



MEMORANDUM
HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH DIVISION
County of Placer

TO: Honorable Board of Supervisors **DATE:** February 22, 2022
FROM: Robert Oldham, Director of Health and Human Services
BY: Nancy Baggett, Staff Services Manager
SUBJECT: Fee for Edible Food Generator Inspections and Education

ACTION REQUESTED

Conduct a Public Hearing and adopt a Resolution adding a fee for Commercial Edible Food Generators pursuant to Placer County Code Section 2.116.110.

BACKGROUND

In September 2016, California Legislature passed Senate Bill 1383 which set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants. These targets include reduction of statewide organic waste disposal by 75% by 2025, and recovery at least 20% of currently disposed surplus edible food in the State by 2025. In November 2020, CalRecycle adopted implementing regulations which require jurisdictions to, among other things, implement new or expanded organic waste collection and recycling programs, food recovery programs, and to procure recycled organic products gas and recycled content paper. Multiple county departments are involved in the planning and implementation of SB 1383 compliance, including Health and Human Services Environmental Health Division (EHD).

SB 1383 requires local jurisdictions to provide education and ensure compliance of Commercial Edible Food Generators on an ongoing basis. Commercial Edible Food Generators include large restaurants, large event venues and grocery stores. Commercial Edible Food Generators are required to retain edible food that otherwise would be discarded and instead donate it to food recovery organizations to distribute via charitable feeding organizations. EHD has proposed this fee to recover the cost of inspection, education and records review in compliance with SB 1383 regulations. SB 1383 specifically requires each jurisdiction to ensure compliance on an ongoing basis and to retain records of such activity.

EHD currently administers the retail food safety program in Placer County, conducting routine inspections, providing education, reviewing plans and responding to complaints of all retail food facilities in the county. EHD ensures safe food handling practices such as handwashing, personal hygiene, proper food temperature controls, cross contamination prevention and vermin exclusion practices are in place. Because of this established program and business relationship in place with our retail food industry EHD is uniquely positioned to satisfy SB 1383 inspection and education requirements during routine retail food facility inspections already being

conducted. This will allow EHD to satisfy SB 1383 requirements in an efficient manner with minimal impact to busy retail food establishments while helping to ensure edible food is directed toward charitable feeding organizations.

The Commercial Edible Food Generator Annual Fee is proposed to be \$103. This is based on estimated time required, on an annual basis, to satisfy inspection and education requirements of SB 1383. Information supporting this fee is included in the attached “EHD Commercial Edible Food Generator Fee Cost Study” document. An estimated 9% of retail food facilities would be defined as Commercial Edible Food Generators based on the scale and scope of operations.

This Fee would be applied to Commercial Edible Food Generators in unincorporated areas at this time. If an incorporated city desired EHD to provide these services in their jurisdiction a separate Memorandum of Understanding would be presented to your board for consideration.

FISCAL IMPACT

Adoption of this fee would cover the cost of administering the Commercial Edible Food Generator inspection and education program resulting in no net county cost.

ATTACHMENTS

Resolution – Adoption of Commercial Edible Food Generator Fee
Environmental Health – Commercial Edible Food Generator Cost Study

Before the Board of Supervisors County of Placer, State of California

In the matter of:

A Resolution adding a fee for Commercial Edible Food Generators pursuant to Placer County Code Section 2.116.110.

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the Environmental Health Division of the Health and Human Services Department administers retail food inspection and education programs throughout the county; and

WHEREAS, SB 1383 requires local jurisdictions to verify compliance with edible food recovery activities intended to ensure edible food that would otherwise be discarded is distributed to those in need via charitable feeding operations; and

WHEREAS, the Environmental Health Division of the Health and Human Services Department wishes to provide a cost effective way for the county and business community to satisfy SB 1383 requirements; and

WHEREAS, the Environmental Health Division of the Health and Human Services Department proposes a new Commercial Edible Food Generator fee to cover the cost of inspection and education consistent with SB 1383; and

WHEREAS, the Environmental Health Division of the Health and Human Services Department proposes to add this new Commercial Edible Food Generator Fee; and

NOW, THEREFORE, it is hereby resolved that the Board of Supervisors of Placer County adopts the Commercial Edible Food Generator Fee as set out in the attached Exhibit A. These fees shall be effective March 8, 2022.

NOW, THEREFORE, let it be further resolved that the Director of Health and Human Services, or designee, may waive, discount, defer, or reduce fees in extenuating circumstances consistent with Placer County Code Section 2.116.110.

ATTACHMENT

Exhibit A – Edible Food Generator Cost Study

Environmental Health – Commercial Edible Food Generator Fee Cost Study

Commercial Edible Food Generator: Permit Fee – Annual (Placer County Code Section 2.116.110)

Senate Bill 1383 – Short-lived climate pollutants (SB 1383) is a new law passed by the state of California creating a mandated local program and, as such, this is a new fee proposed to cover the cost of work required to ensure compliance with certain portions of the legislations. SB 1383 defines two entities to be regulated under the Edible Food Recovery Program portion (Article 10) of the legislation: commercial edible food generators, who are required to donate the maximum amount of edible food, and food recovery organizations, who receive the donated food and distribute to those in need.

Commercial edible food generators are businesses that are subject to existing food safety regulations, most of which have current Environmental Health (EH) retail food permits and are inspected twice annually for compliance with the California Retail Food Code (CRFC). Food recovery organizations are non-profit entities such as local religious centers, soup kitchens or other community service organizations. Many food recovery organizations fall outside of the scope of CRFC requirements for permitting and, therefore, do not receive routine inspections or oversight by EH. Additionally, food recovery organizations are not subject to SB 1383 requirements unless they choose to receive recoverable food from commercial edible food generators. Food recovery organizations found to be participating in SB 1383 through the review of edible food generators donated food logs will be followed up with to ensure they are following SB 1383 requirements.

The proposed fee amount for edible food generators is \$103 and is determined by:

- 1) Time spent by EH staff to conduct one on-site inspection of an edible food generator per year.
- 2) Documentation review (contracts, written agreements, food donation logs) of food recovery organizations.
- 3) Follow-up with food recovery organizations discovered in the course of completing routine inspections of edible food generators.
- 4) General administration of program.

SB 1383 Inspection Requirements:

Commercial Edible Food Generators:

Inspectors will review on-site:

- Documentation if generator is claiming exemption through existence of extraordinary circumstances (§18991.3(d))
- Contracts/agreements with all food recovery organizations including:
 - Organization name, address, contact information (§18991.4(a)(3)(A))

- Types of food donated (§18991.4(a)(3)(B))
- Frequency of collection or self-hauling (§18991.4(a)(3)(C))
- Records showing quantities of donated food in pounds, each month (§18991.4(a)(3)(D))
- Verify that potentially recoverable food is not intentionally spoiled (§18991.3(e))

Food Recovery Organizations:

Documentation review:

- List of all contracted edible food generators including:
 - Business name, address, contact information (§18991.5(a)(2)(A))
 - Quantities of donated food received in pounds from each generator, each month (§18991.5(a)(2)(B))
- List of each food recovery service delivering donated food to organization including:
- Business name, address, contact information (§18991.5(a)(2)(C))

Total cost for service:

Cost is based on Environmental Health's current hourly rate: \$205

- 0.15 hours food generator document review (30.75)
- 0.15 hours food generator site inspection (\$30.75)
- 0.10 hours food recovery organizations document review (\$20.50)
- 0.10 hours for follow up with contracted food recovery organizations (\$20.50)
- Total = \$103 annual permit edible food generator