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DALO-SUF

31 JUL 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Food Donation Procedures

1. References:

- a. Department of Defense Directive (DoDD) 6400.04E, DoD Veterinary Public and Animal Health Services, 27 Jun 13.
- b. Federal Food Donation Act of 2008, Public Law 110-247, 5 Jun 08.
- c. Bill Emerson Good Samaritan Food Donation Act, 42 U.S.C. 1791, Public Law 104-210, 1 Oct 96.
- d. Army Regulation (AR) 30-22 (Army Food Program), 24 Jul 12.
- e. Army Directive 2014-02 (Net Zero Installations Policy), 28 Jan 14.
- f. Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, 5 Oct 09.
- g. Department of the Army Pamphlet (DA Pam) 30-22 (Operating Procedures for the Army Food Program), 6 Feb 07.
- h. Technical Bulletin (TB) Medical (MED) 530 (Occupational and Environmental Health Food Sanitation), 30 Oct 02.
- i. AR 40-657 (Veterinary/Medical Food Safety, Quality Assurance, and Laboratory Service), 21 Jan 05.
- j. AR 40-656 (Veterinary Surveillance Inspection of Subsistence), 28 Aug 06.

2. Purpose. The purpose of this memorandum is to strengthen the Army's commitment to food donation programs and establish procedures for providing excess food to food recovery and distribution organizations. Where feasible, food donation programs will be established at Army installations in the United States and at Army operations on Joint Bases. Overseas installations must consult with their Judge Advocate Generals to determine if food donations can be implemented in accordance with their applicable

Status of Forces Agreements. Such programs will be implemented in a manner to protect human health and adhere to food safety guidelines, while providing wholesome food to eligible nonprofit organizations.

3. Background. DoDD 6400.04E (reference a) delineates the responsibilities and collaborative associations for providing safe food under DoD food protection programs. Federal law (references b and c) and AR 30-22 (reference d) encourage the donation of excess “apparently wholesome” food by Federal agencies and their contractors, and they limit criminal and civil liability associated with such donations. Food donation programs serve the dual purpose of providing sustenance to needy populations while furthering efforts toward meeting Army Net Zero Waste and Federal solid waste diversion goals (references e and f). The Net Zero strategy is the cornerstone of the Army strategy for sustainability and energy security.

4. Definitions.

a. Excess food: Food that is not required to meet the original procurement needs or other needs of the Army and would otherwise be discarded. Donated food, as applicable to these procedures, may include prepared foods that are in excess at the food operations; packaged, unopened items nearing or at the sell by/use by date; or packaged, unopened components of operational rations or field kitchen meals.

b. Apparently wholesome food: 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.

c. Donor: The organization under Department of Army control that donates the food.

d. Receiving Organization: A nonprofit [as defined under section 501(c) of the Internal Revenue Code] agency that receives the excess food and distributes or serves the food for free to needy populations. Receiving organizations may be operators of food recovery or food rescue programs.

5. Procedures. Army food service facility procedures for establishing and operating a food donation program are as follows:

a. Recommended program start-up procedures are provided in enclosure 1. Prior to the start of any donation activity, food service facilities must establish site-specific procedures for excess food handling, storage and transfer, documented via a written and signed memorandum of agreement (MOA) between the donating food service organization (Donor) and the Receiving Organization. Donor organizations are encouraged to seek out eligible local organizations to receive donated food.

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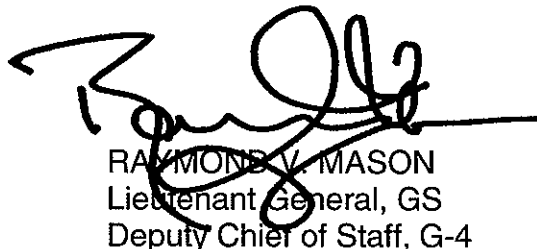
b. Food protection measures will be taken to ensure safety and health in all food operations. The enclosed food protection guidelines (enclosure 2) must be followed for food donation programs. Veterinary Services and Preventive Medicine (the program proponents for food safety) will be consulted in the development and implementation of food donation from Army organizations. Army National Guard (ARNG) facilities must coordinate through the State Surgeon; when Veterinary Service assets are not available, ARNG facilities should consult with the local health department.

c. Army installations are encouraged to include excess food that meets donor program criteria from dining facilities; field rations; Morale, Welfare, and Recreation (MWR) operations; medical food service operations and tenant organizations such as Defense Commissary Agency and Army and Air Force Exchange Services operations in food donation programs. Tenant organizations may already have separate ongoing food donation activities.

d. In accordance with AR 30-22 and DA Pam 30-22, the Installation Food Program Manager serves as the lead agent for overseeing the administration actions associated with food donation for appropriate fund operations. The functional leads for MWR and tenant organizations serve as the lead agent for their respective agencies when food donations are implemented within their policies and operations.

