Guidance for Jurisdictions: How to Identify SB 1383 Commercial Edible Food Generators

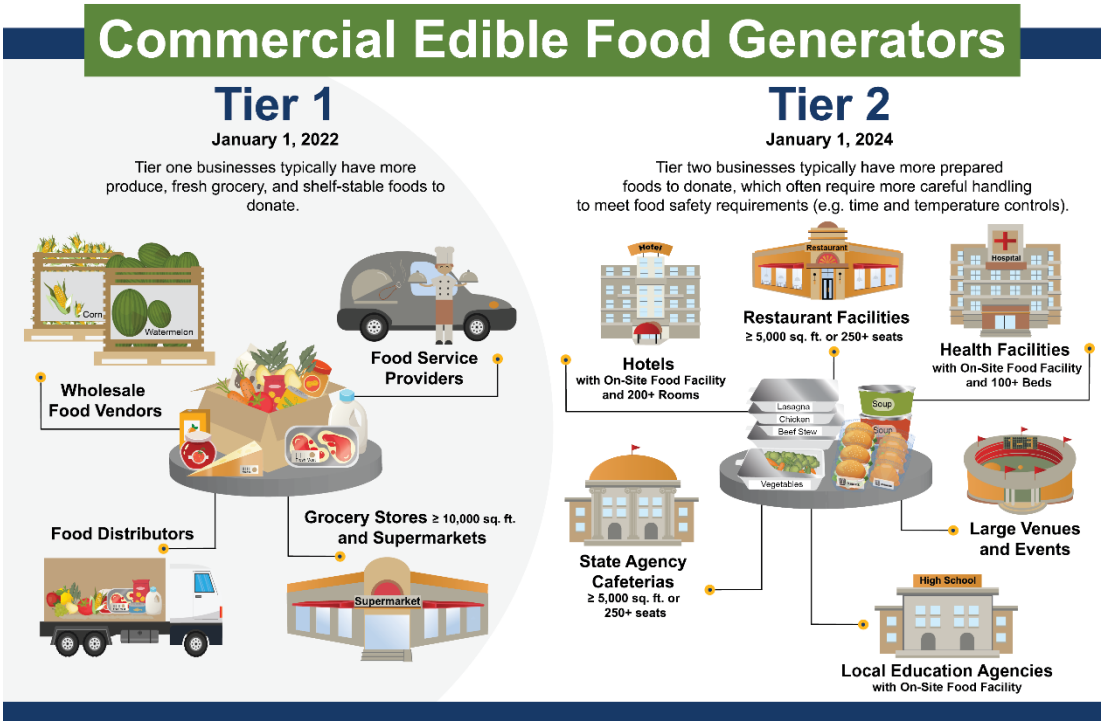
Introduction

California's Short-Lived Climate Pollutant Reduction law (SB 1383, Lara, Chapter 395, Statutes of 2016) establishes methane reduction targets for California, including a target to increase recovery by 20 percent of currently disposed edible food for human consumption by January 1, 2025.

To meet the mandated statewide goal, the law requires each jurisdiction in California to establish and monitor a robust food recovery program, which will strengthen the relationships between commercial edible food generators and food recovery organizations within their communities, requiring certain food businesses to send the maximum amount of edible food they would otherwise dispose to food recovery organizations.

Defining Tier One and Tier Two Commercial Edible Food Generators

SB 1383 places commercial edible food generators into two tiers to allow businesses and jurisdictions time to expand or build new food recovery infrastructure and capacity to donate foods that are harder to safely store and distribute.



Tier One Donors
Required to Send Surplus Food to Food Organizations Starting January 1, 2022

- Supermarkets with revenue ≥ $2 million.
- Grocery Stores with Facilities ≥ 10,000 sq. ft.
- Food Service Providers
- Food Distributors
- Wholesale Food Vendors

Tier Two Donors
Required to Send Surplus Food to Food Organizations Starting January 1, 2024

- Restaurants with Facilities ≥ 5,000 sq. ft. or 250+ seats
- Hotels with an On-Site Food Facility and 200+ Rooms
- Health Facilities with an On-Site Food Facility and 100+ Beds
- Large Venues and Events
- State Agency Cafeterias with Facilities ≥ 5,000 sq. ft. or 250+ seats
- Local Education Agency with an On-Site Food Facility
- Non-Local Entities

Purpose

For capacity planning, jurisdictions must first identify which commercial edible food generators with a physical location within the jurisdiction are commercial edible food generators. SB 1383 regulations list 12 categories of commercial edible food generators that will be required to send surplus food to food recovery organizations. CalRecycle has compiled guidance and best practices to help jurisdictions identify regulated commercial edible food generators that will need to participate in food recovery. You will need to create your list of commercial edible food generators in order to complete the following activities:

