STREET MOBILE FOOD VENDING: LOCAL POLICIES, INFORMALITY, AND OCCUPATIONAL HEALTH IN IMMIGRANT COMMUNITIES

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DEDICATION

This thesis is dedicated to my parents, Edgar and Mariela Calderon, whose sacrifices in this country allowed me to further my education and set examples for the great things that can be accomplished through hard work. This work is also dedicated to my loving husband, Ricardo, who has been a constant source of support and encouragement during the challenges of graduate school. I thank God every day for having you in my life.
ABSTRACT OF THE THESIS

Street Mobile Food Vending: Local Policies, Informality, and Occupational Health in Immigrant Communities

by
Karen Bethsaida Calderon
Master of Arts in Political Science
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Although some Latino communities see street food vending as part of their community traditions, most local governments tend to see it as a hazard to economic stability and public safety, and therefore attempt to restrict it through administrative regulations and criminal laws. This thesis explores the connections between immigrants, informality, and local policies through an ethnographic case study of street mobile food vending, a growing and often overlooked sector of immigrant economies in urban areas. It presents the role street food vendors play in U.S. urban life and the realities of their struggles as part of the informal economy. It then tackles the provocative question of why immigrants continue to sell informally despite restrictive vending laws through a literature review exploring the relationship between immigrants and the informal economy. The subsequent chapters examine a case study in the City Heights community in San Diego to determine whether restrictive food vending policies create higher rates of informality and to evaluate the consequences of the implementation of these on the health of immigrant vendors. Drawing on government documents, meetings with policy experts, and fieldwork with immigrant street vendors, I find that the complexity, costs, and restrictive nature of street vending policies are important factors in pushing immigrant vendors into informality. I also find that immigrant street vendors face a series of occupational health and safety hazards, some of which are exacerbated, if not produced, by the policy enforcement of restrictive vending laws. I conclude by proposing a set of realistic policy changes to San Diego’s current street food vending laws.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT ............................................................................................................... v</td>
</tr>
<tr>
<td>LIST OF FIGURES .................................................................................................. vii</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS ............................................................................................... ix</td>
</tr>
</tbody>
</table>

## CHAPTER

1 INTRODUCTION ........................................................................................................ 1

2 THE POLITICS OF STREET FOOD VENDING ......................................................... 4
   Public Health ........................................................................................................ 5
   Public Space .......................................................................................................... 7

3 IMMIGRANT STREET VENDORS AND THE INFORMAL ECONOMY ............. 10
   Explaining How Immigrants Participate in the Informal Economy ............... 12
   Explaining Why Immigrants Participate in the Informal Economy ............... 12
      Macro-Level Explanations .............................................................................. 13
      Meso-Level Explanations .............................................................................. 14
      Micro-Level Explanations .............................................................................. 16
   Conclusion ........................................................................................................... 17

4 CREATING INFORMALITY: A POLICY ANALYSIS OF SAN DIEGO’S STREET FOOD VENDING POLICIES .................................................. 19
   Background ......................................................................................................... 20
   Methods ............................................................................................................... 22
   Limitations and Other Notes on the Process ..................................................... 26
      San Diego’s Street Food Vending Laws ......................................................... 27
      Health and Safety ........................................................................................ 27
      Permits and Fees .......................................................................................... 28
      Vendor Location ............................................................................................ 29

5 THE OCCUPATIONAL HEALTH EFFECTS OF RESTRICTIVE STREET FOOD VENDING POLICIES IN CITY HEIGHTS ............................. 31
Stress and Pressure...........................................................................................................31
Accidental Burns..............................................................................................................33
Bodily Pains and Dehydration ..........................................................................................33
Workplace Violence........................................................................................................34

6 STREET FOOD VENDING POLICY RECOMMENDATIONS.................................36
REFERENCES .....................................................................................................................39
## LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1.</td>
<td>Vendor age range</td>
<td>25</td>
</tr>
<tr>
<td>Figure 2.</td>
<td>Vendor education</td>
<td>25</td>
</tr>
</tbody>
</table>
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CHAPTER 1

INTRODUCTION

It was a Saturday afternoon and I walked out of my parents’ apartment to look for Doña Rosa, a local food vendor in my old neighborhood in Los Angeles.¹ She was an immigrant from El Salvador and sold the most amazing quesadillas that consisted of three types of cheese, mushrooms, and jalapeños, wrapped in a black tortilla. It had been almost a year since I last had one, right before I moved away for college. She greeted me with a long hug and began to make my quesadilla with extra jalapeños as I caught her up on the “college life.” As I chattered away I began to notice how alert she was about her surroundings and how constantly she looked over her shoulder. She told me police had been “hot” around the neighborhood again in the past few weeks and that she had already lost one cart a few days earlier.

Of course I knew street vending was illegal. It was almost impossible to grow up in an LA immigrant community and not see vendors in the back seat of police car with their carts loaded up on trucks at some point or another. But since I had left for college and stepped out of daily contact with immigrant norms, seeing her behavior hit me in a way I have not been able to shake off since. I realized that although I had purchased food from countless vendors, I had never taken the time to really understand the way in which anti-food vending laws affect their lives.

I had a long conversation with Doña Rosa that afternoon. She told me that by the time she saw officers heading her way, she had no time but to jump in her van—which she always

¹ To protect the privacy and identity of street food vendors, their names and identifying details have been changed.
parked directly behind her for that same reason—and drive off, leaving her stove-cart and products behind lest she get arrested. She noted that cart confiscation happened so frequently she included “lost stoves” in her monthly expenses, which is why she thought it senseless to spend any money on a good quality cart. Her biggest fear was getting arrested on a weekday and having no one to pick up her children from school.

When I asked why she didn’t just quit vending she said it was difficult to find jobs due to her undocumented status. Factory jobs did not allow her the flexibility to pick up her kids from school, and she could not afford a babysitter. Moreover, the community seemed to really like her food, which gave her something to be proud of. “When I get tired,” Doña Rosa said, “I think of this couple that drives all the way from Santa Barbara just to eat my food! So then I think to myself, if someone is willing to drive I don’t know how many miles to eat my food, I must be doing something right.”

While conducting research for this thesis, I have learned that anti-food vending policies affect a lot more people than just the immigrant vendors around my Los Angeles neighborhood. In fact, most large U.S. cities have some sort of anti-vending legislation in place since vending has become a common part of urban life (Tester et al. 2010). Nevertheless, the enforcement of such laws has proven unsuccessful in decreasing the number of vendors and instead serves only to push them into the informal economy, something scholars argue adds a layer of criminalization to an already marginalized group (Kettles 2014; Rosales 2013; Vallianatos 2014).

Although various aspects and complexities of vending have been thoroughly analyzed around the world—with work in Mumbai (Anjaria 2006), Accra (Adaawen and Jorgensen 2012), Mexico City (Crossa 2014; Pena 2000), and Bogota (Hunt 2009), among others—the academic interest in informal food vending and its relation to immigrants has remained relatively small, particularly in the U.S. context. Of the studies that do examine informal street vending in U.S. cities, the vast majority focus on issues of public health (Brinkley, Chrisinger, and Hillier 2014; Tester, Yen, and Laraia 2012; Vallianatos 2014) and public space (Devlin 2011; Kettles 2004; Rios 2009; Sarmiento 2015). Missing from the street vending literature is a thorough discussion of the role street food vending policies play in creating informality for street vendors. Moreover, the consequences enforcing these laws have on immigrant vendors remains largely unexamined, with the exception of financial
effects (Rosales 2013). Given public health scholars’ increased academic interest on street vendors’ contribution to urban public health, it is especially ironic that discussions over the consequences restrictive food vending policies have on street food vendors’ own health are virtually nonexistent.

