



HB 2443 – Out-of-state food trucks and medical vehicles

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Require L&I approval for food-concession and medical vehicles from out-of-state

The Department of Labor & Industries' Factory Assembled Structures (FAS) Program is proposing to require mobile concession units (food trucks) and mobile medical units manufactured for use outside the state and later brought to Washington to be subject to the program's standard approval process.

Why L&I is proposing this legislation

Mobile food-concession and medical units contain complex systems and potentially dangerous equipment. The number of these units is rapidly expanding in Washington, but pre-owned units brought in from other states currently are exempt from the full L&I review process. This increases the risk to workers and the public who frequent these units.

Background

Currently, any units manufactured for use in Washington must go through L&I's review process, which includes reviewing the construction plans (depending on the complexity of the unit) and then inspecting the actual construction. The reviews help to ensure they are constructed in accordance with electrical, plumbing and other construction standards. However, a unit that has operated in another state for at least six months before being brought to Washington is currently exempt from the full review process.

City and county public-health departments require owners/operators to have a health certificate to perform business as a food concession and an operator's license to operate a mobile medical unit in the state of Washington. As part of the local permitting process, they must have their units inspected by L&I. Over the years, L&I has found substantial deficiencies in the gas piping, electrical wiring, plumbing and fire-suppression systems in units that did not go through a plan review. Unfortunately, the inspection process is not always sufficient to identify problems that may not be visible or accessible in a fully constructed unit, so there may be additional deficiencies that are not being caught.

To corroborate this point: A food-truck construction firm in Seattle has said that most out-of-state food trucks it works on do not meet Washington's mechanical and fire codes. Common problems include: Lack of a fire barrier between the range hood and back wall; lack of a fire suppression system; kitchen hoods and exhaust fans that do not meet code; and concealed electrical conduits that cannot be inspected visually. Although the company routinely replaces wiring and plumbing in all out-of-state units that enter its facility, it does not service all of the units entering the state.

The danger to the public and workers is real. Several incidents have occurred in other states in recent years that illustrate the potential dangers associated with units that have design and construction deficiencies:

- September 2013, a propane tank exploded in a food truck at a high school football game in California injuring three people.
- July 2014, a propane tank on food truck exploded in a Pennsylvania neighborhood, injuring 13 people and killing two.
- March 2015, a food truck exploded in Minnesota, damaging 11 homes up to 300 feet away.
- August 2015, a propane tank exploded in a food truck in Florida, damaging nearby homes.

Thankfully, none of these events happened in Washington, but the risk is rising quickly. For example, the number of food trucks and mobile medical units imported to Washington from out-of-state grew by an estimated 218 percent from FY 2014 (86 units) to FY 2015 (274 units). This growth is expected to continue as demand increases.

L&I's proposal would protect the public and level the playing field for businesses by requiring owners of units brought into Washington from another state to meet the same requirements as owners who purchase vehicles in the state. This means, in some cases, they would need to provide L&I with (and if necessary, acquire) plans showing the underlying construction design and materials used in their mobile units. The upfront cost would improve the owners' familiarity with their units and help to protect public safety.

Summary of changes

Revise RCW43.22.380 to delete mobile concession units and medical units from the exemption. Owners/operators would be required to follow L&I's standard approval process for mobile structures.

Fiscal impact (if any)

- The program believes this limited amount of work can be done with existing staff.
- Owners that don't have construction plans for their vehicles may incur costs to get plans drawn up, in addition to paying the \$106 plan-review fee.

Need more information?

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