- Provide education and outreach to tier one and tier two commercial edible food generators by February 1, 2022
- Assess their community's current food recovery capacity and plan for additional capacity if it is insufficient to accommodate the amount of food that commercial edible food generators must send to food recovery organizations
- Inspect commercial edible food generators to ensure they are sending the maximum amount of edible food they would otherwise send to a landfill
- Post contact information for food recovery organizations on the jurisdiction's website so that commercial edible food generators can identify which organizations could potentially accept their food

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Additional Resources

For additional information about identification and associated requirements, please see the

- See food recovery requirements in 14 CCR Sections 18991.1 and 18992.2.
- Edible Food Recovery FAQs
- Please contact CalRecycle Local Assistance and Market Development (LAMD) Staff

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General Overview

CalRecycle created this document to provide possible methods by which jurisdictions could identify which entities qualify as tier one and tier two commercial edible food generators as defined in the SB1383 regulations. This tool contains examples obtained through interviewing various jurisdiction contacts. (See Acknowledgements section below.) There may be other methods by which jurisdictions may identify commercial edible food generators and this document should not be interpreted to preclude jurisdictions from exploring other options. Jurisdictional compliance decisions should ultimately be guided by the legal requirements in the applicable statute and regulations and advice of legal counsel.

Jurisdictions can use existing databases to identify potential tier one and tier two commercial edible food generators. However, jurisdictions may need to apply further criteria to the initial data output from an existing database to refine the list to the businesses required to comply with SB 1383.

A jurisdiction may:

1. Export an initial list of businesses that require food permits operating within the jurisdiction from their county environmental health department food permit list.
2. Cross-reference that list with a business license list (if available) and/or NAICS codes to ensure there are no missing donors.
3. Refine the list to omit businesses that do not meet the definition of a commercial edible food generator using the tools we have listed below for each tier.

Jurisdictions may need to refine lists or consult multiple data sources (including other jurisdiction departments, hauler(s), and Universities which might have free access to real estate databases) to ensure that all commercial edible food generators have been identified. Rural or small counties may find it useful to take a regional approach in identifying commercial edible food generators. For example, the jurisdiction staff for the unincorporated county may lead this effort. As the edible food program matures, a jurisdiction may find that it is able to further refine the list of commercial edible food generators (see guidance below for each type of commercial edible food generator).

Resources to Create Initial List of Commercial Edible Food Generators

Source	Description	Data Available	Considerations and Limitations
County Environmental Health Department Food Permit List	A list of all businesses in the county that require a food permit	Physical address Mailing address Employee info Facility size Health facility beds Restaurant seats	Food permit categories may not align with SB 1383 categories. A "retail market" or "food market" may not meet the definition of a grocery store under SB 1383, or a county does not issue food permits to wholesale food vendors and food distributors.
Business Licenses	A license issued by the county or city to a business to operate.	Physical address Mailing address Employee info	Not all businesses on this list will have on-site food facilities.
North American Industry Classification System (NAICS) (Note: Users can use this website link to find the NAICS code they are looking. In addition, below we provide the applicable NAICS codes for certain commercial edible food generators if we are recommending the NAICS code system as a tool for identification.)	This system allows businesses to report the products and services they provide by self-selecting a NAICS code.	You can filter businesses by city, type of business, and revenue.	CalRecycle recommends that jurisdictions start by consulting research and reference librarians at their local, college, or university libraries for free access to NAICS business lists. NAICS codes are searchable in a database like Dun & Bradstreet.* Jurisdictions can also purchase a list that includes businesses located within the jurisdiction with their associated NAICS codes.

**CalRecycle does not endorse or promote commercial database products (such as Dun & Bradstreet, etc.).*

Tier One Commercial Edible Food Generators



Tier one businesses generally have produce, fresh grocery, and shelf-stable foods to send to food recovery organizations.

Supermarkets



SB 1383 Definition

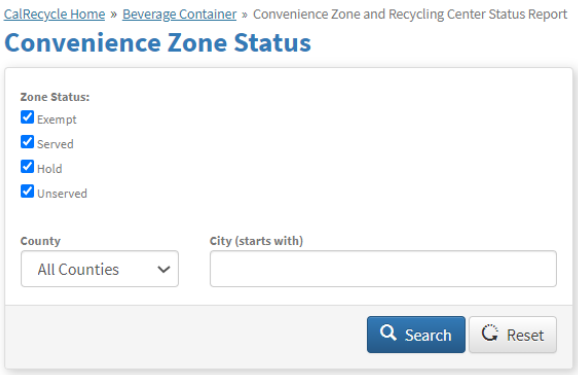
A full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

Explanation of Definition

This definition is based on the definition in PRC Section 14526.5.

