Healthy Mobile Vending Policies

A Win-Win for Vendors and Childhood Obesity Prevention Advocates

Mobile vending – selling foods from portable vehicles – can be an important step toward reversing the childhood obesity epidemic. This fact sheet shows how mobile vending regulations can promote healthy eating in communities that need it the most.

Childhood obesity is epidemic in the United States. Obesity rates in children and adolescents have more than tripled over the past four decades.[1] Recent studies show that if this trend continues, today's young people may be the first generation in American history to live sicker and die younger than their parents' generation.[2]

What's more, obesity and its health-related complications are found at higher-than-average rates among Latino, African American, and American Indian children.[3] Studies also indicate that children of color are more likely to live in "food deserts," where residents have very limited access to high-quality, nutritious food—and the lower-quality food that *is* available often costs more than it does in other neighborhoods.[4]

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This combination of limited access to fresh produce, lower-quality foods, and higher prices has a direct impact on diet. One study of food availability in the nonmetropolitan South showed that residents of food deserts were significantly less likely to eat the recommended five servings of fruit and vegetables per day than those living in counties that were not considered food deserts.[5]

Mobile vending has exciting possibilities as part of a solution to this problem.

A Fresh Look at Mobile Vending

Mobile vending is loosely defined as selling food out of any portable vehicle, including trucks, carts, trailers, roadside kiosks, and stands. Mobile vendors are common in almost every community, whether as taco trucks in Los Angeles, hot dog carts in New York City, fruit stands on rural roadsides, or ice cream trucks on neighborhood streets.

In underserved neighborhoods unlikely to attract a large grocery store, mobile vending is one way to increase access to healthy foods. Unlike supermarkets, mobile vending businesses can travel deep into areas where zoning laws may bar larger retail food establishments. Mobile vendors can also adjust their inventory quickly to fit the unique cultural demands of the community.

But a major problem for nutrition advocates is that often these vendors sell food that is unhealthy, even if it is affordable. The nutritional profile of the food is not a top priority for mobile vendors, who may be more focused on overcoming obstacles to operating their businesses.[6]

Fortunately, some communities have recently begun finding ways to regulate mobile vending in a way that promotes a healthier food retail environment.

Oakland, California

Mobile food vendors were illegal in Oakland until several years ago, when the city took an innovative approach to regulate them. Vendors known as *fruteros* sold fresh-cut fruit illegally in the Fruitvale district, a largely Latino area in East Oakland, because there was no mobile vending ordinance in the city at the time.[7] Even though these vendors sold healthy food in a community that lacked access to grocery stores, local law enforcement considered the mobile vendors an illegitimate nuisance.[8]

In response to increasing pressure from the local public health and law enforcement agencies, the *fruteros* organized and formed a partnership with the Alameda County Public Health Department, the Community Health Academy (a community-based skill- and capacity-building organization), and the University of California at Berkeley School of Public Health. Through this partnership, the *fruteros* were able to gain support for an ordinance that legalized mobile food vending in specific districts.[9] They also obtained a central commissary where they could prepare cut fruit in accordance with safe food handling practices.[10] Under the current ordinance, the *fruteros* can obtain business licenses, and the health department now regulates and inspects them just like any stationary food establishment.[11]

New York City

New York City recently amended its structure for issuing permits to mobile vendors in an effort to increase access to fresh fruits and vegetables.[12] Under

this law (known as Local Law 9), the city committed to issuing 1,000 permits over the next two years to "green cart" vendors who can only sell fresh uncut produce.[13] As a condition of the permit, vendors are required to operate in designated lower-income areas otherwise lacking access to fresh produce.[14] Since there is a long waiting list for regular mobile vending permits, the green carts program offers another opportunity for vendors without a permit to receive one if they agree to sell fruits and vegetables in designated areas.[15]

Kansas City, Missouri

Under an innovative mobile vending policy in Kansas City, mobile food vendors in city parks get a 50 percent discount on their annual park vending permit if half the food they sell meets certain nutritional standards.[16] The city also gives vendors greater access to parks and prime locations if they increase the amount of healthier food they offer to 75 percent.[17]

Exploring New Possibilities in Mobile Vending Policy

These are just a few examples of innovative mobile vending policies that can promote healthy eating in communities that need it the most. Local governments can pursue a number of additional ways to encourage healthy mobile vending without burdening existing vendors.

For instance, local laws and regulations can create certain allowances for vendors that sell healthier food. A city might adopt an ordinance that allows only *healthy* food vendors to locate along designated "safe routes to schools." Or it might create an exception to an existing ordinance that restricts vendors from operating close to schools or parks, granting healthy food vendors an allowance to operate in these otherwise restricted areas. Likewise, if the local law requires vendors to relocate after a certain amount of time, local governments might enact an exception allowing vendors of healthy foods to stay in place.

Enforcing these new healthy mobile vending regulations may call for additional resources, but there are creative ways to address this issue as well. A city might establish a different class of more visible permits for healthy mobile vendors to display, making it easier for law enforcement to determine which vendors are eligible to take advantage of any benefits. Local governments also could encourage and empower community members, concerned parents, and advocates to report violations so that law enforcement can appropriately respond.

