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 .................................................................................................................................................. 3

Where do we get our food safety practices? ........................................................................................... 3

- FDA Food Code ........................................................................................................................................... 3
- Department of Health RI Food Code ......................................................................................................... 3
- Feeding America ....................................................................................................................................... 3
- USDA and FDA website recommendations ............................................................................................... 3

Who can receive donations?......................................................................................................................... 3

When can donors take a tax deduction? ...................................................................................................... 4

The Bill Emerson Good Samaritan Food Donation Act: When is a food donor protected? ................. 5

Food Business License and Food Safety Certification Requirements ....................................................... 6

Food Sourcing ............................................................................................................................................... 8

- What is an acceptable food source? ......................................................................................................... 8
- Discarding Unsafe, Adulterated, or Contaminated Food ........................................................................... 8

Public Health Protection ............................................................................................................................ 9

Essential Information for Receipting ........................................................................................................ 9

Record Keeping and Accountability ........................................................................................................... 10

Storage and Handling .................................................................................................................................. 11

- Receiving all Products from the Food Bank ............................................................................................ 11
- Storage .................................................................................................................................................... 14
- Distribution ............................................................................................................................................. 15

Food Recalls ................................................................................................................................................ 16

Special Clean-up Procedures ..................................................................................................................... 16

- Protect guests .......................................................................................................................................... 17
- Protect staff and volunteers .................................................................................................................... 17
- Contain the spill ...................................................................................................................................... 17
- Clean up .................................................................................................................................................. 17
- Disinfect surfaces after cleaning (to remove remaining germs) ............................................................. 17

Appendix: The Bill Emerson Good Samaritan Food Donation Act - Key Definitions ........................... 19
Introduction

This Food Safety Standard was 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. It is our hope that 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.

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 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 policy.¹

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, Center for Food Protection and is an adoption of the federal FDA Food Code 2013 with additional requirements specific to Rhode Island. The most recent version of the Food Code is February 2018. The Food Code establishes minimum standards for food safety and sanitation to promote the purpose of protecting the public 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/GuidanceRegulation/RetailFoodProtection/FoodCode/
² RI Food Code 216-RICR-50-10-1 Page 1
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.
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 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. 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 laws.

**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
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.\(^5\)

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 and Food Safety Certification
Requirements
Restaurant and Food Licenses
The Department of Health 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. 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 Center for Food Protection within ten days.6

**Food establishments**

A food 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.7 A person may not operate a food establishment without a valid permit to operate issued by the Department of Health.8

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, 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, and after three years for certificates issued before 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.9

---

6 [https://rules.sos.ri.gov/regulations/part/216-50-10-2](https://rules.sos.ri.gov/regulations/part/216-50-10-2) page 5
7 RI Food Code 216-RICR-50-10-1 Page 3
8 Section 8-301.11 of FDA Food Code 2013.
9 RI Certification of Managers in Food Safety 216-RICR-50-10-2
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 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 discarded¹⁰.

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 establishment¹¹.

---

¹⁰ Section 3-701.11 of FDA Food Code 2013
¹¹ Section 8-102.10 of FDA Food Code 2013
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 consumer\textsuperscript{12}.

\begin{quote}
\textbf{What does this mean for my Agency?}
\end{quote}

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. Food prepared in a private home may not be used or distributed by a member agency.
3. 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.
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 FDA Food Code 2013).

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:

1. Name of your organization
2. A statement stating that the organization is a registered 501(c)(3) organization along with its federal tax identification number
3. Date that the donation occurred
4. Donor’s name

\textsuperscript{12} Section 8-101.10 of FDA Food Code 2013
5. Type of contribution made (cash, goods, service)
6. Value of the contribution
7. If anything was received in exchange for the donation
8. Name and signature of authorized representative of the organization

What does this mean for my agency?
1. Member Agencies must have a receipting system in place for tracking donations and providing documentation to donors for tax deduction purposes. These systems are reviewed at agency monitoring visits.
2. Member Agencies must keep receipts of all food donations and receipts shall include date, time and, when applicable, temperature of perishable (refrigerated or frozen) goods upon arrival.

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:
1) Maintain accurate guest records. Emergency providers will maintain accurate records of all individuals, families, and how often a family visits the program each month by a system established to provide accountability for product distribution and RICFB monthly statistic reports, as applicable to the program.
2) Keep RICFB invoices. 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.
3) Track donations. All members must also have a system for tracking donation receipts from sources other than the RICFB. Donation and receipting systems will be reviewed at monitoring visits.
4) Store RICFB products on-site. RICFB products will only be stored at sites and facilities inspected by the RICFB.
5) Submit statistic reports. Emergency provider agencies must submit timely and accurate statistics to the RICFB monthly. They are due by the 10th of the following month or the agency may be suspended.
6) Use RICFB products for designated food assistance programs only. RICFB products may only be used for member food assistance programs and not for any other programs at the facility or for the agency’s fundraisers, banquets, or parties. Religious establishments will not serve or distribute RICFB food for general congregational use. RICFB products are for registered program guests only.
7) Adhere to policies for paid staff and volunteers. 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 guests are.

http://charity.lovetoknow.com/Charitable_Donation_ Receipt
8) Only donated non-food items (hand soap, toilet paper, cleaning supplies, etc.) may be used in the agency’s operations and upkeep for which these supplies would normally be used.

9) Verify RICFB product. Member agencies should be able to verify pounds received from the Food Bank compared to guest registration and distribution records. Product unaccounted for will be considered stolen.

