

# **Vendor & Mobile Medical Unit (Food Truck) Advisory Committee Recommendations (SHB 2443, Chapter 167, 2016 Laws)**

*2017 Report to the Legislature*

**September 2017**

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# Executive Summary

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## Introduction

The Department of Labor & Industries (L&I) is pleased to provide this report on behalf of the Conversion Vending Unit (food truck) Advisory Committee. This report is in response to requirements of Substitute House Bill (SHB) 2443 (Chapter 167, 2016 Laws), passed by the Washington State Legislature in 2016.

In 2016, in response to public safety concerns, L&I recommended to stakeholders legislation that would require all conversion vending units (also known as concession trailers or food trucks, and referred to in this report as food trucks) to be inspected and approved by L&I's Factory Assembled Structures (FAS) program before initially operating in Washington.

After discussions with stakeholders about how to mitigate impacts of the proposed changes on small businesses and streamline approval processes as much as possible, L&I requested legislation, which was passed in April 2016. The resulting law:

- Eliminated the exemption from inspection and permitting for food trucks used out of state for six months or more.
- Exempted several groups of food trucks that would be subject to review of design plans before construction (plan review) in addition to permitting and inspection requirements.
- Created an advisory committee tasked with advising L&I about units to exempt from plan review and making recommendations to the legislature for additional statutory changes that impact food trucks.

## Information requested by the legislature

The legislature requested formation of a Conversion Vending Unit (Food Truck) Advisory Committee (referred to in this report as the Food Truck Advisory Committee) to:

- review the list of food trucks to exempt from plan review requirements, and
- provide a report by September 30, 2017 with recommendations for any statutory changes.

The Food Truck Advisory Committee was formed in June 2016 and met three times. After reviewing the list of food truck components that would be exempted from or require plan review as required by the law, the advisory committee agreed that the requirements are appropriate and that no additional types of food trucks should be exempt from the plan review process.

The committee also reviewed the current state of food truck rules. As a result of this review, the committee recommends two changes to the law requiring:

1. Periodic safety inspections of food trucks.
2. Mandatory training certificates for food truck owners and employees on the safe operation of food trucks.

# Introduction

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In 2016, in response to public safety concerns, the Department of Labor & Industries (L&I) suggested to stakeholders legislation that would require all conversion vending units (also known as concession trailers or food trucks, and referred to in this report as food trucks) to be inspected and approved by L&I's Factory Assembled Structures (FAS) program before initially operating in Washington.

About 800 food trucks operate in Washington at any given time. L&I has inspected food trucks since 1999; however, units that operated in another state for at least six months before being brought to Washington were previously exempt from both initial inspection and review of design plans before construction. Concerns about the safety of uninspected electrical, plumbing and gas piping systems and several food truck fires in other states prompted L&I's request for changes to the law.

After discussions with stakeholders about how to mitigate impacts of the proposed legislation on small businesses and streamline approval processes as much as possible, L&I proposed several key elements for inclusion in the legislation:

- Eliminate the exemption from inspection and permitting for food trucks used out of state for six months or more.
- Identify food trucks that would also be subject to review of design plans before construction (plan review) and exempt others.
- Create an ad hoc advisory committee -- structured to ensure fair representation and authorized to recommend appropriate statutory changes -- to review the FAS program's plan review requirements for food trucks, determine if other types of food trucks should be exempt from the requirements, and provide recommendations for any statutory changes in a report to the legislature by September 30, 2017.

The Washington State Legislature passed legislation in April 2016 as SHB 2443 (Chapter 167, 2016 Laws), which includes the elements described above.

# Information Requested by the Legislature

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Since June 21, 2016, as required by SHB 2443 (Chapter 167, 2016 Laws), L&I has been inspecting all food trucks before they begin operating in Washington. L&I's Factory Assembled Structures (FAS) program currently inspects about 200 food trucks each year. FAS has eliminated the requirement for review of design plans before construction (plan review) for those food trucks that do not meet the criteria passed by the legislature and approved by the advisory committee. SHB 2443 also established an ad hoc Food Truck Advisory Committee to advise L&I about food truck requirements and recommend statutory changes to food truck laws.

## CONVERSION VENDING UNIT (FOOD TRUCK) ADVISORY COMMITTEE

L&I formed an 11-member Food Truck Advisory Committee consisting of representatives from:

- The food truck industry, including owner/operators and manufacturers
- The FAS program advisory board
- The Fire Marshal's office
- A building officials' association
- A local health department association
- A state fair association
- A Washington cities association
- A Washington restaurant association

Advisory committee members are listed in full on page 6.

### **Advisory committee recommendations**

The Food Truck Advisory Committee was tasked with reviewing the FAS program's plan review requirements for food trucks, determining if other types of food trucks should be exempt from the requirements, and providing recommendations for any statutory changes in a report to the legislature by September 30, 2017.

The law specifies that food trucks subject to plan review in addition to permitting and inspection requirements are those containing:

- Fuel-gas piping system and equipment.
- Solid-fuel burning equipment.
- Commercial hood-exhaust systems.
- Fire-suppression systems.
- Electrical systems and equipment in excess of 30A/120V.
- Electrical systems with more than five circuits.
- Electrical systems incorporating photovoltaic, fuel cells or other “alternative” energy systems.
- Plumbing drainage systems conveying solid or bodily waste.

The advisory committee convened its first meeting on June 29, 2016, with subsequent meetings held August 23, 2016 and February 9, 2017.<sup>1</sup> After reviewing the FAS program requirements for food trucks and the types of food trucks required to have plan review, the committee agreed that the requirements are appropriate and that no additional types of food trucks should be exempted from the plan review process.

Following review of the current state of food truck requirements, the Food Truck Advisory Committee recommends two statutory changes:

1. Require food trucks to be periodically inspected for safety by local fire marshals. Since local fire marshals already perform safety inspections of food trucks in some areas, the committee recommended the local fire marshals would be the appropriate entity to continue providing this service, but expand it statewide.
2. Require food truck owners and employees to obtain a mandatory training certificate on the safe operation of food trucks. The National Fire Protection Association (NFPA) has expressed interest in working with the Washington Food Truck Association to develop training criteria for this effort.

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<sup>1</sup> Minutes of advisory committee meetings are available on the L&I website at <http://lni.wa.gov/TradesLicensing/FAS/FoodTruckTrailer/AdvisoryCommittee.asp>.

# Conclusion

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Concerns about the safety of uninspected electrical, plumbing and gas piping systems, and several food truck fires in other states, prompted L&I to request changes to the law regulating food trucks. The legislature passed SHB 2443 in 2016 to address these concerns.

After three meetings, the advisory committee agreed with the list of food trucks that are exempt from plan review. The committee also recommends that the legislature consider statutory changes to:

- require periodic food truck safety inspections, and
- mandate food truck operator training certification.

L&I is pleased with the passage of the bill and would like to thank the members of the Food Truck Advisory Committee formed by the law, who volunteered their time and energy:

- James Barrington (chair), Seattle Food Truck Alliance;
- Penny Nelson (vice chair), Washington State Fairs Association;
- Joan Brown, L&I FAS advisory board member;
- Dermot Murphy, Chief Deputy, Washington State Fire Marshal;
- Lou Malattia, Washington Association of Building Officials;
- Samantha Louderback, Washington Association of Restaurants;
- Jennifer Tam (Karl Stickel – alternate), Association of Washington Cities;
- Lori Johnson, Washington Food Truck Association;
- Alfredo Ortega, Seattle Food Truck Builders
- Dan McNealy, Skilfab Sheet Metal Company