



**Department of
Environmental
Conservation**



Starting a Food Donation Program At Your Business

Preparing for the NYS Food Donation & Food Scraps Recycling Law

January 4, 2022

Molly Trembley, P.E.

Organics Reduction and Recycling Section, Division of Materials Management

Webinar Logistics

- All attendees are muted
- Submit questions to the Q&A box
- This webinar will be recorded and shared with webinar attendees and posted online



Overview

- Overview of NYS Food Donation & Food Scraps Recycling law
- Overview of Food Donation & How to Set Up a Program
- Advice from Industry Representatives
 - Stephen Quickenton (Honest Weight Food Co-op)
 - Samantha Pease (Stop & Shop)
- Questions & Answers

Food Donation and Food Scraps Recycling Law

Effective January 1, 2022, businesses that generate an annual average of two tons of wasted food per week or more must...

1. ***donate excess edible food to the maximum extent practicable***; and
2. recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

Exclusions:

- Hospitals
- Nursing Homes
- Adult Care Facilities
- Elementary and secondary schools
- New York City ([local law 146](#))
- Generators serviced by a mixed waste recycler (Delaware County)
- Farms



Designated Food Scraps Generator (DFSG)

- Business or institution that generates ≥ 2 tons per week (annual average) at a single location.
- For multiple small entities (mall or college campus) – depends on who contracts for waste management.

[View list of businesses & institutions required to comply](#)



Adopted Part 350 Regulations

6 NYCRR [Part 350](#) Regulations implement the requirements outlined in the Law for:

- Designated food scraps generators;
- Organics recyclers and transfer facilities;
- Transporters; and
- Solid waste management facilities (landfills and combustors).

***Food safety and animal feeding still regulated by
NYSDOH & NYSDAM***



Department of
Environmental
Conservation

Published on DEC's Website:

- Methodology used to determine covered generators
- List of designated food scraps generators required to donate and/or recycle (updated 12/29/21)
- Waiver Form for generators
- Annual Report Form for generators
- List of food scraps recyclers
- List of food scraps transporters
- Guidance and Tools



Important Guidance and Tools

- [Guidance for NYS Businesses](#) under the Law
- [Organic Resource Locator](#) (mapping tool, hosted at NYSP2I)
- **Donation Hotline** - Feeding NYS **518-930-7000**
- **Funding** - NYSP2I [Reimbursement Program](#) (Equipment and Tech)

For more information: <https://www.dec.ny.gov/chemical/114499.html>



Department of
Environmental
Conservation



Stay updated!

[Sign up to receive announcements](#) on the NYS Food Donation & Food Scraps Recycling law

For general information on the law, visit DEC's webpage:

<https://www.dec.ny.gov/chemical/114499.html>

Questions? Email us at

FoodScrapsLaw@dec.ny.gov



Department of
Environmental
Conservation

Today's Presenters

Jay Hawkins, FNYS Food Rescue Manager
jhawkins@feedingnys.org

Peter Ricardo, Food Bank of Central NY
Donations Manager
pricardo@foodbankcny.org

Featured Guests:

Stephen Quickenton, Director of Operations
Honest Weight Food Coop
Stephenq@honestweight.coop

Samantha Pease, Brand Lead,
Health and Sustainability
Ahold Delhaize USA| Stop & Shop
samantha.pease@aholddelhaizeusa.com



