

# Food Donor Q & A



## What is City Harvest?

City Harvest pioneered food rescue in 1982, and this year we will rescue 64 million pounds of excess food to help feed the nearly 1.2 million New Yorkers struggling to put meals on their tables. Visit us at [www.cityharvest.org](http://www.cityharvest.org) to learn more.

## What food does City Harvest accept?

City Harvest accepts perishable and non-perishable food prepared by licensed food businesses. See our Donation Guidelines included in this packet for detailed information.

## Where does the food go?

The food you donate is collected by City Harvest's fleet of 22 trucks and delivered, free of charge, to 500 soup kitchens, food pantries, and other community food programs, where it is then distributed to New Yorkers in need.

## Who donates to City Harvest?

Over 2,500 generous businesses across New York City and nationwide donate food—including farms, restaurants, supermarkets, bakeries, manufacturers, Greenmarkets, and corporate cafeterias.

## What are the benefits to donating?

There are lots of benefits to donating food to City Harvest! By donating, you can prevent excess food from going to waste, get your employees to participate in a great cause, and give back to your community!

## How does it work?

City Harvest will send a truck to pick up donations of at least 100 pounds. Call us to schedule a pick up - if you are able to donate on a consistent basis, we will set up a weekly pick up time. We will provide you with clear, food-grade plastic bags for you to package your donation. You'll receive receipts and annual reports tracking how many pounds you've donated.

## What about food safety and liability?

At City Harvest, we take food safety very seriously. We follow standard food safety guidelines and train our staff and partner community food programs to ensure your food is delivered and distributed in safe condition. As a donor, you're protected from liability by federal and state laws. Detailed information on these laws are included in this packet.

## How can we get started?

It's easy to become a food donor! Call our Food Sourcing team at **646.412.0758** or email [fooddonations@cityharvest.org](mailto:fooddonations@cityharvest.org). We look forward to teaming up with you to feed our neighbors in need!

# Quick Reference

## Minimum

If you have collected at least 100 pounds of food, City Harvest can send a truck to pick up your donation. Pickups are generally made Monday through Friday, from 9 am to 5 pm. Call us to schedule a pick up at **646.412.0758**.

## Yes!

### City Harvest can safely accept:

- Whole fresh produce without significant decay
- Chopped fresh produce packed separately in food-grade packaging
- Prepared foods chilled to 40°F that have not been served or placed on a buffet
- Chilled perishable packaged foods, such as juice and cheese in original packaging
- Frozen meat, poultry, and seafood
- Dairy products 40°F
- Shelled eggs
- Frozen foods in original packaging
- Bread Products (fresh or day-old sliced bread, bagels, and rolls)
- Canned and packaged items in original packaging

## No!

### City Harvest cannot accept:

- Food that has been served or put on a buffet table
- Food that has been previously reheated
- Foods that were not kept at the appropriate temperature per the City Harvest Donation Guidelines for more than 2 hours
- Meat that is not fully frozen
- Food with damaged or compromised packaging, resulting in the loss of a sanitary barrier
- Products that contain alcohol
- Food with significant decay
- Food with severe freezer burn
- Food intended for raw consumption (sushi or seafood)
- Canned goods that are open, punctured, bulging or seriously damaged
- Home prepared, home canned or home jarred products
- Food stored in opaque bags







# Food Donation Guidelines







Thank you for helping to fill City Harvest's trucks with nutritious food to distribute to New Yorkers in need.

We accept non-perishable donations, as well as perishable and prepared foods maintained in safe temperature zones and chilled or frozen before donation. Donated food must be prepared by a regulated or licensed food business, such as a restaurant, caterer, wholesaler, or bakery, and must exclude foods previously served to the public.

