Guidance for Food Businesses

Safe Handling of Food Items Donated to Food Banks

Michigan Department of Agriculture & Rural Development

Where to Donate

Food banks and other food recovery programs accept personal donations of food as well as donations from commercial production and distribution channels and redistribute them to people in need. Food recovery efforts are carried out by public, private, and nonprofit organizations across the country. The primary goal of food recovery programs is to collect safe and wholesome food donated from commercial sources to meet the nutritional needs of the hungry.

For assistance in finding a food bank or food recovery program accepting donations, contact the Food Bank Council of Michigan.

Protections and Requirements Under the Michigan Food Law

The Michigan Food Law provides protection against criminal or civil liability for individuals and businesses who donate products to food products to food banks. A retail food establishment, farmer, wholesaler, wholesale processor, distributor, or other person who donates food for use or distribution by a nonprofit organization or nonprofit corporation, and a nonprofit organization or nonprofit corporation that collects donated food and distributes that food to another nonprofit organization or nonprofit corporation free of charge or for a nominal fee, is not subject to any criminal liability under this act or any civil liability resulting from the nature, age, condition, or packaging of the food unless the donor or nonprofit organization or nonprofit corporation knew or reasonably should have known when it donated or distributed the food that the food was adulterated or not fit for human consumption.

Further protection for donators can be found in the Bill Emerson Good Samaritan Food Donation Act.

Any nonprofit organization or nonprofit corporation that serves donated food is required to employ a trained and certified food safety manager to make sure donated food is safe and wholesome, and is handled, stored and distributed in a way that maintains product safety and wholesomeness. Nonperishable food or prepackaged perishable food past its resale date may still be delivered if the food items are wholesome and sound and is clearly identified as having passed the date. Please review the list for safe food donations below.

Things to Remember for Safe Food Donations

- Train volunteers and employees on proper safe food handling practices and personal hygiene, including handwashing and personal protective equipment, when needed/required.
- Assure food is properly labeled, as required. This includes properly listing all allergens on labels. Labeling requirements can be found at: https://www.michigan.gov/mdard/-/media/Project/Websites/mdard/documents/food-dairy/food_labeling_guide.pdf.
- Canned food should be free from deep dents and rust. Damaged cans can be a source of foodborne illness. For guidance on determining if cans are damaged, visit https://afdo.org/wp-content/uploads/2021/09/Can-Defects-Poster-11-by-17-White.pdf.
- Pay attention to 'use by' or expiration dates. Some foods are still safe and wholesome after the dates printed on the packaging, so it's important to follow the USDA guidelines, available at (USDA timeline guidance).
- If breaking bulk packages (other than produce) into smaller serving sizes, proper sinks and sanitary food handling methods are required.
- Assure all items are held at proper temperatures. Items that require refrigeration must be kept below 41°F at all times and frozen items must remain frozen, and not allowed to thaw and refreeze.
- Infant formula can't be accepted by food banks past its use-by date and all baby foods should also be within their use-by dates.
- Keep all foods separated to prevent cross-contamination, specifically raw foods and ready-to-eat foods.
- Raw beef, poultry and pork must be received from approved sources (i.e., USDA-licensed and inspected firm or equivalent).
- If you are a hunter who wants to donate venison or other wild game, it must be processed by a licensed food facility and donated directly from the facility to the food bank.
- You must meet and document all sanitation requirements and pest monitoring and control efforts for your facility, and maintain required records for sanitation and pest monitoring.

Summary of Food Safety Requirements for Specific Food Items to be Donated

Meats: Beef, Pork, Poultry

- Frozen is preferred
- Food banks cannot accept if received above 41°F
- Must be received or frozen by the sell-by date
- Must be in sealed packages with appropriate labels
- Livestock must be processed for donation at a USDA facility
- Wild game must come from licensed facility

Seafood

- Fish, shellfish, and other seafood is only accepted if continuously frozen from the time of processing until donation
- Must be in sealed packages with appropriate labels

Non-Perishables: Cans, bags, boxes, and bottles

- From licensed, inspected food establishments; not homemade
- In original packaging unopened and sealed
- Labeled with ingredients and allergens
- Intact with no dents, bulging, rust, water damage
- Must be donated within one year of sell-by date on package

Produce: Fruits and Veggies

- May be donated from stores, farms, or home gardens
- Whole, intact produce with no signs of mold, spoilage or severe bruising may be donated
- Cut produce must be received at or below 41°F, labeled and in original packaging, on or before the sell-by date
- No raw seed sprouts (like alfalfa or bean sprouts)

Baked Goods: breads, muffins, desserts

- In original packaging, unopened
- Can be frozen
- Perishable baked goods must be held at or below 41°F
- No homemade items (Cottage Foods) may be donated. All baked goods must be produced in a licensed kitchen
- Must include proper labeling, including ingredients and allergen requirements

Dairy and Eggs: Milk, Cheese, Yogurt

- Must be unopened and properly labeled
- Cannot be accepted if received above 41°F
- Milk and similar liquid products must be pasteurized
- Milk must be within five days of sell-by date
- Cheese, yogurt, eggs and similar foods must be within 10 days of sell-by date
- All dairy and egg products must be from licensed, inspected food establishments

Prepared/Deli Foods: Sandwiches, ready-to-eat or heat entrees

- Must be from licensed, inspected food establishments
- Must be held at or below 41°F
- Frozen is preferred and the product must be frozen on or before its sell-by date
- Must be properly labeled with all allergens, ingredients, and sub-ingredients of compound items
- No left over food items previously served to the public (e.g., in a salad bar or on a catering tray at a party)

Starting Your Own Food Bank

For guidance on establishing a food bank, call the Michigan Department of Agriculture and Rural Development at 800-292-3939 and ask to speak to a food inspector in your area.

References

https://www.michigan.gov/mdard Michigan Department of Agriculture and Rural Development
https://www.fda.gov/food/fda-food-code/food-code-2009 Federal Food Code
https://www.foodsafety.gov/keep-food-safe/foodkeeper-app USDA Food
https://afdo.org/wp-content/uploads/2021/09/Can-Defects-Poster-11-by-17-White.pdf Guide to Can Defects

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