



Mobile Vending Near Schools Policy Statement June 2012

Position and Rationale

The American Heart Association (AHA) advocates for nutrition policy efforts that make healthy foods more affordable and accessible to all consumers and bring food pricing and subsidies in line with federal dietary guidelines and AHA nutrition recommendations. The recent trend of mobile food vending allows for the possibility of greater access to healthy foods, such as fruits and vegetables, in low-income communities. However, it can also increase access to less healthy foods which is of particular concern around schools where the targeted consumers are children.

Mobile vending around schools should provide only healthy foods and be in line with the Institute of Medicine's nutrition standards for competitive foods in schools. As an emerging issue, there is limited evidence showing the health impact of mobile vending around schools. The American Heart Association supports additional research and pilot approaches with evaluation to determine the impact on children's health, diet, purchasing behavior, and calories consumed.

Background

Children attending public schools offering the National School Lunch Program (NSLP) and School Breakfast Program receive more than one third of their daily energy from foods consumed at school.¹ Foods sold in competition with school meals are widely available on and around campuses across the United States.² School-based obesity and chronic disease prevention strategies that target the food sold in schools have shown modest impacts on childhood obesity rates.^{3,4}

A growing body of evidence suggests the school food environment extends beyond school walls into neighborhoods that surround campuses, particularly for students who walk and bike to school.⁵ While a large number of studies have examined the effect that nearby fast-food outlets and convenience stores can have on the school food environment,^{3,6,7,8,9,10} little is known about the effect that mobile food vendors have on the school food environment. Mobile vendors who sell food in close proximity to schools or on the actual campus have the potential to greatly affect the nutritional intake of elementary and secondary schoolchildren.

National surveys^{11,12} show that most schools do not allow students to leave campus during lunchtime: only 25-27% of high schools, 4-15% of middle schools, and 6-8% of elementary schools support an open-campus system. Some vendors overcome this by locating directly on the school campus. Although students should be encouraged to eat healthy foods if they leave school for lunch, policies aimed at influencing school food environments may have a greater impact by targeting food consumed outside of the regular school day, particularly just before and after school. A number of studies have demonstrated that mobile food vendors tend to convene near schools just before and after school hours.^{13,14}

Unfortunately, it is difficult to estimate the number of mobile vendors who sell food in the United States. According to the 2007 U.S. Economic Census,¹⁵ 1,930 firms operated mobile food services that engaged in preparing and serving meals for immediate consumption from vehicles and carts across the country. The states in which the largest proportions of these firms operated were California (13.4%), New York (11.4%), Florida (6.9%), and Pennsylvania (6.9%).¹⁶ The U.S. Census data has two major flaws: first, the Census counts the number of businesses involved in mobile food vending without determining the number of individual vehicles or carts owned by each firm; second, the count listed above does not

capture businesses that own and operate vehicles and carts that sell unprepared foods, including fruits and vegetables, candy, or soda. Additionally, since the mobile vending market is rapidly growing, the U.S. Census data from 2007 is likely outdated. One market research firm estimates that the mobile food vending industry grew at an annual rate of 7.7% between 2006 and 2011.¹⁷

Mobile vendors sell food in both rural and urban areas across the United States.¹⁸ A number of cities have reported that the mobile food industry has the ability to provide entrepreneurial and workforce development opportunities for low-income and immigrant workers in their communities.^{19,20,21} In many communities, mobile food vendors frequently serve Hispanic and African American neighborhoods that have few large food outlets and grocery stores.²² These mobile vendors can travel deep into areas where zoning laws and other prohibitive factors discourage the establishment of permanent retailers.²³ Although mobile vendors can offer economic possibilities and community benefits, they frequently face opposition and resentment from competing local businesses and “brick-and-mortar” restaurants.²⁴ Other opponents of mobile food vendors cite concerns with trash, parking, and sidewalk congestion.²⁵

Mobile food vending near schools can have negative consequences for students and for school districts:

- *Safety issues:* Based on preliminary surveys on issues related to school vending, the concern about safety is foremost and can be divided into three categories –
 - Traffic-related safety as children run across public roadways to access vendors
 - Interaction with strangers
 - Food safety (unhealthy food preparation not up to school food standards and difficult to enforce).
- *School Lunch Program and School Breakfast Program Vulnerability:* as schools strive to meet USDA’s Healthier US Schools Initiative nutritional standards, the School Lunch and Breakfast programs could be undermined by the influence of outside unhealthy food sources.^{6,8} Additionally, allowing sales by outside vendors may result in a loss of revenue for school meal programs.
- *Equity issues:* food and beverage purchased from food trucks may cost more than students from low income families can afford, especially those who are on subsidized meal programs.
- *School resource issues:* school officials have a duty to supervise the students on campus, resources and staff would be needed to attend to students purchasing food from outside vendors.

