



Testimony

of

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Division of Environmental Health
New York City Department of Health and Mental Hygiene

before the

New York City Council Committee on Health

Jointly with the

Council Committee on Consumer Affairs

On

Intro 0304-2014 -- Promoting Health and Safety at Nail Salons

And

**Intro 0610-2015 -- Requiring the Posting of Information Related to Services Offered at
Licensed Appearance Enhancement Businesses.**

May 1, 2015
Council Chambers, City Hall
New York City

Good morning, Chairmen Johnson and Espinal, Public Advocate James, and members of the Committees. My name is Nancy Clark, and I am the Assistant Commissioner for the Bureau of Environmental Disease and Injury Prevention at the New York City Department of Health and Mental Hygiene. I am joined today by Amit Bagga, Mary Cooley, and Richard O'Hara, my colleagues from the Department of Consumer Affairs (DCA), who will answer questions about how the legislation being considered today impacts DCA. On behalf of Commissioner Bassett, thank you for the opportunity to testify.

I want to note at the outset of my testimony that the Law Department is still considering these bills and how they relate to existing New York State laws and regulations, so my testimony does not account for possible issues the Corporation Counsel may find in its review.

The legislation under consideration today addresses the appearance enhancement industry, and nail salons in particular. As you know, the New York State General Business Law governs these businesses, but the Health Department does respond to occasional complaints about odors emanating from these shops lodged by residential and commercial neighbors of salon businesses. Upon inspection, if we determine that chemical vapors are permeating neighboring spaces, we order the salon owner to mitigate the condition. Often this involves requiring the salon owner to improve or install a ventilation system to prevent odors from entering neighboring spaces. The Health Department also provides links on our web site to health and safety information on nail salon and other appearance enhancement services issued by the federal Occupational Safety and Health Administration, the Food and Drug Administration, and the New York State Departments of Health and State.

Intro 304-A aims to promote better practices in the nail salon industry by mandating creation of health and safety guidelines, establishing a voluntary "healthy nail salon" certification program; reimbursing salons for installation of ventilation systems; requiring registration with the Department; mandating the posting of signs; requiring the Department to conduct education and outreach; and establishing a nail salon task force. The Department appreciates and supports the goals of Intro 304-A to raise awareness about nail salon products and the working conditions for nail salon employees. The New York City Public Advocate estimates that there are 2,000 nail salons operating in New York City, employing thousands of workers. Because many salon employees are new immigrants, likely earning low or minimum wages, with limited English proficiency, they may be unaware of workers' rights and safe work practices. The Department believes, however, that the bill's certification, reimbursement and registration provisions would not affect change in this industry, while requiring the Department to divert significant resources from other programs.

The chemical products used in many nail salons can present risks to workers who may be exposed through inhalation or direct exposure to the skin. Potential health impacts vary depending on the specific chemicals used and the duration and level of exposure. There is a wide array of synthetic and natural chemical products used in nail salons and too much exposure to certain products can cause irritation, allergic reactions and other effects. Proper ventilation can dramatically reduce inhalational exposures and gloves can help prevent direct exposure. Other ways to limit exposures may include substituting safer products where available, limiting the amounts of products used, and keeping product and waste containers closed. As awareness about nail salon products has increased, some of the top brands of nail polishes have been re-formulated so they no longer contain toluene, dibutyl phthalate and formaldehyde. Given the

potential for harm and the vulnerability of the workforce, the Department supports those parts of the bill that would require our agency to create health and safety guidelines in multiple languages, and would like to work with the Council on the specifics of the required guidance.

The voluntary “healthy nail salon” certification is unlikely to create an incentive for these businesses to implement best practices. In order for a voluntary certification program to succeed, a significant number of businesses must participate, industry trade groups must accept such certification as a better business practice, and consumers must be aware of the advantages of a ‘certified’ business. Until certification - rather than service, convenience, location or cost - drives consumer choice, businesses are unlikely to participate.

Salon owners are unlikely to allow Health Department inspections or to incur costs associated with potential changes to the building’s mechanical and ventilation systems which might be made more difficult and costly to implement by the business’ lease agreement. Certification would also require nail salon owners to avoid certain products that competitors may offer and customers may prefer.

The bill would also require “installation” of a “mechanical ventilation system” - which must be used at all hours of operation, even if there is little need during some hours - in order for a nail salon to be certified. But the bill broadly defines that to include a “dilution ventilation system,” which pulls clean outdoor air in and pushes indoor air out, and an “exhaust ventilation system,” which can be nothing more than a downdraft ventilated table that recirculates indoor air. The method of ventilation needed to achieve good indoor air quality depends on a variety of factors specific to the salon, including the number of tables, their proximity to each other, the amount of chemical products used, the size of the salon and the building site. The legislation, however, requires the Department to provide a “healthy nail salon” seal to any salon that simply has a ‘mechanical ventilation system,’ whether that system meets that salon’s indoor air quality needs or is, in fact, used.

