

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS  
JOINTLY WITH THE COMMITTEE ON HEALTH

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May 1, 2015  
Start: 10:22 a.m.  
Recess: 12:54 p.m.

HELD AT: Council Chambers- City Hall

B E F O R E:

RAFAEL L. ESPINAL, JR.  
Chairperson

COREY D. JOHNSON,  
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile  
Julissa Ferreras  
Karen Koslowitz  
Rory I. Lancman  
Maria Del Carmen Arroyo  
Rosie Mendez  
Mathieu Eugene  
Peter A. Koo  
James G. Van Bramer  
Inez D. Barron  
Robert E. Cornegy, Jr.

## A P P E A R A N C E S (CONTINUED)

Ruben Diaz  
President  
Borough of Bronx

Ron Kim  
Assembly Member  
New York State Assembly  
Assembly District 40, Queens

Nancy Clark  
Assistant Commissioner  
Bureau of Environmental Disease & Injury Prevention  
NYC Department of Health and Mental Hygiene

Amit Bagga  
Deputy Commissioner  
External Affairs  
NYC Department of Consumer Affairs

Richard O'Hara  
Deputy Commissioner  
External Affairs  
NYC Department of Consumer Affairs

Mary Cooley  
Director  
City Legislative Affairs  
NYC Department of Consumer Affairs

Shariza Milo [sp?]  
Nail Salon Worker

Goma Garune [sp?]  
Nail Salon Worker

Luna Ranjit  
Executive Director  
Adhikaar

Charlene Obernauer  
Executive Director  
New York Committee for Occupational Safety & Health  
(NYCOSH)

Donald Yu  
Chairman  
Board of Trustees  
Korean Nail Association of New York

Soo Jung Chung  
Chairman  
Korean-American Nail Association

Charito Cisneros  
President  
New York Cosmetology and Beauty Chamber of Commerce

Lynn Mittal  
Lay Health Advisor  
Witness Project of Harlem

Julienne Verdi  
Director of Government Relations  
Planned Parenthood of New York City

Maya Pinto  
Director of Economic Justice Program  
National Asian Pacific American Women's Forum

Rachel Spector  
Staff Attorney  
New York Lawyers for the Public Interest  
Environmental Justice Program

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3 [sound check, pause]

4 [gavel]

5 CHAIRPERSON ESPINAL: Good morning and  
6 welcome to today's joint hearing of the Committees on  
7 Consumer Affairs and Health. My name is Councilman  
8 Rafael Espinal. I'm the Chair of the Consumer  
9 Affairs Committee. Thank you to my co-chair,  
10 Councilman Corey Johnson for facilitating this  
11 hearing with me. The bills we will consider today--I  
12 hope everyone got their nails done--will seek to  
13 address the growing concerns regarding the health and  
14 safety of workers and consumers of the appearance  
15 enhancement industry, which includes nail salons,  
16 hair salons, waxing and other such occupations. The  
17 appearance enhancement industry is a large and  
18 growing sector of the national local economy. These  
19 beauty salons are small businesses that tend to serve  
20 and employ primarily women and immigrants. And we  
21 want to encourage their continued success.  
22 Unfortunately, we have been hearing stories of unsafe  
23 conditions in many beauty salons. Some popular  
24 treatments use potentially harmful chemicals, and it  
25 is unclear whether consumers and workers are aware of  
the risks. We also hear stories about bacterial

3 infections contracted during generally routine  
4 procedures such as pedicures. In raising awareness  
5 of the health and safety concerns of these very  
6 popular services, we are looking to protect both the  
7 workers and the consumers of these establishments.

8 At the same time, however, we want to be careful that  
9 we don't unnecessarily overburden small businesses.

10 Which are also typically owned and operated by  
11 immigrants and often by women if they are doing the  
12 right thing.

13 We hope to hear testimony today that will  
14 give us better understanding of the health and safety  
15 concerns for both workers and consumers. And we will  
16 consider a number of ways that the Council can  
17 encourage better practices. As many women are aware,  
18 beauty salons in New York City are licensed and  
19 regulated by the State. It seems that the industry  
20 may have grown faster than the State's capacity to  
21 enforce health and safety standards. In particular,  
22 we live in a cosmo--cosmopolitan city where fashion  
23 trends are made and businesses that promote beauty  
24 are plentiful.

25 The legislation we'll hear today would  
increase consumer awareness of the rights to safe

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3 encounters while receiving such services, encourage  
4 better practices at beauty salons and similar  
5 businesses, and call on the State to grant local  
6 authority to enforce their laws. Intro 610 would  
7 require DCA to create a list of rights that must be  
8 posted in English and Spanish at all licensed beauty  
9 sales. The posting would inform consumers of  
10 important consumer protection information, such as  
11 the requirement for businesses to have a license,  
12 where to find complaint information, and how to lodge  
13 a complaint. It would also inform the consumer of  
14 their rights to proper ventilation and properly  
15 sanitized instruments for services rendered.

16 Resolution 534 calls upon the State to  
17 increase the number of inspectors, and requires  
18 periodic retraining for appearance enhancement  
19 workers. Currently, the New York State Division of  
20 Licensing Services employs approximately 27  
21 inspectors statewide. Which appears inadequate to  
22 enforce the state's health and safety regulations at  
23 these establishments. Reso 535 calls upon the State  
24 to empower the city's Department of Health and Mental  
25 Hygiene with the authority to inspect these  
businesses for the compliance with health and safety

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3 laws, and to created a letter grading system to the  
4 one we use in restaurants. It is clearly in the  
5 interest of the city of New York to have safe salons,  
6 and other such businesses. Local enforcement may be  
7 the best way to ensure the protection of workers and  
8 consumers.

9 Finally, Proposed Intro 304-A, sponsored  
10 by the Pubic Advocate Tish James, would require DOH  
11 to create guidelines to improve health and safety of  
12 workers and consumers at nail salons in New York  
13 City, as well as to expand education and outreach  
14 programs. It would also create a mandatory  
15 registration system, and an optional certification  
16 system program to encourage even higher standards. I  
17 applaud the efforts of my colleagues, the Bronx  
18 Borough President Ruben Diaz, and the Public Advocate  
19 Tish James for their efforts to raise awareness of  
20 these important issues. I'd like to invite my co-  
21 chair to say a few words.

22 CHAIRPERSON JOHNSON: Good morning,  
23 everyone. My name is Council Member Corey Johnson,  
24 Chair of the New York City's Council Committee on  
25 Health. I want to thank my good friend, Chair Rafael  
Espinal for joining me today to hold this important

3 hearing, and for his leadership in sponsoring three  
4 out of four of the pieces of legislation before us  
5 today. I also want to extend my gratitude to Public  
6 Advocate Tish James, the sponsor of one of these  
7 bills before us, and to Borough President Ruben Diaz,  
8 Jr. for his important leadership on this issue.

9 The appearance enhancement industry  
10 offers both entrepreneurial and employment  
11 opportunities for immigrant communities in the city  
12 and nationwide. With tens of thousands of businesses  
13 in our city, there is no question about the important  
14 contributions appearance enhancement makes to our  
15 economy. The workers and owners are overwhelmingly  
16 female immigrants, and the industry continues to  
17 grow. Yet, there are increasing health and safety  
18 concerns in the appearance enhancement industry. Say  
19 that thee times fast. In particular, with respect to  
20 the toxic chemicals used in many beauty products, and  
21 the danger of infections to customers from  
22 insufficient sanitary practices. For example,  
23 workers and customers can be exposed to dangerously  
24 high levels of formaldehyde in many hair smoothing  
25 treatments. And unhygienic procedures during  
manicures and pedicures can lead to infections.



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3 The legislation we are hearing today  
4 hints at different methods for making appearance  
5 enhancement establishments better places to work and  
6 patronize. By creating a Consumer Bill of Rights,  
7 calling on the State to increase the number on  
8 inspectors and require the retraining of appearance  
9 enhancement workers. And, calling on the state to  
10 put the enforcement power in the hands of the city so  
11 that the Department of Health and Mental Hygiene can  
12 create a letter grading system, we will have a better  
13 picture of how our salons are measuring up. And give  
14 consumers the information they need to make the  
15 safest choices.

16 Additionally, proposed Intro No. 304-A  
17 would incentivize nail salons to use safer and  
18 healthier products and practices through  
19 certification, education and outreach, and  
20 reimbursement for ventilation systems. Public  
21 Advocate Tish James sponsors this bill, and she will  
22 speak about it in more detail shortly. This is the  
23 beginning of a conversation, and I very much look  
24 forward to working with my colleagues to better  
25 understand these issues, and implement effective  
policies to ensure the safety of this important and

3 ever growing industry. Before I turn it back over to  
4 my co-chair, I want to acknowledge my colleagues on  
5 the Health Committee who have joined us this morning.  
6 The Public Advocate is here, and she's going to speak  
7 next. Chair Espinal is a member of the committee,  
8 and we are joined by my dear friend Council Member  
9 Karen Koslowitz. Now, I also want to thank my  
10 Legislative Director Louis Cholden-Brown; Policy  
11 Analyst for the Health Committee Crystal Pond; and  
12 Crilhien Francisco, the Finance Analyst for the  
13 Health--for the Health Committee. And lastly, I want  
14 to give a real special thanks. It's a day here at  
15 the Health Committee and the Council. Dan Hafetz,  
16 the Committee Counsel, today is his last day in the  
17 Council. This is his final act, and he has been an  
18 incredibly important person for me over the last 16  
19 months. Hard working, diligent, thoughtful,  
20 creative, hard-nosed in fighting back against the  
21 department when necessary. And just an incredible  
22 advocate and resource for the City Council. He's not  
23 going too far. He's going over to NYCHA. So, he'll  
24 still be in the same building, but I am incredibly  
25 grateful for his service and for his counsel. And we  
wouldn't be where we are over the last 16 months if

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3 it wasn't for you, Dan. So thank you very much for  
4 everything. [applause] So with that, I'm going to  
5 turn it back over to Chair Espinal.

6 CHAIRPERSON ESPINAL: Thank you. Thank  
7 you, Chair Johnson. I also want--want to thank Dan  
8 for your hard work in the committee. I also want to  
9 thank Labbani Ramon [sp?] and Israel Martinez as  
10 well. With that said, I would like to pass it over  
11 to the Public Advocate Tish James.

12 PUBLIC ADVOCATE JAMES: So, I want to  
13 thank the Chairs, Council Member Espinal, Council  
14 Member Johnson. I want to welcome Borough President  
15 of the Bronx Council--Bronx Borough President Diaz.  
16 A belated happy birthday. As well as Assembly Member  
17 Kim. Welcome and Council Member Koslowitz and  
18 Assembly Member Kim I know you have a birthday today-  
19 -tomorrow. So happy birthday to you and you and the  
20 Borough President of the Bronx can have a party.  
21 Just please invite me. Thank you very much. Dan, we  
22 wish you well. You're joining NYCHA. You're also  
23 joining a staff member of mine, and so we wish you  
24 well and thank you for all that you've done.

25 Today is May Day, a day for us to come  
together in solidarity with working people, and with

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1  
2 the women and immigrants who represent the vast  
3 majority of workers at the nail salons. We need to  
4 advocate for vulnerable workers who are exploited,  
5 and need someone to stand up for their basic rights  
6 and wellbeing. And we have to stand up for nail  
7 salon workers who are risking their wellbeing without  
8 even knowing it. Nationwide, nail salons are a \$7  
9 billion industry. In New York City it is estimated  
10 that there are 2,000 businesses licensed to practice  
11 nail specialty. And they make up approximately 40%  
12 of the total number of nail salons in the state.  
13 There are approximately 5,000 in New York State. And  
14 it is known that there is a so-called toxic trio of  
15 chemicals found in many nail products linked with  
16 reproductive harm, respiratory problems like asthma  
17 and cancer. And currently, there are 32 inspectors.  
18 We met with the Secretary of State's Office recently  
19 at my office, and they increased the number of  
20 inspectors by five. That's still not enough.  
21 Thirty-two is not enough to oversee over 5,000 nail  
22 salons throughout the state. And only 25% of the  
23 nail sales, approximately 1,200 are inspected each  
24 year. And we don't know how many of the 1,200 that  
25 were inspected last year are located in New York

1  
2 City. And so, all--and so although we thank the  
3 Governor and the Secretary of State for increasing  
4 the number of inspectors by five, clearly 32  
5 inspectors to service 5,000 nail salons statewide is  
6 unacceptable. Generally, there is little to no  
7 information given to workers and consumers regarding  
8 protecting themselves from the chemicals that they  
9 regularly come into contact with at nail salons.  
10 Employees and customers must know that they have a  
11 right to information about the chemicals they are  
12 handling, and how best to protect themselves. Cities  
13 throughout this country, including Boston and San  
14 Francisco have take steps to protect nail salon  
15 employees and consumers. And today, it's time that  
16 New York City does the same. Intro 304 of 2014  
17 improves the health and safety of nail salon  
18 employees, and customers in the city of New York.  
19 The bill will require the City Department of Health  
20 to develop guidelines to improve the health and  
21 safety of mail salons. Formerly recognized with a  
22 special certification, those nail salons that adhered  
23 to higher--to a higher standard of health and safety.  
24 Incentivizing nail salons to install a ventil--  
25 ventilation unit to improve air quality, and to

1  
2 provide a reimbursement, expand education, and  
3 outreach programs. It's also important to note that  
4 as I speak to a number of employees within the nail  
5 salons, a number of them are totally unaware of the  
6 minimum wage legislation. They're totally unaware  
7 and their employees--employers are not enforcing  
8 minimum wage. They're not enforcing tip wage  
9 legislation that was recently passed to increase tip  
10 wages. They're not in--they're not aware of the fact  
11 that in the city we've passed legislation with  
12 regards to sick leave legislation, and a host of  
13 other laws that apply to employees in the city of New  
14 York. It's now time that we empower, inform and that  
15 we regulate these salons so that we can protect the  
16 workers that they serve as well as their customer  
17 base. Again, I want to thank Chair Espinal as well  
18 as Council Member Johnson, Council Member Chin,  
19 Council Member Cornegy, Crowley, Koo, Lancman, Rose,  
20 Rosenthal. And I urge other colleagues to join us in  
21 protecting consumers and employees to nail salons.  
22 And I welcome all of the employees to the People's  
23 House. Thank you.

24 CHAIRPERSON ESPINAL: Thank you, Madam  
25 Public Advocate, and for housekeeping purposes I'd

3 like to acknowledge the Jimmy Van Bramer from Queens  
4 is in the house. With that said, I'd like to call  
5 the first panel. We have the Bronx Borough President  
6 Ruben Diaz.

7 [pause]

8 RUBEN DIAZ: Good morning. Good morning  
9 everyone. Good morning, Mr. Chairman. It's great to  
10 be here. I just want to thank you, and the Chair of  
11 the Health Committee, Councilman Johnson. It's good  
12 to see the Public Advocate, as well, and all of the  
13 members that are either here now or at some point  
14 will make it to this hearing today. It's good to see  
15 that so many folks from different parts of the city  
16 are here to voice both their support and their  
17 concerns. I'm here today to testify in favor of  
18 this package of legislation introduced at my behest.  
19 I've had a number of conversations with you, Mr.  
20 Chairman. I appreciate the attention that you've  
21 give this package and submitting them. This package  
22 is concerning the regulation of the cosmetology  
23 businesses in New York City.

24 Our legislation would accomplish three  
25 things: First, we would ask for homeroom message to  
allow the city to create a system of letter grades

3 for cosmetology businesses such as hair and nail  
4 salons, manicure and pedicure shops, and other  
5 similar establishments. Based on the existing  
6 restaurant letter grading system already in effect in  
7 this city.

8 Second, we would create a customer's Bill  
9 of Rights for such establishments, which would  
10 outline exactly what a customer should expect from a  
11 nail salon or the barber shops in these  
12 establishments during a visit.

13 Third, we are calling on the state to  
14 expand training options available for licensed  
15 cosmetology professionals. Taken together along with  
16 legislation introduced by Madam Public Advocate  
17 Letitia James to regulate air quality within salons,  
18 these bills take a major step--take a major first  
19 step towards ensuring that the health and safety of  
20 both customers and employees in these establishments.  
21 This, I believe, Mr. Chairman and members of the City  
22 Council and the audience, this is an important health  
23 issue for our city. I am sure there are many people  
24 in this room, men and women alike who have been  
25 getting their manicure or pedicure or hair cuts on a  
regular basis. I'm not--you know, I dare say that



1  
2 I've been one of those individuals who gets a  
3 manicure. I--I will admit, Councilman, I've gotten a  
4 pedicure, too. In fact, I--I think I'm long overdue.  
5 I should treat myself during this birthday week of  
6 mine for another one now.