This thesis explores the connections between immigrants, informality, and local policies through an ethnographic case study of street mobile food vending in City Heights, San Diego. It begins by presenting the literature’s description of the role street food vendors play in U.S. urban life and the reality of their struggles as part of the informal economy in Chapter 2. Chapter 3 tackles the provocative question of why immigrants continue to sell informally despite restrictive vending laws through a literature review exploring the relationship between immigrants and the informal economy. In Chapter 4, I present my case study and test the theory that restrictive food vending policies create higher rates of informality through a policy analysis of San Diego’s street vending laws. Using data from government documents, meetings with policy experts, and interviews with immigrant street vendors, I find that the complexity, costs, and restrictive nature of street vending policies is an important factor in pushing immigrant vendors into informality. In Chapter 5, I examine the health consequences that the implementation of restrictive street vending laws has on the health on immigrant vendors. Drawing from 48 surveys, 14 interviews, and 2 focus groups with the street food vendors in City Heights, I find a series of health and safety hazards, some of which are exacerbated, if not produced, by the enforcement of restrictive vending laws. In Chapter 6, I propose some policy recommendations based on insight I received through my conversation with street food vendors.
CHAPTER 2
THE POLITICS OF STREET FOOD VENDING

Street mobile food vending\(^2\) is a widespread phenomenon, commonly seen as a way for poor, often foreign-born individuals to make a living in urban areas. Yet, almost everywhere there is street vending, municipal governments have attempted to restrict it, or outright eliminate it, through the use of vending regulations and criminal laws. Restrictive street food vending policies are well documented across literatures in India (Bhowmik 2010), Mexico (Meneses-Reyes and Caballero-Juárez 2013), France (Tchoukaleyska 2015), and the U.S. (Tester, Yen, and Laraia 2012; Wright 1992). Nevertheless, these policies have not dissuaded many immigrant vendors from continuing to practice street vending through the informal economy.

The struggle between immigrant street vendors, restrictive vending policies, and informality has a long history in the US. Studies tracing the history of street mobile food vending in New York find records which show that as early as 1691 vendors—then known as “hucksters”—were forbidden from selling on the streets until the competing public markets had already been open for two hours (Wright 1992). This restrictive policy culminated in a complete ban in 1707, which forced immigrant vendors—many with little to no English-speaking skills—to continue their practice informally for their own livelihood (Taylor et al. 2000). The growth in these informal markets was almost completely eliminated in the 1930s

\(^2\) Street mobile food vending is the selling of either pre-packaged or prepared foods from a portable vehicle. There are different variations as to what constitutes a mobile food-vending unit: food trucks, pushcarts, and other forms of trailers, each of which has its own set of regulating policies. This thesis will focus only on the policies regulating pushcarts since it is the most restrictive form of street mobile food vending.
when cities began to build market buildings in an attempt to “tidy up the streets” (Bluestone 1992). Today, the arguments for restrictive street vending policies continue to be about public space, public safety and business competition (Tester et al. 2010).

Why should we care? Despite restrictive food vending legislation, scholars find that immigrant street food vendors remain an important part of urban life in various U.S. cities. Recent public health scholarship describes street food as a potential, albeit partial, solution to urban food scarcity concerns (Brinkley, Chrisinger, and Hillier 2014; Tester, Yen, and Laraia 2012; Vallianatos 2014). Studies from geography and urban planning have found street food vendors to be an integral part of redefining the use of public spaces in a manner that is more democratic and inviting to community members (Rios 2009; Sarmiento 2015). Most of these scholars criticize restrictive street food vending policies for being too focused on safety in sanitation and transportation to appreciate the benefits street food vending provides urban life, such as food access and the diversification of public spaces (Morales and Kettles 2009; Sarmiento 2015). The following literature review presents the ways street food vendors influence urban life and the ways they are affected by powerful actors and legislation, namely in relation to public health and public spaces.

**PUBLIC HEALTH**

One of the biggest areas of study surrounding street mobile food vending in the U.S. is public health. Unlike other countries’ street vending literatures whose health aspects focus predominantly on issues of hygiene and sanitation, the U.S. street vending literature trains its health emphasis on urban food access. The focus on food availability derives from a growing concern among health scholars over issues of food scarcity and the unequal distribution of healthy food access in urban areas, something various analysts have related to race, ethnicity, and income (Beaulac, Kristjansson, and Cummins 2009; Bodor et al. 2010; Brinkley, Chrisinger, and Hillier 2014; Treuhaft and Karpyn 2010). The resulting health disparities, such as disproportionate rates of obesity and other diet-related diseases in poor urban areas (Inagami et al. 2006; Larson, Story, and Nelson 2009), has prompted health scholars to consider solutions to food scarcity problems outside of the conventional grocery-store model, creating an increased scholarly interest in street food vending.
Recent health studies in U.S. cities are showing street food vending, a long-established but previously ignored sector of poor urban communities, as a potential, albeit partial, solution to urban food scarcity concerns insofar as it provides low-income communities with cheap, unprocessed, and healthy food options that are sensitive to local cultures. For instance, Brinkley, Chrisinger, and Hillier (2014) find that, in Philadelphia, curbside vendors sell fruits and vegetables at significantly lower prices than conventional stores in the same low-income African American neighborhoods (163). Moreover, street vendors cater to neighborhood food preferences providing unusual food items, such as sugar cane and aloe, not commonly sold in supermarkets (167).

Tester, Yen, and Laraia’s (2012) study of street food vending in Oakland’s after-school environment finds that even when banned from school surroundings, informal venders continue to provide children with access to fresh fruits and vegetables. Vallianatos’ (2014) examination of food scarcity in south Los Angeles finds street food vendors to be an integral part of urban food access, particularly for mothers with small children who do not have access to a vehicle and have to rely on crowded public transportation to reach grocery stores that sell healthy foods (216). Overall, these studies suggest that, contrary to popular belief, street food vending can prove beneficial to public health when seen from the standpoint of urban food access.

Given street food vending’s potential for urban food accessibility, some health scholars take a critical stance against restrictive street vending policies, arguing that their mission for safety and sanitation inhibits other important aspects of public health, like healthy food access. For instance, Morales and Kettles (2009) argue that the legal focus on preventing food-poisoning encourages street vendors to sell prepackaged, less nutritious, industrially processed foods in exchange for a vending permit. Moreover, the enforcement of vending legislation that forces vendors to relocate disrupts established loyalties and connections between vendors and their customers, preventing reliable access to cheap, healthy food (Brinkley, Chrisinger, and Hillier 2014). Instead, the vast majority of U.S.-focused health scholars recommend using planning and zoning regulations as a way to promote healthy street food vending in low-income communities, often citing New York’s “Green Cart” initiative—a city program that gives priority and discounted permits for street vendors who sell fruits and produce—as a model (Brinkley, Chrisinger, and Hillier 2014). In
sum, street food vending presents a potential bottom-up solution to urban food scarcity problems that is flexible, economically sustainable and in many cases already has a long, established presence in urban communities.

This is not to say that the public health literature on street vending does not document the potential negative health aspects and limitations of street food vending for solving the urban food scarcity problem. For instance, evaluations of the New York’s “Green Cart” Initiative—a city program that gave out 3,000 permits to street vendors who sold healthy food in poor neighborhoods, in both New York City and the Bronx—find that although the overall supply of healthy food in low-income communities increased, street vendors tended to step out of their designated zones and cluster around areas that were most likely to sell, decreasing the access of healthy food in the areas that needed it the most (Leggat et al. 2012; Lucan et al. 2011). The studies demonstrate that there are limits to using street food vending as the only solution to the urban food scarcity problem. Overall, however, the public health community in the U.S. treats street food vending not as threat to public health but as a tool or opportunity to introduce healthy foods to low-income communities.

**PUBLIC SPACE**

A second branch of the U.S. street food vending literature examines its relation to public spaces, discussions dominated by scholars in fields of political geography and urban planning. These scholars focus on the power dynamics of selling in public spaces, presenting vendors both as victims of spatial manipulation due to zoning laws and storefront business threats, and as vanguards for their strategies of resistance and contestation, through which they redefine public spaces in new and creative ways.

There are various studies that demonstrate how street food vendors are spatially manipulated and excluded, particularly by storefront business owners, laws, and urban planning. For instance, studies in New York City (Devlin 2011), Los Angeles (Kettles 2004), and Philadelphia (Brinkley, Chrisinger, and Hillier 2014) find that storefront business owners have the power to push vendors away from central business areas with the use of threats, harassment, and through increased surveillance that makes vendors more likely to be cited by police enforcement around those spaces, sometimes even in contradiction with street vending laws (Devlin 2011, 59). Zoning laws also manipulate vendors’ use of space by forbidding
street vending in certain areas of the city through the use of policing and fines and, sometimes, voluntary relocation (Brinkley, Chrisinger, and Hillier 2014). Sarmiento (2015) describes how the spatial exclusion of street food vendors begins with urban planning: “Marked as a disorder at the margins of urban society, a disruption of public space and transportation flows . . . vendors are rendered objects of control to be policed and written out of rational, urban planning” (1), showing that street vendors are not given a place to exist by design.