For similar reasons, the bill’s reimbursement program is untenable. The Department does not have the resources to provide grants of up to \$500 to the estimated 2,000 salons in the City, and procurement rules make the cost of administering such a grant significant, despite the small size of each grant. It is not clear that the bill would allow the Department to reimburse a salon only when it installs a ventilation system appropriate to its operation, and, in many cases installation of an appropriate system could cost thousands of dollars, perhaps more, far more than the allotted 500 dollars.

The mandatory registration system also does little to further the laudable goals of promoting best practices among nail salon operators. Registration can be helpful when the City does not know how many businesses operate in a given industry or where those businesses are located. Because New York State licenses nail salons, the City can already obtain that information. Developing a registration system would be duplicative with little benefit to justify the expense. Intro 304-A does not include certification or registration fees and consequently provides no funds to cover the cost of inspections; manage a reimbursement program; develop, translate and distribute guidance, signage and educational materials; or build a registration system.

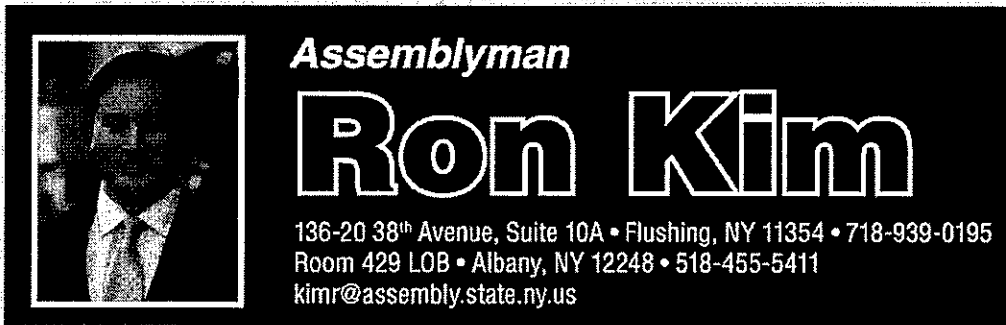
Given the significant amount of work that has been done in the City - especially by Public Advocate James - and at the federal level by OSHA, and by environmental health

advocates, the Department believes that a task force is unnecessary. We already understand both the risks associated with nail salons and the ways to mitigate those risks. We stand ready to work with the Council to issue and disseminate guidance on health and safety for nail salons.

Turning to Intro 610, which would require DCA to create a list of appearance enhancement consumers' rights and require these businesses to conspicuously post the list. DCA's overall mission is to empower consumers and businesses alike to ensure a fair and vibrant marketplace. The agency licenses approximately 80,000 businesses across 55 different industries, mediates complaints between consumers and businesses, conducts patrol inspections and legal investigations, educates businesses about laws and rules, and also enforces New York City's Earned Sick Time Act, commonly known as the "paid sick leave" law. In addition to its licensing, consumer protection, and labor-related work, DCA operates the Office of Financial Empowerment.

As part of their patrol inspections, DCA would be able to enforce the provisions in Intro 610 that would require the posting of information related to services offered at licensed appearance enhancement businesses.

Thank you for the opportunity to testify. My colleagues and I would be happy to take any questions.



My 1st, 2015

STATEMENT BY ASSEMBLYMAN RON KIM RE: INT 0304-2014-A, INT 0610-2015, RES 0534-2015, AND RES 0535-2015

I'm here today representing the interests of the thousands of workers and mom-and-pop store owners, who are in the nail salon, beauty-related businesses, or appearance enhancement establishments.

First, I'd like to thank my good friend and former colleague from the Assembly, Chairman Rafael Espinal and his staff for taking the time to meet with us a couple of months ago to address my constituents' concerns. Of course, it's always good to see my other colleagues in the Council as well.

As a son of Korean American immigrants who ran and operated nail salons for more than ten years, I've seen first-hand how difficult it is for these business owners and workers who are just trying to survive in a competitive environment. During college, I often helped my family's nail salon business by maintaining the books, making sure everything was clean and sanitized, dealing with inspectors, resolving landlord problems, etc.

I learned in a short period of time how difficult it was for these stores to become profitable. Between the unstable profit margins, competition, and external expenses, many of these businesses survive by taking out loans before they can even think about becoming profitable.

I understand we must be responsible and make sure that all businesses in this city provide not only a safe environment for customers but also use safe products as well.

At the same time, we must do a better job in finding the right balance between consumer protection and over-the-top regulations that may only lead to bankrupting the mom-and-pop operating stores.

It's my understanding that at the state level, we already have a rigorous inspection system in place and these stores must comply with certain regulations. I agree with the Council in allocating more funding to the Department of State so they can increase the number of health and safety inspectors, and I will do my part to help with those efforts.

However, I believe we should reexamine the proposal for the letter grading system. I've heard a number of complaints against this idea from both workers and store owners, and I believe we should continue to examine the impact of such a system, including the full cost of such a policy.

