Testimony

of

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before the

New York City Council Committee on Consumer Affairs and Business Licensing

on

Mobile Food Vending Reform

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Good morning, Chair Espinal and members of the Consumer Affairs and Business Licensing Committee. I am Corinne Schiff, Deputy Commissioner for the Division of Environmental Health at the Department of Health and Mental Hygiene. On behalf of Commissioner Barbot, thank you for the opportunity to testify.

The Health Department’s mission is to protect and promote the health of all New Yorkers, and when it comes to mobile food carts and trucks, our charge is to educate vendors about safely storing, preparing and serving food to reduce the risks of foodborne illness; inspect food carts and trucks for required equipment before issuing the permit that authorizes them to operate; and inspect the units when they are out on the street and operating, in order to evaluate compliance with food safety requirements. The Department issues the licenses that allow people to vend food from permitted carts and trucks, and permits and inspects commissaries, where food carts and trucks are required to be taken for cleaning and storage when not in use.

The Department looks forward to working with the Council on this legislation to ensure that food safety, air quality and healthy food policy concerns are addressed as part of mobile food vending reform.

The Department’s highest priority when it comes to mobile food vending is to promote the safety of the food served from the carts and trucks. With respect to Introduction 1116-A, a key component of food safety that should be considered is the commissary. A commissary is where food carts and trucks are securely stored when not in use so they cannot be tampered with; where they can be properly cleaned to maintain sanitary conditions, such as remaining free of pest infestations; where waste accumulated throughout the day is disposed; and where food and supplies are available for restocking and preparation. Servicing vending units at a commissary is a requirement of both city and state law, and new permit-holders will not be able to operate safely or legally unless new commissary spaces are also available. It is critical that any plan to expand the number of carts and trucks also include a plan for a corresponding expansion of commissary space.

Next, a plan to expand food vending should consider potential adverse impacts on local air quality, such as if the number of vendors grilling meat, poultry or fish using an under-fire charbroiler increases. An under-fire charbroiler is equipment that uses a heat source under a slatted grill. As the food cooks, fat drips directly onto the heat source, resulting in combustion that releases fine particulate matter, called PM2.5, into the air. PM2.5 can be inhaled deep into the lungs and studies have linked exposure to particulate matter to breathing problems, reduced lung function, heart disease and premature death. To avoid adverse consequences for the environment and the health of vendors and New Yorkers generally, any expansion of food carts and trucks should include emissions controls.

Reforming the mobile food vending industry presents an important opportunity to address matters of food policy. The Department supports the provisions in Intro 1116-A that would allow Green Cart vendors to sell water and raw, single ingredient nuts, as well as other healthy foods designated by the Health Commissioner. Green Cart vendors currently bring whole fruits and vegetables to neighborhoods with limited access to produce. Allowing these vendors to expand their offerings further promotes access to healthy food and increases the economic viability of this important program.

The Department would like to work with the Council to be sure that the neighborhoods where Green Carts are authorized to vend align with those areas of the city that lack adequate access to produce. The Department would also welcome the opportunity to find other ways to harness the vibrant mobile food vending industry to address issues of food equity, obesity and other nutrition-related illnesses.
The Department appreciates the Council’s emphasis on training vendors to promote compliance with relevant laws and regulations. Every mobile food vendor is required to pass the Department’s food protection course. Introduction 1116-A would require retraining for vendors who are issued at least one violation in a two-year period. The Department looks forward to discussing with the Council the appropriate threshold and frequency for retraining.

Regarding Introduction 292, the Department supports this bill, which would allow vendors to place items on the cart or truck in addition to in and under it. This change will help vendors protect food and equipment from contamination by increasing available space for placement and storage.

Thank you for the opportunity to testify. I am happy to take questions.