

Note: Policies to address surplus food would be incomplete if the packaging/food service ware used for food donations is not also addressed. Logically, the City's ban on expanded polystyrene food service ware products should also be readdressed via the Surplus Food Policy.

Agreements for all 24 service establishments and retailers in the LA Mall are under the control of the Real Estate Division (RE) of the General Services Department (GSD). Twelve are food service establishments (FSEs), with 10 in the LA Mall and 1 each in City Hall East (Trimana, same as “High Rise Goodies”) and (main) City Hall (HomeBoy Diner). Per RE, since 2000, all food service agreements have included this standard provision:

“4.5. No Polystyrene (EPS) Food Service Products. In its operations on the Premises, Tenant shall not sell, dispense or use any Expanded Polystyrene ("EPS") food service products.” Eight of the twelve agreements were executed prior to 2000 and therefore do not ban EPS. Most FSE agreements have expired; new agreements were not executed in anticipation of the LA Mall being demolished, so those tenants have been carried on a “holdover” or month-to-month basis. In response to a July 2017 inquiry from LA Sanitation, RE consulted with a City Attorney about the possibility of inserting the EPS ban provision into the eight agreements lacking that. RE was advised that it would need to examine each lease to determine whether and how the individual terms may be amended. All tenants belong to the LA Mall Association, which meet a few times/year and could be utilized for EPS outreach or other related efforts.

For general waste prevention purposes, and because used/dirty food service ware is typically not recycled, the City should consider food-waste related policies, such as:

- mandating reusable food service ware for all dine-in meals on its premises;
- charging a customer fee for all single-use/disposable food service ware: in January, Berkeley will require coffee shops to charge an extra 25-cents for customers who use a take-away cup; and
- promoting the fact that the California Retail Food Code, Section 11412, allows consumers to use their own refillable food and beverage containers; Angeles County has not yet promulgated regulations for this, but LASAN considers this to be critical. A draft letter to Los Angeles County is found in Appendix 6.

### State Organics/Food Legislation

#### **State of California Organics/ Food Legislation**

##### AB 1826 (2014)

Mandates organics recycling by commercial entities.

Link: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1826](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1826)

##### AB 1594 (2014)

As of 1/1/2020, the use of green material as alternative daily cover will no longer count as recycling.

Link: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1594](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1594)

#### AB 876 (2015)

Addresses longer-term planning for organics infrastructure, counties and regional agencies were required to report information in the Electronic Annual Report, beginning August 1, 2017.

Link: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB876](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB876)

#### AB 1045 (2015)

Requires the California Environmental Protection Agency, CalRecycle, the State Water Resources Control Board, the State Air Resources Control Board, and the Department of Food and Agriculture to develop and implement policies that keep organic waste out of landfills and promote composting and alternative uses for that material.

Link: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1045](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1045)

#### SB 1383 (2016)

This addresses short-lived climate pollutants, with an emphasis on methane, which is produced by organic materials; it also mandates the diversion of 20% of edible food from landfills.

Link: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1383](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383)

#### AB 1219 (2017)

This updates Good Samaritan laws for food donations by requiring environmental health inspectors to educate regulated facilities about existing liability protections for food donors.

Note: Los Angeles County regulates all food and beverage facilities.

Link: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1219](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219)

#### AB 954 (2017)

Requires the California Department of Food and Agriculture to promote the use of standardized phrases for dates labels on food because “best by” and “use by” erroneously encourage consumers to discard still-safe food.

Link: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB954](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB954)

### **Federal Food Legislation**

A number of federal laws encourage food donation in the United States by providing liability protection to donors or tax incentives.

#### The Bill Emerson Good Samaritan Food Donation Act

This was created to encourage the donation of food and grocery products to qualified nonprofit organizations and provides liability protection to food donors. Under this Act, as long as the donor has not acted with negligence or intentional misconduct, the company is not liable for damage incurred as the result of illness.

Internal Revenue Code 170(e)(3)

This provides enhanced tax deductions to businesses to encourage donations of fit and wholesome food to qualified nonprofit organizations serving the poor and needy. Qualified business taxpayers can deduct the cost to produce the food and half the difference between the cost and full fair market value of the donated food.

The U.S. Federal Food Donation Act of 2008

This specifies procurement contract language encouraging Federal agencies and contractors of Federal agencies to donate excess wholesome food to eligible nonprofit organizations to feed food-insecure people in the United States.

Link to the three items above: <https://www.usda.gov/oce/foodwaste/resources/donations.htm>

**Mandatory recycling laws for schools**

Effective July 1, 2012, the State's Mandatory Commercial Recycling law (AB 341) required all institutions, including schools, to arrange for recycling services.

Link: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB341](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341)

Beginning April 1, 2016, the State's Mandatory Organic Waste Recycling law (AB 1826) phased in requirements for institutions, including schools, that generate specified amounts of green waste to arrange for recycling services for that material.

Link: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1826](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1826)

**Appendix 1: 2010 Chief Legislative Analyst Surplus Food Policy Report**



December 6, 2010

FROM: Gerry F. Miller  
Chief legislative Analyst

Council File No.: 09-2326  
Assignment No.: 10-12-1125

## Surplus Food Policy Procedures and Guidelines

On July 21, the City Council adopted the City of Los Angeles Surplus Food Policy (Policy), pursuant to Council Motion (Huizar-Koretz) (C.F. 09-2326). The Policy states that: "The City of Los Angeles recognizes that food banks and emergency food banks need a steady effort to reach out to

- c. Provide a status report to Council by November 1, 2011 with the amount of food that is donated by City departments, elected officials, contractors and subcontractors throughout the reporting period.

- d. Report, with the assistance of City departments, with recommendations to improve the implementation of the Surplus Food Policy.

- e. Prepare a resolution to support and/or sponsor state and federal legislation to encourage farmers, food processors, restaurant owners and catering establishments to donate surplus food to food banks for distribution to the needy. Said legislation should require local governments to identify: 1) sources of



## **ATTACHMENT A**

### **City of Los Angeles Surplus Food Policy**

#### **Procedures and Guidelines**

The City of Los Angeles commits to address hunger and poverty by making a good faith effort to reach out to City departments and contractors to donate surplus food to food banks, pantries, or any other agency that provides food to the needy, while adhering to health and safety standards, ensuring it is cost neutral and is legally feasible.

#### **INTRODUCTION**

Many individuals and groups provide food to food assistance organizations that then serve or distribute the food to the needy. The distributing organizations must comply with state food safety rules and have limitations on the types and sources of food they can accept. Donors should follow these guidelines to help assure food provided to the needy is safe.

Donations of items due to surplus production, discontinuation, imperfect or underweight packaging, quality control, and approaching expiration dates, offer nutritious food to those in need while providing cost-savings in warehousing and disposal charges for food that otherwise would end up in a landfill. Any food depository accepting foods from City of Los Angeles Departments and contractors should be equipped to accept donations of dry, refrigerated, and frozen products.

#### **DEFINITIONS**

**Donor-** A person, corporation, association, or City department or other organization that donates food to a food bank, pantry or any other organization that serves or distributes food to the needy.

**Food Bank-** Any charitable food assistance nonprofit organization under Section 501(c)(3) of the Internal Revenue Code that distributes food free of charge to the public.

#### **LIABILITY**

The Emerson Good Samaritan Food Donation Act passed in October 1996 offers uniform protection to individuals, businesses, and nonprofit organizations that, in good faith, donate, recover and distribute excess food. The Good Samaritan Law states that a person or nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging or condition of apparently wholesome food or an apparently fit grocery product that the donor provides in good faith to a nonprofit organization for the ultimate distribution to needy individuals. The law protects good faith food donors from civil and criminal liability should the product later cause harm to its recipient. The Emerson Act gives uniform federal protection across state lines.

#### **TAX INCENTIVES**

Section 170 of the Internal Revenue Code encourages food donations by allowing corporations to earn an enhanced tax deduction for donating selected surplus property, including food. The Code provides that wholesome food that is properly saved, donated to an approved agency and properly receipted is eligible for an enhanced tax deduction. The incremental tax deduction is calculated from the donated food's fair market value and labor cost.

## ATTACHMENT A (Cont'd)

### TYPES OF DONATIONS

#### Traditional Food Banks

These food banks focus primarily on distributing large volumes of non-perishable goods that are generally dried, canned, or prepackaged.

#### Prepared and Perishable Food Programs

These programs distribute small volumes of freshly prepared foods and perishables.

