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Bathroom Rule Rankles Vendors

By NATASHA LENNARD



Mohammed Shirajul Islam, foreground, a street vendor whose permit was confiscated after he took too long to relieve himself, spoke at a protest outside the city's health department on Tuesday.

More than 20 street vendors gathered outside the headquarters of the Department of Health and Mental Hygiene in Lower Manhattan on Tuesday to protest a policy that bans vendors from leaving their carts, even for bathroom breaks.

Huddled under rain-drenched scaffolding, demonstrators held signs reading "Give vendors a break" and "Bathrooms are a human right" in support of Mohammed Shirajul Islam, a roasted peanut seller who lost his license last Wednesday after leaving his cart to use the bathroom. Representatives from the [Street Vendor Project](#) at the Urban Justice Center also joined Mr. Islam.

"It is simply a cruel policy," said Sean Basinski, director of the Street Vendor Project.

The health department's rule, which took effect Jan. 1, makes unattended carts subject to on-the-spot seizure of the vendor's permit. Under the New York City Health Code, "any mobile food vending unit which is found to unattended or which a vendor has abandoned shall be considered an immediate hazard" (see section 89.29 of [pdf](#)). According to the acting deputy commissioner for environmental health, Daniel Kass, however, this policy is not new, but simply a codification of department practices.

When possible, street vendors ask friends to watch their carts while they find nearby bathrooms.

"But we all know, when nature calls, we don't always have a friend standing right by," Mr. Basinski said.

Such was the case for Mr. Islam, a Bangladeshi immigrant whose plight was [reported](#) in The New York Post on Tuesday. Last Wednesday, he went to relieve himself in a bookstore near his Lower Manhattan vending spot — he has had to take more frequent bathroom breaks because of a tumor in his colon — and says that he returned within 20 minutes to find the permit on his peanut cart scratched off by a razor blade.

"Now I have to wait until they give me a new permit, and that could take a month," said Mr. Islam, 42, a father of four who has sold peanuts on the streets for 12 years. "I can't sleep. Street vending is how I provide for my family."

Addressing the protesters and press Tuesday, Mr. Islam's eyes welled with tears as he spoke about his family's concerns. "My family is very nervous," he said. "We love this country and want to stay here forever." Every day without a permit, he loses approximately \$150 of potential income, he said.

Mr. Kass of the health department said that vendors were given time to use the bathroom throughout the day. He said that if health department representatives see an abandoned stand, they must wait 30 to 45 minutes for the vendor to return before taking any action.

Mr. Kass said that an inspector waited for Mr. Islam for nearly an hour and made a number of calls to supervisors before scratching away the cart's permit. "He said he was away for 20 minutes, but we know that's

not true,” Mr. Kass said. “It doesn’t take 45 minutes to go to the bathroom.”

“We’re charged with protecting the food New Yorkers consume,” he added. “And that depends on vendors being around.”

In response, Mr. Basinski reaffirmed his faith in Mr. Islam’s story. And he urged the city to add a minimum grace period to the code.

“Right now,” Mr. Basinski said, “it doesn’t say 20 minutes, it doesn’t say 30 minutes. It doesn’t say anything about allowing people time.” Vendors, he added, “need some time — they need some understanding,”