Thank you for your time.

05/01/2015

My name is Donald Yu, I am a Chairman of the Board of Directors of the Korean Nail Salon Association of New York.

We represent approximately 2,000 nail salons throughout 5 boroughs of New York City and surrounding areas such as Long Island, Yonkers and Westchester counties.

As we look at the proposed New York City bills and changes in the City laws and regulations, this Association's opinion is summarized as below:

- 1) We do not oppose New York City's effort to improve health and safety level at nail salons.
- 2) However, over the last 6-7 years, our member nail salon owners have put a lot of effort on improving working environment and sanitation level in the salons such as:
 - a. Our member owners make sure all workers come to work in the nail salons have necessary nail license issued by New York State Department of State, if anyone does not have the nail license, we would send her/him to New York State registered nail or beauty school and get license before they start working in the salon.
 - b. Over the last 7-8 years, our member owners have eliminated toxic chemicals that are harmful to human body for the benefit of customers and salon workers such as MMA and bad acrylic powder. In fact, our member salon owners are not offering artificial nails that use bad acrylic products to our customers for many years already.
 - c. We are also trying to eliminate cheap nail polishes and bringing pro environmental polishes that contain less bad chemical elements although those pro environmental polishes cost lot more, sometimes they are twice more expensive than cheap polishes.
 - d. We also recommend to our customers to do "Gel Nails" instead of traditional artificial nails.

- e. Benefit of the “Gel Nails” over traditional artificial nails is we are not using products containing bad chemical.
 - f. We also recommend to our customers to get SPA manicure and SPA pedicure which use zero chemical products, sure they cost more to the customers because we use only no chemical, pro environmental SPA products.
- 3) It is suggested that there are only certain number of inspectors from the Department of State Licensing Division, but most of our member salons are inspected at least once a year and some salons are inspected more often and once the salon is issued with violations, and since the fine is very stiff, most of owners will correct the problem and do not want to get additional tickets.
 - 4) Again, we do not oppose any regulations to improve sanitation and work environment in the nail salons to promote health and safety matters that will further benefit our salon customers and workers.
 - 5) However, bringing the “Letter Grade System” to beauty and nail salons will have very bad impact in this industry.
For example, I, myself have been running nail salon in Long Island area and when looking back the last 15 years, nail salon business has not escaped from small business status.

Especially, after the 9/11 attack and also hurricane Sandy had put a lot economic pressure on our business.

People don't spend money on their appearance enhancement places any more.

In the meantime, rent has skyrocketed and cost of material has gone up twice or in some cases, tripled when compared to from 10-15 years ago and you can tell that price of nail care has no gone up at all because of more competition and more customer demand.

This “Letter Grading System” will put additional economic hardship onto our nail salons which already have suffered economically since the 9/11 attack and hurricane Sandy.

What we are proposing is our Association to work with New York State or City or County officials to better train our workers so that workers and customers alike will be more aware of better sanitation and environmental issues.

We would like to have one or more Association staff to work with government agency personnel and get trained so that we can train our members along with government agency people to hold seminars and educate beauty and nail salon workers.

Thank you for your time,

Donald Yu
Chairman of Board of Directors
Korean Nail Salon Association of New York



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New York City Council Hearing
Re: Intro 304-A: Promote Health and Safety at Nail Salons

Testimony of Susan McQuade, MPH
Safety and Health Specialist, New York Committee for Occupational Safety and Health

Good morning. My name is Susan McQuade, and I am Health and Safety Specialist with the New York Committee for Occupational Safety and Health (NYCOSH). NYCOSH is a non-profit, membership-based organization that advocates for the right of all workers to a safe and healthy workplace. In addition to providing training and technical assistance to thousands of workers and their organizations every year, NYCOSH also build coalitions to promote actions that will improve the safety and health of workers, the public and the community. Our membership is comprised of workers, unions, community-based organizations, safety and health activists, public health professionals, injured workers, and others who are committed to strong protections for safer workplaces.

We at NYCOSH applaud the Council and the Public Advocate's efforts to make our city's nail salons safer and healthier for customers, employees, and the environment. As you are aware, similar actions are being undertaken by other municipalities across the US, and we thank you for your leadership on this issue.

We especially applaud your efforts to reduce the use of toxic chemicals, along with improved indoor air quality, as these will be will be major steps to improve conditions in nail salons. The list of harmful chemicals used in salons is extensive: dibutyl phalates, found in nail polish, can cause nausea, eye and skill irritation, and are reproductive toxins; toluene, found in nail polish and glues, can lead to dizziness, headaches and rashes, as well as long-term liver damage, birth defects and pregnancy loss. Exposure to formaldehyde, the third in the list of the "toxic trio" found in salons, and found in many nail