7           If you regularly visit a salon, then you  
8 know that some of them, not all of them--this is not  
9 an indictment on any one. But some of them can be  
10 unsanitary. Last summer a relative of my wife's  
11 family was forced into the emergency room after a  
12 pedicure led to a serious infection. We were having  
13 a family outing, and instead of having a good time,  
14 we all had to rush her over to the emergency room.  
15 And when I speak to people about this issue,  
16 everyone--every single person that I talk to about  
17 this has their own horror story about a friend, a  
18 family member, or even themselves who visited a salon  
19 or barber shop or spa just to look good and feel  
20 good, and ended up with a serious health issue.

21           We have seen numerous cases where not  
22 only infections, but other illnesses like staph and  
23 Hepatitis are passed by manicure, pedicure, or even  
24 other procedures. For instance like in a barber shop  
25 with the blade, the razor blades to do what we call

1 the borders. A 2013, report by Sarah A. Walsh titled  
2 *Beyond the Polish*, which by the way, and I'll submit  
3 it, Mr. Chairman, I have a copy of this report. I'll  
4 submit it for the record. *An Examination of*  
5 *Hazardous Conditions in Nail Salons and Potential*  
6 *Solutions for the Industry in New York City* note that  
7 unsanitary salons can lead to a very--a variety of  
8 hazards including staph, MRSA, Hepatitis, fungus and  
9 other infections. Doesn't the evidence demand more  
10 oversight? I certainly think so. This is an  
11 important public health issue, and we are making sure  
12 that all stakeholders and including businesses are  
13 involved in crafting this proposal. So, I hope that  
14 this is the beginning of a more robust conversation  
15 that we'll have not only here in this Chamber, but  
16 throughout the city of New York. Already we have  
17 partnered with the New York Hispanic Cosmetology and  
18 Beauty Chamber of Commerce to give a voice to the  
19 industry. And we are partnering with business and  
20 industry organizations across the city to make this  
21 legislation work for everyone. We are eager to work  
22 with any and all trade and business associations to  
23 hear their concerns or your concerns about this  
24 legislation. And to develop ways to make this  
25

1  
2 legislation work for the cosmetology industry while  
3 also protecting the health of the public. Indeed, we  
4 have heard from numerous businesses who support this  
5 legislation, and who want their industry to be  
6 cleaner and safe. We have heard from industry  
7 representatives who understand that better health  
8 inspections will only benefit their industry, and  
9 their customers in the long run. And this major  
10 public health program will be cost-effective as well.  
11 My office has asked an independent budget office to  
12 score the potential price tag, which is on the minds  
13 of many folks of a new system of inspection for the  
14 cosmetology businesses. At the high end--so they  
15 have a basement figure--at the high end the IBO has  
16 adjusted that. The twice yearly inspection of every  
17 single--and by the way, Madam Public Advocate, you  
18 just mentioned that there are not enough inspections  
19 or inspectors. They price tag the highest end that  
20 every single cosmetology business in the five  
21 boroughs, if they were inspected twice a year would  
22 cost just \$7.2 million annually. And, by the way,  
23 Mr. Chairman, I have a letter from the IBO that I  
24 will submit to the record stating this as well. In  
25 the scheme of our city's budget, this is a very--this

3 is very little, and we cannot and should not put a  
4 price tag on the health and wellbeing of our  
5 citizens--of our city and its residents.

6 In closing, sir, this is common sense  
7 legislation that addresses a real public health issue  
8 in our city. I am hopeful that this year in  
9 partnership with my colleagues in government and  
10 responsible business owners, we will create a  
11 cleaner, safer and healthier environment for  
12 customers and employees in our beauty spas, nail  
13 salons, barber shops, et cetera, et cetera. Thank  
14 you for the opportunity to have us here today, and if  
15 there are any questions, I would love to answer them.

16 CHAIRPERSON ESPINAL: Well, thank you,  
17 Mr. Borough President. I think you inspired me to  
18 get a manicure after this hearing. I also wondered--  
19 I always wondered how you kept looking so good every  
20 time I see you. [laughter] Now I know.

21 RUBEN DIAZ: They're not as good as  
22 Council Member Karen Koslowitz, though.

23 CHAIRPERSON JOHNSON: I second that.

[laughter]

24 CHAIRPERSON ESPINAL: But, thank you for  
25 your testimony. You know, after receiving that phone

3 call, when you called me, I was actually going to go  
4 to a cosmetology business. And, you know, I thought  
5 it made sense, you know, I have heard horror stories  
6 as well, and this is why I introduced the package.  
7 So, you know, thanks for reaching out to me and I  
8 look forward to working with you on this.

9 RUBEN DIAZ: Thank you.

10 CHAIRPERSON JOHNSON: Mr. Borough  
11 President, I want to thank you as well for bringing  
12 this forward. I wanted to just ask what your  
13 thoughts are on folks that would say that some of  
14 these businesses operate on a very small profit  
15 margin. And if, in fact, we did create this type of  
16 regulation and legislation, it could potentially  
17 adversely affect some of the workers who, as you  
18 mentioned, and as we mentioned are predominantly  
19 women and predominantly immigrants. What are your  
20 thoughts on that?

21 RUBEN DIAZ: That's a very good question,  
22 and these are the types of inquiries that we've been  
23 getting since we introduced the legislation, and--and  
24 to those individuals I would say that I'm on their  
25 side. I represent a borough of 1.4 million  
residents. About 40% of the people who live in the

1  
2 Bronx were born in another country. We have  
3 experienced a wonderful economic boom in my borough.  
4 Life isn't perfect, but a lot of that has come thanks  
5 to the men and women who are involved and our  
6 proprietors in this industry. Whether they are  
7 barber shops, nail salons, this is what we believe is  
8 a real job creator in our economy. So, Council  
9 Member, we don't want to be punitive in this. What I  
10 would suggest to those individuals is that many of  
11 them already have a legitimate licensed business.  
12 Many of those individuals are already being  
13 inspected. And wouldn't they want to show the world  
14 that they passed that inspection? In other words,  
15 when they get inspected, they're the only ones who  
16 know. If you had a letter grading system, then  
17 anyone who was walking off the street would--would  
18 know that this is a place that they can trust. To  
19 those individuals who are not licensed, we've been  
20 hearing from businesses--legitimate licensed  
21 businesses that feel like they are losing from making  
22 more of--better profit margins because their  
23 competition comes from folks who have not licensed  
24 themselves and have not gone through the same process  
25 that they have. But to those who are not licensed,

1 we don't want to run them out either. What we want  
2 is for them to become legitimized. We want to  
3 legitimize this business. That is the reason why we  
4 believe that (A) there should be a grace period from-  
5 -from inspection, from the passing of this  
6 legislation to inspection where we should also have  
7 the training for those businesses. So that they know  
8 exactly what it is that they would be--would be  
9 required in order for them to pass inspection. And  
10 then for those individuals who don't have a license,  
11 we should work together and move forward and find a  
12 mechanism. We know that perhaps there's a language  
13 barrier. Perhaps it costs too much money, and it  
14 takes too much time from what they need to do on a  
15 daily basis in order for them to get licensed. We  
16 need to deal with all of this, and certainly I'm open  
17 ears. I told the--the Councilwoman, who I've known  
18 for so many years, that I'm coachable. And I know  
19 that as we move forward this is going to be a great  
20 way where we're going to be able to protect the  
21 public and their health. But, at the same time, grow  
22 and legitimize the industry that's here to stay. So  
23 that's what we told those individuals.  
24

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3 CHAIRPERSON JOHNSON: Thank you. I mean,  
4 I--I'm sorry. The banging is a little-- I'm going to  
5 see if Sergeant, can you--? Thank you. Mr. Borough  
6 President, I remember--I was not in the Council--but  
7 I remember when the debate was going on when the  
8 previous administration instituted the letter grading  
9 policy for restaurants and food service  
10 establishments, there were folks that were concerned  
11 that the--it was going to harm the industry. And,  
12 hat we've seen I think over the years especially with  
13 the new administration has been the willingness to  
14 work with the industry in a way that would be helpful  
15 and that was not going to be punitive. But the real  
16 reason to create that letter grading system for food  
17 serving establishments was I think in some ways in  
18 line with what you just said, which was--which is it  
19 was considered a public health and safety issue. We  
20 did not want food serving establishments that were  
21 not handling food in the proper way to be getting New  
22 York City residents sick by not undertaking the  
23 proper protocol and procedure to ensure that they  
24 were treating their customers in the safest way  
25 possible. And when I look at the committee report,  
the details I guess some similar issues. And I'm not



1 saying this to, you know, tout in front of the  
2 industry because as you said most run their  
3 establishment perfectly fine. But, nail products  
4 often contain three chemicals. I'm probably not  
5 going to say them right. But toluene, formaldehyde  
6 and dibutyl phthalate, commonly known as the toxic  
7 trio. And the statistics say that health risks arise  
8 for both workers and consumers from prolonged  
9 exposure to high concentrations of chemicals. To  
10 minimize these risks, OSHA recommends the use of  
11 ventilation and exhaust systems to reduce worker's  
12 exposure to harmful chemicals. A study by the CDC  
13 found that proper ventilation may reduce worker  
14 exposure by as much as 50%. That's a really good  
15 thing. And then it points to San Francisco. In  
16 2012, the City of San Francisco implemented a Healthy  
17 Nail Salon Recognition Program. It was a voluntary  
18 program in the publicly recognized nail salons that  
19 used nail polishes that are free of the toxic trio.  
20 So, in some ways, do you think this is parallel or  
21 similar to the concerns that were raised when we  
22 instituted the public rating system for food serving  
23 establishments?  
24

3 RUBEN DIAZ: That's an interesting and I  
4 think a legitimate point, and thank you for making  
5 it, Council Member. The reality is that we can learn  
6 from what happened in the prior administration.  
7 There were both good and bad. The bad part about  
8 what happened with the--with the restaurant and the  
9 letter grading system I believe was the implement--  
10 the way it was implemented. And so, we should learn  
11 from that and work with the--with the industry. So  
12 that initially it's not punitive. But long term no  
13 one can deny that it's been good for the industry.  
14 That--that all--the--not only the consumers and the  
15 customers, and epicureans are now comfortable in  
16 going to establishments when they see the letter  
17 grading system. But also, I will submit to you that  
18 the established owners appreciate that system. It  
19 distinguishes them from establishments that are not  
20 getting the good grade. So, I think that while there  
21 are concerns, the majority of those concerns are in  
22 the implementation. Because people saw how the prior  
23 administration implemented the restaurant and lounge  
24 grading system. I think we should be mindful of  
25 that, but I would submit that in the long term just  
like with the restaurant industry, this is a good

1  
2 thing. With regards to the chemicals and the air  
3 quality, that's why I support and commend the Public  
4 Advocate's position and legislation. I think that we  
5 also need to work with the establishment to see how  
6 is it that we can incentivize, or give them some type  
7 of rebate or subsidies for some of this equipment  
8 certainly in the Bronx. The Bronx Overall Economic  
9 Development Corporation headed by Marlene Cintron is  
10 already starting to work to see if we can find a way  
11 since they have the ability to lend the micro loans  
12 for these types of equipment. So, Madam Public  
13 Advocate, I commend you with that, and I fully and  
14 wholeheartedly support your position.

15           And I just want to say this that, you  
16 know, when you--when you spoke of the different  
17 chemicals and the--and the ingredients, if you want  
18 to call it that, sir, I mean what's used, you've got  
19 to hear some of these stories that have come to us.  
20 For instance, one lady said this is not an indictment  
21 against anybody in this room. I'm just being--I'm  
22 just being--tell you what we've been hearing. One  
23 lady had nail rot. So this is an added layer of--of--  
24 --so you have to protect the nail to harden the nail  
25 before you put on the polish. Every now and then you

1  
2 have to remove it, and that--this lady said that she  
3 was made to dip her hands in formaldehyde. And so  
4 for me that--that was concerning. But what was even  
5 more concerning since she says that after they did  
6 that to soften up the nail rot, when she was done,  
7 the--the person who was doing it, took the  
8 formaldehyde and was dipping, and sort of poured it  
9 back into the bottle. We've heard stories of--there  
10 was one story, and forgive me. I don't know if this  
11 is the appropriate place, but I just want to give you  
12 some--some--at least something anecdotally. This one  
13 lady said that they were double-dipping on the  
14 waxing. So when--when you go for a wax, instead of  
15 taking out the amount of wax that is needed for this  
16 particular customer, what was happening is that they  
17 were taking the wax right out of the jar, applying  
18 it, and then going back into the jar and continuing  
19 to apply it. That's what you call double-dipping.  
20 There--there--you believe in--there should be for  
21 instance disposal nail filers. There are people who  
22 said that they have nail files. I for one I--I don't  
23 go as much as I used to any more, but I--I was always  
24 cognizant whenever you go to the barber shop when  
25 they do it using the razor blades, which is what I

3 call a mini-medical procedure. And they're doing the  
4 borders, I was always--I always made sure whether  
5 they did it before me or not they had to do it in  
6 front of my face to take the--to change the razor  
7 blood that they were going to use on me. And so,  
8 these are some of the things that we're trying to  
9 avoid. We believe that it protects the business, and  
10 there are a lot of legitimate businesses that are out  
11 there. But we just want to make sure that  
12 ultimately, the New York consumer is protected.

13 CHAIRPERSON JOHNSON: Well, I think it  
14 seems common sense to have increased inspections. I  
15 think you just listed many of the reasons, but I  
16 think we need to think about what we can do to  
17 support these businesses, as you mentioned. So that  
18 they have the resources and education to use best  
19 practices both in areas of good hygiene, and in using  
20 non-toxic and green best practices. So this is  
21 something I want to hear from--from the Department of  
22 Health and Mental Hygiene. I know that for  
23 restaurants, we took a number of steps to support  
24 businesses to comply with the regulations that were  
25 put into law. You know, for example we announced  
last year consultative inspections, which was a good

3 thing and the industry supported that. So I am  
4 curious to hear similarly creative ideas. Do you  
5 have any other questions, Madam Public Advocate? No.

6 PUBLIC ADVOCATE JAMES: [off mic] No, I  
7 don't know.

8 RUBEN DIAZ: Thank you. Thank you for  
9 the opportunity, and I look forward to sitting here  
10 and listening as well. Thank you.

11 CHAIRPERSON ESPINAL: Thank you. I'd  
12 like to call up Assemblyman Ron Kim.

13 [pause, background noise]

14 ASSEMBLYMAN RON KIM: Thank you. I was  
15 just asking the Bronx Borough President about his  
16 knee because he owes me a basketball game in the  
17 Bronx. [laughs] So I'm here today representing the  
18 interests of the thousands of workers and mom and pop  
19 store owners who are in the nail salons in appearance  
20 enhancement establishments. My name is Ron Kim. I  
21 am the member of the State Assembly representing  
22 parts of Queens, Assembly District 40. First and  
23 foremost, I want to say hello to my old colleague,  
24 Chair--Chairman. I've got to get used to saying  
25 that, Rafael Espinal, as well as Chair Corey Johnson  
as well as my Queens colleagues, Council Member Karen

1  
2 Koslowitz and Jimmy Van Bramer and Public Advocate  
3 Letitia James. Thank you for the shout out for my  
4 birthday. And thank you Letitia James and Bronx  
5 Borough President for raising this very important  
6 issue. As the son of Korean-American immigrants, who  
7 ran and operated nail salons for more than ten years,  
8 I've seen first hand how difficult it is for these  
9 business owners and workers who are just trying to  
10 survive in a very competitive environment. During  
11 college I often helped my family's nail salon  
12 business by maintaining the books, making sure that  
13 everything was clean and sanitized; dealing with  
14 inspectors, resolving landlord problems and a number  
15 or other issues that came up every single day. I  
16 learned in a short period of time how difficult it  
17 was for these stores to become profitable. Between  
18 the unstable profit margins, competition and external  
19 expenses, many of these businesses survived by taking  
20 out loans before they could even think about becoming  
21 profitable. I mean I understand you must be  
22 responsible, and make sure that all businesses in the  
23 city provide not only a safe environment for  
24 customers, but also use safe products as well. At  
25 the same time, we must do a better job in finding the

3 right balance between consumer protection and over-  
4 the-top regulations that may only lead to bankrupting  
5 the mom and pop operating stores.

