

# Food Donor Q & A

## What is City Harvest?

City Harvest is New York's first and largest food rescue organization, helping to feed millions of New Yorkers who struggle to put meals on their tables. This year, we will rescue more than 86 million pounds of fresh, nutritious food and deliver it—free of charge—to 400 food pantries, soup kitchens, community partners and our own Mobile Markets across the five boroughs. By diverting this food from landfills, we will prevent more than 25 million kilograms of CO<sub>2</sub> from entering the atmosphere this year. 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 23 trucks and delivered, free of charge, to 400 soup kitchens, food pantries, and other community food programs, where it is then distributed to New Yorkers in need.

## Who donates to City Harvest?

Nearly 1,600 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! For any businesses affected by the [NYC Commercial Organics Law](#) that went into effect on 7/31/22, City Harvest is a great alternative to costly organic waste pickups. Our services are free of charge and put edible food back into the hands of those that need it most.

## How does it work?

City Harvest will send a truck to pick up donations of at least 100 pounds. Call us to schedule a pickup—if you are able to donate on a consistent basis, we will set up a weekly pickup 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 on page 7 of this packet.

## How can we get started?

It's easy to become a food donor! Call our Food Sourcing team at [646.412.0758](tel: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 9am–5pm. Call us to schedule a pickup at [646.412.0758](tel: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 seafood & frozen or refrigerated meat and poultry
- Dairy products chilled below 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
- Seafood 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 & Dating Conditions	Unacceptable Conditions
 <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> <li>Chopped produce past its <b>use by</b> date</li> </ul>
 <p><b>Non-Perishable Packaged Foods</b></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 and distributor</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Cool, dry, clean area</li> </ul> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li>Up to 6 months past expiration date</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>
 <p><b>Perishable Packaged Foods</b> (not including dairy)</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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>Not frozen:</b> up to 1 week past expiration</li> <li><b>Frozen:</b> up to 6 months past expiration</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>Dairy</b> (not including cheese)</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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li>Up to 5 days <b>prior</b> to expiration 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> <li>Expired product</li> </ul>

# Food Donation Guidelines

Food Product	Packaging	Storage & Dating Conditions	Unacceptable Conditions
 <p><b>Cheese</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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>1-3 days prior</b> to best 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>Expired product</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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li>Up to 1 week past expiration</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>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 lower preferred</li> </ul> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>Frozen meat and poultry</b> up to 6 months past expiration. Must have been frozen prior to expiration date.</li> </ul>	<ul style="list-style-type: none"> <li>Items with freezer burn or discoloration</li> <li>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>Food-grade packaging in direct contact with food</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> </ul> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>Frozen seafood</b> up to 6 months past expiration. Must have been frozen prior to expiration date.</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>
 <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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>Not frozen:</b> up to 1 week past expiration</li> <li><b>Frozen:</b> up to 3 months past expiration</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>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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li><b>Not frozen:</b> up to 2 days after preparation</li> <li><b>Frozen:</b> up to 2 weeks after preparation</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>Baby Food</b></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> <p><b>Acceptable Short Dated Items</b></p> <ul style="list-style-type: none"> <li>Up to 2 weeks <b>prior</b> to expiration or use by date</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> <li><b>We do not accept expired baby food</b></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 by law

**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 page 7 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



# Food Sourcing Contact List

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**Monday-Friday**

9am-5pm

**Telephone:**

**646.412.0758**

**Email:**

[fooddonations@cityharvest.org](mailto:fooddonations@cityharvest.org)

[fooddrives@cityharvest.org](mailto:fooddrives@cityharvest.org)

**Need more help? Please contact:**

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# Good Samaritan Laws

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

### The Bill Emerson Food Donation Act

#### What does the law do?

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 to donors who may cross state lines.

#### Who is protected?

The law protects food donors, including individuals, and nonprofit feeding programs, who act in good faith. While exceptions are made for gross negligence, the law states that test groups will not be subject to civil or criminal liability. More specifically, the law protects individuals, corporations, partnerships, organizations, associations, governmental entities, wholesalers, retailers, restaurateurs, caterers, farmers, gleaners, nonprofit agencies, and more.

#### What sort of food is protected?

The Emerson Act provides protection for food and grocery products that meet all quality and labeling standards imposed by federal, state, and local laws and regulations even though the food may not be "readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions."

**New York State Law**  
Enacted 1981, Article 4-D, Section 71-2

### New York State Law

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

*Section 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, farm product, game or wild game, apparently fit 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 fit 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. Such good-faith donor shall include, but not be limited to, public food service establishments.

2. This 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 considerations, 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.

