



## **Community Food Rescue – Food Safety Guidelines**

### **Why Participate in Community Food Rescue?**

Food rescue refers to any food enterprise (including grocery stores, wholesalers, distributors, restaurants, caterers, farms and farmer’s markets) that donates and redirects food to people in need preventing it from being discarded into landfills. Fortunately, there are many great efforts to recover food in Montgomery County.

Community Food Rescue (CFR) is a new initiative to develop a coordinated food recovery system throughout Montgomery County, Maryland. This system enhances the good work of businesses, agencies, and organizations that already recover perfectly good food before it is thrown away. Using a systems approach, CFR’s goal is to reduce the amount of food that is still being wasted and redirect it to food assistance providers who serve those in need.

Groups can contribute to CFR’s mission by donating unused food from a grocery store, restaurant or farm, or by volunteering time to transport food from donor site to food distribution agency. Whatever your role, it is important that the CFR system maintains the safety of the food and the health of its consumers. This guide summarizes important food safety guidelines for the CFR donor, transporter and recipient agency.

### **Community Food Rescue – Safe Food Donation**

#### **Liability Protection**

The Bill Emerson [Good Samaritan Act](#) (PUBLIC LAW 104–210—OCT. 1, 1996 110 STAT. 3011), established in 1996, protects businesses and individuals that donate food in good faith from being held liable should someone become sick from consuming donated food. The only exception to the law is in the case of gross negligence or intentional misconduct. This Act also gives uniform minimum federal protection to donors who may cross state lines. The law protects individuals, for-profit and non-profit businesses, and governmental entities.

Even if the food may not be “readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions,” the Federal Act protects food and grocery products as long as they meet all quality and labeling standards imposed by regulations at the federal, state, and local levels.

As a federal statute, The Good Samaritan Act creates a uniform minimum level of protection from liability for donors and gleaners nationwide. In Maryland, the [Maryland Health-General Code Ann §21-322](#), states, “A person [nonprofit corporation, organization, or association], shall have the immunity from liability described under § 5-634 of the Courts and Judicial Proceedings Article for any act or omission that affects the nature, age, condition, or packaging of the donated food.”

#### **What kinds of foods may be donated?**

**Grocery (dry goods, non-perishables)** -- commercially canned, boxed, and otherwise packaged foods such as soups, stews, fruits, vegetables, tuna, peanut butter, sauces, and meals like pasta, rice, macaroni and cheese, etc.

**Required packaging: Foods must be in their intact, original packaging.**

Non-perishable items do not require time/temperature control.

**Bulk foods** – Items that come in volumes or portions larger than those ordinarily considered to be for immediate consumption and may need to be broken down into smaller portions for distribution such as rice, beans, oatmeal, flour, etc.

**Required packaging: Foods must be in their intact, original packaging.**

Bulk foods can only be repackaged in a licensed facility and all smaller portions must be packaged in sanitized or new food grade containers and labeled with: (1) food item including brand name, (2) ingredients in descending order by volume, (3) date of repack, (4) distributor of original product, e.g. name of grocery store).

**Bakery items** – Products such as breads, bagels, cakes, muffins, rolls, etc. that are prepared at a commercial baking establishment and have not been served to the public.

**Required: Bag or carton, securely closed with no rips or tears.**

**Most** bakery items do not require time/temperature control. Exceptions include items filled with perishable foods, e.g. custards or meats.

**Produce – any type of whole fruit or vegetable that is fresh (packaged or loose)** -- Food donations may include fresh produce, including home-grown fruits and vegetables

**Required: Packed in clean bags, boxes, or bins**

Whole (uncut, unpeeled) fruit and vegetables do not require time/temperature control.

**Frozen grocery store or factory prepared foods** – any type of commercially packaged frozen food such as peas, berries, ravioli, waffles, etc.

**Required packaging: Foods must be in their intact, original packaging.**

Frozen products must be maintained at a temperature of 0°F or below. See section entitled, “Transporting Time/Temperature Control for Safety (TCS) Foods”.

