



Letter Grading for Mobile Food Vending Units: What Vendors Need to Know

This document provides information on the New York City Health Department’s grading program for mobile food vendors. It includes information on the new scoring and grading process, inspections, grade and permit decals, location sharing and how vendors can achieve an “A” grade.

Why is the Health Department grading food carts and trucks?

The Health Department is grading all permitted food carts and trucks to comply with a local law passed in 2017. This local law expands the Health Department’s restaurant grading program, which has been very successful in improving restaurant food safety practices.

Has the inspection process for mobile food vending changed with grading?

No. For both mobile food vending units and restaurants, Health Department inspectors check that operators follow the food safety requirements set out in the New York City Health Code and the New York State Sanitary Code. The Health Department is not changing the inspection process. However, mobile food vending units will now be scored and graded.

How is the grade calculated?

Violations found during inspections carry point values. The number of points depends on the risk to public health. Conditions that pose a high risk receive more points, while conditions that pose a low risk receive fewer points. At the end of the inspection, the violation points are added together. This inspection score is converted to a grade.

“A” grade: 0-13 points

“B” grade: 14-27 points

“C” grade: 28 or more points

Visit nyc.gov/health and search for “mobile food vendor” to download the Self-Inspection Worksheet for Mobile Food Vending Units, which includes a list of food safety violations and the points for each.

How long will it take for all food carts and trucks to receive a letter grade?

It will take about two years for the Health Department to grade all food carts and trucks. Before a unit can receive a grade it will need a new permit decal and a location-sharing device. The Health Department attaches these items to the cart or truck at the unit’s pre-permit inspection, which is conducted every year or every two years depending on the type of permit.



Will the Health Department post food vending grades online?

Yes. Visit nyc.gov/health/ABCEats to see inspection details and to search for food carts and trucks by grade, cuisine and neighborhood at last inspection.

INSPECTIONS AND GRADING

When will the Health Department grade my cart or truck?

The Health Department will begin grading food carts and trucks that have the new permit decal and location-sharing device in December 2018.

I have my new permit decal and location-sharing device. How do I get my grade?

Once your unit has a new permit decal and location-sharing device, the Health Department will conduct an unannounced, initial inspection.

- If your cart or truck receives 13 or fewer violation points at this inspection, the inspector will post an “A” grade immediately.
- If your unit receives 14 or more violation points at this inspection, the inspector will not post a grade. Instead, the Health Department will conduct a reinspection within a few weeks.
- At the reinspection, if your unit’s inspection score corresponds to an “A” grade, the inspector will post the “A” immediately. If the reinspection score corresponds to a “B” or “C” grade, the inspector will post “Grade Pending” on the unit. You will have a chance to challenge the inspection results at a hearing at the Office of Administrative Trials and Hearings (OATH). After this hearing, the Health Department will post the final grade on your unit.

What do I do if I have a “Grade Pending” card?

“Grade Pending” means that your unit received 14 or more violation points during the reinspection. You will have a chance to challenge the inspection results at a hearing at OATH.

After the hearing, OATH will send the hearing officer’s decision to the permit holder and to the Health Department. If OATH dismisses or reduces a violation, the Health Department will recalculate the score and, if the score corresponds to a different grade, issue the new grade. Once OATH issues its decision, and no later than 42 days after the reinspection, you must contact the Health Department at 646-632-6203 to arrange for the letter grade to be posted.

If you have completed your OATH hearing and have not received OATH’s decision within this 42-day period, you can continue to post “Grade Pending.” Once the OATH decision is shared with you, you have five days to contact the Health Department to arrange for replacing “Grade Pending” with a letter grade.

How do I find out my final grade after the OATH hearing?

You can find out your final grade by calling the Health Department at 646-632-6203 or visiting nyc.gov/health/ABCEats.



I want to challenge the inspection results but cannot attend the hearing on the assigned date. What should I do?

For information on changing the date of a hearing, see the back of the summons or visit nyc.gov/oath.

