

APPENDIX 3: DPH ACTIONS TO INCREASE ACCESS TO SAFE SIDEWALK VENDING IN L.A.

It is impossible for most sidewalk food vendors to obtain a permit from the County Department of Public Health (DPH). Barriers to DPH permits threaten public health by preventing most food vendors from accessing food safety guidance and maintaining the criminalization and economic exclusion of many low-income workers. While some of these barriers stem from requirements found in the California Retail Food Code (CRFC), others are imposed by DPH with no state law requirement. Immediate action is needed to remove barriers at both levels. The following are concrete actions that DPH can take right now promote safe sidewalk food vending in L.A.

Immediately modify DPH permitting and enforcement procedures. The following changes to DPH guidelines are consistent with existing state law and will enable greater vendor participation:

- 1. Pre-approve cart design.** Pre-approving standardized cart design blueprints that meet CRFC standards will decrease costs to vendors and the county by allowing vendors who purchase pre-approved carts to invest with confidence and bypass the plan check process. DPH should support the creation of blueprints that reduce equipment size and cost.
- 2. Pre-approve Standard Operating Procedures (SOP).** DPH should work with vendors and community based organizations to make publicly available template SOPs for common sidewalk vending food items, enabling vendors to secure the necessary prerequisites to bypass plan check and proceed to permitting with confidence. Pre-approving SOPs for common food items will also give DPH confidence that vendor applicants are adhering to all the protocols and practices necessary to promote food safety and consumer health.
- 3. Provide authentic access to information.** DPH should create new materials summarizing application requirements that are specific to sidewalk vending, using popular education and accessible language. Translate and publish these new materials, along with the Mobile Food Facility Plan Check Guidelines, in at least the five most common languages in L.A. County.
- 4. Increase accessibility.** DPH should provide new locations for approval checks, encourage on-site visits, and streamline permitting so the entire process can occur in a single visit.
- 5. Reduce permit costs.** DPH should significantly decrease permit and plan check fees, including fee waivers for low-income vendors.
- 6. Approve auxiliary sinks to service vending carts.** The CRFC allows handwashing and warewashing sinks to be located “on an approved auxiliary conveyance” in lieu of being on the cart itself (§114314). DPH should work with vendors and stakeholders to develop protocols for a hub-and-spoke system that allows several vendors to operate in close proximity to an auxiliary sink unit (strategically placed on a city- or county-owned parking lot in an area with a high concentration of vending) without requiring sinks on the primary unit. This will significantly reduce cart weight, size, and cost.
- 7. Reduce on-site food storage requirements.** State law imposes no specific cubic footage requirement for storage on mobile food facilities. DPH should exercise its discretion to decrease the current dry and refrigerated storage requirements to safe and appropriate levels, which will reduce cart size and cost.
- 8. Clarify overhead fire suppression standards.** DPH should not require any fire suppression system requirements beyond what is required by state law.
- 9. Repurpose underutilized community kitchen to help increase vendor access to food prep, equipment cleaning and storage space.** DPH should use its discretion to approve the use of underutilized kitchens at restaurants, food businesses, schools, community centers, and places of worship as facilities for vendors to conduct food preparation, equipment cleaning, and storage.
- 10. Commit to a just framework for compliance.** DPH should stop including the Sheriff’s Department in enforcement and discontinue the seizure of vending carts and equipment.

Support health-promoting changes to state law. DPH should coordinate with the City of L.A., community based organizations, and street food vendors to craft model legislation and actively advocate for the following changes to the CRFC:

- 1. Lessen the plan check burden.** The CRFC should be amended to provide a streamlined process to inspect and approve certain manufactured carts without a plan check requirement, and grant discretion to local health departments to approve cart blueprints and plans based on a finding of public health, enabling innovative designs that achieve the dual goals of food safety and affordability.
- 2. Enhance safe on-site food preparation.** The CRFC should be amended to establish standards to enable slicing of fruit and vegetables and safe reheating and hot-holding of common sidewalk vending food items. The CRFC currently provides a limited and seemingly arbitrary list of foods that may be hot-held within the definition of limited food preparation. Many other foods that are commonly sold by sidewalk vendors involve very similar preparation and process, but are not included in this definition and therefore may not be hot-held. Instead of providing an arbitrary list of individual foods that may be hot-held, the CRFC should regulate the process for safe hot-holding of food.
- 3. Reduce onerous sink requirements.** The CRFC should be amended to remove the requirement for a three-compartment warewashing sink and hand-washing sink, and reduce potable water requirements. The CRFC already exempts certain foods, like hot dogs and tamales, from the warewashing sink

requirements (CRFC § 114313(b)). This exemption can be expanded to other foods, with accompanying health standards and operating procedures to ensure food safety.

- 4. Expand access to safe food preparation.** Standards for Cottage Food and Microenterprise Home Kitchen operations should be adjusted to be more inclusive of sidewalk vending, and the CRFC should be amended to expand the use of home kitchens and underutilized community kitchens as safe food preparation and equipment storage spaces.
- 5. Decriminalize sidewalk food vending.** Most sidewalk vendors are just now entering the formal economy after decades of exclusion. For effective onboarding, replace criminal misdemeanor penalties with non-criminal, education-based compliance strategies for unpermitted vending. This would bring CRFC enforcement in line with SB 946.

