



Food Safety Standard

Version 1
November 2012

This comprehensive guide will serve as the Rhode Island Community Food Bank's Food Safety Standard for Member Agencies. It will be provided to all members and Food Bank staff for reference in the areas of safe food storage, food handling, soliciting donations, receiving donations, handling food recalls, and record keeping. Each category will include a breakout section "What does this mean for my Agency?" that will summarize the key points.

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Introduction

This Food Safety Standard has been developed to provide a clear understanding of food safety requirements for Member Agencies. Much of the information can also be found in the Food Bank's Member Agency Agreement and the Member Agency Handbook. Hopefully, this document will clarify the Food Bank's food safety expectations and provide more information on some of the State and Federal regulations that inform our expectations.

As we all know, Food Safety is critical to the work that we do. We must be certain that we are handling product properly and providing safe and healthy food to people who need it. In this document, we provide information directly from Feeding America, State and Federal sources as well as our own Basic Agreement.

Where do we get our food safety practices?

It is important to understand that the food safety practices and requirements come from regulatory agencies including the Rhode Island Department of Health, the USDA and FDA as well as the Food Bank's National affiliate Feeding America. The Food Bank is required to ensure that our network is maintaining safe food handling practices.

FDA Food Code

The U.S. Food and Drug Administration (FDA) publishes the Food Code, which is a model that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry. Local, state, tribal and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy¹.

Department of Health RI Food Code

The State of Rhode Island has its own Food Code that outlines the State's rules and regulations. The Food Code is published by the Rhode Island Department of Health, Office of Food Protection. The most recent version of the Food Code is October 2007. The Food Code addresses controls for risk factors and establishes public health interventions to protect consumer health.²

Feeding America

According to their website, food safety is Feeding America's top priority. Feeding America has established food safety standards that all Food Banks must follow and agree to enforce among their member agencies.

USDA and FDA website recommendations

Both the USDA and FDA have food safety recommendations and practices on their websites.

Who can receive donations?

Before we look at specific Food Safety Handling Practices, it is important to know who can receive the food donations in the first place. The IRS Code 170(e)(3) specifies who can receive donated products

¹ <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/default.htm>

² RI Food Code Page ii

and how they can be used. In order for a donor to receive a tax deduction, donations must be given to qualified organizations only. For these reasons Member Agencies receiving donated products must be:

1. federally exempt 501(c)(3) organizations,
2. wholly owned by a 501(c)(3), or
3. a 501(c)(3) equivalent (churches).³

What does this mean for my agency?

To qualify as an agency that can receive donated products, the organization must be a 501(C)(3) or operate under the umbrella of a 501(C)(3) or equivalent, such as a church. The Food Bank cannot distribute donated product to any other organizations.

When can donors take a tax deduction?

The IRS outlines clear instructions for a tax deductible donation. IRS Code 170(e)(3): defines the tax deduction that donors are eligible to receive only if the donation:

1. is used according to the regulations,
2. defines the organizations eligible to receive those donations, and
3. defines allowable uses of those donations⁴.

Special rules apply to certain donations of food inventory to a qualified organization. The IRS will only accept tax deductions if these rules apply **and all** of the following conditions are met.

- a. Contributions of apparently wholesome food from a trade or business: apparently wholesome food is food intended for human consumption that meets all quality and labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.
- b. The food is to be used only for the care of the ill, the needy, or infants.
- c. The use of the food is related to the organization's exempt purpose or function.
- d. The organization does not transfer the food for money, other property, or services.
- e. The organization provides a written statement to the donor, stating it will comply with requirements.
- f. The organization is not a private non-operating foundation.
- g. The food satisfies any applicable requirements of the RI Food Code and when indicated, the Federal Food, Drug, and Cosmetic Act and regulations on the date of transfer and for the previous 180 days.

³ 2010 Feeding America | IRS Code 170(e)(3) Interpretive Guide | created 11.09.10 Capability Development Page 6

⁴ 2010 Feeding America | IRS Code 170(e)(3) Interpretive Guide | created 11.09.10 Capability Development Page 3

What does this mean for my agency?