6. The point of contact is Mr. William (Bill) King at 703-614-0875 or e-mail: william.m.king1.civ@mail.mil.

2 Encls



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Enclosure 1
Guide to Starting a Food Donation Program

The following are recommended steps for starting a food donation program at an Army food service operation (Donor). Additional resources are provided at the end of this guide.

1. Survey Food Service Operations. An initial survey should be performed to determine the availability and frequency of excess food. This may be a formalized effort or may be accomplished by interviewing food service personnel and observing daily operations. The survey should include determination of the types, quantities, and timeframes for which excess foods may be generated. Information should be documented by the Donor and be provided to prospective Receiving Organizations.

2. Coordinate Program Internally. Once it has been determined that there is excess food to donate, coordination should take place with internal organizations such as Veterinary Services (VS), Preventive Medicine (PM), and Public Works (solid waste manager). For Army National Guard (ARNG) facilities, medical coordination must occur through the State Surgeon and may include VS and PM support from the Active Component. Roles and responsibilities should be discussed, as well as procedures to be employed. Procedures should include oversight to determine compliance with food protection and health guidelines. All packaged foods require inspection from VS to determine suitability for donation. Foods that have been prepared and are excess for donation must be held at safe temperatures and protected from contamination. These products do not require PM inspection prior to release to the Receiving Organization; however, the Donor must maintain an active temperature control log for the items and retain on file for PM review during routine inspections.

3. Identify Receiving Organizations.

a. Receiving Organizations that can accept donated foods may be located through national agencies or local resources. A list of resources for locating external donation centers is provided in paragraph b. On-post Army relief organizations (e.g., food pantries, lending closets) may also be considered if they meet the criteria for a receiving organization. Several organizations should be contacted in order to find the best fit for a donation program partnership. Factors for consideration include:

(1) Distance from the Donor food service facility.

(2) Ability of the organization to receive the types/quantities of food generated and at the specified times. For example, food pantries may only be able to accept packaged foods, while shelters and other agencies may be able to accept prepared foods. For foods that are transferred hot or cold, the Receiving Organization must be able to maintain food at the proper temperature and serve the food within required timeframes (see PM guidelines).

(3) Confirmation that the Receiving Organization is a nonprofit food recovery/distribution agency, and that personnel have been adequately trained in the safe handling, preparation, and distribution of food.

(4) Availability and suitability of containers and/or vehicles for food transport.

b. The following resources are provided for identifying potential external Receiving Organizations:

(1) Feeding America: Food Bank Locator, <http://feedingamerica.org/foodbank-results.aspx>. Search by state gives locations and contact information for emergency food relief, soup kitchen, shelters, youth programs, food pantries, etc. Feeding America provides the benefits from linking hundreds of local member food banks and the centralized efforts of a national office.

(2) WhyHunger: Find Food Resource Directory from the National Hunger Clearinghouse, a program of World Hunger Year under contract with US Department of Agriculture (USDA). <<http://www.whyhunger.org/findfood>>. WhyHunger links those in need to Federal Food Programs and community-based resources. To locate Receiving Organizations, call the National Hunger Clearinghouse hotline at 1-866-3hungry, or email nhc@whyhunger.org.

