

Vendors make a 'splash'

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CRYING SHAME: Shiraj Islam, who, as The Post reported yesterday (left), was suspended from selling nuts because he left his cart for a toilet break, wipes a tear at yesterday's Health Dept. rally.

Hell no, we have to go!

Street vendors were fighting for their right to potty yesterday, rallying outside the city Department of Health's headquarters in Manhattan to protest a crackdown on long bathroom breaks with signs proclaiming, "We need to pee like everyone else."

As the Post reported yesterday, when longtime nut vendor Shiraj Islam took a bathroom break last week, health inspectors took away his cart's permit, claiming he shouldn't have left it unattended for so long.

"I just want my permit back so I can care for my family," said Islam, 42, a father of four, who's been losing \$150 a day since the incident.

Islam said that in years past, he would rarely take breaks. But since getting diagnosed with a tumor on his colon, he has to run to the bathroom more frequently.

"When I left my cart, I wasn't feeling too well," he said. "Then my doctor called me and said I have to have an operation to fix the problem."

Revised health codes that went into effect Jan. 1 deem any food left in unattended carts an "imminent health hazard."

Vendor Alen Kifle called the new law "disrespectful."

"You're out there for between eight and 10 hours a day, so you have to use the bathroom two or three times," he said.

Islam will have to wait until next week to reapply for his permit and will likely face fines, officials said.

Health officials say vendors are urged to have someone watch their carts during breaks but are allowed to leave them unattended for a short amount of time, roughly 15 to 20 minutes. Islam, however, abandoned his cart for well over 30 minutes, they said.

But the chances that someone would contaminate Islam's nuts while he was away are highly unlikely, said Sean Basinski, of the Urban Justice Center's Street Vendor Project.

"As far as we know, there has never been a case of a vendor's food being contaminated while they've left to go to the toilet," he said. "I'm sure if some bad person wanted to poison the people of New York City, there'd be easier ways to do it, like going to a salad bar."

The city insisted that it encourages bathroom breaks.

"We want them to go to the bathroom and wash their hands over the course of the day," said Dan Cass, an acting deputy health commissioner.

The city health codes were modified to stress to vendors the seriousness of leaving their carts unattended, he said.

"Our job is to ensure that the food sold by vendors and restaurant owners and others is safe," Cass said.

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