Note: Standalone pharmacies do not meet the SB 1383 definition of a supermarket.

Steps to Identify Supermarkets



1. Create a list using CalRecycle's Convenience Zone Database (Bottle Bill Map).
    - If a business is included in this list, then it is considered a supermarket under the SB 1383 tier one definition.
    - Input jurisdiction name to obtain a list of supermarkets. When choosing appropriate filter (I.e., served, exempt, etc.) select all.
    - Export the list to Excel.

Grocery Stores



SB 1383 Definition

Grocery store with a total facility size equal to or greater than 10,000 square feet.

Explanation of Definition

The following description of “grocery store” is from Health and Safety Code Section 113948 (e)(3) which provides:

For purposes of this paragraph, “grocery store” means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter. “Grocery store” includes convenience stores.

Eligibility Criteria

The SB 1383 definition for grocery store does not include convenience stores because they are not primarily engaged in the retail sale of grocery items and may not have the same amount of currently disposed edible food available for recovery as a traditional grocery store. However, nothing in the regulations prohibits a jurisdiction from adopting more stringent food recovery requirements to include convenience stores.

For example, in evaluating whether a business meets the definition of grocery store, such as chain discount stores, a jurisdiction may consider the following:

- Whether the sale of incidental food items is the primary purpose of the store
- The amount of square footage dedicated to grocery items
- The number of personnel dedicated to grocery operations
- Sales receipts for grocery as a percentage of all sales

These are not required by SB 1383, nor are they exclusive factors for consideration. Jurisdictions are encouraged to evaluate existing local practice and/or consult their legal counsel when doubtful about whether to identify a business as a commercial edible food generator. CalRecycle expects that there may be some local variation in how this definition is applied in close cases based on jurisdictional discretion. Jurisdictions may want to consider:

- A consistent application of the definition on similar establishments
- The ability to demonstrate a rational interpretation of the regulatory language.

Steps to Identify Potential Grocery Stores

1. Create a potential list of grocery stores by consulting the county environmental health department food permit list.
2. Narrow the list to include only stores that are 10,000 square feet or larger.
    - CalRecycle set the square footage threshold to align with some county environmental health department inspection thresholds so they are easier to identify.
    - If the food permit does not include square footage, the building department may collect this information when issuing a permit and store it in a software tracking system (e.g., Trackit is a system used by some building departments).

- Tools that list square footage, such as purchased business lists and real estate listings, may also be helpful.

Food Service Providers



SB 1383 Definition

An entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.

Explanation of Definition

This definition was copied from the NAICS code definition for the food service contractors.

Examples of Food Service Providers (from NAICS Code Section 722310):

- Cafeteria food service contractors may contract with K-12 schools, universities, government offices and cafeterias, corporate cafeterias, hospitals, etc.
- Food concession contractors may contract with sporting, entertainment and convention facilities
- Airline food service contractors
- Specific business examples to consider evaluating may include Aramark, Sodexo, Compass Group, Lunch Master, Revolution Foods, and Better 4 You Meals

Eligibility Criteria

The SB 1383 definition of a food service provider mirrors the NAICS definition of a food service contractor (see NAICS Code 722310). These businesses provide food services to institutional, governmental, commercial, or industrial locations for a specified period of time. Management staff is always provided by the food service contractors.

Single event caterers do not meet the definition of a food service provider because they do not have an ongoing arrangement with an organization and only provide single, event-based food services (see NAICS Code 722320).

Steps to Identifying Food Service Providers

Note: There are no additional thresholds for food service providers; all food service providers, regardless of facility size or number of seats available, should be included as tier one commercial edible food generators. Additionally, jurisdictions are only required to identify food service providers operating out of facilities located in the jurisdiction.

1. Using a commercial business database, create a list by filtering businesses using the North American Industry Classification System (NAICS) Codes.
2. Search for food service contractor or the NAICS code (722310).
3. Filter businesses by city and type of business.

