

## LIMITED SERVICE CHARITABLE FEEDING OPERATION (LSCFO) GUIDE



JUNE 2019



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## **LSCFO USER GUIDE INTRODUCTION**

Due to the foreseeable increases in donations of surplus food as a result of these laws, the California Conference of Directors of Environmental Health (CCDEH) and California Association of Environmental Health Administrators (CAEHA) developed Assembly Bill (AB) 2178 with the support of Assembly member Monique Limon's office.

LSCFOs are charitable operations that provide small-scale/limited food preparation and serving, specifically to feed those in need.

Prior to the passage of AB 2178, laws for LSCFOs required that these organizations apply for a full environmental health permit, pay annual fees and build their kitchens to the same standard as a restaurant commercial kitchen.

AB 2178, instead, allows these organizations to register and abide by the Best Management Practices (BMPs) of their major food bank partner (if they have one) or that of the Environmental Health Services (EHS) in lieu of an operating permit.

The goal is to safely utilize the existing infrastructure by limiting the type of food preparation and serving that can occur at a building that does not have a commercial kitchen but would be safe to prepare and serve the foods in a limited fashion. This can include a location that re-serves food donated from a grocery store, restaurant or other commercial kitchen. The LSCFO tier provides a reasonable set of guidelines that will allow more locations, without a commercial kitchen, to become registered feeding sites. As a result, we will see increased access to people who are food insecure. Some variations in implementation may occur by jurisdiction to address local needs, but significant efforts have been made to ensure as much consistency as possible across the state.

### **Why is this important?**

Environmental health departments are responsible for protecting the food supply throughout the state. This is done every day through education and inspections of businesses and organizations that prepare food. Whether the food is given away or sold to the public, everyone has the right to food that is prepared in a safe environment, free from adulteration and honestly presented. This basic premise applies to everybody regardless of their economic status. Protecting the food supply is a full-time job and great pride is taken to ensure the delivery of safe food throughout the state. Despite these efforts, foodborne illnesses continue to occur.

### **Foodborne Illness – The Basics**

Foodborne illness is caused by consuming contaminated food or beverages. Some people are more susceptible to becoming violently ill than others due to their weakened immune systems. These people include infants/preschool children, the elderly, pregnant women and people with compromised immune systems such as people with HIV/AIDS, cancer and diabetes, patients undergoing chemotherapy and transplant patients.

The primary symptoms of foodborne illness are vomiting and diarrhea. These symptoms are usually in conjunction with, but not limited to, nausea, fever, chills, abdominal cramps, headache and fatigue. Some foods can cause severe allergic reactions such as numbness and tingling in the mouth or paralysis.

## LSCFO USER GUIDE INTRODUCTION, (Cont.)

Recent estimates from the Centers for Disease Control and Prevention (CDC) show that as many as 48 million people in the United States get food poisoning every year from different sources of food, resulting in 3,000 deaths and requiring 128,000 hospitalizations. However, many cases of foodborne illness still go unreported which means EHS can't access important information in response to a potential outbreak.

The CDC identified the following risk factors that contribute to foodborne illness outbreaks:

Top Five	Risk Factors
1	Improper hot/cold holding temperatures of potentially hazardous foods
2	Improper cooking temperatures
3	Contaminated utensils and equipment
4	Poor employee health and hygiene
5	Food from unsafe sources

The identified sources below contribute to foodborne illness outbreaks:

