

The background of the page is a light gray with a repeating pattern of various food items. These include bags of rice, jars of olive oil, cans of beans, jars of jam, and bags of flour. The items are drawn in a simple, cartoonish style with soft colors.

# **Deschutes County Surplus Food Donation Toolkit**





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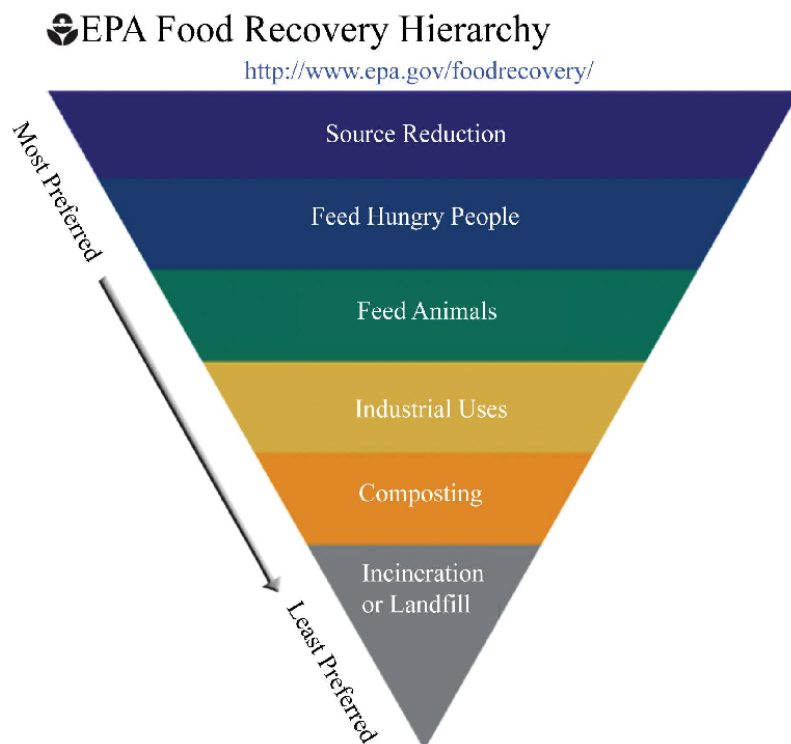
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Developed by [Love Yourself Nutrition](#) and [Deschutes County Health Services](#) and made possible through the 2023 NEHA-FDA RFFM Special Projects Grant



## Food Waste

Did you know that more than one-third of the food produced worldwide ends up in the landfill? This means that once the food is picked or processed, 30% of that food never gets consumed. There are many implications of food waste. The effects are complex and global. Food waste alone produces about six percent of the total greenhouse gas emissions. Food loss “occurs for many reasons, with some types of loss—such as spoilage—occurring at every stage of the production and supply chain. Between the farm gate and retail stages, food loss can arise from problems during drying, milling, transporting, or processing that expose food to damage by insects, rodents, birds, molds, and bacteria. At the retail level, equipment malfunction (such as faulty cold storage), over-ordering, and culling of blemished produce can result in food loss” (USDA.gov).



The United States Department of Agriculture (USDA) and the Environmental Protection Agency (EPA) have created a goal to decrease food waste by 50% by 2030 in the United States. In their efforts to achieve this goal, the EPA has created a Food Recovery Hierarchy. The Food Recovery Hierarchy infographic shows the different efforts that residential and commercial entities can take from most significant (top) to least (bottom), starting with a reduction in production.



## Source Reduction

Whether you are an individual resident or a business owner, we can all take part in better food forecasting to prevent food from even entering the food waste cycle.

Forecasting will look different depending on whether you are the nutrition service manager for a school district or a single person who cooks at home; however, forecasting has the same principles for all types of food production scenarios.

Forecasting is a method to predict how much food is needed to serve a specific number of people. Forecasting involves using past data and metrics to predict how many customers you will serve for a particular time.

## Feed Hungry People

Feeding hungry people is next on the hierarchy. This effort is to be put in place when there is surplus food. According to the USDA, 44.2 million people experienced food insecurity in 2022. If an individual or food production entity has excess food that is safe for consumption, they can donate it to a community kitchen or food bank. The Environmental Protection Agency has also created a specific document for school settings called the "[Oregon School Food Share Program Guide](#)." This guide provides information on setting up a food share program at schools.