Tips

- Jurisdictions may identify food service providers with a physical location in their jurisdiction. For example:
    - Bon Appétit serves many businesses across many jurisdictions, but their primary location is in the City of Palo Alto. Palo Alto is responsible for identification and education of the food service provider, and if Bon Appétit generates edible food, then it is responsible for arranging to recover the maximum amount of edible food that they would otherwise dispose.
    - Sodexo is located in the City of San Diego and is operating in Escondido, Poway, and El Cajon. The City of San Diego is responsible for identifying and educating Sodexo as it is a food service provider that is located in the city. Additionally, if Sodexo generates edible food, then it is responsible for arranging to recover the maximum amount of edible food that they would otherwise dispose.
    - Revolution Foods is located in Alameda County but has contracts in San Mateo County (and other places). Alameda County (not San Mateo County) will have to identify and educate Revolution Foods.
- "Food service provider" or any other commercial edible food generator does not include businesses like Hello Fresh or Community Supported Agriculture (CSA) boxes.

Food Distributors



SB 1383 Definition

A company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

Explanation of Definition

This definition was based on information collected about this industry group, but ultimately was written by CalRecycle.

Examples of Food Distributors

- Specific business examples to consider evaluating may include North American Food Distribution Company, US Foods, Sysco, and Tyson. Note: These businesses may also be identified as wholesale food vendors depending on if food is received, shipped, stored, and prepared for distribution by the business.

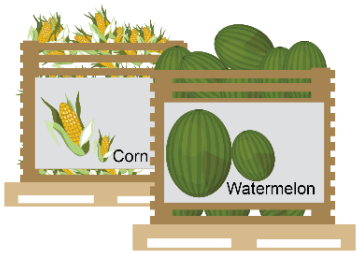
Steps to Identifying Food Distributors

Note: There are no additional thresholds for food distributors; all food distributors regardless of facility size should be included as tier one commercial edible food generators. Additionally, jurisdictions are only required to identify food distributors operating out of facilities located in the jurisdiction. "Food distributor" or any other commercial edible food generator does not include businesses like Hello Fresh or Community Supported Agriculture (CSA) boxes.

1. Create a list by consulting the Processed Food Registration (PFR) list.
    - The California Department of Public Health (CDPH) regulates food distributors. To obtain a copy of the most recent PFR list, reach out to CalRecycle at efr@CalRecycle.ca.gov. You may also contact CDPH through a public records request.
    - The list from CDPH does not distinguish between food distributors and wholesale food vendors. Therefore, jurisdictions may need to contact the company or do an Internet search to verify if they are a wholesale food vendor or a food distributor.

Note: The International Food Distributors Association (IFDA) (see link in "Appendix A") may also be a helpful resource to identify food distributors.

Wholesale Food Vendors



SB 1383 Definition

A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination.

Explanation of Definition

The Los Angeles County Environmental Health Department's definition for "wholesale food establishment" contains the following additional explanation that might be helpful in determining which wholesale food vendors to include:

"Wholesale food establishment" means an establishment where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; and/or operated for the purpose of commercially packaging, making, cooking, baking, mixing, processing, bottling, canning, slaughtering, salvaging, storing or otherwise preparing or handling food including ice, for human or animal consumption, which is not offered for retail sale or gift on the premises; or a commissary. (Los Angeles County Code, Title 11, Section 11.12.005).

Examples of Wholesale Food Vendors

- Specific business examples to consider evaluating may include Sysco and US Foods. Note: These businesses may be identified as food distributors rather than wholesale food vendors if they only distribute food and food is not received, shipped, stored, or prepared for distribution by the business. Sysco and US Foods are included in both categories as they may be a food distributor at one location and a wholesale food vendor at another location.

Steps to Identifying Wholesale Food Vendors

Note: There are no additional thresholds for wholesale food vendors; all wholesale food vendors regardless of facility size should be included as tier one commercial edible food generators. Additionally, jurisdictions are only required to identify wholesale food vendors operating out of facilities located in the jurisdiction.

1. Create a list by consulting the Processed Food Registration (PFR) list.
   - The California Department of Public Health (CDPH) regulates wholesale food vendors. To obtain a copy of the most recent PFR list, reach out to CalRecycle at efr@CalRecycle.ca.gov. You may also contact CDPH through a public records request.
   - The list from CDPH does not distinguish between food distributors and wholesale food vendors. Therefore, jurisdictions may need to contact the company or do an Internet search to verify if they are a wholesale food vendor or a food distributor.