Department of
Environmental
Conservation

Starting a Food Donation Program

How to donate edible foods

1

Presenters

Jay Hawkins, FNYS Food Rescue Manager
jhawkins@feedingnys.org

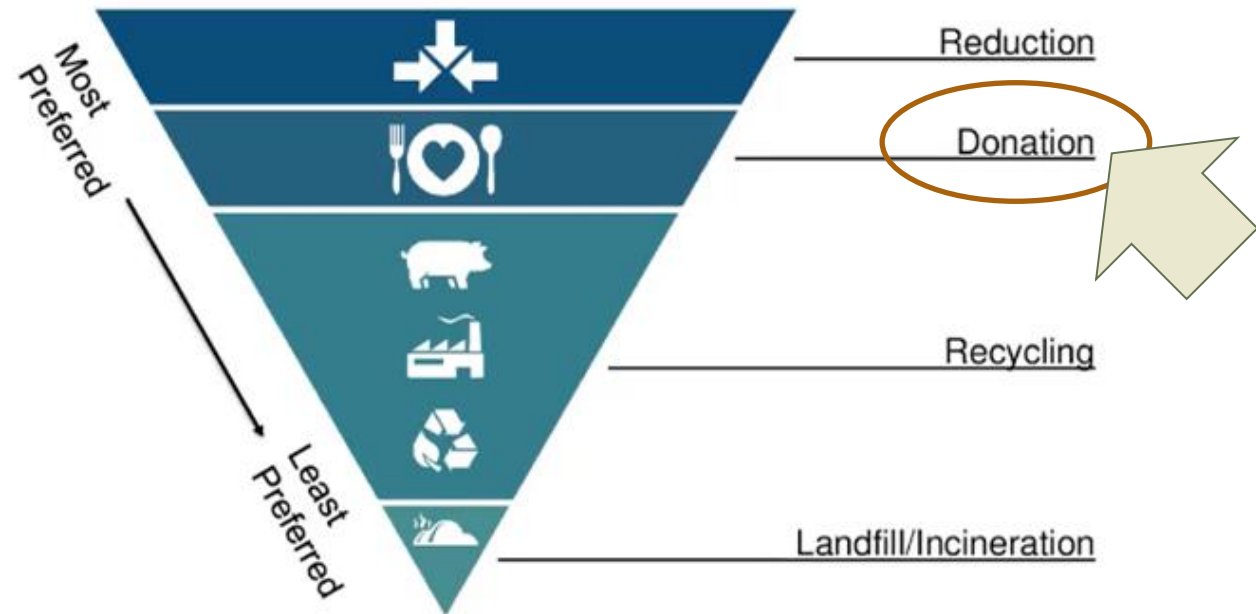
Peter Ricardo, Food Bank of Central NY
Donations Manager
pricardo@foodbankcny.org



Overview

- Donation Process
 - Food Safety
 - Inventory Control
 - Communication
 - Liability Protection
 - Tax Incentives
- Setting Up a Donation Program

Wasted Food Hierarchy



Feeding New York State is here to help!

Feeding New York State in partnership with DEC is helping to implement the Food Donation and Food Scrap Recycling Law for your business.

FNYS call center staff will help

- facilitate connections for food donations
- connection to your local recycler
- provide education sessions to employee teams

Donation Hotline: (518) 930-7000

Feeding New York State

To lead a unified effort for a hunger-free New York State



A team of dedicated staff working to enhance the missions of our ten members across the state

Dan Egan, Executive Director
Kelly Regan, Administrator
Jim Germain, Produce Manager

Kathleen Stress, Research Director
Jay Hawkins, Food Rescue Manager
Jessica Nolie, Administrative Associate

Who should receive food donations?

There are many organizations in NYS that accept & distribute food. It is important to build a network of partners that can accept your surplus food.

Registered 501(c)3 organizations include:

- Food Banks and/or their partner agencies like food pantries, soup kitchens or shelters
- Food Rescue Organizations or Programs that are not affiliated with regional food banks

FOOD BANK

Typically serves multiple counties, maintains a warehouse for food commodities and has a fleet of vehicles for distribution of food. There are 10 FNYS members organizations in New York



FOOD PANTRY or FOOD RESCUE PROGRAM

Distributes food to community members through a pantry, soup kitchen or shelter environment.

There are 4981 food programs in NYS that are partner agencies.

In addition there are food rescue organizations & programs across the state that operate outside of the food bank programs.