However, the literature also examines the way street vendors contest spatial restrictions and redefine public spaces in new and creative ways. Various scholars note that street vendors’ use of public sidewalks to conduct business-like transactions is revolutionary in that it blurs the line between private and public, which challenges, and sometimes even changes, the conventional view of public spaces (Crawford 1995; Rios 2009; Rojas 2008). For instance, Dunn’s (2014) study of street vending as “street labor” transforms sidewalks into workplaces, and the fight for street access into a fight for better working conditions. Rojas’ (2008) conceptualization of Latino urbanism notes that informal activities such as street food vending change a social component in public spaces by encouraging people to spend more time interacting on sidewalks, public parks, front yards, etc., which creates a sense of place, identity and community. Drawing from ideas of “insurgent citizenship,” Rios (2009) goes even further by suggesting that cultural practices such as street food vending have the potential to generate a more democratic use of public space. These scholars see street food vendors not just as victims of spatial manipulation, but social important actors that are changing our view of public spaces through their continued presence in urban life.

Nevertheless, street food vending legislation in most U.S. cities continues to restrict viable forms of street vending, sometimes outlawing it altogether using both regulatory and criminal laws. For instance, the Los Angeles Municipal Code Section 42.00(b) bans the use of sidewalks for food vending and imposes fines of up to $1,000 and/or six months in jail for non-compliers, a punishment that stands regardless of the vendors’ compliance with Los Angeles County Health Department’s food preparation standards (East Los Angeles Community Corporation 2015). Dallas’ street vending policies do not allow vendors to operate in any location for more than three hours (Tester et al. 2010). In San Diego, the process of getting street vending permits is so cumbersome “city officials report that only
two new permits were issued over the past year, both of them to replace previous vendors at the same locations” (Bolick 2014, 4). San Diego law considers street vendors who continue to sell in spite of bans or without the proper permits part of the informal economy, hence liable to fines, citations, confiscation of push-carts and materials, misdemeanors, or jail time, depending on the city laws.

Given the public nature of street vendors, scholars find that the chances of the punitive sanctions in street vending laws being implemented or enforced are quite high. Unlike other immigrant informal occupations—such as gardening and housecleaning—that are tucked away in the suburbs or protected by powerful employers, street mobile food vendors are highly visible and tend to operate in poor urban neighborhoods where there are high levels of police confrontation (Bhowmik 2010; Kettes 2014; Rosales 2013; Schackel 2003). Their visibility comes from the vendors’ need to use “prime” public spaces—or spaces with political and economic value, primarily used by mainstream society (Herring 2014, 289)—to make their everyday sales, a characteristic that has made vendors more susceptible to sanctioning legislation and police enforcement (Light 2006; Rosales 2013).

Yet, much like the fruit peddlers or “hucksters” in previous centuries, today’s immigrant street vendors continue to sell food despite opposing laws. Why do they do it? What propels immigrant street vendors to join the informal economy when the consequences of doing so are relatively high? The following chapter aims to answer these questions through a literature review that explores immigrants’ relation to the informal economy.
CHAPTER 3
IMMIGRANT STREET VENDORS AND THE INFORMAL ECONOMY

The informal economy, sometimes referred to as the “shadow,” “underground,” or “irregular” economy, is defined by the International Labour Organization (ILO) as “all economic activities by workers and economic units that are—in law or in practice—not covered or insufficiently covered by formal arrangements” (ILO 2002). A commonly cited scholarly definition for the informal economy is “a process of income generation that is unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated” (Castells and Portes 1989, 12). Implicit in these definitions is the notion that any activities that take place outside of formal institutional boundaries would be illegal by default, since “the means and/or ends employed do not comply with the mandates of laws” (Webb et al. 2009, 493).

Although people tend to think of the informal economy as a “third world” phenomenon, scholars recognize its prevalence in all countries, including the developed nations of the West (Castells and Portes 1989; Ramirez and Hondagneu-Sotelo 2009). For instance, scholars estimate that from 2004 to 2010 the informal economies of the developing regions of South Asia and Latin America employed about 82% and 51% of their workforces, respectively (Vanek et al. 2014). In advanced industrial democracies such as the United States, one analyst estimated the informal economy in Los Angeles alone to have produced 8.1 billion dollars for the 2004 payroll and employed approximately 679,000 workers, which is a shocking 15% of Los Angeles county’s overall labor force (Vogel 2006). Even more important is the fact that since the informal economy is not subject to the proper government regulations, workers employed through informal jobs are vulnerable to exploitation, wage theft, workplace violence, and human trafficking, as seen in the cases of immigrant day
laborers (Valenzuela 2001), domestic house workers (Romero 1987), and fruit vendors (Rosales 2013).

Various literatures have revealed a strong connection between the informal sector and marginalized groups, namely low-income communities, ethnic minorities, women, and immigrants (Flores-Gonzalez and Guevarra 2013; Gaughan and Ferman 1987; Raijman 2001). Although Sassen (1998, 158) states that “the expansion of informalization does not, in principle, depend on the existence of an immigrant labour force,” various studies suggest that there is a strong relation since immigrants—both document and undocumented—play the largest role relative to other groups (Light 2000, 162). This is particularly true in large urban centers such as Los Angeles, New York, and Chicago (Flores-Gonzalez and Guevarra 2013; Raijman 2001; Rosales 2013). Based on U.S Immigration and Naturalization Service (INS) and 2013 data (Center for Urban Economics and Design [CUED] 2013), studies have projected immigrant participation in the informal economy to be as high as 61% in Los Angeles County and 65% in the city, with the vast majority of participants hailing from Latin American countries (Vogel 2006). In the case of immigrant street food vendors, studies find that the vast majority operate their pushcarts without the proper permits or in contradiction to city laws (Devlin 2011; Dunn 2014; Vallianatos 2014).

Why do they do it? Why are immigrants so deeply tied to the informal economy? This chapter examines these questions through a literature review of immigrants’ relation to the informal economy. I have organized it as follows: First, I provide a brief overview of the informal economy and describe how most immigrants become involved. The second part attempts to provide a multi-level answer to the question of why immigrants become involved in the informal economy, particularly in relation to street food vendors. I categorize the general explanations into three tiers: the macro-level explanation that tackles the question from a broader ideological perspective; the meso-level explanation which analyzes the respective ethnic and cultural dimensions; and the micro-level explanation that examines immigrants’ engagement in the informal economy from the individual or household level. I argue that, in the case of street food vendors, an analysis of the way street vending laws are created should be included as an additional explanatory factor for the high participation-levels of immigrant street food vendors in the informal economy.
EXPLAINING HOW IMMIGRANTS PARTICIPATE IN THE INFORMAL ECONOMY

Scholars note that there are a number of ways to become part of the informal economy. The most evident way is to supply (or consume) a product or service that is illegal. This can include activities such as the selling of counterfeit products or products manufactured using illegal work or fabrication practices. This also includes selling products that have been obtained or produced through legal means but are themselves illegal; for example, selling medicinal drugs produced or obtained by legal means in other countries where their production is legal but later sold in a country where they are not (Webb et al. 2009, 497).

The distinction between formal and informal economic activities is not just determined by the product being sold but can also depend on the manner by which it is produced or exchanged (Raijman 2001, 48). For example, food, clothing, child-care or cleaning services are legal commodities that consumers can obtain through legal and regulated arrangements. Yet, when they are produced or obtained through unregulated processes—such as by undocumented immigrants or without the appropriate government regulations, permits, fees, and taxes—they become illicit activities and thus defined as part of the informal sector (Castells and Portes 1989; Sassen-Koob 1989; Stepick 1989). In these instances, it is the means of exchanging the product or service that puts the activity in the informal economy and not the product or service itself. It is primarily through this method that immigrant workers become involved in the informal economy, including street mobile food vendors.