6 It's my understanding that at the state  
7 level, we already have a vigorous inspection system  
8 in place. And these stores must comply--comply with  
9 certain regulations. I agree with the Council in  
10 allocating more funding in the Department of State so  
11 that they can increase the number of health and  
12 safety inspectors, and I will do my part to help with  
13 these efforts. However, I believe we should re-  
14 examine the proposal for the letter grading system.  
15 And I've heard a number of complaints against the  
16 idea from both workers and store owners. And I  
17 believe we should continue to examine the impact of  
18 such a system including the full cost of such a  
19 policy. I know that, you know, we're been joined by  
20 a number of businesses, and we'll hear from them.  
21 And I just want to say that I'm very glad to hear  
22 that our elected officials do not have a nail salon  
23 [sic] mentality when it comes to this issue, and  
24 we're thinking outside the box whether it's looking  
25 at micro loans or supplementing the cost of  
implementing some of these changes that we're



1  
2 proposing. And we look forward to I think a positive  
3 conversation. This isn't the last hearing about  
4 this. I know it's going to require both city and  
5 state efforts to make any kind of changes. I look  
6 forward to working with my colleagues on this moving  
7 forward for your time. I'll take some questions if  
8 you have any.

9 CHAIRPERSON ESPINAL: Thank you,  
10 Assembly. Just for the record, so you are against  
11 the letter grading system?

12 ASSEMBLYMAN RON KIM: I'm--there's a  
13 number of legislation on--on--that's presented here  
14 today. So I'm--I'm on record against the letter  
15 grading system--

16 CHAIRPERSON ESPINAL: [interposing] Okay.

17 ASSEMBLYMAN RON KIM: --but I do support  
18 a number of other initiatives. As to--as to the  
19 business--as to the small business owners especially  
20 when it pertains to educating workers and consumers.  
21 So, for example, the Bill of Rights, they're more  
22 than welcome to present that if it's in place even  
23 today.

24  
25

1 COMMITTEE ON CONSUMER AFFAIRS  
2 JOINTLY WITH THE COMMITTEE ON HEALTH

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3 CHAIRPERSON ESPINAL: Okay. Yeah,  
4 because the Bill of Rights is an intro, and it's  
5 something City Council--

6 ASSEMBLYMAN RON KIM: [interposing] True.

7 CHAIRPERSON ESPINAL: --can enact.

8 ASSEMBLYMAN RON KIM: Yep.

9 CHAIRPERSON ESPINAL: The other is a  
10 Reso, which at some point will go up to the State--

11 ASSEMBLYMAN RON KIM: [interposing] Yeah.

12 CHAIRPERSON ESPINAL: --after passing it,  
13 if we do pass it in the City Council--

14 ASSEMBLYMAN RON KIM: [interposing]

15 Sure..

16 CHAIRPERSON ESPINAL: So, the Bill of  
17 Rights is something that you believe the businesses  
18 would be supportive of?

19 ASSEMBLYMAN RON KIM: I believe they are  
20 on board with the Bill of Rights. Yeah.

21 CHAIRPERSON ESPINAL: Okay. All right.

22 CHAIRPERSON JOHNSON: We've been joined  
23 by Council Member Inez Barron, a member of the Health  
24 Committee, and Council Member Andy Cohen.

25 CHAIRPERSON ESPINAL: Thank Assemblyman.  
Good seeing you--

3 ASSEMBLYMAN RON KIM: [interposing] Thank  
4 you.

5 CHAIRPERSON ESPINAL: --and more catches  
6 [sic] than in Albany

7 ASSEMBLYMAN RON KIM: Thank you.

8 CHAIRPERSON JOHNSON: I think we're done  
9 Assemblyman, but Council Member Koslowitz has a  
10 question.

11 COUNCIL MEMBER KOSLOWTIZ: Thank you.

12 [coughs] I've been getting my nails done since I'm  
13 probably 16 years old, and that wasn't yesterday.  
14 It's been many, many years that I have been getting  
15 my nails done. And I have to say true the place that  
16 I go to, I've been going to the same place for at  
17 least 20 years, does a very good job. I've never had  
18 an infection, or did anyone that I hear of that goes  
19 to the salon have an infection. In my--in my Council  
20 District, there have to be minimum 25 nail salons  
21 throughout and probably even more. And, it's not  
22 just ground level. There are second floor nail  
23 salons. Hotels have nail salons. Every hotel in New  
24 York City, big hotel has a place where you can go  
25 have your nails done. I thin a Bill of Rights is a  
good thing for a nail salon and, of course, I think

1  
2 more inspections are needed in a nail salon. I know  
3 my name salon, because we talk, I think they get an  
4 inspection twice a year. And I think there has to be  
5 some changes in what they do for instance the waxing  
6 has to be, you know, looked at and see what other  
7 places do. I think people that practice without  
8 licenses should be put out of business. You should  
9 have a license if you're working on someone else. I  
10 have a problem with the grade system, and that's, you  
11 know, that's the problem I have. I'm going tomorrow  
12 to do my nails so-- And--and they don't use--they  
13 scrape off the wax where I go. They use a nail file  
14 and scrape off the wax. Plus, I have my own  
15 equipment. So people who are conscious of what's  
16 going to happen, could have their own equipment. Buy  
17 your own equipment. I think that's a good thing for  
18 people to do. If they can't afford to buy their own  
19 equipment, they should maybe have the people  
20 sterilize the instruments in front of you. So you  
21 can see that. So there are thing that should be done  
22 in--in the business. But I think on the whole,  
23 walking on a street and seeing grades on restaurants  
24 and nail salons and, you know, food carts. I mean  
25 that's never a place that maybe should have a grade

3 system, which I am for. But I think we have to be  
4 good to small business, the good ones.

5 ASSEMBLYMAN RON KIM: Just for the  
6 record, I do want to recognize that fact that Council  
7 Member Koslowitz has an amazing French manicure right  
8 now. [laughs] Thank you.

9 PUBLIC ADVOCATE JAMES: Council Member  
10 [pause] Assembly Member, just one last question. I  
11 concur with you, the Koz, as we--we affectionately  
12 refer to her, always is manicured in all aspects of  
13 her life. So the--so the bill that I've introduced  
14 basically requires the City Department of Health and  
15 Mental Hygiene to develop guidelines. You support  
16 guidelines right? Yes?

17 ASSEMBLYMAN RON KIM: Yes.

18 PUBLIC ADVOCATE JAMES: And it also  
19 requires--do you require that these nail salons  
20 register with the City Department of Health?

21 ASSEMBLYMAN RON KIM: I believe that  
22 requires state legislation--

23 PUBLIC ADVOCATE JAMES: [interposing]  
24 Okay.

3 ASSEMBLYMAN RON KIM: --for them to have  
4 the authority to do that, and that's something that I  
5 think we need to look farther.

6 PUBLIC ADVOCATE JAMES: And it would also  
7 incentivize nail salons to get equipment to address  
8 air quality. Do you support that?

9 ASSEMBLYMAN RON KIM: And that's  
10 something that we're currently discussing because,  
11 you know, the smaller mom and pop stores have a  
12 difficult time retrofitting businesses. The stores  
13 in Manhattan, for instance, they don't have a problem  
14 doing that. But the outer borough stores may have an  
15 issue, but the fact you are trying to address that  
16 problem to find a working or micro loan organizations  
17 to help the businesses that's encouraging.

18 PUBLIC ADVOCATE JAMES: Yes.

19 ASSEMBLYMAN RON KIM: So we look forward  
20 to further discussions on that.

21 PUBLIC ADVOCATE JAMES: So basically  
22 education--education and outreach you don't have a  
23 problem with?

24 ASSEMBLYMAN RON KIM: Education and  
25 outreach for consumers and workers it is something

3 that I believe my constituents their business is on  
4 board.

5 PUBLIC ADVOCATE JAMES: And the reporting  
6 mechanism in the bill that I have introduced, a task  
7 force of individuals to provide data?

8 ASSEMBLYMAN RON KIM: I think with that  
9 particular issue we just want to make sure if we're  
10 going to move forward the funding is there--

11 PUBLIC ADVOCATE JAMES: [interposing]  
12 Okay.

13 ASSEMBLYMAN RON KIM: --because if--we  
14 don't want it to be another funded mandate the City  
15 or the State have to take on. So, that's something  
16 that I think in theory it can work. But we want to  
17 make sure that it's fully funded.

18 PUBLIC ADVOCATE JAMES: And Assembly  
19 Member, I must--I have to take issue with your--your  
20 comments that there's a rigorous inspection. Twelve  
21 hundred inspections last year I don't believe is  
22 rigorous. And there's a question as to how many of  
23 those were actually performed in New York City. And  
24 as you know, there were only 28 inspectors last year.  
25 We were able to meet with the Secretary--Secretary of  
State. He increase it by five. So we have 32, and

1  
2 it's still a de minimis number of 5,000 salons  
3 throughout the state of New York. This is a \$7  
4 billion industry nationwide, and I think we have an  
5 obligation and a duty to protect these works as well  
6 as the--their customer base. So whatever you can do  
7 in your capacity in Albany to increase the number of  
8 inspectors, I would appreciate that, and I would love  
9 to work with you.

10 ASSEMBLYMAN RON KIM: Great. Thank you  
11 so much.

12 CHAIRPERSON ESPINAL: Thank you,  
13 Assembly. I would like to call up the next panel.  
14 We have Nancy Clark, Assistant Commissioner of  
15 Environmental Disease and Prevent--Injury Prevention.  
16 We have Richard O'Hara from the Department of  
17 Consumer Affairs; Mary Cooley from DCA and Amit  
18 Bagga.

19 [pause]

20 [background comments]

21 ASSISTANT COMMISSIONER CLARK: Good  
22 morning.

23 CHAIRPERSON ESPINAL: Give me one second.  
24 We have to--it's where you were a second ago, yeah.

25



2 CHAIRPERSON JOHNSON: If you could please  
3 raise your right hand. Do you affirm to tell the  
4 truth, the whole truth, and nothing but the truth and  
5 to respond honestly to all council member questions?  
6 Thank you very much.

7 CHAIRPERSON ESPINAL: You may begin.  
8 Just state your name in the microphone.

9 ASSISTANT COMMISSIONER CLARK: Good  
10 morning, Chairman Johnson and Espinal, Public  
11 Advocate James and members of the committee. My name  
12 is Nancy Clark and I'm Assistant Commissioner for the  
13 Bureau of Environmental Disease and Injury Prevention  
14 at the New York City Department of Health and Mental  
15 Hygiene. I'm joined today by Amit Bagga, Mary Cooley  
16 and Richard O'Hara, my colleagues from the Department  
17 of Consumer Affairs who will answer questions about  
18 how the legislation being considered today impacts  
19 DCA. On behalf of Commissioner Bassett, thank you  
20 for the opportunity to testify today.

21 I want to note at the onset of my  
22 testimony that the Law Department is still  
23 considering the bill and how they relate to existing  
24 New York State laws and regulations. So my testimony  
25 does not account for possible issues the Corporation

3 Counsel may find in its review. The legislation  
4 under consideration today addresses the appearance  
5 enhancement industry or nail salons in particular.  
6 As you know, New York State general business law  
7 governs these businesses. But the Health Department  
8 does respond to occasional complaints about odors  
9 emanating from these shops lodged by residential and  
10 commercial neighborhoods of salon businesses. Upon  
11 inspection, if we determine the chemical vapors are  
12 permeating neighboring spaces, we order the salon  
13 owner to mitigate the conditions. Often, this  
14 involves requiring the salon owner to improve or  
15 install a ventilation system to prevent odors from  
16 entering neighboring spaces. The Health Department  
17 also provides links on our website to health and  
18 safety information on nail salons and other  
19 appearance enhancement services issued by the Federal  
20 Occupational Safety and Health Administration, the  
21 Food and Drug Administration and New York State  
22 Departments of Health and State.

23 Intro 304-A aims to promote better  
24 practices in the nail salon industry by mandating  
25 creation of health and safety guidelines establishing  
a voluntary healthy nail salon certification program;

1  
2 reimbursing salons for installation of ventilation  
3 systems requiring registration with the department;  
4 mandating posting of signs; requiring--requiring the  
5 department to conduct education and outreach; and  
6 establishing a nail salon task force.

7           The department appreciates and supports  
8 the goal of Intro 304-A to raise awareness about nail  
9 salon products, and the working conditions for nail  
10 salon employees. The New York City Public Advocates  
11 estimates that there are 2,000 nail salons operating  
12 in New York City, employing thousands of workers.  
13 Because many salon employees are new immigrants  
14 likely earning low or minimum wages, with limited  
15 English proficiency, they may be unaware of workers'  
16 rights and safe work practices. The department  
17 believes, however, that the bill's certification  
18 reimbursement and registration provisions would not  
19 affect change in this industry. While requiring the  
20 department to divert significant resources from other  
21 programs.

22           The chemical products used in many nail  
23 salons can prevent risks to workers who may be  
24 exposed to inhalation or direct exposure to the skin.  
25 Potential health impacts vary depending on the

3 specific chemicals used, and the duration and level  
4 of exposure. There is a wide array of synthetic and  
5 natural chemical products used in nail salons, and  
6 too much exposure to certain products can cause  
7 irritation, allergic reactions and other effects.  
8 Proper ventilation can dramatically reduce inhalation  
9 and exposures, and gloves can help prevent direct  
10 exposure. Other ways to limit exposures may include  
11 substituting safe products where available, limiting  
12 the amounts of products used and keeping product and  
13 waste containers closed. As awareness about nail  
14 salon products has increased, some of the top brands  
15 of nail polishes has been reformulated so they no  
16 longer contain toluene, dibutyl phthalate and  
17 formaldehyde. Given the potential for harm and the  
18 vulnerability of the work force, the department  
19 supports those parts of the bill that would require  
20 our agency to create health and safety guidelines in  
21 multiple languages, or would like work with the  
22 Council on the specifics of the required guidelines.

23 The Voluntary Healthy Nail Salon

24 Certification is unlikely to create an incentive for  
25 these businesses to implement best practices. In  
order for a voluntary certification program to

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1  
2 succeed, a significant number of businesses must  
3 participate. Industry trade groups must accept such  
4 certification as a better business practice, and  
5 consumers must be aware of the advantages of a  
6 certified business. Until certification, rather than  
7 serve as convenient location, or cost drives  
8 consumers choice, businesses are unlikely to  
9 participate. Salon owners are unlikely to allow a  
10 Health Department inspection or to incur costs  
11 associated with potential changes to the building's  
12 mechanical and ventilation system, which might be  
13 made more difficult and costly to implicate--  
14 implement by the business lease agreement.  
15 Certification would also require nail salon owners to  
16 avoid certain products that competitors may offer,  
17 and customers may prefer. The bill would also  
18 require installation of a mechanical ventilation  
19 system, which must be used at all hours of operation,  
20 even if there is little need during some hours, in  
21 order for a nail salon to be certified. But, the  
22 bill broadly defines that to include a dilution  
23 ventilation system, which pulls clean outdoor air in,  
24 and pushes indoor air out. And an exhaust  
25 ventilation system, which can be nothing more than a

1  
2 down draft ventilation table that re-circulates  
3 indoor air. The method of ventilation needed to  
4 achieve good indoor air quality depends on a variety  
5 of factors specific to the salon. Including the  
6 number of tables, their proximity to each other, the  
7 amount of chemical products used. The size of the  
8 salon, and the building site. The legislation,  
9 however, requires the department to provide a healthy  
10 nail salon seal to any salon that simply has a  
11 mechanical ventilation system whether that system  
12 meets the salon's indoor air quality needs or is, in  
13 fact, used. For similar reasons, the bill's  
14 reimbursement program is untenable. The department  
15 does not have the resources to provide grants of up  
16 to \$500 to the estimated 2,000 salons in the city.  
17 And procurement rules make the cost of administering  
18 such a grant significant despite the small size of  
19 each grant. It is not clear that the bill would  
20 allow the department to reimburse a salon only when  
21 it installs the ventilation system appropriate to its  
22 operation.. And in many cases, installation of an  
23 appropriate system would cost thousands of dollars,  
24 perhaps more, far more than the allotted \$500.

3 The mandatory registration system also  
4 does little to further the laudable goals of  
5 promoting best practices among nail salon owners.  
6 Registration can be helpful when the city does not  
7 know how many businesses operate in a given industry,  
8 or where the businesses are located. Because New  
9 York State licenses nail salons, the City can already  
10 obtain that information. Developing a registration  
11 system would be duplicative with little benefit to  
12 justify the expense. Intro 304-A does not include  
13 certification or registration fees and subsequently--  
14 consequently provides no funds to cover the cost of  
15 inspections, manage a reimbursement program, develop,  
16 translate and distribute guidance, signage and  
17 education materials or build a registration system.

18 Given the significant amount of work that  
19 has been done in the city, especially by Public  
20 Advocate James and at the federal level by OSHA and  
21 by Environmental Health Advocates, the department  
22 believes that a task force is unnecessary. We  
23 already understand both the risks associated with  
24 nail salons and ways to mitigate those risks. We  
25 stand ready to work with the Council to issue and

3 disseminate guidance on health and safety for nail  
4 salons.