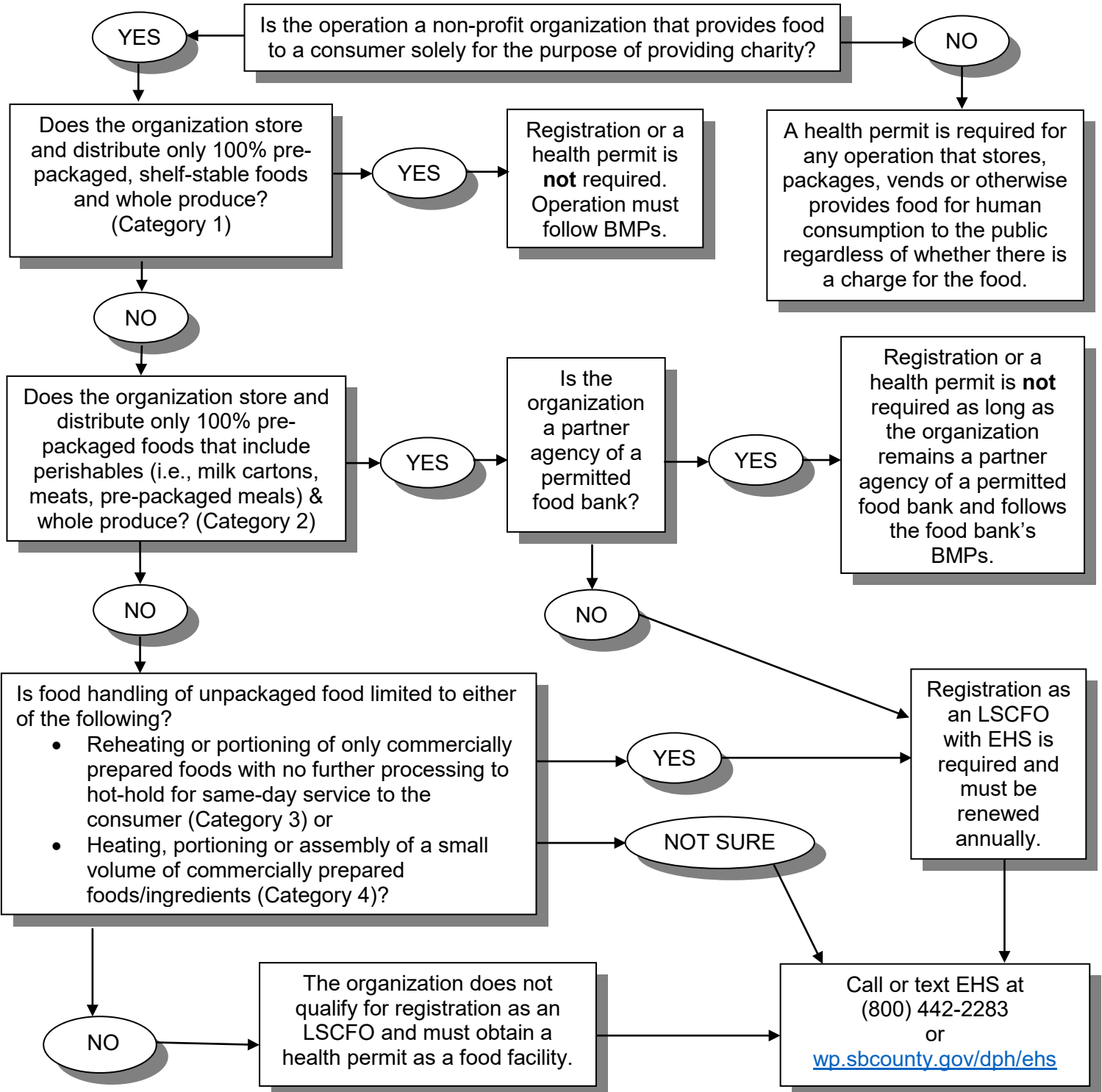
Organism	Source	Examples
Bacteria	Can be found in the soil and air, on all surfaces and on and within animal bodies. Only some bacteria are harmful, but those that cause foodborne illness can result in mild to severe illness, long term health consequence or death. If bacteria are given sufficient food, warmth and moisture, they will multiply, causing a toxin or pathogen to form on the food so it is important to properly handle potentially hazardous foods. Maintaining proper food temperatures will control the growth of bacteria and prevent foodborne illnesses.	Salmonella, E.coli and Listeria
Parasites	Lives and reproduce within a host and are often excreted in the infected hosts' feces. They may be naturally occurring on some foods or transferred from infected persons who do not properly wash their hands. They may be transmitted through consumption of contaminated food and water, or by putting anything into your mouth that has touched the stool (feces) of an infected person or animal.	Giardia, Cryptosporidium and Trichinella
Viruses	Can be transmitted directly (from person to person) or indirectly (when someone sneezes or coughs or from contaminated surfaces). They can live on human skin and then be passed onto food. Proper handwashing, wearing gloves and good personal hygiene can help minimize the presence of viruses that contaminate food.	Norovirus and Hepatitis A