4. Establish and Document Procedures. Once a partnership has been established, it is important to define and document procedures between the Donor and Receiving Organization(s). This may be accomplished through a Memorandum of Agreement (MOA) or other written agreement signed by the Donor food service activity, VS, PM, and Receiving Organization. In the MOA or other written agreement, the Donor food service activity should do the following:

a. Establish points of contact at each organization, and the preferred methods and times to communicate food availability or other issues.

b. Establish anticipated frequency and timeframes for food transfer.

c. Define types of food authorized for donation (in accordance with Food Protection guidelines, Enclosure 2 to the Army Food Donation Procedures memorandum).

d. Define procedures for food collection, packaging, transfer, and transportation in accordance with the food protection guidelines. Particular attention must be given to transfer containers, maintenance of temperature, and vehicle used to transport.

e. Establish roles and responsibilities for the food donation program and periodic program reviews (see paragraph 7), to include the Installation Food Program Manager, dining facility (or other food establishment) manager, facility staff, VS, and PM.

f. Establish recordkeeping procedures to verify food transfer/receipt, establish accountability, identify problems, and promote continual improvement. In coordination with the installation Public Works environmental staff, determine recordkeeping requirements for quantities of food donated and provide data to the installation solid waste manager for calculation of the solid waste diversion rate. In addition, amounts of donated foods may be able to offset dining facilities' loss accounting.

g. Define procedures for resolving issues of non-adherence with the MOA, emergencies, or other unsatisfactory situations.

5. Educate Staff. Work with the Donor food service facility staff (including custodial staff) to provide instruction on new food donation procedures. Reinforce food safety and personal hygiene standards, familiarize staff with the list of authorized and unauthorized foods for donation, discuss logistics of collecting excess food for donation/transfer, and define recordkeeping requirements.

6. Conduct a Trial Run. Once procedures have been defined, a trial run should be conducted to test the procedures, identify friction points or changes that need to be made, and familiarize both parties with the food donation program before it is fully implemented.

7. Periodically Review Operations. On a regular basis, review food donation operations for consistency, efficiency, and adherence to established procedures. Quarterly reviews throughout the first year may be appropriate for new Donors and Receiving Organizations, followed by semi-annual reviews for sustained programs.

a. Designated food donor program administrators (e.g., Installation Food Program Manager) should assess the following during periodic reviews:

(1) MOUs/MOAs between Donor and Receiving Organizations are current.

(2) Documentation of donated foods retained by each Donor facility. Review documents to identify any unauthorized items that were donated.

(3) Expectations of the Receiving Organization are being met.

b. VS and PM review donation documents for adherence to food protection procedures (Ref: Enclosure 2) in the donation of authorized products.

(1) VS looks for products that were donated without prior inspection and approval from VS.

(2) PM incorporates the food donation program review during routine food operation sanitary inspections. Daily temperature monitoring logs and weekly documented self-evaluations conducted by the food facility manager are reviewed.

c. Evidence of non-conformances to food donation documentation, temperature monitoring, temperature controls, and proper food handling is justification to remove a Donor from the food donation program.

8. References. The following references are provided for further information:

a. Comprehensive Guidelines for Food Recovery Programs, Mar 07. Available at <<http://www.foodprotect.org/media/guide/food-recovery-final2007.pdf>>, this guidance includes many sample forms for the transfer and receipt of foods, food safety evaluations, and Donor/Receiving Organization agreements.

b. USDA Food Waste Challenge <<http://www.usda.gov/oce/foodwaste/index.htm>>

c. Let's Glean! Tool Kit--USDA's How-to Guide for collecting excess foods to provide for those in need <http://www.usda.gov/documents/usda_gleaning_toolkit.pdf>

d. US Environmental Protection Agency Food Recovery Challenge
<http://www.epa.gov/smm/foodrecovery/>>

Enclosure 2
Food Protection Guidelines
For Food Donation Programs

1. Background. Donation of excess food by Army units and organizations is encouraged, and is permitted by Technical Bulletin (TB) Medical (MED) 530 (*Occupational and Environmental Health Food Sanitation*), Veterinary Service (VS) regulations, and Army food service regulations. Army organizations participating in food donation programs are protected from liability by Federal law. References are provided in paragraph 5.

2. Department of the Army (DA) organizations participating in this program will coordinate their activities with the supporting VS and Preventive Medicine (PM) organizations that support their operations. For Army National Guard (ARNG) facilities, coordination must include the State Surgeon.

3. Definitions.

a. Donor. The organization under DA control that donates the food.

b. Receiving Organization. A nonprofit [as defined under section 501(c) of the Internal Revenue Code] organization that receives the excess food and distributes or serves the food free to needy populations. Receiving organizations may be operators of food recovery or food rescue programs.

c. Potentially Hazardous Food (PHF). PHF is defined in TB MED 530.