## Feed Animals

Feeding animals follows feeding people. Some farms will have gleanings set up to collect animal feed. Feeding animals food scraps such as fruit and vegetable peelings, cores, and stalks can be a great tool to reduce food waste. Before you talk to your local farmers and ranchers, though, there are some restrictions. Firstly, it is not allowed to feed pigs food scraps of any kind from restaurants in Oregon. Additionally, per United States FDA laws, ruminants such as cattle, goats, and sheep may not be fed any animal protein scraps, like eggs or meat scraps, however, they can safely eat fruit and vegetable waste.

## Industrial Uses

Next follows the use of food in industrial settings, such as utilizing oil to run vehicles or machinery. Ask around your community to find a business that might be able to put oil, grease, and/or animal fat to use. Some trash companies offer oil bins that restaurants and businesses can use as part of their regular pick-up services.



## Compost

The last effort on the Food Recovery Hierarchy before food goes into the landfill is to compost. Many counties in the US have a composting program through their garbage service. Some simple compost bins can be purchased or built for at-home composting as well.

Not only is composting an excellent way for commercial agencies to prevent food waste from going into landfills, but it is also an accessible service for residents. Composting food scraps improves the quality of soil and plant growth, decreases the chance of soil erosion, and retains water in the soil. Food scraps contribute nitrogen to the compost, balancing the carbon that is contributed by brown matter such as yard waste.

Whether people are partaking in reducing food production or composting, there are attainable ways for every individual to help reduce food waste in our community by utilizing one of the methods laid out in the Food Recovery Hierarchy.



## Local Efforts

As of December 2023, Deschutes County comprises over 204,000 people, and over 26,000 are food insecure. Out of the 26,000 people who are food insecure, about 18% are children. High Desert Food and Farm Alliance defines food insecurity as “The state of being without reliable access to a sufficient quantity of affordable, nutritious food.” High Desert Food and Farm Alliance is just one of many local organizations that pledge to help make up for this gap in food security and address the inequalities amongst the food systems in place. Their programs include [VeggieRx](#), a free produce prescription program that provides free local produce to people experiencing food insecurity and diet-modifiable disease; [Grow and Give](#), a gleaning program that has diverted over 130,000 pounds of fresh produce to the community; and [Fresh Harvest Kits](#), which provides fresh produce with a spice kit and recipe to rural markets around the county. A local assistance organization called NeighborImpact recovers over 6 million pounds of food throughout Central Oregon. NeighborImpact’s [Fresh Alliance](#) program partners with 19 local grocery stores to recover food that would end up in a landfill and instead, reroute it to food agencies in Deschutes County. A Deschutes County community kitchen, Family Kitchen, serves over 14,000 freshly made meals each month to people in the community. They deliver over 3,000 meals weekly to shelters, houseless camps, and low-income housing. The largest food pantry in Deschutes County is The Giving Plate. The Giving Plate has a [Grocery](#), Kid’s Korner, Home Delivery, and a Backpacks for Bend program. In 2022, they provided food to over 31,000 residents and served 14,700 kids through their Kid’s Korner program. Bend Food Project is a local non-profit that partners with The Giving Plate. Local Bend residents started the [Bend Food Project](#), and volunteers collect up to 43,000 pounds of non-perishable foods every two months to donate to The Giving Plate.

Bend-LaPine school district is currently running a “Love Food, Not Waste” campaign to educate students, staff, and the community about reducing food waste and composting their leftover food scraps rather than putting food into the garbage. Other businesses are using apps to move food from donor sites to recipients. A grocery store named Local Acres is using an app called “Too Good To Go”, through which “Surprise Bags” of non-perishable foods nearing expiration are sold in bags at a significantly discounted price for customers. The businesses and agencies mentioned above are just a few of at least fifteen local entities actively working to reduce food waste and divert food to help end hunger in Central Oregon. Others are donating food scraps to farmers, and many



donate excess food to Shepherd's House and Family Kitchen, agencies that serve vulnerable and food-insecure populations.