In order for donations to be considered tax deductible and for the network to be in compliance with Feeding America, each of the key points below must be followed:

1. Food may only be used for distribution to the needy. It may not be used for fundraising dinners, to pay volunteers or in exchange for services or other property.
2. Agencies may not charge for food or ask for donations in exchange for food.
3. Food may not be given out in exchange for services and may not be used to reward volunteers.
4. Any financial donations to the agency to support its operation may not be collected from clients at the point of distribution.

The Bill Emerson Good Samaritan Food Donation Act: When is a food donor protected?

The Bill Emerson Good Samaritan Food Donation Act promotes food recovery by limiting the liability of donors to instances of gross negligence or intentional misconduct. The Act is designed to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens, and churches for distribution to needy individuals. The Act further states: absent gross negligence or intentional misconduct, persons, gleaners, and nonprofit organizations shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of **apparently wholesome food or apparently fit grocery products received as donations.**

It also establishes basic nationwide uniform definitions pertaining to donation and distribution of nutritious foods and will help assure that donated foods meet all quality and labeling standards of Federal, State, and local laws and regulations.

Although the Bill Emerson Good Samaritan Food Donation Act takes precedence over the various State forms of Good Samaritan statutes, it may not entirely replace such statutes. As a Federal statute, The Emerson Act creates a uniform minimum level of protection from liability for donors and gleaners nationwide. But State Good Samaritan statutes still may provide protection for donors and gleaners above and beyond that guaranteed in the Federal statute. Therefore, local organizations should be familiar with such State statutes. In addition, the Emerson Act does not alter or interfere with State or local health regulations or workers' compensation laws. Local organizations in each State should also be familiar with the impact upon food recovery projects of State or local health regulations and workers' compensation laws⁵

Liability for Damages from Donated Food and Grocery Products

According to the Act, 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, except that this paragraph shall not apply to an injury to or death of an ultimate user

⁵ <http://www.usda.gov/news/pubs/gleaning/seven.htm>

or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

Collection or Gleaning of Donations

A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

Partial Compliance

If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and grocery products shall not be subject to civil or criminal liability if the nonprofit organization that receives the donated food or grocery products:

- a. is informed by the donor of the distressed or defective condition of the donated food or grocery products;
- b. agrees to recondition the donated food or grocery products to comply with all the quality and labeling standards prior to distribution; and
- c. is knowledgeable of the standards to properly recondition the donated food or grocery product⁶.

What does this mean for my agency?

The Bill Emerson Good Samaritan Food Donation Act protects a donor who donates “apparently wholesome food” in “good faith” but does not protect the donor if there is gross negligence or intentional misconduct. Bill Emerson does not protect the donor if the donations were knowingly handled improperly. It is important to maintain proper food handling practices to come under the protection of the Bill Emerson Good Samaritan Food Donation Act.

Food Business License Requirements and Food Safety Certification

Restaurant and Food Licenses

The Department of Health protects public health and prevent foodborne illness by assuring the quality of the food supply in Rhode Island through their licensing, inspection, and food safety manager certification standards. Licenses are required for individuals and organizations, such as restaurants, caterers, and non-profit organizations, which are involved in the production, distribution, and sale of food.

All licensees must report any changes in contact information to the Office of Food Protection within ten days⁷.

⁶ <http://www.usda.gov/news/pubs/gleaning/appc.htm>

⁷ <http://www.health.ri.gov/licenses/food/>

Food establishments

A food establishment is an operation that stores, prepares, packages, serves, or otherwise provides food for human consumption, including one that provides food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders, restaurant takeout orders, or delivery service that is provided by common carriers⁸. A person may not operate a food establishment without a valid permit to operate issued by the Department of Health⁹.

For the purposes of this guide, we will also include all Food Bank Member Agencies in this category and consider them food service establishments.

Food Safety Certification

Food establishments must employ at least one full-time, on-site, food safety manager if potentially hazardous foods are prepared. Establishments with ten or more full-time employees directly involved in food preparation must employ at least two full-time, on-site, food safety managers. Establishments that primarily serve the elderly or individuals with diminished immune systems shall have a manager certified in food safety present during preparation of all hot, potentially-hazardous foods.

If a manager certified in food safety terminates employment, establishments shall have sixty (60) days to employ a new certified food safety manager or have an existing employee enroll in a food safety manager certification program (this time period may be extended by the Office of Food Protection).