10) Report Food Losses. If a power outage, flood, theft, or other disaster occurs at the agency involving RICFB products, the RICFB will be contacted immediately with date, time, type of product(s), and quantity of product lost.

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:**

1) Accept food “as is”. Food will be accepted "as is" and stored and transported according to food safety guidelines. The dry, cold or frozen condition that a food pantry receives the product from the Food Bank is the way the pantry should store and distribute it to guests.

2) Adhere to Department of Health food safety certification regulations. All RICFB agencies will have a staff member certified as a food safety manager and will have a food business license, except CSFP Only sites.

3) Operate out of safe facilities. Member agencies in violation of federal, 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. This includes operating with appropriate fire safety and pest control measures.

4) Receive food donations from acceptable sources only. The RI 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.

5) Food may not be taken off premises by guests at community meal sites, with the exception of hand fruit, non-perishable ready-to-eat snack packages (as manufactured), or any other item that is not a Time/Temperature Control for Safety Food. Additionally, donated food and beverages may be consumed by staff or volunteers who are directly involved in the preparation of a meal or providing other services during a meal. The consumption of a meal should be part of staff or volunteer involvement with program guests (e.g., eat with guests at the same table).

6) 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). Additionally, donations must be first generation surplus foods and not previously reheated or a second-time service. All perishable foods must have proof of how food was kept and include temperature logs in order to be accepted. All perishable foods must be temped at the time of donation, any products with temps out of range should be discarded.

7) Community meal sites and shelters must have a Food Allergy Awareness sign posted on site and adhere to Department of Health guidelines which include ways to let program guests
know about ingredients that are used in the meals and what to do if you see someone having an allergic reaction. Food pantries should post similar signs if they received bulk donations of bread items that do not have packages or ingredients.

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 RI DOH means any food or food ingredient, natural or synthetic in a form capable of supporting (a) the rapid and progressive growth of infectious or toxigenic microorganisms or (b) the slower growth of Clostridium botulinum. TCS foods include animal foods that are raw or heat-treated, plant foods that are heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, 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.

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.

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

Other temperatures for receiving refrigerated Time/Temperature Control for Safety Food should be followed as per below:

---

14 Section 1.3 of RI Food Code 216-RICR-50-10-1
15 FDA Food Code 2013 Page 22
16 https://www.restaurant.org/Manage-My-Restaurant/Food-Nutrition/Food-Safety/Recognizing-TCS-food
17 Section 3-202.11 of FDA Food Code 2013
1. If a temperature other than 41°F for a TCS Food 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 temperatures.
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 a temperature and for a time specified under sections 3-401.11-3-401.14 of the FDA Food Code 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 abuse18.

**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 shall be discarded if it:

1. Exceeds 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 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:

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 [specific cold processes]; and

__Footnotes__

18 Section 3-202.11 of FDA Food Code 2013
19 Section 3-501.18 of FDA Food Code 2013
b. Methods of compliance with cooling for food that is prepared, cooked, and refrigerated before time is used as a public health control.

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

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; 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 un-cut produce) unless 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 food must be stored in a clean, dry place. Dry storage temperatures should be between 50°F-70°F.
2. The Department of Health requires that floors be swept and shelves washed regularly as bacteria tend to flourish in dust and dirt.
3. 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.
4. 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.

---

20 Section 1.5.3 of RI Food Code 216-RICR-50-10-1
5. 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.

6. 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.

7. 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:
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, or
8. Under lines on which water has condensed
9. Under open stairwells; or

**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:

1. Adhere to Department of Health food safety certification regulations. All RICFB agencies will have a staff member certified as a food safety manager and will have a food business license, except CSFP Only sites.
2. Operate out of safe facilities. Member agencies in violation of federal, 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. This includes operating with appropriate fire safety and pest control measures.
3. Food may not be taken off premises’ by guests at community meal sites, with the exception of hand fruit, non-perishable ready-to-eat snack packages (as manufactured), or any other item that is not a TCS Food. Additionally, donated food and beverages may be consumed by staff or volunteers who are directly involved in the preparation of a meal or providing other services during a meal. The consumption of a meal should be part of staff or volunteer involvement with clients (e.g., eat with clients at the same table).
4. 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. Note: Food pantries should never cook and distribute cooked products.
5. 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

---

21 Section 3-305.12 of FDA Food Code 2013
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.

6. 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 only 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.

**Food Recalls**

The FDA website, [http://www.fda.gov/Safety/Recalls/default.htm](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 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. Member Agencies are informed via email on behalf of the Food Safety Committee.

**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 discard the product from their inventory.

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 is now requiring that all food establishments have written clean-up procedures for vomiting and diarrheal events in line with new regulations in the FDA Food Code\(^\text{22}\). Norovirus is highly contagious, and particles can spread through the air up to 25 feet. Only a few

---

\(^{22}\) Section 2-501.11 of FDA Food Code 2013
particles are needed to infect a person. The Department of Health provides the following guidelines for creating a written procedure:

**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 feet 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, door knobs, 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 uses 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

---

23 [http://www.health.ri.gov/publications/guidelines/RespondingToVomitingAndDiarrheainFoodEstABLishments.pdf](http://www.health.ri.gov/publications/guidelines/RespondingToVomitingAndDiarrheainFoodEstABLishments.pdf)
What does this mean for my agency?

1. Create a clean-up kit to keep on hand. Kits should include disposable gloves, masks, aprons, paper towels, plastic bags, and baking soda.

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 can be included with the clean-up kit. A record of any clean-up actions should be kept.
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 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.