EXPLAINING WHY IMMIGRANTS PARTICIPATE IN THE INFORMAL ECONOMY

This section aims to uncover the reasons behind strong immigrant participation in the informal economy, particularly with regard to street mobile food vendors. The answer to this question is complex, as a number of multi-leveled factors contribute to increasing immigrant participation in the informal sector. Additionally, given the nature of this topic and the unauthorized status of many in this population, obtaining data for this topic can be a difficult task, which makes the scholarship on this literature relatively scarce (Lucan et al. 2013).
Nevertheless, there are enough studies in the literature that point to general patterns to explain immigrants’ high rate of participation in the informal economy, which I have organized into three tiers.

**Macro-Level Explanations**

The most commonly accepted macro-level explanation for high immigrant participation in the informal economy is actually a critique of the once highly-regarded neoliberal ideology. Neoliberalism—an economic ideology focused on privatization, government deregulation, and the free market—was embraced as the economic savior of Latin America and other developing regions in the late 1970s and aggressively implemented as part of their debt relief agreements in the following years (Finnegan 2003; Green 2003; Ugarteche 1999). These neoliberal policies, popularly known as the Washington Consensus, ensured Latin American governments made drastic changes to their nations’ economies through government actions such as decreasing government subsidies, reducing labor and environmental protections, cutting social spending, privatizing public firms, lowering taxes, and opening up domestic markets to foreign investment (Finnegan 2003, 162; Green 2003, 81-82). According to neoliberal theory, these measures were necessary to “shock” these economies back to health and allow the elegance of the “invisible hand” to take over (Green 2003; Smith and Korzeniewicz 1997).

Once implemented, neoliberal policies instead created a series of negative socio-political and economic ramifications including increasing social inequalities, high unemployment rates, displacement, civil unrest, environmental degradation, a rapid spur of urbanization, and an economic downturn so severe that Latin Americans know it as “the lost decade” (Finnegan 2003, 162; Green 2003, 81-82). To cope with these structural and labor disruptions, many of these displaced workers sought refuge in their country’s informal economies or through internal or regional migration to growing cities, while others looked for opportunities over international borders (Flores-Gonzalez and Guevarra 2013, 3; Portes and Hoffman 2003; Toro-Morn and Alicea 2004).

However, even political and economic policies in immigrant-receiving states continue to create structural oppressions for now-immigrant workers by systematically pushing them out of the formal labor market. The largest example of this is seen through Immigration
Reform and Control Act (IRCA) of 1986 which although politically seen as helping immigrants and regulating the broken U.S. immigration system, has been a major factor in expanding the number of people involved in informal sector activities by making it illegal to employ undocumented workers (Hamilton and Chinchilla 2001, 147). The effects of this policy are mirrored in the growth of estimated number of Los Angeles street food vendors in the 1980s (Vallianatos 2014). Moreover, Calavita’s (1990) examination of IRCA finds that while employers were not excessively compliant to the law, the policy did serve to shift the burden of blame off of employers and onto the immigrant workers themselves.

Whether intentional or not, these authors argue that political ideologies and economic policies created a series of situations that have displaced the poor and marginalized, pushing them towards extreme measures to cope with the rapid changes. They are then systematically exploited and legally excluded from the formal sector. As Flores-Gonzalez and Guevarra (2013) succinctly summarize, “the twin forces of neoliberal globalization and the neoliberal state create labor disruptions that . . . drive people to the global North, lock them into low-wage labor, deny them and their families legal protection, criminalize their undocumented status, and threaten or follow through with deportation and family separation” (4). In this context, engaging in the informal economy is not a matter of individual choices alone, but is a collective result of larger structural, political, and economic policies designed to improve the economic stance of some individuals at the expense of others.

**Meso-Level Explanations**

The meso-level explanation examines ethnic enclaves and strategies that facilitate immigrants’ engagement in the informal sector through various ways, including ethnic economic strategies and ethnic loyalty. Analysts conceive of ethnic enclaves as “concentrations of firms within a generally defined location that are owned and operated by workers from the same ethnic background and serve the ethnic and or broader community” (Webb et al. 2009, 13). Wilson and Portes (1980) argue that immigrant identification with ethnic enclaves can create environments that are conducive to entrepreneurial activities in the informal economy, partly because these groups create a substitute for formal institutions (Webb et al. 2009). The meso-level explanation for higher immigrant participation in the informal economy is that ethnic enclaves give immigrants unique advantages over non-ethnic
entrepreneurs, resulting in higher levels of participation (Light and Gold 2000; Ramirez and Hondagneu-Sotelo 2009).

One of the most important ways immigrant enclaves can help facilitate immigrants’ involvement in the informal economy is through ethnic economic strategies. These strategies include borrowing equipment, providing loans in times of need, and maintaining flexible credit arrangements with other group members (Winborg and Landström 2000). Rosales’ (2013) study on fruit vendors in Los Angeles illustrates how immigrants put these ethnic economic strategies to practice through what she calls *paisano* networks (networks of countrymen). Rosales (2013) writes, “these networks facilitate entry into the business, provide loans to buy pushcarts, create distribution channels between the wholesale fruit market and preparation sites, allow for collective drop-offs and pick-ups, and provide money to bail vendors out from jail, pay citation fines, or fund re-entry after deportation” (18). Portes and Sensenbrenner’s (1993) study of entrepreneurs in a community of primarily unauthorized Dominican immigrants in New York City documents similar economic strategies. These immigrants used social techniques to ostracize entrepreneurs who failed to repay their loans, effectively “limiting the entrepreneurs’ access to different factor markets” (Webb et al. 2009, 13). Together, these ethnic economic strategies provide financial safety nets for immigrant workers who are unable to find them through formal institutions. Their role is so important that some food vendors argue that their occupation could not be performed without them (Rosales 2013, 20).

A second important manner in which ethnic enclaves facilitate immigrants’ entrance and survival in the informal economy is through ethnic loyalty. Valdez (2008) notes that selling in ethnic niches “provide immigrants with refuge from otherwise hostile labor markets, endowing a spatially concentrated ethnic community with social capital and social networks, enabling the development of thriving ethnic businesses” (Ramirez and Hondagneu-Sotelo 2009, 337). The reason is that individuals who share a common identity tend to cooperate with one another and compete with those who do not (Ashforth and Mael 1989; Webb et al. 2009). Moreover, studies by Akers et al. (1979) suggest that in order to support one’s collective identity, individuals are motivated to act, even at great risks to themselves (Webb et al. 2009). In Rosales’ (2013) fruit vendor study, this form of ethnic loyalty explains why community members in formal jobs were willing to hide vendors’ carts in their business
or their employers’ business in an effort to help vendors hide from law enforcement agents (24). Overall, the support immigrants receive in ethnic enclaves, through financial support systems and ethnic loyalties, provides a structure of safety nets and security that encourages—or at the very least facilitates—their strong participation in the informal economy.

**Micro-Level Explanations**

In recent decades, several entrepreneurial scholars began to include self-employed, informal workers in their studies of micro-businesses as an effort to debunk the idea that immigrants participate in the informal economy purely as a matter of desperation (Ramirez and Hondagneu-Sotelo 2009; Valenzuela 2001). This approach examines immigrants’ engagement in the informal sector at the individual or household level and finds that although occupations such as informal street food vending are not a first choice for immigrant workers, they are preferable to stagnant, low-wage jobs for two reasons: a potential economic mobility and the presence of occupational values such as flexibility, independence, and the social status of being self-employed (Light and Rosenstein 1995). It is important to note that these categories are not mutually exclusive; various studies find aspects of both in their empirical work.

Given structural and institutional oppressions, joining the informal economy can serve as a strategy for immigrants’ economic mobility. For example, examinations of informal gardening finds that although many aspects of cheap labor, racialization, servanthood, and gender stereotypes are exacerbated with this line of work, informal gardening also provides immigrants—especially undocumented men—with an opportunity to start their own businesses, monetize their knowledge of agriculture, and earn higher incomes in areas of Los Angeles (Ramirez and Hondagneu-Sotelo 2009, 85) and Southern Texas (Pisani and Yoskowitz 2006). Hondagneu-Sotelo’s (1994) study of domestic workers suggests that although this occupation can be economically volatile, workers can create a networking system of employers that leads to better employment opportunities, which in turn leads to higher income (60-61). Devlin’s (2011) study of vendors in New York finds that while street vending does not provide stable income for everyone, some vendors have been able to expand their street vending businesses to multiple carts or use street food vending as a
step-ladder to formal storefront businesses (56). Altogether, this group of scholars believes that immigrants engage in the informal economy because it can provide them with the tools necessary to lift themselves out of poverty and experience economic mobility.