Certificates for food safety managers must be prominently posted in the establishment next to the license to operate (and removed if an individual is no longer employed there). Only certified people may use the title "Manager Certified in Food Safety", or in any way represent themselves as such.

Food safety manager certification must be renewed every three years, after completing the required six-hour refresher course. The Office of Food Protection will send the renewal notices in advance, with instructions as to how to renew your certification on-line. If a food safety manager certification is expired for more than six months, the individual must retake the full course and pass the exam before the certification can be renewed¹⁰.

What does this mean for my agency?

1. Because we consider all Food Bank Member Agencies to be Food Establishments, they must obtain a Food Business License from the Department of Health. Holding a license indicates that an agency is taking responsibility for distributing food to consumers/clients in a safe manner.
2. All Food Bank Member Agencies must have at least one person per agency program who is a Certified Manager in Food Safety. Having a certified person ensures that the agency has the knowledge to maintain food safe distribution practices.

⁸ <http://www.gchd.org/ech/foodestab.htm>

⁹ Section 8-301.11 of RI Food Code

¹⁰ <http://www.health.ri.gov/foodprotection/for/foodsafetymanagers/index.php>

Food Sourcing

What is an acceptable food source?

An acceptable food source is one that complies with food safety regulations and follows proper food handling practices. A proper food source must be able to identify where product was picked up or received and must follow all proper cold storage handling for frozen or refrigerated food. Also product must have proper food labels, consumer warnings and dates that are not concealed or altered.

Discarding Unsafe, Adulterated, or Contaminated Food

According to the Rhode Island Food Code, food sources must comply with the Food Code. Food that is unsafe, adulterated, or not honestly presented shall be discarded. Food that is not from an acceptable source shall be discarded. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded shall also be discarded. Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded¹¹.

If necessary to protect against public health hazards or nuisances, the Department of Health may impose specific requirements in addition to the requirements contained in the RI Food Code. Additionally, the Department of Health shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder and a copy shall be maintained in the Department of Health's file for the food establishment¹².

Public Health Protection

The Department of Health is responsible for applying this code state wide. According to the RI Food Code, the Department of Health shall apply this Code to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer¹³.

What does this mean for my Agency?

Food that is accepted for distribution must have been handled properly and Member Agencies may only accept food donations from Acceptable Sources as defined in this document. Product must have the proper labeling and have been handled according to proper temperature controls.

1. Frozen and refrigerated foods must have been held at the proper temperatures.
2. Food prepared in a private home may *not* be used or distributed by a member agency.

¹¹ Section 3-701.11 of RI Food Code

¹² Section 8-102.10 of RI Food Code

¹³ Section 8-101.10 of RI Food Code

What does this mean for my Agency? Continued from pg. 8

3. Packaged food shall be *labeled* as specified in the Food Code and follow specific labeling and containers regulations.
4. Fluid milk and milk products shall be obtained from sources that *comply* with GRADE A standards as specified by the Food Code.
5. If required by the Food Code, consumer warnings shall be provided.
6. Food establishment or manufacturer's dating information on foods may not be concealed or altered (Section 3-602.12 of the RI Food Code).

Essential Information for Receipting

Donation receipts are important both for the donor and the organization. For the donor, they can be used to prove a deduction when filing taxes and for the organization, they can be kept as a record of a donor's contribution. It is also important to keep receipts of food donations to your agency for food safety reasons. Receipts should indicate the date and time of the donation and include back up for temperatures of cold food products upon arrival.

When creating a receipt, be sure to include the following information on the form:

- a. Name of your organization
- b. A statement stating that the organization is a registered 501(c)(3) organization along with its federal tax identification number
- c. Date that the donation occurred
- d. Donor's name
- e. Type of contribution made (cash, goods, service)
- f. Value of the contribution
- g. If anything was received in exchange for the donation
- h. Name and signature of authorized representative of the organization¹⁴

What does this mean for my agency?

1. We recommend that Member Agencies develop a receipting system for tracking donations and providing documentation to donors for tax deduction purposes.
2. Member Agencies must at least keep receipts of all food donations and receipts shall include date, time and, when applicable, temperature of perishable (refrigerated or frozen) goods upon arrival.

¹⁴ http://charity.lovetoknow.com/Charitable_Donation_Receipt

Record Keeping and Accountability

The Rhode Island Community Food Bank's Basic Agreement for Member Agencies outlines the requirements for record keeping and product accountability.

