



MEMO

TO: Child Nutrition Program Sponsors

FROM: Vonda Ramp, M.S., R.D. State Director, Child Nutrition Programs
Bureau of Food and Nutrition

DATE: *Reissued With No Changes August 21, 2024; Originally published October 18, 2017*

RE: The Use of Share Tables in Child Nutrition Programs Guidance on Food Donation Program in Child Nutrition Programs

MESSAGE:

Child Nutrition Program sponsor questions regarding share tables and food donations are often presented to the Pennsylvania Department of Education (PDE), Bureau of Food and Nutrition (BFN), as related issues. This memo brings together guidance from the United States Department of Agriculture (USDA) and the Pennsylvania Department of Agriculture (PDA), Bureau of Food Safety and Laboratory Services, to help inform practices in both of these areas.

Share Tables

On June 22, 2016, USDA released memo SP 41-2016, CACFP 13-2016, SFSP 15-2016, The Use of Share Tables in Child Nutrition Programs. This memo stresses the importance of compliance with state and local health and food safety codes when implementing share tables.

A locality may be under the jurisdiction of a local or county health department rather than PDA, Bureau of Food Safety and Laboratory Services. However, PDA is the state agency responsible for the regulations that govern retail food safety in Pennsylvania, which are to be enforced by all jurisdictions regulating retail food facilities.

The Pennsylvania Food Code does not allow food that has been sold, served, or in the possession of a consumer to be used for human consumption, except under very limited circumstances. PDA issued the attached memo dated July 28, 2016, granting a variance approval with respect to 7 PA Code Chapter 46, Food Code Section 3-306.14. This variance allows aspects of share tables to be practiced at facilities participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP) as outlined in the memo. The variance allows unopened, commercially packaged foods, fresh whole pieces of fruit, and unopened containers of juice or milk to be served at one additional time. Proper procedures must be followed, including monitoring of the share table by a food service employee and maintenance of appropriate temperature controls. Although not specified in the PDA memo, note that fresh, whole pieces of fruit that are not sealed or wrapped must be rewashed prior to being re-served, as required by Food Code Section 3-302.15.

Food Donation

In November 2011, the National School Lunch Act was amended to address food donation in Food and Nutrition Service (FNS) Food Programs (NSLP, SBP, CACFP, and SFSP). USDA provides guidance in the attached memo SP 11-2012, dated February 3, 2012.

FNS programs are encouraged to plan production to minimize leftovers. If there are many leftovers on a frequent basis, menu planning and production should be adjusted. When there are leftovers, they should be used within the FNS programs as permitted by program regulations, and state and local health and sanitation codes.

When leftovers cannot be used in the FNS programs, program operators are encouraged to donate them to a non-profit organization, such as a food bank, homeless shelter, or other non-profit charitable organization as permitted by state and local health and sanitation codes.

Leftover food that has not been served, has been kept under the supervision of food service professionals, and handled according to proper food safety practices may be donated if it cannot be used in the FNS food program.

The Bureau of Food and Nutrition is hopeful Child Nutrition Program providers find opportunities to reduce food waste by repurposing food according to the guidance in these USDA and PDA memos.

Address questions related to food safety in the implementation of share tables or food donation to the state, local, or county health and food safety official. See www.agriculture.pa.gov for information.

Program operators may direct questions specific to the use of share tables in Child Nutrition Programs to the respective program staff:

- School Nutrition Programs: RA-NSLP@pa.gov
- Child and Adult Care Food Program: RA-CACFP@pa.gov
- Summer Food Service Program: RA-SFSP@pa.gov

Attachments

Pennsylvania Department of Agriculture Bureau of Food Safety and Laboratory Services letter July 28, 2016

USDA Memo SP 41-2016, CACFP 13-2016, SFSP 15-2016: The Use of Share Tables in Child Nutrition Programs

USDA Memo SP 11-2012, CACFP 05-2012, SFSP 07-2012: Guidance on the Food Donation Program in Child Nutrition Program



pennsylvania

DEPARTMENT OF AGRICULTURE

BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

July 28, 2016

Vonda Cooke (Fekete) M.S., R.D.
State Director, Child Nutrition Programs
Division of Food and Nutrition
Bureau of Budget and Fiscal Management

Ms. Cooke,

Thank you for your recent "request for variance" from the requirements of 7 PA Code Chapter 46, Food Code Section 3-306.14, relating to the prohibition of re-service or reuse of returned food. Your request has been reviewed, along with the letter you submitted from USDA, Food & Nutrition Services, dated June 22, 201 regarding "The Use of Share Tables in Child Nutrition Programs." Your request for a variance has been approved by the Department for the use of "Share Tables" at facilities participating in the State Child Nutrition Programs (National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program) and that comply with the following conditions:

