



SB 1383 Food Waste Regulations

KEY TOPICS OVERVIEW

The environmental legislation [SB 1383](#) sets the landmark statewide edible food recovery requirement. Specifically, the law requires California to recover no less than 20 percent of edible food that would otherwise be disposed to help feed people by 2025. This is a statewide goal, but local jurisdictions — your cities or county, depending on their approach — will implement plans to achieve the goal.

This document provides a brief overview of key topics, and answers frequently asked questions. Our policy team is glad to discuss these or other issues in greater detail at any time.

Q: When will this new law go into effect?

A: The new rules will go into effect on January 1, 2022. The [full implementation schedule is here](#).

Q: Does my food bank have to participate?

A: The regulations are optional for food banks and agency partners, and as an added protection, generators must establish a prior contract or written agreement to prevent “donation dumping.” As they are mandatory for all generators, including partners like grocery stores, the regulations will likely affect all members: generators will be required to have contracts or written agreements with food recovery organizations who pick up food, and keep monthly records.

Because generators must comply, SB 1383 may be a good opportunity to increase food rescue. If a food bank decides to enter into a contract or written agreement with a generator pursuant to SB 1383, then the food bank or agency partner will be responsible for complying with recordkeeping and reporting requirements.

DEFINITIONS

Edible Food: *“food intended for human consumption.”* We flag that is broad, and could lead to offers of food you cannot take. CAFB had requested edible food be defined as actually fit to be consumed. The final text does include: *“Nothing in SB 1383’s regulations requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.”*

Commercial Edible Food Generator: Tier 1 (such as supermarkets, grocery stores, food distributors, wholesalers, etc.) and Tier 2 (such as large restaurants, hotels, large venues or events, cafeterias, etc.) generators are on [different implementation schedules](#).

Food Recovery

Organization: The regulations recognize food banks and other nonprofit charities, as well as for-profit Food Recovery Services, which may also see SB 1383 as an opportunity.



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Q: What is the benefit to my food bank?

A: Ideally, this will expand food donation opportunities, such as grocers who may not have been a partner but are now incentivized to donate. SB 1383 includes potential frameworks to cover your costs to receive and distribute donated food directly with generators, or through your local jurisdiction(s). We recommend that interested food banks proactively work with generators or jurisdictions to create such funding opportunities. [CalRecycle's Model Food Recovery Agreement](#) also includes several cost sharing options.

Q: Are there risks?

A: SB 1383 does not include ending hunger as its primary goal, and commercial edible food generators are not required to donate to anti-hunger organizations. CAFB remains concerned about potential unintended consequences that for-profit food rescue organizations may approach existing retail or other partners. Participating food banks will also need to keep accurate monthly records or risk potential fines.

Q: What should our food bank be doing to prepare?

A: Local jurisdictions must conduct capacity planning to determine what is necessary to implement their plans. This is a key process to uplift your operational and other needs to enhance your food recovery efforts, and inform how your jurisdiction(s) may generate revenue streams to fund these programs. We encourage you to meet with your County Sustainability or Waste offices to inform this process. Some Counties are managing the entire process whereas some are implementing City by City. We further encourage you to reach out to existing and future donors to understand their needs to make SB 1383 a mutual success.

Q: Can my food bank charge food donors?

A: Yes, food banks can charge donors for costs associated with transportation, storage, staff time, etc. for food being donated, on any scale that the food bank deems is appropriate. The regulations recognize models where food banks pick up donations, as well as where generators deliver them ("self-haul"). To learn more about different cost sharing options, please refer to [CalRecycle's Model Food Recovery Agreement](#).

Q: If my food bank participates, what recordkeeping requirements will our food bank have to comply with?

A: Food banks will be required to keep a monthly record of commercial edible food generators that they receive donations from and the number of pounds received from each generator per month. Food banks will only be required to keep one set of records (i.e. they will not be required to keep separate records for the different counties or jurisdictions in which they operate).

Q: If my food bank participates, what reporting requirements will our food bank have to comply with? Will our food bank be required to report to multiple jurisdictions or only one jurisdiction?

A: Only food recovery organizations that contract with or have written agreements with generators pursuant to SB 1383 are required to report information to the jurisdiction. This is the total pounds collected (from commercial edible food generators) in the previous calendar year to one jurisdiction. That is, the jurisdiction where their primary address is physically located. They are not required to report to multiple jurisdictions. For example, if a food recovery organization is recovering food in multiple jurisdictions, the food recovery organization is only required to report the total pounds collected (from commercial edible food generators) in the previous calendar year to the jurisdiction of your physical location (your warehouse).

Q: If my food bank participates, will we be required to report individual donor names to the jurisdiction?

A: No, only the total pounds collected in the previous calendar year from the food generators that they have written agreements with pursuant to SB 1383. Reporting total pounds is critical to measure progress and help jurisdictions and CalRecycle identify if more capacity building needs to occur.

Q: Where can I get more information?

A: Here is an [implementation timeline](#) and further background on the [CalRecycle page](#), and see [model tools](#) that CalRecycle developed. CalRecycle also has an optional, customizable [model food recovery agreement](#).

Learn more about us: <http://cafoodbanks.org>