## Purpose

Data gathered by the Central Oregon Health Council In Deschutes County shows that “13% of individuals are food insecure and 30% of those do not qualify for federal assistance. Deschutes County food programs provide 67 meals annually per person” (cohealthcouncil.org). In contrast, in the state of Oregon as a whole, the median number of meals annually served per person is much higher, at 90 meals annually per person. This shows that Deschutes County has the opportunity to provide for our community and improve our ability to serve those in need.

This toolkit provides a number of important metrics and resources. First, it provides national and local food waste and food insecurity statistics. It also provides laws and regulations around food donation, in order to help individuals and businesses make informed choices on how best to use their resources. The toolkit offers educational material to guide people on how they can safely donate food to people who need food. Finally, it offers resources for businesses and organizations to use as they establish and maintain food donation programs.

This toolkit is for use and distribution to Health Departments and the communities they serve across the state of Oregon to share statistics, policies, and easy-to-access resources for food production and food-receiving facilities.

Please note that this is the first version of the Deschutes County Surplus Food Donation Toolkit, December 2023. Developed by [Love Yourself Nutrition](#) and [Deschutes County Health Services](#), made possible through the 2023 NEHA-FDA RFFM Special Projects Grant

Please contact the Deschutes County Environmental Health Department at [countyfoodsafety@deschutes.org](mailto:countyfoodsafety@deschutes.org) or 541-317-3114 with any questions or comments regarding the content or use of this toolkit.





## Federal and State Protection

When considering a food donation program as a business owner, manager, or director of an organization, you may have many questions. Is donating food allowed under the law? What do various federal and state laws have to say? Is it allowed by my local health department? When is food too old or unsafe to donate? What liability would this introduce for my business or organization?

It turns out that by and large, the law protects your business or organization from liability when donating food to those in need, and encourages food donation that is done in good faith and has been handled according to standard food safety practices.

Here are some of the laws that apply to food donation and food recovery programs in Deschutes County and throughout the state of Oregon:

- The Bill Emerson Good Samaritan Food Donation Act

Requires States to adopt legislation to protect those who donate food in good faith from civil or criminal liability should such donated food later cause harm to recipients. It does not provide such protections in instances of gross negligence or intentional harm.

- Oregon Food Sanitation Rules [FILL THIS IN]

- Richard B. Russell National School Lunch Act

The Richard B. Russell National School Lunch Act “encourages the donation of food and grocery products to nonprofit organizations for distribution to individuals in need. The law protects donors from civil and criminal liability when food is donated in good faith and provides other donor protections.”

- Oregon Revised Statute ORS. § 30.890

1)

*Intentionally left blank —Ed.*



(a)

Notwithstanding any other provision of law, a gleaner or the good-faith donor of any food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization, including but not limited to a food bank, for distribution without charge or on a scale reflecting the ability to pay or only requiring a shared maintenance contribution, shall not be subject to criminal penalty or civil damages arising from the condition of the food unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor or gleaner.

(b)

The immunity from civil liability and criminal penalty provided by this section applies regardless of compliance with any laws, rules, or ordinances regulating the packaging or labeling of food, and regardless of compliance with any laws, rules, or ordinances regulating the storage or handling of the food by the donee after the donation of the food.

(2)

Notwithstanding any other provision of law, a bona fide charitable or nonprofit organization which in good faith receives food, apparently fit for human consumption, and while apparently fit for human consumption, distributes it at no charge or on a fee scale reflecting the ability to pay or only requiring a shared maintenance contribution, shall not be subject to criminal penalty or civil damages resulting from the condition of the food unless an injury results from the gross negligence, recklessness or intentional conduct of the organization.

(3)

This section applies to the good-faith donation of food not readily marketable due to appearance, freshness, grade, surplus, or other considerations but does not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

(4) As used in this section:

(a)

“Donor” includes any person who operates a restaurant or other food establishment licensed or regulated by law.

(b)

“Food” means any food whether or not it may spoil or otherwise become unfit for human consumption because of its nature, type, or physical condition, including



but not limited to fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits or vegetables, and foods that have been packaged, canned, refrigerated, freeze-dried or frozen.

(c)

“Food bank” means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs.