Those requirements that specifically involve appropriate usage of product and record keeping include:

- a. The member agency affirms that the original donor, Feeding America and the RICFB:
 - i. Are released from any liability resulting from the condition of donated food, in accordance with Rhode Island law.
 - ii. Are held harmless from any claims or obligations in regard to the member agency or the donated goods.
 - iii. Offer no express warranties in relation to the gift of goods.
- b. RICFB products will be used only in a manner related to the exempt purposes of the organization.
- c. Understanding and abiding by the IRS Code 170(e)(3) which stipulates that:
 - i. Donated product will be distributed to only qualified organizations that meet the IRS Code 170(e)(3) guidelines.
 - ii. The donated product will be distributed to only those who qualify under IRS Code 170(e)(3) guidelines (ill, needy or needy infants/children).
 - iii. Donated product will not be sold, traded or bartered.
- d. Agency must be willing to adhere to any additional donor stipulations regarding the receipt, storage and distribution of their products.
- e. Product will not be transferred in exchange for money, property, or services.
- f. Product may not be distributed to other Food Bank Member Agencies, non-food bank agencies, organizations or business entities.
- g. RICFB products will only be stored at sites and facilities inspected by the Food Bank.
- h. Product unaccounted for will be considered stolen.
- i. If a theft occurs at the agency involving Food Bank products, the Food Bank will be contacted immediately with date, time, type of product(s), and quantity of product stolen.
- j. RICFB products may only be used for member programs and not for any other programs at the facility or for the agency's fundraisers, banquets, or parties.
- k. RICFB products will not be given to paid staff for personal use – if paid staff or volunteers need food, they must be registered as all other clients are.
- l. Religious establishments will not serve or distribute RICFB food for general congregational use. RICFB products are for registered clients only.
- m. Triple-signed invoices (1 signature Food Bank, 1 signature of agency rep picking up or accepting delivery, and 1 signature of agency rep to verify) will be kept on file at the site from one monitoring visit to the next.
- n. Emergency providers will maintain accurate records of all individuals, families, and how often a family visits the program on a monthly basis by a system established to provide accountability for product distribution and RICFB monthly statistic reports, as applicable to the program.

Storage and Handling

Receiving all Products from the Food Bank

Member Agencies shall only receive product from Acceptable Food Sources, as stated in the Food Sourcing section of this document. Products received should be stored promptly.

Food shall be protected from contamination. **Member Agencies must follow these guidelines for receiving and accepting food as per the Basic Agreement:**

- a. Food will be accepted "as is" and stored and transported according to food safety guidelines;
- b. All Member Agencies will have a staff member certified in food safety and will provide a copy of the staff member's current food safety certificate to the Food Bank;
- c. All Member Agencies will have a business license and will provide a copy to the RICFB;
- d. Member agencies in violation of state and local codes and/or regulations may not serve or distribute food from their facility until the facility is deemed safe and documentation has been provided to the RICFB.
- e. The Rhode Island Department of Health recommends that agencies only accept freezer or cooler items directly from reputable food businesses, such as grocery stores, markets, and restaurants, and not accept these types of donations from community members.

Receiving Perishables and Potentially Hazardous Foods

Potentially Hazardous Food (PHF) is a term used by food safety organizations to classify foods that require time-temperature control to keep them safe for human consumption. A PHF is a food that:

- a. Contains moisture - usually regarded as a water activity greater than 0.85
- b. Contains protein
- c. Is neutral to slightly acidic - typically having a pH between 4.6 and 7.5

PHFs needs to be held at 41°F or colder or 135°F or hotter because it is in a form capable of supporting: the rapid and progressive growth of infectious or toxigenic bacteria, the growth and toxin production of *Clostridium botulinum* or in raw shell eggs, the growth of *Salmonella* Enteritidis.

Potentially hazardous foods include foods of animal origin that are raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic-in-oil mixtures that have not been properly acidified to prevent the growth of pathogenic bacteria¹⁵.