hardeners and polish, has been associated with wheezing, skin rashes, breathing problems and irritation, and it is also a carcinogen. Exposure to ethyl methacrylate, used in artificial nail liquid, has been associated with asthma, irritated eyes, skin, nose, and mouth and difficulty concentrating, and according to OSHA, exposure while pregnant may affect your child. These are just four of the many harmful chemicals found in salon products; many others are in use during a typical day at the salon. Although airborne concentrations of nail salon chemicals typically may not exceed OSHA Permissible Exposure Limits, salon workers and their owners are exposed to various levels of multiple, mixed chemicals over long workdays, over many weeks, and even over many years. While more research is needed to understand the synergistic effects of these multiple simultaneous exposures, we do know from studies that nail salon workers are experiencing symptoms that are associated with exposure to these substances. One study of Boston nail technicians found that three in ten surveyed had some respiratory symptoms, including irritation, regular cough, and difficulty breathing. The discontinued use of the “toxic trio” is a highly desirable objective, as there are safer alternatives that can be used that would eliminate exposure to these hazardous chemicals. The posting of a regularly updated list of safer alternatives will also be valuable, and would be an essential element to ensure the success of the certification program.

The use of dilution ventilation, as well as local exhaust ventilation, must be key components of any program that seeks to reduce airborne exposures to chemicals and dusts. The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE), the professional group that sets standards for indoor air quality, recommends that nail salons have air exchanges of 20 cubic feet per minute (cfm) per person; the 2014 New York City Construction Mechanical code requires the same, and states that for nail salons “mechanical exhaust (is) required and the recirculation of air from such spaces is prohibited” and “the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm/ft² per station.” Note that if local or dilution ventilation is present, reliance on open doors or windows should not be necessary and is usually not recommended, as it may adversely impact the operation of mechanical ventilation.

A recent study of “local exhaust ventilation” technology in nail salons found that nail tables with built-in local exhaust had the potential to reduce hazardous exposures to salon workers by more than 50 percent. Removing hazardous chemicals from salons, reformulating products to reduce chemical volatility, adherence to ventilation standards, including use of “source capture” systems, like down-draft tables, are central to the goal for limiting exposures for nail salon customers and workers alike.

Although NYCOSH supports Intro 304, we remain concerned that the law does not go far enough, as the certification program is purely voluntary in nature. In Boston, for example, the city, through the Boston Public Health Commission, enacted their own Board of Health regulation, which was an enhancement of the state nail salon regulations. Public health promoters visit the salons to ensure that standards are being met, and they have added a certification program as the incentive, so it builds on the regulations, and moves them closer to reducing the use of toxins, and incorporates elements of improved ventilation to bring them closer to the reality of the healthy salon.

We thank you again for the opportunity to testify, and for your ongoing commitment to the public’s health. We hope to work with you in the coming weeks to strengthen this bill, and to ensure that the final law includes an enforcement mechanism to make the elements outlined in this bill a reality.



New York City Council Hearing

Re: Intro 304-A: Promote Health and Safety at Nail Salons, and Int. No. 610: Required Disclosures for Appearance Enhancement Businesses

May 1, 2015

Testimony of Charlene Obernauer

Executive Director of the New York Committee for Occupational Safety and Health

The New York Committee for Occupational Safety and Health (NYCOSH) supports Intro 304-A and the efforts of the New York City Council and Public Advocate Letitia James to improve safety and health in nail salons. NYCOSH is an independent non-profit health and safety organization with offices in New York City and Hauppauge, Long Island. Approximately 175 local unions and other labor and community-based organizations in the metropolitan area are members of NYCOSH, as well as several hundred individual workplace safety and health activists, healthcare and legal professionals, and concerned New Yorkers. NYCOSH has been providing technical assistance and comprehensive training in environmental and occupational safety and health to unions, employers, government agencies, and community organizations for over three decades, including technical assistance and training on nail salons.

There are over 375,000 nail salon workers in the United States, who are exposed to dangerous health hazards every day on the job. In New York State, there are 5,000 salons, 2,000 of which are right here in New York City, and an uncountable number of customers. The majority of workers are low-wage immigrant women, and clients range in socioeconomic background, but are mostly women. The appearance enhancement industry has experienced a huge boom in recent decades, leading to increased employment opportunities. However, with this growth, we have also seen increasing numbers of wage and hour and OSHA violations. We applaud this legislation for moving forward the dial towards creating healthier salons.

The proposed legislation takes a very significant step forward to promote healthier nail salons by reducing the amount of toxic chemicals used in salons, employing measures to improve indoor air quality in salons, among other actions. However, NYCOSH would like to ensure that this bill has the teeth needed to be an effective program; namely, that a truly valid enforcement program be included in this legislation. This would require staff from the NYSDOHMH to visit salons to assure compliance with the state regulations, as well as to assist nail salons in their attempt to meet the requirements of the voluntary program certification. We need to ensure

that if there are “Healthy Nail Salon” stickers in window in nail salons advertising safer salons, that these salons have met such regulations and certification requirements.

