

# SB 1383 Edible Food Recovery Working Group Meeting Agenda

**Date:** Tuesday, October 17<sup>th</sup>, 2023, 1:00 p.m. - 3:00 p.m.

**Location:** Virtual Meeting [Click here to join the meeting](#)

**Contact:** Caitlin.Barboza@sdcounty.ca.gov

**Or call in (audio only)**

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Phone Conference ID: 520 791 529#

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## Agenda

### 1. Welcome and introductions (please type name and affiliation in chat)

- Alexis Heredia
- Allie Blankemeier
- AVECITA Jones, City of Carlsbad
- Brooke Yaptangco Flinn, County of San Diego
- Caitlin Barboza, County of San Diego
- Craig Jones, North County Food Policy Council
- Colleen Foster, HF&H Consultants
- Danielle Osborne, CalRecycle
- Dave Didonato, City of Chula Vista
- Elizabeth Prado, Life Acts
- Heather Heckman, City of Santee
- Jacy Triboulet, Feeding San Diego
- Janin Rodarte, City of Escondido
- Jennafer Steffen, City of Poway
- Joshua Keyton, County of San Diego
- Kate Garrett, Feeding San Diego
- Kaitlin Lowe, County of San Diego
- Mallika Sen, Solana Center
- Megan Kendall, City of San Diego
- Michael Luna, City of Del Mar
- Monica Martinez, City of El Cajon
- Natalia King Quick, County of San Diego
- Natalie Penney
- Nita Kurmins Gilson, ProduceGood
- Ofelia Andrade, City of Coronado
- Polina Osipova, City of San Diego
- Rebecca McClellan
- Rocio Ramos, City of Oceanside
- Rosemarie Chora, City of Oceanside
- Samantha Byfield, City of San Marcos
- Stephanie Ewalt, Ekolojik
- Stephanie Morris, Jimbo's
- Timothy Hall, CalRecycle
- Tyla Soylu, Ekolojik
- Vanessa Mello, County of San Diego, DEH

### 2. Public Comments & Communications

- a. Solana Center – Can FROs be enforced as part of the inspection process?
  - i. CalRecycle – Yes, FROs can be enforced upon if they're not up on recordkeeping, but it's at the discretion of the jurisdiction.
- b. CalRecycle – Per grant manager, budget modifications are possible so long as grant manager is notified, and standard processes are followed.

### 3. SB 1383 – Implementation, Discussion, Q&A

- a. Tier 1 & 2 – Questions & Discussion
  - i. NLEs and Education Entities
    1. County of San Diego – See last month's meeting minutes for CalRecycle's insight on Non-Local Entities (NLEs) and education entities.

2. City of Del Mar – Met with CalRecycle and Del Mar Fairgrounds staff onsite to discuss inspections, enforcement, and education for NLEs.
    - a. For best practices, coordinate with CalRecycle staff to meet with generator and jurisdiction onsite to understand the NLEs processes and determine what is enforceable by the jurisdiction.
    - b. If there is a private edible food generator (3<sup>rd</sup> party) located in the NLE, jurisdiction would have the right to inspect and enforce.
    - c. If property is state-owned, state will be responsible for enforcement, and jurisdiction for inspections/outreach. CalRecycle is assisting in relaying this information to the NLE directly.
  3. HF&H Consultants – How do we determine if an edible food generator is a 3<sup>rd</sup> party generator or a Non-Local Entity?
    - a. City of Del Mar – Difference is if the generator is a private business (3<sup>rd</sup> party) or an extension of the non-local entity.
    - b. For the Del Mar Fairgrounds, catering company, Premiere Foods, is considered a private edible food generator (jurisdiction may inspect and enforce), whereas the Del Mar Fairgrounds venue is considered a non-local entity (jurisdiction may inspect but must communicate directly to CalRecycle for enforcement).
      - i. County of San Diego DEHQ – For mobile truck vendors, hot prepared foods are ineligible for food recovery.
  4. City of San Diego – Recently put in a request to the Navy to provide a list of food generators that fall within the Tier 2 criteria.
  5. City of Del Mar – To assist with identifying Tier 2s, try working with planning and building departments to have engineers include square footage and seat count in future building plans. Also ask fire department to collect/share seat count.
    - a. City of Del Mar – Del Mar Fire currently only identifies capacity, will be asking department to identify seat count going forward.
  6. North County Food Policy Council – Can City of Del Mar’s business licenses be used to determine seat count?
    - a. City of Del Mar – Business licenses currently do not ask for seat count. We use HDL so we would have to make sure that we could add in additional fields for businesses to complete.
      - i. County of San Diego – Unincorporated County businesses are not required to obtain a business license.
- ii. [School districts](#)
1. [School districts are edible food generators, not individual schools](#)
- b. Site Visits/Inspections – DEHQ Myths and Challenges
- i. DEHQ – Q&A
    1. City of San Diego – Informed by Copia that they handle the food recovery agreement with the generator, but they are a technology that people can utilize, not a food recovery service.

