SB 1383


- Signed into law in 2016
- Established two organic waste disposal reduction targets and one edible food recovery goal
- Regulations will take effect January 1, 2022
SB 1383 Targets

- **50%** Reduction in the statewide disposal of organic waste (from the 2014 level) **by 2020**
- **75%** Reduction in the statewide disposal of organic waste (from the 2014 level) **by 2025**
- **20%** Of currently disposed edible food must be recovered for human consumption **by 2025**
Edible food disposal is unnecessary and preventable

Commercial Food Waste
Los Angeles, CA

- Dumpster is emptied multiple times each day
- Everything in it is sent to a landfill
Total Disposed Waste in California
Includes landfill and transformation (Tons)

- Household Hazardous Waste: 95,996 tons
- Electronics: 228,480 tons
- Glass: 658,952 tons
- Metal: 1,811,134 tons
- Special Waste: 2,639,651 tons
- Miscellaneous: 3,867,339 tons
- Plastic: 4,524,052 tons
- Inerts & Other: 5,556,049 tons
- Food: 5,859,534 tons
- Paper: 6,525,762 tons
- Non-Food Organic: 7,537,507 tons

Reference: 2018 Disposal Facility-Based Characterization of Solid Waste in California
HUNGER IN CALIFORNIA HAS DOUBLED
POLICY OVERVIEW

➢ Defining “Edible Food”
➢ Commercial Edible Food Generators
➢ Jurisdiction Edible Food Recovery Program
**WHAT DOES “EDIBLE FOOD” MEAN?**

“**Edible food**” means food intended for human consumption.

“Edible food” is not solid waste if it is recovered and not discarded.

Nothing in this chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

---

**All Food Donations Must Be in Compliance with the California Retail Food Code**

---

CalRecycle®
Commercial Edible Food Generators

**Tier 1**
Starts 2022

- Wholesale Food Vendors
- Food Service Providers & Food Distributors
- Grocery Stores
  - Facilities ≥ 10,000 sq. ft.
- Supermarkets

**Tier 2**
Starts 2024

- Restaurants
  - Facilities ≥ 5,000 sq. ft.
- Hotels
  - with on-site food facility and ≥ 200 rooms
- Local Education Agencies
  - with on-site food facility
- Large Venues and Events
- State Agencies with cafeterias
- Health Facilities
  - with ≥ 100 beds and on-site food facility
SB 1383 in Action

Commercial Edible Food Generators

**Recover** maximum amount of edible food that would otherwise be disposed.

Arrange food recovery through a **contract or written agreement** with:

- Food recovery organizations or services that will **collect** edible food for food recovery
- Food recovery organizations that will accept food that the generator **self hauls**
Model Food Recovery Agreement
Model Food Recovery Agreement

OBJECTIVES OF THE MODEL

✓ Assist commercial edible food generators with compliance
✓ Ensure edible food is recovered in a safe and effective manner
✓ Protect food recovery organizations and services from “donation dumping”
✓ Identify potential food recovery arrangements and cost models
✓ Support jurisdictions with developing food recovery programs
✓ Increase understanding of regulations and compliance strategies
✓ Provide resources and guidance to regulated entities
✓ Present example food recovery agreement provisions
Jurisdiction Edible Food Recovery Program

- Educate Commercial Edible Food Generators on Requirements
- Monitor Commercial Edible Food Generator Compliance
- Increase Access to Food Recovery Organizations
- Increase Edible Food Recovery Capacity (if additional capacity is needed)

◆ A jurisdiction *may* fund their program through franchise fees, local assessments, or other funding mechanisms.
**SB 1383 IN ACTION**

**FOOD RECOVERY EDUCATION, OUTREACH, AND RESOURCES**

**JURISDICTION REQUIREMENTS**

**Develop List of Food Recovery Orgs. & Services**
- Maintain on website and update annually
- Include name, address, contact, collection service area, and types of food accepted for each

**Educate Commercial Edible Food Generators**
- Information on:
  - Food recovery program
  - Generator requirements
  - Food recovery orgs. and services in jurisdiction
  - Actions to prevent creation of food waste

**Perform Other Requirements**
- Language requirements
- Maintain copies of materials
- Frequency of material distribution
- Format options
Food Donation
Program Guide for Central Contra Costa Businesses

Helping Your Business Help the Hungry
Donating Your Food is Easy!

Every year, Central Contra Costa restaurants, grocery stores, and other businesses donate tons of edible food. But what can you do to help? One way is to donate your food to local food banks. Food donation is a simple and easy practice with meaningful benefits for local businesses and the community—helping reduce food waste while helping local food insecure residents.