We therefore urge the Council to strengthen this bill by requiring that salons be subject to inspections by city personnel to ensure compliance. A step further, we would urge the Council to consider making the entire program mandatory through adopting regulations, as opposed to a voluntary certification program. Finally, we would urge the certification program to exclude nail salon businesses that have a history of wage and hour violations, or that have unpaid OSHA violations; both in terms of the reimbursement for businesses, as well as the certification program itself. Violators of labor and health and safety law should not be awarded with any praise through this program.

Another core component of addressing nail salon safety and health is through education and outreach. This bill ensures that salon owners, workers, and customers will be informed of the potentially harmful impact of exposure to toxins in nail salons; both through outreach and through signs in the salons. This education and outreach is critical to ensuring that nail salon workers and customers understand the potential risks involved in working and frequenting nail salons.

NYCOSH also supports the idea of creating a task force to study and provide recommendations for nail salon health and safety in New York City. However, we believe that the task force should not be limited in time frame, but should be created on an as-necessary basis; and should also work to inform the guidelines or regulations as they roll out. This will ensure that the certification program is making an impact and is guided by the evolving science around toxins utilized in nail salons.

Finally, NYCOSH believes that Int. No. 610, required disclosures for appearance enhancement businesses, while well-intentioned, should not be limited in scope to customers. If customers are being informed about the complaint process related to incompetent salons, nail salon workers should similarly be informed of how to file wage and hour and OSHA complaints. Disproportionately putting resources into outreach to customers, while well-intentioned, does not address those most likely to be impacted by unsafe and unregulated nail salons: low-wage, immigrant women. It is essential to ensure that in the process of protecting the public health, we do not compromise protection of worker health.

Thank you all for your time and consideration of our comments, and for working to increase safety and health in nail salons.

Planned Parenthood of New York City

**Planned Parenthood of New York City
Testimony on Intro 304-A, the Nail Salon Health and Safety bill
May 1, 2015**

Good afternoon. I am Julienne Verdi, Director of Government Relations at Planned Parenthood of New York City (PPNYC). I am pleased to be here today to provide testimony in support of New York City's effort to improve health conditions in nail salons. Planned Parenthood of New York City thanks our strong supporters Public Advocate Letitia James, Chair of the Committee on Health, the Honorable Council Member Corey Johnson, and the Chair of the Committee on Consumer Affairs, the Honorable Council Member Rafael Espinal for their leadership in convening this hearing. We'd also like to thank the Committee on Health, Committee on Consumer Affairs and the entire City Council for their dedication to these issues and we welcome the opportunity to discuss ways we can boost access to care and improve health outcomes for all New Yorkers.

Planned Parenthood of New York City serves more than 50,000 patients annually in our health centers currently located in Manhattan, Brooklyn, Staten Island and the Bronx. We are also proud to announce that a new health care center in Queens is due to open later this spring. PPNYC provides sexual and reproductive health services including birth control; emergency contraception; gynecological care (including cervical and breast cancer screenings); colposcopy; male reproductive health exams; testing, counseling, and treatment for sexually transmitted infections; the HPV vaccine; HIV testing and counseling; pregnancy testing, options counseling (including adoption) and abortion. As a trusted sexual and reproductive health care provider in New York City we are concerned about the effects hazardous chemicals may have on reproductive health and understand the importance of passing supportive legislation and improving education around safe practices.

There are an estimated 5,000 nail salons in New York State, with 2,000 of them located in New York City alone.¹ A steadily growing body of research indicates that toxic chemicals found in nail salons may negatively affect a person's reproductive health. Nail salon workers are predominantly women of reproductive age, and persistent exposure to chemicals commonly used in the nail industry could have serious, long-term health effects, especially to the reproductive system, resulting in infertility, miscarriages and birth defects.²

Research from the National Institute of Environmental Health Sciences and the Occupational Safety and Health Administration (OSHA) suggest that many of the chemicals used in nail salons may have harmful health effects on both staff and clientele. The "Toxic Trio" of formaldehyde, dibutyl phthalate, and toluene are commonly found in nail polish, remover, disinfectant, and straightening treatment products and at high levels can pose significant risk for miscarriage, menstrual disorders, and harm to fetal development. Dibutyl phthalate is banned in all cosmetics in the European Union. As a reproductive healthcare provider, we find these results particularly concerning and stand in support of legislation that safeguards and strengthens one's reproductive health and wellbeing.

¹Office of the Public Advocate, *Policy Report: How Safe is Your Nail Salon?* (Sept. 2014), available at http://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/publicadvocate-annualreport-nail_salon-1.pdf.

²Law Students for Reproductive Justice, *Poisonous Polish: Toxic Exposure and Health Risks to Nail Salon Workers* (2013), available at http://lsrj.org/documents/factsheets/13_Poisonous_Polish.pdf.

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Moreover, many of the chemicals used in nail salons are unregulated and do not have adequate warning or usage labels to alert workers of such dangers. As a healthcare provider, we support strong public health protections and clear disclosures of potential health risks of commonly used chemicals. We commend the bill's inclusion of an outreach and education component to provide employees, consumers, community members and advocates with information on potential hazards and effective safety measures.