Food Bank | Food Rescue Organization

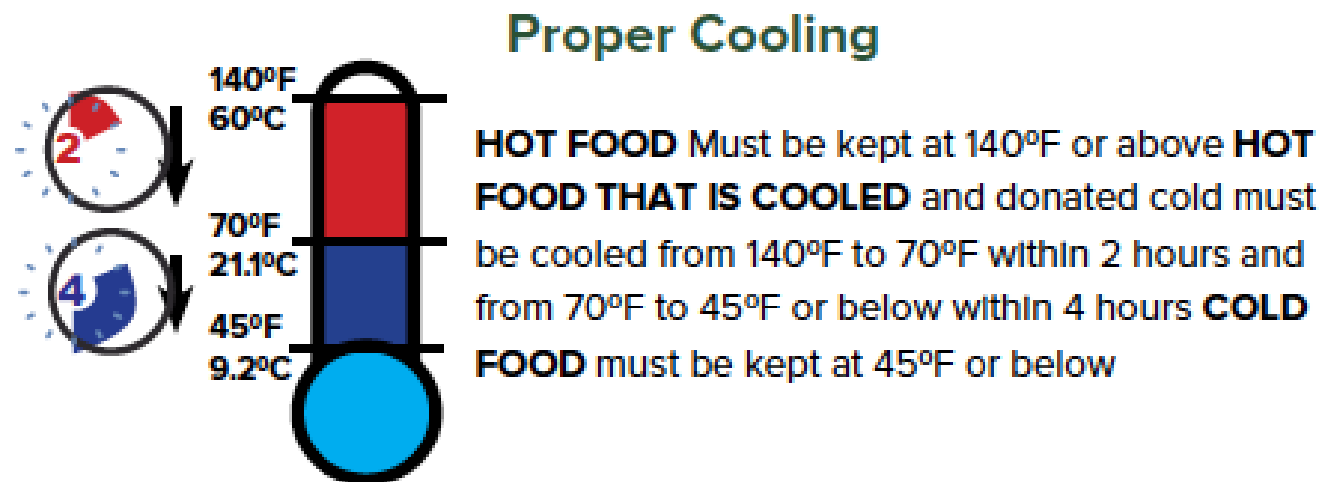
Role

- Food banks & food rescue organizations accept donations all the time, this process will be no different
- Work with food generators to accept donations of edible food
- Assist with training on food safety practices (food donation protocols)
- Report to FNYS the pounds donated by food generators

Food Safety: DO NO HARM

HOW TO DONATE FOOD SAFELY

- Food generator and food bank | program discuss what can be donated and the logistics of the process
- Establish procedures that protect the safety of donated foods
- Businesses can donate packaged, shelf-stable, perishable, non-perishable, and prepared foods that have not been served



Food Donor
must follow
these
guidelines

Cold Chain Management

- Monitored and Documented (work within your county's DOH)
- Time/temperature logs
- Vehicle cleanliness (sanitation, refrigeration)
- Thermometers, coolers, thermal blankets
- Labeled containers (food transport)

Inventory Control

Partners will have to work together to establish a reasonable level to the flow of goods in order:

- to avoid accumulation
- backlog or
- spoilage at the recipients facility

Liability Protections

The federal Bill Emerson Good Samaritan Food Donation Act, as well as New York's Good Samaritan Law, provide liability protection for businesses that donate food in good faith and do not act with gross negligence.

The Emerson Act protects most but not all donations of qualifying food. In order to get protection, the donation must be structured such that:

- 1) The donor donates to a non-profit organization.
- 2) The nonprofit organization that receives the donated food distributes it to needy populations.
- 3) The ultimate recipients do not pay for this donated food.

Tax Incentives

- In addition to helping hungry New Yorkers, businesses can claim general or enhanced federal tax deductions for food donation to a 501(c)(3) not for-profit. ***You should also contact your tax professional to determine applicability.***
- Find more information on these tax opportunities in the [DEC Guidance Document](#).

Some things to know:

- In order to receive the credit, businesses must present a receipt, letter, or other communication from the eligible donation site
- Eligible donation sites are food banks, food pantries, or food rescue organizations

Starting a Food Donation Program

- Call FNYS to be connected with organization
- Initial Visit
- Set Donation Goals: Weekly, Monthly, etc.
- Reporting Requirements
- Follow-Up

Connecting with a Donor

FNYS will connect you with your local food bank, food rescue organization or food program depending on the volume of your food donation.

How is donating beneficial for you?

- Timely removal of non sellable food items
- Efficient use of dock space
- Schedule that is recurring and works for you
- Brand recognition
- Helping your communities that you live in and making a difference

Our goal is to help you build a donor centric program!