Once my unit receives its final grade, when is the next opportunity for a new grade?

The next opportunity for a new grade begins with the next initial inspection. Your next initial inspection date depends on your unit's inspection scores from the last round of inspections:

- A mobile food vending unit that scores 0 to 13 points on its initial inspection will have its next initial inspection in about a year.
- If the higher score on either the initial or reinspection is between 14 and 27 points, the next initial inspection will happen five to seven months after reinspection.
- A mobile food vending unit that scores 28 or more points on its initial inspection or reinspection will have its next initial inspection three to five months after its reinspection.

GRADES and PERMIT DECALS

Is there a penalty for not posting my current letter grade or “Grade Pending”?

Yes, the Health Department will issue a summons, subject to fines, to any unit that fails to post, covers up or removes their letter grade or “Grade Pending”.

What happens if my permit decal or letter grade gets damaged?

If your permit decal or letter grade is damaged, you must contact the Health Department immediately. Call 646-632-6203 or email MFVInspections@health.nyc.gov to find out how to obtain a new permit decal and/or letter grade.

LOCATION SHARING

What is a location-sharing device?

The location-sharing device is a battery-operated wireless device contained in a small box that will allow the Health Department to find the vending unit for an inspection. The Health Department will attach one on every food cart or truck.

Wasn't the Health Department already finding food carts and trucks for inspections? Why do you need location sharing?

Food vending units are not required to operate at a precise location or at a set time. As a result, the Health Department cannot always find the cart or truck or cannot find it exactly when it is due for inspection. The grading program has a specific inspection schedule and the Health Department must be able to locate the cart or truck at the time the unit is due for inspection.

What information does the location-sharing device transmit?

The location-sharing device sends the Health Department the closest street address of the mobile food vending unit, and the date and time.



Who has access to the location data?

Only Health Department staff will have access to the location data.

Will the Health Department track vending units all the time?

No. The Health Department will “ask” the location-sharing device to send the location of a food cart or truck *only* if the Health Department intends to inspect the unit.

How will the Health Department protect location information?

The location-sharing device will securely transmit data to a secure Health Department server on a secure Health Department network. Each device will have a device identification number that is different from the unit’s permit and decal number. The location information will be stored separately from the Health Department’s other mobile food vending data. The location information will be kept for less than 24 hours. It will be deleted from the Health Department’s servers every night.

Will the operator of the food cart or truck have to pay for the location-sharing device?

No.

How do I install the device?

The Health Department will install the device at the pre-permit inspection.

How do I maintain the device?

You do not need to do anything to maintain the device. If the device is damaged, lost or stolen, immediately call the Health Department at 646-632-6203.

Will I get a violation if something happens to the device?

Damaging or destroying the device — or not storing your unit in a secure location — may result in a violation subject to fines.

FINES**Will there be changes to the fines imposed for violations?**

Yes. The Health Department is implementing new fine policies and issuing a new fine schedule similar to the restaurant grading program. As a result, fines, overall, will be lower.

EVERY FOOD CART AND TRUCK CAN ACHIEVE AN “A” GRADE**How can my mobile food vending unit improve its grade?**

Every food cart and truck can achieve an “A” grade. Here are some steps you can take to improve your grade:

- Make sure only licensed vendors operate the unit. A licensed vendor must pass the Health Department’s food safety class.
- Correct violations received during an inspection.
- Use the self-inspection worksheet to check that you are meeting food safety requirements.



How can I learn more about the mobile food vending letter grading program?

You can visit nyc.gov/health/mobilefood to learn more about the program and to get information about Health Department mobile food vendor workshops to learn how to get an “A” grade.

Who can I contact if I have questions about operating my food cart or truck or about grading?

For more information, contact the Health Department:

- Phone: 646-632-6203
- Email: MFVInspections@health.nyc.gov
- In-person: Customer Service Office
125 Worth Street, room 1020
Mondays through Thursdays, 9 a.m. to 4 p.m.
Fridays, 9 a.m. to 2 p.m.