- a. CalRecycle – Regulations do not include “broker models”: services that focus on coordinating transportation for recovery but do not perform any transportation themselves.
  - i. CalRecycle – If Copia is outsourcing drivers for food recovery, that would mean they are utilizing a “broker model.”
    - 1. Life Acts – Copia coordinates deliveries using DoorDash drivers.
    - 2. Life Acts – Copia is also working on larger venues with possible larger volume rescue, where they'd request for a FRO to pick up food rescue too.
  - ii. <https://www.gocopia.com/businesses/>
- 2. Ekoljick – Too Good To Go, also based in technology, focusing on selling to go bags of prepared foods, working to host a presentation at a future meeting. Would be beneficial to host Copia at a future meeting as well.
- 3. City of San Diego – Are inspections of FROs and FRSs limited to recordkeeping requirements in Article 10?
  - a. Section in question via CalRecycle’s Q/A website: “To clarify, SB 1383-related inspections of food recovery organizations and food recovery services will be limited to verifying that the recordkeeping requirements of Section 18991.5 have been met. In addition, if a food recovery organization or a food recovery service fails to meet the reporting requirements of Section 18994 (h)(2)(A), then a jurisdiction could inspect the food recovery organization or food recovery service to ensure that the reporting requirements are met.”
    - i. CalRecycle – Section not intended to limit inspections, will flag for CalRecycle team to tidy up the Q/A to reflect jurisdictions authority as of 01/22 to inspect FRO/FRS.
- c. Food Recovery Organization Site Visits
  - i. Share feedback and response from recent site visits (group)
    - 1. City of Del Mar – Please make sure jurisdictions have their FROs listed on their websites, including the types of food recovery that they accept.
    - 2. City of San Diego – Observed a FRO utilizing a juicer and dehydrator for produce that would have perished to make dried fruit and herbs (not often donated). FROs could potentially purchase devices through CalRecycle grant.
      - a. County of San Diego DEHQ – Would not recommend for all FROs as process may require additional permitting. Health and safety concerns like canning and jarring produce.
- d. Recordkeeping & Reporting (FRO’s and Generators)
  - i. City of Del Mar – Are we required to keep additional FRO documents in jurisdiction implementation record outside of the agreements with the FROs and Tiers.
    - 1. CalRecycle – Required to include agreements, will circle back on whether other documents are required for the jurisdiction implementation record.

- a. Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program.
  - i. (a) A jurisdiction shall include all documents supporting its compliance with Section 18991.1 in the Implementation Record required by Section 18995.2 and shall also include at a minimum:
    - ii. (1) A list of commercial edible food generators in the jurisdiction that have a contract or written agreement with food recovery organizations or services pursuant to Section 18991.3(b).
    - iii. (2) A list of food recovery organizations and food recovery services in the jurisdiction and their edible food recovery capacity.
    - iv. (3) Documentation of the actions the jurisdiction has taken to increase edible food recovery capacity.
  - ii. Feeding San Diego – Agency partner was asked to separate breakdown of pounds for recovered food by Tiers (not required by SB 1383). Were any local ordinances passed requiring this?
    - 1. County of San Diego – EAR reporting asks for a single total for edible food recovered with a note stating that total includes food recovered from Tier 1, Tier 2, and other food generators.
    - 2. County of San Diego – County only requires FROs to list the name and address of partnered businesses, not a breakdown of pounds by tiers.
    - 3. CalRecycle – Leave a note in the EAR if jurisdictions reported food recovered differently.
  - iii. Solana Center – Observing food scraps in landfill stream during Tier 2 site visits since most businesses utilize black plastic bags; inspection will not catch food scraps in sealed black bags. CalRecycle stated that black bags are not required to be opened during route inspections.
    - 1. County of San Diego – Observing contamination in indoor bins before they’re sealed in black plastic bags.
    - 2. HF&H Consultants – Eventually able to monitor analytics through waste evaluations and route monitoring.
    - 3. Jimbo’s – Stores have stopped using black plastic bags for visibility and transparency. Unsure on how to tackle this at scale.
- e. Capacity Planning (Due Aug 1, 2024)
  - i. County of San Diego – Jurisdictions should expect a call early next year regarding capacity planning.
- f. Other roadblocks, concerns for discussion