### DONOR RESPONSIBILITIES

Some food donation programs limit the kinds of food they will accept. For example, some establishments will not accept mayonnaise salads and raw meat because of the high risk of spoilage. Surplus food donation programs often request donors to store food awaiting pick-up in reusable air-tight containers.

Many food programs only accept unserved food that can be safely transported and reused. When making food donations, food donors must ensure that:

- The food is within the expiration date. If it goes beyond the expiration, the food should still be edible.
- Food is at safe temperature (below 40 degrees F or above 140 degrees F).
- There are no signs of spoilage.

### SAMPLE TYPES OF EVENTS

Surplus food may become available in several ways. The City often contracts with special event promoters who subcontract with food vendors. In many instances, food that was not sold during the event could be considered surplus food and may be donated to food assistance organizations. While this Policy requires contractors to inform subcontractors of the Surplus Food Policy, subcontractors are only encouraged to make a good faith effort to donate surplus food.

In cases where City departments contract a caterer for a company/office party, efforts should be made by the host department to donate any surplus food that meets health and safety standards.

City departments that may already be in the business of food distribution should ensure that all surplus food donations are in compliance with all federal and state grant/program guidelines.

### PROCEDURES

- STEP 1: Interested party should establish a relationship with a Food Bank. See Attachment B for Partial List of Food Banks or Pantries in the Los Angeles area.
- STEP 2: Once agreement has been established, and interested party has surplus food available to donate, the Food Bank, or designated agency, must be contacted and given the following information:
1. Pick-up Location
  2. Establish a pick-up schedule.
  3. Establish whether pick-up will be on a daily, weekly or on-call basis.
  4. Contact Person
  5. Contact Phone Number
  6. Day and Time of Pick-up
  7. Description of product that is available
  8. Amount of product that is available



**ATTACHMENT A (Cont'd)**

**STEP 3: Tips for Food Handlers:**

1. Keep separate space in the refrigerator or freezer for the donated food items.
2. Use only food safe containers for storage and transport of food.
3. Hot left over products must be immediately taken off the heat and placed into a cooler to chill as quickly as possible.
4. No food products being donated should be held during preparation or service for more than four hours between the temperatures of 41°F and 140°F.
5. The shelf life of any perishable food may not have been exceeded. Check for expiration dates.
6. Label all prepared food with the date of preparation, and the name of the food item.
7. Use FIFO (first in – first out) method of storing donated items.
8. Make sure all surfaces you are using to deliver food items are cleaned and sanitized.
9. Have all food handlers and delivery drivers carry thermometers to check temperatures of the products before taking it out of the kitchen.
10. Verify that donated food was held at a proper temperature prior to leaving the kitchen.

**STEP 4: Additional Guidelines**

In addition to canned foods and dried foods, organizations generally accept baked goods, prepared foods, frozen foods, fresh foods, prepackaged foods and beverages that have been maintained in safe temperature zones. Please establish with your recipients what their limitations may be. The guidelines below should be followed to ensure safe food handling.

- Food must be within code date. Check all expiration labels.
- Food has been maintained in safe temperature zones. Food must be stored below 41°F.
- Refrigerated food has been prepared within 48 hours of donation.
- Perishable food has been kept below 41°F except during preparation or while being held for service. It has not been kept above 41°F for more than four hours and has been chilled or frozen before donation.
- Containers must be food-safe.
- Containers have been securely closed to avoid spillage.
- Containers have been labeled with preparation date, ingredients (due to allergies) and any special instructions.
- Separate items must be packaged separately.
- Separate containers must be used for food prepared on different dates.
- Communicate any mislabeled packaging information, properly notify recipient.
- Prepare and keep a log to track donations and their value.

ATTACHMENT A (Cont'd)

STEP 5: Making Arrangements in Advance

- Many food assistance organizations may supply disposable pans with lids, plastic bags, soup buckets and labels.
- Let recipients know in advance if you have a sizeable donation of frozen product so they can lower the temperature of the truck.
- Plan as far as possible in advance with the recipients for pick up and provide assistance where needed with easy access. Make security clearance and parking arrangements where needed.

STEP 6: Limitations

*The following may not be donated under any circumstances:*

- Food that has been on a cafeteria line, buffet line, or retail concession service line.
- Food in heavily dented cans or damaged containers.
- Packaged foods without the manufacturer's complete labeling.
- Home canned, vacuum-packed or pickled foods.
- Food in soiled containers.
- Perishable foods past a "use by" date, unless frozen.
- Food in sharply dented or rusty cans.
- Food in opened or torn containers exposing the food to potential contamination.
- Un-pasteurized milk.
- Food with an "off" odor.
- Food prepared, cooked, cooled, or reheated at home.

STEP 7: Establish liability waivers. (See Sample Attachment E)



Note: The page numbers in the CLA Report included in this Appendix are out of order, as in the original document.

## ATTACHMENT B

**Food Donation Specific Guideline Poster**

Product Category	Preferred Packaging	Storage Conditions	Unacceptable Conditions
<b>Baked Goods</b>			
Fresh bread, day-old bread		Stored in a cool, dry area	Stale
Muffins, pastries, cookies		Stored in a cool, dry area	Stale
<b>Prepared Foods</b>			
Sandwiches	Individually wrapped	Chilled, 41°F or less	Stale
Soups, sauces	Donated in food-safe plastic bags or soup buckets	Chilled, 41°F or less	
<b>Frozen Foods</b>			
All		Frozen, 0°F or less	Defrosted Freezer-burned
<b>Fresh Foods</b>			
Meat, poultry, fish		Chilled, 41°F or less	Strong odor or Significant discoloration
Produce – whole		Stored in a cool, dry area	Significant decay or Significant discoloration
Produce – chopped	Bagged separately except for salads	Chilled, 41°F or less	Significant decay or Significant discoloration
Dairy		Chilled, 41°F or less	
<b>Prepackaged Foods</b>			
Perishable		Chilled, 41°F or less	Out of code date
Non-perishable		Stored in a cool, dry area	Package has been compromised in any way
<b>Beverages</b>			
Perishable		Chilled, 41°F or less	Out of code date
Non-perishable		Stored in a cool, dry area	Package has been compromised in any way

ATTACHMENT C

Food Donation Tracking Sheet

Today's Date: \_\_\_\_\_

Date of Donation: \_\_\_\_\_

Donating Department: \_\_\_\_\_

Designated Contact: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Receiving Agency: \_\_\_\_\_

Designated Contact: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Means of Transporting (Choose 1)

1) Delivery

Time: \_\_\_\_\_ Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2) Pick Up

Time: \_\_\_\_\_ Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Type of Food: \_\_\_\_\_

Approximate Amount by Weight (in Lbs.): \_\_\_\_\_

Food Donation Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Office of the Chief Legislative Analyst:*

*Contact: Felipe Valladolid Chavez 213-473-5729*

## ATTACHMENT D

### SAMPLE LIST OF FOOD ASSISTANCE ORGANIZATIONS

Establish contact and set up partnerships with local non-profits who distribute food and meals to families in need.

For Example:

Food Banks for unopened dry goods, unopened canned goods, unopened frozen products, and other usable and edible retail packaged food products and foodservice wares.

Shelters, missions, and non-profits for usable, safe and edible food products ready for consumption.

#### **Available Food Banks and Missions in the Los Angeles Area**

Union Rescue Mission  
545 South San Pedro Street  
Los Angeles, CA. 90013  
(213) 347-6300  
Hours: Mon. - Fri. / 8am-2pm  
Pick up: Yes  
Available to do same day pick-ups.

Salvation Army-Bell Shelter  
Bell, CA.  
Contact: Amy Camillo  
(323) 263-1206 ext. 231  
Hours: Mon. - Fri. / 8am-2pm  
Pick up: Yes  
Available to do same day pick-ups.

Midnight Mission  
601 South San Pedro Street  
Los Angeles, CA. 90014  
(213) 216-7064  
(213) 624-9258  
Hours: Mon. - Fri. / 9am- 4pm  
Pick up: Yes  
Prefer one day lead time for pick-ups.

