



# Food Safety Standard

---

Version 4  
January 2022

Community Impact Department

This comprehensive guide serves as the Rhode Island Community Food Bank's Food Safety Standard for member agencies. It is 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 includes a breakout section "What does this mean for my agency?" that will summarize the key points.

## Table of Contents

|   |    |
|---|----|
| Introduction .....  | 4  |
| Food Bank Resources .....   | 4  |
| Who can I contact for more questions?.....  | 4  |
| Summary of Food Safety Requirements .....   | 5  |
| Where do we get our food safety practices?.....   | 6  |
| FDA Food Code.....  | 6  |
| Department of Health RI Food Code.....  | 6  |
| Feeding America .....   | 6  |
| Who can receive donations?.....   | 7  |
| When can donors take a tax deduction? .....   | 7  |
| The Bill Emerson Good Samaritan Food Donation Act and the Rhode Island Food Donation Act: When is a food donor protected? ..... | 8  |
| License and Certification Requirements .....  | 10 |
| Food Business Licenses .....  | 10 |
| Food Safety Certifications .....  | 11 |
| Food Sourcing .....   | 12 |
| What is an acceptable food source? .....  | 12 |
| Which foods can my agency safely accept?.....   | 13 |
| Discarding Unsafe, Adulterated, or Contaminated Food.....   | 14 |
| Donation Tracking.....  | 15 |
| Essential Information for Receipting .....  | 15 |
| Record Keeping and Accountability .....   | 15 |
| Where do these receiving requirements come from?.....   | 16 |
| Storage, Handling, and Distribution.....  | 18 |
| Storage .....   | 18 |
| Prohibited Storage Areas .....  | 19 |
| Distribution for Food Pantries .....  | 19 |
| Meal Site Sit-Down Service .....  | 20 |
| Grab and Go for Meal Sites.....   | 20 |

---

|  |    |
|--|----|
| Why is Grab and Go allowed but not distribution of leftovers?.....                 | 20 |
| Food Allergies.....  | 21 |
| Food Recalls .....   | 22 |
| Special Clean-up Procedures.....   | 23 |
| Protect guests .....   | 23 |
| Protect staff and volunteers .....   | 23 |
| Contain the spill .....  | 23 |
| Clean up .....   | 23 |
| Disinfect surfaces after cleaning (to remove remaining germs).....                 | 23 |
| Additional Safety Considerations.....  | 24 |
| Transporting Food.....   | 24 |
| Pest Control.....  | 24 |
| Power Outages.....   | 24 |
| Fire Safety .....  | 24 |
| Appendix: The Bill Emerson Good Samaritan Food Donation Act - Key Definitions..... | 25 |

## Introduction

The Food Safety Standard defines and clarifies food safety requirements and expectations for member agencies. It also provides more information and insight on some of the State and Federal regulations that inform our expectations of members.

Food Safety is critical to the work that we do collectively. 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 references from our own Basic Agreement.

We hope that you will not only use this Food Safety Standard as a reference for all your food safety questions, but also as a resource to share with the rest of your staff and volunteers. Maintaining strong food safety throughout your agency's operations is a team effort.

## Food Bank Resources

In addition to this Food Safety Standard, the Food Bank also has other resources available, covering a range of topics including food safety and much more. All these resources can be found on the Agency Portal through the Food Bank's website at [www.rifoodbank.org](http://www.rifoodbank.org). To access the Agency Portal, go to the Member Agencies section of the website, then click on Agency Portal. You will then be prompted to enter a password. Please contact a member of our Community Impact or Customer Service staff for the password. Many materials are also available in Spanish. Additionally, our website can be translated into multiple languages by using the Recite Me button on the top right.

## Who can I contact for more questions?

The Community Impact staff at the Food Bank are available for any questions your agency may have. For a more detailed list of staff members, you can visit the Staff Directory on the About Us section of the Food Bank's website.

The Food Bank's direct line is **401-942-6325**. Our Reception team will be able to direct you to the appropriate staff member. This document is not yet available in Spanish. However, our bilingual Spanish staff can meet with your agency to review it via Zoom or in person if needed.

Food Bank staff are also available for individualized agency support. Some examples of support we offer include on-site training of staff and volunteers, help designing a food safety storage area, licensing support, and more.