### What is being done?

Environmental health departments work to control these risk factors through the education and inspection of food operators. By following the BMPs provided in the LSCFO Self-Assessment Tool and other EHS resources, food can be safely recovered, prepared and served to the public in more locations and can support various efforts to bring food to people who need it the most with a focus on food safety.

# LSCFO FLOW CHART

This flow chart may be used as a guide to help organizations determine if their food service operation requires a health permit, qualifies them for a LSCFO registration under AB 2178 or exempt them from either. If the organization has an existing permit to operate from EHS, registration as an LSCFO is not required. See the next page for a summary of the LSCFO categories.



## SUMMARY OF THE LSCFO CATEGORIES

Category	Food Operation	Examples	No Permit or Registration	Registration Required	Full Health Permit Required
1	Store only shelf-stable packaged, nonperishable food that is in the original manufacture's packaging, whole uncut produce and doesn't require refrigeration.	<ul style="list-style-type: none"> <li>• Canned or other packaged foods</li> <li>• Whole, fresh fruit</li> </ul> <p><b>(Basic food pantry)</b></p>	✓		
2	Store commercially prepared and packaged potentially hazardous food for cold or frozen storage and Category 1 food above.	<ul style="list-style-type: none"> <li>• Packaged frozen or refrigerated meats</li> <li>• Eggs and dairy products</li> <li>• Frozen ready-to-eat meals</li> </ul> <p><b>(Food pantry with perishable and non-perishable foods)</b></p>	✓ (If operating under agreement with a permitted food bank)	✓	
3	Reheat or portion commercially prepared foods with no further processing for same day food service.	Donated prepared food from a food facility that is maintained hot or cold for same day service.		✓	
4	Heat, portion or assemble small volumes of commercially prepared foods or ingredients.	<ul style="list-style-type: none"> <li>• No cooking from raw state</li> <li>• Hot pasta or rice may be prepared with packaged sauce for immediate service</li> <li>• Only hot or cold holding of prepared foods</li> <li>• Minimal food assembly, such as sandwiches or salads</li> <li>• Donated foods from a commercial facility</li> <li>• Limited cutting/slicing for purposes of portioning may be allowed</li> </ul>		✓	
5	Prepare potentially hazardous foods which may require thawing, cooking, cooling and reheating/hot holding.	Anything that is beyond what has been described above.			✓

## LSCFO FREQUENTLY ASKED QUESTIONS (FAQs)

According to the California Association of Food Banks, one in eight Californians currently struggle with food insecurity and one in five children in California struggle with hunger. AB 2178 was signed by the Governor and became effective Jan. 1, 2019. This bill provides local enforcement agencies additional flexibility when working with charitable organizations that wish to feed the needy but do not have access to a full service, permitted commercial kitchen.

AB 2178 exempts a LSCFO from the definition of a food facility, as defined in the CalCode. It does not include a temporary food facility or a nonprofit charitable temporary food facility. The operation is generally required to register with EHS, with certain exceptions.

AB 2178 exempts the LSCFO from the requirements of CalCode except for specified general food safety sections and other requirements. The operation must comply with BMPs approved by EHS. It allows for food distribution at an outdoor location for up to four hours per day.

Many FAQ are discussed in this document.

