

Chesapeake Foodshed Network  
Question Report  
January 17, 2017

**Topic: Repurposing Food, Reducing Risk: Legal & Practical Dimensions of Putting Excess Food to its Highest & Best Use**

Question Details:

Asterisks (\*) denote questions asked during the webinar

**Questions:**

1. \* How does the Act work when the donation is made to a non-profit, but they then pass it on to a site that is not a nonprofit, but is serving low income children etc. Is the donor still covered by the Act?

And do you know how this relates to Tax Deductions for that donations.

2. \* There was an article about new "food pantries" popping up in neighborhoods or outside churches or businesses, similar to the little free libraries. are those covered? link to article: <http://www.npr.org/sections/thesalt/2017/01/11/508931473/a-new-type-of-food-pantry-is-sprouting-in-yards-across-america>

3. Ms. Civita said that the Bill Emerson Act provides 'premises liability' for donors, protecting for example a farmer from being sued for an injury a volunteer gleaner received while gleaning... I'm looking at the bill language itself and not seeing that language. Maybe I don't have the bill language in full? Just curious where I can find that, so I can stand on firm footing when telling a grower donor that they're protected

4. Hi Nicole — thank you for providing this information! Can you reiterate how and why organizations that do not have incorporated 501-c3 status are protected from liability? I represent a very young, very grassroots food rescue that started with farm and farm market pickups and is going through the process of locating a fiscal sponsor before approaching big retail. We are very established in the community and were rescuing up to 1,000 lbs a week but have not been picking up much during these winter months (we are in Binghamton, NY). We have also not begun the process of applying for our own 501-c3 and even if we applied today, we probably would not receive the "ok" for another three months. Would you say we are ok to start approaching retail? If so, what do we say if they ask whether or not we are incorporated non-profit?

5. Even with an organization that practices immediate delivery or has storage space, is there ever a need for temperature-controlled transport?

6. \* What type of recipient organization is required so that the donor is protected by the Bill Emerson act? I know the act requires a "nonprofit" organization- is there an official definition

or certification required? If the recipient organization is not a 501c3 or does not match the definition of ""nonprofit"" does the liability fall on them or back on the food donor?

7. Do you have any advice for food rescue organizations that are working with retail outlets that are partnered with Feeding America? We have been told that we must report to them and must be certified/trained by their food recovery staff — is any of this true as part of their agreement with the retailer?

8. \* If apple growers are not allowed to sell apples that touch the ground, would they be protected if they allowed gleaners to glean these dropped apples?

9. Are there efforts to update the BEA?