Initial Donor Visit

- Set up a meeting with recipient agency (food bank or program or food rescue organization)
- First meeting should include key staff from recipient (foodbank, pantry, meal site, etc) and donor (Store Manager, Restaurant, category leads, etc.)
- Share and discuss donor/recipient best practices

Setting Goals & Reporting Requirements

- After a month (pilot period) of donations the donor & recipient work to set goals.
- Reporting poundage should occur at minimal once a month, as per DEC or organization requirements.
- DEC requires annual reporting on the amount of food donated if you are required to comply with the Food Donation & Food Scraps Recycling law

Follow-Up

- Most food banks visit their donors periodically to go over results and identify potential opportunities.
- Food banks and FNYS will partner with food generator (donor) to provide more training to team leads and associates at manager's discretion.
- Review program performance and check-in regarding concerns, questions, and the need for any re-training.

Advice from Industry Colleagues

Stephen Quickenton

Director of Operations

Honest Weight Food Co-op

Stepheng@honestweight.coop

**Samantha Pease**

Health and Sustainability Manager

Stop & Shop

samantha.pease@aholddelhaizeusa.com



Honest Weight Food Co-op

Member-owned by over 10,000 New York residents! Located in Albany, we are committed to providing affordable, high quality, natural foods to our community.

Triple Bottom Line organization: People Planet Profit. Donate 5% of annual net profits to local non-profits



Types of Food Donated & Partners

- Meat frozen at use by date and picked up by **Regional Food Bank** bi-weekly
- **Food Not Bombs** picks up 6-8 banana boxes once a week
- **Natural Upcycling** hauler for organics. Bins located in Food Service & Produce. Pick ups twice a week.
 - *Year round local farmers take produce organics*
- Edible food in all departments but for some reason unsellable is allowed to be taken by staff and members



**Regional
Food Bank**
OF NORTHEASTERN NEW YORK



RedRobinSong



NaturalUpcycling
CREATING A SUSTAINABLE FUTURE FOR OUR COMMUNITY



Employee Training & Best Practices

- Key to the success of this program is support from employees and front line supervisors (employees want to minimize waste)
- Training to new hires in each department as part of new-hire checklist
- Supervisors review all food deemed waste but edible
 - Review pars and movement to minimize waste
- Scratch kitchen and bakery
 - Focus on training on making the most use out of an item
 - Ex: scallions used for a recipe. Ends go into veggie stock for soup) vs. going into compost



Business Aspect

Donations, composting do not negatively affect profitability

- Departments all have targeted margins, achieve them
- Supervisors review to ensure no abuse of policies