**Dairy products (milk, cheese, butter, eggs)** – Commercially packaged milk, cheese, yogurt, ice cream, eggs and egg products, etc.

**Required packaging: Foods must be in their intact, original packaging.**

Dairy products must be maintained at a temperature of 41 °F or below. See section entitled, “Transporting Time/Temperature Control for Safety (TCS) Foods”.

**Pre-packaged food (e.g. salads, entrees)** – Prepared in commercial facility and require refrigeration.

**Required packaging: Foods must be in their intact, original packaging.**

Cold prepackaged products must be maintained at a temperature of 41°F or below. See section entitled, “Transporting Time/Temperature Control for Safety (TCS) Foods.”

**Fresh meat (including seafood)** – Beef, poultry, pork, seafood (excluding live shellfish) and processed items such as sausage or lunch meat that have undergone USDA inspection and approval.

Fresh meat and seafood must be maintained at a temperature of 41°F or below.

**Required packaging: Foods must be in their intact, original packaging. Raw meat must be transported in a separate container from other donated food items.**

Fresh meat/seafood must be maintained at a temperature of 41°F or below. See section entitled, “Transporting Time/Temperature Control for Safety (TCS) Foods”.

### **Game meat**

Deer meat may only be donated if approved by the Maryland Department of Health and Mental Hygiene. A meat cutter approved by the state health agency must process the game meat. The meat needs to be labeled: “Uninspected wild game meat, thoroughly cook to a minimum 165°F internal temperature.”

Livestock, poultry, or rabbits may be donated alive if raised by a member of an approved youth club, such as 4H. All livestock must be processed under USDA authority. A meat cutter approved by the Maryland Department of Agriculture must process the livestock, poultry, or rabbit meat. The meat needs to be labeled with: (1) Name and address of producer, (2) identity of product, (3) Maryland issued number, (4) net weight, (5) “Exempt PL-90-492”, (6) Date of Slaughter and the statement (7) “thoroughly cook to a minimum 165°F internal temperature.”

**Prepared food** -- any type of prepared entrée such as grilled chicken, lasagna, pasta, salad, rice or soup that has been prepared and properly cooled\* at a commercial food service establishment such as a restaurant, cafeteria, or catered event **but has not been served or offered to the public**. Note: Foods prepared in a home kitchen may not be donated. Bread and unwrapped butter pats that have been served to a table but not eaten may not be donated.

**Required packaging: Securely sealed, food grade packaging. Sandwiches wrapped in clear plastic, wrap or foil.**

\*Hot prepared products can ONLY be donated to recipient organizations that:

- are approved by the Montgomery County Department of Health and Human Services (DHHS) Department of Licensure and Regulatory Services to chill food properly.  
OR
- will serve the food within 4 hours of donation.

All other donations of prepared food must be chilled to the proper temperature or frozen at a commercial food establishment before being donated.

Chilled prepared products must be received and maintained at a temperature of 41°F or below. Hot prepared products must be received at a temperature of 135°F or higher and served within 4 hours of donation. See section entitled, “Transporting Time/Temperature Control for Safety (TCS) Foods”.

**All donated prepared food should be labeled with (1) the name of the food, (2) indicate any potential allergens (see below) (3) date prepared, (4) “use by” dates, (5) storage temperature, (6) Instructions to “Reheat quickly to internal temperature of 165°F or above”, (7) donor name and contact information.**

**Food labels must indicate whether the food contains any of the following major allergens or derivatives of the following major allergens:**

- |                        |             |
|------------------------|-------------|
| • milk                 | • tree nuts |
| • egg                  | • wheat     |
| • fish                 | • peanuts   |
| • Crustacean shellfish | • soybean   |