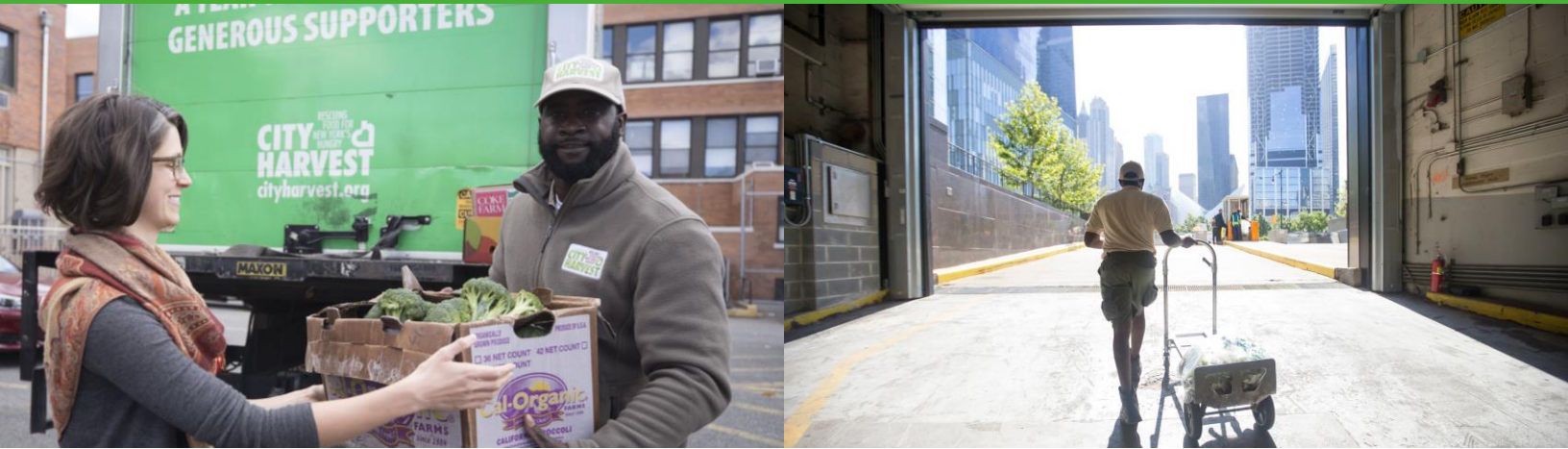
By following these guidelines, you will safely prepare, handle and provide delicious items that City Harvest can accept.

Food Product	Packaging	Storage Conditions	Unacceptable Conditions
 <p><b>Prepared Foods</b> (entrees, starches, vegetables, chilled foods)</p>	<ul style="list-style-type: none"> <li>Food-grade packaging in direct contact with food, securely closed and separated by food type to avoid cross contamination</li> <li>Labeled and dated</li> </ul>	<ul style="list-style-type: none"> <li>Chilled below 40 degrees Fahrenheit or frozen</li> </ul>	<ul style="list-style-type: none"> <li>Previously reheated foods</li> <li>Foods kept above 40 degrees Fahrenheit for more than 2 hours</li> <li>Foods previously served</li> <li>Foods with a temperature greater than 40 degrees Fahrenheit</li> </ul>
 <p><b>Chilled Perishable Prepackaged Foods</b></p>	<ul style="list-style-type: none"> <li>Original packaging or food-grade packaging for all repacked products</li> </ul>	<ul style="list-style-type: none"> <li>Chilled below 40 degrees Fahrenheit</li> </ul>	<ul style="list-style-type: none"> <li>Foods kept above 40 degrees Fahrenheit for more than 2 hours</li> <li>Damaged or compromised packaging, resulting in the loss of sanitary barrier protection</li> </ul>
 <p><b>Meat and Poultry</b></p>	<ul style="list-style-type: none"> <li>Original packaging</li> <li>Food-grade packaging in direct contact with food</li> <li>Securely closed and separated by food type (beef, pork, poultry, etc.) to avoid cross-contamination</li> <li>Labeled and dated as appropriate</li> <li>Must be processed in a USDA or NY State Department of Agriculture and Markets inspected facility</li> </ul>	<ul style="list-style-type: none"> <li>Frozen at 0 degrees Fahrenheit or less preferred</li> <li>Should meat and poultry be past their expiration date, they must have been frozen prior to expiration date.</li> </ul>	<ul style="list-style-type: none"> <li>Non-frozen meat and poultry Non-food-grade packaging in direct contact with food</li> <li>Unfrozen meat and poultry past the expiration date</li> <li>Meat not processed at a USDA or NY State Department of Agriculture and Markets inspected facility</li> </ul>
 <p><b>Seafood</b></p>	<ul style="list-style-type: none"> <li>Original packaging</li> <li>Securely closed and separated by seafood type</li> <li>Labeled and dated as appropriate</li> <li>Must be processed in an FDA or NY State Department of Agriculture and Markets inspected facility</li> </ul>	<ul style="list-style-type: none"> <li>Frozen at 0 degrees Fahrenheit</li> <li>Separated by type</li> <li>Food-grade packaging in direct contact with food</li> </ul>	<ul style="list-style-type: none"> <li>Seafood not processed at an FDA or NY State Department of Agriculture and Markets inspected facility</li> </ul>