However, while making information available is vital, it is even more important that the information be made accessible to all affected parties. Central to this is ensuring all health and safety materials are disseminated in multiple languages, and that outreach and inspectors include bilingual support to better respond to complaints. The majority of nail salon technicians and contractors are immigrant women, predominantly from Asian countries; many are non-English speakers or women who are limited English proficient. Culturally competent and culturally fluent resources are imperative to ensure the women most impacted by potential health risks are provided with effective tools to protect themselves. Without proper education and signage available in workers' preferred languages, both workers and nail salon consumers are at risk.

New York City is one of the most diverse localities in the world, with experts estimating that nearly 800 languages are spoken within the 5 boroughs.³ PPNYC is committed to serving communities that depend on our services the most and providing access to health care in culturally competent settings, adhering strictly to the National Standards for Culturally and Linguistically Appropriate Services in all of our clinical, education and public affairs work. As such, PPNYC supports policies and legislation that increases access to health care for immigrant and low-wage communities through education and outreach in the preferred languages of those most affected by these issues.

Also, as a safety net provider, PPNYC understands the economic barriers that often impact a person's access to healthcare. On average, nail salon workers earn less than \$20,000 a year nationwide, with New York City employees earning on average only \$8.95 an hour and advocacy groups citing that many nail salon workers earn base salaries of just \$35-80 a day before tips.⁴ Among noncitizen immigrant woman of reproductive age in New York City, approximately 40% are uninsured, compared with 15% of US-born women, and within the Asian American Pacific Islander (AAPI) community specifically, women are more likely to be uninsured than men.⁵ Income constraints, language barriers and lack of health insurance, make it difficult for many nail salon workers to get the care they may need after long-term exposure to harmful chemicals. Resources and education on

³ Sam Roberts, *Listening to (and Saving) the World's Languages*, THE NEW YORK TIMES (Apr. 29, 2010), available at

http://www.nytimes.com/2010/04/29/nyregion/29lost.html?_r=0; The Endangered Language Alliance (ELA) <http://elalliance.org/>.

⁴ Bureau of Labor Statistics, *Occupational Employment and Wages: 39-5092 Manicurists and Pedicurists*, U.S. DEP'T OF LABOR (Apr. 26, 2012), available at <http://www.bls.gov/ooh/personal-care-and-service/manicurists-andpedicurists.htm>; Office of the Public Advocate, *Policy Report: How Safe is Your Nail Salon?* (Sept. 2014), available at http://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/publicadvocate-annualreport-nail_salon-1.pdf.

⁵ New York Immigration Coalition, *Maximizing Health Care Reform for New York's Immigrants* (2013), available at

<http://nyshealthfoundation.org/uploads/resources/maximizing-health-care-reform-new-york-immigrants-february-2013.pdf>; Asian American Federation, *Working but Poor: Asian American Poverty in New York City* (Oct. 2008), available at <http://www.aafny.org/doc/WorkingButPoor.pdf>

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protective measures could go a long way in helping mitigate potential health risks and high costs.

PPNYC applauds Council bill 304-A's healthy nail salon certification program that would both encourage nail salons to improve overall health and safety practices and also calls for concrete measures to improve salon air quality. Adequate ventilation is important for employees and customers alike in protecting one's health and financial considerations should not trump employee health and safety. According to the National Institute for Occupational Safety and Health (NIOSH), exhaust ventilation systems have the potential to reduce chemical exposure by at least 50%.⁶ Rewarding salons that use less toxic products incentivizes safer practices and motivates small businesses to proactively engage in creating healthier environments for both employees and customers.

We are also pleased to see the legislation's inclusion of a study to document employee health problems and track the use of personal safety equipment. Meaningful reporting tools are vital to ensuring the goals of the bill are translated into concrete, effective action. We lastly commend the bill's formation of a task force to assess gaps in health and safety procedures and consider additional department response. We would encourage the task force to include representation from immigrant rights groups, environmental justice groups, labor and health care organizations, so that organizations and community representatives best suited to speak to the various health and safety needs are informing best practices and recommendations.

Planned Parenthood of New York City encourages the New York City Council to pass Proposed Int. No. 304-A and continue to advance the health and safety of all New Yorkers. Thank you for the opportunity to testify on this important issue and I would be happy to take any questions or provide additional information.

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Since 1916, Planned Parenthood of New York City (PPNYC) has been an advocate for and provider of reproductive health services and education for New Yorkers. Through a threefold mission of clinical services, education, and advocacy, PPNYC is bringing better health and more fulfilling lives to each new generation of New Yorkers. As a voice for sexual and reproductive health equity, PPNYC supports legislation and policies to ensure that all New Yorkers—and, in fact, people around the world—will have access to the full range of reproductive health care services and information.

⁶ Occupational Safety & Health Administration, *Health Hazards in Nail Salons*, available at <https://www.osha.gov/SLTC/nailsalons/chemicalhazards.html>.