Los Angeles Mission  
303 East 5<sup>th</sup> Street  
Los Angeles, CA. 90013  
(323) 981-7171  
(213) 792-0633  
Hours: Mon. - Fri. / 9am- 4pm  
Pick up: Yes  
Prefer one day lead time for pick-ups

Good Shepherd Center  
267 N. Belmont Avenue  
Los Angeles, CA. 90026  
(213)250-5241  
Hours: Tuesday - Friday / Am Only

St. Francis Center  
1835 South Hope Street  
Los Angeles, CA. 90015  
(213) 448-0777  
Hours: Mon. - Fri. / 9am- 3pm  
Pick up: Yes  
Available to do same day pick ups.  
This facility doesn't have a Kitchen.  
Food donations must be ready to eat.

Greater West Hollywood Food Coalition  
1040 North La Brea Avenue  
Los Angeles, CA. 90038  
(323) 857-1031  
Hours: Mon. - Fri. / 10am- 6pm  
Pick up: Yes  
Call to arrange pick-ups.

Fred Jordan Mission  
445 Towne Avenue  
Los Angeles, CA. 90013  
(626) 712-3794  
Hours: Mon. - Sat. / 9am- 5pm  
Call to arrange pick-ups.

New Directions  
VA Building #16  
11301 Wilshire Blvd.  
Los Angeles, CA. 90073  
Hours: Tuesday - Mon.-Sat. till noon

New Image  
3804 Broadway Place  
Los Angeles, CA. 90037  
(323) 231-1711  
Hours: 24/7  
Pick up: Yes  
Call in advance to arrange pick-ups

ATTACHMENT E

SAMPLE RELEASE AND INDEMNITY AGREEMENT

- This release and indemnity agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, by the undersigned entity ("Releasor") for the benefit of \_\_\_\_\_
- Whereas, \_\_\_\_\_ provides food and beverage services at the public event facility known as \_\_\_\_\_ (location name), located in \_\_\_\_\_ (city), \_\_\_\_\_ (state);
- Whereas, Releasor either has requested that \_\_\_\_\_ donate certain surplus food and beverages to it, or has accepted such donated surplus food and beverages from \_\_\_\_\_, to be used for charitable purposes; and
- Whereas, Releasor has agreed to indemnify and hold harmless \_\_\_\_\_ with respect to any liability, loss or injury arising from \_\_\_\_\_ donation of surplus food and beverages as described herein;
- Now therefore, for valuable consideration, Releasor hereby agrees to indemnify, defend and hold harmless, and release \_\_\_\_\_ and its clients and their respective subsidiaries, affiliates, employees, agents, officers and directors, and the successors and assigns of them and each of them, from and against any liabilities, damages, losses, claims, suits, judgments, fines, costs and expenses, including without limitation, attorneys' fees and expenses, incurred by \_\_\_\_\_ and arising out of or relating to \_\_\_\_\_ donation of surplus food and beverages as described herein, including, without limitation, any such liabilities, damages or said other matters arising from injury to or death of any person, or damage to or destruction of any property.
- In whence whereof, the Releasor has executed this Agreement on the date first set forth above.

RELEASOR:

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## Donating food does not leave you open to liability

**GOOD SAMARITAN ACT (FEDERAL LAW, 1966)**  
 A person or gleaker shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food, feed or a material and its grocery products that the person or organization distributes in good faith to a nonprofit organization for ultimate distribution to needy individuals.

A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently grocery product that the nonprofit organization received as a donation in good faith from a person or gleaker for ultimate distribution to needy individuals.

### CALIFORNIA CIVIL CODE & THE CALIFORNIA HEALTH AND SAFETY CODE

171425. (a) Except for injury resulting from negligence or a violation in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was obtained to a nonprofit charitable organization or a food bank shall be liable for any damaged injury resulting from the consumption of the donated food.

114332. Any food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge.

State & Federal Law Protect You from Liability



Program Partners Service Providers

## DONATE YOUR SURPLUS FOOD

Calling All L.A. Food Businesses!



IT'S EASY - IT'S SAFE - HELP PEOPLE IN NEED - REDUCE WASTE

## Healthy Food Donations Especially Encouraged!

Helping to reduce food waste and improve the health of our community, we encourage food businesses to donate surplus food to food banks and other organizations that serve the community. Donations of healthy food are especially encouraged. Examples of healthy food include: fresh produce, bread, pasta, rice, canned goods, and non-perishable items.

For more information, call 311 or email [donate@lapha.org](mailto:donate@lapha.org)

## Why Donate Surplus Food?

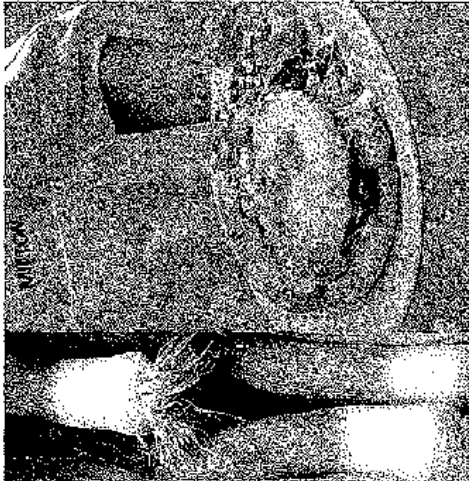
Hunger Action LA and the City of Los Angeles worked together to create the first ordinance in LA requiring the city to donate surplus food from its facilities and events in that spirit, we aim:

- Encouraging food businesses to donate
- Educating food businesses on the laws that protect them
- Encouraging connections between food businesses and local charities who can receive a donated food



## Some basic facts about food distribution in our community

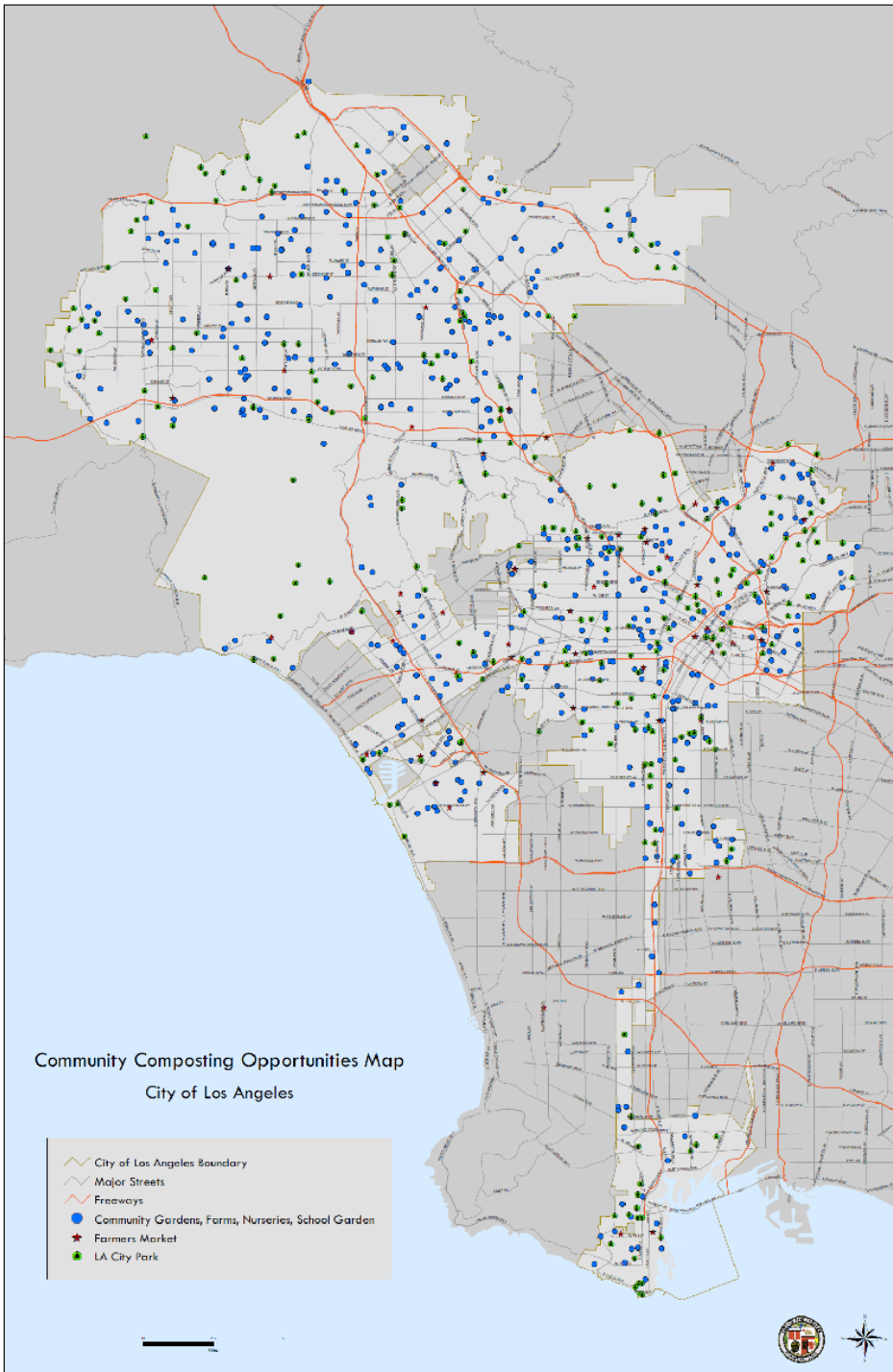
- In a given year, 20 million pounds of food is wasted in California each year.
- Millions of pounds of donated food go unclaimed by welfare contributors because of a lack of training.
- Nearly two million Californians don't have enough food.