FAQs	
1	<p><b>Q: What is an LSCFO?</b></p> <p><b>A:</b> An LSCFO is an operation for food service to a consumer solely for providing charity that is conducted by a nonprofit charitable organization operating pursuant to Chapter 10.6 of the CalCode and whose food service is limited to any of the following functions:</p> <ul style="list-style-type: none"> <li>• Storage and distribution of whole, uncut produce or of prepackaged, non-potentially hazardous foods in their original manufacturer’s packaging.</li> <li>• Heating, portioning or assembly of a small volume of commercially prepared foods or ingredients that are not prepackaged.</li> <li>• Reheating or portioning of only commercially prepared foods with no further processing/for purposes of hot holding and no longer than same-day food service to the consumer.</li> <li>• Storage or distribution of commercially prepared and commercially packaged potentially hazardous cold or frozen foods for distribution to the consumer.</li> </ul>
2	<p><b>Q: Does the law require that a health permit be obtained prior to a nonprofit charitable organization providing free food to the public?</b></p> <p><b>A:</b> It depends on the type of food preparation activities that the organization will conduct (refer to question 3). Refer to <a href="#">page 5</a> for a summary of the LSCFO categories and what activities may be conducted in each.</p>

## LSCFO FAQs, (Cont.)

3	<p><b>Q: Does a food pantry that distributes only prepackaged food have to register as an LSCFO?</b></p>														
	<p><b>A:</b> It depends on what the food pantry does and how they operate. Follow the guidelines below to determine if you have to register:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">If the food pantry...</th> <th style="text-align: left;">Then...</th> </tr> </thead> <tbody> <tr> <td>Stores and distributes only prepackaged non-perishable foods and whole produce, regardless of whether or not they operate in conjunction with a food bank (Category 1),</td> <td>Registration is not required.</td> </tr> <tr> <td>Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods (Category 2),</td> <td>Registration may be required.</td> </tr> <tr> <td>Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods, works in conjunction with a food bank, and as long as the food pantry follows the food bank's BMPs,</td> <td>Registration is not required.</td> </tr> <tr> <td>Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods, and does not work in conjunction with a food bank,</td> <td>Registration is required.</td> </tr> <tr> <td>Works in conjunction with a food bank but also prepares food (commercially precooked), as described in categories 3 and 4: <ul style="list-style-type: none"> <li>• Category 3: Reheating or portioning of only commercially prepared foods with no further processing, for purposes of hot holding and no longer than same-day food service to the consumer.</li> <li>• Category 4: Heating, portioning or assembly of a small volume of commercially prepared foods or ingredients that are not prepackaged.</li> </ul> </td> <td>Registration is required.</td> </tr> <tr> <td>Cooks foods from scratch (i.e., soups, meat, poultry, eggs, etc.), whether working in conjunction with a food bank or not, they do not qualify for the LSCFO registration,</td> <td>A food facility permit may be required.</td> </tr> </tbody> </table>	If the food pantry...	Then...	Stores and distributes only prepackaged non-perishable foods and whole produce, regardless of whether or not they operate in conjunction with a food bank (Category 1),	Registration is not required.	Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods (Category 2),	Registration may be required.	Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods, works in conjunction with a food bank, and as long as the food pantry follows the food bank's BMPs,	Registration is not required.	Stores or distributes commercially prepared and commercially packaged potentially hazardous cold or frozen foods, and does not work in conjunction with a food bank,	Registration is required.	Works in conjunction with a food bank but also prepares food (commercially precooked), as described in categories 3 and 4: <ul style="list-style-type: none"> <li>• Category 3: Reheating or portioning of only commercially prepared foods with no further processing, for purposes of hot holding and no longer than same-day food service to the consumer.</li> <li>• Category 4: Heating, portioning or assembly of a small volume of commercially prepared foods or ingredients that are not prepackaged.</li> </ul>	Registration is required.	Cooks foods from scratch (i.e., soups, meat, poultry, eggs, etc.), whether working in conjunction with a food bank or not, they do not qualify for the LSCFO registration,	A food facility permit may be required.
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4	<p><b>Q: What should existing charitable feeding operations do under this new law?</b></p>														
	<p><b>A:</b> The initial implementation will include education and outreach of the new law with an emphasis on food safety. Existing charitable feeding operations should consult with EHS regarding:</p> <ul style="list-style-type: none"> <li>• Current feeding guidelines and implementation schedule.</li> <li>• Determining the appropriate level of registration or permit for your specific operation.</li> </ul>														