Informal vending can also provide immigrants with occupational values that are difficult to find in the formal sector. For example, Rosales’ (2013) study of L.A. street fruit vendors argues that although police crackdowns, confiscations of products, citations, fines, and debt from jail bailouts all make informal vending a highly risky and at times unprofitable occupation, many—particularly undocumented—immigrants continue to sell because they believe it is still preferable to wage labor in highly supervised settings and allows them to bond with their community (32). Similarly, studies examining female immigrant vendors in New York note that although food vending does not generate high income, it allows them to bring their children to work with them, work flexible hours, and take time off in case of emergencies, values that are crucial for mothers who cannot afford day care (Flores-Gonzalez and Guevarra 2013, 7). Altogether, this group of scholars believes that when compared to low-wage jobs, informal occupations such as street vending provide immigrant workers with opportunities to escape poverty, secure occupational values, and sometimes even move towards a more promising economic future.

**Conclusion**

In summary, immigrant workers, including street food vendors, are pushed and pulled into the informal economy by a variety of different, complex, and multidimensional forces. At the macro-level, national and global political and economic ideologies are the underlying forces behind mass migration and the systematic exclusion of immigrants from the U.S. formal labor market. At the community level, ethnic enclaves help reshape the economic outlook of immigrants by providing a network of support and security within groups that share a sense of identity. This support can serve to attract—as opposed to force, as in the case of neoliberal policies—immigrants towards informal employment. At the individual level, a new wave of post-structural empirical scholarship shows that the levels of agency immigrants enjoy vary depending on the type of informal occupation and may serve as an incentive to join the informal sector. Although there are social characteristics that hinder immigrants’ ability to succeed through conventional means, informal employment can serve as a survival
strategy to get out of the cycle of poverty and towards economic security and the attainment of important occupational values.

Yet largely missing from the U.S. literature on immigrants’ relation to informality is a thorough examination of the role local polices play in creating it. The next chapter of this thesis addresses this gap in the literature with a policy analysis examining if and how street mobile food vending laws create informality for immigrant street vendors in City Heights, San Diego. I argue that, in the case of street food vendors, an analysis of the way street vending laws are created should be included as an additional explanatory factor for the high participation-levels of street food vendors in the informal economy.
Various scholars contend that informality is but a product of policies that are overly burdensome (De Soto 1989; Venkatesh 2006). The few scholars who study street food vending legislation measure informality based on how permissive or restrictive local governments are in their regulation of food safety, permits and fees, vendor location and traffic safety (Kettles 2014; Tester et al. 2010). Most cities in the U.S. have adopted a regulatory approach to street food vending policies, some to the point of banning it altogether as in Los Angeles, while others maintain a more flexible approach, as in Portland (Devlin 2011; Kettles 2014; Vallianatos 2014).

Examples in the literature demonstrate how adopting one approach over another may lead to a change in levels of informality for street vendors. For instance, Kettles (2014) finds that New York’s street food vending laws are so strict they are almost “impossible to follow,” as demonstrated by the number of citations given out each year, the percentage of unpaid fines, and by local courts’ dismissal of approximately 40% of the citations related to locality (236, 239). He argues that it is this uncompromising regulation that has produced high rates of informality among New York vendors. Moreover, Devlin (2011) finds that the vagueness of street vending laws can also increase the presence of informal vending since many vendors, much like police enforcement agents, are unsure of which spaces are legal for them to sell and which are not.

Conversely, Brown, Dominie, and Mayerson’s (2014) study in Portland shows how limited, tolerant, and supportive street food vending policies can result in less informal vending. When faced with vendors without permits, municipal authorities in Portland
refrained from using police enforcement and criminal laws and instead adopted education policies and training programs that explained food vending policies and safety regulations to the mostly immigrant vendors and encouraged them to obtain permits (Brown, Dominie, and Mayerson, 2014, 254). Together, these studies suggest that the policy approach a city takes in regard to street food vending legislation has an effect on the levels of informality.

In this chapter, I examine the street food vending laws of the city of San Diego to determine if and how the implementation of its policies influence the rates of informality among immigrant vendors in City Heights, a small neighborhood within San Diego. The research questions I aim to answer are: (1) To what extent are San Diego’s street food vending policies permissive or restrictive in their regulation of food safety, permits and fees, vendor location and traffic safety? (2) How does the implementation of these regulations influence or determine street food vendors’ entrance to the informal economy in City Heights, if at all? Drawing from scholarly articles, government documents, notes from meetings with policy experts, and data from surveys, interviews, and focus groups with immigrant street vendors in City Heights, I find that San Diego’s street food vending laws are restrictive in these regards, relative to other cities, and that the implementation of these policies makes the acquisition of the proper permits complex and costly. I argue that the restrictive policy approach San Diego takes in regard to street vending is a strong explanatory factor for the high levels of informality among immigrant food vendors in City Heights.

**BACKGROUND**

City Heights is one of San Diego’s oldest neighborhoods, located just a few miles east of downtown San Diego. It is a low-income, immigrant community, with a vibrant informal economy. Its population consists mostly of immigrants from Latin America but also Asia and East Africa (CUED 2013). According to the CUED data, 95 of households in the City Heights’ census blocks have low to moderate income, the overwhelming majority of

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3 This thesis will focus only on the policies regulating pushcarts since it is the most restrictive form of street mobile food vending in City Heights.
residents are renters (78%), and family sizes are much larger than the average household in the city of San Diego (CUED 2013). A community report for City Heights concludes that given its linguistic isolation, high unemployment, low levels of educational attainment, high cost of housing, and geographical concentrations of the immigrant population, “an informal economy is almost necessary to meet standard living expenses” (Bliesner and Bussell 2013, 10).

There is a large debate over informal street food vending within this community. On the one hand, small business owners have launched a campaign to increase enforcement measures of restrictive vending laws through police ticketing, arguing that the informal food vendors take away customers from tax-paying, law-abiding businesses, something that is not only unfair competition but also a burden on public health due to unregulated hygiene (Salaam 2011). School districts have also lobbied the city council to ban *paleteros*\(^4\) from selling near schools around school hours, arguing that their products contribute to unhealthy eating habits and childhood obesity. On the other hand, community organizations, such as Mid-City CAN (Community Advocacy Network) and the Employee Rights Center (ERC), are focusing their efforts on making street vending laws easier to navigate in order to legalize street food vendors and address public health issues without the use of criminal enforcement measures. These community members see vending as part of City Heights’ culture and as a method of providing food and job security to its large immigrant, low-income population, arguments also found in the literature in support of Los Angeles vendors (Sarmiento 2015; Vallianatos 2014).

It was at the request of one of these community organizations, the Employee Rights Center (ERC), and with funding of the Occupational Health Internship Program (OHIP), that I, along with public health student Jessica Vu, conducted fieldwork in the summer of 2014 to examine street vendors experiences with the implementation of street food vending legislation in City Heights and their occupational health hazards (discussed in the following

\(^4\) *Paletero* is the Spanish word for street vendors who sell frozen fruit bars or popsicles.
chapter). I use some of this data to represent the immigrant vendors’ perspective and experience with San Diego’s street vending policies.

**METHODS**

The data for this policy analysis comes from government documents, notes from meetings with policy experts, and data from surveys, interviews, and focus groups with immigrant street food vendors in City Heights that examined immigrant vendors’ occupational health hazards and experiences with the enforcement of San Diego’s street food vending legislation.

The government documents I used to analyze the law included municipal codes, zoning laws, and food permit application forms, all of which were available online. The notes from meetings with policy experts come from five meetings that took place between April 2014 and April 2015: three with a public policy analyst who worked at San Diego County and two from a current employee at San Diego’s Department of Health. The meetings were set up by the ERC directors and usually attended by ERC and Mid-City CAN staff working on making changes on street vending legislation, my research partner, and me. The purpose of the meetings was for city and county employees to explain the process through which street vendors in San Diego should go in order to get their vending permits. I personally attended three of these meetings and I draw on notes from other attendees for the key information for the other two meetings.