Local-Level Policy Options

Although state retail food codes generally require all vendors to follow food safety and hygiene standards to prevent food-borne illnesses and contamination,²⁶ local governments typically play a large role in overseeing mobile food vendors’ day-to-day operations. Most cities implement municipal codes that require mobile vendors to obtain a number of permits or licenses to legally sell food within city limits. For example, the city of Boston, Massachusetts requires that mobile food vendors obtain permits from the Boston Fire Department, the health department, and the state of Massachusetts.¹⁹ Most cities also use municipal codes to ban mobile vendors from operating in specific zones or locations, including areas in close proximity to restaurants and other mobile vendors.²⁷ Further research is needed to determine if the regulations in place assure adequate food preparation and safety.

Existing Policies that have been Implented

Due to the concerns outlined above, many localities have established policies to limit mobile food vendors’ ability to sell to children near schools (See Appendix.) These local ordinances have taken one or more of the following approaches:

- *Prohibit all mobile vending near schools:* policies ban mobile vendors selling food within a specified distance of schools on all days or during days and hours when children are likely to present.

- Examples: Phoenix, AZ, Los Angeles, CA; Seattle, WA; where municipal codes prohibit mobile food vendors from locating within a certain distance of public and private schools.^{28,29,30}
- *Limit mobile vending by location:* policies restrict mobile vending by zoning code or on a block-by-block basis on at all times or during days and hours when children are likely to present.
 - Examples: Evanston, IL and Oakland, CA, where municipal codes prohibit mobile food vendors from operating within specific zones and blocks of the cities.^{31,32}

Policies that prohibit or restrict mobile vending face challenges and barriers to implementation, including:

- The need for sufficient infrastructure to enforce regulations. A study completed in Los Angeles, California showed that although mobile food vendors are prohibited from selling within 500 feet of schools, vendors still succeed in selling snacks after school to children outside of elementary schools.¹⁴
- Potential opposition from mobile vendors, who earn a living by selling to children. Mobile vending has been viewed as a valuable economic point-of-entry for immigrant and refugee communities.²⁹

Policies to Promote Healthy Mobile Vending

A number of localities have established policies to encourage mobile food vendors to sell healthy foods. These local ordinances have taken one or more of the following approaches:

- *Regulate the types and numbers of mobile vendor licenses:* policies promote increased licensing of healthy mobile vendors in localities that restrict the total number of mobile vendor licenses.
 - Example: New York, NY, where the city enacted “The Green Cart Initiative” legislation to bring healthy, fresh, affordable produce to city food deserts.^{33,34} This program created 1,000 additional city permits to operate fresh produce carts in designated neighborhoods where community members consumed low rates of fruits and vegetables.
- *Restrict certain types of goods sold by mobile vendors:* policies incentivize vendors to sell nutritious foods.
 - Example: Kansas City, MO, where mobile food vendors who sell in public parks receive a 50% discount on their annual permit fees if the food they sell meets specific nutritional standards.³⁵

Local policies that promote healthy mobile vending have the potential to increase access to highly nutritious foods in underserved neighborhoods. Some evidence suggests that mobile food vendors can increase fresh produce consumption:

- One year after the implementation of New York City’s Green Cart Initiative, low-income community members in underserved areas reported that they relied on Green Carts as a frequent shopping option.³³
- A recent small scale study³⁶ examined the impact of allowing mobile fruit vendors to increase access to fresh fruit and vegetables for schoolchildren. This study found that it is feasible for sanctioned vendors to sell nutritious food items after school and suggested that the presence of healthy food vendors may decrease sales at vendors selling less healthful items.

Policies that aim to incentivize healthy mobile food vending face challenges and barriers to implementation, including:

- The need for sufficient infrastructure to establish nutritional standards, to inspect for nutritional standards, to issue permits, and to enforce regulations.
- Potential opposition from mobile vendors who do not sell healthy foods.
- Potential opposition from proprietors of stores that sell healthy foods and who may lose business to healthy mobile food vendors.

