

California's Short-Lived Climate Pollutant Reduction Law SB 1383 for Commercial Edible Food Generators

SB 1383 (Short-Lived Climate Pollutant Reduction law) went into effect in 2022 and affects all Californians. The law addresses "short-lived climate pollutants" or the greenhouse gases caused when food is sent to landfills instead of compost. The law requires that everyone – residents, businesses and schools – keep compostable waste out of our landfills.

In addition to requirements for recycling and compost service, California State Law SB 1383 requires certain edible food generators to donate surplus edible food. These generators are grouped into categories of Tier 1 and Tier 2. Generators in Tier 1 and Tier 2 required to donate are listed below:

Tier 1 Generators – Must be compliant by Jan 1, 2022

- Supermarkets
- Grocery stores (larger than 10,000 sq ft)
- Contracted food service providers
- Food distributors
- Wholesale food vendors

Tier 2 Generators – Must be compliant by Jan 1, 2024

- Restaurants with 250+ seats or a total facility size of 5,000 sq ft or more
- Hotels with an on-site food facility and 200+ rooms
- Health facilities with an on-site food facility and 100+ beds
- Large venues that annually seat or serve an average of 2,000+ individuals per day of operation
- Large events that serve an average of 2,000+ individuals per day of operation
- State agencies with a cafeteria with 250+ seats, or a total cafeteria size of 5,000 sq ft or more
- Local education agencies with an on-site food facility



How to Comply with Edible Food Recovery Requirements

In addition to the waste regulations required for all businesses other regulations related to food recovery include:

- A contract / written agreement must be maintained with food recovery service(s) or organization(s) to pick up or receive edible food.
- Large venues or large event operators that do not provide food services, but allow for food to be provided, shall require food facilities operating on site to comply with the above organics diversion and food recovery requirements.
- Generators shall not intentionally spoil food that can be recovered.
- A record must also be kept of the types of food being donated, pounds donated per month, frequency of donations, and contact information of the contracted food recovery service(s) and/or organization(s).



SB 1383 Food Recovery

Waivers

If you feel that you need an exemption from some or all requirements, you may be able to request a waiver. Waivers for having recycling and compost service will be managed through your hauler. To find out who your hauler is and to get their contact information, visit ZeroWasteMarin.org/Hauler

Enforcement & Compliance

Non-compliance with any of the requirements may result in enforcement action, including the issuance of monetary penalties. Penalty amounts may vary depending on the jurisdiction and extent of non-compliance.

Legal Protections

Thanks to the federal Bill Emerson Good Samaritan Food Donation Act, all donors are protected from criminal and civil liability when food such as shelf-stable items, prepared foods, produce, beverages, and other food items are donated in good faith, using safe food handling procedures, to a nonprofit or charitable organization.

Note that California has expanded these liability protections to cover donations to individuals under the California Good Samaritan Food Donation Act (AB 1219). However, if you are governed by federal rulemaking (such as a school complying with the National School Lunch Program guidelines), you might need to follow the federal guidance and donate only to nonprofits or charitable organizations.

Safe Food Handling

Safe food handling procedures for food to be donated are the same as for any other food prepared at your facility.

Preparing Foods for Donation

- Donate only foods that were not served, such as hot trays that remained in the back of the house. Food that has been served to a consumer cannot be donated.
- Use sanitary, food-grade containers to protect foods from potential contamination.
- Hot foods must be held at 135°F or above, cold foods at 41°F or below, and frozen foods at 0°F through pickup and drop-off.

Transporting Donated Foods

Transport vehicles must be clean and free of vermin to protect foods from potential contamination.



Getting Started with Food Recovery



Assess your surplus edible food.

Determine the amount, types and timing of surplus edible food that your organization is currently composting or discarding. The goal is to recover the maximum amount possible of surplus edible food generated.



Find a food recovery partner.

Work with one or more local food recovery organizations that are a good match for you. Consider the types and amounts of food available, their requirements for packaging and storage and which organization would transport the food.

 Find a list of Food Recovery Organizations at ZeroWasteMarin.org/FRO



Establish a donation process and agree in writing.

Have a written contract or procedure with your food recovery partners.

 See the Model Food Recovery Agreement on the CalRecycle website.



Track donations and keep records.

Surplus food generators must track and maintain records of food recovered each month including type, frequency of collection and amounts in pounds.

Why Compost?

When food scraps and other organic matter go to the landfill, the rotting process releases methane, a powerful greenhouse gas pollutant that contributes to climate change. Landfills are the third largest source of human-caused methane in the United States. To respond to the climate crisis, California is implementing statewide organic waste recycling and surplus food recovery. California SB 1383 has two main goals:

- Reduce the disposal of compostable waste to landfills by 75% by 2025.
- Recover at least 20% of edible food currently disposed of in landfills by 2025.

This law is a win-win. By reducing food waste in all its forms, from the farm to the store to the table, we can feed more Californians and help the environment.



Fight Climate Change!

The warming climate has led to more intense and prolonged droughts, more dangerous storms, rising sea levels, and more damaging wildfires, among other effects. We need to limit this warming and take every action we can. Keeping organic materials out of the landfill is an important action in the fight against climate change.



Feed People!

An important part of SB 1383 requires that by 2025 California will recover 20 percent of edible food that would otherwise be sent to landfills, in order to feed people in need. Businesses and non-profits will work to direct surplus food still safe for people to eat to go to food banks, soup kitchens, and other food recovery organizations and services to help feed Californians in need.