Clarifying Food Distributors and Wholesale Food Vendors

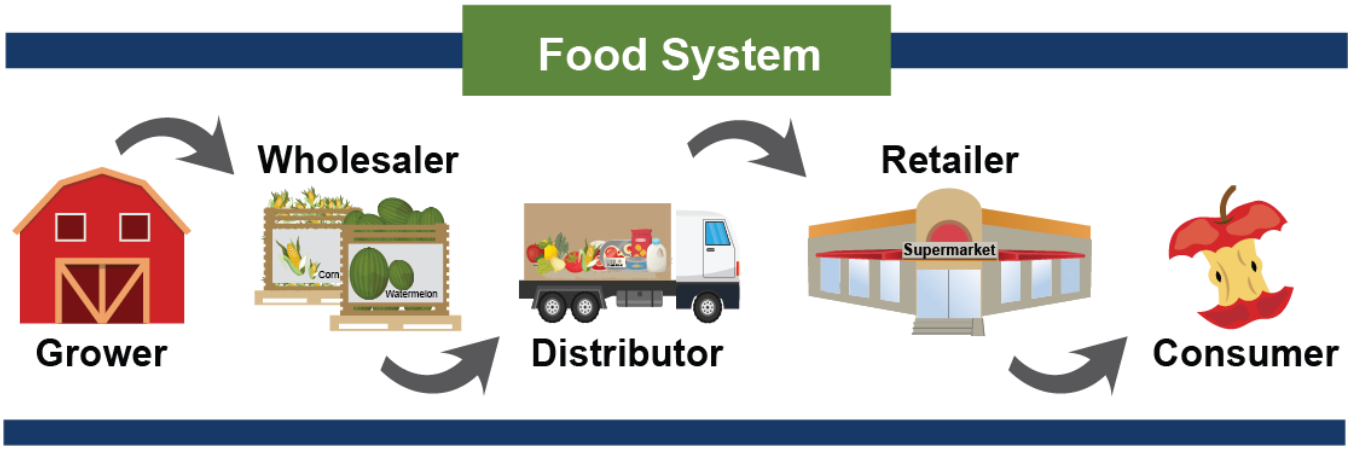


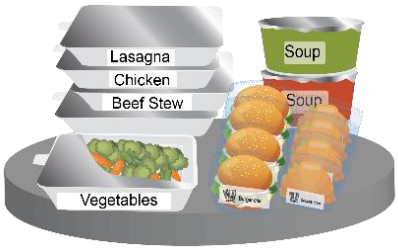
Figure 1 The highly simplified graphic of the food system illustrates that wholesalers and distributors perform different roles in the food system and often consider themselves different entities.

Comparing Food Distributors and Wholesale Food Vendors

	Food Distributors	**Wholesale Food Vendors**
Definition	A company that distributes food to entities including, but not limited to, supermarkets and grocery stores.	A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
Source of regulatory definition	Definition was based on information collected about this industry group, but ultimately was written by CalRecycle.	Definition was based on the Los Angeles County Environmental Health Department's definition for "wholesale food establishment."
Potential applicable NAICS code:	424490	424490
Example companies that may fall within definitions:	Sysco* US Foods* Tyson North American Food Distribution Company	Sysco* US Foods*
There is no defined threshold	Yes	Yes
Only include those located in, not providing service to your jurisdiction.	Yes	Yes
Distributes food	Yes	Yes
Food is received, shipped, stored, prepared for distribution	No	Yes

**Sysco and US Foods are examples of companies that may have company locations that are either a food distributor or a wholesale food vendor.*

Tier Two Commercial Edible Food Generators



Tier two commercial edible food generators typically have more prepared foods to donate, which often require more careful handling to meet food safety requirements (e.g., time and temperature controls).

Restaurants



SB 1383 Definition

Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

Explanation of Definition

This definition is a combination of the NAICS code definitions for limited-service restaurant (722211) and full-service restaurant (722511).

Restaurant means an establishment primarily engaged in the retail sale of food and drinks for on premises or immediate consumption.

Note: Businesses like a banquet hall, cafeteria, or other large dining facility that include the cost of the food indirectly through a banquet fee, use fee, or meals included in a lodging price may be considered a restaurant if they meet the definition of restaurant.

Steps to Identifying Restaurants

Select step 1 or 2, depending on which threshold you are using.

Note: If the restaurant meets either the 250+ seat threshold or the 5,000 square feet threshold, then the restaurant is a commercial edible food generator.

1. Create a list using the county environmental health department food permit list.
    - The food permit list may provide the number of seats for restaurants, or a range of the number of seats (e.g., 0-25, 25-49, 50-100, 100-149, 150+) and some food permit lists include square footage.
    - If you use number of seats, include those restaurants listed as 150+. This may give you more restaurants than meet the definition, (I.e., 250 or more seats).
    - If you want to refine your list to include only those restaurants with 250+ seats, consider doing further research using Internet searches and/or follow up calls or site visits.