(d)

“Gleaner” means a person who harvests for free distribution an agricultural crop that has been donated by the owner. [1979 c.265 §1; 1989 c.808 §1]

- Federal guidance document: The FDA Model Food Code 3-204.10 FDA Food Code 2022

*Food Donation. FOOD stored, prepared, PACKAGED, displayed, and labeled in accordance to LAW and this Code may be offered for donation.*



## Enhanced Tax Deduction

“With the passage of the Protecting Americans from Tax Hikes (PATH) Act in December 2015, all businesses — including C-corporations, S-corporations, limited liability corporations (LLCs), partnerships, and sole proprietorships — are eligible for an enhanced tax deduction for donations that meet certain eligibility criteria. If the donated food does not meet the criteria, they can still claim a general tax deduction in the amount of the property’s basis” (ReFED.org).

General (non-enhanced) tax deduction: “Businesses that donate inventory may claim a tax deduction in the amount of the property’s basis, which is usually its cost to the business and is often lower than the fair market value, which is the value at which goods can be sold. Businesses other than C-corporations — including S-corporations, sole proprietorships, and some LLCs — cannot deduct more than 30% of the business’ total taxable income each year. C-corporations generally cannot deduct more than 10% of their taxable income for the year” (ReFED.org).

Enhanced tax deduction: “The enhanced tax deduction provides an extra incentive for donation by allowing the donating business to deduct the lesser of (a) twice the basis value of the donated food or (b) the basis value of the donated food plus one-half of the food’s expected profit margin (if the food were sold at its fair market value). Under the enhanced deduction, all businesses may deduct up to 15% of their taxable income for food donations” (ReFED.org).

Here is an example of calculating the product's worth:

A grocery store donates potatoes with a fair market value of \$100. The basis value of these potatoes was \$30. The expected profit margin is the fair market value minus the basis value (\$100-\$30), which is \$70. Under the enhanced deduction, the grocery store can deduct the smaller of:

1. Basis Value x 2 = \$30 x 2 = \$60 or
2. Basis Value + (expected profit margin/2) = \$30 + (\$70/2) = \$65

Please consult a tax professional for tax filing advice that is specific to your business or organization. Information in this toolkit is intended only as guidance and to provide an example.



## Donating Surplus Food

Licensed food producers such as restaurants, food trucks, caterers, grocers, school districts, hospitals, and manufacturers can donate unserved surplus food. Individuals can also donate food to food relief sites as long as it is non-perishable food items to licensed establishments to prepare food.

If you are a licensed food producer wanting to donate surplus food, there are simple ways to comply with food safety policies.



**Frozen Foods:** Must always remain at 32 degrees and below.

**Cold Foods:** Must stay at 41 degrees or below.

**Hot Foods:** Must remain at 135 degrees or above.

\*Whole, unopened produce, canned goods, and dry packaged foods do not have a minimum or maximum holding temperature.

During Transport:

1. When available, use portable coolers or a refrigerated vehicle to transport foods at 41°F or below.
2. If refrigerated transport is unavailable, transport the food in thermal blankets.
3. If neither refrigerated transport nor thermal blankets are available, food should be labeled "Process Immediately" and must not be out of temperature controls for more than 30 minutes during transportation.



- The venue donating the food should check and record the temperature of the food before transport. Upon delivery, the receiving facility needs to check the temperature of the donated food and record the temperature.
- All food needs to be stored and transported in sanitized food-grade containers.
- The transport vehicle needs to be clean and protected from cross-contamination.

### How to read Date Labels:



There are a few terms to know regarding date labels. “Sell by,” “Best By,” and “Use By.” The majority of consumers throw out food before it goes bad. The **sell-by date** informs retailers when the product should be sold or removed from the shelf. The **best-by date** is to advise the consumer that the quality (e.g., texture and flavor) will begin to diminish after this date; however, this does not mean the product is unsafe to eat or “bad.” The

**use-by date** is the most important date for consumers. This date label refers to when the item might need to be thrown out due to bacterial contamination. This date is only accurate if the product has been stored safely since its purchase.





## Start a Food Donation Program

Interested in launching a food donation program at your business or organization? Here are some helpful tips for getting started.