5 Turning to Intro 610, which would require  
6 DCA to create a list of appearance enhancement  
7 consumers' rights, and require these businesses to  
8 conspicuously post the list. DCA's overall mission  
9 is to empower consumers and businesses alike to  
10 ensure a fair and vibrant marketplace. The agency  
11 licenses approximately 80,000 businesses across 55  
12 different industries; mediates complaints between  
13 consumers and businesses; conducts patrol inspections  
14 and legal investigations; educates businesses about  
15 laws and rules; and also enforces New York City's  
16 Earned Sick Time Act commonly known as the Paid Sick  
17 Leave Law. In addition to its licensing, consumer  
18 protection, and labor related work, DCA operates the  
19 Office of Financial Empowerment. As part of their  
20 patrol inspections, DCA would be able to enforce the  
21 provisions of Intro 610 that would require the  
22 posting of information related to services offered at  
23 licensed appearance enhancement businesses.

24 Before I close, I also want to say thank  
25 you to Dan on behalf of the department for his  
tireless work to protect and preserve the health of



1  
2 New Yorkers. Staff like Dan are essential to parts  
3 of good government. So thank you. Thank you for the  
4 opportunity to testify. My colleagues and I would be  
5 happy to take any questions.

6 CHAIRPERSON JOHNSON: Thank you for your  
7 testimony. I do have some questions. You know, I  
8 understand that the Administration doesn't typically  
9 take a formal position in favor or not in favor of  
10 resolutions that are before the Council. You all  
11 typically testify with regard to introductions that  
12 would change local law. But, you did mention in your  
13 testimony that the department supports those parts of  
14 the bill that would require our agency to create  
15 health and safety guidelines in multiple languages.  
16 And we would like to work with the Council on the  
17 specifics of the required guidance. That's great.  
18 You also--I wanted to ask though, if you--do you  
19 think that the State has enough inspectors deployed  
20 to adequately enforce regulations in our city? The  
21 Public Advocate mentioned a number. I think the  
22 number is now up to 32. And given that there are  
23 over 2,000 establishment, do you think that's an  
24 adequate number?

3 ASSISTANT COMMISSIONER CLARK: Thank you  
4 for that. It does seem like a pretty scant  
5 proportion of inspectors to establishments. I can't  
6 really speak to what the State's inspectional  
7 checklist or protocol would look like. But, I  
8 certainly would support a hard look at what  
9 inspection resources are required to make sure that  
10 the State's provisions are adequately identified, and  
11 deficiencies corrected when found.

12 CHAIRPERSON JOHNSON: So what type of  
13 ideas or potential possibilities do you think would  
14 work for the department in coming up with trainings,  
15 education? What type of things would work in getting  
16 workers the training that they need to better serve  
17 their customers in a safer way?

18 ASSISTANT COMMISSIONER CLARK: I think  
19 it--to refer to your question directed just at  
20 workers, I think you also have to recognize the role  
21 of the employers and the salon owner in this. I  
22 think that's an area that they Health Department  
23 would be happy to sit down with members on the  
24 Council and also from the Advocates and  
25 representatives from the industry for what would work  
best. The Health Department now we sponsor trainings

3 on a number of health and safety issues, and usually  
4 in consort with the folks that we're trying to reach.  
5 So I think that's an area that sometimes that's  
6 classroom training. Sometimes that's development of  
7 a curriculum that gets disseminated to others,  
8 written materials, different kinds of meetings. So  
9 there's a wide array of education and outreach  
10 possibilities. But I think that is something to work  
11 on going forward.

12 CHAIRPERSON JOHNSON: The Borough  
13 President mentioned the IBO had issued a report  
14 looking at the financial implications of setting up  
15 some type of grading system. What is the  
16 department's thoughts on the IBO Report?

17 ASSISTANT COMMISSIONER CLARK: You know,  
18 we just read about that in the Daily News before we  
19 came here, and heard the Borough President speak to  
20 it. So we've not seen that report. Yeah, we'll look  
21 at it. We have not taken an especially hard look at  
22 costs. We began to look at what cost implications  
23 would be, but we can't really speak to them. We just  
24 haven't come to any analysis of that.

25 CHAIRPERSON JOHNSON: Thank you. To what  
degree has the Department of Health and Mental

3 Hygiene had interaction with the appearance  
4 enhancement industry?

5 ASSISTANT COMMISSIONER CLARK: In my  
6 divisions we have occasional complaints from the  
7 public. Usually from adjacent spaces whether they're  
8 residential spaces or commercial spaces, and we go  
9 out on about 25 or so complaints a year. And that's  
10 the--that's the time that we've interacted with salon  
11 owners mostly about odors emanating from those spaces  
12 into the neighbors.

13 CHAIRPERSON JOHNSON: And is the agency  
14 familiar with the San Francisco Voluntary  
15 Certification system?

16 ASSISTANT COMMISSIONER CLARK: We've  
17 looked at it a little bit because we all know  
18 everyone is looking for a solution to this. It is a  
19 problem because we actually have a federal government  
20 that, as you know, regulates worker protection.  
21 Which happens to be ineffective for this industry and  
22 for this workforce. So we've seen a couple of cities  
23 take on their own initiatives other ways to offer  
24 those protections. We've looked at those. They're  
25 smaller cities. I think San Francisco has about 200  
nail salons, and there's not a lot of compliance or a

3 lot of participation that we've noted of late in that  
4 system.

5 CHAIRPERSON JOHNSON: So Commissioner,  
6 you just said this is a problem.

7 ASSISTANT COMMISSIONER CLARK: I'm--what?  
8 I'm sorry.

9 CHAIRPERSON JOHNSON: You just--you just  
10 stated this is a problem. You believe that there is  
11 a problem.

12 ASSISTANT COMMISSIONER CLARK: I think  
13 there's--I think there's progress to be made for  
14 people who are working in the nail salon industry,  
15 absolutely. I think we all do. That's what we're  
16 here for.

17 CHAIRPERSON JOHNSON: Well, it's not the  
18 first time that's someone has testified that the  
19 federal government has been ineffective in following  
20 through and getting things done. I'm--thank you for  
21 answering my questions. Does anyone else?

22 CHAIRPERSON ESPINAL: Yeah. I know we've  
23 been talking a lot about nail salons, but, you know,  
24 the bills also talk about spas, massage parlors, hair  
25 salons. To what degree that DCA or the Health

3 Department get involved in inspecting those other  
4 cosmetology businesses?

5 ASSISTANT COMMISSIONER CLARK: [off mic]

6 Okay.

7 DEPUTY COMMISSIONER BAGGA: Thank you,  
8 Chairman. I'm going to defer to my colleague Richard  
9 O'Hara who can talk about the types of businesses we  
10 inspect of the categories you just listed.

11 DEPUTY COMMISSIONER O'HARA: Yes, thank  
12 you. The inspections that we do are at barber shops,  
13 nail salons, the beauty parlors, and even tanning  
14 salons. But our inspection process is for compliance  
15 with Consumer Protection Laws. So we require the  
16 posting of the prices. We require the posting of the  
17 refund policy. If have any credit card limitations,  
18 you're required to post them as well, and you're  
19 entitled to a receipt, which we also check during  
20 inspection.

21 CHAIRPERSON ESPINAL: How often are those  
22 inspections done?

23 DEPUTY COMMISSIONER O'HARA: Pretty much  
24 on a regular basis.

25 CHAIRPERSON ESPINAL: Regular as in?

[background comment]

3 DEPUTY COMMISSIONER BAGGA: So, [coughs]  
4 our inspections are conducted city wide based on an  
5 algorithm that is determined by our mapping tool.  
6 And, I don't think we've had the opportunity to  
7 discuss our mapping tool a little bit before the  
8 Council in the past. But the essentially in the  
9 mapping tool works is that it tracks all of the  
10 inspections that have occurred throughout the entire  
11 city block by block over time. And what it does is  
12 that it generated two borough directors, a list of  
13 geographies or in neighborhoods or in businesses that  
14 have not been inspected for a period of time, for a  
15 long period of time. And then those are the  
16 inspections, those are the businesses that the  
17 inspectors would go out and inspect, and the reason  
18 that we do this is to ensure that no part of the city  
19 is being over-inspected or under-inspected. That  
20 there is equitable--the distribution of inspections  
21 is--is equitable across all five boroughs.

22 CHAIRPERSON ESPINAL: So DCA supports  
23 Intro 610, which is supposed to--the Consumer Bill of  
24 Rights at these businesses? And will they be able  
25 to--will they have the manpower to go out and inspect  
to see if these businesses have the signs up?

3 DEPUTY COMMISSIONER BAGGA: What we would  
4 be able to do is add to our checklist for these  
5 businesses this particular requirement. And when we  
6 do inspect the businesses, we would be able to check  
7 for it.

8 CHAIRPERSON ESPINAL: And the Department  
9 of Health, do you receive complaints from consumers  
10 on issues they've had with these cosmetology  
11 businesses?

12 ASSISTANT COMMISSIONER CLARK: We've  
13 looked over the last few years of complaints that  
14 we've received. I think one percent were for  
15 consumers. Most of our complaints from neighbors.  
16 They're mostly residential neighbors. Some  
17 commercial neighbors, and that's about 75%, and then  
18 somewhere between 23 or 24% are anonymous complaints.  
19 So they could be from consumers or from workers. But  
20 most of what we are--the feedback we're getting from  
21 the public are from odors emanating into neighboring  
22 spaces.

23 CHAIRPERSON ESPINAL: So DOH doesn't go  
24 into hair salons proactively. Does it go into  
25 massage parlors? Do they go into spas?



3 ASSISTANT COMMISSIONER CLARK: Yeah, I'm-  
4 -from my division I can't exactly respond to you. I  
5 may not have enough information with me. I do know  
6 that for spas that have a pools of water we will do a  
7 water safety inspection. But generally most of the  
8 beautify enhancement industry is regulated by the  
9 State.

10 CHAIRPERSON ESPINAL: Okay, if you would  
11 get me that information it would be really helpful to  
12 know. I know I remember reading a story a few months  
13 ago where DOH had to shut down a spa because of rat  
14 droppings and mildew they found on some of the pools.  
15 So I'm aware there is some work that DOH does do.

16 ASSISTANT COMMISSIONER CLARK: Right.

17 CHAIRPERSON ESPINAL: Tish, do you have  
18 questions?

19 PUBLIC ADVOCATE JAMES: Sure. I thank  
20 you for your testimony, and thank you for recognizing  
21 that we've got a problem in the City of New York, if  
22 not the state. My question is has the administration  
23 or has your agency meet with the industry that  
24 represents--I guess it's the appearance enhancement  
25 industry. Have you met with anyone?

3 ASSISTANT COMMISSIONER CLARK: No, we--we  
4 have not.

5 PUBLIC ADVOCATE JAMES: Do you plan on  
6 meeting with them?

7 ASSISTANT COMMISSIONER CLARK: Well, we  
8 would--going forward, we would certainly welcome  
9 doing that jointly with any of the Council members.  
10 We've done that with other industry groups. So we're  
11 happy to do that.

12 PUBLIC ADVOCATE JAMES: Because I believe  
13 in your testimony you indicated that the trio of  
14 toxins somehow has been diluted to a certain extent  
15 by the industry?

16 ASSISTANT COMMISSIONER CLARK: Well, from  
17 the information that we have received that some of  
18 the major brands, I can't speak for all brands, have  
19 eliminated those formaldehyde, toluene, and dibutyl  
20 phthalate from their formulations. I don't know what  
21 that--if that was an older source I believe around  
22 2009, was already seeing a decline in those--in the  
23 use of those products. But there certainly could be  
24 more to know from--about those formulations.

25 PUBLIC ADVOCATE JAMES: My office would  
love to join with you in meeting with the appearance

1  
2 enhancement industry as well as with the chairs of  
3 this committee as well as the borough president. So  
4 that we could perhaps work with them on addressing  
5 this concern. Is the administration preparing to put  
6 forth maybe a program bill in Albany to address this  
7 issue, to increase the number of inspectors to  
8 transfer to the city? Is there any efforts that this  
9 administration is doing to correct this concern or  
10 problem that you described?

11 ASSISTANT COMMISSIONER CLARK: Anything  
12 to do with I would--again, as I mentioned first off  
13 the Law Department is reviewing the contents of this  
14 bill--

15 PUBLIC ADVOCATE JAMES: [interposing]  
16 Yes.

17 ASSISTANT COMMISSIONER CLARK: --that  
18 relates to the industries regulated by the State of  
19 New York primarily. So at this time and in the past  
20 there has not, to my knowledge, been an effort in  
21 that direction because this has been the State's  
22 purview.

23 PUBLIC ADVOCATE JAMES: So let me suggest  
24 that perhaps you having a conversation with whoever  
25 is your lobbyist in Albany, and perhaps submit a

2 program bill to correct this problem. So let me just  
3 recap. It's my understanding that you--you support  
4 the guidelines portion of my bill. You support  
5 Council Member's Espinal's bill with regards to  
6 positing correct?

7 ASSISTANT COMMISSIONER CLARK: [off mic]  
8 Correct. [sic]

9 PUBLIC ADVOCATE JAMES: And the bill of  
10 right, and everything else you oppose?

11 ASSISTANT COMMISSIONER CLARK: [off mic]

12 PUBLIC ADVOCATE JAMES: And everything  
13 else you oppose including the grading system?

14 ASSISTANT COMMISSIONER CLARK: [on mic]  
15 Correct. Well, the grading system is not part of the  
16 bill, and we're not commenting on the Resolution.

17 PUBLIC ADVOCATE JAMES: You're not  
18 commenting on the grading at all?

19 ASSISTANT COMMISSIONER CLARK: Correct.

20 PUBLIC ADVOCATE JAMES: Do you believe  
21 that you have jurisdiction with respect to grading?

22 ASSISTANT COMMISSIONER CLARK: I'm sorry.

23 PUBLIC ADVOCATE JAMES: Do you believe  
24 that the City has jurisdiction in regards to grading  
25 these salons?

3 ASSISTANT COMMISSIONER CLARK: I can't.  
4 Again, I can't answer anything about jurisdiction as  
5 the Law Department is making those reviews.

6 PUBLIC ADVOCATE JAMES: Okay, thank you,  
7 ma'am.

8 ASSISTANT COMMISSIONER CLARK: Thank you.

9 CHAIRPERSON ESPINAL: Thank you, Public  
10 Advocate. I'd like to recognize that we've been  
11 joined by Dr. Eugene, Peter Koo from Queens and Rob  
12 Cornegy, the Chair of Small Business--Small  
13 Businesses. Any other questions? Okay. A question  
14 from Andy Cohen.

15 COUNCIL MEMBER COHEN: Thank you, Chair.  
16 Thank you for your testimony. I did have a question  
17 on 535 on the grading system. One, I'm a co-sponsor  
18 of it because I just think it empowers consumers.  
19 Knowledge is power, and [coughs] I know that for  
20 myself particularly on the restaurant grading system  
21 I find it, you know, in a very useful way, and I  
22 think that--I think that everybody, you know, that  
23 the retailers should be proud to display an A. You  
24 know, if they get an A, it should be something that I  
25 look for as a consumer. I'm wondering in terms of  
administering letter grades at restaurants, if that's

3 a tenable model, if we think that that model is at  
4 least transferable? If we do it efficiently, if you  
5 think that system works.

6 ASSISTANT COMMISSIONER CLARK: We have  
7 looked hard at it, but as I mentioned, the testimony  
8 around certification and voluntary certification that  
9 we do see difficulties in putting a lot of resource  
10 into something where we don't think we'll get much  
11 back for it. As we mentioned, and as the Public  
12 Advocate mentioned, other cities were watching their  
13 programs to see if they take off. Regarding letter  
14 grading in a restaurant, the only thing I think I  
15 would say is that system was developed in many ways  
16 because consumers don't have access to the kitchen.  
17 When you walk into a restaurant, and you don't know  
18 if your food has been prepared to temperature, if  
19 your food has been prepared in accordance with food  
20 sanitation. I think that doesn't--so the need to  
21 know, and a letter grading system provides that  
22 information very clearly to customers when they go  
23 in. In a nail salon, the consumer can walk into a  
24 nail salon, the products are displayed. The customer  
25 picks out their product, their color at least. And  
they can certainly tell if the place is well

3 ventilated or not. So I don't--we don't think that  
4 on face value there's a good parallel between those.  
5 Although we certainly understand that A, B, C as a  
6 grade pending is a great way to get fast  
7 information.