2. Narrow the list to include restaurants with a facility size equal to or greater than 5,000 square feet.
    - If the food permit list does not include square footage, the building department may collect this information when issuing a permit and store it in a software tracking system (e.g., Trackit).
    - If you do not have the ability to identify the number of seats at a restaurant and your building department does not have square footage data, then consider utilizing tools that list square footage, such as purchased business lists and real estate listings. Some lists include square footage for the entire building (i.e., a shared mall) rather than just for the restaurant. Ensure that you are getting the square footage for the restaurant only. This information could be determined through institutional knowledge, hauler data, phone call, or site visit. For example, a building may be 250,000 sf whereas the restaurant may only be 5,000 sf.

Hotels



SB 1383 Definition

Hotel with an on-site food facility and 200 or more rooms.

Explanation of Definition

"Hotel" has the same meaning as in Section 17210 of the Business and Professions code.

Note: A bed and breakfast may be a tier two commercial edible food generator if it meets the definition of a hotel or if it has a restaurant that meets the restaurant definition.

Eligibility Criteria

If a hotel has an on-site food facility and 200 or more rooms, then it is a commercial edible food generator.

Other considerations:

- If a hotel has fewer than 200 rooms, but has a restaurant that meets the definition of a tier two commercial edible food generator, only the restaurant needs to be identified as the commercial edible food generator.
- If the hotel has 200 or more rooms, but the restaurant does not meet the commercial edible food generator definition of a restaurant, only the hotel needs to be identified.
- If the hotel has 200 or more rooms and a restaurant that meets the definition, both the hotel and the restaurant need to be identified as commercial edible food generators.

Steps to Identifying Hotels

1. Narrow the list by conducting an Internet search.
    - You can verify the number of hotel rooms by looking up individual facilities online. Various hotel booking websites have property overview/amenities lists that usually include the number of rooms and on-site food facilities.
2. Using a commercial business database, create a list using NAICS Code 721110.
    - Some jurisdictions found it helpful to further refine by using the NAICS code to determine which locations include hotel headquarters that do not meet the definition of a hotel. Be sure to look for changes in information trends (such as employee size and revenue) between different hotels to filter out headquarters. Note: This could also be done through Internet searches.

Health Facilities



SB 1383 Definition

Health facility with an on-site food facility and 100 or more beds.

Explanation of Definition

This definition has the same meaning as in Section 1250 of the Health and Safety Code.

Eligibility Criteria

If a health facility has an on-site food facility and 100 or more beds it is a commercial edible food generator.

Other considerations:

- If a health facility has fewer than 100 beds and uses a food service provider that has its facility located in the jurisdiction, the jurisdiction would identify the food service provider as a commercial edible food generator.
- If the food service provider is not located in the jurisdiction, the jurisdiction would not identify their health facility or the food service provider as a commercial edible food generator. A jurisdiction is only responsible for identifying commercial edible food generators with a physical location in the jurisdiction.

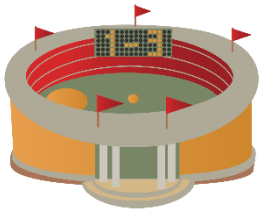
Steps to Identifying Health Facilities

Note: If you are already using the county environmental health department food permit list, you may find that the list provides the number of beds or a range of number of beds (e.g., 0-100, 100-200, 200 or more). Select the health facilities that have 100-200 or 200 or more beds, depending on how your food permit list is structured. Refer to the list of types of “health facilities” in the Section 1250 of the Health and Safety Code if you are unsure if a business is a

health facility. Entities such as state prisons or county jails may meet the definition of health facility if they have a health facility with an on-site food facility and 100 or more beds.

1. Create a list by consulting the California Department of Public Health (CDPH) Cal Health Find Database.
    - While your county environmental health department food permits list may provide ranges for number of beds, it appears that the CDPH list may be the most efficient resource for finding the precise number of beds.
    - The Cal Health Find Database provides health facilities in a city and includes details such as number of beds.
    - Enter your city's name into the tool and search for all facility types to receive a list of health facilities. You will find the number of beds by clicking on details for each health facility.

Large Venues



SB 1383 Definition

Large venue means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation.

Explanation of Definition

This definition has the same meaning as Section 42648 (c) of the Public Resources Code.

