

February 24, 2016

Public Health Committee

Testimony: An Act Concerning the Licensing of Food Vendors

My name is Andrea Boissevain and I serve as the Director of Health for the Town of Stratford. I am also honored to be the President of the Connecticut Association of Directors of Health (CADH), representing Connecticut's local health directors.

I am here to support the fact that the legislature proposes to "collaborate" with the "end regulators" to develop a process for how we license and regulate "itinerant" or mobile food vendors as is proposed in HB 5212, An Act Concerning The Licensing of Food Vendors. We applaud the fact that local health directors are invited to the table. We advocate that our partners at the State Health Department will be included in the process as well, particularly when they are responsible for developing accompanying regulations and seeing that the state Public Health Code is enforced across Connecticut. Intended consequences of this legislation will include working out details of the challenges of regulating a food vendor who is licensed in one town or jurisdiction and operates in another town, identifying who has authority to license, who collects fees, how local food-service regulations and ordinances come into play, who inspects, who enforces when there are violations of the state public health food code.

Potential unintended consequences of this proposed legislation may include the loss of basic public health protection because of the complexities in tracking food served to the public in a mobile environment. Food trucks are a growing culinary trend, one that is not without inherent risks. Local oversight allows review of menu, equipment, and food handling practices. Currently, event-day or regular inspections by the licensing agency ensure that the practices and food served on paper match those in practice. If a truck is "licensed" in Stratford, but is attending an event in Durham, and there's a complaint or violation, or a suspected food-borne illness outbreak, who has jurisdiction? Will the Eastern Highlands Health District deploy staff to follow-up on the issue? How are they compensated for their staff time in conducting the Saturday inspection when they didn't collect the initial plan review or licensing fee? Does this become what amounts to an unfunded mandate? Would they have the authority to shut the truck down if there's a problem? Or does Stratford send one of its sanitarians to Durham where they do not have authority to issue an order? Another unintended consequence is the confusion that may arise because not all towns allow mobile vendors. For instance, Stratford's zoning prohibits a food truck vendor from pulling over on Main Street and serving food; whereas such itinerant vending is permitted in neighboring Fairfield. How will a portable license handle that? And yet another issue to contend with is the fact not all mobile food venues are created equal: there are materially different risks and implications associated with each type of vending (e.g. fully equipped truck vs. pop-up hot dog cart) which will need to be discussed. These are just a few of the issues that can be addressed when evaluating reciprocity for mobile food vendor licensing. To re-iterate, local health directors welcome the opportunity to have pro-active input into these types of legislation, because in the end, we are the ones having to enforce them all the while keeping our mission to protect the public's health at the fore.

In addition, we propose the following changes to reflect a more accurate characterization:

AN ACT CONCERNING THE LICENSING OF FOOD VENDORS. Be it enacted by the Senate and House of Representatives in General Assembly convened: Section 1. (*Effective from passage*) (a) Not later than December 1, 2016, the Commissioner of Public Health shall collaborate with local health directors to develop a process that will allow for licensure by reciprocity of a food vendor who (1) is licensed or certified by a local health department or district to operate as a food vendor in a **particular jurisdiction** ~~local health district~~, and (2) seeks to operate as a food vendor in a **different jurisdiction** ~~local health district~~. For purposes of this section, "food vendor" means a person, **or business entity** who sells food that is meant for immediate consumption from a portable food booth, food cart or food truck.