Offering vendors incentives to sell healthier food is another way to encourage healthy mobile vending. Cities or counties might give vendors selling healthier foods small business training, start-up loans or grants, or access to government-sponsored community events for free or at a substantially reduced cost. Local government also could help match vendors with schools and churches that have health department–approved, commercial-grade kitchens that are not used every day. Access to a commercial kitchen could significantly increase vendors' capacity to provide healthier food.

Rural communities also could feature produce vendors in local advertisements and campaigns to promote agritourism, motivating vendors to sell healthier, locally grown foods. Cities could provide vendors with educational materials

to distribute with each sale–featuring, for example, culturally specific recipes, or nutrition and health information in various languages, to ensure a broad and inclusive reach. Schools, churches, and community centers might also collaborate with vendors to promote a healthier lifestyle by allowing healthy food vendors to locate nearby.

Changing policies to support access to healthy foods is an important step toward reversing the childhood obesity epidemic. Many community groups are already organizing around ways to promote healthy mobile vending, and partnerships between these groups and local government to enact progressive mobile vending policies could benefit the health of our most vulnerable populations.

State laws may differ as to whether they allow the types of local laws and policies described in this fact sheet. Before adopting any laws or policies promoting healthy mobile vending, municipalities should consult their attorney(s) to make sure the actions are valid under state law.

For information about mobile vending across the country, visit **www.nplanonline.org** to download NPLAN's Mobile Vending Laws in the 10 Most Populous U.S. Cities.

[1] Ogden C, Carroll M and Flegal K. "High Body Mass Index for Age Among US Children and Adolescents, 2003-2006." *Journal of the American Medical Association*, 299(20): 2401–2405, 2008; Ogden C, Carroll M, Flegal K, et al. "Prevalence and Trends in Overweight Among US Children and Adolescents, 1999-2000." *Journal of the American Medical Association,* 288(14): 1728–1732, 2002.

[2] US Department of Health and Human Services, National Institutes of Health. *Obesity Threatens to Cut U.S. Life Expectancy, New Analysis Suggests.* 2005. Available at: www.nih.gov/news/pr/mar2005/nia-16.htm.

[3] Ogden CL, Flegal K, Carroll M, et al. "Prevalence and Trends in Overweight Among US Children and Adolescents, 1999-2000." *Journal of the American Medical Association*, 288(14): 1728–1732, 2002; Halpren P. *Obesity and American Indians/Alaska Natives.* Washington, DC: US Department of Health and Human Services, 2007, p. 8–9. available at http://aspe.hhs.gov/hsp/07/AI-AN-obesity/report.pdf.

[4] For example, in West Oakland, California, residents pay 30-100 percent more for food in their neighborhood than they would in more affluent areas of the city. The People's Grocer. *About West Oakland.* 2008. Available at: www.peoplesgrocery.org/article.php/westoakland. *See also* Kaufman P, MacDonald J, Lutz S, et al. *Do the Poor Pay More for Food? Item Selection and Price Differences Affect Low-Income Household Food Cost.* Washngton, DC: US Department of Agriculture, Economic Research Service, 2007, p. iii (finding that poor people are charged more for food, and purchase lower quality foods to save money). Available at: www.ers.usda.gov/publications/aer759.

[5] Blanchard T and Lyson T. F*ood Availability & Food Deserts in the Nonmetropolitan South.* Mississippi State, MS: Southern Rural Development Center, 2006, p. 5. Available at: http://srdc.msstate.edu/focusareas/health/fa/fa_12_blanchard.pdf.

[6] These include overly restrictive local government regulation and complaints from stationary business owners concerned with competition. *See e.g.,* Marshall C. "Proposed Ban on Taco Trucks Stirs Animosity in a California Town." *New York Times,* June 15, 2007. Available at: http://travel.nytimes.com/2007/06/15/us/15taco.html.

[7] Vitale L. *Fruteros Organizing Project: An Innovative Approach to Reducing an Environmental Health Hazard by Using Principles of Asset-Based Community Development.* Washington, DC: American Public Health Association, 2004. Available at: http://apha.confex.com/apha/132am/techprogram/paper_89734.htm.

[8] *Id. See also* Moody S. "Helping Pushcart Vendors Transform Their Lives." *San Francisco Chronicle,* November 9, 2008. Available at: http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/07/LVB11409BH.DTL; Unger S and Wooten H. *A Food Systems Assessment for Oakland, CA: Toward a Sustainable Food Plan.* Oakland: Oakland Mayor's Office of Sustainability and the University of California at Berkeley Department of Regional Planning, 2006, p. 59.

[9] *Id.*

[10] *Id.*

[11] Oakland, Cal., Municipal Code §§ 5.49.010 - 5.49.080 (2008).

[12] New York City, N.Y., Administrative Code § 17-307(b)(4) (2009).

[13] New York City, N.Y., Administrative Code § 17-307(b)(4)(f)(d) (2009).

[14] New York City, N.Y., Administrative Code § 17-307(b)(4)(a) (2009).

[15] New York City, N.Y., Administrative Code § 17-307(b)(2)(a) (2009).

[16] Kansas City, Mo., Kansas City Parks and Recreation Vending Policy 4.7.08 (Revised Dec. 12, 2006). Available at: www.kcmo.org/parks/park_vending_policy.pdf.

[17] *Id.*

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