The survey was created by a group of concerned citizens, members of various community organizations, under the direction of the ERC, a workers’ center dedicated to advancing the rights of disadvantaged workers in the San Diego region, with a focus on immigrant workers who lack union representation. The objective of the survey was to identify and respond to occupational health hazards of street food vendors and include the vendors’ perspectives in the community’s debate on informal street food vending in City Heights. After a series of community meetings and preliminary surveys with 19 street vendors, the organizations’ research team designed a 30-question survey. The ERC then partnered up with the Occupational Health Internship Program (OHIP), which provides funds and research assistance to various workers’ centers around the US. It was at this point that I
became involved with this study as one of two research assistants OHIP provided the ERC for the administration of the survey.

After a three-day orientation and completion of humans-subject training provided by OHIP, the research team—consisting of me, as the primary administrator of the survey, and Jessica Vu, my undergraduate assistant—recruited street mobile food vendors across dozens of sites to take the survey. Given the difficulties and practical issues of true random sampling, particularly when dealing with mobile food vendors, the survey sampling methodology we used was a mixture of cluster, snowball, and convenience sampling. We began going to strategic locations all across City Heights (e.g., schools) at multiple times of the day on different days and recruited any vendor that was present at the time. However, given the fact that many vendors operate in areas out of sight (e.g., alleys and parking lots) or use inconspicuous mobile carts (e.g., laundry push carts and baby strollers), we also found it useful to ask community members and other mobile food vendors to give us tips as to where to find other vendors. About two thirds of the vendors in this study were found following tips given to us by other food vendors who took the survey.

We asked each vendor we found whether he or she would be interested in participating in a survey on street mobile food vendors. We gave them an estimated time the survey would take and offered to walk with them so as to not interfere with their schedules or cause them to lose customers. On various occasions, we paused a survey or interview to allow for the vendors to sell to customers or interact with other vendors, sometimes for as long as 10 to 15 minutes. During these times we were able to get a glimpse of their interactions with customers, police officers, other vendors, and the community at large, which we recorded in field notes.

Before administering the survey, we laid out the purpose of the study to all participants and granted them full confidentiality, both verbally and in writing. Since most vendors are Latin American immigrants who speak only Spanish, both the surveys and confidentiality forms were administered in their native language. The survey took approximately 10 to 15 minutes to complete, and participants were informed that they were free to stop the interview at any time and answer only the questions they felt comfortable answering. There were no incentives offered for participating in the surveys, although we found early on that purchasing something from them, however small, made them feel more
comfortable about our not being affiliated with law enforcement. Out of the 52 vendors that we recruited, only four declined to take the survey. The survey administration process took place from 10 a.m. to about 8 p.m., Tuesday through Sunday for a total of six weeks during the summer of 2014.

After conducting each survey, we invited each person to participate in a more in-depth, open-ended interview that discussed the street mobile food vending laws and their enforcement in City Heights, and to participate in a focus group to discuss their experiences with street food vending with other vendors. The interviews took place on the streets, right after the surveys, and the focus group was to be determined based on the vendors’ schedules. Due to differences in vendors’ availability, we decided to hold two separate focus groups at different times. The first focus group consisted of five participants and the second of only two participants. Both focus groups ran approximately one hour. The incentive for attending the focus groups was a free meal and Dri-Fit shirt. Many of the participants who took the survey also participated in the interviews and focus groups.

We conducted a total of 48 surveys: 74% with *paleteros* and 26% with other food vendors; 14 interviews with 10 *paleteros* and 4 food vendors; and two focus groups with a total of 7 participants, all of which were *paleteros*. The demographics of our participants did not vary much in relation to sex and ethnicity, with the overwhelming majority of them being male (86%) and all of them being of Hispanic descent, particularly from Mexico. The demographics varied in terms of age (Figure 1) and education (Figure 2), with ages ranging from 18 to 58 and education levels from not completing elementary to vendors with multiple degrees. In fact, about a third (35%) of the *paleteros* reported being currently enrolled in a university in Mexico and coming to City Heights only for the summer to sell *paletas* before returning back to their studies.5

5 Due to immigrant vendors’ high vulnerability levels, most information regarding demographics will remain in the aggregate form.
Figure 1. Vendor age range.

Figure 2. Vendor education.
LIMITATIONS AND OTHER NOTES ON THE PROCESS

It is important to note that this study has various limitations. One of the limitations is that the majority of the participants in this study were *paleteros*. This was due to the fact that these types of vendors were the easiest to find, given their easily distinguishable carts, while the street vendors who sell food from inconspicuous carts, such as strollers, were harder to spot. Given this heightened visibility for us, *paleteros* could also have been more visible to police enforcement agents, depicting a story of higher levels of criminalization relative to other less visible street vendors.

In addition, one fourth of our sample is composed of vendors who are in the country only on a temporary basis; for the most part this portion was primarily composed of university students who live in Mexico and work in the U.S. as *paleteros* during summers. The fact that they are not long-term residents could have incentivized them not to get the permits to sell formally as the effort and costs they would have to invest would not offer them a comparable amount of time of legitimate protection.

Moreover, given the vulnerability of this population, some vendors were skeptical about participating in any type of study and suspicious of anyone requesting information, which could have influenced their responses. However, the ERC mitigated possible trust issues between immigrants and interviewers by being very strategic about who they sent out to administer the surveys. My partner and I are both young, petite females of immigrant backgrounds, and made sure to approach the vendors in their native language, sharing with them our family’s experiences with migration, and on one occasion showing our school I.D. cards to calm any anxieties about our affiliation to police or health authorities. When asked by the ERC directors why they participated in this study, some vendors mentioned that a key reason was that my partner and I were perceived as non-threatening.

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6 The ERC had attempted a similar study the previous summer but had limited success because many vendors were unwilling to take the survey finding the survey administrators threatening, largely because they did not speak Spanish fluently and their appearances (as a Asian female and 6 foot, Caucasian-looking male with limited Spanish, walking around with a clipboard) caused many to fear possible affiliations with police or health authorities.
Although our identities worked on our behalf when recruiting, there were other times when we noticed our identities as researchers working against rapport with our participants. For instance, when studying occupational health hazards, we noted that due to high levels of *machismo* present in Hispanic men—particularly the younger *paleteros*—some street vendors were somewhat reluctant to disclose physical discomfort to two young females. Given this, I believe the rates of health and safety hazards may actually be higher than what is suggested by this study.

**San Diego’s Street Food Vending Laws**

I determined the level of restrictiveness of San Diego’s street food vending laws by focusing on three categories of the law as it is written: food safety, permits and fees, and vendor location. I include data from notes during meetings with policy experts and fieldwork with street vendors themselves to describe how each of these areas of the law affects or influences immigrant street vendors’ ability to obtain the proper permits to sell legally in City Heights.

**Health and Safety**

The health and safety portions of street food vending legislation usually derive from all three levels of government—federal, state, and local. In an attempt to establish uniformity in health standards, the Food and Drug Administration provides a Food Code model for local governments to adopt in regard to street vending laws. State regulations for San Diego come from the California Uniform Retail Food Facility Law, which is designed to prevent food-borne illnesses, contamination, and promote hygiene among street vendors. These laws require vendors to take a mandatory food handler’s course and be subject to regular inspections to ensure compliance to with food safety legislation (City of San Diego Municipal Code, cited in Tester et al. 2010).

Like many other cities, San Diego has added its own layer of health and safety precaution to street food vending laws by requiring vendors to clean and store their pushcarts and products from a centralized facility (City of San Diego Municipal Code §§42.0130 and 42.0161, cited in Tester et al. 2010). However, unlike many other cities—including Chicago, New York, and San Jose—San Diego only allows vendors to operate from city-authorized
commissaries and not from other licensed food service establishments (Tester et al. 2010). Street vendors must show written proof of commissary agreement to the Department of Environmental Health to obtain the permits required to sell legally (Tester et al. 2010).

In practice, this means vendors must pick from a handful of commissaries located all over San Diego County. From vendors we learn that not only are daily commutes to these places inaccessible, commissaries charge anywhere from $200 to $500 dollars a month, an expense that many immigrant vendors simply cannot afford. As Ramiro put it: “If I had $500 a month to throw away I would not be selling paletas.” This aspect of the policy makes it so that many vendors (about two thirds of the sample in our survey) store their carts elsewhere, usually in their homes, foregoing their chances of selling legally since they no longer meet the qualifications to obtain the proper permits.