# Food Donation Guidelines

Food Product	Packaging	Storage Conditions	Unacceptable Conditions
 <p><b>Dairy</b></p>	<ul style="list-style-type: none"> <li>Original packaging</li> <li>Food-grade packaging in direct contact with food</li> </ul>	<ul style="list-style-type: none"> <li>Chilled below 40 degrees Fahrenheit</li> <li>Cheese may be frozen</li> <li>Fluid milk can be accepted up to and including "use by" date</li> </ul>	<ul style="list-style-type: none"> <li>Dairy products kept above 40 degrees Fahrenheit for more than 2 hours</li> <li>Damaged or compromised packaging, resulting in the loss of sanitary barrier protection</li> <li>Leaking packaging</li> </ul>
 <p><b>Shelled Eggs</b></p>	<ul style="list-style-type: none"> <li>Original packaging</li> <li>Food-grade packaging in direct contact with food</li> </ul>	<ul style="list-style-type: none"> <li>Chilled below 40 degrees Fahrenheit</li> </ul>	<ul style="list-style-type: none"> <li>Damaged or compromised packaging, resulting in the loss of sanitary barrier protection</li> <li>Cracked or broken eggs</li> </ul>
 <p><b>Fresh Produce</b> (whole and chopped)</p>	<ul style="list-style-type: none"> <li>Original cartons and bags or food-grade packaging for all repacked product</li> <li>City Harvest supplied bags</li> </ul>	<ul style="list-style-type: none"> <li>Chilled below 40 degrees Fahrenheit</li> <li>Cool, dry, clean area</li> </ul>	<ul style="list-style-type: none"> <li>Significant decay</li> </ul>
 <p><b>Frozen Foods</b> (entrees, starches, vegetables, fruit juices, baked goods, meats, and seafood)</p>	<ul style="list-style-type: none"> <li>Original packaging</li> <li>City Harvest supplied bags</li> </ul>	<ul style="list-style-type: none"> <li>Frozen at 0 degrees Fahrenheit or less</li> </ul>	<ul style="list-style-type: none"> <li>Defrosted product</li> <li>Damaged or compromised packaging, resulting in the loss of sanitary barrier protection</li> <li>Severe freezer burn</li> </ul>
 <p><b>Bread Products</b> (fresh or day-old sliced bread, bagels, and rolls)</p>	<ul style="list-style-type: none"> <li>Food-grade packaging in direct contact with food</li> <li>Securely closed bread products separately packaged from other baked foods</li> <li>City Harvest supplied bags</li> </ul>	<ul style="list-style-type: none"> <li>Cool, dry, clean area in food grade packaging</li> </ul>	<ul style="list-style-type: none"> <li>Stale or moldy items</li> <li>Damaged or compromised packaging, resulting in the loss of sanitary barrier protection</li> <li>Food in opaque, non-food grade bags</li> <li>Products outside of sliced bread, bagels, and rolls</li> </ul>
 <p><b>Prepackaged Foods</b> Non-perishable (canned, jarred, boxed)</p>	<ul style="list-style-type: none"> <li>Original packaging, boxes or cases</li> <li>Food-grade packaging for all bulk foods</li> <li>Fully intact original cans with labels that must show at a minimum:                             <ul style="list-style-type: none"> <li>Contents</li> <li>Ingredients</li> <li>Net weight <u>and</u> distributor</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Cool, dry, clean area</li> </ul>	<ul style="list-style-type: none"> <li>Opened, punctured, bulging, or serious damage, including evidence of leakage, side-seam dent, top seam dent, and/or significant rust</li> <li>Home-canned or jarred products</li> <li>Glass is broken or chipped</li> <li>Break in seal identified by popped button indicator</li> </ul>

# Food Safety & Liability



## At-a-Glance

Both the federal government and New York State have laws protecting food donors from liability. To ensure the safety of the donation:

- City Harvest provides food safety guidelines to donors
- City Harvest drivers evaluate the donation for food safety
- Recipient agencies evaluate the donation for food safety



## Food donors are protected under the following laws

**Federal Law:** The Bill Emerson Good Samaritan Food Donation Act

**New York State Law:** Enacted 1981, Article 4-D, Section 71-2 71-Z Liability for canned, perishable food or farm products distributed free of charge

Please see pages 8-12 in this packet for detailed information.



## City Harvest practices food safety

At City Harvest we take food safety very seriously.

- All of our drivers are trained to handle food safely
- Our trucks are refrigerated to keep food at safe temperatures
- We train all recipient community food programs in safe preparation, handling and evaluate them for their food safety practices





# Green since 1982

City Harvest is New York City's largest food rescue organization, helping to feed the more than 1.2 million New Yorkers who are struggling to put meals on their tables.

We will rescue 61 million pounds of food this year and deliver it, free of charge, to hundreds of food pantries, soup kitchens and other community partners across the five boroughs.