## Summary of Food Safety Requirements

| <b>All Agency Requirements</b>  |   |
|---|---|
| <p><b><u>Storage Areas</u></b></p> <ul style="list-style-type: none"> <li>○ Clean and dry, temperatures between 50° - 70° F</li> <li>○ No signs of pest activity</li> <li>○ All food 6 inches off the floor and 4 inches away from the wall</li> <li>○ Refrigerators are 41° F or below; Freezers are 0° F or below</li> <li>○ Chemicals stored away from or on racks below food</li> <li>○ Food products are undamaged and of good quality</li> </ul> <p><b><u>Receiving Practices</u></b></p> <ul style="list-style-type: none"> <li>○ All donations are logged onto a Donation Log</li> <li>○ Cold or frozen donations are only accepted from reputable businesses</li> <li>○ Cold or frozen donations are temped and recorded upon arrival</li> <li>○ Refrigerator product received at or below 41° F; frozen product received at or below 0° F</li> </ul> <p><b><u>License Requirements and Posted Signage</u></b></p> <ul style="list-style-type: none"> <li>○ Food Business License displayed</li> </ul> <p><b><u>Equipment</u></b></p> <ul style="list-style-type: none"> <li>○ Working thermometers in all refrigerators and freezers</li> <li>○ Working fire extinguishers</li> </ul> |   |
| <b>Meal Site Additional Requirements</b>  | <b>Pantry Additional Requirements</b>   |
| <p><b><u>Food Preparation Areas</u></b></p> <ul style="list-style-type: none"> <li>○ Kitchen equipment clean and in good working order</li> <li>○ Hand washing stations available</li> </ul> <p><b><u>Posted Signage</u></b></p> <ul style="list-style-type: none"> <li>○ RI Certified Food Safety Manager license is current and active</li> <li>○ Allergen poster</li> </ul> <p><b><u>License Requirements</u></b></p> <ul style="list-style-type: none"> <li>○ RI Certified Food Safety Manager on site each time meal preparation occurs</li> </ul> <p><b><u>Distribution Practices</u></b></p> <ul style="list-style-type: none"> <li>○ Grab and Go meals are bagged at the point of service</li> <li>○ Meals are cold or hot held at appropriate temperatures until the point of service</li> </ul> <p><b><u>Receiving Practices</u></b></p> <ul style="list-style-type: none"> <li>○ If receiving meal donations, cold food donations at or below 41° F, hot food donations at or above 135° F</li> </ul>  | <p><b><u>Posted Signage</u></b></p> <ul style="list-style-type: none"> <li>○ Recalled food products that may affect your pantry's inventory are posted and visible to guests</li> <li>○ Allergen notice posted if your site receives bulk bread or bakery donations</li> </ul> <p><b><u>License Requirements</u></b></p> <ul style="list-style-type: none"> <li>○ At least one person with food safety training (can be Food Bank's Hybrid Handler course)</li> </ul> <p><b><u>Distribution Practices</u></b></p> <ul style="list-style-type: none"> <li>○ Cold or frozen items are distributed at the point of service – not taken out of refrigerators or freezers ahead of time</li> <li>○ All product is distributed as is – no repackaging, no cutting or slicing produce</li> </ul> |
| <b>Suggested Best Practices</b>   |   |
| <ul style="list-style-type: none"> <li>○ Poster on refrigerator units showing proper storage order of perishable items</li> <li>○ Daily temperature logs for refrigerator and freezer units</li> <li>○ For Meal Sites – posted list of allergens and ingredients for the meal of the day</li> </ul>   |   |

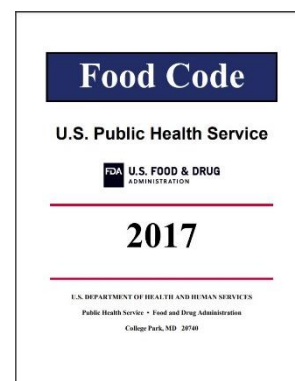
## Where do we get our food safety practices?

It is important to understand that the food safety practices and requirements come from regulatory agencies including the Rhode Island Department of Health (RIDOH), the U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), as well as the Food Bank's national affiliate Feeding America. The Food Bank is required to ensure that our network of member agencies is maintaining safe food handling practices.

This Food Safety Standard compiles all the things you need to know to run your agency safely and in compliance with all national, state, and local authorities.

### 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 policy<sup>1</sup>.



### Department of Health RI Food Code



[RIDOH website](#)

The State of Rhode Island has its own Food Code that outlines the State's rules and regulations. This Food Code is published by the Rhode Island Department of Health (RIDOH), Center for Food Protection, and is an adoption of the 2017 FDA Food Code with additional requirements specific to Rhode Island. The most recent update to Rhode Island's food safety regulations was in February 2021. The RI Food Code establishes minimum standards for food safety and sanitation to promote the purpose of protecting the public health.<sup>2</sup>

[FDA Food Code website](#)

The RIDOH protects public health and prevents foodborne illness by ensuring the quality of the food supply in Rhode Island through their licensing, inspection, and food safety manager certification standards. The RIDOH also conducts routine health inspections and outbreak investigations during foodborne illness outbreaks.

RIDOH is responsible for applying this code statewide. 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 consumer<sup>3</sup>.

### Feeding America

Feeding America is a nationwide network of food banks. Together, with its members, they are the nation's largest domestic hunger-relief organization. Food safety is one of Feeding America's top priorities, and they have established food safety standards that all Food Banks must follow, agree to, and require of their member agencies.

<sup>1</sup> <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/>

<sup>2</sup> RI Food Code 216-RICR-50-10-1

<sup>3</sup> Section 8-101.10 of FDA Food Code 2017

It is important to know who can receive food donations and what legal protections are in place.

## Who can receive donations?

The IRS Code 170(e)(3) specifies who can receive donated products 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)<sup>4</sup>.

### 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 donations.

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.