**Sample label:**

**Product name: Meat Sauce**

**Potential allergens: Soybean oil**

**Date prepared: 1/20/15**

**Use by: 1/22/15**

**Safe Storage Temperature: Keep refrigerated at 41°F or below.**

**Reheating/Serving Information: Reheat quickly to internal temperature of 165°F or above.**

**Donated by: Zio's Trattoria, ph: 123-4567**

### **Foods Unsuitable for Donation**

Certain foods are not suitable for donation because of safety concerns. These foods include:

- Alcohol
- Any foods prepared, cooked, cooled or reheated at home including home canned, vacuum-packed or pickled foods.
- Foods previously served to consumers.
- Foods in sharply dented, swollen, bulging, leaking or rusted cans.
- Foods in opened or torn containers exposing the food to potential contamination.
- Unpasteurized milk and milk products.
- Foods with an "off" odor or that show any signs of spoilage (browning, slimy layer, unusual color).
- "Distressed" foods = foods that have been exposed to fire, flooding, excessive heat, smoke, radiation, other environmental contamination.
- Foods designated for discard per regulatory or donor standards.

### **Food Donor Safety Information**

Food donors will need to be prepared, if asked, to provide the agency representative that receives the food the following information, either verbally or in writing:

- Source of the food
- How the food was kept free from contamination during storage, preparation and transport
- How, where, and when the food was prepared
- How the food was maintained at the proper temperature
- If/how long the food was out of temperature control
- Common name of a dry food staple

### **Food Rescue: A Practical Look**

**The following scenarios are meant to illustrate the types of food that can be donated and the time/temperature control guidelines for each:**

CFR Caterers has several hotel pans full of food left over from breakfast service that they would like to donate. They have used the CFR Mobile App to locate an appropriate recipient who will be there to pick up in 30 minutes. They are reviewing their time and temperature log to determine which of the following items are safe to donate:

1. One of the pans is missing a single scoop of scrambled eggs which was served by the catering company staff to a latecomer for breakfast. It has been sitting in a chafing dish with a lit Sterno® and held at a temperature of 140°F for the last 2 hours. Can this food be donated?
  - a. No. Any food that has been offered to the public is unsuitable for donation regardless of time or temperature considerations.

2. A second pan containing sausage links has not been served from at all. It is still covered in saran wrap and aluminum foil. It has been on the serving line for an hour and held at a temperature of 120°F. Can this food be donated?
  - a. No. Hot food must be received at a temperature of 135°F or higher.
3. The hash browns in the third pan never made it out of the kitchen and have been held in a warming oven at 135°F since they were brought to the conference hall 3 hours ago. Can this food be donated?
  - a. Yes. This food can be donated hot if served immediately or if cooled properly by the commercial food service establishment or pre-approved recipient organization. This food should be stored at 41°F or below prior to donation.
4. A basket of bagels was sitting on the table next to the coffee for the entirety of the breakfast service (7a-11a). Some are pre-sliced and others are whole. Can this food be donated?
  - a. No. These bagels have been offered to the public and are not suitable for donation.
5. Several unopened milk cartons were held on ice during the service. Can this food be donated?
  - a. Yes. This milk can be donated as long as it at a temperature of 41°F or lower at the time of donation. The temperature of one container should be taken to ensure proper temperature. Note: if there was no attempt at temperature control (i.e. no ice) the milk must be discarded.
6. A bowl of cut fruit that patrons were serving themselves from. Can this food be donated?
  - a. No. Food that has been offered to the public is not suitable for donation.
7. A bowl of cut fruit that was never served and stored at 40°F all morning. Can this food be donated?
  - a. Yes. As long as it is at proper temperature at the time of donation.
8. A bowl of whole fruit that was never served but sitting out at room temperature for under 4 hours. Can this food be donated?
  - a. Yes. Whole fruit does not require time/temperature considerations for safety.
9. Bowl of cut fruit that was never served but sitting out at room temperature for 4.5 hours. Can this food be donated?
  - a. No. Cold food that has been above 41°F for more than 4 hours must be discarded.