**Permits and Fees**

Most street food vendors obtain some sort of vending permit in order to sell food products on public streets. For San Diego vendors, the two required permits are the County Health Permit and the Neighborhood Use Permit, issued by the Development Services Department (DSD) and the Department of Environmental Health (DEH), respectively. However, the cost of obtaining just the Neighborhood Use Permit can require a deposit of up to $5,000 since it is a “discretionary permit,” meaning that whether a vendor receives a permit or not is up to the discretion of city staff who get paid per hour to review each case (ERC 2014b). The health permit is an additional annual fee of $219 for prepackaged foods and $427 for other foods, a cost that one DEH city staff worker said was too high of an administrative fee since it is equal to that of a food or ice-cream truck, when it takes about half the time to administer (ERC 2014a). The costly nature of San Diego’s permits is validated in Tester et al. (2010) which finds that, out of the ten most populous cities in the US, San Diego charges the highest amount for vendors to obtain the required permits. Moreover, in order to even apply for these permits, a street vendor needs to get liability insurance, register his or her push-cart as a business, and obtain a business license, which entails a separate fee and requires a social security number. This latter requirement automatically disqualifies most immigrant street food vendors.
These exorbitant costs and restrictive nature of the permit processes make it virtually impossible for an immigrant in poverty to be able to sell legally. In an interview, Edgar, one of the few street vendors that had obtained vending permits, described his experience with getting just the Neighborhood Use Permit from the Development Services Center:

They made me come back like 20 times saying this and that are wrong or missing . . . and the thing is that I had to take a day off of work every time. I’m lucky I have my own business and my son to cover for me, otherwise it would have been impossible. I would tell the guy, “Why didn’t you tell me you wanted this fixed the last time I was here!” They just don’t like giving out permits. It took me five months to get it and it cost me a fortune! . . . around $4,800 dollars.

**Vendor Location**

Even if vendors pay the fees and obtain the appropriate permits, San Diego’s street vending policies are still very restrictive about where vendors are allowed to sell. The City of San Diego (2013) Municipal Code restricts vending to certain sectors of the city, designated under zoning laws in the Neighborhood Use Permit. These spatial restrictions make legalization utterly useless for street mobile food vendors, like *paleteros*, who depend on walking from street to street to sell their products. In practice, this means that a *paletero* with all his permits can be selling legally in one street and then illegally on the next.

Moreover, unlike most cities, San Diego’s street vending permits do not allow street vendors to sell in public parks. If a vendor wants to work in these spaces, he or she must obtain a special “park permit” issued by the Department of Parks and Recreation at a separate fee. Through interviews with San Diego city officials, Bolick (2014) finds that in order obtain a park permit the vending must serve a “park need,” and is limited to specific dates, times, and locations. Only about six “park permits” are issued per year in the city of San Diego (Bolick 2014). None of the vendors in this study had the appropriate permit to sell in public parks.

San Diego is also one of the few cities that puts spatial restrictions on the selling of food near schools (Tester et al. 2010). Its municipal code forbids food vendors from operating within 500 feet of any public school between 7am and 4pm on regular school days (San Diego Municipal Code 2013, §54.0122(g)). Focus groups with street vendors in City Heights suggest that the times and places restricted by the law are precisely the spaces vendors find most lucrative, which is another factor leading many street vendors to sell
informally. One *paletero* (Marvin) summarized vendors’ opinions about the impracticality of San Diego’s street vending spatial regulations: “I would love to get my permits and stop running from the police and all that but what’s the point if I can’t sell where there are people?”

Overall, this analysis suggests that although San Diego allows for street food vending on paper, the restrictive nature of their code has created a process so strict and costly, it is virtually impossible for most immigrant vendors to comply. In effect, the policies have criminalized any viable form of street food vending for this population, forcing the vast majority of street vendors—many of which are low-income, undocumented immigrant vendors, with little to no English speaking skills—to operate their street food mobile units without the proper permits. The effects of this restrictive policy are seen in the levels of informality in our sample. Out of the 48 street vendors in our survey, 85% admitted to not having either of the two permits required to sell, while 13% reported having only the health permit. Only 2% of our sample, equivalent to one vendor, had all of the required permits to sell legally on public streets, while no one in our sample had the permits required to sell in public parks. In short, the restrictive nature of street vending policies themselves plays a large role in creating the high levels of informality among immigrant vendors in City Heights.

The consequences for not having the appropriate permits in San Diego include citations, misdemeanors, court orders, and harassment from police officers, park officials, and storefront business owners. Although these consequences are not as drastic as the ones found in other cities like Los Angeles, where vendors are arrested and their carts and products confiscated (Sarmiento 2015; Vallianatos 2014), simply being put under the police radar can be nerve-racking for immigrant vendors who fear deportation and family separation. The following chapter discusses how the enforcement of San Diego’s restrictive vending laws affects the health of immigrant vendors in City Heights.
CHAPTER 5

THE OCCUPATIONAL HEALTH EFFECTS OF RESTRICTIVE STREET FOOD VENDING POLICIES IN CITY HEIGHTS

Although there are plenty of studies that examine the effects of immigrant street vending on public health (Brinkley, Chrisinger, and Hillier 2014; Tester, Yen, and Laraia 2012; Vallianatos 2014), there are virtually no studies that examine the potential health effects the implementation of street food vending laws have on street vendors. Given San Diego’s restrictive street food vending policies and high informality among immigrant vendors, this chapter examines the potential health effects the enforcement of restrictive street food vending legislation has on the occupational health and safety of immigrant vendors in City Heights.

The research question this chapter aims to answer is: Does the enforcement of San Diego’s restrictive street vending policies affect the occupational health of immigrant vendors in City Heights? If so, how? My analysis finds that vendors endure a series of psychological and physical health hazards ranging from stress and pressure to workplace violence, many of which are exacerbated or even produced by restrictive street food vending laws.

STRESS AND PRESSURE

Perhaps not surprisingly, our surveys found that the largest occupational hazard facing street food vendors in City Heights was stress and pressure. Out of the 48 participants who took the survey, over two thirds reported having moderate to high levels of work-related stress and pressure. When asked about the causes of these stresses, vendors reported the leading cause to be “not selling.” Through the focus groups we found how the enforcement measures of restrictive vending laws, storefront business owners, and vendors’ informality
contributed to the stress and pressure of not selling. Vendors described that when “working the good streets,” storefront business owners attempted to manipulate the public spaces around their businesses with threats of calling the police on vendors without permits, a technique also documented of storefront owners in New York (Devlin 2011) and Los Angeles (Kettles 2004). This tactic helped create the stress of not selling because the streets with lots of storefront businesses are usually the spaces with the most pedestrian activity. Like many others, one *paletetero*, Victor, described his daily experiences with store-front owners as “the most stressful part of my day.” Victor said, “sometimes, when they are in a bad mood, they stand by the door and yell at you, saying they’re going to call the police . . . . I tell him ‘I don’t care, I have a permit’ and leave while he’s still yelling but they know [I don’t have a permit]. I know that they know.”

The second leading cause of stress and pressure was police enforcement. Although vendors found the rates of police enforcement—manifested in tickets and harassment—were arbitrary, spiking up at times and decreasing at others, the threat of enforcement worried them every day. Citing the officers’ identity as a probable cause for police enforcement variation, Juan describes his state of mind while vending: “You have to stay alert because you never know who is the [police] car. Some [Hispanic] cops don’t tell you anything or they give you a warning; some have even bought from me, it’s normal for them. But others, they just hear your bell and you’re screwed so you just have to be on the look out.”