---

<sup>4</sup> ©2010 Feeding America | IRS Code 170(e)(3) Interpretive Guide | Created 11.09.10 | Revised 01.05.16 MCallaghan

- 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.

### 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 guests at the point of distribution.

## The Bill Emerson Good Samaritan Food Donation Act and the Rhode Island Food Donation Act: When is a food donor protected?

The Bill Emerson Good Samaritan Food Donation Act and the Rhode Island Food Donation Act protect food donors and nonprofit organizations on the federal and state level, respectively. The Bill Emerson Good Samaritan Food Donation Act of 1996 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 the 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 does not supersede State or local health regulations, as a Federal statute, the Act creates a uniform minimum level of protection from liability for donors and gleaners nationwide. In addition, the Act does not alter or interfere with State or local health regulations or workers' compensation laws. Local organizations in each State should be familiar with their State's statutes and also be familiar with



the impact upon food recovery projects of State or local health regulations and workers' compensation laws<sup>5</sup>.

The Rhode Island Food Donation Act of 2019 is a State Good Samaritan Statute that provides additional protections and clarifications for donors and gleaners above and beyond that guaranteed in the Federal statute. The Rhode Island Food Donation Act includes protections for gleaners of agricultural crops and for the donation of nonperishable foods past the labeled shelf life date if the donor has made a good-faith evaluation that the food to be donated is wholesome<sup>6</sup>.

### **Liability for Damages from Donated Food and Grocery Products**

According to the Acts, 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 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:

1. is informed by the donor of the distressed or defective condition of the donated food or grocery products;
2. agrees to recondition the donated food or grocery products to comply with all the quality and labeling standards prior to distribution; and
3. is knowledgeable of the standards to properly recondition the donated food or grocery product.

## **What does this mean for my agency?**

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

<sup>5</sup> <https://www.feedingamerica.org/about-us/partners/become-a-product-partner/bill-emerson>

<sup>6</sup> <http://webserver.rilin.state.ri.us/Statutes/TITLE21/21-34.1/INDEX.HTM>

## License and Certification Requirements

Certain licenses are required by the Department of Health for individuals and organizations, such as restaurants, caterers, and non-profit organizations, which are involved in the production, distribution, and sale of food. For any licenses issued by the Department of Health, all licensees must report any changes in contact information to the Center for Food Protection within ten days<sup>7</sup>.

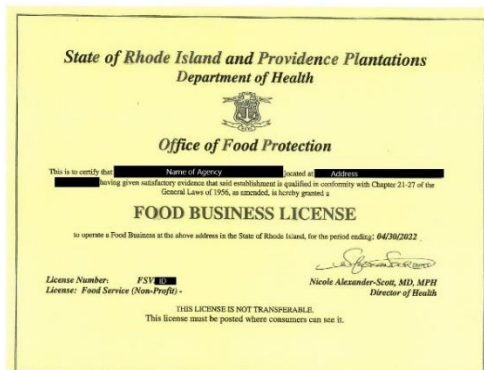
The following section contains a summary of the Food Bank and the Department of Health's licensing requirements. **For more detailed instructions, please see the Licensing Chart in the Food Bank's Agency Portal.**

|  | <b>FOOD PANTRY</b>   | <b>MEAL SITE</b>   |
|--|--|--|
| <b>Food Business License</b>                       | <b>Required.</b>   | <b>Required.</b>   |
| <b>Hybrid Handler Food Safety Certified Person</b> | <b>Required (at least 1 person).</b>   | <b>Optional.</b> Cannot take the place of the Food Safety Manager. Is suitable only for volunteers or secondary staff. |
| <b>Food Safety Manager</b>                         | <b>Optional.</b> Can be taken in place of the Hybrid Handler Course if your pantry wants to go above and beyond. | <b>Required (at least 1 person).</b>   |

### Food Business Licenses

Food business licenses are required of all member agencies per the Department of Health's regulations on food service establishments. These licenses are issued at no cost to non-profits and must be renewed each year.

Food business licenses are tied to the building itself and must be prominently displayed at your agency. If your agency moves locations or buildings, you will need to reapply to the Department of Health for a new Food Business License. Before issuing a new license, a health inspector will come out to inspect and approve the new space.



Food Business License Example

### RIDOH and Food Code Definitions:



A **food service establishment** refers to any private, public, or non-profit organization or institution routinely serving food on the premises or elsewhere, where food is served or provided for the public with or without charge<sup>2</sup>. A **food business** refers to any establishment or place where food is held, processed, manufactured, packaged, prepared, displayed, served, transported, or sold. A person may not operate a food establishment without a valid permit to operate issued by the Department of Health<sup>2</sup>.

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

<sup>7</sup> <https://rules.sos.ri.gov/regulations/part/216-50-10-2>

## Food Safety Certifications

For specific instructions on how to obtain these licenses, please refer to the Licensing Chart in the Food Bank's Agency Portal.

### MEAL SITES

Meal sites must have a **Manager Certified in Food Safety (Food Safety Manager or FSM) on site each time meals are being prepared**. This person can either be a staff or volunteer. They will need to have taken a course on food safety, taken and passed a food safety exam, and applied to and received the Department of Health's official Certified Food Safety Manager license. This license is a professional license under the staff or volunteer's name and can be taken with them to other food service-related jobs.