**Testimony of
Maya Pinto, National Asian Pacific American Women's Forum
In Support of
Introduction 304-A and Introduction 610
May 1, 2015**

Good morning. Thank you to Chairperson Johnson and members of the Health Committee for the opportunity to offer comments on new legislation to improve worker and consumer safety in nail salons.

My name is Maya Pinto and I am Director of the Economic Justice Program at the National Asian Pacific American Women's Forum. NAPAWF's mission is to build a movement to advance social justice and human rights for Asian & Pacific Islander women and girls. We are a national organization with fifteen local chapters across the country—including one based in New York City.

NAPAWF is here this morning as a founding member of the National Healthy Nail and Beauty Salon Alliance, and as member of the New York Healthy Nail Salons Coalition. We are here to advocate for improved safety in a dangerous, low-wage, and under-regulated industry that employs scores of Asian—especially Nepali, Korean, Chinese, and Vietnamese—immigrant women in New York City. Many NAPAWF members across the country are connected to the nail salon industry—some have been nail salon workers themselves, and many have family members who work in the industry.

We commend Public Advocate James and Council for Intro 304-A, which would create a healthy nail salons certification program that would see participating salons discontinue use of products containing the “toxic trio” of dibutyl phthalate, toluene, and formaldehyde, provide workers with meal and rest breaks and personal protective equipment, and offer safety training and multilingual information to salon owners and workers, as well as financial support to install mechanical ventilation systems.

These measures are most welcome. In surveys and focus groups conducted by NAPAWF, nail salon workers in New York City have expressed concerns about the short- and long-term effects of the toxins in nail salon products, and have reported going without any meal and rest breaks, being discouraged by owners from using protective gear, feeling under-informed about how to safely use nail products, and inadequate ventilation.

We believe that Intro-304-A is an important step forward on the path to improving safety at nail salons. We would like to work with the Public Advocate and the Council to ensure that there are adequate enforcement measures in place to ensure compliance with certification program



standards. And we echo our Coalition partner NYCOSH in urging the exclusion from the certification program of nail salon businesses with a history of wage and hour violations and outstanding OSHA fines.

NAPAWF also supports the aim of Intro 610 to ensure that nail salon consumers know their rights. Like our colleagues on the New York Healthy Nail Salon Coalition, we urge the Council to add provisions that would ensure that nail salon workers, who are most vulnerable to safety hazards in salons and who are also vulnerable to labor violations like wage theft, are supported in filing complaints and seeking recourse.

NAPAWF looks forward to working with the Council and the Public Advocate's office to build on Intro 304-A and Intro 610 and enact industry-wide, enforceable regulations that will ensure that all nail salons in New York City are safe spaces for workers and consumers alike, and to turn all nail salon jobs into good jobs. Thank you.

**Testimony of
RACHEL SPECTOR,
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
In Support of
Introduction No. 304-A and Introduction No. 610
May 1, 2015**

Good afternoon Chairperson Johnson and Members of the Council. Thank you for the opportunity to provide testimony in support of healthier nail salons. My name is Rachel Spector and I am a staff attorney for the Environmental Justice Program of New York Lawyers for the Public Interest (NYLPI). NYLPI has a long history of advocating for healthier communities for all New Yorkers, and has worked extensively to improve indoor air quality and reduce exposure to toxic chemicals in New York City, particularly in public schools.

NYLPI supports Intro 304-A, which is a meaningful step toward improving environmental health in nail salons throughout New York City for customers, workers, and the general public. Nail salons use a host of products containing chemicals that can be harmful to health, especially over periods of sustained exposure. Commonly used chemicals such as formaldehyde, dibutyl phthalate, and toluene are linked to cancer, reproductive health problems and birth defects. Other commonly used chemicals cause respiratory problems, eye irritation, and dizziness, all of which many nail salon workers report experiencing.

It is important to note that the vast majority of nail salon workers in New York City are women, most of them are immigrants and many have limited proficiency in English, and nearly all of them work long hours for low wages. There are many barriers for this group of workers to enforcing the few rights they have to a healthy work environment.

The existing regulatory framework leaves huge gaps in protection for nail salon workers and customers. Intro 304-A will help to fill some of these gaps. For example, FDA regulation of cosmetics is extremely weak. The FDA does no pre-market testing and cannot recall cosmetics. Intro 304-A will encourage reduced use of products that contain the “toxic trio” of cosmetic ingredients: dibutyl phthalate, toluene and formaldehyde. New York State regulation of nail salons fails to address a number of key environmental health issues, in particular airborne exposure to toxic chemicals. Importantly, Intro 304-A includes several measures to improve ventilation, which if properly implemented can be an effective tool to protect the health of salon workers and customers. These measures are especially important as state regulations do not include any ventilation requirements for salons. The bill could be further strengthened with provisions to ensure that businesses receiving reimbursement for new ventilation systems have installed and are using those systems properly.