The FDA Food Code identifies the following examples of PHF's:

- a. Meat (beef, pork, lamb), poultry (chicken, turkey, duck)
- b. Fish, Shellfish and crustaceans
- c. Eggs (except those treated to eliminate Salmonella)
- d. Milk and dairy products
- e. Heat-treated plant food (cooked rice, beans, or vegetables)
- f. Baked potatoes
- g. Mushrooms, cut tomatoes (when pH is 4.6 or above), cut leafy greens, raw sprouts
- h. Tofu and soy-protein foods
- i. Untreated garlic and oil mixtures
- j. Cut melons, including watermelon, cantaloupe, and honeydew.

Since these foods can harbor pathogenic microorganisms and permit their growth or the production of toxins, special care must be taken to keep them out of the temperature danger zone for as long as possible¹⁶.

¹⁵ <http://www.foodsafetysite.com/educators/competencies/general/microbiology/mic2.html>

Refrigerated, potentially hazardous food, which is food that requires time and temperature controls, shall be at a temperature of 41°F or below when received.

Other temperatures for receiving refrigerated Potentially Hazardous Food should be followed as per below:

- a. If a temperature other than 41°F for a PHF is specified in the FDA Food Code governing its distribution, such as regulations governing milk and molluscan shellfish, the food may be received at the specified temperature.
- b. Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of 45°F or less. Upon receipt eggs must be held at 41°F or below.
- c. PHF that is cooked to a temperature and for a time specified under sections 3-401.11- 3-401.13 of the RI Food Code, and received hot shall be at a temperature of 135°F or above.
- d. A food that is labeled frozen and shipped frozen by a food processing establishment shall be received frozen.
- e. Upon receipt, PHFs shall be free of evidence of previous temperature abuse¹⁷.

Frozen Potentially Hazardous Food:

All frozen food including PHFs should remain frozen at 0° F or below¹⁸.

Ready-to-Eat Potentially Hazardous Food:

Ready-to-eat PHFs shall be discarded if it:

- a. Exceeds the temperature and time combination, not including the time that the product is frozen;
- b. Is in a container or package that does not bear a date or day; or
- c. Is inappropriately marked with a date or day that exceeds a maximum of 7 days
- d. Refrigerated, Ready-to-eat PHF prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if not held at 41° F or less and not sold within 7 days¹⁹.

Time-maximum up to 4 hours:

If time only, rather than time in conjunction with temperature control, up to a maximum of 4 hours, is used as the public health control:

- a. The food shall have an initial temperature control of 5°C (41° F) or less if removed from cold holding temperature control, or 57°C (135° F) or greater if removed from hot holding temperature control;
- b. The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;
- c. For food safety certified and approved Member Agencies, the food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control; and

¹⁶ http://en.wikipedia.org/wiki/Potentially_Hazardous_Food

¹⁷ Section 3-202.11 of RI Food Code

¹⁸ http://www.fsis.usda.gov/factsheets/Focus_On_Freezing/index.asp

¹⁹ Section 3-501.18 of RI Food Code

- d. The food in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded.

What does this mean for my agency?

1. Potentially Hazardous Foods (PHFs) require time-temperature control to keep them safe for human consumption. Upon receiving PHFs, your agency should operate under the assumption that the four hours window has already expired, unless there is documentation to the contrary.
2. If temperature abuse is observed or suspected or if proper temperature controls cannot be determined, product must be discarded.
3. Member Agencies should temp and record all cold storage food donations on a log that includes date, food source, and temperature.

Storage

Member Agencies must follow these storage guidelines for **perishables** as per the Basic Agreement:

- a. Refrigerators and freezers must be kept clean and in good working condition. All units, freezers, refrigerators and walk-ins must have thermometers. Refrigerators should be kept below 41°F; freezers should be at or below 0°F.
- b. Freezers and refrigerators must not be over packed. Doors must be able to close and seal tightly, and there must be sufficient air circulation to keep product at the proper temperature.
- c. No agencies are permitted to repackage freezer or cooler items (except for un-cut produce) unless licensed by the State.
- d. Throw away anything that is infested, discolored, smells bad, bulges, leaks, is rusty, has mold on it or just doesn't seem right. If there is any doubt; throw it out.