## How to donate your surplus food

- Call 311 and ask for a charity near you that accepts donations
- Let them know what kind of food you're donating, if it needs refrigeration, how much food there is, and when it can be picked up or dropped off
- Try to arrange for pickup or delivery well in advance

## **Appendix 2: Additional Sources**



## Appendix 3: City Departments' Responses



Note: The information that is presented in narrative form here is also summarized in a chart found at the end of this section.

## Department of Aging

The Department of Aging (DOA) uses nine contractors that provide meal services to seniors; three of these prepare meals while the remaining six contractors have these meals catered. All contracts expire on June 30, 2019.

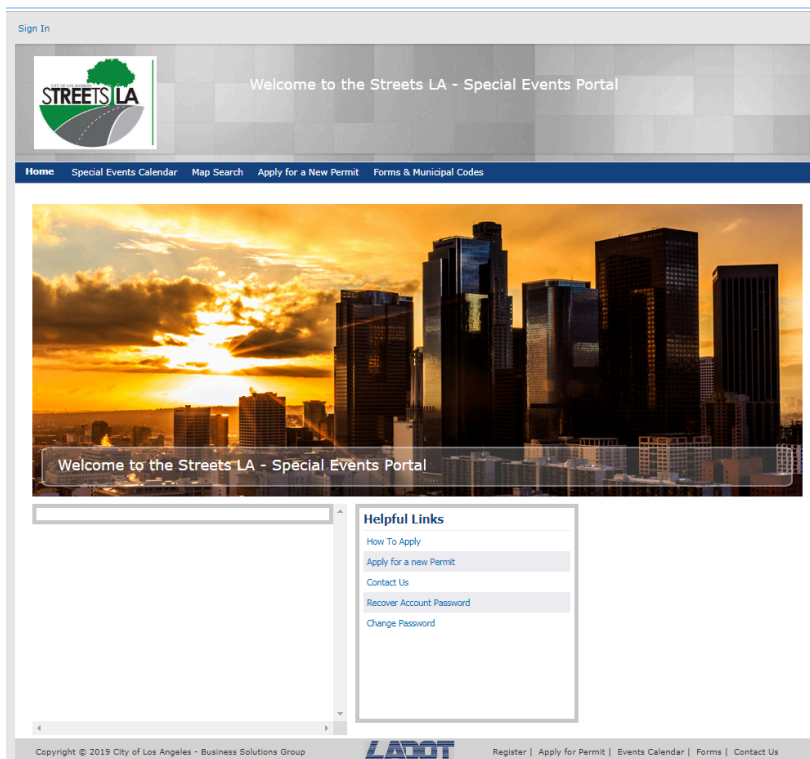
The DOA's Congregate Meals program offers senior citizens a free meal (congregate or group meals) at over 100 dining centers throughout the City. These dining centers, which include Department of Recreation and Parks facilities, provide a hot, nutritious meal five days a week to any senior.

In addition to its Congregate Meal program, LADOA also offers a Home Delivered Meals program. The Home Delivered Meals program delivers one hot, nutritious meal to home-bound seniors five days a week.

This Department reports that if there are any left-over meals, these are informally donated to the volunteers who assist with the congregate meal service.



## Bureau of Street Services



Events, including filming, that take place in/on City streets, curbs and parkways must be permitted; Streets LA ([specialevents.lacity.org](http://specialevents.lacity.org)) is the permitting portal that was established by the Bureau of Street Services as a “one-stop special events permit office.”

fees, charges and salary costs, for all such services, including lost parking meter revenues. The Board of Public Works shall establish a One-Stop Special Events Permit Office in the Bureau of Street Services for the issuance of all Special Event Permits, other than permits for Parades and Assemblies as defined in Section 103.111(b) of this Code, which are to be issued by the Los Angeles Police Department, and other than as provided for entertainment industry-related Special Events such as motion picture filming, television filming and photography in Section 41.20.1, Subsection (d). Except as expressly provided herein, the Bureau of Street Services, through the One-Stop Special Events Permit Office, shall be the permitting office for all Special Events, including Athletic Events. The Police Department shall remain the permitting entity for Parades and Assemblies, as defined in Section 103.111(b) of this Code. The provisions of this Section and of Section 41.20.1 shall not eliminate or affect the requirements for, or related to, permits, fees or charges for events on property controlled by the departments of Recreation and Parks, Library, Water and Power, Harbor and Airports, nor shall they negate any requirements to obtain permits, as applicable, from the City's

A variety of permitting information is requested, including information about vendors, sales, beverages and food is requested - will alcoholic beverages be sold, does food preparation entail the use of open flame - as shown in the following screen shots, but surplus food / food donation is not specifically addressed.

Streets LA

Welcome to the Streets LA - Special Events Portal

Special Events My Requests My Contacts Special Events Calendar Map Search Apply for a New Permit Forms & Municipal Codes

### New Permit - Step 3

**Vendor Information**

Street Cleaning: (Additional fees may apply) ☒ Yes ☐ No

Barricades (Additional fees may apply) ☒ Yes ☐ No

Will there be selling activities? ☒ Yes ☐ No

Will Alcoholic Beverages be sold? (1)\* ☒ Yes ☐ No

Will there be any structures/equipments? ☒ Yes ☐ No

Will there be any cooking/open flame? ☒ Yes ☐ No

Does the sponsoring organization have proof of nonprofit status?(2) ☒ Yes ☐ No

Item to Be sold: Arts, Crafts and prepared food

Selling will be on: Street and Sidewalk

**Vendors:**

Vendor: Street Fair Food

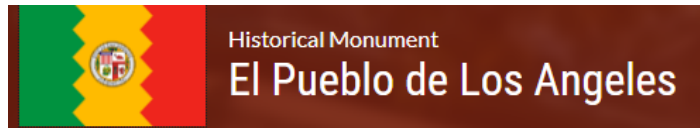
**Buttons:** Add new Vendor, Add Selected Vendor to current Event, Remove selected item, Submit Request, Save Draft

Copyright © 2019 City of Los Angeles - Business Solutions Group

**LADOT**

Register | Apply for Permit | Events Calendar | Forms | Contact Us

## El Pueblo de Los Angeles



El Pueblo includes the following 12 retail eateries:

- Casa La Golondrina
- Chiguacle
- Cielito Lindo
- El Paseo Inn
- El Rancho Grande
- Juanita's
- Kitty's Sno- Cones
- La Luz Del Dia
- La Noche Buena
- Las Anitas
- Mr. Churro
- Velarde's Fruit

LASAN received a copy of the concession agreement that El Pueblo has with long-time merchants/ restaurants; there is no language specific to surplus food or food waste. As with the GSD contracts, it is noted that the removal of refuse shall be the merchant's responsibility.

Regarding recycling, it states the following, "The concessionaire shall implement a source reduction and recycling program designed to minimize concession and patron use of disposable products, per Public Contract Codes Sections 12161 and 12200 et seq."

### Food Service Ware Reference

The following waste prevention "clause" seems to be unique to City contracts: "Reusable and recyclable products are preferred over "throwaways. Where disposable products are needed, products that have the least impact on the environment will be selected. No Styrofoam™ containers or other non-biodegradable recycled products is encourage wherever possible. The concessionaire shall also participate fully in the California beverage container redemption/recycling program."

LASAN also received a copy of El Pueblo's 2017 concession agreement created in 2007 for with new merchants and restaurants, specifically Chiguacle. This is the identical to other contracts as to waste removal.

