

July 21, 2016

David A. Mossberg, Esq.
NYS Department of State
123 William Street, 20th Fl.
New York, NY 10038

Re: Amendment of section 160.16 of Title 19 of the NYCRR. ID no. DOS-15-16-00017-A

Dear Mr. Mossberg:

New York Lawyers for the Public Interest (NYLPI) writes in support of the proposed regulations requiring ventilation in nail salons. Our Environmental Justice Program is dedicated to advocating on behalf of the disadvantaged and the poor as they face environmental inequities in New York City. We work with community groups to address chronic issues of indoor and outdoor pollution, and several years ago, we joined a coalition of organizations dedicated to improving environmental and working conditions in nail salons. Our coalition provided comments supporting last year's proposed amendment of section 160.16 and offered suggestions for clarifying the regulation, improving industry standards, and ensuring effective compliance and enforcement.

We are deeply concerned with the toxic levels of pollutants that are present in the indoor environment of most New York City nail salons. Chemical vapors, fumes and dust are a major health hazard in the appearance enhancement industry. It is widely understood that nail salon workers bear the brunt of the inadequate air quality. Constant exposure leads to chronic health problems and places both employees and patrons at risk for serious health problems. We believe improved ventilation is the surest path to a more environmentally friendly industry.

NYLPI supports the current version of the proposed rules amendment. The regulation builds upon previous proposals by implementing more current standards from the recently adopted 2015 International Mechanical Code. We also believe that the required certification process, which involves trained designed professionals, will ensure effective compliance by new businesses.

Many of the provisions in the proposed rule point to specific and detailed requirements which were not present in the previous proposal. The proposed regulation will enforce industry building standards in a way that is far more comprehensive than its predecessor. The detailed requirements for the placement of exhaust fans and the exhaust of air into the environment will help ensure that chemicals are not simply being vented into other enclosed or populated areas, which is particularly important in dense cities such as New York City. We believe that enhancing ventilations standards and setting up a system to complete checks of installations and

maintenance will ensure that all businesses remain in compliance. The new rule also clarifies that all nail salons, including existing businesses, will be required to comply.

We believe that the five year time frame for compliance for existing businesses will allow time for them to invest in improvements to their infrastructure and make compliance more practically and financially feasible.

NYLPI suggests that the Department of State offer trainings and support to businesses as they implement these regulations. The trainings will help businesses to comply with the rules in a more efficient manner. In addition to training, it would also be helpful to offer a guide on trusted vendors who would be able to design and install the ventilation systems as this will be a new endeavor for many appearance enhancement businesses. NYLPI also suggests that the Department of State collaborate with the Department of Taxation and Finance to institute some form of tax incentives to help business to become more environmentally friendly through compliance. The cost investment may vary widely. Grants, low-interest loans, and programming could also be very helpful. This measure is mandatory and businesses will be required to comply regardless of their existing infrastructure. As noted in the regulatory impact statement, this could cause the financial investment to vary widely. Oftentimes, some financial offset helps to promote compliance faster.

Additionally, consumers will benefit because the regulation requires owners to demonstrate that their salons comply with these standards. Consumers will be able to patronize those who provide better air quality thus creating an incentive for early compliance that was not seen in the former regulatory proposal. Businesses that are late adopters could even experience loss in profits for failing to comply early.

Ultimately exposure to toxic chemicals in nail salons is an important environmental health issue for owners, workers and consumers alike. NYLPI supports the proposed regulation as it makes significant progress to get the New York City nail salon industry to move to provide a better environment for both employees and patrons. We look forward to working with you as the rules go into effect.

Sincerely,

New York Lawyers for the Public Interest