## **Rules and Practices for Ensuring Safe Food Transport**

Safe delivery and service of donated food requires responsible communication among all parties handling the food (donor, transporter and receiving agency), including monitoring and appropriately handling temperature and packaging requirements as well as limiting the time out of temperature controls. With a basic understanding of food safety and good judgment, food donors, transporters and recipients can ensure that donated food is kept safe for consumption.

### **Transporter Personal Hygiene**

- If sick, do not recover food.
- Wear, long pants, clean clothes, and closed-toed non-slip shoes.
- Remove jewelry.
- Pull long hair up and/or wear a hat/hairnet.
- Wear a waterproof bandage if you have a cut.

- Wear single use glove whenever handling food directly.
- Wash hands and exposed arms up to your elbows with warm water and soap before handling food.
- Wash hands again if you do any of the following: use the restroom, smoke, touch your hair, face, clothes or body, handle raw meat or eggs, eat or drink or use cleaning chemicals.
- Do not eat, drink, smoke or chew gum near exposed food.
- Protect food from contamination from sources such as chemicals, staples, insects, water drippage, dirty equipment, etc.
- Keep your vehicle clean of excessive dirt, insects, animals, and any other potential contaminants while transporting food. It is a good idea to have a sheet, tarp or carry-all container that you lay in trunk or back seat before transporting any donated food.

### **Safe Transportation of Donated Food**

- Use safe, nonabsorbent, leak proof pans or reusable containers
- Never put pans containing food on the ground.
- Use thermal bags or coolers (with ice packs for cold foods) to maintain hot or cold temperature of food; **do not mix hot and cold food in the same carrier.**
- Use a clean transport vehicle; food should be isolated and nowhere near cleaning supplies, other chemicals, dirty clothes, trash, etc.
- If ever in doubt about whether these procedures were followed, do not accept the food.

### **Transporting Time/Temperature Control for Safety (TCS) Foods**

- TCS food is food that requires time-temperature control to prevent the growth of microorganisms and, thus, keep it safe for consumption.
- Donations consisting of whole produce, dry grocery items, baked goods and other similar products can be delivered anytime with no requirement for temperature controls or delivery times.
- For TCS foods including frozen foods, hot or cold prepared foods, and fresh meat, seafood and dairy the following considerations must be made:
  - Check temperature when receiving food using a clean and sanitized thermometer. If food is inside the Food Temperature Danger Zone (between 41°F and 135°F) it should not be accepted.
  - TCS foods must not be out of temperature controls for more than a total of 4 hours (including time during cooling, storage, transport and service). Whenever possible, TCS foods should be maintained below 41°F or above 135° while in transport to the venue.
  - Any TCS food out of temperature controls for more than 4 total hours must be discarded. For this reason, food runners should avoid making any non-CFR related stops while on a food run.
  - Hot food must be received by hot meal service or recipient organizations that have been pre-approved to chill food properly. All hot food must be donated at a temperature of 135°F or above and served immediately upon donation. Hot food out of temperature controls for any amount of time under 4 hours must be reheated to 165°F before service. **Discard food if it has been below 135°F for more than 4 hours.**
  - Cold food must be received and held at a temperature of 41°F or below.
  - Track the temperature of TCS foods before and after transportation, and the amount of time between locations. Use the attached ***Food Donation Tracking Form*** to document that proper food handling

procedures were followed at every stage. Completed forms should remain with the food recipient agency in the event that any donated food needs to be traced back through the system.

## **Safely Receiving Donated Food**

When donated food products are delivered to an agency, it is the responsibility of the receiving agency to ensure inspection of every food delivery for general cleanliness, condition of containers, and signs of temperature abuse.

When receiving TCS foods:

- Use a sanitized thermometer to take and record the temperature before storing chilled or frozen food in a proper temperature-controlled space or before preparing donated hot food for immediate consumption.
- Record the weight and types of food brought to the agency and report that data to CFR.