- Foods shared must be limited to:
 - Commercially packaged, unopened products that are not in 'resealable' bags. Types of foods may include bags of baby carrots or sliced apples, and packages of crackers and cheese, and similar products.
 - Foods that are in bags or packages that are 're-sealable,' such as 'ziplock' type bags will not be permitted on the share table.
 - Salads, sandwiches and other foods in plastic clamshells or with overwrap, and that have no other protective seals (such as labeling over the opening, or tabs that must be torn) to confirm an 'unopened' package, will not be permitted on the share table.
 - Fresh, whole pieces of fruit, such as apples, bananas, and oranges.
 - Unopened cartons of milk, or juice.
- Any TCS (Time/Temperature Control for Safety) Foods that are placed on a 'share table' must have temperature control, such as ice in a cooler, tub or bin. Products cannot be 'submerged' in ice or melting water.
- The Share Table must be monitored by a Food Employee. The Monitor must ensure foods on the share table are allowed foods, are in good condition, and no packages are compromised. Foods requiring temperature control should be monitored to assure that they are maintained at 41°F or below. Temperature logs should be kept.
- All foods from the share table that are re-used or re-served, may only be utilized one additional time. A procedure must be in place to segregate foods from the share table from other foods in the facility, and to assure that those foods are only re-served one additional time after removing from the share table.



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DEPARTMENT OF AGRICULTURE

BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

This variance approval letter is non-transferable and valid only for facilities participating in the USDA / Commonwealth Food Nutrition Programs. This variance approval letter should be kept at each facility at all times and made available to your inspector on request. If a facility is not complying with variance approval conditions, this variance approval may be revoked in those facilities by the inspector.

Should you have any further questions, please feel free to contact the Department at 717-787-4315.

Sincerely,

Sheri Morris
Food Program Manager



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

DATE: June 22, 2016

MEMO CODE: SP 41-2016, CACFP 13-2016, SFSP 15-2016

SUBJECT: The Use of Share Tables in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Using “share tables” is an innovative strategy to encourage the consumption of nutritious foods and reduce food waste in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP). This memorandum provides a reminder of the opportunities presented by share tables, extends the use of share tables to the at-risk afterschool component of the CACFP, and gives an overview of the food safety requirements Child Nutrition Program (CNP) operators must follow when choosing to include share tables in their meal service. CNP operators include school food authorities, local educational agencies (LEAs), CACFP institutions, and SFSP sponsors.

The Food and Nutrition Service (FNS) encourages State agencies to support CNP operators in their efforts to increase consumption of nutritious foods and minimize food waste in their programs. As a reminder, all CNP operators must plan, prepare, and order food with the goal of providing one meal per child at each meal service. If a school, CACFP institution, or SFSP sponsor has leftover or unusable foods on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers or unusable foods.

Share Table Overview

FNS regulations require participating schools, CACFP institutions, and SFSP sponsors to provide reimbursable meals that meet specific meal pattern requirements outlined in 7 CFR 210.10, 220.8, 226.20, and 225.16, respectively. However, FNS recognizes that, for various reasons, children may not always want to consume certain food or beverage items included in their meal. “Share tables” are tables or stations where children may return whole food or beverage items they choose not to eat, if it is in compliance with local and State health and food safety codes. These food and beverage items are then available to other children who may want additional servings.

Share tables allow food or beverage items to be reused in a number of ways, depending on the Program's preference:

- Children may take an additional helping of a food or beverage item from the share table at no cost;
- Food or beverage items left on the share table may be served and claimed for reimbursement during another meal service (i.e., during an afterschool program when leftover from a school lunch); and/or
- Food or beverage items may be donated to a non-profit organization, such as a community food bank, homeless shelter or other non-profit charitable organization (see SP 11-2012, CACFP 05-2012, SFSP 07-2012, *Guidance on the Food Donation Program in Child Nutrition Programs*, http://www.fns.usda.gov/sites/default/files/SP11_CACFP05_SFSP07-2012os.pdf).

FNS Instruction 786-6 provides FNS the authority to allow the use of share tables and the recycling of food and beverage items in CNPs. The Instruction allows milk (when the milk carton is unopened and the proper temperature is maintained) and other meal components that are served to be retrieved for re-service if such a practice is permitted under local and State health and food safety codes. The Instruction also states that food or beverage items should only be reused in situations where it is necessary to prevent food waste. It is important to note that when using a share table, CNP operators are able to claim the reimbursable meal at the point of service even if a child then puts one or more of the meal components on the share table. When food items are left on the share table at the end of the meal service, that food can be used in later meals that are claimed for reimbursement.