## LSCFO FAQs, (Cont.)

5	<p><b>Q: What are the LSCFO registration requirements?</b></p> <p><b>A:</b> An LSCFO that is required to register must do so with EHS. Registration may include, but is not limited to, documentation as required by EHS and payment of a fee. EHS may be able to provide a fee waiver upon request and on a first come, first served basis. The following information must be provided (<a href="#">refer to registration form</a>):</p> <ul style="list-style-type: none"> <li>• Name, physical address, internet website and telephone number of the nonprofit charitable organization conducting the LSCFO.</li> <li>• Name and contact information of a site representative of the LSCFO.</li> <li>• Operating days and hours of the LSCFO.</li> </ul>
6	<p><b>Q: What are the benefits of registration?</b></p> <p><b>A:</b> An LSCFO registration will allow the organization to legally operate without meeting the full permit requirements of a food facility (restaurant, grocery store, etc.). Registration also allows the operation to receive and serve donated foods from restaurants and other commercial food establishments. Benefits include:</p> <ul style="list-style-type: none"> <li>• Food facilities may be more confident in donating food to a registered operation with the understanding that food safety is a priority. <ul style="list-style-type: none"> <li>○ See <a href="#">FAQ #16</a> regarding liability protections available under the California Good Samaritan Food Donation Act.</li> </ul> </li> <li>• Access to a comprehensive set of guidelines to help ensure food safety.</li> <li>• Establishes EHS as a resource for guidance and consultation on food safety.</li> </ul>
7	<p><b>Q: What is required if an organization conducts, or would like to conduct, food service activities beyond what is allowed as an LSCFO, such as cooking raw meats or raw chicken or cooling cooked chicken to make a chicken salad?</b></p> <p><b>A:</b> If the organization does not qualify for an LSCFO registration, they may need a food facility permit. Contact EHS to obtain permit requirements.</p>
8	<p><b>Q: Where can food be served or distributed?</b></p> <p><b>A:</b> Food can be distributed to the public from:</p> <ul style="list-style-type: none"> <li>• Inside the LSCFO’s building, the building may be a nonresidential structure that meets minimum structural and operational requirements as determined by EHS.</li> <li>• An outdoor location (that is not in or adjacent to the registered location) is allowed for up to four hours per day.</li> </ul> <p><b>Note:</b> EHS and other agencies (planning department and/or community development agency, building department, fire department, police department, parks department, etc.) may have additional requirements for public areas.</p>