8 COUNCIL MEMBER COHEN: Yeah, I have to  
9 admit I haven't been inside a lot of nail salons, but  
10 I--like I do--I do find, you know, and I understand  
11 what you're saying about the kitchens, but I do find  
12 the letter grading system for restaurants  
13 particularly helpful, you know. And, I also wonder  
14 about cost. In some ways whether there's a cost  
15 associated with the letter grades or not, but on the  
16 flip side it's sort of the consumer is the one who is  
17 going to be doing the regulating at that point. That  
18 the consumer is going to make the decision based on,  
19 you know, that this letter grade. You know, I'm not  
20 going to go to a salon that has a poor--a poor  
21 rating. But ultimately, it might be more cost  
22 efficient on--you know, that we don't have to have a  
23 lot of inspectors if we have--if we have the grades.  
24 The consumer is doing the enforcing.

25 ASSISTANT COMMISSIONER CLARK: That  
because I just thought of this statement and that, of

3 course, is our--one of our rationales on the  
4 restaurant grading ultimately. Thank you.

5 COUNCIL MEMBER COHEN: Thank you.

6 [pause]

7 CHAIRPERSON ESPINAL: Let's call up Inez  
8 Barron.

9 COUNCIL MEMBER BARRON: Thank you, Mr.  
10 Chair, and the Co-Chair who has stepped away, for  
11 having this important hearing. Thank you for coming  
12 to testify. You've indicated we have letter grades,  
13 and that's important because customers don't have  
14 access to the kitchen. But certainly as customers go  
15 into a nail salon, they can see the selection of the  
16 products that are available. But they don't know if,  
17 in fact, these instruments have been sterilized in  
18 the proper manner, or how recently and what agents  
19 were used to clean out the tub where they're going to  
20 putting their feet if they're having a pedicure. So  
21 don't you think that a letter grade that would assess  
22 those qualities of a nail salon would be helpful?

23 ASSISTANT COMMISSIONER CLARK: I think I  
24 would point to the bill, the 610 Bill with the  
25 posting of the Consumer Bill of Rights. That I  
believe, as stated in the bill, would tell consumers



1  
2 they have a right to see their instruments  
3 sterilized, to ask for the salon or for the business  
4 to provide those assurances to them when they  
5 purchase the services. As we heard from the borough  
6 president as he does when he does his appearance  
7 enhancement.

8 COUNCIL MEMBER BARRON: But my questions  
9 was don't you think that a letter grade would also be  
10 a means of informing the customer what the rating is  
11 in addition to? I'm not suggesting one to replace  
12 the other. I'm talking about both.

13 ASSISTANT COMMISSIONER CLARK: I don't--  
14 frankly, I really haven't--we haven't looked at that  
15 in a way that we think we have an opinion on letter  
16 grading for the salon industry. That's all I can--

17 COUNCIL MEMBER BARRON: Okay. Thank you.

18 CHAIRPERSON ESPINAL: Thank you, Barron.  
19 Cornegy.

20 COUNCIL MEMBER CORNEGY: Thank you,  
21 Chairs, and thank you for coming this morning. Good  
22 morning. These hearings have consistently been a  
23 reminder about language access, and I know that in  
24 your testimony you mentioned it. I was wondering if  
25 there is any concerted effort for the dissemination

1  
2 of information and/or inspections and enforcement to  
3 do anything different as it relates to language  
4 access? We found that in the past, and I testified  
5 at another hearing as the Chair of Small Business  
6 that we believe that there's a considerable amount of  
7 these fines that wind up being assessed because there  
8 are language barriers. I know there's language  
9 access lines. I know that there are those kinds of  
10 things. But somehow what's happening on the ground  
11 doesn't really speak to the appropriate language  
12 accessed especially as it relates to enforcement.

13 DEPUTY COMMISSIONER BAGGA: Thank you,  
14 Council Member Cornegy. So, as far as nail salons  
15 are concerned in particular, while DCA does inspect  
16 them for basic compliance with consumer protection  
17 laws and rules, they are primarily subject to  
18 inspection by the State. So we can't comment on the  
19 State's methodologies.

20 COUNCIL MEMBER CORNEGY: So I would like  
21 to figure out how we can get to the state outside of  
22 a resolution to bring them kind of into compliance  
23 with this whole idea. Like we've had ongoing  
24 conversations about this almost ad nauseam, and I  
25 appreciate DCA and all the other--and the

3 administration's real hard look at language access  
4 whether it's in printed materials, whether it's-- So,  
5 we've kind of beat this horse. But now you're saying  
6 that there are other entities who weight in. And the  
7 business owner doesn't necessarily know the different  
8 to some degree whether it's DCA or whether it's a  
9 state agency. So how do we bring everybody kind of--  
10 or is there a way in your mind that we can be helpful  
11 in getting a consistency and uniformity even in the  
12 language access portion of this?

13 DEPUTY COMMISSIONER BAGGA: Well, we  
14 would certainly be happy to have a conversation with  
15 the appropriate state entity that's facilitated by  
16 yourself or any other selection of the Council to  
17 talk to them about how we have really significantly  
18 expanded our language access capabilities. And the  
19 types of services that we use to ensure that business  
20 owners do have the ability to have inspections  
21 conducted in their language of choice. We'd be happy  
22 to walk any State inspectors through that process  
23 should they--should the State choose to--to educate  
24 themselves about how we do that.

25 CHAIRPERSON ESPINAL: Thank you. I want  
to go back to the ventilation systems. You mentioned

3 earlier that you only go into businesses when you  
4 receive complaints from neighbors, and you order the  
5 business to put in new ventilation. If they don't do  
6 it, does DOH go back and fine the business?

7 ASSISTANT COMMISSIONER CLARK: Yes. We  
8 haven't in our most recent--and I'm just talking  
9 about the last few years that we've looked at, we've  
10 had pretty good compliance, and we've had very few,  
11 if any, that went to hearing. So, generally it  
12 appears that salon owners are--are concerned about  
13 their neighbors.

14 CHAIRPERSON ESPINAL: Okay. What are  
15 those fines like if they don't comply with DOH?

16 ASSISTANT COMMISSIONER CLARK: That's--  
17 that's handled at our Tribunal. So we issue an  
18 order. If they don't comply, on follow up we issue a  
19 notice of violation, and then they go through  
20 adjudication process. We don't set the fine.

21 CHAIRPERSON ESPINAL: Okay. All right,  
22 great. You know, I understand the certification and  
23 the letter grading, and all these regulations take  
24 time to implement. But as the Bronx Borough  
25 President mentioned earlier, you know, in the long  
run we want to make sure the industry is better for

3 both the consumers and--and the business owners and  
4 the workers. So I think it's important that we take  
5 a serious look at these bills, and find ways that the  
6 agencies can work and make this a reality. Thank  
7 you. Thank you. Let's go to the next panel.

8 [pause]

9 CHAIRPERSON ESPINAL: We have Shariva  
10 Milo [sp?] who's a worker. We have [background  
11 comments] Luna Ranjit [sp?], Goma Garune [sp?],  
12 Charlene--Charlene. [background comments] Okay,  
13 sorry. And Susan McCape--McQuade..

14 [pause]

15 CHAIRPERSON ESPINAL: Whenever you're  
16 ready, just state your name in the microphone before  
17 you begin.

18 SHARIZA MILO: Hi, my name is Shariza  
19 Milo. Hello, my name is Shariza Milo. I have been  
20 working in a salon for two--12 years in New York  
21 City. And it is very difficult for me to come and  
22 talk here today because my family is having a  
23 difficult time in Nepal due to the earthquake.  
24 Still, I thought I could come here no behalf--for  
25 nail salon workers to tell you about work. I work  
from--I work from 9:30 a.m. to 8:00 p.m., which is

1 almost 11 hours a day at my job. We work with many  
2 chemicals that are in nail products. The chemical  
3 does for me feeling regularly--regularly block my  
4 nose. It makes--it's hard to breathe. Many of my--  
5 many of my friends who work in nail salons have  
6 become used to most of the nail salon not providing  
7 masks. And it is not mandatory to wear a mask. We  
8 do not wear gloves when handling chemicals and  
9 provide--provide service. I am also worried about  
10 working long hours under the UV light. My friend  
11 complain about developing allergy. Paper--Proper  
12 ventilation is very important to have a healthy  
13 worker--working environment in nail salon. I'm  
14 lucky--lucky to have a separate kitchen in my salon  
15 where I can eat. Most nail salon workers are not as  
16 lucky. They do not get to eat on time, and are  
17 exposed to chemicals while eating. Nail salons need  
18 to change this condition. This is a place where  
19 people come to feel beautiful. This shouldn't happen  
20 at the expense of workers like us. Nail salons  
21 should be healthy for everyone, the worker, customer  
22 and our employer, too. Thank you for listening to my  
23 story.  
24

25 [background comments]

3 GOMA GARUNE: Hello. My name is my name  
4 Goma Ranjit Garune. I'm from Nepal. [Speaking  
5 Nepali]

6 [background comment]

7 GOMA GARUNE: [Speaking Nepali]

8 TRANSLATOR: I--I work in a nail salon.  
9 It has been 17 years.

10 GOMA GARUNE: [Speaking Nepali]

11 TRANSLATOR: I like this job. I get to  
12 talk to customers all day, but I'm worried about my  
13 health.

14 GOMA GARUNE: [Speaking Nepali]

15 TRANSLATOR: Because the licensing exam  
16 is not available in our language, it is very  
17 difficult for us to get licensed. I was able to get  
18 my license certificate. I passed it, but many of my  
19 friends did not pass it, and some of them had to  
20 change jobs.

21 GOMA GARUNE: [Speaking Nepali]

22 TRANSLATOR: I really like this job. I  
23 want to continue this job, but I want to do it in a  
24 healthy way.

25 GOMA GARUNE: [Speaking Nepali]

3 TRANSLATOR: But when we use masks and  
4 gloves our customers don't like it. They think we're  
5 sick, and then our bosses also don't like it. Also,  
6 we heard that there is paid sick leave, but we are  
7 not getting it.

8 GOMA GARUNE: [Speaking Nepali]

9 TRANSLATOR: And thank you for this  
10 opportunity to speak here. I'm very happy.

11 GOMA GARUNE: [Speaking Nepali]

12 TRANSLATOR: The situation is difficult  
13 in Nepal. My family is suffering. I have to support  
14 them, but I also have to pay rent here. I have to  
15 survive here as well. So I need a stable job.

16 GOMA GARUNE: [Speaking Nepali]

17 TRANSLATOR: And I--I really like this  
18 job. I want to continue this job, but I want to also  
19 make sure that I am healthy, and I love Nepal and I  
20 love America, too.

21 GOMA GARUNE: Thank you. Thank you so  
22 much, sir.

23 TRANSLATOR: Thank you.

24 CHAIRPERSON ESPINAL: Thank you, and I  
25 just want to say that the City's thoughts and prayers



3 are with the people--all your friends and family in  
4 Nepal.

5 GOMA GARUNE: Yeah, Thank you.

6 TRANSLATOR: Thank you.

7 CHAIRPERSON ESPINAL: Thank you. I just  
8 want to note that we have the clock set at three  
9 minutes for your testimony.

10 LUNA RANJIT: Thank you. My name is Luna  
11 Ranjit. I'm the Executive Director of Adhikaar.  
12 Thank you Council Members for this opportunity. As  
13 our members have said, it is a difficult time for us.  
14 And the earthquake has devastated, but it is also  
15 extremely important for us to be here because now  
16 more than ever our community needs stable jobs and  
17 good working conditions. So that we can survive  
18 here, but also support our country. The estimated  
19 cost of rebuilding is about \$10 billion, which is  
20 half of the country's GDP. So there is a lot that we  
21 have to do for our country. Adhikaar has been  
22 working with the nail salon workers since we started  
23 in 2005. But we started organizing activity in 2011.  
24 We had heard stories of wage theft and horrible  
25 working conditions in one of the fastest growing  
industries. We have been conducting health and

1  
2 safety training in the Nepali language so that our  
3 members are--know how to protect themselves as well  
4 as their customers. Through our extensive  
5 conversations, we know that--as well as our own  
6 facility research we know that like in addition to  
7 health challenges, nail salon workers also face  
8 working very, very long hours, and for low pay. And  
9 face serious health risks. Salon workers routinely  
10 handle cosmetic products containing carcinogens  
11 without proper ventilation or protective gear such as  
12 masks and gloves. Extended exposure can lead to  
13 chronic health problems. Our research shows that one  
14 in two of workers experience health problems. After  
15 starting in the industry, they have complained about  
16 eyes burning, rashes, back and shoulder pain and in  
17 some cases even miscarriages. One member said that  
18 she could no longer focus her eyes on color--red  
19 color. And many have also developed gastrointestinal  
20 diseases because of not eating meals on time. And  
21 someone who bleeds from her nose every time she does  
22 specialty kinds of work. But many of the workers  
23 have become so used to it, or have no other options  
24 that they take in their stride. And this--and we've  
25 heard before that there is very little oversight at

1  
2 the national level. Another thing we want to point  
3 out is that most nail salon workers in the New York  
4 City are immigrant women and it's a very diverse  
5 population. Many of them are Asian workers. So the  
6 language barriers, and immigration barriers have  
7 prevented them from understanding their rights as  
8 well as the health--to be able to protect themselves.  
9 And also, they face challenges in speaking out  
10 against unjust conditions. One of the ways we have  
11 addressed it--tried to address it is we have created  
12 our healthy nail salon poster. We can share it with  
13 the Council, and we have created it in five different  
14 languages. And it's not comprehensive, but these are  
15 the five most used--most--languages most used by  
16 salon workers. And we are happy to share this, and  
17 also that we have--like, you know, we have heard  
18 about the horror stories of people, customers  
19 getting, you know, infections and all. But what is  
20 not heard is the horror story of workers going  
21 through it day and night, and facing those problems.  
22 The experts' estimate is that the workers' exposure  
23 is 1200 times that of the general population. So, we  
24 believe that the healthy nail salon consists of  
25 definitely limited exposure to toxic chemicals and

3 infections. But it also should be something that  
4 provides a living wage, and an opportunity for people  
5 to work freely--

6 CHAIRPERSON ESPINAL: [interposing]  
7 Ma'am, can you summarize your closing remarks?

8 LUNA RANJIT: Sure

9 CHAIRPERSON ESPINAL: Thank you.

10 LUNA RAJIT: And so, we just want to say  
11 that we want to make--work together, and understand  
12 that this is the customers, the employers, the salon  
13 owners and the workers are in it together. Rather  
14 than creating something that pits one against  
15 another, we have to all work together. Thank you.

16 CHAIRPERSON ESPINAL: Thank you.

17 CHARLENE OBERNAUER: Thank you. Good  
18 afternoon. My name is Charlene Obernauer, and I'm  
19 the Executive Director at NYCOSH and NYCOSH is  
20 supporting the bill, Intro 304-A, and we want to  
21 thank both the co-chairs as well as Public Advocate  
22 James for your--for your leadership on this issue. I  
23 know we've been doing this for a little while now.  
24 So we appreciate that. I provided my testimony so  
25 you can read the full piece of it, but there are some  
pieces I wanted to highlight. The appearance

1  
2 enhancement industry has experienced a huge boom in  
3 recent decades, which has led to increased employment  
4 communities. However, with this growth we've also  
5 seen increasing numbers wage and hour and OSHA  
6 violations. We applaud this legislation for moving  
7 forward, the dial toward creating healthier salons.  
8 So I'm going to talk a little bit about the--the  
9 legislation itself. So it reduces the amount of  
10 toxic chemicals used in the salon employing measures  
11 to improve indoor air quality in salons among other  
12 actions. But NYCOSH would also like to ensure that  
13 this bill has the teeth needed to be an effective  
14 program. Mainly that a truly valuable enforcement  
15 program be included in the legislation. That would  
16 require staff from the New York City Department of  
17 Health to visit salons and to assure that compliance  
18 with the State Regulations, as well as to assist nail  
19 salons in their attempt to meet the requirements of  
20 the Voluntary Certification Program. It was  
21 interesting to hear the testimony of the DOH, and I'd  
22 be curious to see what their opinion on--what their  
23 opinion would be on the effectiveness of a regular--  
24 of a regulation as opposed to a voluntary system.  
25 And if that's a conversation that we can have. And

1  
2 to see if, you know, if somebody came to any of us at  
3 our organizations right and told us, you have to do  
4 X, Y and Z, we'd always say, okay, well, who is going  
5 to pay me to do it? So I think that the financing of  
6 this program is obviously an issue. The--I'm sure  
7 the DOH is concerned with that we want to make sure  
8 that we have financing for it. Although I will say  
9 that the restaurant industry is a fully funded system  
10 based on both the fines as well as the fees that  
11 people pay into it. So that's something to consider.