**4. SB 1383 – Public Education Resources**

- a. [San Diego Regional Food Systems GIS Map](#)
  - i. Craig Jones - New interns for Fall 2023 semester are currently setting up a separate GIS platform for SB 1383 information, continuing to add jurisdiction data as layers.

1. <https://palomar.maps.arcgis.com/home/webmap/viewer.html?webmap=8bb848929e5644e882198ae9b5914847>
  - a. Mapping Tier 1, Tier 2, and FRO data.
  - b. Linking relationships between FROs and partners.
  - c. For Fall 2023 semester, team is mapping data for Santee, Coronado, and Del Mar.
  - d. Notify Caitlin Barboza if interested in mapping your jurisdiction's data for the upcoming Spring 2024 semester.

b. Resources for Tier 2 Public Education:

i. [CRRRA EFR – Additional Resources](#)

1. Scroll to the bottom under “Additional Resource” and see adaptable Word documents for “How to Safely Recover Food” for each stakeholder group.
  2. Will work with DEHQ/Food Banks to vet local content.
- ii. Jurisdictions need to start understanding which FRO's and other orgs are best suited to accept prepared (Tier 2) foods.
  - iii. Options besides donation (Too Good to Go, donating to employees, donating to local homeless)
    1. Tracking by generators will be key.

c. Save the Food San Diego website and meetings, *pending*

d. Food Bank updates on education efforts to partners

- i. Feeding SD – Aside from Annual Agency Summit, no further updates.
- ii. San Diego Food Bank – No updates.

e. Food donation videos (County led for regional use)

- i. SB 1383-specific and general food donation
- ii. Where to house resources?

**5. Grants & funding**

a. SB 1383 Local Assistance Grants (Rd 2) announced.

- i. Applications due November 15, 2023.
- ii. Resolutions required to apply for and accept grant, resolutions due November 20, 2023.
- iii. Ekolojik – CalRecycle anticipates grant funding to be approved and awarded around March 2024, emphasis on Edible Food Recovery.
- iv. City of Carlsbad – Estimations mentioned in spreadsheet potentially not matching actual awarded amount.
  1. Ekolojik - Floor increased from \$25k to \$75k, totaling amount is now \$900 million.
    - a. Solana Center – Floor increase results in smaller cities automatically receiving more baseline funding compared to previous round.

- b. HF&H Consultants – CalRecycle Grant contact: Jayme at [Jayme.Tesser@Calrecycle.ca.gov](mailto:Jayme.Tesser@Calrecycle.ca.gov)
- v. HF&H Consultants – HF&H is trying to buy equipment for food recovery agencies, grant states that there must be an agreement.
  - 1. City of Carlsbad – Could we buy 10 scales and have a form to allow FROs and FRSSs to check out scales using a form?
    - a. CalRecycle - Currently not prepared to answer these questions, will relay to Jayme.
  - 2. County of San Diego - Need to maintain ownership of equipment according to grant, creates a barrier with the county regarding insurance?
    - a. City of Carlsbad – Not specifically referring to the liability aspect but because the original amount for funding (\$20k) could allow Carlsbad program to consider vehicles.
    - b. <https://www.carlsbadca.gov/departments/environmental-sustainability/reduce-reuse-recycle/food-recovery-funding>
  - 3. Solana Center – Regarding FROs that have received refrigerated vehicles, how do foodbanks handle this?
    - a. Life Acts - Feeding San Diego has granted us a refrigerated Feeding San Diego van for indefinite use, if used for food rescue. They own title, but Life Acts pays the insurance, etc.
    - b. Life Acts - Feeding San Diego also generously granted us an amount for a brand-new refrigerated box truck with liftgate. We are expected to pay all costs of ownership (title, insurance, etc.)
    - c. Life Acts - Our Feeding San Diego refrigerated van was hit by another vehicle on the way to delivering food rescue. We were responsible for liability, but fortunately the other party had insurance that was fully covered.
- b. [EPA Grant List](#)