## LSCFO FAQs, (Cont.)

9	<p><b>Q: Is food safety training required?</b></p> <p><b>A:</b> The LSCFO must meet certain CalCode requirements, as specified, and follow the BMPs provided in the LSCFO Self-Assessment Tool and other EHS resources in order to ensure food is handled safely and fit for human consumption. Food safety training through a Food Safety Manager Certificate or Food Handler Card program is not specifically required for LSCFOs, however BMPs require a sufficient level of food safety training and/or knowledge.</p> <p>LSCFOs may opt to have at least one person obtain a Food Handler Card or Food Safety Manager Certification. Both training methods provide basic food safety information related to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Food Safety Information</th> <th style="text-align: left;">Related To</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Foodborne illness</td> <td> <ul style="list-style-type: none"> <li>• Terms associated with foodborne illness, micro-organisms, hepatitis A and toxins:                             <ul style="list-style-type: none"> <li>○ That can contaminate food and the illness that can be associated with contamination,</li> <li>○ Definition and recognition of potentially hazardous foods, chemical, biological and physical contamination of food and</li> <li>○ The illnesses that can be associated with food contamination and major contributing factors for foodborne illness.</li> </ul> </li> </ul> </td> </tr> <tr> <td style="vertical-align: top;">The relationship between time and temperature</td> <td> <ul style="list-style-type: none"> <li>• With respect to foodborne illness and</li> <li>• Micro-organisms during the various food handling, preparation, and serving states and the type, calibration and use of thermometers in monitoring food temperatures.</li> </ul> </td> </tr> <tr> <td style="vertical-align: top;">The relationship between personal hygiene and food safety</td> <td> <ul style="list-style-type: none"> <li>• The association of hand contact, personal habits and behaviors and food employee health to foodborne illness and</li> <li>• The recognition of how policies, procedures, and management contribute to improved food safety practices.</li> </ul> </td> </tr> <tr> <td style="vertical-align: top;">Methods of preventing food contamination in all stages of food handling</td> <td> <ul style="list-style-type: none"> <li>• Terms associated with contamination and potential hazards prior to, during and after delivery.</li> <li>• Procedures for cleaning and sanitizing equipment and utensils.</li> <li>• Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping and maintenance.</li> </ul> </td> </tr> </tbody> </table> <p><b>Note:</b> Contact EHS to see what kind of training opportunities may be available. For information about Food Safety at Charitable Feeding Operations, visit the StateFoodSafety Food Safety Training and Certification website: <a href="http://www.statefoodsafety.com">www.statefoodsafety.com</a>.</p>	Food Safety Information	Related To	Foodborne illness	<ul style="list-style-type: none"> <li>• Terms associated with foodborne illness, micro-organisms, hepatitis A and toxins:                             <ul style="list-style-type: none"> <li>○ That can contaminate food and the illness that can be associated with contamination,</li> <li>○ Definition and recognition of potentially hazardous foods, chemical, biological and physical contamination of food and</li> <li>○ The illnesses that can be associated with food contamination and major contributing factors for foodborne illness.</li> </ul> </li> </ul>	The relationship between time and temperature	<ul style="list-style-type: none"> <li>• With respect to foodborne illness and</li> <li>• Micro-organisms during the various food handling, preparation, and serving states and the type, calibration and use of thermometers in monitoring food temperatures.</li> </ul>	The relationship between personal hygiene and food safety	<ul style="list-style-type: none"> <li>• The association of hand contact, personal habits and behaviors and food employee health to foodborne illness and</li> <li>• The recognition of how policies, procedures, and management contribute to improved food safety practices.</li> </ul>	Methods of preventing food contamination in all stages of food handling	<ul style="list-style-type: none"> <li>• Terms associated with contamination and potential hazards prior to, during and after delivery.</li> <li>• Procedures for cleaning and sanitizing equipment and utensils.</li> <li>• Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping and maintenance.</li> </ul>
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## LSCFO FAQs, (Cont.)