FREE FOOD FRIDGE ALBANY

- Weekly participant
- Donations are fresh product, not food scraps



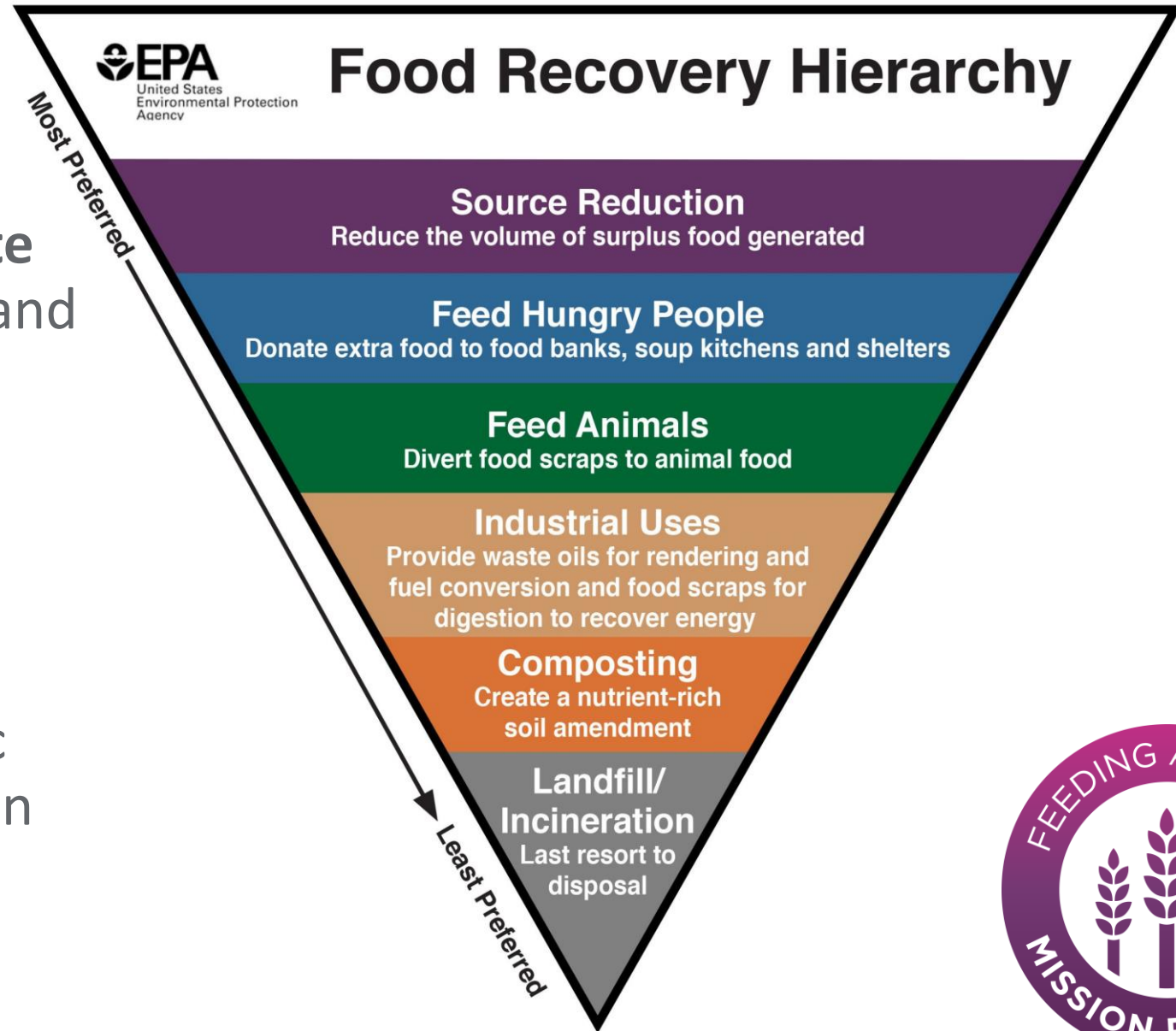


FOOD DONATIONS AT STOP & SHOP



Introduction

- **U.S. Food Loss and Waste Champions:** businesses and organizations that have publicly committed to reducing food waste
- **Feeding America:** the nation's largest domestic hunger-relief organization



What we donate

- Our stores donate unsold foods from all store departments including fresh produce, dairy, eggs, meat, bakery breads, and non-perishable grocery staples directly to local Feeding America affiliated food banks and food pantries
- Always prioritize donating unsalable food if it is safe for consumption
- Anything spoiled, not safe to eat, or otherwise unacceptable by the local agency should be recycled



Frozen, refrigerated, and dry storage space is allocated for staging donations marked with a yellow label.

Tips for Businesses

Best Practices & Recommendations

- Connect with a food donation agency (food pantry, food bank, soup kitchen, shelter, etc.) and align on a donation/pick-up schedule
 - If you partner with multiple agencies, agree on donation schedules with all organizations
- Get a list of acceptable and unacceptable items
 - This will vary by organization and by local boards of health
- Designate storage spaces for frozen, refrigerated, and dry goods
- Train employees - build awareness at every level
- Remember: *what gets measured gets done.*

Contact

Samantha Pease

Health & Sustainability Manager, Stop and Shop

samantha.pease@aholddelhaizeusa.com

Summary

**Feeding NYS is here to answer your questions through the
Donation Hotline: 518.930.7000**

- We will connect you to a food bank or food program
- Food Bank or Program will work with you on food donation standards and arranging food pick-up
- Review the [DEC Guidance for NYS Businesses](#)
 - Food Safety procedures must be followed
 - The law gives you liability protection
 - Tax incentives exist
 - Recordkeeping is important

*Donation is better than recycling!
Recycling is better than dumping!*

**Donating edible food =
feeding people in need +
community benefits to donor
& environment**
(and makes you feel good)



Questions?

Type your questions into the Q&A box

Donation Hotline - 518.930.7000
www.feedingnys.org



For questions about the law, email
FoodScrapsLaw@dec.ny.gov



For more information on the law:
<https://www.dec.ny.gov/chemical/114499.html>