4. The following guidelines are provided for donating foods. A quick guide for determining which foods are suitable or unsuitable for donation is provided in Table 1.

a. Foods Suitable for Donation:

(1) Unopened packages of unexpired commercially packaged foods that are shelf-stable, refrigerated, or frozen. Products included in this category are components of operational rations, such as Unitized Group Ration-Heat and Serve (UGR-H&S), unused components of the Unitized Group-A Ration (UGR-A), ultra high temperature (UHT) milk, bread loafs, and other similar products. (Note: flameless ration heaters may not be donated).

(2) UGR-H&S trays that have never been heated and trays that are less than 3 years old that have been heated once.

(3) Components of the meals, ready-to-eat (MRE) meal bag. MRE components must be removed from the meal bag prior to donation; intact MRE cases and individual meal bags must be disassembled. (Note: flameless ration heaters may not be donated).

(4) Foods prepared for a specific meal, held at safe temperatures, and not placed on the serving line or made available for customer self service (e.g., foods held in warming cabinets and refrigeration units that are not accessible to patrons).

(5) Clean, intact (uncut) fresh fruits and vegetables that the Receiving Organization would remove or wash the skin or cook prior to eating (e.g., bananas, melons, potatoes).

(6) Other fresh fruits and vegetables that are not peeled or are protected by an outer skin (e.g., lettuce, grapes, apples, fresh green beans). A Memorandum of Agreement (MOA) between the Donor and the Receiving Organization must specify that these products require protection from contamination and shall be washed before being served or given to the public.

(7) Clean, intact (uncut) and undamaged fresh fruits leftover from field feeding operations.

(8) Condiments and spices (e.g., flour and sugar) retained in their original and unopened containers that have not exceeded their manufacturer's shelf life.

(9) Packaged food (to include operational rations) from Army subsistence operations, or facilities that are scheduled for closure or consolidation and would otherwise be classified as excess for disposal. Time/temperature requirements for perishable foods must be maintained.

(10) Unopened packaged foods, condiments, and spices that have reached or exceeded the manufacturer's shelf life, provided the products are examined by the veterinary service and deemed safe for donation.

(11) Commercially packaged foods with unopened and otherwise undamaged packages on the serving line (e.g., bread loaf, half-pint milk, ice cream).

b. Foods NOT Suitable or Approved for Donation:

(1) Potentially hazardous foods (time/temperature control for safety) that have not been held at safe temperatures [i.e., 41 °F (5°C) and below, or 135 °F (57 °C) and above].

(2) Prepared foods that were placed on a serving line for a specific meal and served by a food service employee.

(3) Prepared foods that were placed on a serving line for customer self service, including salad and dessert bars.

(4) Food managed in the establishment using “Time as a Public Health Control” as specified in TB MED 530.

(5) Commercially packaged food where the container shows signs of damage (e.g., swollen or rusty cans; crushed or torn packages; packages with torn or missing safety seals or missing/unreadable labels) and when inspected by VS, are deemed unsafe for donation. VS may approve packages with moderate dents and other minor damage if there are no indications of contamination, potential contamination, infestation, or other food safety hazards.

(6) Food that was not cooked to proper temperatures as required in TB MED 530. This includes partially cooked (advanced prepared) foods.

(7) Foods prepared in a home or otherwise non-approved kitchen, including foods that are catered or contracted.

(8) Food with any signs of spoilage or deterioration, including “off” odors, discoloration, or other deteriorated conditions based upon VS sensory inspection.

(9) Prepared foods that have been retained as a leftover in the facility for more than 48 hours. *(Note: Although TB MED 530 allows retention of leftovers for up to 72 hours, a 24-hour safety margin is applied in food donation procedures to account for transfer time from the donor to the final intended recipient/consumer.)*

(10) Foods prohibited to be retained as a leftover as specified in TB MED 530.

(11) Any component of the operational ration system where the individual protective food packaging has been opened or damaged (e.g., torn or punctured).

(12) UGR-H&S tray packs with date markings of 3 years or older that have been heated once.

(13) Complete modules or cases of operational rations, including unopened MRE meal bags in their intact, modular configuration. Components must be removed from the case and meal-bag configuration. Flameless ration heaters extracted from MRE meal bags may not be donated.

c. Product Inspections:

(1) All packaged foods require VS inspection prior to each donation. This includes products approaching the manufacturers’ recommended shelf life, products that have exceeded the manufacturer’s shelf life, and packaged components of operational ration modules.

