

# SB 1383 Food Recovery: Are you ready to start donating?

Is your business tired of throwing out perfectly good food? Would you like to save money on your waste hauling costs, while also doing good for the environment and community?

## A new law, SB 1383, is here to help.

### SB 1383 Overview

Senate Bill 1383 is a new state law that aims to reduce organic waste disposal by 75% by 2025, and increase edible food recovery by 20% by 2025.

### THE IMPACT AND IRONY OF FOOD WASTE

# 20%

## of Methane Emissions

Organic waste in landfills emits 20% of California's methane, a potent greenhouse gas.

# 500,000

## Tons of Food is Landfilled

500,000 tons of food is wasted in San Diego County each year.

# 1 in 3

## San Diegans is Food Insecure

While tons of food is disposed, one in three San Diegans is food insecure.

### Why was this law created?

SB 1383 seeks to address issues such as methane emissions and food insecurity, as food waste makes up the single largest component in our landfills.

## To meet the goals of SB 1383, your business will be required to establish a food recovery program.

**Food recovery** is the act of saving, redistributing, and/or donating edible excess food to local organizations, such as food pantries, soup kitchens, and food banks. A food recovery or food donation program ensures that surplus food that can't be used in the kitchen goes to good use: Feeding people, not landfills.



**Section 18991.3 of SB 1383 regulation requires businesses to hold a written agreement with food recovery organizations and/or services that will be recovering their excess edible food.** Completing this Food Recovery Agreement can be used to fulfill this requirement.

## Now that you know the environmental and social benefits of food recovery, are you ready to start donating? Be sure to read through these important notes.



### Food Safety

All food recovery activities should be executed in compliance with all federal, State, and local regulations for safe food handling. For more information, refer to the County of San Diego Department of Environmental Health and Quality [Food Donation FAQ](#).



### Donation Dumping

Donation dumping involves knowingly providing unusable or inedible food, forcing food recovery after capacity has been reached, or intentionally delivering food outside of the agreed upon food recovery windows. **This practice is unacceptable.**

Donation dumping will result in intervention by the City of Carlsbad Sustainable Management Division, potentially resulting in losing compliance status under SB 1383.



### Federal Tax Incentives

Charitable food donation is eligible for federal tax incentives and enhanced tax deductions, provided that donations meet eligibility criteria.

Please seek legal counsel for tax filing and consult with your partnering food recovery organizations to obtain the necessary donation receipts required to claim any tax incentives and/or deductions.

## Contacts

### City of Carlsbad Sustainable Materials Management Division

[FoodRecovery@carlsbadca.gov](mailto:FoodRecovery@carlsbadca.gov) | 760-602-4646

### Feeding San Diego

Kate Garrett | [fooddonation@feedingsandiego.org](mailto:fooddonation@feedingsandiego.org) | 858-283-8978

### San Diego Food Bank

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# Reducing Food Waste in Carlsbad

## SB 1383 Food Recovery Requirements

A *food recovery/food donation* program ensures that surplus food that can't be used in the kitchen goes to good use: feeding people, not landfills. "Food recovery" (also referred to as "food donation") is the act of saving, redistributing, and/or donating edible excess food to local organizations, such as food pantries, soup kitchens, and food banks.



Food recovery is NOT donation dumping or a means to reduce solid waste service costs. Donation dumping, the act of donating food that is no longer edible, may result in noncompliance.

*Did you know?* Federal and state laws protect businesses from liability when donating food as long as the food was handled safely before donation.



**These laws provide food donors with liability protection**

United State Code, Bill Emerson Good Samaritan Food Donation Act  
California Health and Safety Code, Section 114432  
California Health and Safety Code, Section 114433  
California Food and Agricultural Code, Section 58505  
California Civil Code, Section 1714.25(a)

### **New!** *SB 1383 Food Recovery Requirements*

In an effort to reduce methane emissions, a new state law, SB 1383, establishes targets to reduce organic waste disposal by 50% by 2020 and 75% by 2025, and to increase edible food recovery by 20% by 2025. SB 1383 sets new food recovery requirements for select industries only, which are categorized into a tier system:

**Tier 1 Generators\*** supermarkets, grocery stores, food service providers, food service distributors, wholesale vendors

**Tier 2 Generators\*** restaurants, hotels, health facilities, large venues, state agencies, local education agencies

\*Size restrictions apply. See CalRecycle's website ([www.calrecycle.ca.gov/organics/slcp](http://www.calrecycle.ca.gov/organics/slcp))

### Key Dates

January 1, 2022

Starting Jan. 1, 2022, Tier 1 generators must comply with the donation, contract/agreement, and record-keeping requirements. **Cities will conduct inspections of Tier 1 starting Jan. 1, 2022.**

January 1, 2024

Starting Jan. 1, 2024, Tier 2 generators must comply with the donation, contract/agreement, and record-keeping requirements. **Cities will conduct inspections of Tier 2 starting Jan. 1, 2024.**

# Reducing Food Waste in Carlsbad

## SB 1383 Food Recovery Requirements

If your business is a Tier 1 or Tier 2 generator, SB 1383 sets new food recovery requirements:



### Mandated Food Recovery Requirement

Tier 1 & Tier 2 generators must donate the maximum amount of edible food that would otherwise be disposed to a food recovery organization or service (e.g. food banks, food pantries, soup kitchens, etc.)

(SB 1383, Section 18991.3)



### Contract/ Written Agreement Requirement

Tier 1 & Tier 2 generators must comply with the food donation requirement by establishing contracts or written agreements\* with food recovery organizations or services.

\*Food donors partnered with a food bank may already fulfill this requirement.

(SB 1383, Section 18991.4)



### Record-keeping Requirements

Tier 1 & Tier 2 generators must keep the following records:

- A list of each food recovery organization or service that collects or receives edible food pursuant to established contracts/written agreements.
- A copy of contracts/written agreements on-site.
- For each food recovery organization/service that the Tier 1 or Tier 2 generator has a contract or written agreement with:
  - The name, address and contact info of the service or organization.
  - The types of food that will be collected or self-hauled
  - The established frequency that food will be collected or self-hauled
  - The quantity of food collected or self-hauled, measured in pounds recovered per month.

(SB 1383, Section 18991.4)

*Ready to get started?* Contact a local food bank to get connected with a food recovery organization.



(858) 452-3663



[fooddonation@feedingsandiego.org](mailto:fooddonation@feedingsandiego.org)



<https://feedingsandiego.org/get-involved/donate-food/>



(858) 527-1419



[acarson@sandiegofoodbank.org](mailto:acarson@sandiegofoodbank.org)



<https://sandiegofoodbank.org/food-drives/food-industry-donations/>

Please visit the city's Sustainable Materials Management website for additional resources at [www.carlsbadca.gov/recycling](http://www.carlsbadca.gov/recycling) or email us at [recycle.trash@carlsbadca.gov](mailto:recycle.trash@carlsbadca.gov) for questions.