Other vendors believed spikes in police enforcement had to do with business pressure. For instance, Miguel notes: “I don’t think all cops want to [ticket us]. It’s the businesses that push the police department. Some officers, they are embarrassed when they have show up to court because they cited a guy selling ice-cream . . . but when [the business owners] call them, they come.” In either case, the threat of police enforcement causes a great deal of stress for vendors, many of which attempted to avoid contact with officers altogether, a difficult task in poor, urban areas where the presence of police officers is high (Light 2006). As one *paletetero*, Ricardo, responded, “I am constantly afraid of the police . . . when I see a cop, I run. I don’t care. It could be a warning, but what if it’s not? . . . we just want them to let us work in peace.”
ACCIDENTAL BURNS

Although stress and pressure is mainly a psychological health hazard, it can lead to physical occupational hazards as well. The stress of having to be alert in order to not be ticketed or harassed creates an environment that is not conducive to taking the proper precautions against many common physical hazards vendors encounter. In our study, many street vendors reported burns on their arms and wrist areas as a prominent physical hazard. In the case of paleteros, the proximate cause of the burns is unprotected contact with dry ice when reaching into their coolers to retrieve their products. For food vendors it is from dipping their hands in hot containers or having accidental contact with their mobile stoves. During the interviews, we found that for food vendors, the rates of the accidental burns increase when they cook on the streets. As one vendor, Jose, succinctly described it: “I cook at home all the time and I never get burned but when I’m on the street I have to keep looking over my shoulder to see if there are cops coming and make sure people have napkins and ahh [she laughs] well, you try cooking like that and see how your arms turn out.”

BODILY PAINS AND DEHYDRATION

Other physical hazards street food vendors encounter while selling included pains in their back and feet regions and high levels fatigue and dehydration. These were caused mainly by the fact that vendors push carts that can weigh anywhere from thirty to fifty pounds around a geographical location that experiences extreme levels of heat in the summer. However, these ergonomic hazards were exacerbated by the fact that informal food vendors took very limited breaks and drank almost no water due to restrictive street vending laws. During interviews with vendors we found that vendors saw public parks as one of the few places where they could have access to the bathroom and take shaded breaks without compromising sales. Yet, since the City of San Diego gives the Parks Department special authority over street food vending in parks, vendors reported them as some of the most highly regulated spaces in City Heights, by both park authorities and police enforcement agents. These regulations made vendors less likely to go into parks for fear of being ticketed, which in turn caused them to be less likely to take regular breaks. When discussing drinking water and bathroom access in one of the focus groups, one paletero, Daniel, summarized vendors’ general responses by noting, “I don’t like drinking water when I’m selling because
then I need to use the restroom and it’s hard to find a public restroom here if you’re not buying anything . . . parks have them but we can’t go there.” This exemplifies another way the informality created by restrictive vending laws directly affects the occupational health of immigrant vendors.

**WORKPLACE VIOLENCE**

A final major health and safety issue vendors identified in this study is workplace violence. In the surveys, a large majority of participants reported physical assault or robbery to be a major safety risk in their line of work. The in-depth interviews with vendors who felt comfortable enough to share their stories with us illustrate the severity of this safety hazard for immigrant vendors. In the following account, Sergio describes his experience with workplace violence:

> One time I was walking down an alley. This man made a gesture with his hand that he wanted a *paleta* . . . I walked over to him and he pointed at the one he wanted. When I bend over to grab the *paleta*, he stabbed me . . . and I began to defend myself . . . and he stabbed me even more. Once in the face [shows us scar on the cheek], my arm, and another one in the head [shows us scar] . . . . People started screaming . . . . He ran away.

Another *paletero*, Tony, describes his experience being held at gunpoint as he was being robbed:

> There were two of them. One grabbed me from the back and I said “Take everything!” And the only thing they said was “Where is the money?” And then they hit me and I told them where it was . . . . They put me against a wall and they put the gun to my face and I shut my eyes tight. Then they told me count to 30—I was so scared I counted to 50!

Unfortunately, these are not isolated instances. From the interviews with street vendors, we learned that immigrant vendors are at high risk of assault and robbery since they carry their profits and products with them at all times. *Paleteros*, in particular, are at even higher risk since they tend to travel through dangerous alleys and backstreets when selling *paletas*. In fact, most of our surveys with *paleteros* took place in alleys behind buildings because that is where these vendors feel most successful in their attempts to remain invisible to the police but still visible to their costumers. The consequences of using these travel routes, however, are that they also make vendors easy targets for criminals. Additionally, due
to their informality they are reluctant to report assaults and robberies to the police, which make them even more vulnerable to these crimes.

Overall, these occupational hazards exemplify the unintended consequences the enforcement of restrictive street food vending legislation can have for immigrant vendors in regard to occupational health and safety. It shows how the implementation of such laws creates new problems policy makers should consider. Given immigrant vendors’ history of marginalization, the important role they play in urban life, the effects street food vending policy has on immigrant vendors’ health, policy-makers should adopt new policy approaches that not only serve to protect public health and safety but the health of vendors as well. The following chapter attempts to begin this process by presenting my own policy recommendations.
CHAPTER 6

STREET FOOD VENDING POLICY
RECOMMENDATIONS

For centuries, U.S. street vending polices have served as tools in local governments’ attempts to restrict the selling of food on public streets. However, these laws have time and again proven unsuccessful in eliminating vending as a practice, as seen with early European vendors in the 1600s and with Hispanic vendors today. Instead, restrictive vending policies have served to push immigrant vendors further into the informal economy and exacerbate—sometimes even produce—occupational health hazards for immigrant vendors, as seen in City Heights.

Having shed light on reasons behind immigrants’ engagement in informal vending—such as systematic exclusion from the formal sector, ethnic enclaves and economic survival—and the positive role immigrant vendors’ play in urban life in questions of public health and public space, it is important for local governments to adopt street vending legislation that is less about making it difficult for vendors to sell and more about regulating the types of food they sell and making use of the opportunities street vendors can afford urban society. I end this thesis with policy recommendations about where to begin this process.

The first step to bring vendors out of the shadows and reduce informality is to adopt street vending policies that are more lenient in their requirements so that more vendors can qualify. One way of doing this can be by eliminating the social security requisite in order to allow and encourage undocumented immigrants—the majority of the vendors—to apply. Various other scholars studying street vending have recommended similar actions be taken for vending policies in Los Angeles (Sarmiento 2015; Vallianatos 2014).

Second, local governments should make sure the administrative process for obtaining vending permits is easy to understand and affordable for immigrant vendors. This can be
achieved by having copies of municipal codes available in other languages and by changing vending permits from “discretionary permits” to “ministerial permits” which are less costly since they are not reviewed by city staff as individual cases but instead set up to meet clear requirements for a flat fee.

In regard to land use, local governments should reform their zoning codes or make exceptions to allow for permits to be applicable for mobile food vendors who sell in various parts of the city. An example of a successful way to accomplish better laws for vendors’ locations is seen in Portland, where street vendors can navigate freely as long as they maintain an 8-foot distance away from pedestrian and vehicular traffic (Brown, Dominie, and Mayerson 2014; Vallianatos 2014). Portland’s simple model demonstrates that it is possible to regulate mobile food vending all the while maintaining the public and the workers safe. For City Heights, in particular, this unrestricted mobility would have the added benefit of assuaging health concerns for street vendors as it would allow vending in public parks that serve as a place where they can take breaks, have access to public restrooms, and be safer from potential criminals.

Lastly, the policy approach local governments adopt to address street food vending should emphasize educational programs instead of criminal codes, as seen in Portland. Brown, Dominie, and Mayerson (2014) describe how Portland’s municipal authorities refrained from using police enforcement agencies and criminal laws and instead adopted for education and training programs that explain the food vending policies and safety regulations to vendors and encourages them to obtain permits (254). They found that by adopting a policy approach that includes vendors’ input, cities not only reduce informality, but also maximize the economic and health benefits of vending by encouraging new economic and pedestrian activity while addressing threats to food safety (244). This model demonstrates that street vending policies can be created in a way that maximizes both vendors’ opportunities and public priorities such as health and safety.

Implementing these policy changes and increasing the rates of vendors with permits not only reduces vendors’ health hazards, that come as a direct outcome of police enforcement, but also allows for local governments to have a say in the types of foods vendors can sell. With practical laws, local governments can incentivize street food vendors to sell healthy options, such as fruits and vegetables, through decreased permit fees or
expressed permits. Moreover, street vending can improve local economies through increased tax revenue and by encouraging pedestrian traffic that increases the probability of sales in nearby store-front businesses. As history shows us, restrictive policies have not been successful tools in eliminating street food vending in public streets. Instead, it is time local governments begin to accept vending as part of urban life and utilize its benefits in order to keep the public and the vendors safe.
REFERENCES


Employee Rights Center (ERC). 2014b. Meeting minutes, July 3.


