

# NEW EDIBLE FOOD RECOVERY REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

## What is edible food recovery?

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Senate Bill (SB) 1383 set statewide goals to increase the amount of edible food recovered to feed people in need and reduce the amount of edible food discarded in landfills. Edible food means food intended for people to consume, including food not sold because of appearance, age, freshness, grade, surplus, etc. Edible food includes, but is not limited to, prepared foods, packaged foods and produce. Certain types of food businesses, known as commercial edible food generators, are now required to donate the maximum amount of their excess, unsold edible food to food recovery organizations and will be inspected by their local jurisdictions to verify compliance. Please visit CalRecycle's Food Recovery webpage to learn more about SB 1383 requirements: [calrecycle.ca.gov/organics/slcp/foodrecovery/](https://calrecycle.ca.gov/organics/slcp/foodrecovery/).

## When do the requirements take effect?

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The law places commercial edible food generators into two tiers to phase in the new edible food recovery requirements. Requirements for tier one commercial edible food generators went into effect in January 2022, and local jurisdictions have started conducting inspections with a focus on education. Tier two commercial edible food generators will be required to comply beginning in 2024. Please visit CalRecycle's Food Donors webpage to learn more about which types of businesses fall under each tier: [calrecycle.ca.gov/organics/slcp/foodrecovery/donors/](https://calrecycle.ca.gov/organics/slcp/foodrecovery/donors/).

## What is my business required to do?

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If your business meets the definition of a commercial edible food generator, you must:

1. Donate all excess, unsold edible food that would otherwise be disposed and not intentionally spoil or discard edible food that can be donated. Donations must meet the food safety requirements of the California Retail Food Code; please visit the California Department of Public Health's webpage for more information about retail food safety requirements: [cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/RetailFoodProgram.aspx](https://cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/RetailFoodProgram.aspx)
2. Maintain a written agreement with all food recovery organizations/services that pick up or receive your edible food donations, including their names, addresses, and contact information.
3. Maintain records of the pounds of food recovered per month, types of foods recovered, and frequency of recovery.

## What if my business has no excess, unsold edible food?

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If your business always sells all edible food in your inventory and does not have any excess left to donate, you are not required to maintain the records described in points two and three above. However, your business will still be subject to inspection by your local jurisdiction as a commercial edible food generator. Upon inspection, your local jurisdiction may ask you to provide supporting documentation, such as proof of sale, and will note that your business sells all edible food with no excess to be recovered.

## What about food that cannot be donated?

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Excess, unsold edible food that does not meet the food safety requirements of the California Retail Food Code and cannot be donated for human consumption may be eligible for diversion to animal feed if it is safe and suitable for animals to consume. To divert human food to animal feed, you must obtain a commercial feed license from the California Department of Food and Agriculture (CDFA). Please visit CDFA's Human Food Waste Diversion webpage for more information: [cdfa.ca.gov/is/ffldrs/SAFE\\_HumanFoodWasteDiversion.html](https://cdfa.ca.gov/is/ffldrs/SAFE_HumanFoodWasteDiversion.html).



**CDFA Commercial Feed Regulatory Program**

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Web: [cdfa.ca.gov/is/ffldrs/CommercialFeedReg.html](https://cdfa.ca.gov/is/ffldrs/CommercialFeedReg.html)