While we applaud the bill’s new certification program based on strong health guidelines, because the program is voluntary it will not cover all salons in the city. While customers may be able to choose to visit salons with a health certification, many workers will not have the same

freedom and will be left unprotected working at salons that don't participate in the certification program. NYLPI sees Intro 304-A as a first step toward an enforceable set of health regulations for all nail salons in the city. For now, the certification program will be most effective if there is a commitment to ensuring compliance with the program guidelines at all participating salons through inspections.

The bill will help raise awareness about nail salon health and safety among salon owners, workers and customers. Through development of strong guidelines at DOHMH, it will also hopefully raise the bar for all salons. The bill does this without placing unreasonable burdens on business owners. Those who wish to improve health and safety can receive reimbursement for ventilation expenses and will also likely see improved revenue by attracting more customers to a business officially recognized as healthy. Salons that lose customers because they do not participate in the program will have an incentive to invest in measures to receive certification.

Finally, NYLPI supports the goals of Intro 610 and we think that with some modifications it could be made more effective. On its own, Intro 610 could do more to protect the health of the public, and in particular to protect the health of workers, who have the greatest risk of exposure to toxic chemicals. By exclusively targeting customers, the bill is a missed opportunity to provide necessary information to those at greatest risk of environmental health harms in salons. We recommend that the bill be expanded so that its key disclosure provisions, such as how to make a complaint, fully apply to workers as well as to customers. The provisions of Intro 610 complement those in Intro 304-A that require salons to post signs providing detailed information for customers and workers about health and safety.

Thank you again for the opportunity to testify today. We look forward to continuing to work with you to improve environmental health in nail salons throughout New York City.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: CHARITA CISNEROS (PLEASE PRINT)

Address: _____

I represent: The New York Hispanic Cosmetology and Beauty Chamber of Commerce

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Srijana Mallik (worker) (PLEASE PRINT)

Address: _____

I represent: Adhikaar - nail salm worker

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Donald Yu (PLEASE PRINT)

Address: 64-52 228th St. Bayside NY

I represent: Korean Nail Salon Association of NY

Address: Farrington Street, Flushing NY

**THE COUNCIL
THE CITY OF NEW YORK**

Int 0304-2014
Int 0610-2015
Res 0534-2015
Res. 0535-2015

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/1/2015

(PLEASE PRINT)

Name: Soo Jung Chung

Address: 145 W 55th NY NY 10019

I represent: Korean American Nail Salon Association

Address: Farington Street, Flushing NY

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THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 304-A/610 Res. No. _____

in favor in opposition

Date: 5/19/15

(PLEASE PRINT)

Name: Goma Gurung

Address: _____

I represent: Adhikaar

Address: 71-07 Woodside Av. Woodside NY

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THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/1/15

(PLEASE PRINT)

Name: Kynn Little

Address: 363 Madison Street Bklyn NY 11233

I represent: Witness Project of Harlem / Department of Health & Mental Hygiene / Inst. of Health Services

Address: 1425 Madison Ave NY 10017

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Res 0534-2015
Res 0535-2015
Int 0504-2014A
Int 0610-2015

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/1/2015

(PLEASE PRINT)

Name: NYS Assemblyman Ben Kim

Address: 136-20 38th Ave. #10A Flushing

I represent: Korean Nail Assoc. & Korean Beautician Federation

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 204-A/610 Res. No. _____

in favor in opposition

Date: 5/1/15

(PLEASE PRINT)

Name: Rachel Specter

Address: _____

I represent: New York Lawyers for the Public Interest

Address: 157 W 30th St. NY NY

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Susan McQuade

Address: _____

I represent: MCSIT

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Charlene Obenauer (PLEASE PRINT)

Address: _____

I represent: NMCSH

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Luna Kanjit (PLEASE PRINT)

Address: _____

I represent: Adhikaar

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 304-A Res. No. _____

in favor in opposition

Date: 5.1.15

Name: MAYA PINTO (PLEASE PRINT)

Address: _____

I represent: NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 304-A Res. No. _____

in favor in opposition

Date: MAY 1, 2015

(PLEASE PRINT)

Name: Julienne Verdi

Address: _____

I represent: Planned Parenthood of NYC

Address: 26 Bleeker Street, NY NY 10012

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/1/15

(PLEASE PRINT)

Name: Nancy Clark

Address: Assistant Commissioner

I represent: Environmental Disposal and Injury Prevention

Address: DOHMH

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 05/01/15

(PLEASE PRINT)

Name: Richard O'Hara

Address: _____

I represent: Dept. of Consumer Affairs

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 05/01/15

(PLEASE PRINT)

Name: Mary Cooley

Address: _____

I represent: Dept. of Consumer Affairs

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 05/01/15

(PLEASE PRINT)

Name: Amit Bagga

Address: _____

I represent: Dept. of Consumer Affairs

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brown Boro President

Address: Ruben Diaz Jr

I represent: _____

Address: _____