Large venues include, but are not limited to:

- A public, nonprofit, or privately owned or operated stadium
- Amphitheater
- Arena
- Hall
- Amusement park
- Conference or civic center
- Zoo
- Aquarium
- Airport
- Racetrack
- Horse track
- Performing arts center
- Fairground
- Museum
- Theater
- Other public attraction facility

Examples of Large Venues

- Disneyland
- Hollywood Bowl
- Six Flags
- Oracle Park

A facility or site owned by one entity that includes individual businesses located on the site is considered a single large venue. For example, the following are considered a single large venue:

- Anaheim Packinghouse District
- The Camp in Costa Mesa
- Liberty Public Market in San Diego
- Little Italy Food Hall in San Diego
- Windmill Food Hall in Carlsbad

Steps to Identifying Large Venues

1. Create a list using institutional knowledge.
    - Jurisdiction staff or haulers may already have knowledge of large venues in your jurisdiction.
2. Create a list by contacting caterers that serve large venues.
    - Consult the county environmental health department food permit list for caterer contact information.
3. Create a list by conducting Internet searches to identify large venues in your jurisdiction.
4. Create a list by consulting your jurisdiction's electronic annual report.

Tips

- If a venue meets the definition of Section 42648 (c) of the Public Resources Code and has another entity providing the food, the venue should still be identified as a commercial edible food generator. It is the venue's responsibility to recover the edible food generated on site.
- If a shopping mall meets the definition of a large venue it should be included.
- If a shopping mall includes a single restaurant that meets the tier two definition for restaurant and does not have other food establishments, then jurisdiction may decide to identify the restaurant and not the mall as the commercial edible food generator. A jurisdiction may decide to identify the restaurant so as not to overestimate the amount of recoverable food for capacity planning by assuming the generation level attributed to a large venue compared to the amount generated by a single restaurant.

Large Events



SB 1383 Definition

Large events means an event, including, but not limited to, a sporting event, a flea market or a festival, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

Explanation of Definition

This definition has the same meaning as Section 42648 (b) of the Public Resources Code.

Examples of Large Events

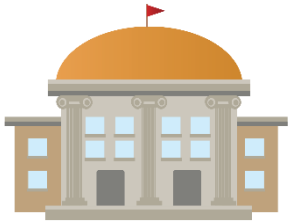
- Music concerts (operated by a local agency or charges a fee)
- Asparagus Festival in Stockton (charges a fee)
- Large farmer's markets (operated by a local agency or charges a fee)
- Scott's Fest at the Queen Mary in Long Beach (charges a fee)

Steps to Identifying Large Events

You could use the resources below to determine if an event meets the SB 1383 definition of a large event.

1. Create a list using institutional knowledge.
    - Jurisdiction staff may have knowledge of large events in your jurisdiction through implementation of Mandatory Commercial Organics Recycling (AB 1826, PRC Section 42649.8).
2. Create a list using by contacting caterers and food trucks that serve large events.
    - Consult the county environmental health department food permit list for caterer contact information.
3. Create a list using city event permits.
4. Create a list by conducting Internet searches for large events in your jurisdiction.
5. Create a list by consulting your jurisdictions electronic annual report.
6. Create a list by contacting your local sheriff's department and asking about large events where they provide security.
7. Create a list by contacting your local newspaper, which may publish stories about or sell ads to promote large events.

State Agencies



SB 1383 Definition

A state agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet.

Explanation of Definition

Jurisdictions must identify and provide adequate recovery capacity for edible food disposed of by state agencies. Thus, any state agency that meets the threshold (has a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet) or that meet any of the other commercial edible food generator definitions need to be identified.

State agencies are included in the definition of “non-local agency” in 14 CCR Section 18982(a)(42).

Examples of State Agencies

- California Public Employees' Retirement System
- California State Teachers' Retirement System
- Franchise Tax Board

Steps to Identifying State Agencies

1. Create a list using institutional knowledge.
    - Jurisdiction staff may have knowledge of state agencies through implementation of Mandatory Commercial Organics Recycling (AB 1826, PRC Section 42649.8).
2. Create a list using county environmental health department food permit list.
    - In larger counties with greater capacity, it is common that state facilities will cede inspection and regulatory authority to the county or local jurisdiction.
    - For example, in Orange County there are only a couple of state facilities that are not on the county environmental health department food permit list.
3. Contact your CalRecycle Local Assistance and Market Development Liaison for assistance.
    - After September 2021, contact your liaison if you are unsure if the state agency has a cafeteria that has 250 or more seats.
4. Create a list by conducting an Internet search for state agencies in your jurisdiction.

Local Education Agencies



SB 1383 Definition

A local education agency with an on-site food facility. Local education agency means a school district, charter school, or county office of education that is not subject to the control of city or county regulations.