### FOOD PANTRIES

Food pantries must have someone at their agency who has undergone a food safety training or certification program. The Food Bank offers a two-part program called Hybrid Handlers that combines the ServSafe Food Safety Handler course with the Food Bank's own training on nonprofit-specific food safety considerations.

Food pantries may also choose to have a staff or volunteer go through the full, Certified Manager in Food Safety licensing process that meal sites go through, though this is not required.



*ServSafe Food Handler Certificate Example*

### RIDOH and Food Code Definitions:



Food establishments must employ at least one full-time, on-site, **manager certified in food safety** if time temperature control for safety food is prepared. Establishments with ten or more full-time employees directly involved in food preparation must employ at least two full-time, on-site, managers certified in food safety.

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).

Department of Health certificates for managers certified in food safety must be prominently posted in the establishment next to the license to operate (and removed when the individual is no longer employed there). No person may use the title "Manager Certified in Food Safety", or in any way represent themselves as a manager certified in food safety unless they hold a current certificate.

Food safety manager certification must be renewed every five years for certificates issued after July 1, 2018 after successful completion of a renewal exam. Refresher courses are no longer required but are highly recommended. 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 renewed<sup>7</sup>.

Certain food establishments are exempted from the requirement to have a Manager Certified in Food Safety. These are food establishments that serve only commercially pre-packaged foods, beverages and commercially precooked TCS foods requiring no manual handling of the food product, as well as retail food stores and delicatessens where only cold foods are prepared provided, however, that no vacuum packaging or other processes are performed which will support the growth of *Clostridium botulinum*<sup>7</sup>.

### What does this mean for my agency?

1. Because all Food Bank member agencies are considered to be Food Establishments, they must obtain a **Food Business License** from the Department of Health. This license is for the program itself and is tied to the physical building and facility. Holding a license indicates that an agency is taking responsibility for distributing food to guests in a safe manner.
2. **Meal Sites** must have at least one person per agency program who is a Certified Manager in Food Safety (has RI Department of Health issued licensing). Having a certified person ensures that the agency has the knowledge to maintain safe meal preparation and distribution practices.
3. **Food Pantries** must have at least one person per agency who has received food safety training and certification. An acceptable training is the Food Bank's two-part Hybrid Handler course.
4. All member agencies must **provide up-to-date certifications and licenses to the Food Bank**. The Food Bank must ensure the receiving agency has the training and background to handle food in a manner that will not cause illnesses in guests.

## Food Sourcing

Food donations are a significant source of food at many agencies. Donations are also a way for agencies to connect with local communities and businesses. While we appreciate the generosity of anyone offering food donations, ensuring that food is from safe sources is critical in ensuring we protect the health of our guests.

### What is an acceptable food source?

An acceptable food source is one that complies with food safety regulations and follows proper food handling practices. This means:

- **Dry Goods** – You MAY accept these donations from the general public.
- **Produce** – You MAY accept these donations from the general public. However, we ask that you follow our recommendations in the Food Bank's *Fresh Produce Guidance*. You can find this guidance on the Agency Portal.
- **Cold or Frozen Products** – You MAY only accept these products from sources licensed by the Department of Health to sell or distribute that product: grocery stores, restaurants and caterers, manufacturers, etc. You MAY NOT accept these products from the general public: backyard chickens and eggs, recreationally caught fish or game, etc.
- **Prepared or Catered Meals** – Meal sites MAY only accept these products from licensed restaurants, caterers, or other food service establishments. Pantries MAY NOT accept these donations.

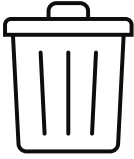
A reputable food source must be able to identify where product was picked up or received and must follow all proper cold storage handling for frozen or refrigerated food.

## Which foods can my agency safely accept?

All food products (except fresh, whole fruits and vegetables) must have proper food labels, consumer warnings, and dates that are not concealed or altered. If you are unsure if you can safely accept a food donation, you can always call the Customer Service or Community Impact teams for guidance.