12           Moving forward, we'd urge the Council to  
13 consider making the entire program mandatory through  
14 adopting regulations as opposed to the Voluntary  
15 Certification Program. And we'd also urge the  
16 Certification Program to exclude nail salon  
17 businesses that have a history of wage and hour  
18 violations or that have unpaid OSHA violations. Both  
19 in terms of the reimbursement of businesses, as well  
20 as the certification program itself. Violators of  
21 labor and health and safety law should not be awarded  
22 with any praise through this program. We support the  
23 education and outreach component of the bill. We  
24 think it's important. We also support the idea of  
25 creating a task force. I don't believe that

3 everything has been studied, and that we already have  
4 all the information that we need in nail salons. I  
5 think that is very false. So we believe that a task  
6 force is critical, But then also it shouldn't be  
7 limited in time frame, but it should be created as an  
8 as-necessary basis, and should work to inform the  
9 guidelines or regulations as they roll out. So it  
10 was be ongoing where the task force would look at the  
11 regulations and see how they're rolling out.

12 The--just the final piece. I know I'm  
13 wrapping up on Intro 610. If customers are being  
14 informed about the complaint process, we also think  
15 nail salon workers should be informed of how to file  
16 wage and hour and OSHA complaints. So it should be  
17 both, right? It shouldn't be the customers, but it  
18 should be inclusive of both. Thank you so much for  
19 your time and consideration. I appreciate the  
20 opportunity to testify.

21 CHAIRPERSON ESPINAL: Thank you,  
22 Charlene.

23 [pause]

24 SUSAN MCQUADE: Yes, hello. Hi. Good  
25 morning. My name is Susan McQuade. I'm also with  
NYCOSH. I'm a Safety and Health Specialist. So you

1  
2 have my testimony. So I'm just going to point out a  
3 few key things and then go from there. WE talked a  
4 lot about--people talked lot about the toxic trio,  
5 you know, just really emphasizing that in this  
6 hierarchy of control, the best thing to do is if you  
7 can eliminate the toxics, you're going to reduce the  
8 need for gloves. Fewer toxics means you're not--you  
9 still need to do all these pieces, but the best thing  
10 is eliminate. So that's why this real emphasis on  
11 toxic trio, which is wonderful, that you have  
12 included that in this provision. As Charlene has  
13 said, we--we know that airborne concentrations may  
14 not exceed OSHA limits, but that there's this  
15 chemical mix going on with many chemicals at the same  
16 time. That still is all under study, and there have  
17 been studies done up in Boston. Again, because what  
18 we know is what people are reporting. That's what we  
19 see. So I agree with Charlene we need to continue  
20 to--to start to continue to look at research. Find  
21 out and really try to discontinue this use of toxic  
22 trio. That's a very desirable object. I just want  
23 to also point to this issue about ventilation because  
24 that's also extremely important and needs to be a key  
25 element of any program. ASHRAE, American Society of



1 Heating, Refrigerating and Air Conditioning

2 Engineers. They are the professional group that sets  
3 the standards for indoor air quality, recommends that  
4 nail salons have air exchanges of 20 cubic feet per  
5 minute per person. And in doing some of the research  
6 we have been doing over the last year looking this,  
7 we looked up and saw it in the 2014 New York City  
8 Construction Mechanical Code. That's also required  
9 that nail salons quote "Mechanical exhaust is  
10 required, and the recirculation of air from such  
11 spaces is prohibited." It says this in the 2014  
12 Construction Code of the City. So people have been  
13 talking about this on some level how that pertains  
14 specifically to Building Code, but it's also--it's  
15 been discussed here in the city. And that, "Required  
16 exhaust shall include ventilation tables or other  
17 systems that capture the contaminants and odors at  
18 their source and are capable of exhausting at a  
19 minimum of 50 CP--CPM--square--square foot per  
20 station." And noting that when you have this high  
21 level of protection with local delusion ventilation  
22 present, reliance on the open doors or windows isn't  
23 as necessary, and often isn't recommended because  
24 then you're--you know, you're replacing the air in a  
25

1 way that's not what was meant to be. And it found  
2 that these local--these downdraft tables with built-  
3 in exhaust had the potential to reduce the exposure  
4 to nail salon workers by more than 50%. So, we think  
5 that these pieces are very important and are very  
6 glad that they're included. And while we do support  
7 this 104--304 and we do remain concerned that the law  
8 doesn't go far enough as the program--certification  
9 is purely voluntary.  
10

11 And I just want to speak about Boston  
12 because Boston has gone ahead. Boston has adopted  
13 it's own resolutions--regulations. Has worked along  
14 with the state. And actually what the program is, is  
15 it's not meant to be punitive. They're out there  
16 with help--promoters speaking the language of the  
17 people of the salons, and the emphasis is on  
18 education. Education about reducing toxic trio.  
19 Education about ventilation systems. Education about  
20 other rights. Keeping that going. That's really the  
21 purpose of what we want to do for any kind of  
22 inspection, system, right? It's to keep people  
23 informed, moving and understanding that things can  
24 change that business can grow. But that people can  
25 be protected at the same time. So, yes, inspection

3 but inspection in a way that follows really the 21st  
4 Century model of public health, and involving the  
5 community. Having community workers speaking the  
6 language of people there is really something that is  
7 the direction we believe we need to go in. So thank  
8 you and we really support this effort, and hope to  
9 continue to work with you on this.

10 CHAIRPERSON ESPINAL: Thank you so much.

11 I just wanted to comment on-- Charlene, your comments  
12 on Intro 610 on expanding that to include workers I  
13 think it's a great idea, and it's something I'm  
14 looking to explore and work with the Borough  
15 President in seeing how we can incorporate that into  
16 the bill. So thank you for bringing that up.

17 CHARLENE OBERNAUER: Great. Thank you.

18 CHAIRPERSON ESPINAL: We appreciate it.

19 LUNA RANJIT: In 610 we also want to  
20 make--ensure that the languages are more than just  
21 English and Spanish because that doesn't represent  
22 the work force.

23 CHAIRPERSON ESPINAL: Okay. Thank you.

24 A question about the chemicals. Are there--are there  
25 any organic, organic made chemicals that you've heard

3 of that are out there these businesses can swap out  
4 for?

5 SUSAN MCQUADE: You mean safer  
6 alternatives?

7 CHAIRPERSON ESPINAL: Safer alternatives--

8 -

9 SUSAN MCQUADE: [interposing] Yes, there--

10 CHAIRPERSON ESPINAL: --or completely  
11 organic where you don't have any--any like--

12 SUSAN MCQUADE: [interposing] Right,  
13 well, when we say organic with chemicals that means  
14 they've got carbon in them and we don't always like  
15 that. So, yes, but there are safer alternatives and  
16 there is a list being developed by groups around the  
17 country. And I think in your bill it talks about the  
18 development--the continued development in the  
19 guidelines of the safer chemicals. The question is  
20 how do you relay that information to people, right?  
21 So if that's a key point, that the Department of  
22 Health in guidelines updating that information is  
23 always coming in--the industry it does help. I mean  
24 if New York City took the lead in this it really  
25 would be such a greening of salons across America  
because the idea of pushing manufacturers to make the

3 safer chemicals and do things in a safer way would  
4 have a tremendous impact here in our century, the  
5 21st Century.

6 CHAIRPERSON ESPINAL: Thank you.

7 CHARLENE OBERNAUER: And I would also say  
8 that New York City is such a big market that when you  
9 look at New York City changes what's allowed in the  
10 salons, it's going to change the entire industry. So  
11 I think, you know, we can minimize just the--the huge  
12 potential impact that we can have here.

13 CHAIRPERSON ESPINAL: Okay.

14 LUNA RANJIT: New York City has the  
15 highest concentration of nail salons.

16 CHAIRPERSON ESPINAL: Okay, great. Thank  
17 you. I have questions from Madam Public Advocate.

18 PUBLIC ADVOCATE JAMES: So all of the  
19 advocates agree that 32 inspectors for 5,000  
20 businesses statewide is inadequate. Yes, we all  
21 agree?

22 LUNA RANJIT: Yes.

23 PUBLIC ADVOCATE JAMES: And are all of  
24 the workers as far as you know aware of their rights?  
25 No?

LUNA RANJIT: No.

1 COMMITTEE ON CONSUMER AFFAIRS  
2 JOINTLY WITH THE COMMITTEE ON HEALTH

86

3 PUBLIC ADVOCATE JAMES: No. And do all  
4 of the workers as far as you know, receive safety  
5 equipment?

6 LUNA RANJIT: No.

7 PUBLIC ADVOCATE JAMES: Do they receive  
8 any training?

9 LUNA RANJIT: Not everyone, no. Not  
10 everyone.

11 PUBLIC ADVOCATE JAMES: Are they aware of  
12 the toxic trio that exists in some of these  
13 chemicals?

14 LUNA RANJIT: Not everyone.

15 PUBLIC ADVOCATE JAMES: And are they  
16 informed of any existing laws that would provide them  
17 certain rights such as was mentioned sick leave,  
18 minimum wage, an increase in tip wages? Any of those  
19 laws ever explained to the workers as far as you  
20 know?

21 LUNA RANJIT: Those that come in contact  
22 with us, yes, but often the documentation is the  
23 challenge.

24 CHARLENE OBERNAUER: And I would also say  
25 on your question about whether or not workers are  
aware of, there was a recent case. It wasn't a nail

3 salon, but it was a beauty salon where a worker  
4 raised the issue of formaldehyde exposure in the  
5 salon, and she actually brought the issue. This was  
6 in the Bronx actually, and she brought the issue up  
7 to her employer, and she was then fired. And OSHA  
8 heavily fined the employer. I believe it was around  
9 90 something thousand dollars. But this is something  
10 that's regular practice. The worker discovers that  
11 there is exposure to something like formaldehyde,  
12 which is a known carcinogen in their salon. They  
13 raise the issue, and then they are fired.

14 PUBLIC ADVOCATE JAMES: So, workers are  
15 only informed of their rights when they enter into  
16 the door of an advocacy or a not-for-profit  
17 organization. Would that be fair to say?

18 LUNA RANJIT: Most of the time yes.

19 PUBLIC ADVOCATE JAMES: And is there  
20 proper ventilation in any of these nail salons?

21 LUNA RANJIT: Not everywhere. No.

22 PUBLIC ADVOCATE JAMES: Not everywhere.  
23 And would it be fair to say that the reason why this  
24 has not received a lot of attention is because most  
25 of the employees are women and immigrants? Is that  
fair to say?

3 CHARLENE OBERNAUER: Absolutely.

4 SUSAN MCQUADE: Yes.

5 PUBLIC ADVOCATE JAMES: Yes, and that's  
6 why it has not received a lot of attention or action,  
7 correct?

8 LUNA RANJIT: We believe so, yes.

9 PUBLIC ADVOCATE JAMES: And you support  
10 the efforts to grade the nail salons?

11 CHARLENE OBERNAUER: We haven't taken an  
12 official position on that, but we're--obviously, we  
13 should talk more about it.

14 PUBLIC ADVOCATE JAMES: But you support  
15 the measure that I've put forward with regards to  
16 education, a ventilation system, and hopefully--  
17 It's on a volunteer basis. But, hopefully if we can  
18 get regulation it the city will perhaps have a  
19 conversation with the stat and transfer jurisdiction  
20 to the City, we perhaps could get some stricter  
21 regulation of this industry, right?

22 CHARLENE OBERNAUER: Absolutely, and I'd  
23 be curious to see what--You know it would be  
24 interesting to set up a meeting or a round table  
25 discussion with the Department of Health to see what  
are their-- You know because obviously when you're



3 giving official testimony there is only so much that  
4 you say. And when you're being questioned, there is  
5 only so much that you're going to answer. But I  
6 think that if we looked at, you know, what is a  
7 program that the DOH thinks is feasible based on the  
8 resources? What is the level--what is the level of  
9 resources that can be provided. And then  
10 additionally, you know, what is the level of  
11 effectiveness based on which avenue we go down.

12 PUBLIC ADVOCATE JAMES: Right.

13 CHARLENE OBERNAUER: I think that would  
14 be a really good way to kind of innovatively work  
15 together to figure out how can we reign in this  
16 industry. Because I would argue that I think the DOH  
17 is with us, but that they--and, of course I can't  
18 speak for them. But I think that they might want to  
19 see just how it can impact their staffing--

20 PUBLIC ADVOCATE JAMES: [interposing]  
21 Right.

22 CHARLENE OBERNAUER: --and how is it  
23 going to impact their work.

24 PUBLIC ADVOCATE JAMES: But obviously  
25 the--the model to which we should look at is in San  
Francisco and in Boston, correct? And have any of

3 the advocates met with industry representatives with  
4 respect to safe--safer alternatives?

5 SUSAN MCQUADE: We have not. I've tried  
6 to explore and go onto the website Appearance  
7 Enhancement website because there is an advisory  
8 council that supposedly meets a couple times a year.  
9 But it looks like it hasn't--there are no minutes  
10 posted for the last couple of--But that's on our list  
11 to do, too.

12 PUBLIC ADVOCATE JAMES: What's the name  
13 of the Advisory Council?

14 SUSAN MCQUADE: I think it's called--  
15 it's--well, it's the--I think it's the Appearance  
16 Enhancement Advisory Council, and I think it's  
17 actually part of that regulation. And there are four  
18 or five people on it, and they supposedly make  
19 recommendations to changes in that Appearance  
20 Enhancement Reg, which has everything there from--and  
21 they do mention ventilation. They do mention it and  
22 they do have a list of what needs to be trained as  
23 part of--that's all of the--the licensing piece.

24 PUBLIC ADVOCATE JAMES: Do we know who  
25 serves on this advisory Council?

2 SUSAN MCQUADE: I think it's--I don't--it  
3 seemed--I--I'm not--I can't be sure, but I--there  
4 were people in the industry. You know, people  
5 within the industry or salon owners or whatever.

6 PUBLIC ADVOCATE JAMES: Okay.

7 SUSAN MCQUADE: I--I didn't see any  
8 advocates, but again, you know, don't--you can check  
9 it.

10 PUBLIC ADVOCATE JAMES: So on this--let  
11 me just say that on this May Day all of us as well as  
12 the Borough President we salute you, and we obviously  
13 are standing up for women and for immigrants. And we  
14 take our job very seriously, and we applaud you this  
15 day.

16 SUSAN MCQUADE: Thank you.

17 CHARLENE OBERNAUER: Thanks very much.

18 CHAIRPERSON ESPINAL: Thanks so much.

19 Let's call up --[applause]. Thank you for the  
20 wonderful testimony.

21 [background comments, pause]

22 CHAIRPERSON ESPINAL: Let's call up the  
23 Korean-American Nail Salon Association. We have Soo  
24 Jung Chung and Donald Yu

25 [pause]

3 SERGEANT-A-ARMS: Any copies of your  
4 testimony? Any testimony copies?

5 SOO JUNG CHUNG: No.

6 CHAIRPERSON ESPINAL: I'd like to  
7 recognize my colleague from Queens, Rory Lancman who  
8 has joined us.

9 [pause]

10 CHAIRPERSON ESPINAL: Thank you so much.  
11 Just state your name on the microphone before you  
12 give your testimony.

13 [pause]

14 DONALD YU: My name is Donald Yu. I'm  
15 the Chairman of the Board of Trustees of the Korean  
16 Nail Association of New York.

17 SOO JUNG CHUNG. Hello. My name is Soo  
18 Jung Chung. I'm the Chairman of the Korean-American  
19 Nail Association.

20 DONALD YU: First of all, we thank the  
21 Chairman and Council Members and Public Advocate for  
22 us to have an opportunity to speak in this hearing.  
23 We the Korean Nail Association of New York represent  
24 approximately 2,000 nail salons throughout the five  
25 boroughs of New York City and the surrounding areas  
such a Long Island, Yonkers, and Westchester

3 Counties. As we look at the proposed New York bills,  
4 and the amendment of the New York City rules and  
5 regulations, our association's opinion is summarized  
6 as follows:

7 First of all, we do not oppose the  
8 proposed New York City's efforts to improve health  
9 and the safety of the workers in the nail salons.  
10 However, over the last six or seven years, I can tell  
11 you that our member nail salon owners have put a lot  
12 of effort in improving working environment and the  
13 sanitation level in the salons such as:

14 1. Our member owners make sure that all  
15 workers who work in the nail salon have necessary  
16 nail licenses issued by the New York State Department  
17 of State. If anyone does not have the nail license,  
18 we, the member salon owners, send workers to the New  
19 York State Register nail or beauty school so that  
20 they can get licensed before they start working in  
21 our member nail salons. Most of the times, when the  
22 worker comes and then they do not have the necessary  
23 licenses, most of the times that the owner pays for  
24 the education so that they can get the licenses.