10	<p><b>Q: Will an inspection of the LSCFO be conducted?</b></p> <p><b>A:</b> Yes, an initial non-scored inspection will be conducted after a registration application has been received to determine eligibility and placement in the applicable LSCFO Registration Category. Additional inspections will occur in response to consumer complaints and/or a report of a suspected foodborne illness.</p>				
11	<p><b>Q: What are some approved sources for food donations?</b></p> <p><b>A:</b> Refer to the table for donated food sources:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: center;">Approved Sources</th> <th style="text-align: center;">Not Approved Sources</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> <li>• Permitted food facilities including restaurants, grocery stores, bakeries, catering operations</li> <li>• Permitted cottage food operators</li> <li>• Permitted food processors and manufacturers</li> <li>• Community food producers (whole produce and unrefrigerated shell eggs) operating per AB 1990/234</li> <li>• Permitted microenterprise home kitchen operations</li> </ul> </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> <li>• Prepared food from unpermitted/unregistered home kitchen operations                             <ul style="list-style-type: none"> <li>○ Canned foods or other commercially pre-packaged foods are allowed</li> </ul> </li> <li>• Salvage operations (e.g., fire, flood or other damaged food products).</li> </ul> </td> </tr> </tbody> </table>	Approved Sources	Not Approved Sources	<ul style="list-style-type: none"> <li>• Permitted food facilities including restaurants, grocery stores, bakeries, catering operations</li> <li>• Permitted cottage food operators</li> <li>• Permitted food processors and manufacturers</li> <li>• Community food producers (whole produce and unrefrigerated shell eggs) operating per AB 1990/234</li> <li>• Permitted microenterprise home kitchen operations</li> </ul>	<ul style="list-style-type: none"> <li>• Prepared food from unpermitted/unregistered home kitchen operations                             <ul style="list-style-type: none"> <li>○ Canned foods or other commercially pre-packaged foods are allowed</li> </ul> </li> <li>• Salvage operations (e.g., fire, flood or other damaged food products).</li> </ul>
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12	<p><b>Q: Are commercial equipment and commercial utensils required?</b></p> <p><b>A:</b> Equipment and utensils are not required to be commercial-grade however:</p> <ul style="list-style-type: none"> <li>• All equipment and utensils must be food-grade and be non-reactive to the food/beverages stored in them (e.g., acidic foods may leach copper from copper containers).</li> <li>• They must be maintained clean and in good repair.</li> </ul>				
13	<p><b>Q: How should food be stored to protect it from potential contamination?</b></p> <p><b>A:</b> Food should be stored at least six inches off the floor (or on a pallet) in a clean, dry location that is free of vermin. Raw food (i.e., meat, eggs, poultry, fish, etc.) should be stored below ready-to-eat foods to prevent accidental cross-contamination.</p> <p><b>Note:</b> Food may not be stored in restrooms or garages.</p>				
14	<p><b>Q: Do food handlers have to wear hair nets?</b></p> <p><b>A:</b> Yes, food handlers that serve or handle open food should restrain their hair to prevent food contamination.</p>				

## LSCFO FAQs, (Cont.)

15	<p><b>Q: Can food that is past its marked “expiration date” or “best by” date still be used and/or distributed to the public?</b></p>
	<p><b>A:</b> Baby food and infant formula may not be used or distributed after the marked “use by” date. Other foods may be used or distributed if they have been safely handled.</p> <p>For more information about food product dating, visit the United States Department of Food and Agriculture (USDA) Food Safety and Inspection Service (FSIS) website:  <a href="http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/food-product-dating/food-product-dating">www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/food-labeling/food-product-dating/food-product-dating</a>.</p>
16	<p><b>Q: What liability protection is available for receiving and/or distributing food?</b></p>
	<p><b>A:</b> California Good Samaritan Food Donation Act (AB 1219) provides protection from civil liability for foods donated from food facilities such as:</p> <ul style="list-style-type: none"> <li>• The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer.</li> <li>• The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.</li> </ul> <p>Please seek legal assistance to determine how liability protection may apply to your operation. For more information on the law, visit the California Legislative Information website:  <a href="http://www.leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180AB1219">www.leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180AB1219</a>.</p>
17	<p><b>Q: Are Child and Adult Care Food Programs subject to AB 2178?</b></p>
	<p><b>A:</b> In general, no. Any program that is a license-exempt center covered by the California Department of Education (CDE) Bulletin #<a href="#">CDE MB CACFP-07-2016</a> is not required to register as an LSCFO for the meals being served under that program. If the program wishes to serve food above and beyond the CDE program, they may be eligible to register as an LSCFO.</p> <p><b>Note:</b> Contact EHS if you have any questions regarding your specific operation.</p>