



## Myths and Facts about School Food Share programs

**Myth:** Schools and school districts are not allowed to set up “school food share tables” in school cafeterias or other areas of the school.

**Fact:** See June 22, 2016 memo from United States Department of Agriculture (USDA) regarding school food share tables - [http://www.fns.usda.gov/sites/default/files/cn/SP41\\_CACFP13\\_SFSP15\\_2016os.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP41_CACFP13_SFSP15_2016os.pdf) USDA recommends that “share tables” is a strategy to encourage consumption of nutritious foods and reduce wasted food in Child Nutrition Programs.

**Myth:** School lunch programs funded by the federal government are not allowed to donate uneaten foods and drinks.

**Fact:** The USDA strongly encourages schools to donate leftover foods to appropriate nonprofit institutions provided this practice is not prohibited by State or local laws or regulations. In Washington State and in King County, donating leftover food from school nutrition programs is not prohibited. Food donation has been a longstanding policy in all Child Nutrition Programs, as clarified in recent guidance from Food and Nutrition Services. Visit [https://www.usda.gov/oce/foodwaste/resources/K12\\_schools.html](https://www.usda.gov/oce/foodwaste/resources/K12_schools.html) to learn more.

**Myth:** Schools and districts will be held liable if sued due to allegations that school food donations were not safe to eat/drink and caused health problems in those to whom the food/drinks were given.

**Fact:** The Bill Emerson Good Samaritan Food Donation Act encourages donation of food to non-profit organizations for distribution to community members in need. This law makes it easier to donate. Visit <https://www.usda.gov/oce/foodwaste/resources/donations.htm> for more information. The law:

- Protects donors from liability when donating to a nonprofit organization, and from civil and criminal liability should the product donated in good faith later cause harm to needy recipients.
- Standardizes donor liability exposure so donors and their legal counsel do not need to investigate liability in 50 states. The law sets a liability floor of “gross negligence” or intentional misconduct for persons who donate foods. The law recognizes that provision of food close to the recommended date of sale is in and of itself not grounds for finding gross negligence.