Working with participating vendors, businesses can easily donate foods to local non-profit organizations.

Why Donate?
- Support local communities
- Reduce waste
- Save money

New Legislation
California Senate Bill 1383 mandates that by 2020 at least 20% of the edible food that is currently disposed must be recovered and donated for human consumption. Local businesses will have to comply with these new regulations. Setting up a food donation system now makes it easier to comply with future State mandates.

Who has to comply:
- Tier One Generators (supermarkets, grocery stores, etc.)
- Tier Two Generators (restaurants, hotels, institutions with food facilities, etc.)

Food Donation Helps Our Communities

Less Waste
Food Donation reduces the amount of food that goes into our landfill or compost stream.

Healthy Environment
Less waste means fewer greenhouse gas emissions and a better use of resources.

Healthy Families
Food Donation provides nutritious meals for thousands of Contra Costa households in need.

Case Study: Whole Foods Market Walnut Creek

Whole Foods Market Walnut Creek on Newell Avenue has been a long-standing participant in surplus food donation, working currently with White Pony Express to manage their donations. According to Program Coordinator Melody Montemarco, donating usable food fits perfectly with one of Whole Foods Market’s core values—caring for its communities and the environment. "You think of the store’s staff, too—they have families, too. The program we had an impact on the store’s staff, too—they have families. It’s a good deal for the store to give food to the people in the community."

"It takes such little time and effort to make such a big impact on people’s lives."

Acceptable Food Types
You can donate a wide range of food types. If you have questions, a participating vendor can help.

- Shelf-stable items (canned goods, etc.)
- Produce (fruits and vegetables)
- Meat, poultry, and fish/deli goods
- Dairy goods
- Prepared foods
- Baked goods
- Frozen food
- Nonperishables
Food Donation Helps Your Business

Public Recognition
Donating food demonstrates your dedication to the local community.

Smarter Choices
Tracking the amount of food you provide helps your business become more efficient.

Tax Incentives
Donating food that would have been discarded may qualify you for higher tax deductions.

How it works

1. Contact a participating vendor from the list on the back of this guide.
2. Work with them to create a program that suits your needs.
3. The vendor will make sure your food is delivered to those who need it.

Enhanced Tax Savings

The federal tax code allows businesses to claim enhanced deductions on donated food, either:
- Twice the basis value of the donated food, or
- The basis value of the donated food if the food is donated to a nonprofit organization, whichever is smaller. Either way, this deduction is higher than claiming a loss on unused food.

Legal Protections

California’s Good Samaritan Donation Act (AB 380) helps protect donors from liability. Businesses are legally protected from criminal and civil liability when food is donated to non-profit or charitable organizations in good faith, using standard safe food handling procedures.

Participating Vendors

- ChowMatch
  chowmatch.com
- Replate
  replate.org
- White Pony Express
  whiteponyyesp.com
- Copia
  copiapeople.com
- Food Bank of Contra Costa
  foodbankccc.org
- Sustainable Roads Express
  sustainableroads.com

For more information, contact RecycleSmart
RecycleSmart.org/food-recovery | authority@recyclesmart.org | 925-906-1801

RecycleSmart
1350 W. First St., Unit 100
Walnut Creek, CA 94596
Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible Food Recovery Contracts and Agreements
  - Recordkeeping

- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections
SB 1383 Key Edible Food Recovery Dates

**2022**
- Jurisdictions establish edible food recovery program
- Tier 1 commercial edible food generators must be compliant
- Jurisdictions begin food recovery capacity planning
- Jurisdictions begin food recovery education (annually)
- Jurisdictions begin inspections of Tier 1 generators and food recovery orgs/services

**2024**
- Tier 2 commercial edible food generators must be compliant
- Jurisdictions begin inspections of Tier 2 commercial edible food generators
- Jurisdictions take enforcement action for non-compliant entities
CalRecycle, in coordination with HF&H, developed four model tools to assist jurisdictions and stakeholders with implementation. All models are preliminary until the Office of Administrative Law approves the regulations. For an overview of the four model tools, here is the PowerPoint Presentation and Recording of the Overview Webinar.

**Model Franchise Agreement and Exhibits**
- Agreement (Word)
- Exhibits (Word)
- PowerPoint Presentation
- Recording of Webinar

**Model Mandatory Organic Waste Disposal Reduction Ordinance**
- Enforcement Ordinance (Word)
- PowerPoint Presentation
- Recording of Webinar

**Model Procurement Policy**
- Policy (Word)
- PowerPoint Presentation
- Recording of Webinar (YouTube)

**Model Edible Food Recovery Agreement**
- Agreement (Word)
- PowerPoint Presentation
- Recording of Webinar (YouTube)