

COMMERCIAL RECYCLING

BUSINESS ORGANIC DISCARDS COMPOSTING



California businesses should begin planning to separate their organic discards for composting.

Beginning in 2016, California Law AB 1826 requires that businesses must arrange for composting if they discard 8 cubic yards or more of organic materials weekly. That threshold moves to 4 cubic yards of organics in 2017, and 4 cubic yards of solid waste in 2019.

“Organic” materials include food, landscape debris (leaves, grass, branches), and woody material including lumber. Composting turns these raw materials into soil amendments that meet California goals to reduce water use, increase statewide recycling and avoid landfill methane emissions.

High Desert communities are working with local haulers and composters to implement a comprehensive local organics recycling program, and to provide options for effected businesses.

WORKING TOGETHER



- 1 Businesses will be contacted to verify their organics generation. This may include onsite reviews to assess eligibility and capacity to separate organics effectively.
- 2 Qualifying businesses will be informed when composting capacity is secured and collection programs are ready.
- 3 Businesses may make their own arrangements to send organic materials to composting and may be asked to verify those arrangements.
- 4 Edible food may be donated to qualified non-profits. We are compiling a list of groups that may be able to accept and distribute edible food at no risk to donating businesses.

For more information, look at the State’s frequently asked questions <http://www.calrecycle.ca.gov/Recycle/Commercial/FAQ.htm>

Call the Mojave Desert and Mountain Recycling Authority at (888) 873-2925 or the City of Barstow’s Environmental Services Administrator at (760) 255-5126.

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State and Federal Food Donation Statutes

U.S. and California laws encourage food donation by providing liability protection to donors as well as tax incentives.

California Health and Safety Code, Section 114432

Any food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge.

California Health and Safety Code, Section 114433

No food facility that donates food as permitted by Section 114432 shall be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any laws, regulations, or ordinances, for a violation occurring after the time of donation.

California Civil Code, Section 1714.25(a)

Except for injury resulting from negligence or a willful act in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank shall be liable for any damage or injury resulting from the consumption of the donated food. The immunity from civil liability provided by this subdivision applies regardless of compliance with any laws, regulations, or ordinances regulating the packaging or labeling of food, and regardless of compliance with any laws, regulations, or ordinances regulating the storage or handling of the food by the donee after the donation of food.

United State Code, Bill Emerson Good Samaritan Food Donation Act, Title 42, Chapter 13A, Section 1791

(c)(1) A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

(f) This section shall not be construed to create any liability. Nothing in this section shall be construed to supersede State or local health regulations.

Internal Revenue Code 170(e)(3)

Provides enhanced tax deductions to businesses to encourage donations of fit and wholesome food to qualified nonprofit organizations serving the poor and needy. Qualified business taxpayers can deduct the cost to produce the food and half the difference between the cost and full fair market value of the donated food.

California Revenue and Taxation Code, Section 17053.88

California growers receive a 10 percent tax credit for the wholesale value of fresh fruits and vegetables they donate to qualified California nonprofit organizations like food banks.

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