



Food Donation Guide



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Food Donation Guide

So, you have some extra food that you can't sell, and it would go bad before you could. What do you do? Follow the steps below to find the best place for the product:

Step 1: Gain approval and direction for disposal:

Make sure that either the product belongs to your company or you have the product owner's approval to make the donation. If the product owner is concerned about liability, please refer them to the Emerson Act information provided in Appendix B.

Step 2: Develop your list of contacts for donation:

The following sites contain tools that allow users to search for food banks, pantries, soup kitchens and shelters that may be interested in accepting wholesome, excess food donations:

- a) Feeding America's [Find Your Local Foodbank](#) has a map of Feeding America member food banks. Food banks might have minimum donation size requirements for pick up.
- b) [Food Pantries](#) allows you to search food banks, pantries, soup kitchens and shelters. After choosing a state, you'll be directed to a new page that has an option on the right-hand side to search for places closest to the address and city you provide.
- c) [AmpleHarvest.org](#) allows you to search food pantries by zip code and shows the search results on an interactive map.
- d) [Homelessshelterdirectory.org](#) allows you to search homeless shelters and services by city.
- e) [Find a Food Pantry](#) allows you to search food pantries by zip code or address.
- f) Another good service to use is <http://www.foodcowboy.com/>

Step 3: Establish a relationship with the potential donation sites

- 1) **Once you have found a local food bank or pantry**, keep in mind that small food pantries may not have resources to take large donations, and conversely a large food bank may not accept donations of only a box or two. Fill out the contact information sheet in Appendix A as well as the particulars for donation, ie: min/max, hours of operation, temperature zones able to handle/not handle.
- 2) **Arranging transportation:** do you have your own transport? Some food banks might be able to pick up the food, or it can be done via charity shipment on:
 - a. DAT.com
 - b. [freight-match.com](#)
 - c. truckstop.com
- 3) Or, for smaller donations, **post product** description and amount on website (if applicable):
 - a. Food Cowboy
 - b. Spoiler alert
 - c. 412 (only in Pittsburg)
 - d. Is Uber an option?

Step 4: Document the donation

- 1) Amount of product in weight and dollar terms
- 2) Amount of services rendered in time and dollar terms
- 3) Promote each donation once a month in newsletter
- 4) Share with GCCA to add to industry totals

Appendix A: Food Donation Contact Information

Food Bank : Accepts larger donations (minimum of 1 pallet)

Food Bank Name: _____ Contact: _____
Address: _____ Phone Number: _____
Hours: _____ Donation Size: Min _____ Max : _____
Product Accepts: _____ Doesn't Accept: _____
Temp zones can : _____ Temp Zones Cannot : _____
Notes: _____

Pantry: Accepts medium donations (maximum 1 pallet)

Pantry Name: _____ Contact: _____
Address: _____ Phone Number: _____
Hours: _____ Donation Size: Min _____ Max : _____
Product Accepts: _____ Doesn't Accept: _____
Temp zones can : _____ Temp Zones Cannot : _____
Notes: _____

Kitchen: Accepts smaller donations (maximum 20 boxes)

Pantry Name: _____ Contact: _____
Address: _____ Phone Number: _____
Hours: _____ Donation Size: Min _____ Max : _____
Product Accepts: _____ Doesn't Accept: _____
Temp zones can : _____ Temp Zones Cannot : _____
Notes: _____

Compost:

Name: _____ Contact: _____
Address: _____ Phone Number: _____
Hours: _____ Donation Size: Min _____ Max : _____
Product Accepts: _____ Doesn't Accept: _____
Notes: _____

Farm/Feed Lot

Name: _____ Contact: _____
Address: _____ Phone Number: _____

Hours: _____ Donation Size: Min _____ Max : _____
Product Accepts: _____ Doesn't Accept: _____
Notes: _____

Instructions:

1. Find local food bank, pantry, kitchen, compost, and/or farm/feed lot information. Fill in this form to the best of your ability.
2. Once you have filled it out, delete these instructions (this red text), print the form, and display it in a readily accessible location.
3. Be sure to periodically review the form for any updates to be made, and change out the printed form as needed.

Appendix B: Liability and the Emerson Act

DATE

Dear **CUSTOMER/PRODUCT OWNER,**

Here, you will find information concerning the Emerson Act. The Emerson Act is a federal law that protects food donor and recipient agencies from liability, if the donation/receipt was made in good faith. In simple terms, *you and your customer are not legally liable for donated food.*

Each year, 14 billion pounds of food are sent to landfills. Meanwhile, nearly 30 million Americans, including 12 million children, are at risk of hunger. Potential donors most often cite fear of liability as one of the primary the reasons they refuse to donate to feeding programs. The Federal Bill Emerson Good Samaritan Food Donation Act is intended to address this issue.

Before passage of the national law, all 50 states and the District of Columbia had adopted laws protecting donors. Nevertheless, differences in language and applicability between states often discouraged national and regional companies from donating food they had in excess. The Emerson Act protects the donor and the recipient agencies against liability, excepting only gross negligence and/or intentional misconduct. Following suit, each state has passed Good Samaritan Laws that provide liability protection to good faith donors.

With comprehensive state and national laws in place, regional and national donors have the uniform language that protects them from civil and criminal liability.

Thanks to this law, you have the opportunity to donate otherwise wasted product to food banks, food pantries, kitchens, and shelters across the nation. In doing so, you will be contributing to the fight against food loss, waste, and insecurity in the United States, and we strongly encourage you to do so.



For additional information on the law, including a comprehensive version of the Act itself, please see the next page.

Sincerely,

NAME

STREET ADDRESS

CITY, STATE ZIP CODE

The Bill Emerson Good Samaritan Food Donation Act
(<https://www.gpo.gov/fdsys/pkg/PLAW-104publ210/pdf/PLAW-104publ210.pdf>)

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 supercede 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.