## Department of General Services (GSD)



GSD oversees use of the City Hall South Lawn and forecourt, the Triforium, the City Hall South Plaza where the weekly farmers market is held, other civic center plazas, and the Tom Bradley Room in City Hall, all of which are used for events that may include food. **(WAITING FOR CONFIRMATION FROM GSD ABOUT BRAUDE BUILDING.)**

#### Farmers Market

The weekly Market is authorized by City Council action, so GSD has no direct contracts with the food vendors. As a Certified Farmer's Market, it conforms to 2016 rules and regulations that state: "Food vendors are encouraged to use recyclable and/or compostable packaging and containers for processed and prepared foods. Vendors are prohibited from using extruded polystyrene (Styrofoam™) products." Note: LASAN opposes the use of "compostable" products because they are contaminants in the blue bin recycling program and should not be managed via green bins.

#### Tenant Leases

Agreements for all service establishments and retailers in the LA Mall are under the control of the Real Estate Division (RE) of the General Services Department (GSD). Most are food service establishments (FSEs), with the majority in the LA Mall and 1 each in City Hall East (Trimana, same as "High Rise Goodies") and City Hall (HomeBoy Diner). The number of restaurants in the LA Mall has decreased as some tenants depart in advance of the Mall's demolition that is scheduled to begin in 2021.

All tenants belong to the LA Mall Association, which meets a few annually and could be utilized for surplus food outreach or other related efforts.

#### Tenant Leases

Copies of the following food-related lease agreements were obtained by LASAN:

- Homeboy Industries, Inc. (City Hall)
- Trimana (City Hall East)
- California Pita
- California Salsa
- High Rise Goodies Restaurant Group, Inc.
- Quizno's
- Robek's
- Sav-On
- Sbarro
- Tai Hyun Chung & Maena Sook Chung
- Wok Inn

All agreements included general language regarding management of trash. Because many of the agreement have been "carried over" for many years, agreements with just two (Trimana and Homeboy) require the tenant to conduct a recycling program in conjunction with the City Facilities Recycling Program and are banned from using expanded polystyrene products.

Surplus food and food donation are not addressed in any agreements.

### Harbor Department

This Department contracts with California Dining Services to operate a cafeteria at the Harbor Administration Building- the Port Pantry. This vendor also offers catering services for meetings and events at HAB (Harbor Administration Building) or offsite, such as at Harbor Department marketing and customer meetings. The contract does not reference surplus food.



For community events, the Port works with Food Truck Connection. LASAN has not received a copy of this contract.



### Los Angeles Convention Center (LACC)

AEG, which manages the LACC for the City, contracts with Levy Restaurants, its exclusive food provider for catering and convention food stalls. An AEG representative stated that there is no contract provision for surplus food. To reduce waste, AEG created ordering procedure that "tightens up" purchasing amounts, and leftover food is to be utilized in daily meal area. Leftovers are donated to shelters and/or a food rescue group. When feasible, pre-consumer kitchen scrap and post-consumer food ("plate waste") is to be composted. AEG contracts with Waste Management for refuse and composting services.



### Department of Water and Power (LADWP)

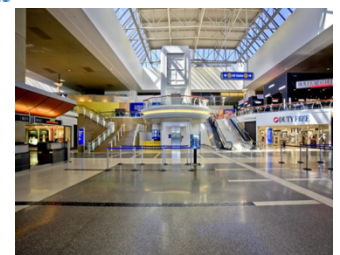
LADWP has provided LASAN, one of which functions as a middleman that arranges for restaurants to bring prepared food onsite to the JFB.

LADWP agreed to have its contract administrators speak with the vendors to include food surplus language in upcoming RFPs.



### Los Angeles World Airports (LAWA)

Per LAWA staff, some food tenants participate in the LAX Harvest Food Donation Program (HFDP), or may have entered into agreements with Food Donation Connection, a food rescue organization. As of February 2018, LAX HFDP provided over 51,000 pounds of high quality, unsold food to local community groups. LAWA does not have copies of food vendor agreements with HFDP.



LASAN obtained a copy of the contract with Areas USA LAX, LLC, for management and operation of both fast casual and branded coffee concessions in Terminal 7. The contract does not include clauses requiring donation of surplus food but does reference a recycling goal of 70% diversion. A second vendor, URW, oversees food services in terminals 1, 2, 3, 6, the Tom Bradley International Terminal, and MSC (the Midfield Satellite Concourse North Project that is part of modernization program now underway at LAX).

For food service establishments in the remaining terminals (4, 5, and 8), LAWA executes contracts directly with the individual establishments; these are identical to the above-referenced contracts.

### **Los Angeles Public Library (LAPL)**

The Riordan Central Library operates a small food court that includes a Panda Express eatery and the Skid Row Coffee bar and also is a site for LAUSD's free summer meal programs for children and teens.



**Contract information from LAPL is pending.**

### **Department of Recreation and Parks**

**UPDATE**

### **Los Angeles Zoo**

Per this department, the current agreement with the Greater Los Angeles Zoo Association (GLAZA), which manages the Zoo's concession contract with Service Systems Associates (SSA), is outdated and based on a 1981 contract. An RFP for a new concessions contract is under development.



SSA described its best practices for reducing food waste, which includes donating food when events are cancelled or when events generate excess prepared food that cannot be otherwise repurposed.

<b>Department Name</b>	<b>Food Service Contracts/Meal Services</b>	<b>Is Surplus Food (Donation ) mandated in contracts?</b>	<b>Current Waste Prevention/Surplus Food Policy/Practices</b>
<b>Aging</b>	Contracts for Senior Meals: home delivery; and congregate lunches served at RAP facilities and other sites.	No	Leftover meals informally donated to the volunteers who assist with the congregate meal service.
<b>Bureau of Street Services (StreetsLA)</b>	Permits events (festivals, farmers markets, etc.) held in public rights of way that may include food.	No	None
<b>El Pueblo (Olvera St.)</b>	This Department executes agreements with restaurants in Olvera Street. Other permitted events are held on this property.	No	None
<b>Department of General Services</b>	Oversees space reservations/ arrangements for events held in City buildings/property that may include food: City Hall forecourt, South Lawn, and Bradley Tower; City Hall South Plaza; Triforium; Braude Building; and other Civic Center Plazas). GSD executes leases for all Los Angeles Mall restaurants and vendors, Homeboy Diner in City Hall and Trimana in City Hall East.	No	None
<b>Department Name</b>	<b>Food Service Contracts/Meal Services</b>	<b>Is Surplus Food (Donation ) mandated in contracts?</b>	<b>Current Waste Prevention/Surplus Food Policy/Practices</b>



<b>Harbor Department</b>	This Department contracts with California Dining Services for its employee cafeteria (the Port Pantry), coffee and vending services and catering (at both at the Harbor Administration Building or offsite). For community events, the Port works with Food Truck Connection; compensation and services are executed between the Food Truck Connection and the individual trucks.	No	City employees consume leftovers
<b>LA Convention Center / AEG</b>	AEG contracts with Levy, its exclusive in-house catering provider for food service during conventions. LASAN did not obtain a copy of the contract between AEG and Levy.	No	AEG created ordering procedure that "tightens up" purchasing amounts, cutting back on waste. Leftover food is to be utilized in daily meal area. Leftovers are donated to shelters and/or a food rescue group. Kitchen scraps and post-consumer food waste are composted when feasible.
<b>Department Name</b>	<b>Food Service Contracts/M meal Services</b>	<b>Is Surplus Food (Donation ) mandated in contracts?</b>	<b>Current Waste Prevention/Surplus Food Policy/Practices</b>
<b>LADWP</b>	LADWP has an agreement with Fooda Inc. to provide "pop up" cafeteria meal service in the John Ferarro Building and catering for meetings. Vendor Rosies Kitchen provides catering services for regular meetings held in the Los Angeles Metro area, and Bishop, Owens Valley and Mojave areas.	No	None
<b>Los Angeles World Airports (LAWA)</b>	Vendor Areas USA LAX, LLC manages all food/beverage services in Terminal 7. A second vendor, URW, oversees food services in terminals 1, 2, 3, 6, the Tom Bradley International Terminal, and MSC. LAWA has direct contracts with	No	None