|  | <b>ACCEPTABLE</b>   | <b>NOT ACCEPTABLE</b>   |
|--|---|---|
| <b>Dry Goods</b>                                   | Fully labeled, undamaged products. Products may be no more than 6 months past the expiration date.  | Damaged, torn, or stained products. Dented cans. Missing, torn, or unreadable product labels. Products over 6 months past expiration dates.   |
| <b>Fresh Produce / Fresh Fruits and Vegetables</b> | Clean, uncut, unprocessed fruits and vegetables.<br><br>Bags or boxes containing fruits or vegetables must be clean.<br><br>If produce is cut, sliced, peeled, etc., the produce must be from a licensed food establishment and may NOT be from the general public. | Dirty or damaged fruits and vegetables.<br><br>Bags or boxes containing product are stained, dirty, or reused.<br><br>Cut, sliced, peeled produce from an unlicensed source.  |
| <b>Meat, Poultry, and Fish</b>                     | Fully labeled, undamaged product. No signs of discoloration, temperature abuse, or odors.<br><br>Product is from a licensed and reputable food establishment.<br><br>Cold products at or below 41° F; Frozen products at or below 0° F                              | Unlabeled or damaged product. Discolored, large ice crystals, clear signs of thawing and refreezing, off odors.<br><br>Product is from a non-commercial or unlicensed source (e.g., recreationally caught fish or wild game, chicken or meat slaughtered under a personal exemption, etc.). |
| <b>Perishable Items</b>                            | Fully labeled, undamaged products. No signs of temperature abuse.<br><br>Product is from a licensed and reputable food establishment.<br><br>Cold products at or below 41° F; Frozen products at or below 0° F  | Unlabeled or damaged products. Signs of temperature abuse.<br><br>Product is homemade or not from a licensed and reputable food establishment.  |
| <b>Dairy</b>                                       | Pasteurized, unexpired product. Product must be from a USDA licensed facility.  | Raw milk or product made from raw milk. Product NOT from a USDA licensed facility.  |
| <b>Eggs</b>  | Undamaged, fully labeled product from commercial source.  | Damaged eggs, damaged or dirty cartons. Product from non-commercial source.   |
| <b>Prepared or Catered Meals</b>                   | Properly hot held (at or above 135° F) or cold held (at or below 41° F) meals. First-generation, never served or exposed to the public.   | Food without proof of proper temperature controls. Food that was previously served to the public.   |

## Discarding Unsafe, Adulterated, or Contaminated Food



According to the Rhode Island Food Code, food sources must comply with the federal Food Code. Food that is unsafe, adulterated, or not honestly presented shall be discarded. Food that is not from an approved 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 discarded<sup>8</sup>.

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 establishment<sup>9</sup>.

### 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 with documentation to back them up.
2. Frozen or refrigerated foods must be put into freezers and coolers immediately after receiving. All other products should be stored promptly.
3. Food prepared in a private home may *not* be used or distributed by a member agency.
4. Donations may not include foods previously served to the public (e.g., exposed to the public on a self-service buffet or in bulk displays exposed to the public) and must be first generation surplus foods and not previously reheated or a second-time service. Packaged food shall be *labeled* as specified in the Food Code and follow specific labeling and containers regulations.
5. All animal products (eggs, meat, poultry, fish, dairy) must be obtained from licensed approved sources.
6. Fluid milk and milk products shall be obtained from sources that *comply* with GRADE A standards as specified by the Food Code.
7. If required by the Food Code, consumer warnings shall be provided.
8. Food establishment or manufacturer's dating information on foods may not be concealed or altered (Section 3-602.12 of the FDA Food Code 2017).

<sup>8</sup> Section 3-701.11 of FDA Food Code 2017

<sup>9</sup> Section 8-102.10 of FDA Food Code 2017





## Where do these receiving requirements come from?



Member Agencies must follow these guidelines for receiving and accepting food as per the Basic Agreement. But where do these receiving requirements come from? They come from the RI Department of Health's RI Food Code, as shared in the "Where do we get our food safety practices?" section at the start of this Food Safety Standard. In this section, we have pulled the relevant parts of the Food Code for your reference:

### Receiving Time/Temperature Control for Safety Food (formerly Potentially Hazardous Food)

Time/Temperature Control for Safety Food (TCS) is a term used by food safety organizations to classify **foods that require time/temperature control to keep them safe for human consumption**. A TCS Food is a food that because of its interaction of water activity (moisture in food) and acidity may allow for growth of pathogenic microorganisms or toxin formation. TCS foods as defined by the Department of Health means any food or food ingredient, natural or synthetic, in a form capable of supporting pathogenic microorganism growth or toxin formation<sup>10</sup>.

TCS foods include animal foods that are raw or heat-treated, plant foods that are heat-treated or consist of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes, and garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation<sup>11</sup>.

The National Restaurant Association (ServSafe) has identified the following examples of TCS Foods:

1. Meat (beef, pork, lamb), poultry (chicken, turkey, duck)
2. Fish, Shellfish, and crustaceans
3. Eggs (except those treated to eliminate *Salmonella*)
4. Milk and dairy products
5. Heat-treated plant food (cooked rice, beans, or vegetables)
6. Baked potatoes
7. Mushrooms, cut tomatoes (when pH is 4.6 or above), cut leafy greens, raw sprouts
8. Tofu and soy-protein foods
9. Untreated garlic and oil mixtures
10. 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 possible, the temperature danger zone being between 41° F to 135° F. TCS food needs to be held at 41° F or colder or 135° F or hotter to prevent the growth of bacteria<sup>12</sup>.

Refrigerated, time/temperature control for safety food must be at a temperature of 41°F or below when received<sup>13</sup>.