25 2. Over the last seven or eight years,  
our member owners have eliminated those toxic

1  
2 chemicals. You know, what they mentioned three of  
3 the toxic that are in the nail salons those are  
4 harmful to the human body, and also it's to the  
5 benefit of the customers as well as the salon  
6 workers. Such as MMA [sic] have been eliminated and  
7 that three other powders have also been eliminated.  
8 In fact, our member salon owners are not offering  
9 artificial nails such as that acrylic any more in the  
10 salons. Also, we are trying to eliminate those cheap  
11 nail polishes that contain some of those--one or two  
12 of those--that trio of those chemicals. And we are  
13 now offering much more pro-environmental and four  
14 like high-level vocation [sic] products such as gel  
15 nails instead of traditional artificial nails. And  
16 those gel nails actually make the healthy nail  
17 instead of making the--like the skin irritations and  
18 all of the other bad things.

19           So the members of our association, okay,  
20 they are--we have been trying for the last seven,  
21 eight, almost like ten years to eliminate those trio  
22 of the bad chemical. Not only that, but also create  
23 nails that we want to eliminate from the salons. And  
24 we are going forward with the pro-environmental and

25

1  
2 pro-sanitation, and we are improving the levels of  
3 the environment in the salons.

4           The only--the only portion of your bills  
5 that we oppose is the letter grade system to the  
6 beauty and nail salons because I myself have been  
7 running a nail salon in the Long Island area for the  
8 last 15 years. And the nail salon business has not  
9 escaped from the small business since the 9/11  
10 attack. And then we had Hurricane Sandy. All these  
11 impacts to small businesses, and the letter grading  
12 system, although it sounds good in the beginning, but  
13 then that also gives us a lot of economic pressure in  
14 on our small business. Especially in the nail  
15 salons.

16           So in summarizing our opinion, we would  
17 like to work with New York City and New York State  
18 whatever the level that comes to us to educate and  
19 also to train nail salon owners as well as the  
20 workers. So that our employees and employers will  
21 have a better understanding of, you know, what we  
22 have to do to--to have a better situation in the nail  
23 salon. And also, especially on the training side, we  
24 can propose that our association representative can  
25 work with New York State or New York City to have

1  
2 better training. And, we have education seminars for  
3 our members. We also are in favor of installation of  
4 a ventilation--ventilating systems especially if the  
5 New York City can reimburse us that would be great.  
6 [laughs] But, you know, whether it's possible or  
7 not, we are in favor of installing--installing the  
8 ventilating system. And right now, before, you know,  
9 the only thing that our association that we--we don't  
10 believe that a letter grading system at this time is  
11 appropriate for the nail salons or the--or the beauty  
12 salons. Especially I agree with the DOH  
13 representative that they are testifying that--that  
14 the letter grading system is coming from the  
15 restaurants and the food service industry. And  
16 that's like totally different to the nail salon and  
17 beauty salon. So that's our position.

18 PUBLIC ADVOCATE JAMES: Thank you. So  
19 let me begin with will you be--would you be willing  
20 to meet with a number of elected officials as well as  
21 advocates? Perhaps we can sit down at a table and  
22 discuss some of these issues.

23 DONALD YU: Definitely.

24 PUBLIC ADVOCATE JAMES: All right, so as  
25 one of the advocates testified that there is an



3 advisory council. Do you know anything about an  
4 advisory council for this appearance enhancement  
5 industry?

6 DONALD YU: Yes, I do. That's the--I  
7 believe it's a nine-member advisory committee that  
8 meets regularly. I'd say like twice a year to--

9 PUBLIC ADVOCATE JAMES: [interposing] So  
10 you know who they are?

11 DONALD YU: Excuse me?

12 PUBLIC ADVOCATE JAMES: Do you know who  
13 they are?

14 DONALD YU: I can--I can find out for  
15 you.

16 PUBLIC ADVOCATE JAMES: Okay.

17 DONALD YU: You know, I can--you know, we  
18 can go to a website, and then have the names and  
19 provide to you.

20 PUBLIC ADVOCATE JAMES: Okay, thank you.  
21 How many--as far as you know, how many of your  
22 members have a ventilation system at their salon?

23 DONALD YU: I would say--I would say more  
24 than half of the salons have of the--the salons  
25 currently have the ventilation--one way or another  
have the ventilation system already. Yes.

3 PUBLIC ADVOCATE JAMES: And what is the  
4 average cost of the ventilation system?

5 DONALD YU: I would say it would go from  
6 \$500 to \$5,000--

7 PUBLIC ADVOCATE JAMES: [interposing]  
8 Okay.

9 DONALD YU: --depending on the--the what  
10 kind of system it is.

11 PUBLIC ADVOCATE JAMES: And you support  
12 legislation that would incentivize--give you money to  
13 pay for the ventilation system--

14 DONALD YU: [interposing] Definitely.

15 PUBLIC ADVOCATE JAMES: --to offset the  
16 cost?

17 DONALD YU: Yes.

18 PUBLIC ADVOCATE JAMES: So you support  
19 that in this bill?

20 DONALD YU: Yes, I do. Yes.

21 PUBLIC ADVOCATE JAMES: Okay, and--

22 DONALD YU: [interposing] That will  
23 actually encourage our members and our owners to  
24 install it.

25 PUBLIC ADVOCATE JAMES: Excellent.

DONALD YU: Yes.

3 PUBLIC ADVOCATE JAMES: And how many  
4 members provide safety equipment and/or training to  
5 their employees? How many members, and what does it  
6 consist of? What's the training to your employees?

7 DONALD YU: The training--

8 PUBLIC ADVOCATE JAMES: [interposing] How  
9 do you protect them?

10 DONALD YU: The reason--the reasonable  
11 official training is the same, but like I said in the  
12 beginning, we will have our owners and workers in the  
13 nail salon all licensed by going into the nail school  
14 and beauty school and take the exam that's provided  
15 by the New York State Division of Licensing. And in  
16 that, you know, we go through 250 hours of education,  
17 and in that program a lot of part of it--like a major  
18 part of it is to deal with sanitation and  
19 environmental issues. Yes.

20 PUBLIC ADVOCATE JAMES: So the training  
21 is part of a licensing process?

22 DONALD YU: Licensing, yes.

23 PUBLIC ADVOCATE JAMES: Okay. Other than  
24 that, there is no other training? Just the  
25 licensing?

2 DONALD YU: We--we the association, we do  
3 have our--our--for our--our members, we do have  
4 seminars on the sanitation twice a year.

5 PUBLIC ADVOCATE JAMES: [interposing]  
6 Okay.

7 DONALD YU: One in the spring and one in  
8 the fall.

9 PUBLIC ADVOCATE JAMES: So it's on  
10 sanitation?

11 DONALD YU: Yes.

12 PUBLIC ADVOCATE JAMES: Do you have any  
13 estimate as to how many gloves and masks your members  
14 provide to their employees? Do they--do they require  
15 that all of their employees wear masks and gloves?

16 DONALD YU: Okay, at our mask sem--  
17 seminar, which was done in March--last March of this  
18 year, in that seminar we proposed to our salon owners  
19 to--to prepare--to provide masks and gloves to the  
20 employees. And, I would say most of the salon  
21 owners, at least our member owners they have the  
22 masks and the gloves available in the salon. And  
23 that--we encourage the workers to use that. You  
24 know, some workers don't want to use it because it is  
25 a little, you know, hassle. But, we encourage it.

3 PUBLIC ADVOCATE JAMES: It's what?

4 DONALD YU: It's a little like  
5 cumbersome, you know, when they do the work.

6 PUBLIC ADVOCATE JAMES: Yeah.

7 DONALD YU: Okay, but we encourage the  
8 workers to use the masks and then the gloves. Yes.

9 PUBLIC ADVOCATE JAMES: How many members  
10 are in your organization?

11 DONALD YU: I would about 2,000 salons  
12 and around 9 to 10,000 workers.

13 PUBLIC ADVOCATE JAMES: So, 2,000 salons-

14 -

15 DONALD YU: [interposing] Yes.

16 PUBLIC ADVOCATE JAMES: --belong to your  
17 members, part of your member group? Members of your  
18 organization?

19 DONALD YU: Yes, they're supposed to.

20 [sic]

21 PUBLIC ADVOCATE JAMES: Okay, okay, and  
22 how many of your members use alternative--alternative  
23 chemicals as opposed to the toxins that jeopardize  
24 the health of--

25 DONALD YU: [interposing] Like I said  
before, in those two seminars a year, one in spring

3 and one in fall, we--we encourage our member owners  
4 to change their traditional--traditional meaning like  
5 the polishes that contain of the--those trio toxic  
6 chemicals into the organic

7 PUBLIC ADVOCATE JAMES: [interposing]  
8 Organic. Uh-huh.

9 DONALD YU: Also--also more expensive.  
10 Some of those are not good [sic] because it's going  
11 to cost them a lot more money.

12 PUBLIC ADVOCATE JAMES: Right.

13 DONALD YU: Because if they buy like 500  
14 polishes a month, if there's a \$1 difference, that's  
15 \$500, you know, more dollars. But we are encouraging  
16 in our seminar that they would replace the  
17 traditional polishes that may have some of the toxic  
18 chemicals into the more organic and more expensive  
19 polishes that do not have those toxic chemicals.

20 PUBLIC ADVOCATE JAMES: Do your members  
21 post signs informing employees about all of their  
22 rights?

23 DONALD YU: Not--not right now.

24 PUBLIC ADVOCATE JAMES: You don't? Is  
25 there a bill of rights that you post anywhere?

2 DONALD YU: Actually, our association is  
3 in favor. I didn't mention that, but the association  
4 is in favor of posting the bill of rights, yeah.

5 PUBLIC ADVOCATE JAMES: So you're in  
6 favor of the bill of rights. You're in favor of  
7 incentivizing the--

8 DONALD YU: [interposing] Ventilation.

9 PUBLIC ADVOCATE JAMES: --the ventilation  
10 systems. You're in--are you in favor of more  
11 inspectors?

12 DONALD YU: Well--

13 PUBLIC ADVOCATE JAMES: [interposing]  
14 Inspections and inspectors?

15 DONALD YU: Well, okay, it is stated in  
16 one of those bills that are only 26 inspectors coming  
17 from the New York State. They are actually coming  
18 from the Division of Licensing Department, and I  
19 guess it was increased to 32--

20 PUBLIC ADVOCATE JAMES: [interposing]  
21 Yes.

22 DONALD YU: But--but our exposure is that  
23 most of our member salons, especially in the five  
24 boroughs of New York City, they are inspected at  
25 least once a year. And some salons are inspected

3 more than once a year. So every salon inspection  
4 they get every--at least once a year. So I'm not  
5 sure if we--we are in favor to increase the  
6 inspectors.

7 PUBLIC ADVOCATE JAMES: Do you also--do  
8 you inform--does your members inform their employees  
9 of their rights with respect to minimum wage, sick  
10 leave, tip wage and OSHA requirements? Do they  
11 generally inform their employees--

12 DONALD YU: [interposing] Yes. we do.

13 PUBLIC ADVOCATE JAMES: --of all of their  
14 rights?

15 DONALD YU: Yes, we do. Because I know  
16 you are also talking about other consumer bill of  
17 rights--

18 PUBLIC ADVOCATE JAMES: [interposing]  
19 Yes.

20 DONALD YU: --here in this hearing. But  
21 we--we are aware of the changes in Labor Law, and we  
22 are required to--to post the sick leave--

23 PUBLIC ADVOCATE JAMES: [interposing]  
24 Yes.

25 DONALD YU: --you know, wages--



3 PUBLIC ADVOCATE JAMES: [interposing]  
4 yes.

5 DONALD YU: --and all those postings in  
6 the place now. Yes.

7 PUBLIC ADVOCATE JAMES: Okay. So what  
8 about sanitizing of instruments? Do you give  
9 seminars about how to sanitize instruments?

10 DONALD YU: Yes, we do. That is also  
11 part of those two seminars a year for our members.

12 PUBLIC ADVOCATE JAMES: Okay. The letter  
13 grade system you oppose?

14 DONALD YU: Right.

15 PUBLIC ADVOCATE JAMES: Why?

16 DONALD YU: Because number one, it is  
17 putting a lot economic pressure on our nail salons--

18 PUBLIC ADVOCATE JAMES: [interposing]  
19 Uh-huh.

20 DONALD YU: --and most, like I said  
21 before, I know there are like many luxurious nail  
22 salons in the--in the Manhattan Borough when you go  
23 out in Manhattan, Queens, Bronx, Brooklyn and those  
24 areas and Long Island as well, they are still small  
25 businesses. They are like a mom and pop--

2 PUBLIC ADVOCATE JAMES: [interposing]  
3 Right.

4 DONALD YU: --salons. And introducing  
5 the letter grading system, I don't know what's  
6 involved, but I--our guess is that that will give a  
7 lot of the economic pressure--

8 PUBLIC ADVOCATE JAMES: [interposing]  
9 Right.

10 DONALD YU: --to the--the nail salon. and  
11 even without the letter grading system, we can work  
12 with the city and the state officials to do more  
13 seminars and to do--to provide, you know, better  
14 environmental services to the customers and the  
15 workers. And we can make it better--

16 PUBLIC ADVOCATE JAMES: [interposing]  
17 Okay.

18 DONALD YU: --without the letter grading  
19 system. Yes.

20 PUBLIC ADVOCATE JAMES: Okay. So you are  
21 open to meeting with a number of individuals in my  
22 office so we can also meet?

23 DONALD YU: Definitely.

24 PUBLIC ADVOCATE JAMES: Okay. I look  
25 forward to seeing you at the seminar.

2 DONALD YU: Yes.

3 PUBLIC ADVOCATE JAMES: I'm going to turn  
4 it back over to the chairs. Thank you, sir.

5 DONALD YU: Okay.

6 SOO JUNG CHUNG: Thank you. Like you  
7 mentioned, we are--everybody has to have a license to  
8 operate the nail service. Korean-American Nail  
9 Association established in 1985 because the State  
10 wants the nail technician unless they have a license.  
11 So, that times Korean-American Nail Association  
12 people and American Association people are getting  
13 together. So many times we have a meeting to make--  
14 to get them to produce and regulations, and what we  
15 are supposed to have--

16 [background comments]

17 SOO JUNG CHUNG: Purpose. [laughs] Then  
18 we went to Albany so many times to do with our role,  
19 and like everybody--everybody do the nail school. So  
20 I can have an exam, right. So I'm sure everybody has  
21 a good education on what we're supposed to do in the  
22 nail salon. And the people keep on talking about the  
23 ventilation, and maybe I don't understand it  
24 correctly, but I'd like to say, I--when we opened the  
25 business. so when we build the business, the design

1  
2 have a ventical--ventilation because the--who has a  
3 permit. The air conditioning people come to put air  
4 conditioning. They--we have a--my store has five-  
5 unit air conditioning. And so ventilation is  
6 supposed to work very good, and every place has a  
7 fan. And the two doors where we can go outside. So  
8 fresh air is working very well. Through the whole  
9 place the fresh air comes, and the fan is working and  
10 the ventilation is--who has a permit like a business  
11 so when we build the business. So, we don't have a  
12 problem with the--that air. And also, I'm in this  
13 business since 1984, and at that time we work with  
14 many acrylic nails. [bell] So there was a strong  
15 chemical we were supposed to use, and the linen or  
16 silk fake nail, artificial tip we use most we use.  
17 But now, only like two percent we use acrylic. Not  
18 even two percent. So, these days, the internet based  
19 so the--we are a business. All the business open to-  
20 -100% to the public. When they go to the Internet  
21 like a Yelp thing, every store they mention. They  
22 put they--they do clean. They do good sanitation,  
23 bad sanitation, good job, bad job, expensive, cheap.  
24 I--when I open the business in 1994, I start with the  
25 \$3,000 rent. But now, I'm paying \$30,000 rent, and

1 we--it's very hard to try to survive, very hard. And  
2 also, restaurants and the nail business it's a really  
3 big difference. The nail business is labor comes.  
4 Like a city the--next to a company people comes at  
5 only lunch time, too. So the city business is only--  
6 business hours is like three hours, 12:00 to 2:00--  
7 3:00. But 80% of customers comes at that time, and  
8 all day it's slow. But, I am a member of Korean-  
9 American Nail Association. We keep on saying the  
10 five borough people must keep using regulations  
11 because the people comes only are neighbor people.  
12 So only if I--only my store is kept clean and good  
13 sanitation, and the other people's is bad, I am the--  
14 I have to close business also. Because everybody  
15 running the same do and regulations can make  
16 everybody survive. Everybody is supposed to have a  
17 good business. That's

19 CHAIRPERSON ESPINAL: [interposing] So--

20 SOO JUNG CHUNG: That's what it's--

21 CHAIRPERSON ESPINAL: [interposing] So,

22 so--

23 SOO JUNG CHUNG: I'm keep on saying--

24 CHAIRPERSON ESPINAL: Sorry. Over here.

25 You need to wrap it up.

3 SOO JUNG CHUNG: Okay, I'm done and--

4 CHAIRPERSON ESPINAL: [interposing] All  
5 right. [laughs] Well, thank you. Thank you for  
6 your testimony. I appreciate it. Thank you. No  
7 more questions. So thank you.