	<p>individual restaurants/food providers in Terminals 4, 5, 7, and 8.</p> <p>LAWA reports that some LAX tenants may participate in the Harvest Donation Program (HFDP) or work with Food Donation Connection. As of February 2018, LAX HFDP gave over 51,000 pounds of high quality, unsold food to local community groups.</p>		
<b>Department Name</b>	<b>Food Service Contracts/Meal Services</b>	<b>Is Surplus Food (Donation ) mandated in contracts?</b>	<b>Current Waste Prevention/Surplus Food Policy/Practices</b>
<b>Library</b>	There are two food vendors – Panda Express and Skid Row Coffee. The Riordan Library hosts LAUSD Summer Lunch program for kids and teens.	<b>TBD</b>	<b>TBD</b>
<b>Recreation and Parks (RAP)</b>	<p>Hosts sites for free summer youth (student) lunches programs and after-school meals programs at recreation and teen centers. Lunches are provided as part of summer camps programs. There are concessionaires at 9-10 RAP sites including the Greek Theater and Echo Park Lakehouse. Other Permitted events are held in City parks.</p> <p><b>NEED TO VERIFY RE WASTE LIMIT:</b> For summer lunch programs: LAUSD has a policy that meal waste not exceed 3%. To reduce food waste, second helpings are served, a share table is offered, and RAP donates surplus when possible.</p>	No	The Greek Theatre is managed by SMG. Its Food and Beverage Director reviewed food waste generated during events and modified the menu and individual food items to significantly reduce waste. SMG was contacted by a food rescue group several years ago but reported it has no surplus food.
<b>Department Name</b>	<b>Food Service Contracts/Meal Services</b>	<b>Is Surplus Food Donation mandated</b>	<b>Current Waste Prevention/Surplus Food Policy/Practices</b>

		<b>in contract?</b>	
<b>LA Zoo, Service Systems Associates (SSA)</b>	<p>There are many food establishments at the Zoo, all of which are managed by SSA. Catered events are also held on site.</p> <p>The Greater Los Angeles Zoo Association (GLAZA) manages the Zoo's concession contract. The current contract with Service Systems Associates (SSA) is outdated and based on a 1981 contract. An RFP for a new concessions contract is under development.</p>		<p>The Zoo purchases surplus food (produce) from World Harvest for animal feedings; World Harvest obtained this surplus food its participation as a recycLA food rescue group.</p> <p>The LA Zoo currently has a catering contract with Service Systems Associates (SSA). While SSA did not share its contract, it did describe its best practices for reducing food waste. This list includes donating food when events are cancelled or when events generate excess prepared food that cannot be otherwise repurposed.</p>

#### **Appendix 4: Proposed Food Donation/Waste Prevention Contract Clauses**

Note: The clauses presented in narrative form here are also found in a chart at the end of this section.

### **Surplus Food**

Any excess /leftover/ surplus food (including unserved prepared food; unserved produce; and/or unopened, nonperishable food items) that will not be stored for later sale, or that will not be given to the cafeteria operator's employees for off- or on-site consumption, must be donated to a food rescue group (FRG). A list of FRGs is available from the Los Angeles Food Policy Council at: <https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE>

The cafeteria operator shall contact one or more FRGs to discuss food donations and make arrangements for pickups when excess /leftover/ surplus food is available. Discussions shall cover handling, packaging for rescued food, food temperature and other related logistics pertaining to food safety and food donation. The cafeteria operator shall provide all "to-go" food packaging necessary to facilitate food rescue, such as to-go aluminum pans with lids. The cafeteria operator shall inform the City with which FRG/s it is working. The cafeteria operator will be required to provide food donation reports to the City in a format to be determined by the City.

### **Food Preparation Scrap**

All acceptable food preparation food scrap must be deposited into the designated collection bins, if any, provided by the City. Acceptable food is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, and all-paper tea bags.

### **Food Waste ("plate waste")**

The cafeteria operator must place acceptable food waste or "plate waste," which is the uneaten portion of served food, into the designated collection bins, if any, provided by the City.

Acceptable food or "plate waste" consists of bread, coffee grounds, dairy fish, fruit, meat, vegetables, and all-paper tea bags. The cafeteria operator may be fined a flat fee of \$50 for contaminating the designated bin with unacceptable food items.

### **Condiments**

Condiments must be served in dispensers (such as manual or electric pump dispensers); individual, sealed condiment packets of any type are not allowed, nor are individual plastic containers for sauces and condiments, with or without lids, which are often called soufflé cups, mini cups, or portion cups.

### **Prepackaged Meals/Food Items**

Packaging shall be minimized and recyclable in the City's curbside recycling program.

### **Expanded Polystyrene (EPS) Products**

EPS is the acronym for molded expanded polystyrene, a rigid closed cell foam plastic. Food-soiled expanded polystyrene is not recyclable and is designed to only be used one time. The City wants to prevent waste and decrease the amount of single-use disposable material; therefore no EPS products will be allowed for use.

### **Food service ware**

Only reusable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for dine-in service. Only recyclable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for to-go service. Beverages must be provided in recyclable plastic, glass or aluminum cans or bottles. A reusable, to-go food service ware/vending machine system such as the Ozzi program is allowed (<http://agreenozzi.com/>). Vendor must allow customers to provide their own food containers (State law allows this but Los Angeles County has not yet developed guidelines.)

### **Beverages**

Beverages shall be dispensed or served in reusable cups, or in recyclable bottles and cans made of glass, metal or plastic.

### **Incentives for on-site food consumption (which allows reusable vs. disposable food service ware)**

Require that cafeteria operator provide discount for customers using their own beverage containers. Per State law, drinking cups and containers may be reused by self-service customers as long as there is no contact between the pouring utensil and lip contact area of the cup or container. Personal takeout beverage containers may be refilled by the employees or the consumer if refilling is a contamination-free process. Discount availability and amount must be published inside cafeteria.

### **Allowing use of customers' food containers**

This is allowed per State law, but the County of Los Angeles, which is the health agency for the City, has not yet developed guidelines for this practice. Require, upon issuance of such guidelines, that cafeteria operator offer a discount and advertise the availability of the discount and its amount.

### **Napkins/Linens**

All single-use disposable paper napkins must be unbleached and contain a minimum of 30% post-consumer recycled content. Only reusable (washable/cleanable) tablecloths may be used

### **Recycling**

Cafeteria operator shall, during the Term or any extension thereof (and at its sole expense) conduct a recycling program on Premises in conjunction with City's Facilities Recycling Program or similar program subsequently implemented. Such program will include all materials which may be reasonably recycled (e.g., white paper, mixed paper, newspaper, aluminum cans, and plastic and glass containers). . (Section 19.8. in LA Mall tenant agreement)

### **Signage**

The City of Los Angeles will provide and install the signs about food waste collection, discounts for reusable food containers, why reusable food service ware is preferred, leftover food, and napkins (recycled content, bleaching).





**Food-donation, food-waste, and food waste prevention contract clauses for food-service providers and vendors that manage City facilities, or requirements of AB 100**