<sup>10</sup> Section 1.3 of RI Food Code 216-RICR-50-10-1

<sup>11</sup> Section 1-201.10 Statement of Application and Listing of Terms (Page 22) of FDA Food Code 2017

<sup>12</sup> 7<sup>th</sup> Edition ServSafe Manager Textbook

<sup>13</sup> Section 3-202.11 of FDA Food Code 2017



### Other temperatures for receiving refrigerated TCS Foods:

1. If a temperature other than 41°F for a TCS Food is specified in law governing its distribution, such as laws governing **milk** and **molluscan shellfish**, the food may be received at the specified temperature.
2. **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.
3. TCS Food, that is **cooked** to the correct temperature and for the correct time and received hot, shall be at a temperature of 135°F or above.
4. A food that is **labeled frozen** and shipped frozen by a food processing establishment shall be received frozen.
5. Upon receipt, TCS Foods shall be free of evidence of previous temperature abuse<sup>14</sup>.

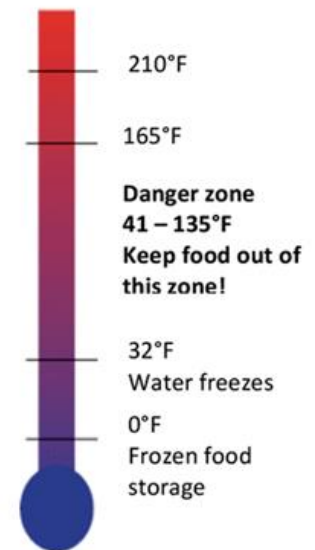
### Frozen Time/Temperature Control for Safety Food:

All frozen food, including TCS Foods, should remain frozen at 0° F or below.

### Ready-to-Eat Time/Temperature Control for Safety Food:

Ready-to-eat TCS Foods (foods that will be consumed without further cooking or other processing to kill pathogenic bacteria) shall be discarded if they:

1. Exceed the temperature and time combination, not including the time that the product is frozen;
2. Is in a container or package that does not bear a date or day
3. Is inappropriately marked with a date or day that exceeds a maximum of 7 days



Note: Refrigerated, Ready-to-eat TCS Food 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 days<sup>15</sup>.

### Time-maximum up to 4 hours:

If time only, rather than time in conjunction with temperature control, is used as the public health control:

1. Written procedures shall be approved in advance, maintained in the food establishment and made available to the Department of Health upon request that specify:
  - a. Methods of compliance with time-maximum up to four (4) hours and up to six (6) hours if the food starts at or below 41° F and never exceeds 70° F; and
  - b. Methods of compliance with cooling for food that is prepared, cooked, and refrigerated before time is used as a public health control<sup>16</sup>.

<sup>14</sup> Section 3-202.11 of FDA Food Code 2017

<sup>15</sup> Section 3-501.18 of FDA Food Code 2017

<sup>16</sup> Section 1.5.3 of RI Food Code 216-RICR-50-10-1

### What does this mean for my agency?

1. Time/Temperature Control for Safety Foods (TCS) require time-temperature control to keep them safe for human consumption. Upon receiving TCS Food, 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. If TCS Food is in the temperature danger zone over 4 hours, product must be discarded. Prepared, RTE Foods must be discarded after 7 days.
3. Member agencies should temp and record all cold storage food donations on a log that includes date, food source, and temperature.

## Storage, Handling, and Distribution

Member agencies must follow these **storage, handling, and distribution** guidelines as per the Basic Agreement:

### Storage

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

1. 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 (and above 32° F); freezers should be at or below 0°F.
2. 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.
3. No agencies are permitted to repackage freezer or cooler items (except for whole, un-cut produce) unless they are meal service agencies using the product for meal production, as licensed by the State.
4. 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:

1. All dry food must be stored in a clean, dry, temperature-controlled place regulated between 50°F-70°F.
2. Floors must be swept, and shelves washed regularly because bacteria flourishes in dust and dirt.
3. Product should not be over-stacked or stacked close to the ceiling. Maintain distance to visually reach and inspect the tops of product for damage and/or contamination.
4. All products must be stored at least 6 inches off the floors and 4 inches away from the walls to deter insects and/or rodents and to keep product clean and dry.
5. All non-food items and all cleaning products must be stored away from food items to avoid contamination or spillage. Odors from fragranced products, such as detergents and cleaners, can transfer to food products and may affect certain allergies that people may have. It is recommended that a separate storage closet or space be used for all non-food items. If separate storage space is unavailable, store non-food items below food items on shelves.

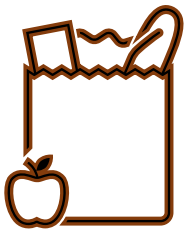
## Prohibited Storage Areas

The RI Food Code outlines the areas below as **prohibited to store food**:

1. In locker rooms
2. In toilet rooms
3. In dressing rooms
4. In garbage rooms
5. In mechanical rooms
6. Under sewer lines that are not shielded to intercept potential drips
7. Under leaking water lines, including leaking automatic fire sprinkler heads
8. Under lines on which water has condensed
9. Under open stairwells; or
10. Under other sources of contamination<sup>17</sup>.



## Distribution for Food Pantries



For food pantries, **food must be stored and distributed “as is”**. For example, products received frozen should be stored and distributed frozen, and should not be thawed. Part of keeping products “as is” also means that pantries cannot repackage products. For example, a box of saltine crackers should be distributed as a whole box, and you should not open the box and distribute individual sleeves. This is to keep products clean and undamaged, and also ensures that products keep all ingredient and allergen labels.