- Potential need to allow vendors to accept Electronic Benefit Transfer cards (EBT) so that low-income families can use SNAP and WIC benefits to purchasing from mobile vendors. This practice would also increase vendors' profitability in high poverty districts.³³

State-Level Policy Options

Mobile food vending regulations related to the school food environment have only been enacted at the local level. In February 2012, an assemblyman in California proposed a bill³⁶ to restrict mobile food vendors from locating near all schools in the state. While the bill did not pass during the 2012 session, it did spark significant discussion among public health officials and advocates, lawmakers, and mobile food vendors. We expect this discussion to continue in California and, in all likelihood, in other states across the country. States will need to learn from the experiences of local communities as they consider regulating mobile food vendors across varying communities.

Conclusion

Policy creation and implementation at any local level requires significant political will. In order to enact a successful mobile food vending policy that promotes healthy eating for children, policymakers should engage in conversations to gain support from parents, mobile vendors, local business owners, health department officials, law enforcement agencies, and school officials.

The American Heart Association supports additional research and policy approaches to determine the efficacy of healthy mobile vending policies on schoolchildren. The AHA prioritizes robust evaluation as part of local legislation or regulation that is passed. At minimum, healthy mobile vending around schools should meet nutrition standards that are in line with the Institute of Medicine's standards for competitive foods.

Appendix A: Sample of Local Mobile Food Vendor Restrictions Near Schools

City	State	Code	Mobile Food Vendor Restrictions
Phoenix	AZ	City Code §10- 166(B)(3)	Prohibited within 300' of property line of schools, 6:00 AM - 5:00 PM ³⁰
Fresno	CA	Municipal Code §9-1107(g)	Prohibited within 1000' of schools intended to educate children 18 or younger ³⁷
Los Angeles	CA	Municipal Code §80.73(b)(2)(A)(5)	Prohibited within 500' of schools ²⁸
Manhattan Beach	CA	Municipal Code §3.68	Prohibited within 300' of property line of schools, 7:00 AM - 5:00 PM, exception for allowance for principal exception ³⁸
Merced	CA	Municipal Code §5.54.090(B)	Prohibited from stopping or parking adjacent to any school, 8:00 AM - 4:00 PM on school days ³⁹
Oakland	CA	Municipal Code §5.49.050(C)(2)	Prohibited within 400' of primary and middle schools ³²
Riverside	CA	Municipal Code §9.04.210	Prohibited within 1000' of property line of schools, 7:00 AM - 4:00 PM ⁴⁰
Sacramento	CA	Municipal Code §5.88.010	Prohibited within 350' of any school building, school ground, playground, recreation park, or public park ⁴¹
San Diego	CA	Municipal Code §54.0122(g)	Prohibited within 500' of property line of schools, 7:00 AM - 4:00 PM ⁴²
San Francisco	CA	Public Works Code §5.8.184.85(3)(D)	Prohibited within 1500' of property line of schools, 7:00 AM - 5:00 PM, Monday - Friday ⁴³
San Jose	CA	Municipal Code §6.54.240(2)	Prohibited within 500' of schools ⁴⁴
Stockton	CA	Municipal Code §5.72.060(A)(1)	Prohibited within 300' of any school grounds, park, playground, or City-operated recreation center ⁴⁵
West Hollywood	CA	Municipal Code §5.92.050(2)(ii)	Prohibited within 1 block of schools, 8:00 AM - 5:00 PM ⁴⁶
Evanston	IL	Municipal Code §8-26-3(H)	Prohibited within 500' of schools when school is in session, prohibited on specific streets near high school stadium during events ³⁰
El Paso	TX	Municipal Code §12.46.020	Prohibited within 2 blocks of schools ⁴⁷
San Antonio	TX	Municipal Code §13-63(a)(9)	Prohibited within 300' of schools between 1 hour before school starts through 1 hour after school ends ⁴⁸
Des Moines	WA	Municipal Code §5.57.150(1)(a)	Prohibited within 400' of schools, regular school hours ⁴⁹
Puyallup	WA	Municipal Code §5.65(1)(a)	Prohibited within 400' of schools during the hours of regular school session and school-related events, exception for allowance by school ⁵⁰
Seattle	WA	Municipal Code §6.54.240(A)(2)	Prohibited within 1,000' of any school containing a Kindergarten through 12th-grade class, within 50' of any public park ¹⁵

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