See "infrastructure" section beginning on row 23				
		<b>Concessionaires versus Tenants.</b> Concessionaires (such as those found at LAX and RAP properties) are considered to be different from tenants, such as restaurants in the LA Mall. It is assumed that most meals at LAX are consumed on-site, many in the seating area provided by the food facilities. For sites such as the LA Mall, it is assumed that many meals are to-go meals, but there are regular, repeat customers.		<b>Other Food Vendors</b> as CVS in LA Mall sells a limited array of produce, but most consists of packaged, prepackaged refrigerated food such as sandwiches, mostly nonperishable (crackers, cookies, etc.).
	<b>Employee cafeterias</b>	<b>Concessionaires</b>	<b>Tenants</b>	<b>Other Food Vendors</b>
SURPLUS FOOD				
<b>Surplus food</b>	Any excess /leftover/ surplus food (including unopened prepared food; unopened produce; and/or unopened, nonperishable food items) that will not be stored for later sale, or that will not be given to the cafeteria operator's employees for off- or on-site consumption, must be donated to a food rescue group (FRG). A list of FRGs is available from the Los Angeles Food Policy Council at: <a href="https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE">https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE</a>	Any excess /leftover/ surplus food (including unopened prepared food; unopened produce; and/or unopened, nonperishable food items) that will not be stored for later sale, or that will not be given to the concessionaire's employees for off- or on-site consumption, must be donated to a food rescue group (FRG). A list of FRGs is available from the Los Angeles Food Policy Council at: <a href="https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE">https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE</a> . The concessionaire shall contact one or more FRGs to discuss food donations and make arrangements for pickups when excess /leftover/ surplus food is available. Discussions shall cover handling, packaging for rescued food, food temperature and other related logistics pertaining to food safety and food donation. The concessionaire shall provide all "to-go" food packaging necessary to facilitate food rescue, such as to-go aluminum pans with lids. The concessionaire shall inform the City with which FRGs it is working. The concessionaire will be required to provide food donation reports to the City in a format to be determined by the City.	Any excess /leftover/ surplus food (including unopened prepared food; unopened produce; and/or unopened, nonperishable food items) that will not be stored for later sale, or that will not be given to the concessionaire's employees for off- or on-site consumption, must be donated to a food rescue group (FRG). A list of FRGs is available from the Los Angeles Food Policy Council at: <a href="https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE">https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE</a> . The concessionaire shall contact one or more FRGs to discuss food donations and make arrangements for pickups when excess /leftover/ surplus food is available. Discussions shall cover handling, packaging for rescued food, food temperature and other related logistics pertaining to food safety and food donation. The concessionaire shall provide all "to-go" food packaging necessary to facilitate food rescue, such as to-go aluminum pans with lids. The concessionaire shall inform the City with which FRGs it is working. The concessionaire will be required to provide food donation reports to the City in a format to be determined by the City.	Any excess /leftover/ surplus food (including unopened prepared food; unopened produce; and/or unopened, nonperishable food items) that will not be stored for later sale, or that will not be given to the vendor's employees for off- or on-site consumption, must be donated to a food rescue group (FRG). A list of FRGs is available from the Los Angeles Food Policy Council at: <a href="https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE">https://www.scribd.com/document/391004517/FOOD-RECOVERY-GUIDE</a> .
	The cafeteria operator shall contact one or more FRGs to discuss food donations and make arrangements for pickups when excess /leftover/ surplus food is available. Discussions shall cover handling, packaging for rescued food, food temperature and other related logistics pertaining to food safety and food donation. The cafeteria operator shall provide all "to-go" food packaging necessary to facilitate food rescue, such as to-go aluminum pans with lids. The cafeteria operator shall inform the City with which FRGs it is working. The cafeteria operator will be required to provide food donation reports to the City in a format to be determined by the City.			

KITCHEN SCRAP (PRE-COOKING)				
<b>Food preparation scrap</b>	All acceptable food preparation food scrap must be deposited into the designated collection bins, if any, provided by the City. Acceptable food is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags.	All acceptable food preparation food scrap must be deposited into the designated collection bins, if any, provided by the City. Acceptable food is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags.	All acceptable food preparation food scrap must be deposited into the designated collection bins, if any, provided by the City. Acceptable food is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags.	All acceptable food preparation food scrap must be deposited into the designated collection bins, if any, provided by the City. Acceptable food is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags.
PLATE WASTE (POST-COOKING)				
<b>Food waste ('plate waste')</b>	The cafeteria operator must place acceptable food waste or "plate waste," which is the uneaten portion of served food, into the designated collection bins, if any, provided by the City. Acceptable food or "plate waste" is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags. The cafeteria operator may be fined a flat fee of \$50 for contaminating the designated bin with unacceptable food items.	The concessionaire must place acceptable food waste or "plate waste," which is the uneaten portion of served food, into the designated collection bins, if any, provided by the City. Acceptable food or "plate waste" is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags. The concessionaire may be fined a flat fee of \$50 for contaminating the designated bin with unacceptable food items.	The vendor must place acceptable food waste or "plate waste," which is the uneaten portion of served food, into the designated collection bins, if any, provided by the City. Acceptable food or "plate waste" is: Bread, coffee grounds, dairy fish, fruit, meat, vegetables, paper tea bags. The vendor may be fined a flat fee of \$50 for contaminating the designated bin with unacceptable food items.	

WAS TEPR				
<b>Condiments</b>	Condiments must be served in dispensers (such as manual or electric pump dispensers); individual, sealed condiment packets of any type are not allowed, nor are individual plastic containers for sauces and condiments, with or without lids, which are often called soufflé cups, mini cups, or portion cups.	Condiments must be served in dispensers (such as manual or electric pump dispensers); individual, sealed condiment packets of any type are not allowed, nor are individual plastic containers for sauces and condiments, with or without lids, which are often called soufflé cups, mini cups, or portion cups.	Condiments must be served in dispensers (such as manual or electric pump dispensers); individual, sealed condiment packets of any type are not allowed, nor are individual plastic containers for sauces and condiments, with or without lids, which are often called soufflé cups, mini cups, or portion cups.	N/A
<b>Prepackaged meals/food items</b>	Packaging shall be minimized and recyclable in the City's curbside recycling program. A list of recyclable materials is attached.			NA
<b>EPS</b>	No EPS Food Service Products.	No EPS Food Service Products. In its operations on the Premises, Tenant shall not sell, dispense or use any Expanded Polystyrene ("EPS") food service products. (Section 4.7 in LA Mall tenant agreement)	No EPS Food Service Products. In its operations on the Premises, Tenant shall not sell, dispense or use any Expanded Polystyrene ("EPS") food service products. (Section 4.7 in LA Mall tenant agreement)	No EPS Food Service Products to be provided or sold on retail basis with City Attorney's ability to block retail EPS products - such as disposable plates - to tenants.
<b>Foodservice ware</b>	Only reusable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for dine-in service. Only recyclable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for to-go service. A list of recyclable materials is attached. Beverages must be provided in recyclable plastic, glass or aluminum cans or bottles. A reusable to-go food service ware/vending machine system such as the Ozmi program is allowed ( <a href="http://agreenozmi.com/">http://agreenozmi.com/</a> ). Must allow customers to provide their own food containers (State law allows this; LA County has not yet developed pertinent guidelines.)	Only reusable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for dine-in service. Only recyclable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for to-go service. A list of recyclable materials is attached. Beverages must be provided in recyclable plastic, glass or aluminum cans or bottles. A reusable to-go food service ware/vending machine system such as the Ozmi program is allowed ( <a href="http://agreenozmi.com/">http://agreenozmi.com/</a> ).	Only reusable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for dine-in service. Only recyclable food service ware (plates, bowls, cups, utensils, serving dishes) may be provided for to-go service. A list of recyclable materials is attached. Beverages must be provided in recyclable plastic, glass or aluminum cans or bottles. A reusable to-go food service ware/vending machine system such as the Ozmi program is allowed ( <a href="http://agreenozmi.com/">http://agreenozmi.com/</a> ). Must allow customers to provide their own food containers (State law allows this; LA County has not yet developed guidelines.)	

<b>Beverages</b>	Beverages shall be dispensed or served in reusable cups, or in recyclable bottles and cans made of glass, metal or plastic.	<b>Dine-in customers:</b> Beverages shall be dispensed or served in reusable cups, or in recyclable bottles and cans made of glass, metal or plastic. <b>To-go customers:</b> Beverages shall be sold only in their original containers, such as aluminum cans and glass and/or plastic bottles. Beverages may not be dispensed in paper cups.	<b>Dine-in customers:</b> Beverages shall be dispensed or served in reusable cups, or in recyclable bottles and cans made of glass, metal or plastic. <b>To-go customers:</b> Beverages shall be sold only in their original containers, such as aluminum cans and glass and/or plastic bottles. Beverages may not be dispensed in paper cups.	N/A
<b>Incentives for on-site food consumption</b> (which allows reusable vs. disposable food service ware)	Require that cafeteria operator provide discount for customers using their own beverage containers. Per State law, drinking cups and containers may be reused by self-service customers as long as there is no contact between the pouring utensil and lip contact area of the cup or container. And personal takeout beverage containers may be refilled by the employees or the consumer if refilling is a contamination-free process. Discount availability and amount must be published inside cafeteria.	Require that concessionaires provide discount for customers using their own beverage containers. Per State law, drinking cups and containers may be reused by self-service customers as long as there is no contact between the pouring utensil and lip contact area of the cup or container. And personal takeout beverage containers may be refilled by the employees or the consumer if refilling is a contamination-free process. Discount availability and amount must be published inside food facility.	Require that concessionaires provide discount for customers using their own beverage containers. Per State law, drinking cups and containers may be reused by self-service customers as long as there is no contact between the pouring utensil and lip contact area of the cup or container. And personal takeout beverage containers may be refilled by the employees or the consumer if refilling is a contamination-free process. Discount availability and amount must be published inside the food facility.	NA
<b>Customers' food containers</b> (allowing use of)	This is allowed per State law, but the County of Los Angeles, which is the health agency for the City, has not yet developed guidelines for this practice. Require, upon issuance of such guidelines, that cafeteria operator offer a discount and advertise the availability of the discount and its amount.	This is allowed per State law, but the County of Los Angeles, which is the health agency for the City, has not yet developed guidelines for this practice. Require, upon issuance of such guidelines, that concessionaires offer a discount and advertise the availability of the discount and its amount.	This is allowed per State law, but the County of Los Angeles, which is the health agency for the City, has not yet developed guidelines for this practice. Require, upon issuance of such guidelines, that concessionaires offer a discount and advertise the availability of the discount and its amount.	NA

