



NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH

61 Broadway, Suite 1710, New York NY 10006
(212) 227-6440 fax: (212) 227-9854

mail: nycosh@nycosh.org
website: www.nycosh.org

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David A. Mossberg, Esq.
New York State Department of State
123 William Street, 20th Floor
New York, NY 10038
David.mossberg@dos.state.ny.us

RE: Amendment of Section 160.16 of Title 19 of the NYCRR. ID no. DOS-22-15-00017-RP

Dear Mr. Mossberg,

The New York Committee for Occupational Safety and Health (NYCOSH) strongly supports the proposed revised regulation to implement ventilation requirements for appearance enhancement businesses that provide nail services.

NYCOSH is a membership-based organization of workers, unions, community-based organizations, workers' rights activists and health professionals. Founded 37 years ago on the principle that workplace injuries, illnesses and fatalities are preventable, NYCOSH works to extend and defend every person's right to a safe and healthful workplace. NYCOSH is a co-founder of the New York Healthy Nail Salons Coalition, which was formed in 2014, with the goal of improving the working conditions of nail salon workers, an often-exploited group of workers. Those employed in the salons in New York City are mostly Asian and Latina immigrant women, many with limited English proficiency, substandard working conditions, and experiencing work-related health effects.

We believe that this regulation is an essential public health measure which will protect all those who spend time in a nail salon, including workers, clients and business owners. Exposure to toxic chemicals and dust is experienced by all those who spend time in these establishments, including the hundreds of thousands of clients who seek services, either occasionally or frequently. Both clients and nail salons technicians are exposed to glues, polishes, removers, and other products; some of these products contain what is nicknamed "the toxic trio" of formaldehyde, dibutyl phthalate and toluene. Formaldehyde, a known human carcinogen, is an eye, nose, and throat irritant, and can cause dermatitis; dibutyl phthalate has been linked to birth defects; and exposure to toluene can affect the central nervous system, and irritate the eyes, nose and throat. High exposures have been found to be toxic to the kidney and liver, and toluene is a possible reproductive or developmental toxin.¹

These toxins, and the myriad of other chemicals used in salons can be inhaled, ingested, or absorbed through the skin, and both workers and their clients need to be better protected from exposure to these

harmful substances. Hence, while most nail salon technicians are spending considerably more time in these spaces and are generally at higher risk for adverse health effects, all those who are present in a salon are exposed to the same hazards, and protection for all is warranted.

We support the requirement of general mechanical ventilation, coupled with local exhaust/source capture ventilation at every nail station, in accordance with the NYS 2015 Mechanical Code, as these are effective and essential controls to reduce toxic exposures in nail salons.

New York State is to be applauded for taking this step to protect the public's health by requiring both general mechanical ventilation and local exhaust ventilation (LEV). Indeed, we are joining other states and municipalities that have already taken these steps to adopt and implement mechanical ventilation standards for nail salons.

We support the regulation's five-year phase-in period for all businesses in operation before October 2016, and we support the state's role in providing information and assistance to nail salon owners as they work to come into compliance with the new regulation.

We also commend the state for its work directly with the salon employer associations to educate owners on the regulations through informational sessions. These sessions can also be very helpful for the ventilation requirements and are an excellent means of disseminating this information to employers and answering questions. We offer our assistance to the state in your efforts to plan and recruit for these events and in developing any materials that are needed.

Finally, we support any and all new efforts by the state to address the issue of toxic use reduction in nail salons. As occupational safety and public health professionals, we wholeheartedly agree that the elimination of hazards is the most effective means of ensuring that workers will be protected. Unfortunately, more progress needs to be made on the development of truly "safer alternatives" to current nail products before this can be a really viable option for salons. While we will continue to support toxic use reduction efforts, we believe that this proposed regulation requiring all salons to use general mechanical ventilation and source capture equipment with local exhaust is the most effective means to create healthier salons in New York.

In summary, we believe that this strong regulation, along with ongoing outreach and education to employers and employees, and adequate enforcement that ensures maintenance of the ventilation systems will be the keys to successful implementation.

We thank Governor Cuomo and the Departments of State and Health for their continued efforts to improve conditions in the nail salon industry. We continue to offer our support and our assistance to all your efforts in realizing these goals, and we thank you for your dedication and commitment to making New York a healthier place for all.

Sincerely,



Charlene Obernauer
Executive Director

¹ Women's Voices of the Earth. Glossed Over: Health Hazards Associated with Exposure in Nail Salons. 2007.