## 6. Legislation

## 7. News & Events

- a. CalRecycle info sessions: <https://www2.calrecycle.ca.gov/Listservs/Subscribe/152>
- b. October 19: [San Diego Food System Alliance – 3<sup>rd</sup> Annual Gathering \(SOLD OUT!\)](#)
- c. October 20: [SWANA SB 1383 Food Recovery Outreach webinar](#)
- d. November 16: [San Diego Hunger Coalition Annual Luncheon](#)

## 8. Round Table

- a. HF&H Consultants – Call for papers is out for Waste Expo in Las Vegas, Nevada.
  - i. Western Regional Symposium is also posting its call for papers: [2024 WRS CALL FOR SPEAKERS | Southern California \(socialswana.org\)](#)
- b. City of Carlsbad – Through Tier 2 inspections, food establishment in plazas are not composting because the plaza only has a compost bin at one of their enclosures.

- i. County of San Diego – County ordinance gives us the authority to make all three streams available by considering service levels insufficient.
  - 1. Solana Center - For the County's recent plaza site visit, did each business get notified, as well as the plaza manager?
    - a. County of San Diego – Initially contact plaza manager to notify each business, through site visit received individual manager contacts for each business.
- c. Life Acts - I have a friend who is a dietitian at a prison. They have pallets of perfectly edible food to donate, but due to controversy of the product, over \$4,000 worth of 2,000 meals have already been disposed. Is jurisdiction reporting under location of facility or under the FRO receiving the product?
- i. City of San Diego - The Food Recovery Organization reports to the jurisdiction that its primary location is based in.
  - 1. County of San Diego - Report all pounds recovered for all generators, if the city requires generator reports they would need to provide as well.

**9. Adjournment**

- a. *Next meeting Tues, November 21, 2023 – 1 p.m. – 3 p.m. (week of Thanksgiving, reschedule?)*

**SB 1383 Food Donation & Recovery Resources**

Resource	Provided By
<p><a href="#">Regional Guidance Document</a></p> <ul style="list-style-type: none"> <li>• Tier 1 and Tier 2 clarifications</li> <li>• List of Edible Food Recovery Organizations</li> <li>• Local Ordinances</li> <li>• California Retail Food Code (DEHQ)</li> <li>• Contacts (jurisdictions, DEHQ, corporations)</li> </ul>	Crowdsourced
<p><a href="#">Food Recovery Capacity Survey Results</a> (Updated 9/15/2022)</p> <ul style="list-style-type: none"> <li>• Additional County outreach is reflected in this document</li> <li>• To determine if FRO’s would like to be contacted directly for food donations: Please see “data dump” tab and scroll all the way right, to column BN.</li> <li>• <a href="#">Access to Survey Questions for continuation of outreach</a></li> </ul>	Crowdsourced
<p><a href="#">Model tools</a> (franchise agreement, edible food recovery agreement)</p>	CalRecycle
<p><a href="#">Capacity Planning for Jurisdictions</a></p>	CalRecycle
<p>CalRecycle's <a href="#">web page for food donors</a></p>	CalRecycle
<p>CalRecycle's <a href="#">web page for food recovery organizations</a></p>	CalRecycle
<p><a href="#">SB 1383 Local Assistance Grant Program</a></p>	CalRecycle
<p>Waste Free SD – <a href="#">Bin Cleaning Services</a></p>	County
<p><a href="#">Tableau Food Recovery Capacity Survey Results Dashboard</a></p>	County/SDFSA
<p><a href="#">San Diego Regional Food Systems GIS Map</a></p>	