<b>Napkins, Linens</b>	All single-use disposable paper napkins must be unbleached and contain a minimum of 30% post-consumer recycled content. Only reusable (washable/cleanable) tablecloths may be used.	All single-use disposable paper napkins must be unbleached and contain a minimum of 30% post-consumer recycled content. Only reusable (washable/cleanable) tablecloths may be used.	All single-use disposable paper napkins must be unbleached and contain a minimum of 30% post-consumer recycled content. Only reusable (washable/cleanable) tablecloths may be used.	
<b>Recycling, general</b>	Cafeteria operators shall, during the Term or any extension thereof (and at its sole expense) conduct a recycling program on Premises in conjunction with City's Facilities Recycling Program or similar program subsequently implemented. Such program will include all materials which may be reasonably recycled (e.g., white paper, mixed paper, newspaper, aluminum cans, and plastic and glass containers). . (Section 198. in LA Mall tenant agreement)	Tenant shall, during the Term or any extension thereof (and at its sole expense) conduct a recycling program on Premises in conjunction with City's Facilities Recycling Program or similar program subsequently implemented. Such program will include all materials which may be reasonably recycled (e.g., white paper, mixed paper, newspaper, aluminum cans, and plastic and glass containers). . (Section 198. in LA Mall tenant agreement)	Tenant shall, during the Term or any extension thereof (and at its sole expense) conduct a recycling program on Premises in conjunction with City's Facilities Recycling Program or similar program subsequently implemented. Such program will include all materials which may be reasonably recycled (e.g., white paper, mixed paper, newspaper, aluminum cans, and plastic and glass containers). . (Section 198. in LA Mall tenant agreement)	Tenant shall, during the Term or any extension thereof (and at its sole expense) conduct a recycling program on Premises in conjunction with City's Facilities Recycling Program or similar program subsequently implemented. Such program will include all materials which may be reasonably recycled (e.g., white paper, mixed paper, newspaper, aluminum cans, and plastic and glass containers). . (Section 198. in LA Mall tenant agreement)
<b>SIGNAGE</b>				
<b>Signage</b>	The City of Los Angeles will provide and install the signs (about food waste collection, discounts for reusable food containers, why reusable food service ware is preferred, leftover food, and napkins (recycled content, bleaching)).	The City of Los Angeles will provide and install the signs (about food waste collection, discounts for reusable food containers, why reusable food service ware is preferred, leftover food, and napkins (recycled content, bleaching)).	The City of Los Angeles will provide and install the signs (about food waste collection, discounts for reusable food containers, why reusable food service ware is preferred, leftover food, and napkins (recycled content, bleaching)).	NA



## **Appendix 5: Los Angeles County Food Donation Guidelines**

*Our Vision: A Healthy and Sustainable Environment for the Residents of Los Angeles County*

## **Food Facility Operators**

# **Guidelines for Safe Food Donation**

Donating surplus food from hotels, restaurants, other food facilities, and catered events is a great way to help local missions and other charitable organizations that serve those in need. Although a special public health permit is not required, donating or receiving surplus food should be done in a way that minimizes food safety risks. The Los Angeles County Department of Public Health Environmental Health Division has prepared the following food safety guidelines to





*Our Vision: A Healthy and Sustainable Environment for the Residents of Los Angeles County*

## Food Facility Operators Food Donation Guidelines, continued

### Protection from Contamination

Food must be protected from potential contamination at all times through the use of sanitary, food-grade containers, and by ensuring that transport vehicles are clean and free of vermin.

### Questions?

For more information, please contact Environmental Health at (626) 430-5200 during business hours, 8 am to 5 pm, Monday through Friday; call the 24-hour Hotline at (888) 700-9995; or e-mail [ehmail@phd.net](mailto:ehmail@phd.net).

## State and Federal Food Donation Statute

### California Health and Safety Code, Section 114432

Any food facility may donate food to a food bank or to any other nonprofit charitable organization.



*Our Vision: A Healthy and Sustainable Environment for the Residents of Los Angeles County*

## Food Facility Operators Food Donation Delivery Form

Perishable Food Item(s) (Continue Items on Back of This Page if Needed)	Quantity (lbs.)	DONOR Temperature at holding	Time Taken	RECEIVER Temperature at receipt	

### Donated From:

Name of Facility or Event		Public Health P
Address		Phone #
Delivered by (Print Name)		

### Transported By (if other than donor or recipient):

Name of Delivery Organization		Public Health P
Address		Phone #
Delivered by (Print Name)		



## **Appendix 6: LA County- Refillable Food Containers**

Jacqueline Taylor  
Branch Director  
County of Los Angeles Department of Public Health  
Environmental Health  
5050 Commerce Drive  
Baldwin Park, California 91706

Dear Ms. Taylor:

As you know, awareness of the magnitude of surplus food – much of which unfortunately and routinely becomes food *waste* – has exploded in the past five years, as the California legislature has aggressively focused on the diversion of organic materials from landfills. The City is appreciative of the County’s education efforts regarding food waste, ranging from your Guidelines for Safe Food Donation, the Los Angeles County Food Redistribution Initiative (LACFRI), and the fact that County inspectors inform local food and beverage facilities that food donors are protected from liability and encourage donations.

The thousands of to-go food and beverage containers that are used daily and then disposed are also problematic. Changes in the recycling market mean that these are no longer recyclable.

For some perspective as to why to-go containers are so plentiful, consider that there are an estimated 200,000 “fast food” (or “quick service – QSR”) restaurants in the U.S. and 50,000,000 Americans eat at one daily. According to the National Restaurant Association, about one-third of California’s 70,000 eating and drinking establishments are located in the Los Angeles area.

Governments at all levels are addressing the waste posed by these containers and related items such as utensils through outright bans, fees, and/or recycled-content policies. In Berkeley, customers who do not provide their own reusable beverage cup will have to pay a 25-cent fee for each disposable cup per its “Disposable-Free Dining” ordinance that was approved in January.

Many consumers now bring their own beverage containers to their regular coffee shops, but Los Angeles would like to encourage them to also consider reusing food containers, as allowed per Section 11412 of the California Retail Food Code (Senate Bill 144) and California Health and Safety Code sections 114075 and 114121.

Section 114075 permits reuse of drinking cups and containers consistent with the following:

(a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees shall not use tableware, including single-use articles, soiled by the consumer, to provide second portions or refills.

...

(d) Drinking cups and containers may be reused by self-service consumers if refilling of a consumer's drinking cup is done without contact between the pouring utensil and the lip contact area of the cup or container.

(e) Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in subdivision (a).

Section 14121 permits food facilities for refilling consumer.



(a) Except as specified in subdivisions (b) and (c), returned empty containers intended for refilling with food or beverage shall be cleaned and refilled in an approved facility.

(b) Consumer-owned containers returned to the food facility for refilling may be refilled and returned to the same consumer if the container is refilled by an employee of the food facility or the owner of the container if the dispensing system includes a contamination free transfer process that cannot be bypassed by the container owner.

(c) Consumer-owned containers that are not food specific may be filled at a water vending machine or system.

Based on the foregoing, the Los Angeles City Attorney's Office concluded that California law authorizes and permits – but does not require – retail food facilities to have consumer-owned containers used for beverages, so long as specific contamination-free procedures and safeguards are taken.

Per recent conversations with your staff, the City's Bureau of Sanitation (LA Sanitation & Environment) reports that regulations or guidelines for consumer-owned containers used for food purposes have not yet been developed by the County.

I am writing today to propose a meeting with your staff and City staff to discuss this topic.

Thank you for your continued support of food donation and waste prevention. For additional questions, please contact Ms. Marisela (Marcie) Reyes, Director of the Solid Resources Citywide Recycling Division, at [Marisela.Reyes@lacity.org](mailto:Marisela.Reyes@lacity.org) or (213) 485-3558.

Sincerely,