(2) Prepared foods intended for a specified meal service that are subsequently designated as excess and cannot be reincorporated in future meals do not require PM inspection prior to each donation. The Donor facility is required to maintain safe product temperatures and protect the products from contamination from time of preparation, through the meal service, and through the point in time in which the product is transferred to a Receiving Organization. The Donor must maintain an active temperature control log for all products in the operation that are subject to donation. Control logs must identify each item/dish and the date, time and internal product temperature measurements. Control logs are retained on file at the Donor facility and are subject to PM review during routine food operation inspections.

d. Relationship Between the DA Donor Food Operation and the Receiving Organization:

(1) Prior to the start of any donation activity, food service facilities must establish site-specific procedures for excess food handling, storage, and transfer, documented via a written and signed MOA between the donating food service organization (Donor) and the Receiving Organization. The memorandum specifies the relationship and responsibilities of the donor and the Receiving Organizations.

(2) The MOA or other written agreement must be reviewed, approved, and signed by the supporting VS and PM organizations before being implemented. The installation legal staff must also review the MOA.

e. Donor Food Operation Responsibilities. The Donor Organization is responsible for meeting the requirements in these guidelines. The Donor is protected from liability except in cases of gross negligence or intentional misconduct (reference 5a). Donor Organizations will:

(1) Ensure containers of previously prepared foods are clearly labeled with the common name of the food, the date, time, and temperature of the food when it is picked up by the Receiving Organization.

(2) Develop an internal SOP for monitoring and documenting cooking and holding temperatures of prepared potentially hazardous foods. These documents will be reviewed by PM during routine and walk-through sanitary inspections. The SOP shall:

- Specify appropriate time limits when foods must be picked up by the Receiving Organization and the disposition when this timeframe is exceeded. Disposition may include notifying an alternate designated recipient, retaining the product (as a leftover) for up to 48 hours for donation, retaining the product for up to 72 hours for use as a leftover within the food establishment, or discarding the product.
- Specify conditions when hot foods can be picked up hot, or must be cooled [IAW TB MED 530] prior to the scheduled donation pick-up time.
- Include a mechanism (e.g., a logbook or form) for documenting the amount of food transferred through donation
- Assign responsibilities to establish accountability for proper and safe food transfer.

(3) The Donor Organization will adhere to food sanitation and safety requirements specified in TB MED 530.

(4) The donating organization will complete a DA Form 3161 Request for Issue or Turn-In. The point of receipt by the accepting organization will be upon signature from both parties.

f. Receiving Organization Responsibilities. Receiving Organizations will:

(1) Pick up the donated food at the specified locations and timeframe identified by the Donor Organization(s) and delineated in the MOA.

(2) Sign a receipt for the food (DA Form 3161) that indicates the food type, date and name, and contact information for the person picking up the food.

(3) Provide safe, clean sanitary containers to transport food. *As an alternative an exchange system may be developed between the Donor and Receiving Organizations to allow exchange of food containers (e.g., use of insulated food containers, provided the containers are properly washed and sanitized by the Receiving Organization and pre-heated or cooled before loading.*

(4) As another acceptable alternative for foods requiring cold or hot holding, Receiving Organization can provide refrigerated/heated vehicles or refrigerated/heated containers which allow transport of food at safe temperatures.

(5) Provide clean vehicles and trained food service employees to pick up food.

(6) Follow the applicable local food safety code. Once food is picked up, the food safety responsibility transfers to the Receiving Organization.

g. VS and PM Responsibilities. Public health inspections of DA food operations donating food will:

(1) Include compliance with these guidelines as part of the PM food sanitation inspection program and VS food safety Installation Support Plan (ISP).

(2) Review food donation support agreements as specified in these guidelines.

(3) VS will examine all packaged foods prior to release or approval for donation.

(4) PM will review temperature control logs and food donation logs during routine food operation inspections.