As always, CNP operators should take steps to encourage consumption of the meal, including preparing appealing meals and serving them in a convenient manner. For example, CNP operators are encouraged to promote meal consumption by including an option of cut up whole fruit to make it easier to eat, and engaging children through taste tests, student advisory committees, and nutrition education. These practices help ensure children get the most out of the food assistance programs.

Food Safety Requirements for Share Tables

As with all foods and beverages prepared for the NSLP, SBP, CACFP, and SFSP, CNP operators choosing to use share tables must follow the food safety requirements outlined in 7 CFR 210.13, 220.7, 226.20(l), and 225.16(a), respectively. In addition, CNP operators must be aware of all applicable local and State health and food safety codes to ensure their use of share tables does not violate any of those codes. It is important to keep in mind that local and State health and food safety codes may be more restrictive than the FNS requirements, or may place specific limitations on which food or beverage items may be reused. To ensure compliance with food safety requirements, CNP operators should discuss plans for a share table with their local health department and State agency prior to implementation. Further, schools must ensure that their policies for saving and sharing food or beverage items are consistent with the LEA's Hazard Analysis and Critical Control Point (HACCP) plan.

Regional Directors
State Directors
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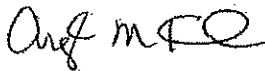
Please see section 3-306.14 of the 2013 the Food and Drug Administration (FDA) Food Code for more information about food safety considerations when re-serving food (available at: <http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/>). In addition, see the attachment for a list of food safety requirements and other best practices to consider when establishing a share table.

Other Strategies to Reduce Food Waste

FNS has additional resources available to Program operators interested in reducing food waste in the CNPs:

- Creative Solutions to Ending School Food Waste: <http://www.fns.usda.gov/school-meals/creative-solutions-ending-school-food-waste>
- Join the Food Waste Challenge: <http://www.usda.gov/oc/foodwaste/join.htm>
- The Smarter Lunchroom Movement: <http://smarterlunchrooms.org/>
- SP 41-2014, *Clarification of the Policy on Food Consumption Outside of Foodservice Area*, <http://www.fns.usda.gov/sites/default/files/SP41-2014os.pdf>

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate FNS Regional Office.



Angela Kline
Director, Policy and Program Development Division
Child Nutrition Programs

Attachment

Attachment: Share Tables Food Safety Requirements and Other Best Practices

This resource provides a list of food safety requirements and other best practices to consider when establishing a share table.

| | |
|---|--|
| Step 1 (REQUIRED): Follow Federal, State, and local health and food safety requirements: | |
| <ul style="list-style-type: none"> • Comply with FNS food safety requirements outlined in 7 CFR 210.13, 226.20(l), and 225.16(a). • Comply with all local and State health and food safety codes, including storage of reused items. • <u>Schools only</u>: Ensure policies for saving and sharing food or beverage items are consistent with the local educational agency's Hazard Analysis and Critical Control Point (HACCP) plan. | |
| Step 2: Establish clear guidelines for food components that may and may not be shared or reused as part of a later reimbursable meal: | |
| <ul style="list-style-type: none"> • <i>Food components FNS recommends sharing:</i> <ul style="list-style-type: none"> ○ Unopened pre-packaged items, such as a bag of baby carrots or sliced apples stored in a cooling bin. ○ Whole pieces of fruit, such as apples or bananas. ○ Unopened milk, if immediately stored in a cooling bin maintained at 41°F or below. | <ul style="list-style-type: none"> • <i>Food components FNS does not recommend sharing:</i> <ul style="list-style-type: none"> ○ Unpackaged items, such as a salad bowl without a lid. ○ Packaged items that can be opened and resealed. ○ Open items, such as an opened bag of baby carrots or sliced apples. ○ Perishable foods, when a temperature control mechanism is not in place. |
| Step 3: If sharing items that require cooling is permissible under local and State laws, establish strict food safety guidelines to prevent the risk of foodborne illness: | |
| <ul style="list-style-type: none"> • Maintain proper temperature (and temperature logs) (<i>41 degrees Fahrenheit or colder</i>) by storing food components in a temperature controlled storage bin, such as an ice tub or cooler. • Make note of expiration dates on packaged foods, and do not intermix reused items with items that have not yet been prepared and served yet. • Decide how many times a food item can be re-used (recommended just once). | |
| Step 4: Supervise the share table at all times to ensure compliance with food safety requirements: | |
| <ul style="list-style-type: none"> • Ask supervisors to make sure packaging of items placed on the share table is not open, punctured, or otherwise compromised. • If cooling bins are used, have supervisors monitor the bin to ensure that time and temperature control requirements are met. • Invite children to participate as "share table helpers," or assistant monitors, teaching them about the importance of food safety and recycling. | |
| Step 5: Promote the share table to children and families: | |
| <ul style="list-style-type: none"> • Provide children and families with information about share table guidelines. • Ask for input from parents and guardians, and make sure families are comfortable with their children participating in the share table option. • Explain the share table concept to children, taking care to emphasize the importance of healthy eating and trying new foods whenever possible. • Display signage outlining share table "rules" and encouraging recycling. | |



