



The New York City Food Truck Association Statement regarding Article 89 of NYC Health Code

The New York City Food Truck Association (NYCFTA) is an association of small businesses that own and operate premium food trucks in NYC focused on innovation in hospitality, high quality food, and community development.

The NYCFTA agrees with the proposed changes to Article 89 but have some questions and observations, as stated below in this document.

Seafood

We agree with the change that allows properly cooked fish and other aquatic animal food products to be sold from mobile vending units. We understand the history behind the previous ban, but with technology and modern equipment we feel the sale of cooked seafood is safe.

Raw Meat

We agree with the ban on raw meat products from mobile vending units. The sale of raw meat should continue to be banned until technology and guidelines can be explored further. At this time we do not anticipate a strong market for raw meats. However, in the future, if there is a demand, the industry can work with DOHMH to create safe guidelines for the sale of raw products such as sashimi.

Imminent Health Risks

We agree that any mobile food operation which poses an imminent health risk to the community should be shut down. However, we think there should be a transparent and expedient process to get safe and viable businesses reopened.

Seizure of Permit – We like to better understand the criteria for which a seal is applied to cover the vendor's permit decal and the permit decal is removed. Since there is a hierarchy in the consequences of these two actions we think that there should be a hierarchy in the severity of the transgression. Removing the decal means that after the permit is restored by the department or an administrative hearing the truck must be re-inspected a process which can add two weeks to the initial 10 day shut down. We believe that a seal is appropriate for a first time offender and that permits should only be removed in the case of an operator who is vending on a seized permit.

Seizure of a License – We would request that investigators look at the root cause of a health risk. If it is structural and the responsibility of the permit holder, a line employee should not have their license (and means of earning a wage) suspended.

Timeline – We want to clarify that there is a guarantee that the hearings will take place within the ten day time frame. We would request that the ten days be Calendar days not Business days, since 10 business days could equal 16 calendar days, or 60% more loss of selling time and revenue to the operator and the City.

Notice – We would encourage the DOHMH to investigate developing an electronic means of a secure means of notification when a cessation order is given. Our staff on the trucks is always 100% clear when something happens, but we want to make sure there is no margin of error here. Mailing may take days when the problem could have been resolved immediately, allowing the operator, DOHMH and consumers to benefit.

Restoration – We appreciate the opportunity for a permit or license to be restored without waiting for the administrative hearing. We look forward to working with DOHMH to better understand this process and, if possible, help contribute to the most effective policies and procedures.

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From: Sean Basinski [mailto:SBasinski@urbanjustice.org]
Sent: Monday, April 11, 2011 2:58 PM
To: Daniel Kass
Cc: Corinne Schiff; Elliott Marcus; Robert Edman
Subject: RE: Proposed Rules Related to Mobile Food Vending

Deputy Commissioner Kass,

Thank you for notifying us of these proposed changes. After discussing them among our membership, we do not have any comment. We do have a number of other suggested changes to the Health Code that we will expect to send along in the coming months.

Yours,

Sean Basinski

Street Vendor Project

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From: Daniel Kass [mailto:dkass@health.nyc.gov]
Sent: Thursday, March 17, 2011 9:29 PM
To: Sean Basinski
Cc: Corinne Schiff; Elliott Marcus; Robert Edman
Subject: Proposed Rules Related to Mobile Food Vending

Sean,

The Health Department is proposing changes to Article 89 of the Health Code, which regulates mobile food vending, that I thought you should know about. The Notice of Intent is attached.

Three changes are proposed: (1) permit the sale of cooked fish from mobile food carts (the express terms of Article 89 currently prohibit the sale of all fish from carts, the proposal is to lift the prohibition with respect to cooked fish); (2) clarify that raw meat cannot be sold from a cart (vendors may have raw meat to cook and serve, but they cannot act as butcher shops); (3) codify Department procedures to allow a cart to re-open in an expedited fashion, before the 10-day hearing, after a license or permit has been suspended.

If the Street Vendor Project or members of the vendor community have comments on this proposal, the Department would be interested in hearing them. Comments may be submitted in writing or made via testimony. The public hearing is April 29, 2011 from 2PM to 4PM at the new Health Department offices in Long Island City. Information about submitting comments and appearing for testimony is on the cover of the proposed regulation, attached here. We can also arrange for language interpreters if that is of interest.

Thanks, in advance, for your attention.

Daniel Kass, MSPH

Deputy Commissioner, Environmental Health

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