Table 1 – Quick Guide to Determine Suitability for Donation

Food Type	Description	Suitable for Donation		Requirements
		yes	no	
Commercially Packaged Foods*	Unopened packages; unexpired products; shelf-stable, refrigerated or frozen. Includes UHT milk; previously chilled UHT milk; bread loafs; bagged salad; other similar products	X		Temperature requirements for perishable foods must be maintained.
	Unopened and undamaged packaged food on the serving line (e.g., bread loaf, half-pint milk, yogurt, ice cream)	X		
	Excess food from Army subsistence operations or facilities due to scheduled closure or consolidation.	X		Temperature requirements for perishable foods must be maintained.
	Condiments and spices (e.g., flour, sugar) retained in the original and unopened container that have not exceeded their manufacturer's shelf life.	X		
	Unopened packaged foods, condiments and spices that have reached or exceeded the manufacturer's shelf life.	X		Product examined by Veterinary Services and deemed safe for donation.
	Damaged packages/containers (e.g., swollen or rusty cans; crushed or torn packages; torn or missing safety seals; missing or unreadable labels)		X	Veterinary Services determines product is unsafe if damage is excessive or there are other indicators of food contamination or potential contamination.
Fresh Produce	Food with signs of spoilage or deterioration, including "off" odors and discoloration.		X	
	Clean, intact (uncut) fresh fruits and vegetables that the Receiving Organization would remove or wash the skin or cook prior to eating (e.g., bananas, oranges, carrots, potatoes)	X		
	Fresh fruits and vegetables that are not peeled or are protected by an outer skin (e.g., lettuce, grapes, apples, green bean)	X		MOA between Donor & Receiving Organization must specify these products require protection from contamination and must be washed before being served.
	Produce with signs of spoilage, including "off" odors and discoloration.		X	
Prepared Foods	Foods prepared for a specific meal and not placed on the serving line or made available for customer self-service (e.g., foods held in warming cabinets or refrigeration units that are not accessible to patrons)	X		Hot/cold temperature controls maintained at all times.
	Prepared foods placed on the serving line for a specific meal and served by a food employee.		X	
	Prepared foods offered for consumer self-service (e.g., salad & desert bar); includes individually wrapped foods prepared in the facility and placed on display.		X	
	Partially cooked or undercooked foods; foods that were not cooked to prescribed temperatures specified in TB MED 530.		X	

Food Type	Description	Suitable for Donation		Requirements
		yes	no	
Prepared Foods (continued)	Potentially hazardous foods (time/temperature control for safety) not maintained at 41°F and below, or 135°F and above. Includes food managed using "Time as a Public Health Control."		X	- Label specifies date and time item was removed from service. - Receiving organization must be able to use the product within 24 hours of receipt.
	Leftover foods that were retained in the facility for up to 48 hours. <i>(NOTE: Although TB MED 530 allows retention of leftovers for up to 72 hours, a 24-hour safety margin is applied in food donation procedures to account for transfer time from the Donor to the final intended recipient/consumer.)</i>	X		
	Prepared foods that have been retained as a leftover in the facility for more than 48 hours.		X	
	Foods prohibited to be retained as a leftover as specified in TB MED 530.		X	
	Foods prepared in a home or otherwise non-approved kitchen or food establishment (including foods that are catered or contracted.)		X	
Operational Rations & Field Feeding*	Complete (intact) modules or cases of Operational Rations.		X	- Disassemble intact MRE & UGR cases/modules; donate components as individual items. - Remove MRE components from its individual meal bag configuration.
	Unopened components removed from an Operational Rations module (e.g., UGR-A, UGR-H&S, MREs)	X		- Temperature control maintained for perishable components of UGR-A. - Intact meal bags must be opened to remove the MRE components. Flameless ration heaters may not be donated.
	Unheated UGR-H&S tray packs that have exceeded their shelf life.	X		Product examined by Veterinary Services and deemed safe for donation.
	UGR-H&S tray packs less than 3 years old and have only been heated once.	X		
	Previously heated UGR-H&S tray packs with date-marking of 3 years or older.		X	
*Veterinary Services inspects all Operational Ration Modules prior to donation.	Clean, intact (uncut) and undamaged fresh fruits and vegetables leftover from field feeding operations.	X		
	Unopened and undamaged commercially packaged food leftover from field feeding (e.g., bread loaf, half-pint milk, yogurt, previously chilled UHT milk)	X		Maintain temperature requirements for perishable items (non-UHT milk, yogurt)
	Any food component where the individual protective food packaging has been opened or damaged.		X	
	Prepared foods that were stored in or served from insulated food containers.		X	