1. Conduct an on-site food [waste audit](#). The food waste audit will help your facility identify how much and what types of food are going into the landfill.
2. Establish a partnership within the community to donate food. [Here](#) is a link to the Oregon Food Bank, which has a search engine to connect people to local food pantries and kitchens. Questions to ask when setting up this partnership vary depending on the facility; however, here are some ideas to start with:
  - What food is accepted?
  - How much can they take?
  - How often can they accept food?
  - When are the best times for them to receive food?
  - Can they pick up the surplus food, or is delivery needed?
3. Develop a set of protocols for both partners to follow to ensure food safety. Here is a sample [agreement form](#) both parties can use to ensure the food donation complies.
  - Determine safe packaging, storage, transporting, and [labeling](#) requirements.
  - Establish a consistent pick-up/drop-off and transportation schedule.
  - See the Resource Section for donation forms and tools.

Looking for more support in starting your program? In Deschutes County contact the Environmental Health Business Outreach Liaison. Those in other communities may have other local resources available (for example, [Metro](#) in the Portland area has food waste specialists that can support businesses in their food donation programs.)





## Food Donation In Rural Communities

It can be difficult to develop a surplus food donation program in rural communities, however, there are still some strategies that can be taken to reduce food waste and get food to hungry people.

1. Conduct an on-site food [waste audit](#). The food waste audit will help your facility identify how much and what types of food are going into the landfill.
2. Call your local high school, community college, church, or university to see if they already have a community kitchen or food pantry established. Many of these places have commercial kitchens that are not occupied on the weekends and evenings. [Here](#) is more information to learn about school food recovery programs that have been developed by the Food Recovery Network.
3. If you still have surplus food, next on the Food Recovery Hierarchy is to feed animals. Contact your local solid waste, county agricultural extension office, or public health agency for more information about local regulations.
  - a. Determine what types, how often, and the amount of food scraps you can provide.
  - b. Connect and partner with a local farmer or rancher.
4. If you can't feed people or animals, send them for use in energy generation or other industrial uses. If that is not a possibility, compost. Not only is composting an excellent way for commercial agencies to prevent food waste from going into landfills, but it is also an accessible service for residents. Composting food scraps improves the quality of soil and plant growth, decreases the chance of soil erosion, and retains water in the soil. Food scraps contribute nitrogen to the compost, balancing the carbon that is contributed by brown matter such as yard waste.



## Reducing Food Waste at Schools

### Share Tables

The Environmental Protection Agency created a guide for Oregon Schools titled "[Oregon School Food Share Program](#)." School Food Share Programs are located in school cafeterias during meal service hours. The program helps to prevent unwanted food from going into the landfill and feed students who need it. It can be a designated table or bin where students can place unwanted whole food items like oranges, packaged or wrapped food, milk, and juice cups. To prevent illness or allergic reactions, items that have been heated, opened, or brought by a student are not allowed in the food share bin. The food placed in the share bin is available for anyone to take. The food can be donated if there is still unclaimed food after the meal service. The donated food needs to follow the same policies as any other donated food; it must be free from physical, chemical, and biological harm and held at appropriate temperatures.



### Donating Leftover Food

Many schools nationwide have created share tables and other efforts to eliminate food waste. Food Bus Inc. is an example of another method a school district has developed to help reroute food from going into the landfill. Food Bus Inc. is a non-profit in Virginia that picks up food waste from schools and delivers it to food-receiving sites.

Here is a quote from the founder, Kathleen Well: "The children in the schools are not only learning how not to throw away their food and add it to the national waste stream, but they're learning that it can be used by someone hungry. They are getting a little spark of community service now that may impact their lives and the lives of the many people around them when they are adults." Some schools have created food rescue teams, where a group of students (led by a teacher or an administrative staff) collects all of the unopened food items after meal services and safely stores them for pick up. Below are some tips for school districts created by the USDA.



## Tips for School Districts from USDA

### Recovering Food Waste:

- Don't assume food can't be donated – food banks take fresh produce, hot prepared foods, & processed goods.
- Work with your food pantry, food bank, or caring agency to keep good quality food from landfills.
- Check with your local health department to see what foods you can donate.
- Work with a local food policy council to make changes at the county or state level in regard to food waste.
- Small amounts of food from each school in the district add up to significant amounts in the overall community.





## Food Loss Prevention Tips

The EPA has created ideas and activities for different types of facilities to help prevent food loss and waste. Modify this list depending on the type of organization.