When receiving canned products, always inspect them for the following potential problems:

- Severe dents on the top or bottom rim, or on side seam.
- Swollen or bulging cans
- Rusted cans with pitted surfaces
- Boxes with live or dead insects, webs, or droppings

When receiving boxed or dry goods, always inspect them for the following potential problems:

- Box with inside bag:
  - Bag is torn or leaking
  - Bag has moldy or foreign objects inside
  - Box has live or dead insects, webs, or droppings.
  - Seals are ripped
- Box without inside bag:
  - Box is open or torn.
  - Box has live or dead insects, webs, or droppings.
  - Box is stained or wet

## **Shelf-life of Donated Food**

Much of the food that will be recovered through CFR will be past the date on the package.

According to the U.S. Department of Agriculture, as long as foods are not open and are properly stored, it is safe to eat food after the “best by”, “sell-by” or “use-by” date. Here is a list of common foods and the amount of time past the date on package that they can be safely consumed:

### **Fresh/frozen foods**

- Prepared Tuna Fish, Chicken, Pasta Salad, etc. – 3 to 5 days
- Fresh, uncooked meat – 2 to 5 days
- Milk – 5 to 7 days

- Yogurt – 7 to 10 days
- Deli Meat and Bacon – 2 weeks
- Eggs – 3 to 5 weeks
- Frozen meat – 4 to 8 months from the date it was frozen
- Frozen dinners – 3 to 4 months

### **Dry goods**

- Baking Mixes – 8 months
- Dry Beans and Nuts – 1 year
- Cereal and Crackers – 1 to 2 years
- Uncooked Rice/Pasta – 1 to 2 years
- Canned High-Acid Foods (peaches, tomatoes, juice, etc.) – 12 to 18 months
- Canned Low-Acid Foods (meat and vegetables) – 2 to 3 years
- Food in Glass/Plastic Jars – 2 to 3 years

For information about additional foods you can consult the following resources:

- [USDA Guide to Food Product Dating](#)
- [Guide to Shelf Life of Donated Products – by Greater Pittsburgh Community Food Bank](#)

Food dating guidelines can be confusing and it is important that the end consumer be provided with clear information regarding the safety of the foods provided by your agency. Consider creating easy to read food safety information regarding shelf-life for your service recipients, such as the example below:

*Food manufacturers use different dating systems to ensure that a product is received at peak quality. Once a product is past the date on package, many manufacturers donate the item. Some of the food you receive from CFR members may be past the “use-by” or “sell-by” date. **It is still safe to eat.***

*CFR follows national safety standards. Although we carefully check food before it is given to you, **if you think any food is spoiled – rotten, or bad – please don’t eat it.** Throw it away.*

*When you get home, please follow these food storage guidelines to keep food safe until you eat it:*

### **Proper Food Storage**

- *Cold and frozen food needs to be put in the refrigerator or freezer as soon as possible so that it doesn’t spoil or defrost. You should go straight home after you pick up your food. If it is hot outside you can wrap your food in blankets or towels to help keep it cold until you get home.*
- *When you get home, items such as: milk, yogurt, juice, prepared foods, eggs and cheese go in the refrigerator. Items such as frozen dinners, ice cream and frozen vegetables go in the freezer.*

- *Bread you will not eat within 2 days can be tightly wrapped and stored in the freezer for up to 3 months.*
- *FRESH meat, fish or poultry should be cooked or frozen on the day you receive it.*
- *FROZEN meats can be kept frozen for up to 4 months prior to thawing and cooking.*

Donors, volunteers, and emergency food providers: thank you for doing your part to make Community Food Rescue safe and successful. If you have questions about the food safety practices encouraged by Community Food Rescue and the guidelines presented here, please contact:

**Montgomery County Department of Health and Human Services**

**[Office of Licensure and Regulatory Services](#)**

**Ph: 240-777-3986**

**Community Food Rescue**

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# Community Food Rescue – Food Donation Tracking Form