8 DONALD YU: Okay, thank you. Thank you  
9 very much.

10 CHAIRPERSON ESPINAL: Yeah.

11 SOO JUNG CHUNG: Thank you.

12 CHAIRPERSON ESPINAL: Let's call up the  
13 last panel. We have Charito Cisneros, Lynn Mittal  
14 [sp?], Julienne Verdi, Maya Pinto, and Rachel  
15 Spector.

16 [pause]

17 CHAIRPERSON ESPINAL: Whenever you're  
18 ready begin. Just state your name on the microphone  
19 before giving your testimony.

20 [pause]

21 CHARITO CISNEROS: Okay. My name is  
22 Charito Cisneros from the--I'm the President of New  
23 York Cosmetology and Beauty Chamber of Commerce.  
24 It's the first chamber of commerce in the beauty  
25 business in New York. I also as a teacher I heard  
about many different opinions, but I agree about the

1 grading system. And also at the same time the  
2 ventilation in the beauty salon. So the grade system  
3 is really important. Why is because it will force  
4 the business owners to be prepared all the time. And  
5 also the ventilation is really to work because some  
6 of the mothers they fix their hair, they do their  
7 nails and bring little kids. The little kids then  
8 also they smell this strong chemical. When we talk  
9 about chemicals, there's really a lot of people.  
10 It's not--everybody was talking about only nails. We  
11 have to talk about everything. And we have to talk  
12 about hair, chemicals, relax. Especially now they  
13 use the carotene. Carotene is really, really bad.  
14 Sometimes the business owner they have to go straight  
15 to them--to the hospital because the smell is really  
16 strong, and they don't have good ventilation. The  
17 ventilation is really important. The only thing is  
18 some of the--some of the salons or the business  
19 owner, they don't have no space to put any kind of  
20 ventilation. Or, the landlord they don't let them  
21 use to put in any kind of ventilation. That's the  
22 only thing is the advantage to put some ventilation.  
23 But they have to find a way to put that ventilation.  
24

2 Also, my opinion is that people come for different  
3 countries also.

4 I had a lot of students or a lot of  
5 professionals that come from a different country. In  
6 my organization, we prepare. We do a lot of  
7 workshops, and the Lehman--we are over there in the  
8 Lehman College in the Bronx. So we always we offer  
9 seminar to be prepared when they has to open the  
10 business. Where the regulation is. Now, I was  
11 talking about the people who comes from different  
12 countries. They don't know the regulations in this  
13 country. I had one of them. They told me I don't  
14 need to have the license. I don't need to have the  
15 permit in here because in my country I don't do  
16 nothing here. So that means we have to educate all  
17 those people also. And before they get the licenses,  
18 it's better to have a seminar and a course before  
19 they open the business. And every time they're going  
20 to renew their license, they have to have also a  
21 seminar for sanitation. They has to have--they have  
22 to learn different chemicals because we have to work  
23 also with a company that has the kind of products.  
24 And they--they has to be--prevent any kind of  
25 disease.



3 CHAIRPERSON ESPINAL: Thank you.

4 [pause]

5 CHARITO CISNEROS: I have to go. I have  
6 to run really fast. You don't mind? I really am  
7 sorry.

8 CHAIRPERSON ESPINAL: That's okay.

9 [laughter] Well, thank you. Thank you for  
10 testifying. Yeah.

11 LYNN MITTAL: Thank you. Just for the  
12 record, my name is Lynn Mittal [sp?]. I'm a Lay  
13 Health Advisor with the Witness Project of Harlem.  
14 Greetings, Chairs, Public Advocate, Health Committee  
15 members and Council members. At the Witness Project  
16 of Harlem, we actually partner with the Department of  
17 Preventive Medicine and the Tish Cancer Institute, a  
18 division of Cancer Prevention and Control, and the  
19 Icahn School of Medicine at Mount--excuse me--at  
20 Mount Sinai. We are actually here to support the  
21 Advocate's bill particularly the portion that  
22 advocates education and outreach. What we've been  
23 doing at the Witness Project of Harlem is we actually  
24 go out to the community, and we speak to ladies about  
25 cancer, breast, cervical and any types of cancer and  
advise them of their risks. What they're exposed to,

1 and in this aspect it's beneficial for the public,  
2 the consumers to know when they go to a nail salon  
3 the risks that are there that they are not--they may  
4 not have any knowledge of. In listening to the  
5 Council Speaker--I'm sorry, the Chair Speaker, the  
6 Chairman speak about the trio. When you listen to  
7 the trio, who knows what a trio is? When you advise  
8 the public in the lay terms manor, the trio is  
9 acetate, it's nail polish glue. It's other things  
10 that people may not be aware of. So it's important  
11 that the outreach, the educational outreach be  
12 introduced to the people so they can receive it. We  
13 go into a restaurant. The standard terms of how you  
14 know whether a restaurant is healthy, clean. So you  
15 observe a measure, the continuity of grade. In these  
16 salons there is no grade. So how does the public  
17 know how to measure what's healthy? Whether or not  
18 the products are being cleaned. So we're advocating  
19 that we go out to the public and support the Public  
20 Advocate. To give them information, and to talk to  
21 them in a lay health term so they can understand  
22 what's required for them to have knowledge to keep  
23 them--to keep healthy. Excuse me. Healthy. I just  
24 need to get some water because my mouth is dry.  
25

1  
2 When you look at the windows of susceptibility, a  
3 woman may not know that the childbearing age is  
4 something that they need to be conscious of. When  
5 you look at a woman who goes into a salon, and she's  
6 pregnant, if she's actually exposed to nail glue, it  
7 may have an affect on the fetus. Things of this  
8 nature is something needs to be disclosed to the  
9 public. So we'd like to make ourselves available to  
10 the Advocate and partner in getting this information  
11 out to the public.

12 JULIENNE VERDI: Good afternoon. I'm  
13 Julienne Verdi, Director of Government Relations at  
14 Planned Parenthood of New York City, and I'm pleased  
15 to be here today to provide testimony. We thank our  
16 strong supporters, Public Advocate James, Council  
17 Member Johnson and Council Member Espinal in their  
18 leadership in convening this hearing. PPNYC serves  
19 more than 50,000 patients annually in our health  
20 centers currently located in Manhattan, Brooklyn,  
21 Staten Island and the Bronx. And a new health center  
22 in Queens is due to be open soon. As a trusted  
23 sexual and reproductive healthcare provider in New  
24 York City, we are concerned about the effects  
25 hazardous chemicals may have on reproductive health.

1  
2 And understand the importance of passing supportive  
3 legislation, and approving education around safe  
4 practices. There are an estimated 5,000 nail salons  
5 in New York State with 2,000 of them in New York City  
6 alone. And a growing body of research indicates that  
7 toxic chemicals found in nail salons may negatively  
8 affect a person's reproductive health.

9           Nail salon workers are predominantly  
10 women of reproductive age. And persistent exposure  
11 to chemicals commonly used in the nail industry could  
12 have serious long-term effects especially to the  
13 reproductive system resulting infertility,  
14 miscarriages and birth defects. Many of the  
15 chemicals used in nail salons are not regulated, and  
16 do not have adequate warning labels. As a healthcare  
17 provider, we support strong public health  
18 protections, and clear disclosures of potential  
19 health risks of commonly used chemicals. And we  
20 commend the bill's inclusion of an education  
21 component to provide employees, consumers, community  
22 members and advocates with information on potential  
23 hazards and effective safety measures. While making  
24 information available is vital, it's even more  
25 important that the information be made accessible.

1  
2 We must ensure all health and safety materials are  
3 disseminated in multiple language, and that outreach  
4 and inspectors include bilingual support. The  
5 majority of nail salon workers are immigrant women  
6 predominantly from Asian countries, and many are  
7 English limited proficient.

8           New York City is one of the most diverse  
9 localities in the world, with experts estimating that  
10 nearly 800 languages are spoken within the five  
11 boroughs. PPNYC is committed to ensuring  
12 communities--to serving communities that depend on  
13 our services the most, and providing access to  
14 healthcare in culturally competent settings. PPNYC  
15 supports policies and legislation that increases  
16 access to healthcare for immigrant and low wage  
17 communities through education and outreach in the  
18 preferred languages of the most affected--of those  
19 most affected by these issues. Also as a safety net  
20 provider, PPNYC understands the economic barriers  
21 that often impact a person's access to healthcare.  
22 On average, nearly nail salon--nail salon workers  
23 earn less than \$20,000 a year nationwide. In  
24 considering the constraints of language barriers and  
25 lack of health insurance make it difficult for many

3 nail salon workers to get the care they need after  
4 long-term exposure to harmful chemicals.

5 PPNYC applauds the Council bill's  
6 inclusion of a Healthy Nail Certification Program  
7 that would encourage nail salons to improve overall  
8 health and safety practices, and also calls for  
9 measures to improve salon air quality. [bell] Just-  
10 -I'll wrap it up. We're also pleased to see the  
11 inclusion of a study to document employee health  
12 problems and to track the use of personal safety  
13 equipment. We lastly commend the bill's--the bill's  
14 formation of a task force. We would encourage the  
15 task force to include representation from immigrant  
16 rights groups, environmental justice groups, labor  
17 and healthcare organizations. So that organizations  
18 and community representatives best suited to speak to  
19 the various health and safety needs are informing  
20 best practices--best practices and recommendations.  
21 Planned Parenthood of New York City encourages the  
22 New York City Council to pass measures to improve the  
23 safety of nail salons, and to continue to advance the  
24 health and safety of all New Yorkers. Thank you.

25 MAYA PINTO: Good--good afternoon. Thank  
you to Chairpersons Espinal and Johnson and to the

3 Public Advocate for the opportunity to provide  
4 testimony in support of improving worker and consumer  
5 safety and health in nail salons. My name is Maya  
6 Pinto, and I'm Director of the Economic Justice  
7 Program, at the National Asian Pacific American  
8 Women's Forum, also known as NAPAWF. NAPAWF's  
9 mission is to build a movement to advance social  
10 justice and human rights for Asian and Pacific  
11 Islander women and girls in the U.S. And we are a  
12 national organization with 15 local chapters across  
13 the country including one in New York City. NAPAWF  
14 is here this morning as a founding member of the  
15 National Healthy Nail and Beauty Salon Alliance, and  
16 as a member of the New York Healthy Nail Salon  
17 Coalition.

18 We're here to advocate for improved  
19 safety in a dangerous low wage and under-regulated  
20 industry that employs scores of Asian immigrant women  
21 in New York City especially women from the Nepali,  
22 Korean and Vietnamese and Chinese communities. And  
23 many NAPAWF members across the country are actually  
24 former nail salon workers or have family members who  
25 are nail salon workers. So we commend the Public  
Advocate and the Council, Council Member Johnson and

1  
2 Espinal for their efforts. And to speak to Intro  
3 304-A right now, it creates a healthy nail salon  
4 certification program, which we are in favor of. It  
5 would see participating salon's discontinued use of  
6 products, of course, containing the toxic trio. It  
7 would provide workers with meal and rest breaks and  
8 personal protective equipment, offer safety training  
9 and multi-lingual information to salon owners and  
10 workers, as well as financial support to install  
11 mechanical ventilation systems. And all these  
12 measures are very welcome.

13 In surveys and focus groups conducted by  
14 NAPAWF recently, nail salon workers in New York City  
15 have expressed concerns about the short and long-term  
16 effects of toxins in nail salon products. They've  
17 reported going without any meal or rest breaks, being  
18 discouraged by owners from using protective gear, and  
19 feeling under-informed about how to safely use nail  
20 products. And they've also complained very regularly  
21 about inadequate ventilation. And so we believe that  
22 304--Intro 304-A is an important step forward on the  
23 path to improving safety in nail salons. And we also  
24 are looking forward to working with the Public  
25 Advocate and the Council to building from here to try



1  
2 and enact industry wide and enforceable regulations  
3 that will ensure that every single nail salon in New  
4 York City is safe.

5           Let me briefly speak to Intro 610 as  
6 well. So, NAPAWF supports the aim of Intro 610 to  
7 ensure that nail salon consumers know their rights.  
8 And like our colleagues on the coalition, we urge the  
9 Council to add provisions that would ensure that nail  
10 salon workers who are most vulnerable to safety  
11 hazards in salons, and who are also vulnerable to  
12 labor violations like wage theft are supported in  
13 filing complaints and seeking recourse. We heard  
14 Council Espinal that you are going to include that  
15 provision, and so we are very excited about that, and  
16 hope to follow up. Just to wrap up, NAPAWF looks  
17 forward again to working with the Council to  
18 improving safety in nail salons for both workers and  
19 consumers. And also to turning all nail salon jobs  
20 into good jobs. Thank you.

21           CHAIRPERSON ESPINAL: Thank you. Any  
22 questions from my colleagues?

23           RACHEL SPECTOR: [laughs] It's always  
24 fun to be the last person. Good afternoon. My name  
25 is Rachel Spector. I am a staff attorney at New York

1  
2 Lawyers for the Public Interest in our Environmental  
3 Justice Program. And our organization has a long  
4 history of working to improve indoor air quality and  
5 reduce exposure to toxic chemicals in New York City  
6 particularly in public schools. NYLPI supports  
7 Intro 304-A and believes it's a meaningful step  
8 toward improving environmental health in nail salons  
9 throughout New York City. As you've heard today,  
10 nail salons use a host of chemical products that can  
11 be harmful to health. And as others have said, it's  
12 really important to note that the vast majority of  
13 nail salon workers are immigrant women. Many of them  
14 work very long hours, and have limited in English  
15 proficiency. And there are a lot of barriers, as  
16 you've heard, for them first of all to know about the  
17 rights that they do have, but also to enforce those  
18 rights.

19 And finally, there are huge regulatory  
20 gaps, and there are many rights to health that  
21 workers do not currently have. And Intro 304-A  
22 would--would take some steps towards filling some of  
23 these gaps. For example, the FDA regulation of  
24 cosmetics is extremely weak. Products are not pre-  
25 tested. They can't be recalled, and so the--the

1 provision in Intro 304-A that would--that the  
2 Department of Health would develop that that would  
3 ban the use of the toxic trio is an important step.  
4 Also the provisions regarding ventilation are  
5 important steps to fill gaps that really do not exist  
6 in the State regulations about reducing inhalation  
7 and airborne exposure to toxic chemicals. So the  
8 measures both under the certification program, and  
9 also the reimbursement program for improving  
10 ventilation is something that's very important. And  
11 those measures really do work to reduce exposure.  
12

13 We do think that, you know, as others  
14 have testified, it's important to make sure that the  
15 ventilation systems are working properly and are  
16 properly installed. So the reimbursement program  
17 should include measures to make sure that people are  
18 informed that the systems are properly installed.  
19 And also, we note that we hope that this voluntary  
20 certification program will be the first step toward  
21 implementing regulations that cover the entire  
22 industry. We know that that's what happened in  
23 Boston where they have said that the first--the  
24 voluntary program helped lay the groundwork and raise  
25 the bar. So that when they implemented regulations

1  
2 it was easier to have them implemented and followed  
3 throughout the industry. Finally, I'll just add on  
4 that with respect to Intro 610, like others here, we  
5 applaud the goal and believe it should apply fully to  
6 workers. And, you know, Council Member Espinal, you  
7 said you--you would incorporate that so we welcome  
8 that. And thank you again for the opportunity to  
9 testify. [bell]

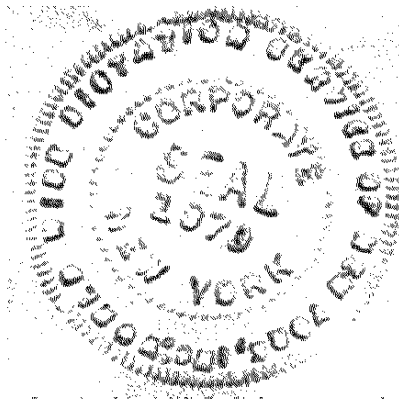
10 CHAIRPERSON JOHNSON: Thank you so much.  
11 And there are no questions. Thank you all for being  
12 here. Thank you everyone for coming to testify  
13 today.

14 CHAIRPERSON ESPINAL: I want to thank my  
15 colleagues and everyone who testified. That's a  
16 wrap. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 12, 2015