This also applies to fresh produce items. **Produce should also be distributed whole and you should not cut, peel, split, or divide fresh fruits or vegetables**. For example, food pantries may not cut or divide cabbages, pumpkins, squash, watermelons, or other fresh produce for distribution.

**All cold or frozen products must be distributed at the point of service** – meaning distributed directly from the refrigerator or freezer unit to the guest. Cold or frozen foods should never be brought out of cold storage prior to service, and should never be laid out on tables, countertops, rolling carts, etc.

<sup>17</sup> Section 3-305.12 of FDA Food Code 2017

## Meal Site Sit-Down Service

For meal sites operating sit-down service for meals, meals must be prepared, hot or cold held, and served in a food safe manner that prevents contamination.

**If hot holding foods for service, food must be kept at or above 135° F. If cold holding foods for service, food must be kept at or below 41° F.** These are the temperatures required by the RI Food Code.<sup>18</sup>

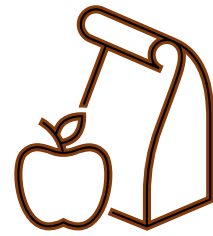
**If your site offers seconds, new plates, bowls, and utensils must be used for second servings.** Plates and bowls may not be reused to get second helpings of food in order to prevent cross contamination.

## Grab and Go for Meal Sites

Grab and go meals may be offered as an option to sit-down service. However, extra food safety measures must be in place:

**When hot or cold holding foods,** hot foods must be kept at or above 135° F, and cold foods must be kept at or below 41° F.

**Distribute hot or cold meal items at the point of service.** This means plating items into to-go containers immediately before distributing to the guest. Hot or cold items should not be plated into to-go containers in advance and left outside of hot or cold holding units. You may only plate hot or cold items in advance if you have designated hot boxes or cold storage units to keep foods at proper temperatures.



Non-perishable items such as crackers, apples, or cookies CAN be packed or bagged ahead of time.

**All food packaging must be food grade. If used for hot meals, containers must be designed to withstand hot temperatures** (some plastics will melt when exposed to heat).

## Why is Grab and Go allowed but not distribution of leftovers?

After a sit-down meal service, there may food leftover that guests ask to take home. **These leftovers cannot be distributed to guests to take with them.** How is this different from allowing guests to take grab and go meals though?

Grab and Go meals are similar to takeout meals from a restaurant – the meal is packaged and distributed at the point of service directly from the kitchen to the guest. Food is hot held or cold held at proper temperatures up until immediately before the meal is picked up by the guest.

On the other hand, leftovers from a sit-down meal have often been out of hot or cold holding for hours, and may have been exposed to many people throughout the meal service. There are also often not enough leftovers to go around for everyone who would like them.

**For these reasons, grab and go style meals ARE acceptable to distribute but leftovers are NOT.**

<sup>18</sup> Section 3-501.16 of FDA Food Code 2017

## Food Allergies

### For Food Pantries

All food items except for fresh fruits and vegetables must be in **fully labeled packages that list all ingredients and allergens**. If you offer bulk items (such as bread donations from a bakery), please post an **allergen disclaimer sign** for these items. You may use the Food Bank's Bread Sign, available via the online Agency Portal.

### For Meal Sites

Train your staff and volunteers so they are **able to answer any questions from guests** about the ingredients and potential allergens in the meal of the day. An **allergen poster** should be publicly displayed for guests to know they may speak with staff or volunteer about any allergy concerns. You may use the Food Bank's Allergen Sign, available via the online Agency Portal.



*The Big 9 Food Allergens*

It is also a best practice to train your staff and volunteers on recognizing the signs of an allergic reaction and what to do if a guest experiences an allergic reaction while on site.

### What does this mean for my agency?

Distribution of perishable food should be at point-of-service only and not taken out of cold storage for display on tables or shelves during the distribution process. This applies to both food pantries and meal sites (for meal sites this means hot or cold holding of meals until the point of service).

Member agencies may contact the Community Impact team for suggestions on point-of-service distribution of perishables.

All member agencies should have appropriate allergen disclaimer signs visible to guests. Meal Sites should be aware of what allergens are present in meals they create.

## Food Recalls

The FDA and USDA websites (website links here: [FDA recalls](#) and [USDA recalls](#)) release information about food recalls. Press releases about recalled products are published on these webpages 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 or when and if the product may have been distributed by a local retailer and received by the agency via the Retail Pick Up Program or a food drive.

**If the recalled food may have entered the Food Bank network, the Food Bank will send out an email alert to all applicable agencies.** There are additional, separate email lists for different retailers.

**If the recalled food was distributed out through the Food Bank and your agency received the recalled product,** someone from the Food Bank's Customer Service team will call your agency directly. The team will give you instructions for whether to **hold** or **dispose** product:



*Food Recall Email Example*

- **Hold** – Keep the product until further notice
  1. Separate recalled product from other items in your inventory
  2. Clearly label products with a sign that says “HOLD – recalled product, do not distribute”
  3. Continue holding the recalled product until you receive next steps from the Food Bank
- **Dispose** – Throw the product away
  1. Separate recalled product from other items in your inventory
  2. Throw away product
  3. As a best practice, write “recalled” or mark packages so people know the product is being thrown out due to food safety concerns. This will help prevent any mix-ups.