Member Agencies must follow these storage guidelines for **non-perishables** as per the Basic Agreement:

- a. All food must be stored in a clean, dry place. Dry storage temperatures should be between 50°F-70°F.
- b. The Department of Health requires that floors be swept and shelves washed regularly as bacteria tend to flourish in dust and dirt.
- c. Product should not be stacked up to the ceiling. Staff and volunteers must be able to visually inspect the tops of product for damage and/or contamination.
- d. All product must be stored at least 6 inches off the floor and 4 inches away from the wall in order to deter insects and/or rodents and to keep product clean and dry. Member Agencies may obtain pallets from the Food Bank in order to assist programs.
- e. All non-food items and all cleaning products must be stored away from food items in order to avoid contamination or spillage. It is recommended that a separate storage closet or space be used for all non-food items. If separate storage space is unavailable, be sure to store non-food items below food items on shelves.
- f. Member Agencies should be conscious of non-food items that are fragranced such as detergents and cleaners; the odor can transfer to other products including food and may affect certain allergies that people may have.

- g. It is recommended that Member Agencies wipe down all cans and jars before distributing or opening them.

Additionally, the RI Food Code outlines the areas below as prohibited to store food:

- a. In locker rooms
- b. In toilet rooms
- c. In dressing rooms
- d. In garbage rooms
- e. In mechanical rooms
- f. Under sewer lines that are not shielded to intercept potential drips
- g. Under leaking water lines, including leaking automatic fire sprinkler heads, or
- h. Under lines on which water has condensed
- i. Under open stairwells; or
- j. Under other sources of contamination²⁰.

Distribution

Under no circumstances should perishable foods be kept out of cold storage.

Member Agencies must follow these **distribution** guidelines as per the Basic Agreement:

- a. No agencies are permitted to cook and distribute product unless licensed by the State. This rule applies to all food items including such items as turkeys during the Holidays.
- b. Agencies that are required to be licensed by the Department of Health to cook and serve meals must provide proof of State certification to the Food Bank.
- c. Agencies that are State certified must also have a food safety certified person on staff, and must provide proof of certification to the Food Bank.
- d. All stock should be rotated according to FIFO principles (First-In, First-Out) where applicable. If there are other overriding date requirements they should be followed. Be sure to check dates on all product. For most dry items the Food Bank uses a 6-month extension. Items that do not have any extensions include: all baby food and formula, and nutritional supplements. For more specific information check on the Federal website: www.fsis.usda.gov.
- e. Throw away anything that is infested, discolored, smells bad, bulges, leaks, is rusty, has mold on it or just doesn't seem right. If there is any doubt; throw it out.

What does this mean for my agency?

Distribution of perishable food should be at point of service and not taken out of cold storage for display on tables or shelves during the distribution process. Member Agencies may contact the Agency Services team for suggestions on point-of-service distribution of perishables.

²⁰ Section 3-305.12 of RI Food Code

Food Recalls

The FDA website, <http://www.fda.gov/Safety/Recalls/default.htm> releases information about food recalls. Press releases about recalled products issued within the last 60 days are published on this webpage with the most recent press release displayed at the top of the list.

Member Agencies are informed of food recalls when and if the recalled product may have been redistributed through the Food Bank to its network. Member Agencies are informed via email by the Director of Agency Services.

What does this mean for my agency?

1. If Member Agencies have distributed recalled foods they must immediately contact the clients who received the recalled product and advise them to discard the food.
2. If the Member Agency has recalled food in their inventory, they must immediately discard it.
3. Member Agencies should keep a record of their response actions including a list of clients contacted and quantities and dates of product disposal.

Appendix: The Model Good Samaritan Food Donation Act - Key Definitions

(1) **APPARENTLY FIT GROCERY PRODUCT**—The term "apparently fit grocery product" means a grocery product that meets all **quality and labeling standards** imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

(2) **APPARENTLY WHOLESOME FOOD** —The term "apparently wholesome food" means food that meets **all quality and labeling standards** imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

(3) **DONATE**—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required anything of monetary value.

(4) **FOOD**—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(5) **GLEANER** —The term "gleaner" means a person who harvests for free distribution to the needy or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(6) **GROCERY PRODUCT** —The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(7) **GROSS NEGLIGENCE**—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(8) **INTENTIONAL MISCONDUCT**—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(9) **NONPROFIT ORGANIZATION**—The term "nonprofit organization" means an incorporated or unincorporated entity that -

(A) is operating for religious, charitable, or educational purposes; and

(B) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(10) **PERSON**—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.