



Limited Service Charitable Feeding Operations

Assembly Bill (AB) 2178 for Limited Service Charitable Feeding Organizations (LSCFO) became law on January 1, 2019. This section is intended to provide context for what the law is and why it was created. Non-profit agencies are encouraged to contact the San Francisco Department of Public Health for additional guidance.

Within the past few years, three state bills were enacted to reduce greenhouse gas emissions and encourage the donation of surplus food:

- Senate Bill 1383 was passed in 2016 and requires a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level. It also requires that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025. By January 1, 2022, the state may begin enforcing this new law.
- Assembly Bill 1826 requires that by January 1, 2019, businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services, including food donations.
- Assembly Bill 1219, more commonly known as the “California Good Samaritan Food Donation Act” (enacted in 2018) was created as a response to the above recycling laws. AB 1219 provides liability protection to persons or gleaners that donate food that is past the date on the label. It also encourages food facilities to donate food directly to end recipients for consumption.

In addition, there has been an increase in the number of food insecure people who may not know where their next meal is coming from. It became apparent after the passage of AB 1219 that there was a significant lack of infrastructure to re-serve donated foods, as these locations were subject to a full environmental health permit.

Due to the foreseeable increases in donations of surplus food as a result of these laws, the California Conference of Directors of Environmental Health (CCDEH) and California Association of Environmental Health Administrators (CAEHA) developed AB 2178 with the support of Assembly member Monique Limon’s office.

Prior to the passage of AB 2178, laws for LSCFOs required that these organizations apply for a full environmental health permit, pay annual fees, and build their kitchens to the same standard as a restaurant commercial kitchen.

AB 2178 instead allows these organizations to register and abide by the best management practices (BMPs) of their major food bank partner (if they have one) or that of the local environmental health department in lieu of an operating permit. The goal is to safely utilize the existing infrastructure by limiting the type of food preparation and serving that can occur at a building that does not have a commercial kitchen but would be safe to prepare and serve the foods in a limited fashion. This can include a location that re-serves food donated from grocery store, restaurant or other commercial

kitchen. The LSCFO tier provides a reasonable set of guidelines that will allow more locations, without a commercial kitchen, to become registered feeding sites. As a result, we will see increased access to people who are food insecure. Some variations in implementation may occur by jurisdiction to address local needs, but significant effort has been made to ensure as much consistency as possible across the state.

Why is this important?

Environmental health departments are responsible for protecting the food supply throughout the state. This is done every day through education and inspections of businesses and organizations that prepare food. Whether the food is given away or sold to the public, everyone has the right to food that is prepared in a safe environment, free from adulteration and honestly presented. This basic premise applies to everybody regardless of your economic status. Protecting the food supply is a full-time job and great pride is taken to ensure the delivery of safe food throughout the state. Despite these efforts, foodborne illnesses continue to occur.

Foodborne Illness – The Basics

Foodborne illness is caused by consuming contaminated food or beverages. Some people are more susceptible to becoming violently ill than others due to their weakened immune systems. These people include infants/preschool children, the elderly, pregnant women and people with compromised immune systems such as people with HIV/AIDS, cancer and diabetes, patients undergoing chemotherapy and transplant patients.

The primary symptoms of foodborne illness are vomiting and diarrhea. These symptoms are usually in conjunction with, but not limited to, nausea, fever, chills, abdominal cramps, headache and fatigue. Some foods can cause severe allergic reactions such as numbness and tingling in the mouth or paralysis.

Recent estimates from the Centers for Disease Control and Prevention (CDC) show that as many as 48 million people in the United States get food poisoning every year from different sources of food, resulting in 3,000 deaths and requiring 128,000 hospitalizations. However, many cases of foodborne illness still go unreported which means local environmental health departments can't access important information in response to a potential outbreak.

The CDC identified the top 5 risk factors that contribute to foodborne illness outbreaks:

- 1) Improper hot/cold holding temperatures of potentially hazardous foods
- 2) Improper cooking temperatures
- 3) Contaminated utensils and equipment
- 4) Poor employee health and hygiene
- 5) Food from unsafe sources

What is being done?

Environmental health departments work to control these risk factors through the education of food handlers and inspection of food operations. By following the best management practices (BMPs) for LSCFOs, food can be safely recovered, prepared and served to the public in more locations and can support various efforts to bring food to people who need it the most with a focus on food safety.