- Perform a food waste audit.
  - Monitor waste bins and record what is thrown out, how much, and why.
  - In the kitchen, have only one food waste trash can and provide each staff member a small container to fill with food waste at their station. Before they empty their container, have staff weigh it and record the amount, type, and reason the waste is being discarded on a log sheet.
  - Use this information to adjust menus, purchasing, and portion sizes.
- Call a meeting to brainstorm and discuss food waste prevention.

### Purchasing Tips:

- Use reusable & refillable bottles instead of single-use condiment packets.
- Buy bruised or odd-shaped/sized produce at a discount.
- Ask for your suppliers' policies for food waste.
- Reach out to other businesses to exchange ideas for source reduction methods.
- Do regular inventory checks or increase their frequency to reduce spoilage.
- Buy local foods to reduce storage time and transportation.

### Prep and Storage Tips:

- Reduce batch sizes: Prepare meals ahead of time and store them for future use.
- Use cook-to-order instead of bulk-cooking all day or toward the end of the day.
- Incorporate leftovers: Steak can be used for beef stew the next day.
- Train staff on knife skills to make efficient knife cuts to prevent waste.
- Use as much of the food as possible: Cook up carrot greens, and don't peel potatoes.
- Reconstitute starchy vegetables that have wilted by immersing them in warm water (100 °F) for 15 minutes.
- Freeze surplus and fresh fruits and veggies near the end of peak freshness for later use instead of throwing them away.
- Finish preparation at the line: Do not finish the food item until it's ready to go on the line so you can more easily use leftover ingredients in different recipes later.



- Use see-through storage containers to allow staff to see what is available and to keep an eye on freshness.
- Eliminate garnishes that typically don't get eaten.
- Refresh staff on storage techniques for different foods (see image for tips on fruit and vegetable ripening.)

## Ethylene in Fruits and Vegetables

**Correctly store fruits and vegetables to reduce food waste.**

### What is ethylene?

Ethylene is a gas released by some fruits and vegetables that causes produce to ripen faster. Some fruits and vegetables are more sensitive to ethylene than others.

### Why should I care?

Fruits and vegetables that are stored incorrectly spoil quickly. This could mean lost profit for you.

### What can I do?

- Do not store fruits and vegetables that produce ethylene with those that are sensitive to ethylene. For example, do not store bananas and apples next to each other. This applies to produce that is refrigerated and not refrigerated.
- Do not store produce in bags or sealed containers. This will trap the gas and cause the produce to ripen faster.

**Do not display fruits and vegetables that are sensitive to ethylene near fruits and vegetables that produce it.**

### Ethylene Sensitive

Apples  
Asparagus  
Avocados  
Bananas  
Broccoli  
Cantaloupe  
Collard Greens  
Cucumber  
Eggplant  
Grapes  
Honeydew  
Kiwi  
Lemons  
Lettuce  
Limes  
Mangos  
Onions  
Peaches  
Pears  
Peppers  
Squash  
Sweet Potatoes  
Watermelon

### Ethylene Producers

Apples  
Avocados  
Bananas  
Cantaloupe  
Kiwi  
Peaches  
Pears  
Peppers  
Tomatoes

### Not Ethylene Sensitive

Blueberries  
Cherries  
Beans (Snap)  
Garlic  
Grapefruit  
Oranges  
Pineapple  
Potatoes  
Raspberries  
Strawberries  
Tomatoes  
Yucca

\*The produce items in the red column should be stored separately from those in the green column to prolong shelf life.



## Resources

- Donation Form: [Donation Agreement Form](#)
- Donation food labels: [Label](#)
- Food Donation Delivery [Form](#)
- How to reduce waste: [Food Waste Prevention Tips](#)
- How to Create a [Food Donation Program](#)
- [Surplus Food Donation Toolkit Website](#)
- Youtube Video: Commercial TBD
- Deschutes County [Facebook](#)
- Deschutes County [Instagram](#)
- Deschutes County Health Services [Newsletter](#)
- App to download to get discounted food and for businesses to partner with [toogoodtogo](#)
- List of local Resources:
  - [Food Receiving Sites](#)
  - [Composting Resources](#)



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