What is the reason for holding recalled product? Sometimes details about the recall are still coming out, such as specific lot or date codes. Sometimes a product is under investigation, but we do not know yet if the food is unsafe to eat. And sometimes the manufacturer will ask for the food to be sent back to them for testing or refund.

### What does this mean for my agency?

1. If a member agency knows that they have distributed a recalled food product, they must immediately contact the program guests who received the recalled product and advise them to discard it.
2. If a member agency has recalled food in their inventory, but has not yet distributed it to program guests, they must immediately hold or discard the product from their inventory. When holding, recalled food must be clearly segregated and labeled with “Do Not Distribute” signs.
3. Member agencies should keep a record of their responsive actions to recalls, including a list of program guests who were contacted and/or quantities and dates of products that were disposed of from inventory.

## Special Clean-up Procedures

The Department of Health requires that all food establishments have written clean-up procedures for vomiting and diarrheal events in line with regulations in the FDA Food Code<sup>19</sup>. Norovirus is highly contagious, and particles can spread through the air up to 25 feet. Only a few particles are needed to infect a person. The Department of Health provides the following guidelines for creating a written procedure:



[RIDOH Clean-Up Procedure Link](#)

### Protect guests

1. Move guests at least 25 feet away from affected areas
2. Block access to contaminated area
3. Throw away all food in the 25 foot area, as it may have been contaminated

### Protect staff and volunteers

1. Staff or volunteers cleaning must wear gloves, mask, and an apron
2. Throw away or launder items after use
3. Wash hands thoroughly – hand sanitizers may **not** be effective against norovirus

### Contain the spill

1. Use baking soda or other absorbent material to contain the spill

### Clean up

1. Use paper towels to clean-up and throw them away in plastic trash (or biohazard bags if available) – do **not** vacuum as vacuuming can spread particles
2. Use soapy water for the spill area, surfaces close to the spill, and frequently touched areas such as faucet handles, doorknobs, counters, and phones
3. Rinse thoroughly
4. Wipe dry with paper towels

### Disinfect surfaces after cleaning (to remove remaining germs)

1. Use chlorine bleach for everything except fabrics and rugs
  - a. For hard surfaces, use 1/3 cup bleach (1/4 cup if concentrated) + 1 gal water
  - b. For porous surfaces, use 1 – 2/3 cup bleach (1 cup if concentrated) + 1 gal water
2. Steam clean or use other disinfectants approved for food service facilities for areas that cannot be bleached:
  - a. Phenolic environmental disinfectants at 2-3 times the concentration
  - b. EPA-registered disinfectants
3. Rinse all food contact surfaces after disinfecting

#### Clean-Up Kit Contents

- Cleanup checklist
- Masks
- Disposable gloves
- Paper towels
- Plastic garbage bags
- Caution tape
- Disposable clothes or apron
- Baking soda
- Bleach or other disinfectant

The Food Bank also has a suggested list of kits for purchase. Go to the Agency Portal "Shopping List" for reference.

<sup>19</sup> Section 2-501.11 of FDA Food Code 2017



## What does this mean for my agency?

1. Create or purchase a clean-up kit to keep on hand.
2. Guests should be moved immediately away from the spill area.
3. All food within 25 feet of the spill should not be distributed and should be immediately discarded.
4. Member agencies should have a written clean-up procedure. This procedure should be included with the clean-up kit. A record of any clean-up actions should be kept.

## Additional Safety Considerations

As an organization that serves the public, there are other safety considerations besides food safety that your agency must also take responsibility for preventing.

### Transporting Food

When transporting food for your agency, vehicles should be clean and free of any items that may contaminate food products. Things that should NOT be in a vehicle while transporting food include: chemicals (e.g. antifreeze, gasoline, cleaning fluids), trash, items with dirt or soil such as hiking or work boots, or anything else that could contaminate food. Pets or other animals should also not be in vehicles while transporting food.

### Pest Control

A few ways to prevent pests from invading your agency's food are:

- Keep products 6 inches off the ground and 4 inches off the wall
- Keep track of inventory and rotate products based on First In First Out
- Regularly clean and inspect food storage areas
- Seal and fix any cracks or holes in walls, floors, windows, doors, etc.



We recommend your agency contract with a pest control company for regularly scheduled visits. At the very least, we require that your agency have the contact information of a pest control company on hand in case any pest emergencies occur at your agency.

### Power Outages

Agencies should plan ahead of any severe weather warnings for steps to take to prevent food loss during power outages. For more information, please refer to the Food Bank's "Guidance for Food Safety During Power Outages" document on the Agency Portal.



### Fire Safety

All agencies are required to have working fire extinguishers on site. You should make sure all crowds during food pantry distributions or meal site services are within your building's fire capacity limits. We strongly recommend that all food pantries create a fire safety and evacuation plan including what to do if a fire breaks out during a distribution. Meal sites must have fire and evacuation plans in place since meal sites have kitchens.





## Appendix: The Bill Emerson 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 (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.

(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.