United States
Department of
Agriculture

Food and
Nutrition
Service
3101 Park
Center Drive
Alexandria, VA
22302-1500

DATE: February 3, 2012

MEMO CODE: SP 11-2012, CACFP 05-2012, SFSP 07-2012

SUBJECT: Guidance on the Food Donation Program in Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

On November 18, 2011, the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) amended the Richard B. Russell National School Lunch Act (NSLA) by adding paragraph (I), the Food Donation Program at the end of Section 9. The amendment provides clear statutory authority for current Food and Nutrition Service (FNS) food recovery and donation policy in use by schools and institutions participating in the Child Nutrition Programs, the National School Lunch and School Breakfast Programs, Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP).

Food donation has been a longstanding policy in all Child Nutrition Programs and the current amendment to the NSLA clarifies the policy through statute. Although, FNS does not believe this amendment will require change in current food recovery practices, this memorandum provides updated and consolidated guidance on this issue; therefore, the following existing memoranda relating to this issue are rescinded: SP 29-2009, SFSP 04-2009, CACFP 07-2009, Excess Summer Meals, June 26, 2009.

The statute clarifies that any program food not consumed may be donated to eligible local food banks or charitable organizations. The amendment defines the terms "eligible local food banks or charitable organizations" to mean any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)). It also extends protections against civil and criminal liability for persons or organizations when making food donations to the extent provided under the Bill Emerson Good Samaritan Food Donation Act, found in section 22 of the Child Nutrition Act.

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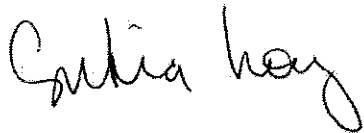
Food Donation Policy

FNS is committed to preventing hunger and to responsible stewardship of Federal dollars. Child Nutrition Program policy aims first to limit food waste and unnecessary costs. If a school, CACFP institution, or SFSP sponsor has leftover food on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers.

Nevertheless, because of unforeseen circumstances, occasionally there will be leftover food. All alternatives permitted by Program regulations and State and local health and sanitation codes should be exhausted before discarding food. Options may include using leftovers in subsequent meal services, offering "sharing tables," or transferring food to other sites. (*See attached: Donation of Leftover Foods From School Cafeterias, June 11, 1996*). Where it is not feasible to reuse leftovers, excess food may be donated to a non-profit organization, such as a community food bank, homeless shelter, or other nonprofit charitable organizations.

As a result of the Department's Food Recovery and Gleaning Initiative of 1997, a "Best Practice" manual was created which highlighted measures to provide unused food to needy organizations. In addition, the "Citizen's Guide to Food Recovery" was developed as a resource guide on food recovery programs for businesses, community-based organizations, private citizens, and public officials and describes some of the food recovery activities taking place at that time and suggestions for new efforts. These publications can be found at: <http://www.fns.usda.gov/fdd/gleaning/besthome.htm> and <http://www.usda.gov/news/pubs/gleaning/five.htm>. FNS will review these resources and determine if they require updating or if additional materials are required to assist schools and local educational agencies in the donation of food.

FNS will continue to support food donation as outlined above. State agencies should direct any questions to their FNS Regional Office.



Cynthia Long
Director
Child Nutrition Division

Attachment

JUN 11 1996

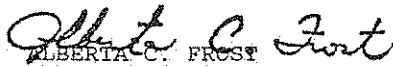
SUBJECT: Donation of Leftover Food from School Cafeterias

TO: Regional Directors
Special Nutrition Programs
All Regions

We frequently receive inquiries from schools and the general public concerning the donation of extra foods prepared for the National School Lunch and School Breakfast Programs. It appears that many school food service managers believe that the program regulations prohibit them from donating leftovers to organizations which feed the needy.

As you know, schools may claim reimbursement for only one lunch served per child per day, and schools are expected to plan and prepare sufficient amounts of food to achieve this goal. When the food actually prepared exceeds the amount needed for the reimbursable meal service, schools may dispose of the extra food as they wish as long as they comply with applicable State and local health standards. Thus, schools may donate leftover foods to appropriate nonprofit institutions such as soup kitchens or homeless shelters provided this practice is not prohibited by State or local laws or regulations. The Department of Agriculture strongly encourages them to consider this option whenever it is feasible. This policy is in keeping with Secretary Glickman's active promotion of local gleaning and donation programs to feed the poor and homeless.

Please remind your States of this longstanding policy and request that they ensure that their local schools are aware of this option.


ALBERTA C. FROST
Director
Child Nutrition Division