Explanation of Definition

This definition is aligned with the definition of a local education agency in the Public Resources Code (see PRC Section 26225)

Private schools and private universities are considered businesses, not local education agencies. Jurisdictions should determine if private schools and private universities meet the definition of another commercial edible food generator type, such as a restaurant.

Steps to Identifying Local Education Agencies

1. Create a list using the county environmental health department food permit list.

Non-Local Entities



SB 1383 Definition

Non-local entity means an entity that is an organic waste generator but is not subject to the control of a jurisdiction's regulations related to solid waste. These entities may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies.

Explanation of Definition

Jurisdictions are required to include non-local entities that meet a tier two definition and are located within their borders in their capacity planning efforts. Specifically, jurisdictions must identify and provide adequate recovery capacity for edible food disposed of by these non-local entities.

Non-local entities, that are not state agencies, include:

- Special districts that do not provide solid waste collection services
- Prisons
- Facilities operated by the state parks system
- Public universities (e.g., UCs and CSUs)
- Community colleges
- County fairgrounds that have a restaurant, hotel, health facility, large venue or large event that meets the definition of another type of commercial edible food generator

Examples of Non-Local Entities

- Restaurant: A restaurant in and owned by a state park or a public university that has 250 or more seats or is over 5,000 square feet. For example, Crocker Dining Hall at Asilomar State Beach, City of Pacific Grove.
- Health facility: A state hospital that is part of a prison with an on-site food facility and 100 or more beds:
    - California Medical Facility
    - Salinas Valley State Prison
    - California Health Care Facility
- Large venue: A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, potentially including:
    - Cal Expo (City of Sacramento)
    - UC Davis' Mondovi Performing Arts Center (Yolo County)
    - Any public university stadium that meets the large venue threshold

- Large event: An event, including, but not limited to, a sporting event, a flea market, or a festival that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to:
    - A public, nonprofit, or privately owned park
    - Parking lot
    - Golf course
    - Street system
    - Other open space when being used for an event, such as the California State Fair (City of Sacramento).

Steps to Identifying Non-Local Entities

1. Create a list using institutional knowledge.
    - Jurisdiction staff may have knowledge of non-local entities through implementation of Mandatory Commercial Organics Recycling (AB 1826, PRC Section 42649.8).
2. Create a list using county environmental health department food permit list.
    - In larger counties with greater capacity, it is common that non-local entities will cede inspection and regulatory authority to the county or local jurisdiction.
    - For example, in Orange County there are only a couple of non-local entities that are not on the county environmental health department food permit list.
3. Contact your CalRecycle Local Assistance and Market Development Liaison for assistance.
    - After September 2021, contact your liaison if you are unsure if the non-local entity has a cafeteria that has 250+ seats.
4. Create a list by conducting an Internet search for non-local entities in your jurisdiction.

Tips

- If a prison is serviced by a food service provider, then the food service provider may be identified. See guidance on food service providers for information about identifying the food service provider in the jurisdiction in which it is located.
- Federal facilities do not need to be identified. CalRecycle will not be enforcing edible food recovery regulations against federal facilities at this time. Federal facilities may participate voluntarily.
- Tribal lands are sovereign nations and not subject to SB 1383 regulations.

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Appendix A - Additional Refinement Tools

These additional refinement tools could be useful in identifying tier one and tier two commercial edible food generators. However, CalRecycle has not vetted these resources and does not endorse or promote commercial database products (such as CoStar, Dun & Bradstreet, etc.).

- **Waste and Recycling Service Provider Records** Staff and/or hauler service can be helpful especially if you are a small jurisdiction. Some haulers may encounter proprietary issues with providing this information, especially in open market cities. Therefore, it may be necessary to include a request for this information in the franchise agreement.
- **Local Food Bank, Food Recovery Organization, and/or Food Recovery Service** Your local food bank or food recovery organization may be able to share the list of entities they are already engaging with for edible food recovery. Includes many tier one commercial edible food generators who are typically already participating in a program but may not be collecting food from all tier one and tier two commercial edible food generators.
- **Federal Department of Homeland Security Public Datasets** Provides bed counts, phone numbers, and website links.
- **International Food Distributors Association (IFDA)** The map includes the distribution centers and headquarters of every IFDA Distributor Member.
- **National Resource Defense Council (NRDC) Calculator** Contact foodmatters@nrdc.org to access the calculator.
- **CoStar** Must pay for subscription; ED or Planning Dept. may already have access or possibility to share as a region. Can run specific queries and download data. Does include some SB1383 metrics such as number of rooms, square footage, etc. Warning: Information may be outdated.