Our programs help food-insecure New Yorkers access nutritious food that fits their needs and desires; increase our partners' capacity; and strengthen the local food system, building a path to a food-secure future for all New Yorkers. To learn more about our work, visit [cityharvest.org](http://cityharvest.org)

## Green Fleet

City Harvest established the Green Fleet in 2008 to ensure that our food rescue and delivery operations are executed in the most environmentally responsible way possible. Since then, City Harvest has converted the fleet to consist of clean diesel, hybrid trucks and tractor trailer.

## WasteWise/Food Recovery Challenge

City Harvest has partnered with the Environmental Protection Agency's (EPA) WasteWise Initiative and Food Recovery Challenge (FRC): Conserving Resources, Preventing Waste.

Wastewise helps organizations and businesses apply sustainable materials management practices to reduce municipal and select industrial wastes.

\*As part of EPA's Food Recovery Challenge, organizations pledge to improve their sustainable food management practices and report their results. The FRC is part of EPA's Sustainable Materials Management Program (SMM). SMM seeks to reduce the environmental impact of materials through their entire life cycle. This includes how they are extracted, manufactured, distributed, used, reused, recycled, and disposed.



# Food Sourcing Contact List

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## Monday–Friday

9:00am–5:00pm

### Telephone:

**646.412.0758**

### Email:

**fooddonations@cityharvest.org**

**fooddrives@cityharvest.org**

## Need more help? Please contact:

### Lisa Sposato

Director, Food Sourcing

**646.412.0751** or **lsposato@cityharvest.org**

### Racine Droz

Associate Director, Food Sourcing & Donor Relations

**646.412.0754** or **rdroz@cityharvest.org**

### Stefanie Zaitz

Senior Manager, Food Sourcing & Donor Relations

**646.412.0789** or **szaitz@cityharvest.org**

### Jenna Harris

Manager, Food Sourcing & Donor Relations

**646.412.0761** or **jharris@cityharvest.org**

### Ruth Lindner

Manager, Food Sourcing & Donor Relations

**646.412.0755** or **rlindner@cityharvest.org**

*For assistance before 9am or after 5pm Monday–Friday,  
please contact a member of Customer Operations at **646.412.0850***

# Good Samaritan Laws

## Federal and New York State Laws to Address Food Donation

### The Bill Emerson Food Donation Act

PUBLIC LAW 104-210—OCT. 1, 1996

110 STAT. 3011

104th Congress

An Act

To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. CONVERSION TO PERMANENT LAW OF MODEL GOOD SAMARITAN FOOD DONATION ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.

(a) Conversion to Permanent Law. — Title IV of the National and Community Service Act of 1990 is amended —

1. by striking the title heading and sections 401 and 403 (42 U.S.C. 12671 and 12673); and

2. in section 402 (42 U.S.C. 12672) —

(A) in the section heading, by striking “model” and inserting “bill emerson”

(B) in subsection (a), by striking “Good Samaritan” and inserting “Bill Emerson Good Samaritan:”

(C) in subsection (b)(7), to read as follows:

“(7) GROSS NEGLIGENCE. — The term ‘gross negligence’ means voluntary and conscious conduct (including a failure to act)

by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.”;

(D) by striking subsection (c) and inserting the following:

“(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.

“(1) LIABILITY OF PERSON OR GLEANER. — A person or gleaner 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 person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

“(2) LIABILITY OF NONPROFIT ORGANIZATION. — 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 fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.

“(3) EXCEPTION. — Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct.”; and

(E) in subsection (f), by adding at the end the following: “Nothing in this section shall be construed to supersede State or local health regulations.”.

(b) TRANSFER TO CHILD NUTRITION ACT OF 1966. — Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) (as amended by subsection (a))

1. is transferred from the National and Community Service Act of 1990 to the Child Nutrition Act of 1966;

2. is redesignated as section 22 of the Child Nutrition Act of 1966; and

3. is added at the end of such Act.

(c) CONFORMING AMENDMENT. — The table of contents for the National and Community Service Act of 1990 is amended by striking the items relating to title IV.

Approved October 1, 1996.

### New York State Law

#### Enacted 1981, Article 4-D, Section 71-2

##### *71-Z Liability for canned, perishable food or farm products distributed free of charge*

1. Notwithstanding any other provision of law, a good faith donor of any canned or perishable food or farm product, apparently for human consumption, to a bona fide charitable or nonprofit organization, for free distribution shall not be subject to criminal penalty or civil damages arising from the condition of the food, if the said donor reasonably inspects the food at the time of donation and finds the food apparently for human consumption and unless the donor has actual or constructive knowledge that the food is adulterated, tainted, contaminated or harmful to the health or well-being of the person consuming said food.
2. The second section includes the good faith donation of canned or perishable food or farm products not readily marketable due to appearance, freshness, grade, surplus or other consideration, but shall not be deemed or construed to restrict the authority of any lawful agency to otherwise regulate or ban the use of such food for human consumption.